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Bicultural resource management
in an Aotearoa New Zealand
context - Me Aka Whakamua.

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GLOSSARY OF MAORI TERMS

All terms taken from Williams (1992) except those marked with a "*", which I have defined.¹

Hapu	section of a large tribe, clan, secondary tribe
Iwi	nation, people
Kai moana	sea-food*
Kaitiaki	guardians*
Kawa	protocol*
Kawantaka	governance, government*
Mahika kai	place where food can be gathered*
Mana	authority, control, influence, prestige, power
Mana Motuhake	Maori self-determination, the distinctiveness of being Maori*
Maori	native, or belonging to New Zealand (a comparatively modern use)
Matauraka	knowledge*
Mauri	life principle, thymos of man, called sometimes mauri ora
Me Aka Whakamua	looking forward*
Pakeha	a person of predominantly European descent
Papatuanuku	a name for the Earth

¹ The dialect used here and throughout the dissertation is Kai Tahu, which uses "k" rather than the "ng". The only time "ng" will be used is when direct quotes are made.

Rahui	a mark to warn people against trespassing; used in the case of tapu, or for temporary protection of fruit, birds, or fish
Ra <u>ka</u> nui	sky
Rohe	boundary
Runa <u>ka</u>	assembly, council
Taiao	environment*
Ta <u>ka</u> ta whenua	person or people of a given place*
Ta <u>ki</u>	weep, utter a plaintive cry, sing a dirge, as a sign of grief or of affection (funeral*)
Taniwha	water monster, protective spirit*
Ta <u>o</u> ka	property, anything highly prized restriction
Tapu	under religious or superstitious
Tika <u>ka</u>	custom, habit
Tino ra <u>ka</u> tira <u>ta</u> ka	unqualified exercise of chieftainship, highest chieftainship*
Tohu	mark, sign proof
Waahi tapu	sacred places
Wai	water
Wairua	spirit
Whanau	family (mod.)
Whakatauaki	proverb*

PREFACE

This dissertation is a synthesis of four years university study in the policy, planning and Maori resource issues area. I wrote this because many Pakeha still have no real understanding of Maori environmental values and management. I also wrote this to show "the way it is" with regard to Maori participation in resource management and decision-making. I was curious to know the reason why, even though recent legislation recognises Maori interests, their voices continue to be ignored in many important resource management areas.

This dissertation discusses biculturalism and introduces the concept of bicultural resource management practice. Recommendations are made regarding what should be incorporated into this type of practice. Their purpose is to guide those participating in resource management at the Government level right down to those working in resource agencies. This map of action came about from reflection on the institutions and legislative frameworks of this country. It was found that Aotearoa New Zealand's natural resources are managed within a monocultural framework.

This dissertation has two main objectives. Firstly, to examine the common ground between Maori and Pakeha environmental values and management. The split people continue to make between Maori and Pakeha knowledge of the environment must stop. Fragmentation removes people from both the environment and the solutions to resource problems. If further research is completed regarding the common ground, a more holistic approach to resource management may be found.

The second objective of this dissertation is to highlight the importance of institutional change. Without a commitment to institutional change, the policies recognising Maori interests will never be successfully implemented, nor will the essence of partnership guaranteed under the Treaty of Waitaki. In my view, if monocultural decision-making continues, so too will racial tension in this country. In many respects, this dissertation is intended for a Pakeha audience, but because I discuss common ground and bicultural resource management it will also be of interest to Maori.

I feel a greater sense of identity with this piece of work by using personal pronouns. In my view, it is important not to separate oneself from one's research and because I discuss such concepts as common ground, I think it is entirely appropriate. Therefore, this dissertation is not written from the third person stance. Finally, I'll mention here that whakatauki are found throughout the dissertation. This is because they contain valuable messages for all those participating in resource management.

INTRODUCTION AND OVERVIEW

*I nga ra o mua noa atu
I mahi i nga mahi Maori*

*The days gone cannot be brought back;
it is now and the future with which we must
deal (Hera Katene-Horvath, 1993:57).*

New Zealand has a diverse society. Two world-views influence the nature of this society - Maori and Pakeha. In terms of resource management, this means that the values and attitudes of how they manage natural resources may differ. Natural resource issues also have an added dimension because of the special place Maori have in Aotearoa New Zealand society. And because of Maori traditional interests recognised and protected under the Treaty of Waitaki.

Natural resources have a wide range of demands placed upon them. For example, the water in a lake may be wanted for fishing and water-skiing by recreational users and as a source of mahika kai by the takata whenua. Today, those working in the resource management area realise that to be successful in their field, they need to be aware and understand the differing values that both Maori and Pakeha place on the environment. The New Zealand government is also realising that people's knowledge of the environment is an important taoka.

This dissertation aims to widen the conceptual framework by which Maori and resource management are perceived by Pakeha. The conceptual framework I present consists of:

1. an understanding of the need to combine Pakeha and Maori knowledge of the environment, i.e., investigate common ground;
2. the concept of biculturalism; and
3. analysis of essential characteristics for bicultural resource management practice.

The potential users of this framework include decision-makers - in the government and private sector, lobbyists for policy change and resource managers. My thesis for this

dissertation is that due to the monocultural structure of Aotearoa New Zealand's institutions, Maori values and Treaty rights are not successfully recognised in and implemented by resource management legislation. Therefore, the way forward is for institutions to adopt a bicultural approach to resource management in order to facilitate more equitable power relations in this country. I will examine in detail what James (1991:v) states:

In New Zealand, the institutions and practices concerned with resource management strongly reflect the values and interests of Pakeha culture. Those who control natural resource decisions, whether in central, regional and local government, or in business and private industry, are predominantly Pakeha. Legislation governing resource management has similarly reflected Pakeha concerns and priorities.

This examination will take place in chapter one. An analysis of Aotearoa New Zealand's institutions and political systems is a starting point from which sources of change can be identified. This change is in regard to more effective Maori participation in resource management. I do not attempt to provide an in-depth discussion on political institutions. The focus is on how institutions related to resource management function and how they might be improved in the future to better reflect Maori interests. March and Olsen (1989) regard institutions as the mechanisms that buffer or transform social currents and define the norms, interests, identities, and beliefs of society. I suggest getting our institutions to operate with bicultural principles is a way they might be improved. A theory on biculturalism is developed later in this chapter.

Another source of change is people's values. Halsey (ed.)(1979) provides us with a clear definition of values: *principles or standards of an individual or group; ideals*. Values and institutions are inseparable. Values influence behaviour which results in institutional change. On the other hand, many authors note that institutions play a key role in guiding people's values and behaviour (for example, see Bührs and Bartlett, 1993). Without change in values, politics perpetuates old patterns, and individuals are co-opted by the status quo (Barbour, 1980:101). I believe values underlie each of the human factors leading to resource management problems. Therefore, it is essential to

consider the systems of values that exist in Aotearoa New Zealand, and it is important to find out where the conflicting values are. Chapter two offers a literature survey of Maori and Pakeha environmental values and management.

This investigation might provide solutions to the tensions arising from conflicting values and "disharmonious" development with regard to the environment. This is not happening at the moment, so our current institutions look unjust as a result of ignorant and narrow human decision-making. It will be shown that Maori and Pakeha have much to learn from each other in the resource management field. Therefore, Maori and Pakeha values can no longer be seen as separate from one another, as this will only hinder future resource management practice. The final section in this chapter will discuss "common ground" - the convergence of Maori and Pakeha environmental values.

Many Maori may feel that it is inappropriate for me to discuss Maori environmental values in this manner, as it is not in keeping with their way of doing things, i.e., Maori *matauraka* is expressed orally. As Solomon and Schofield (1992:17) so aptly state "It is simply not possible to do the subject justice because the act of committing written words to paper diminishes the very essence of these beliefs." But, as mentioned in the preface, a main motivation behind writing this dissertation was to increase the awareness of the reader "to the way it is" with regards to Maori participation in resource management and decision-making.

More Pakeha need an appreciation of the concepts that underlie the relationship between Maori and their resources. Then they would realise that Maori knowledge of the environment has an important place when making natural resource decisions. This relationship cannot be translated or easily understood within the Pakeha value context. But it must be attempted for the benefit of all.

Chapter three discusses the Treaty of Waitaki and its relevance to resource management today. (Hereafter, referred to as the Treaty.) The Treaty provides context for this dissertation in two ways. Firstly, the right of Maori to plan for and manage their environment was encapsulated in the Treaty. Therefore, the Treaty is of vital importance as a reference point in all natural resource decision-making, now and in the future. Secondly, this chapter adds context to my

theme on bicultural development and resource management. Many authors believe the Treaty to be New Zealand's first and foremost bicultural document. Therefore, the importance of bicultural resource management practice becomes clear when examining the Treaty. The Treaty promises a presumption that Maori and Pakeha are equal and must work together in a partnership.

Chapter four focuses on institutional reforms that have affected Maori in the resource management area. The extent to which these changes have reduced the monocultural nature of New Zealand's institutions will be discussed. This chapter includes an in-depth examination of the Resource Management Act 1991 in relation to Maori interests (Hereafter, referred to as the RMA). The chapter suggests that the RMA requires legislative change to better reflect Maori environmental values and ensure more effective Maori participation in resource management.

Chapter five explores the theory and practice of bicultural resource management. This follows from the earlier discussion on what constitutes biculturalism. The chapter will highlight some of the potential benefits for Aotearoa New Zealand society if bicultural development in the resource management area takes place. Many challenges exist at all levels of Aotearoa New Zealand society if there is to be a successful transition to biculturally operated institutions. This chapter suggests ways these challenges might be met and what is required of resource managers to act biculturally.

To summarise the four dominant themes to be discussed in the dissertation: -

1. The need for institutional change;
2. The need for common ground to be found in Maori and Pakeha environmental values and management;
3. The need for legislative/policy change in resource management; and
4. The need for bicultural development and bicultural resource management.

CHAPTER ONE

The Bicultural Context

*Ma miro, ma whero, ma pango e oti ai
Co-operation from all sectors of society completes the task.*

1.1 Introduction

Before I survey Maori and Pakeha environmental values, I need to provide context for this dissertation. This will be done by looking at the present institutions and decision-making structures of Aotearoa New Zealand. In my opinion, the institutional system we have in this country does not successfully implement policies specifically related to Maori and natural resource management. Therefore, the policies themselves are ineffective. Towards the end of the chapter biculturalism is discussed and a theory of biculturalism developed. Looking forward, institutions in this country should be operating biculturally.

1.2 Aotearoa New Zealand institutions

Examining Aotearoa New Zealand's institutions will show that there are impediments in the institutional system that may prevent effective policy implementation. I agree with what Fernie and Pitkethly observe:

The success or failure of resource management is intrinsically tied up with institutional structures - the pattern of agencies, laws and policies (Fernie and Pitkethly, 1985:vii.)

Bührs and Bartlett (1993:8) also suggest that there is more to a decision or policy than meets the eye. It may reflect the interests of the decision-makers and be influenced by certain values and norms. The distribution of power and responsibilities may also influence the decision-making process. These points will be explored in the next section titled "New Zealand's political system." The continual failure of Maori to be recognised in natural resource

management is due to the monocultural nature of New Zealand's legal and value system.

1.3. Aotearoa New Zealand's political system

New Zealand's system of government is based on the Westminster system, which was developed within a European context. It therefore reflects Western values, attitudes and beliefs. This system of central and local government, based on an elected two party system and majority rule, gives little or no recognition to the needs of other cultures. According to Mulgan (1989:50), the New Zealand political system appears overwhelmingly Pakeha and alien. It is inappropriate for New Zealand's pluralistic society.

From shortly after 1840 until the present time, all legislation affecting Maori people has reflected a policy of assimilation (Review 45, 1988:23). Maori have had to adapt to the Westminster system which gives little or no recognition to their way of doing things. It does not acknowledge *tino rākatirataka* of the iwi to carry out resource management as affirmed by the Treaty of Waitangi (Blackford & Matunga, 1991:1). Maori are always the outvoted minority in both the major centre of power, i.e., government, and minor centre of power, i.e., local government.

Maori have been obliged to express their concerns within a Pakeha cultural framework. This has resulted in their concerns being inadequately considered, or only addressed when they fit in with the established way of doing things (Parliamentary Commissioner for the Environment, 1988:23). Maori needs, values and perspectives are currently marginalised both in local government and resource management structures, (for example, Crown institutions generally attempt to separate resource issues in a way that is incompatible with Maori views of their interconnectedness of the natural world (Blackford and Matunga, 1994:7)).

Furthermore, those making natural resource decisions at central, regional and local government and business levels are predominantly Pakeha. Yet, Pakeha representatives are not equipped to make decisions on behalf of Maori. This is mainly due to their lack of understanding of Maori concepts. The next section argues that institutions relating to resource management make decisions within the dominant western scientific paradigm.

1.4. The role of Western science in resource management decisions.

All too often, resource management decisions are evaluated by technical and scientific means. Yet, there is an increasing awareness that political, economic and social factors come into play. I will argue that cultural factors should be added here. Ritchie (1992:59) believes that when considering resource questions, one should not separate material and spiritual considerations. It is clearly apparent that issues such as social and cultural effects of a proposal cannot be evaluated by purely scientific methods.

Western science is based on an ontological assumption of dichotomy. For example, the separability of man from nature, mind from matter, and science and religion. The scientific "paradigm discourages acknowledgement and criticism of the underlying premises or values implicit in the arguments; it does not deal easily with attributes of human activity that cannot be measured or predicted" (Dixon, 1991:181).

Science has been homogeneous in the past, mainly taking in the views, values and assumptions from dominant Western male groups in society. Therefore, there has been one so-called theory of knowledge, i.e. epistemology. This has limited the integration of other groups' viewpoints, for example, Maori and women. But it is time to look at these viewpoints. More specifically, the conflicting interests in science that Maori may well have. It is very difficult for Maori to carry out their everyday lives with sciences and technologies that have been designed and directed by powerful institutions, probably led by Pakeha men. These institutions appear to have little concern in creating social relations beneficial to anyone but those in the dominant groups.

Many of New Zealand's national and regional policy makers continue to resist Maori knowledge of the environment as being scientific. Many believe that Maori knowledge is "warm and fuzzy" and based on emotive value rather than knowledge and science. Yet, indigenous science is not just aimed at "progress", but geared toward "right living" with the environment. For example, Maori knowledge of the need to maintain high levels of water quality (inland and coastal) is in the best interests of this nation.

Maori, along with many other indigenous cultures, have the deepest respect for nature and hold themselves responsible for its well-being. An integration of the Maori holistic viewpoint and a reorientation of science and technology is required. We would then be better equipped to deal with natural resource issues. This more holistic and integrative approach to resource issues will not be easy to achieve. Consultation will be required for both Maori and Pakeha to understand each other's world-view. Forging the Links (1992) notes that more consultative means of resolving differences are increasingly used within the New Zealand legal system. But, these will need to be further developed in the future.

So, that is how New Zealand's present political systems and institutions currently operate. As mentioned in the introduction, one theme flowing throughout this dissertation is bicultural development in New Zealand society. Scully (1990:9) defines bicultural development as the process whereby two cultures grow and develop within one nation in a spirit of respect and responsibility. I believe that resource management institutions should operate biculturally. Before discussing how we apply the theory and practice of biculturalism, it is important to consider exactly what it constitutes.

1.5. The development of bicultural theory.

This purpose of this section is to develop theory on biculturalism, which will provide the basis for bicultural resource management practice discussed in chapter five.

At the signing of the Treaty on 6th February 1840, William Hobson declared "He iwi tahi tatou" (Now we are one people). This notion of "one people" has become an acceptable myth for Pakeha. But, that is all it will ever be: a myth. Essentially, the ideology of one people functioned to hide the relationship of Pakeha dominance and Maori subjection (Walker, 1990:186). It is only at the level of nationhood that Maori and Pakeha will ever be one. Race relations in Aotearoa New Zealand will improve when people accept the cultural diversity that exists within this country, and begin to understand the concept of biculturalism.

McCreanor (1989), who researched how Pakeha discuss race relations, said that there is a function of the "one people"

myth. It is used to counter arguments which promote biculturalism as equal partnership between Maori and Pakeha. There are many New Zealanders who focus on multiculturalism rather than biculturalism. Gardiner (1989:3) points out that this is a time honoured technique sometimes described as the strategy of avoidance. This occurs when one avoids focusing on the real issue by introducing a wider and more complex issue (Gardiner, 1989:3). Others such as Scully (1990:8) believe that "it can be a veiled strategy to undermine the Treaty's principle of biculturalism, by those who are inadequate to deal with the concept". But, what exactly is biculturalism?

I see biculturalism as the co-existence of two predominant cultures, each having respect for each other's values, beliefs, rights and resources. But, biculturalism means much more than respecting and learning the partner's culture. A bicultural society in Aotearoa New Zealand is one in which both Maori and Pakeha contribute equally to policy and decision-making and requires equal access to resources at all levels of society. Yet, Aotearoa's institutions operate by monocultural processes, i.e. the Pakeha way. To me, biculturalism focuses on the "common ground" and equality for all. As Geering (1988) notes, it is anti-racist, anti-patriarchal and anti-class. These are important reasons for our institutions and structures to act biculturally. I am not alone in advocating biculturalism, for example, Nganeko Minhinnick of Ngati Te Ata of Tainui, is of the opinion that Pakeha power structures are capable of being modified to incorporate Maori values and the concept of biculturalism.

A diverse range of definitions of biculturalism exists. Mason Durie (1992) believes biculturalism is a continuum rather than a final end state. This is the view I choose to adopt. This ladder diagram illustrates the five steps in Durie's (1992) bicultural continuum.

5.	Rakatirataka
4.	Partnership
3.	Participation
2.	Cultural Pluralism
1.	Homogeneity

According to Durie, there are five stages of biculturalism. The first step on the bicultural continuum is homogeneity. At the beginning of this section the "one people" myth was discussed. The prevalence of this ideology is a characteristic of this stage of the continuum. There are many people who continue to ignore the cultural diversity that exists within this country. In many respects, Aotearoa New Zealand's may still be viewed as homogeneous, for example, natural resources are managed within a predominantly monocultural framework, i.e., from a Pakeha perspective.

The next step is cultural pluralism. This is where cultures are sensitive to the interests of others and perhaps more willing to accept cultural diversity. Some aspects of this step are present in our society, for example, the use of Maori ceremonial welcome to begin meetings and conferences that may not even contain a Maori person. Another characteristic of this stage is greater participation of Maori in the work force. On the surface this may be seen as a sincere attempt to involve Maori in partnership, but it doesn't necessarily guarantee that changes are going to be made within the organisation. Those Maori employed may become assimilated into the dominant culture within the organisation.

At the third step biculturalism is characterised by greater participation of Maori and an attempt to incorporate their perspective in institutions. The first theme of this dissertation is the need for institutional change. This is because, as noted by Egan (1993), without a commitment to institutional change the notion of partnership will remain superficial.

The fourth step is partnership and shared decision-making. A meaningful partnership will only develop between the Crown and Maori if power sharing and bicultural decision-making takes place. Chapter five is my contribution to what partnership should resemble in resource management. It outlines the principles resource managers should be using when carrying out resource management. Taking onboard these principles would lead to the redistribution of power and resources in the resource management area.

The final step on Durie's continuum is rakatirataka - mana Maori motuhake. Here, a Maori institution is based on the values and beliefs of Maori culture. The agency "Te Tira Ahu Iwi" (Te TAI) view "operationally sound iwi structures as the

key to Maori renewal (Fleras, 1991:189). According to Te TAI, iwi development and its implementation is important as it gives practical expression to rakatirataka as entrenched in the Treaty. Recognition of rakatirataka is a primary requirement of bicultural resource management practice outlined in chapter five. The following whakatauki reflects the long attempts of Maori to achieve tino rakatirataka (Te Ao Marama, 1993):

*Waiho ma te iwi e whakatau a,
mana ano a ia e mau ki te ao Marama*

*Leave it to iwi to decide,
for only iwi can take itself to the world of light.*

Every step along the continuum is discussed at some point in this dissertation. But how would this sort of bicultural continuum start?

Biculturalism may be most effectively addressed through political action - large groups of people deciding that biculturalism is indeed an important issue and using the political system to change the direction it is taking. All New Zealanders have a part to play in the evolution of biculturalism. The political-institutional framework in New Zealand is very "top-down", which means that many different interest groups will find it hard to get their views across to government. Lobbying and educating the public are other ways these groups could influence government and get bicultural issues on the political agenda. Another option would be to use the media which "is perhaps the most important check on governments in New Zealand" (Bührs and Bartlett, 1993:57). The institutional framework must be changed to enable bicultural issues, like bicultural natural resource management, to reach the New Zealand political agenda.

1.5 Summary

The first chapter identified the limitations of the existing resource management institutions in this country and presented a bicultural approach as a way of improving them. As mentioned in the introduction, institutional analysis is an important starting point from which sources of change can be identified. This change is in regard to more effective Maori participation in natural resource management. Chapter two investigates the other source of change: people's

values. To be more specific, the values Maori and Pakeha hold toward the environment. But before moving onto the next chapter, a closing quote from Sir Apirana Ngata. It reflects his "philosophy for transformation towards biculturalism" (Walker, 1990:193):

Grow up and thrive in the days of your world; put your hand to the skills of the European to give substance for your body, give your heart to the treasures of your Maori ancestors as a garland for your head, and your soul to your God, the creator of all things.

CHAPTER TWO

Literature Survey

A literature survey of Maori and Pakeha environmental values and environmental management.

2.1 Introduction

*Toitu te marae o Tane
Toitu te marae o Tangaroa
Toitu te iwi*

*If the domain of Tane survives to give sustenance,
and the domain of Tangaroa likewise remains,
so too will the people.*

This chapter reviews some of the recent literature on Maori and Pakeha environmental values. The survey will provide theoretical context for this study and its significance to the resource management field. Greater emphasis is upon Maori values because as James (1993:8) states:

Surveys of environmental attitudes have not adequately examined Maori attitudes toward the environment. However, there is growing literature which discusses Maori cultural values and the environment [e.g. Douglas, 1984; Minhinnick, 1989; Manatu Maori, 1991].

The first aim of this survey is to show that Maori environmental values and management are relevant to resource management planning today. Both the Treaty and the RMA place obligations on resource managers to give proper consideration to Maori values. In my view, resource managers are failing to meet these obligations. The second aim of the survey is to show that in order for both cultures to achieve greater harmony in this society, a convergence of both value systems is required. Therefore, Pakeha environmental values will also be outlined. I focus my attention on the "common ground". From this literature survey, the rest of the dissertation will focus on ways to improve Maori effectiveness and participation in the resource management arena.

2.2 Maori environmental values

The environment, or te taiao, is regarded by Maori as a taonga - a living, breathing, delicate source of life (Whareaitu, 1991).

The maintenance and management of natural resources is of paramount importance to takata whenua.

Patterson (1993) discusses Maori environmental values in Exploring Maori Values. He states that in order to understand Maori values it is essential to take "collective responsibility" seriously. In his view, this concept is central to the Maori view of human nature and the natural world. Basically, the concept can be defined as the Maori community being responsible for each individual. Western society may be seen as the individual being responsible for oneself. Ritchie (1992:60) describes this concept in his book Becoming Bicultural. He refers to it as "manaakitaka - in everything you do care for the people". Like Patterson, Ritchie (1992) sees this as being opposite to the way Pakeha view their responsibilities. He also identifies manaakitaka as a dominant Maori value.

Patterson goes on to say that Maori values can be seen as collective values, expressed in terms of collective action and responsibility. This is part of what is commonly referred to as Maori spirituality, the idea that everything is linked, more or less directly, to everything else (Patterson, 1992:154). For Maori, environmental management is very much based on spirituality. Stephen O'Regan (1984) of Kai Tahu (now Sir Tipene) presented an overview of "Maori perceptions of water in the environment" in Waiora, Waimaori, Waikino, Waimate, Waitai. He (1984:14) points out that Maori are descendants of nature. When Maori look at the landscape and water, they see themselves. This is an important fact that clearly distinguishes Maori from Pakeha.

According to Rangimarie Rose Pere (New Zealand Geographic, 1990:96), wairua is wai (water) and rua (two) - the two waters. "For me, this depicts spirituality. The whole of life is influenced by two waters, the spiritual and the physical". Ritchie (1992) also identifies everything in the Maori world as having a spiritual dimension - "wairuatanga". Father Henare Tate declares in New Zealand Geographic (1990) that tapu is the spiritual essence of all

living things. He believes that in traditional Maori terms you cannot ignore the principles of tapu. He likens this act of ignorance to declaring spiritual suicide. Ritchie (1992:53) also points out that Maori spiritual matters are to be respected by Pakeha. I agree that Aotearoa New Zealand society clearly favours material over spiritual values and has disparaged Maori beliefs. Yet, this survey will argue that Maori spiritual and environmental values have importance in today's society. A balance needs to be found between both Maori and Pakeka interests.

In Maori philosophy, it was thought that survival depended upon maintaining a balance among all things that originated from Papa and Raki. Many authors spoke of this balance, for example Patterson (1993) and O'Regan (1984). O'Regan (1984) notes that keeping the balance in relation to the environment means that the Maori side of the balance needs to be recognised as well as the Pakeha.

O'Regan (1984) notes that Maori had a framework for finding balance. Kaitiakitaka provided this balanced world-view, where harmony between the human, spiritual and natural world existed. Te Puni Kokiri (1993) refer to this interrelatedness concept as "te orokohanganga o te ao" in their booklet Mauriora Ki Te Ao. They also noted that this concept is not unique to Maori. Other indigenous people may have a similar concept. I would like to discuss kaitiakitaka in more depth as the literature regards it as being the Maori environmental ethic. The methods and processes of Maori resource management are contained within the concept of kaitiakitaka.

2.3 Kaitiakitaka - the Maori environmental ethic

It took Maori many centuries to reach a level of sustainability and to develop the environmental ethic of kaitiakitaka. The concept encapsulates a set of principles which set standards for how Maori interact with the natural environment. Kaitiakitaka as an environmental ethic is "based around the philosophy that all vegetation, fish and birds must be allowed to reproduce to provide for the sustainability of the resource, and for the sustenance and survival of the people" (Tau, 1992:12). Maori place a strong emphasis on environmental protection for future generations

within their concept of sustainability. Before delving into more detail about kaitiakitaka, a definition is provided. Solomon and Schofield (1993:11) divide kaitiakitaka into three component parts:

"kai" - meaning the person or thing who looks after, protects or advocates. The term "kai" in Maori terms means food and is the source of all energy and action, and for this reason is the prefix of many Maori words such as "kaimaha" (worker), "kaiwhakahaere" (leader/organiser);

"tiaki"- meaning the action of looking after something; and

"tanga"- is descriptive of the process.

Every individual, whanau, or hapu have kaitiaki responsibilities for every resource. Everything in the natural world possesses mauri, which is translated as physical life-force. As kaitiaki, Maori have an obligation to protect the mauri of all resources and manage them wisely. New Zealand resource management laws and practices do not give practical expression to kaitiakitaka. Yet, the concept is deeply embedded in the life of Maori people.²

As previously mentioned, Maori see the environment as a totality. For example, the coastal domain is not separated from the land domain. The traditional Maori resource management approach was holistic. This involved an understanding of how natural elements were formed and replenished, and how they should be governed. Kaitiakitaka is by its very nature holistic.

Kaitiakitaka is inextricably linked to tino rakatirataka. Both rakatirataka and kaitiakitaka are the practical expression of the cultural and traditional relationship of takata whenua with their ancestral lands, water, waahi tapu and other taoka. This is recognised in Section Six of the Resource Management Act 1991 (see appendix one).

Today, rakatirataka means that iwi have the right to manage their resources in ways they see fit. Writers note that this may include the practice of rahui - a restriction over a particular resource, such as to conserve mahika kai. Or, it may include tapu - the setting apart or making sacred a

² See chapter four for a full discussion.

certain rohe. The Resource Management Law Reform Core Group (1988:46) comments that traditional Maori culture had a well-developed system and institutions for regulating the use and management of resources within their tribal domain. The importance of these methods to iwi should be recognised in resource management policy and decision-making (Solomon and Schofield, 1993:79). This is because Maori are guaranteed this right under Article II of the Treaty. This will be discussed in detail in the forthcoming chapter.

2.4 The relevance of Maori environmental values and management to current resource management.

A theme running through much of the recent literature is an emphasis on the relevance of Maori environmental values and management concepts to planning today (see Manatu Maori, 1991; Te Puni Kokiri, 1993; and Forging the Links, 1992.)

Manatu Maori (1991) paper on Maori Values and Environmental Management "outlines traditional approaches to environmental management and the extent to which these approaches are being reflected in environmental policy." The paper gave a general introduction to the subject of Maori values and environmental management and convincingly showed their importance to planning today.

Manatu Maori (1991) say that there has been a number of Maori responses to present contemporary resource management issues via the Courts and Waitaki Tribunal. They believe this signifies the importance and relevance of Maori values and traditional approaches to environmental management. Similarly, Bührs and Bartlett (1993) see the pressure from Maori on the government, via the work by the Tribunal, as signifying the growing awareness of Maori interests and issues with regard to te taiao. They (1993:166) state:

...with increasing pressure from Maori on governments - notably through the Waitangi Tribunal - to repair wrongdoings and to honour Treaty of Waitangi obligations, Maori interests and views have found greater political recognition.

It is popular for authors to emphasise the need for greater recognition of Maori interests in resource management. Waiora, Waimaori, Waikino, Waimate, Waitai, (1984), is a collaboration of seminar papers which tried to steer participants towards the idea that administrators of local, regional, or national agencies need to recognise the Maori dimension - primarily Maori values and knowledge. As many of the Maori environmental concerns relate to water and water quality, the focus was in this area.

Nganeko Minhinnick was a presenter at this seminar. Minhinnick has played a significant role in generating an awareness of Maori spiritual and cultural matters in relation to the environment. This is particularly apparent with regard to the recognition of Maori spiritual values relating to water. Many authors credit Maori for bringing the importance of water quality to the attention of all Aotearoa New Zealanders (for example, Ward & Scarf, 1993:63). New Zealand Local Government (1992:21) also stated:

Discharge of untreated sewage into coastal waters is unacceptable to Maori and increasingly unacceptable to the general public.

Ahipene-Mercer, a Wellington Clean Water Campaign spokesperson also sees the relevance of Maori environmental knowledge when making resource decisions. He (1992:11) suggests that:

In the last decade there has been a huge shift in the public perception of what the environment means, both on a personal and community level.

Maori values and considerations are central to his campaign for clean water, both around Wellington and nationwide (1992:9). He says the success of the campaign was due to the "marrying" of Maori and Pakeha concerns. This "marrying" of Maori and Pakeha concerns is also where I focus my attentions. The final section in this chapter explores the common ground of Maori and Pakeha values. But before common ground can be discussed, Pakeha environmental values need to be explored further. The next section does not go into as much depth as the Maori environmental values survey. The introduction to this chapter states, that the focus is on Maori environmental values as they have not been adequately surveyed in the past.

2.5 Pakeha environmental values

The aim of this section is to survey Pakeha values. Many Pakeha values derive from the broader Western value system. This does not necessarily mean Pakeha values should be labelled Western. It should be noted that, as with Maori culture, there is much diversity in Pakeha values pertaining to the environment. Yet, many people do not realise this diversity. A need for further analysis of specific Pakeha values is required, particularly regarding Pakeha spiritual values.

In Western culture, there seems to be a strong subject-object differentiation present in grammar and thought. That is why in Western cultures the on-going attitude is that humans are apart from the environment, i.e. antropocentric. Yet, the environment doesn't exist as a sphere separate from human actions, ambitions and needs. The environment and humans are inseparable. This fragmentation removes Pakeha from both their environment and knowledge. In indigenous cultures, as we have seen in the previous section, there is a common attitude that humans are part of the environment, i.e. biocentric.

Pakeha environmental values are also considered utilitarian in nature. This concept encapsulates the belief that humankind has authority over nature. A strong drive to dominate nature is also evident in Western science and technology. This was discussed in chapter one. Authors such as Memon (1993:18) and Bührs and Bartlett (1993) say that New Zealand society is not as utilitarian in its attitudes as it used to be. But, as Bührs and Bartlett (1993) state, New Zealand still values economic growth over environmental values.

Overwhelmingly, New Zealanders continue to adhere to materialist (including authoritarian) values and do not appear to be ready for a radical change in their lifestyles and values (Bührs and Bartlett, 1993:89).

This is not to discount any future change from happening. In my view, many Pakeha currently uphold certain values which advocate the care and maintenance of the environment. The RMA 1991 provides another source of current Pakeha values. Decision-makers must have regard for intrinsic, amenity and heritage values, as well as the quality of the environment in Section Seven of the RMA 1991 (see

appendix two). But as Bührs and Bartlett (1993:89) state, the institutions in this country may prevent or hinder more widespread environmental value change.

The Waitaki Tribunal noted in the Manukau Report (1985) that Western society is predominantly secular and individualistic in its world-view while Maori society, on the other hand, is predominantly spiritual and communal. Like the Tribunal, Ritchie (1993) identifies an emphasis on individualism and secular materialism in Pakeha society. Although these values are clearly identified, there are other positive values to note, for example, reciprocity with the environment and a responsibility to safeguard natural resources for future generations. Maori culture also has similar values. Therefore, common ground can be forged here. Further discussion on forging common ground is the subject of the next section.

2.6 Common Ground

*Rapua te huarahi whanui
Hei ara whakapiri i nga iwi e rua
I runga i te whakaaro kotahi*

*Seek the broad highway that will unite the two peoples
toward a common goal.*

As stated in the introduction, one theme of this dissertation is the need for common ground to be found in Maori and Pakeha environmental values and management. It is popular for authors to discuss common ground, for example, Young (1991), James (1993) and Ritchie (1992). Geering (1988) also talks of synthesizing past knowledge which will lead to a "harmonious unified culture of the future". I have to disagree with the last point he makes, as it would be impossible to have a unified culture here in Aotearoa New Zealand. The sooner people accept diversity within this country, the better off people and the environment will be. It is with accepting diversity and the different ways people carry out resource management that a better theory of knowledge may be found. A theory of knowledge for all people. This section emphasizes that further research needs to be carried out on the common ground area in order to create a new approach to environmental management.

Firstly, environmental management can be considered as the management of human activity within ecosystems:

This of necessity involves management of human use of natural and physical resources in such a way that the values and needs of people and the integrity of ecosystems are considered in a holistic sense (Parliamentary Commission for the Environment, 1988:22).

In my view, environmental management in Aotearoa New Zealand fails to operate in this manner. The incorporation of the Maori world-view is required if environmental management is to be labelled holistic. A Maori holistic approach to the environment is acknowledged in the RMA, but other Maori environmental values, such as kaitiakitaka, are not sufficiently recognised. With this in mind, how could environmental management in this country be considered holistic?

Like Te Puni Kokiri (1993), I see future environmental management taking principles from both Maori and Western philosophy in order to develop a new approach. Maori already see the advantage of using Western scientific research to enhance their traditional management practice (See for example, Te Puni Kokiri, 1993; Palmer and Goodall, 1989). Other literature states that although Maori must adapt their environmental values to present day realities, it is important for them to revise and keep the traditions of the old (for example, Tauroa, 1989).

This delve into the past, according to Gray (1990:2), "...necessitates the rebuilding, the reconstruction of the contemporary world". Maori can rediscover the immense value of such concepts as kaitiakitaka and their importance to resource management practices today.

He kapiti hono, he tatai hono

The living are guided by the sayings and examples of their ancestors.

Maori are able to see the aspects of the Pakeha value system that reinforce their own. I suggest that the Pakeha do the same, for example, allowing more Maori to fulfil their kaitiaki role within their own particular rohe. Kaitiakitaka and sustainability are crucial to iwi resource management philosophy; therefore, by allowing iwi to express their kaitiaki role, they are enabled to regain their sense of responsibility with the environment and commitment to safeguard natural resources for future generations, among other things. This would also be beneficial for sustaining the natural resources of this country.

Pakeha are unaware that Maori culture contains answers to many of our natural resource problems in Aotearoa New Zealand. Resource managers should use Maori environmental knowledge more in their decision-making. Western scientific methods come up with single truths, answers and there is one so-called theory of knowledge, i.e., epistemology. Yet, there is not always one solution to environmental problems, but many. Pirsig (1974) notes that "...it is science itself that is leading mankind [sic] from single absolute truths to multiple, indeterminate, relative ones".

If more Pakeha took the time to appreciate Maori environmental values and reconsider their own spiritual and philosophical relationship with nature, much progress would be made toward sustaining our environment. Young (1991) states that the purpose of this exercise is not to advocate a return to the past, but to learn lessons from Maori culture who developed a sustainable society in this country long before Pakeha arrived. Furthermore, the lessons learnt should be incorporated into a new approach to resource management. Bicultural resource management, discussed in chapter five, explains what is required of resource managers to incorporate the Maori dimension.

Pakeha need to change their ways, look at nature subjectively and focus on the interrelationships that link all parts of the whole, i.e. change from a self-centred to a more holistic worldview. Taking onboard Maori values will help strengthen the current conservation ethic and may even help develop a new Aotearoa New Zealand environmental ethic. Bührs and Bartlett (1993:166) briefly mention in their conclusion that:

...the increasingly important role of Maori values in the policy process is likely to strengthen further the already strong conservation ethic in New Zealand while forcing a reconsideration of the foundations of that ethic, as the basis for Maori affirmations of intrinsic values differs fundamentally from that offered by most non-Maori [Pakeha] preservation advocates.

Bührs and Bartlett (1993) are to be criticized for their lack of discussion on Maori environmental values in their book. Their book explores environmental policy in Aotearoa New Zealand and includes the following two themes: the need to change our ways and integrated and comprehensive policy. I can't comprehend how these themes can ever be achieved without incorporating the Maori dimension and researching

the common ground between Maori and Pakeha environmental values.

To conclude, Pakeha have much to learn from Maori, as they view the environment holistically and assign intrinsic values to the natural environment. If more research is done on the common ground between Maori and Pakeha values in environmental management, Aotearoa New Zealand will be better able to reach the purpose of the RMA 1991, that of sustainable management. But, how will this change take place?

This change may take place through advocacy, political, and other public interest techniques required to affect change. I see environmental education as an important instigator of this change. It is essential, if we are to broaden the minds of individuals, enterprises, and communities, to act responsibly in protecting and improving the environment we live in. It is everyone's responsibility to learn about the environment. Bicultural resource management practice outlined in chapter five is my contribution. It aims to show resource managers what principles they should use when carrying out resource management.

2.8 Summary

If New Zealand society continues to push aside Maori environmental values, we will never reach a bicultural society. An appreciation of each other's perspective is required by both Maori and Pakeha. Furthermore, a convergence of Maori and Pakeha environmental values in resource management is both important and beneficial. It will lead to a more complementary framework of resource management. Chapter five attempts to outline a more complementary framework of resource management by introducing bicultural resource management practice.

Both Pakeha and Maori environmental values were discussed. This chapter highlighted the relevance of Maori environmental values to current resource management practice. Maori environmental values include a spiritual understanding of the natural world and a holistic world view which recognises humans are integrated with nature. Additionally, the *kaitiakitaka* ethic was discussed. This ethic includes safeguarding the sustainability of resources for successive generations. Pakeha values include an

utilitarian, individualistic and materialistic approach to the environment.

Further discussion on these values will occur throughout the dissertation. Much literature suggested that a need for better recognition of Maori values and other spiritual and cultural concerns still exists. The extent to which these values are recognised in the RMA 1991 is investigated in chapter four. The right of Maori to have these values recognised stems from the various principles and Articles encapsulated in the Treaty. Therefore, it is appropriate and necessary to move to a discussion of the Treaty of Waitaki in order to further set the context of this dissertation.

CHAPTER THREE

The Treaty of Waitaki/ Te Tiriti o Waitaki.

The Treaty and its relevance to resource management today.

3.1 Introduction

This chapter looks at the Treaty of Waitaki and its increasing relevance to resource management today.

The Treaty of Waitangi has emerged as a constitutional and political issue of increasing importance for all New Zealanders, as it has been for Maori since 1840 (Ka Awatea, 1991:81).

There are two ways the Treaty provides further context for this dissertation. Firstly, the Treaty may be seen as a starting point on how resource management takes place now and into the future. Many consider the Treaty to be the founding document of Aotearoa New Zealand (For example, Te Arikinui Dame Te Atairangaikaahu, the Maori Queen, and Dr. Maaire Goodall, Manatu Maori). Secondly, the Treaty is a bicultural document. It promises a presumption that Maori and Pakeha are to work together in a partnership. This illustrates the importance of examining biculturalism and led to my formulation of what constitutes bicultural resource management practice.

The layout of the chapter is as follows. Firstly, a background to the Treaty is given. Rakatirataka is highlighted as it encompasses the right of Maori to manage the environment and take care of their people. The Waitaki Tribunal and its role is also discussed. This is because the Tribunal examines issues such as resource ownership, and the rights of Maori participation in natural resource decision-making. And finally, the Treaty and biculturalism will be discussed.

3.2 Background

Aotearoa New Zealand's governmental structure was established with the signing of the Treaty. Signed on 6 February 1840 by representatives of the Crown and five hundred Maori chiefs, it guarantees the rakātirataka of Maori and the right of Pakeha settlement. Maori essentially relinquished their rights of kawanataka to the Crown in return for British protection and rights accorded British citizens.

Both Maori and English versions of the Treaty exist (see appendix three). Article I of the Treaty deals with the matter of kawanataka, which is the right of the Crown to make laws and govern. Kawanataka provides the constitutional basis of government in Aotearoa New Zealand. Article II deals with tino rakātirataka, which will be described in detail in the following section. And Article III deals with equality - the rights of all citizens in Aotearoa New Zealand.

3.3 Te tino rakātirataka

A dominant Maori view, such as that proposed by Matiu Rata (1988:63) believes that the Maori viewpoint is fully explained in Article II of the Treaty (see appendix two). The Maori text goes much further than the English one. It confirms to the Chiefs and the hapu "te tino rangatiratanga" of their lands. Tino rakātirataka means the full authority, highest chieftainship over tribal possessions. It amounts to tribal self-management. "Te tino" was added to give force to rakātirataka, as it is clear that chieftainship is to be understood in the strongest sense of the word. Kawanataka of their lands is also applicable.

In May 1989, the principles for Crown action on the Treaty of Waitaki were approved by Cabinet (see appendix four). A key principle for Crown action on the Treaty is the rakātirataka or self-management principle (see appendix four - Principle 2). These principles may be used by Government when dealing with issues that arise from the Treaty. They are to be interpreted and applied in the "spirit" of the Treaty.

The Waitaki Tribunal believes it is the Crown's responsibility to take positive steps to protect rakātirataka. This involves both ownership and management. In terms of ownership, an

iwi should own at least enough property and resources to ensure its viability. Many claims to the Tribunal go beyond the question of resource ownership and extend toward restoration of tribal mana in the context of resource management. The RMA has not successfully addressed the issue of tino rakatirataka, nor attempted to address the issue of ownership. As Kai Tahu comment, "tribal tino rakatirataka is inherent in us from time immemorial, it is uninterrupted and continuing to the present day and the future." The issue of tino rakatirataka needs to be addressed now and developed into resource management policy.

A right to "use" or even to "control" doesn't necessarily have to amount to ownership. The Tribunal faced the argument of ownership in the Manukau Report. The Manukau Harbour was defined by the Tribunal as a "taonga" and promised protection under Article II of the Treaty. According to the Tribunal the real issue here was not "who owns the Harbour but its use". The Tribunal wasn't willing to accept the fact that total management be given to the local tribes. They suggested joint management be instigated between Maori and the local authority on matters affecting the harbour. It is important for Pakeha to understand that the management of such places as Manukau should take into account the status of local tribes or hapu as kaitiaki.

This would help iwi regain tribal mana. Mana that, in many instances, has been lost due to land confiscation. Rakatirataka is inextricably linked to mana. One cannot exist without the other. Maori cannot be expected to maintain mana and their guardianship for the land if they do not know it, if they cannot touch or express feelings toward it. Current laws and practices in this country do not give any practical expression to kaitiakitaka. Yet, this concept is deeply embedded in the life of Maori.

Recognition of rakatirataka is essential in today's society and must be given proper weighting. The bicultural environmental management process, outlined in chapter five, requires both Maori and Pakeha be given the resources to maintain and develop their own cultures as guaranteed under Article II. Resource agencies and the Government need to develop strategies that recognise the rights (tino rakatirataka) of the takata whenua. As Ka Awatea (1991:88) points out, the Crown must ensure Maori have a secure and distinct place in New Zealand society in order to

fulfil the protection of te tino rangatiratanga. The work of the Waitaki Tribunal helps them fulfil this role.

3.4 Waitaki Tribunal

The Waitaki Tribunal was established under the Treaty of Waitaki Bill 1975. From a Pakeha perspective, the Tribunal gave the Treaty a new prominence in the minds of all New Zealanders. In 1985, an extension of jurisdiction back to 1840 increased the number of claims. The Tribunal's two distinct powers are: one - to interpret the Treaty and the other - to investigate claims and recommend redress based on the "practical application" of the "principles of the Treaty." With the first power, the Tribunal is free from constraints, but the second was intended to produce solutions with the political and economic status quo. So, although the Tribunal has much potential, and recommendations over the past years have been good and acquired some credibility among Maori people, these powers and the results in public policy reflect restrictions and restraint. That is why many Maori still refer to the Tribunal as a "toothless taniwha" (Horsfall, 1992).

"The work of the Waitaki Tribunal has highlighted the importance of ensuring that Maori values are given appropriate priority in decision making" (Love, 1990). If the Tribunal was given the right powers, finances and human resources it requires to match the number of claims, their role and impact would be more significant. The Treaty is Aotearoa New Zealand's founding document. Thus, the Tribunal should have the power to make binding decisions - removing the need to rely on political assistance. It should have the power to consider legislation before it is passed, and the Crown should bear all claimant costs. Then the Tribunal would have a more significant role and impact in Aotearoa New Zealand's policy process today. Unfortunately, further criticisms are out of the scope of this dissertation. However, it was important to mention the Tribunal, as Maori use its framework to examine their claims against dispossessed natural resources, that are mentioned under the Treaty as remaining under their authority. I would like to turn my attention to biculturalism again as the Treaty signifies biculturalism.

3.5 The Treaty and biculturalism.

The Treaty symbolizes the relationship between Maori and Pakeha of Aotearoa New Zealand. The Treaty of Waitangi and biculturalism are inextricably woven; recognition of one involves implementation of the other (Rikys, 1991:33). It is not about multiculturalism, but the social, political and cultural rights of the indigenous people, i.e. Maori. The majority of Maori have honoured the Treaty, while the Crown and Pakeha have generally ignored it. Yensen (1989:59) comments:

As a result, instead of a relationship which respects cultural differences and sovereign Maori rights, we have today a society whose structures, institutions and practices are based on Pakeha norms, Pakeha values and Pakeha interests.

Realistically, the Treaty cannot be fully honoured as too much "water has flowed under the bridge". The Treaty is not a panacea. It can best be regarded as an enduring moral obligation to ensure that fairness prevails (Laidlaw, 1993:44). In my view, the rights guaranteed to Maori under the Treaty cannot be ignored. And as all natural resource issues touch on the heart of the Treaty, it provides a backdrop to the bicultural resource management practice discussed in chapter five.

3.6 Summary

The ethos of the Treaty is the real raw material that makes up the vision of a society all New Zealanders can adhere to: partnership, cooperation, respect, mutual benefit, negotiation, compromise and good faith. Those are the benefits we must adopt (Lange, 1988).

The Treaty still has vital importance to resource management today. The right of Maori to plan and manage their environment was recognised in the Treaty. The incorporation of the principles of the Treaty in the RMA 1991 is a reflection of the Treaty's relevance to resource management today. Resource management decision-makers are required to take the principles into account. But as Te Whakamarama (1991:30) state: Any law regulating the use and management of natural resources should include a strong Treaty reference that secures the place of the Treaty

as the paramount consideration (My emphasis). This clearly did not happen within the RMA 1991.

As already mentioned, further discussion about this point will be given in the next chapter. The New Zealand Government continues to avoid its responsibilities as embodied in the Treaty. The next chapter will show that whilst legislative changes to better reflect Maori interests have been made, Maori still cannot participate equitably in the social, economic and political development of Aotearoa New Zealand. Therefore, it cannot be said that the spirit of the Treaty has been translated into partnership.

CHAPTER FOUR

Resource Management Institutions.

A survey of resource management legislation that recognises Maori environmental values and the Treaty.

4.1 Introduction

The mid-1970's saw an increased acknowledgement of the special place of Maori in New Zealand society. This resulted in some institutional and statutory changes. The degree to which these changes reduced the monocultural nature of our society is debatable. I would argue that present Aotearoa New Zealand institutions still operate in a monocultural fashion.

As mentioned in chapter one, institutional analysis is a starting point from which sources of change can be identified. This is in regard to more effective Maori participation in resource management. The three pieces of legislation I will refer to are: the Water and Soil Conservation Act 1967, Town and Country Planning Act 1977, and Resource Management Act 1991.

4.2. Water and Soil Conservation Act 1967.

Prior to the Town and Country Planning Act 1977, statutes were largely bereft of references to Maori values and Maori people. The Water and Soil Conservation Act 1967 had no reference to the Treaty. It was aptly described as monocultural legislation (Wai8, 1985:117).

The Huakina Development Trust v Waikato Valley Authority 1986 case came to the conclusion that this Act lacked any specific recognition of Maori spiritual and cultural values associated with water. Judge Chilwell's decision marked a watershed in Aotearoa New Zealand's legal history. From now on, both Maori and Pakeha culture is to be taken into account in all legislation. Justice Chilwell concluded that:

Maori spiritual and cultural values...cannot be excluded from consideration if the evidence establishes the existence of spiritual and cultural and traditional relationships with natural water held by a particular group of Maori people. They cannot be excluded for the reason that the Water Act is so deficient in guidelines that the Court has to resort to extrinsic aids. In this case these aids include the Treaty of Waitangi, the Treaty of Waitangi Act, the Waitangi Tribunal interpretations of the Treaty and the Planning Act.

In the Title to the amended Act 1981, it is clear that Pakeha values are referred to (see appendix five). McCan and McCan (1990:39) note that Maori highlighted that the "wild" and "scenic" values referred to were Pakeha values. There is no mention of Maori values. Yet, it is clear that spiritual and physical values have been included in the legislation. This was a slight to Maori mana, and showed that at the time of this legislation their interests were clearly ignored.

4.3 Town and Country Planning Act 1977

Some progress was made with the introduction of the Town and Country Planning Act 1977. The Act contained two additional directives to local government. Councils now had the responsibility to take into account the wise use and management of New Zealand's resources, and the relationship of the Maori people and their culture and traditions with their ancestral land when making resource decisions. These key provisions in Section (3) (1) (g) were a precursor to Section 6 (e) of the RMA 1991 (see appendix six).

For the first time, matters of significance to Maori were incorporated in resource legislation. I view this Act as a turning point with regard to recognising Maori values and Maori people. The positive changes made in this Act reflect, according to Memon (1991:30), "the growing momentum of the environmental lobby and the indigenous Maori renaissance in an increasingly diverse New Zealand society." Yet, there was no recognition of the Treaty in the Act or in case law. And initially, the Planning Tribunal was conservative in their approach to interpreting the specific legislative directive, relating to the relationship of Maori to their ancestral lands, as a matter of national importance. But, the 1987 High Court ruling in the Royal Forest and Bird v Habgood case states that Maori cultural and

spiritual values are to be recognized even if they do not own the ancestral land in question.

4.4 Resource Management Act 1991.

The RMA is the result of a comprehensive review of pre-existing resource legislation, (for example, Water and Soil Conservation Act 1967 and the Town and Country Planning Act 1977). The introduction of the RMA 1991 was an important institutional change.

In sum, the Resource Management Act is a landmark achievement in providing a basis for more comprehensive and better integrated environmental policy (Buhrs & Bartlett, 1993:148-149).

The purpose of the RMA is the sustainable management of New Zealand's physical and natural resources (see appendix seven). "Sustainable management" means using resources in a way that maintains and improves the quality of the present environment, whilst not compromising the needs of future generations. Powers and obligations to carry out resource management are granted primarily to local authorities, regional councils, the Planning Tribunal and various government departments (Blackford and Matunga, 1991:12)

The RMA intended to bring *takata whenua* views into the "core" of New Zealand's resource management system. Under the Town and Country Planning Act, this was largely discretionary. Yet, the RMA is seen by many authors as monocultural in structure and attitude, reflecting Pakeha concerns and priorities. There are some Maori organisations, notably the New Zealand Maori Council, that are very critical of the "Western Eurocentric bias" in the Act. This is due to a lack of recognition of key Maori environmental values and *tino rakatirataka*. As *Te Maori News* (1993:17) points out, there is a perception held by many Maori that "The Act does nothing to address the burning issue of ownership of the resources which is the focus of a number of claims to the Waitangi Tribunal by iwi, hapu and whanau in the regions."

Prior to the Act, Government had been advised by the Resource Management Law Reform Group to take an "active stance" with regard to Maori interests in the resource

management area, and that new legislation should provide for:

▮ more active involvement of iwi in resource management

▮ the active protection of Maori cultural and spiritual values associated with the environment.

These two directives flowed from the government's recognition that resource management law must now take the Treaty into account. The extent to which this "active stance" was taken by the New Zealand government will be discussed in this section. I believe resource management institutions are still operating in a monocultural fashion. Therefore, the present legislative structure for resource management is not successfully incorporating the Maori dimension.

On a more positive note, the Act provides for a number of things which include:

- (i) regard to be had for cultural wellbeing;
- (ii) recognition and provision of the relationship of Maori and their culture and natural resources as a matter of national importance;
- (iii) regard for unique Maori concepts such as kaitiakitaka;
- (iv) account to be taken for the principles of the Treaty of Waitaki;
- (v) in relation to the Treaty - the Maori version is appropriate and relevant;
- (vi) consideration of the "transfer of powers" that may be given to iwi authorities;
- (vii) encouragement at district, regional and national level, that any resource management policy must define takata whenua's interests and values and incorporate them into their own policies, plans and resource management consent decisions: and

- (viii) provision for taking into account Iwi Management Plans (This provision and its implications will be discussed in chapter five).

A few selected areas of the Act will be focused upon in order to investigate the following three points.

- (i) Are iwi actively involved in resource management?;
- (ii) Are Maori environmental values, like those described in chapter two, actively protected?; and
- (iii) Is the importance of the Treaty recognised in the Act?

The purpose of the investigation is to pinpoint areas where the Act is deficient with regards to incorporating the Maori dimension.

4.41 The Treaty and the RMA

Resource management decision-makers now have specific legislative responsibilities to take into account the principles of the Treaty of Waitaki. This is a requirement under Section Eight of the RMA 1991 (see appendix eight). Yet, these duties and obligations have been consistently ignored by Pakeha institutions. The Crown offers no direction in defining what these principles are. There are three main sources of information about the principles: Court decisions, reports of the Waitaki Tribunal and statements by the Government. However, the Crown should offer one clear definition of the principles of the Treaty. The Act fails to give clear guidance on Treaty obligations particularly to local and regional government.

Dr. Maarire Goodall, a Kai Tahu commentator on Treaty and natural resource issues, stated in *Terra Nova* (1992:50):

The test of the Resource Management Act will be whether decisions made under it will be consistent with the Treaty, from the Government itself down to all those bodies exercising its delegated powers.

The RMA doesn't recognise Maori interests and the concept of partnership as encapsulated in the Treaty. This brings me

back to my point that without a commitment to value and institutional change, partnership will remain superficial. Maori hoped that the Act would have a positive reference to the Treaty, but this wasn't to be. The duty is to "take into account the principles of the Treaty of Waitangi" (RMA, 1991). There is no duty to give effect to its terms. The Treaty plays second fiddle to issues of sustainable management, matters of national importance and principles that people "must have regard to" (RMA, 1991). The primacy of the Treaty is not being recognised. Yet again, Maori perspectives and iwi rights on resource management have not been fully acknowledged.

Stronger directives need to be created in relation to the Treaty. And also to ensure effective Maori participation, for example, placing Maori in decision-making positions. These new stronger directives will not instantly solve all problems, but should provide a context in which effective action can take place in the future.

4.42 Kaitiakitaka and the RMA.

Section Two of the RMA defines kaitiakitaka as follows:

The exercise of guardianship; and in relation to a resource includes the ethic of stewardship based on the nature of the resource itself.

The definition in the Act is limiting and highlights the danger of redefining Maori concepts within a Pakeha cultural framework (Solomon and Schofield, 1993:10). Only takata whenua can be kaitiaki over their resources. Each iwi may have their own particular ideas about the extent and meaning of kaitiakitaka. Some iwi may not even use the term, but have another equivalent type of philosophy that deals with kaitiakitaka. The definition given in the Act does not reflect this diversity or the importance of kaitiakitaka as the Maori environmental ethic. Kaitiakitaka means much more than "the exercise of guardianship" or an "ethic of stewardship" (RMA, 1991).

It [kaitiakitaka] encompasses elements of advocacy and protection in that kaitiaki are often "environmental indicators", or tohu, and may be intermediaries between the natural and physical world (Solomon and Schofield, 1993:11). Therefore, when assessing the merit of natural resource decisions from a Maori perspective, the nature and

extent to which kaitiakitaka is recognised needs to be investigated.

The Government seems to believe that by including Maori terminology in the RMA 1991, they recognise Maori relationships with land and water. Yet, it is clearly obvious that they do not understand the meaning of the word kaitiakitaka and its importance as the Maori environmental ethic. This should have been done before they established a set legislative definition for non-Maori speaking New Zealanders. This has resulted in inadequate definitions and recognition of Maori concepts in the RMA. Perhaps, the defining of Maori terms should stay with iwi. By putting Maori terms into legislation, you are really handing the power over to the Planning Tribunal to define these terms. Yet, the Tribunal may not have the expertise to define these terms. In my view, they do not have enough knowledge and understanding of Maori culture to define these terms.

4.43 Sustainable management and kaitiakitaka

Sustainability and sustainable development are centrally important concepts in the new resource and environmental legislation and can be interpreted in a variety of ways (Memon and Perkins, 1993:7). Environmental policy, at a world-wide scale, is moving towards incorporating stewardship ethics and obligations to future generations. Maori have practised these sorts of principles for generations. Therefore, there are answers to issues like sustainable development within our country.

As previously mentioned, it took Maori centuries to reach sustainability with the environment and develop their environmental ethic of kaitiakitaka. This ethic isn't incorporated in the definition of sustainability in Section Five of the RMA 1991 (see appendix seven). I think that the incorporation of the kaitiakitaka ethic should be looked at in the immediate future.

This is because the purpose in Section Five of sustainable management of natural and physical resources is the linchpin to all responsibilities, actions and duties under the Act. All the other instruments set up under the Act are dependent on Section Five or are either driven by it or founded upon it. Section Five defines both the purpose of legislation and the concept of sustainable management. The scope of resource management is confined to the management

of natural and physical resources. Any social, economic, or cultural outcomes are secondary to the primary purpose of the Act. Yet, these outcomes should be on an equal standing to the purpose, as they are just as important.

4.44 Heritage Protection Authorities (HPA)

The purpose of looking at this section of the RMA is to show that whilst the Act recognises local authorities as the primary resource agency, it does not recognise takata whenua at the same time.

Sections 187 and 188 describe how "heritage protection authorities" (HPA) can be established and provide for the issuing of protection orders. Section 187 enables the Minister of Maori Affairs or a local authority to act on the recommendation of the iwi authority, but it doesn't enable the iwi to independently act as a heritage protection authority. Any Minister of the Crown and the Historic Places Trust is automatically a heritage protection authority. Whereas only hapu or iwi defined as a body corporate can apply to become a HPA, (for example, a charitable trust board).

In my view, this is undermining the authority and rakatirataka of the iwi. Furthermore, the Act does not recognise iwi as an independent, legitimate resource agency even if they own the land. Iwi should have primary resource management rights over the resources they legally own. This was guaranteed to Maori under Article II of the Treaty. Iwi organisations will need to be recognised in law if they are to influence and effectively participate in the management of natural resources.

4.5 Summary

This chapter highlighted a number of deficiencies in the RMA 1991, in relation to the recognition of Maori environmental values and the primacy of the Treaty. But when compared to the likes of the Water and Soil Conservation Act 1967 and Town and Country Planning Act 1977, it is clear that substantial progress has been made in incorporating the Maori dimension.

I argued that legislative change is required, for example stronger directives to ensure effective Maori participation.

Ultimately institutional change is required as well. I will reiterate that the monocultural nature of resource management institutions may be preventing effective policy implementation of Maori interests. The next chapter looks at what is required of resource institutions to act biculturally. In my view, a bicultural approach to resource management is the way forward in order to successfully implement policies relating to Maori and resource management.

CHAPTER FIVE

Bicultural resource management practice

A kit for those practising resource management.

5.1 Introduction

*I mua i te kukume,
Whakakia to kete me te matauranga.*

*Before you pull anything out,
Fill your kit with knowledge.*

In previous chapters, I described the monocultural nature of institutions. The purpose of this chapter is to show that structural change in institutions is also important. It is one thing to have an understanding of Maori values like those outlined in chapter two; however, it is equally important to develop strategies to express, protect and enhance these values (Matunga, 1994). Structural change may include instigating bicultural resource management practice. Mechanisms such as this are necessary to achieve partnership as embodied in the Treaty, and "walk the talk" as Matunga (1993) describes.

It is becoming common for companies to have environmental policies (For example, as outlined by Company Environmental Policies, MFE, 1993). Companies should also have bicultural policies. Bicultural resource management practice may be a useful way of working out what a resource agency needs to do to fulfil its bicultural policy. This would help identify the key areas of action, for example, recognition of tino rakatirataka and using the Treaty as a main frame of reference. The Company's [bicultural and] environmental policy should be an integral part of its business operation, its culture, and its strategic and business planning (MFE, 1993). (My addition and emphasis.)

This chapter will present the idea of bicultural resource management. The components of it are: recognising the primacy of the Treaty and tino rakatirataka; equality and

consultation. But before these components are discussed, our attentions turn to why bicultural resource management is required.

5.2 Bicultural resource management.

Currently those who exercise power within institutional structures generally lack an understanding of Treaty and bicultural issues. In my view, this is the core of the problem. Rikys (1991:33) sees this as the single largest stumbling block to social equity and bicultural development in Aotearoa New Zealand.

Bicultural resource management requires resource managers to first and foremost recognise the takata whenua status of the indigenous Maori people of Aotearoa New Zealand.

If a single issue is to be picked out as being pivotal to our wellbeing in this country it is that of restoring the tangata whenua to their rightful place (Yensen, 1989:11).

It is going to be difficult to change a planning process that is predominantly European in nature. Resource managers may find they have inadequacies in their training in all areas where biculturalism is essential. Transformative action on both an individual and a profession-wide level is urgently needed (Rikys, 1991:2). There is no blueprint for this sort of change, but it must begin now. The Treaty is the main frame of reference for bicultural resource management. This is because it is fundamental to the democratic constitution of New Zealand.

5.21 The Treaty

The Treaty is the mechanism which established both those people likely to have responsibilities in the resource management area and the nature of those responsibilities. Furthermore, the Treaty is a bicultural document. It promises a condition that states that Maori and Pakeha are equal, and are to work together in a partnership.

Bicultural resource management must recognise the special relationship between the takata whenua and Crown which is derived from the Treaty. Therefore, it is imperative that resource managers have a thorough understanding of the

Treaty and its terms. The Treaty is not just another part of Aotearoa New Zealand history. The guarantees under the Treaty have as much significance today as they did when it was signed. The Treaty "...should be interpreted widely and effectively as a living instrument..." (Sir Robin Cooke, NZMC V AG [1986] NZLR at p. 586). I endorse what Sir Henry Ngata (1987) stated in the New Zealand Maori Council v Attorney-General hearing:

A contentious matter such as the Treaty will yield to those who study it whatever they seek. If they look for difficulties and obstacles they will find them. If they are prepared to regard it as an obligation of honour, they will find that the treaty is well capable of implementation.

Bicultural resource management must also give effect to the principles of the Treaty. This is a requirement of Section Eight of the RMA 1991 (see appendix eight). The principles highlight the relevance of the Treaty to today. One of the reasons the Waitaki Tribunal and the Government use these principles is because they provide a framework for a bicultural approach to policy. One of these principles is tino rakatirataka (see appendix four). The primary requirement of this bicultural resource management practice is recognition of tino rakatirataka.

5.22 Te tino rakatirataka

Rakatirataka is basic to the way Maori see themselves in relation to the environment (James, 1993:2). As the original kaitiaki of the environment, takata whenua have the right to make decisions related to natural resources within their rohe, a right enshrined in the concept of tino rakatirataka, in Article II of the Treaty (see appendix three). It was the Waitaki Tribunal's (1987) judgement on the Muriwhenua claim that reinforced the fact that te tino rakatirataka implies more than ownership. The Waitaki Tribunal stated that tino rakatirataka denotes the mana of iwi to not only say what is theirs, but to control and manage it in accordance with their own preferences.

When making resource decisions, it is essential for resource managers to recognise tino rakatirataka and kaitiakitaka and ensure that Maori cultural and spiritual values remain intact, even if iwi do not own the particular resource in question. (Chapter two discussed how rakatirataka and

kaitiakitaka are inextricably linked.) In doing so resource managers will protect both the identity and heritage of Maori.

To conclude, bicultural resource management suggests that resource managers need to adopt a partnership which recognises the tino rakatirataka of the takata whenua. This may be initiated by resource managers working with iwi when devising decision-making procedures. Tino rakatirataka should also be developed into resource management policy.

5.23 Equality

Article III of the Treaty deals with the rights of all citizens in Aotearoa New Zealand. It assumes to be bicultural, involving the equal participation of Maori and Pakeha. It also establishes the presumption that all government departments and resource agencies must eliminate the imbalances that exist between Maori and Pakeha. This is because Article III "... carries the guarantee of social and economic equity, the rights of the individual and the duties and responsibilities of citizenship" (Partnership Dialogue, 1989:11).

Therefore, resource managers need an appreciation of tikaka Maori and awareness of the racism that exists at both individual and institutional levels in Aotearoa New Zealand. I reiterate what Egan (1993) states that without a commitment to institutional change, the notion of partnership will remain superficial. Substantial progress is being made to involve Maori in partnership, but this process must continue. Current monocultural institutions must change to allow effective implementation of policies affecting Maori and resource management. My recommendation is that resource management institutions become bicultural. One way to incorporate the Maori dimension in resource management is via consultation.

5.24 Consultation

The right of Maori to be openly consulted and treated honestly stems from the Treaty. In recognising and providing for partnership, rakatirataka and kaitiakitaka, it is necessary for those involved in resource management to consult with takata whenua (see appendix three - principle four). A lack of consultation has led to many of the grievances held by Maori today. Mulgan (1994:4) notes that:

The Waitangi Tribunal has insisted that biculturalism involves a recognition of past injustices to Maori and the willingness to remedy them. Consultation is required to remedy these past injustices.

The RMA places a responsibility on all persons exercising resource management to consult with Maori. The Planning Tribunal emphasised in the Gill v Rotorua District Council and Schwanner [1993] 2 NZRMA 604 hearing that:

One of the nationally important requirements of the [RMA] Act under Part II considerations is that account be taken of the principles of the Treaty of Waitangi 1840 under Section 8 of the Act. One of these principles is consultation with tangata whenua...

The First Schedule, clause 3 contains the requirements of how and when consultation with Maori should take place (see appendix eight). The key aspect to recognise is that partnership means the involvement of both partners in the decision-making process (Solomon and Schofield, 1993:75). This partnership involves respect for each other - "a willingness to understand the partner's world-view, the partner's values, the partner's interests" (Patterson, 1992:10). Therefore, as James (1991) and Matunga and Blackford (1991) state, before resource decisions are made, both Maori and Pakeha are to decide who should be involved, what will be on the agenda and the methods of decision-making. This will allow for a more equitable balance of power. The current monocultural approach to resource management does not allow for such things as an equitable balance of power. This signifies the need for institutional change. The way forward is for resource management institutions to operate biculturally.

5.25 Principles for assessing resource management decisions

As mentioned in chapter one, it too often resource decisions are made within the Western scientific paradigm. Therefore, it is imperative that iwi have their own sets of principles for assessing resource management decisions. These principles may be placed in an iwi's management plan. This will better ensure that their voice is heard as local, regional and central government are required to consider iwi and hapu plans.

Each principle has been discussed at some point in the dissertation, so this section is merely clarifying their importance.

Whilst keeping in mind the Maori environmental values discussed in chapter two, the following eight principles are to be used when assessing future resource management decisions:³

- ▣ recognition of the Treaty and its principles
- ▣ partnership*
- ▣ recognition of te tino rakatirataka
- ▣ recognition of kaitiakitaka
- ▣ consultation
- ▣ tribal mana*
- ▣ spiritual considerations*
- ▣ RMA 1991*

▣ Partnership

When we talk of partnership, we are talking about the modern interpretation of the essence of this Treaty, which is to bring two peoples together in common enterprise (Durie, 1993:182). The Treaty is a founding partnership between Maori and Pakeha. The notion of partnership is incorporated into the principle of co-operation, under the principles for Crown action on the Treaty (see appendix four). The level of partnership, for example by consultation or joint decision-making, needs to be investigated in every resource decision to ensure that it is the most effective and appropriate method to use in that particular situation.

▣ Tribal mana

The importance of tribal mana for Maoridom cannot be understated. Jackson (1993:96) states, that in their own area a tribe is the takata whenua - their kawa apply, their wishes and mana must be recognised. Rakatirataka is inextricably linked to mana - one cannot exist without the other. Rakatirataka signifies the mana not only to possess what is yours, but the right to manage and control it in any way you prefer. As Minhinnick (Ngati Te Ata) says of her people:

³ Those principles marked "*" have not been explicitly discussed in this chapter thus far, so a brief description of each will be given.

*Ngati Te Ata is our rangatiratanga: our mana is
Ngati Te Ata*

In terms of kaitiakitaka, kaitaiki need to take a proactive stance in all natural resource issues concerning them in order to restore their tribal mana and protect their tribal taoka. When assessing a natural resource issue, an iwi needs to ascertain whether or not there has been a loss of tribal mana and the extent to which the decision made protected tribal taoka. For example, pollution into waterways is strongly opposed as kai moana is part of tribal mana. And, to have insufficient supplies of kai moana for a hui or taki would result in a loss of tribal mana.

▮ Spiritual considerations

When assessing a natural resource decision from a Maori perspective, one should not separate material and spiritual values. The relevance of Maori environmental values and knowledge to resource management decision-making is shown throughout this dissertation.

▮ RMA 1991

Iwi should have a summary of all relevant provisions in the RMA related to them. This summary may even include an analysis of all relevant provisions. This summary would be a useful analytic tool for iwi to use when assessing a resource decision.

The next section is a case example on consultation and what occurs when bicultural resource management practice is not applied. The purpose of this example is to reiterate some of the points made in earlier chapters, for example, the monocultural nature of New Zealand's legal and value system. It also contains suggestions about where Maori participation in resource management may be improved.

5.3 Consultation Breakdown - Kai Tahu and Canterbury Regional Council.

In the preliminary stages of my research, I spoke with various people about consultation and Maori participation

in resource management.⁴ These discussions highlighted areas where consultation needs improvement. Both Central and Local Government continue to use inconsistent and poor methods of consultation. I will outline the suggestions for improvement via a case example.⁵

I investigated the consultation process between Kai Tahu and Canterbury Regional Council (CRC) in preparation for the Canterbury Regional Coastal Environment Plan (1994). The Regional Council is required to prepare this plan under Section 64 of the RMA 1991 (see appendix ten).

The purpose of this Plan is to promote the sustainable management of the natural and physical resources of the Coastal Marine Area and the coastal environment and to promote the integrated management of the environment
(Proposed Regional Coastal Environment Plan, 1994:2)

In March of this year, consultation between Kai Tahu and CRC began. The overall time frame for the consultation was to be one month, which differs from that stated in the report A Discussion of Issues and Options For Our Coast (1992) (see appendix eleven). This time frame had allowed more scope for consultation with Maori. Yet, the ten Kai Tahu runaka being consulted agreed to the new time frame. In my opinion, the runaka didn't allow themselves "sufficient time". And the CRC did not "exercise its relationship with takata whenua in utmost good faith" by suggesting such a short time frame (see appendix twelve - "guiding principles" (3)). The consultation process broke down after two weeks. The issue of partnership was one of the overriding causes. At the time I was researching this case example, the Chief Executive Officer of CRC had done nothing to resolve the consultation breakdown.⁶

The runaka was not allocated adequate funding. This is a familiar grievance held by Maori all over Aotearoa New

⁴ For example, Wiki Martin and David Gregory of the Canterbury Regional Council and Eru Manuera and Mike Grant of DOC Wellington.

⁵ My thanks to David Gregory and Wiki Martin for information regarding consultation with the takata whenua and the Canterbury Regional Coastal Environment Plan.

⁶ Due to ethical issues, such as confidentiality, I do not consider it appropriate to go into more detail on why the consultation process broke down. I prefer to use the framework of this case example to make recommendations and substantiate my points about the ineffectiveness of monocultural resource management institutions.

Zealand. The Report and Recommendations of the Board Of Enquiry Into the New Zealand Coastal Policy Statement (1994:104), states that although takata whenua were more than willing to participate in the management of the coast, they did not have the funding to carry out this role to their best ability.

In particular they [takata whenua groups] pointed out that although they are supposed to work in partnership with local authorities and consent authorities, they are not able to levy or rate for the services expected of them, and have no income stream generated by regular and reliable consultancy fees (1994:103).

Kai Tahu do not have the financial or people resources to effectively consult on the many issues the Council asks of them. There is a need to ensure Maori receive the education and training they require to fulfil their obligations outlined in the RMA 1991. There is no point having policies which are ineffectively implemented. Consultation is not a one-off process. It should be an ongoing process between the Council and takata whenua. With adequate funding, resources and trained people, Kai Tahu would be able to take a proactive stance in the decision-making process and be able to participate to their best ability.

The publication of Te Whakatau Kaupapa (1990) - the Kai Tahu Iwi Management Plan - is a positive example of how iwi can identify matters of importance to them in a proactive manner. Matunga (1992:8) defines an iwi management plan as simply a plan which articulates an iwi's vision, policies, goals and objectives for the future based on values shaped in the past and realities created in the present. Section 62, 66 and 74 of the RMA place an obligation on those exercising functions and powers in central, regional and local government to consider iwi and hapu management plans (see appendix thirteen).

Under the Fourth Labour Government, iwi runaka were going to manage resources in their own right, i.e., be akin to local government. But in 1990, the National Government decided against this proposed legislation. Therefore, iwi management plans do not place any statutory obligation on resource management agencies. The role of iwi is again being marginalised. There should be stronger legislation in the RMA which states that it is compulsory to recognise iwi management plans. Further changes to the terminology that

refers to Maori interests in the RMA, i.e. to give active effect to the terms, would mean that Councils would have to change their ways.

There is still no real understanding of many Maori environmental concepts, such as kaitiakitaka, by the Council. Similarly, spiritual considerations are still not given enough weight by the Council, as their planners/resource managers work within the technical and Western scientific paradigm. As Ritchie (1992:81) clearly points out,

Even though resource management legislation now permits the presentation of evidence on Maori concerns, there will still be conflict over how much weight should be given to spiritual considerations, who is to present them, and how.

The runaka still finds it difficult to have their concerns heard. This is due to the monocultural nature of the institution and policy frameworks within it, for example, the way Maori and Pakeha write policy is different, but the Pakeha way predominates.

On a positive note, considerable progress has been made in light of the Iwi Liaison Unit set up in July 1992. This unit better ensures that the Council implement their duties and responsibilities to the takata whenua of their rohe. The following suggestions conclude this case example on consultation and Maori participation in resource management. The suggestions can be linked back to the four themes outlined in my Introduction and Overview:

- ▮ institutions are required to stop operating on a monocultural basis and act biculturally to better reflect Maori interests;
- ▮ resource managers are required to have a respect for and a deeper understanding of Maori environmental values. Maori consider knowledge to be a taoka. Article II of the Treaty guarantees to Maori tino rakatirataka of their taoka, among other things. Therefore, when making scientific judgements it should be compulsory to acknowledge Maori knowledge of the environment. More research into the common ground of Maori and Pakeha environmental management is required. Chapter two provided some ideas in this area;

- ▮ the RMA legislation needs to be amended to give full effect to the meaning of Maori environmental values, such as kaitiakitaka, and the Treaty. The RMA needs to place stronger legal obligations on decision-makers to take into account iwi management plans, for example; and
- ▮ institutions are required to develop bicultural resource management practice that recognises the primacy of the Treaty and the principles it endorses, such as tino rakatirataka and equality. Consultation with takata whenua is required to give effect to the principles of the Treaty and ensure that resource managers develop a deeper understanding of Maori environmental values and the dynamic nature of Maori culture.

5.4 Summary

This chapter presented my view on what constitutes bicultural resource management. This map of action came about from reflection on the institutions and legislative frameworks of this country that relate to resource management. The case example helped to clarify "the way it is" with regard to Maori and resource management. The need for equal power relations, resourcing and participation in decision-making was discussed. These factors are encapsulated in the concept of biculturalism. Under a bicultural system, Pakeha will have to share power with Maori. I strongly believe that if monocultural decision-making continues, so too will racial tension between Maori and Pakeha.

The Treaty was highlighted to show its primacy in bicultural resource management practice. The other important components were recognition of tino rakatirataka, equality and consultation. Eight principles for assessing natural resource decisions from a Maori perspective were presented. Iwi should have their own sets of principles to use when assessing natural resource issues. This would ensure decision-makers include the Maori spiritual and cultural dimension in resource management. Legislative change to the RMA is required to place stronger legal obligations on decision-makers.

It is essential that resource managers of the present and future be aware of bicultural resource management practice

and the continuing need for the careful and sensitive consideration of both the spiritual and cultural concerns of Maori. The following whakataurangi summarises what I advocate. Both Maori and Pakeha have much to gain from partnership and using bicultural resource management practice.

Ko tau rourou, ko taku rourou, ka ora ai te iwi

With your contribution and my contribution we will be better able to serve the people.

CONCLUSION

Me Aka Whakamua - Looking forward

Ka pu te ruha hao te rangatahi

The old net lies in a heap while the new net goes fishing.

Maori values and Treaty rights should permeate the laws, institutions and practices of resource managers in Aotearoa New Zealand. Presently this is not evident, and unequal power relations exist in this country. There should be "power with" rather than "power over" relations in Aotearoa New Zealand.

To be Pakeha in Aotearoa... means to begin taking seriously the possibility of sharing power and inevitably giving up power, and looking to a future which must involve a more equitable use of power (Schroeder, 1986:3).

This issue of power sharing wove through all four themes of my dissertation. These were the need for institutional change; common ground to be found in Maori and Pakeha environmental values; legislative/policy change in resource management; and bicultural development and bicultural resource management. There were two main objectives of this dissertation. Firstly, to show the importance of researching the common ground on Maori and Pakeha environmental values, so a more holistic approach to resource management can be found. And secondly, to highlight the need for institutional change. Current monocultural institutions do not successfully implement the policies regarding Maori and resource management. Therefore, a change to bicultural resource management institutions is required to ensure effective policy implementation.

Chapter one examined Aotearoa New Zealand's institutions and political systems to ascertain why Maori can not effectively participate in resource management. Institutional analysis is required not only to assess the

effectiveness of existing institutions, thereby renewing their legitimacy, but also to stimulate needed reforms. It was found that due to the monocultural nature of this country's institutions, policies related to Maori and natural resource management are not effectively implemented. Chapter one suggested that resource management institutions should operate biculturally to ensure that their policies are successfully implemented.

As the Parliamentary Commission for the Environment (1988:1) stated, there must be greater sharing in decision-making for Maori and greater acknowledgment of Maori values for improvements in environmental management to be achieved. Chapter two surveyed both Maori and Pakeha environmental values and management. Values analysis is another source of change and is necessary to find out where values conflict and where common ground may be found. This chapter illustrated that new resource management practice should be based on the common ground found between Maori and Pakeha environmental values and management.

Chapter three showed the relevance of the Treaty to resource management today. Discussion on the Treaty added further context to this dissertation in two ways. Firstly, as it recognises the right of Maori to plan and manage their environment, it is a starting point from which resource management can be discussed now and in the future. Secondly, as it is a bicultural document, it promises a presumption that Maori and Pakeha are equal and must work together in a partnership. This illustrated the importance of biculturalism and the need for institutions to practice bicultural resource management.

Chapter four looked at resource management institutions focusing upon the significance of three key pieces of legislation: the Water and Soil Conservation Act 1967, Town and Country Planning Act 1977 and the Resource Management Act 1991. Many deficiencies were highlighted in the RMA, for example, iwi not being recognised as a legitimate entity managing its own resources. But when compared to its predecessors, substantial progress has been made to recognise Maori interests. In my view, the RMA still fails to fully integrate Maori perspectives through all aspects of resource management, for example, the Act fails to recognise *kaitiakitaka* in the definition of sustainable management (Section Five). Yet, Section five is the linchpin to all

responsibilities, actions and duties under the Act. Thus, changes must occur at both the policy and decision-making levels to achieve real power sharing. This chapter pointed out the need for legislative change to give greater effect to the concepts of tino rakatirataka, kaitiakitaka, and the Treaty.

Chapter five presented bicultural resource management practice. In my view, all resource managers need to have an awareness of bicultural issues and why there is a need for bicultural resource management practice. They must also be aware that the present framework with which they work is monocultural. This chapter highlighted the many challenges that exist if a successful transition from monocultural to bicultural institutions is to be achieved.

Here in Aotearoa New Zealand, both Maori and Pakeha have much to contribute to one another's cultures. In my view, there is much to be gained from partnership and biculturalism in the resource management area. But, institutional and legislative change is necessary in order to reap the benefits of biculturalism.

This dissertation provided a framework from which further research can be carried out, i.e., in the common ground and institutional areas. On closing, I will reiterate my thesis for this dissertation: due to the monocultural structure of Aotearoa New Zealand institutions, Maori values and Treaty rights are not successfully recognised in and implemented by resource management legislation. Therefore, the way forward is for institutions to adapt a bicultural approach to resource management in order to facilitate more equitable power relations in this country.

Tungia te ururua

Kia tupu whakaritorito te tupu o te harakeke

Set the overgrown bush alight

and the new flax shoots will spring up.

7. APPENDICES

Appendix One

Section Six - Resource Management Act, 1991.

6. Matters of national importance -

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Appendix Two

Section Seven - Resource Management Act 1991

7. Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to -

- (a) Kaitiakitanga:
- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (e) Recognition and protection of heritage values of sites, buildings, places, or areas:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (h) The protection of the habitat of trout and salmon.

Appendix Three

Te Tiriti o Waitangi - The Treaty of Waitangi (1840)

Preamble to the Treaty of Waitangi Official English version.

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's sovereign of Her Majesty's sovereign authority over the whole or any part of those islands. Her majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the Native population and to Her subjects has been graciously pleased to empower and authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the Confederated and Independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Maori version of the Treaty's three articles

Ko te tuatahi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te Kawanatanga katoa o o ratou wenua.

Ko te tuarua

Ko te Kuini o Ingarangi ka wakarite ka wakaae ki nga Rangatira ki nga hapu ki nga tangata katoa o Nu Tirani te tino Rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua - ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini - Ka tiakina e te Kuini o Ingarangi nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarangi.

Translation of Maori version
(Professor Sir Hugh Kawharu)

The first

The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

The second

The Queen of England agrees to protect the Chiefs, the Subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agrees to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

The third

For this agrees arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand (I.e. the Maori) and will give them the same rights and duties of citizenship as the people of England.

English version of the three articles

Article the first

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

Article the second

Her majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

Appendix Four

The principles for Crown action on the Treaty of Waitangi (1989).

1. The kawantanga principle: The principle of government

The first article of the Treaty gives expression to the right of the Crown to make laws and its obligation to govern in accordance with the constitutional process. This sovereignty is qualified by the promise to accord the Maori interests specified in the second article an appropriate priority.

2. The rangatiratanga principle: The principle of self management

The second article of the Treaty guarantees to iwi Maori the control and enjoyment of those resources and taonga which it is their wish to retain. The preservation of a resource base, restoration of iwi self management, and the active protection of taonga, both material and cultural, are necessary elements of the Crown's policy of recognising rangatiratanga.

3. The principle of equality

The third article of the Treaty constitutes a guarantee of legal equality between Maori and other citizens of New Zealand. This means that all New Zealand citizens are equal before the law. Furthermore, the common law system is selected by the Treaty as the basis for that equality although human rights accepted under international law are incorporated also.

The third article also has an important social significance in the implicit assurance that social rights would be enjoyed equally by Maori with all New Zealand citizens of whatever origin. Special measures to attain that equal enjoyment of social benefits are allowed by international law.

4. The principle of co-operation

The Treaty is regarded by the Crown as establishing a fair basis for two peoples in one country. Duality and unity are both significant. Duality implies distinctive cultural development and unity implies common purpose and community. The relationship between community and distinctive development is governed by the requirement of co-operation which is an obligation placed on both parties to the Treaty.

Reasonable co-operation can only take place if there is consultation on major issues of common concern and if good faith, balance, and common sense are shown on all sides. The outcome of reasonable co-operation will be partnership.

5. The principle of redress

The Crown accepts a responsibility to provide a process for the resolution of grievances arising from the Treaty. This process may involve courts, the Waitangi Tribunal, or direct negotiation. The provision of redress, where entitlement is established, must take into account of its practical impact and of the need to avoid the creation of fresh injustice. If the Crown demonstrates commitment to this process of redress then it will expect reconciliation to result.

Appendix Five

Water and Soil Conservation Amendment, 1981.

3. Long Title -

The Long Title of the principal Act is hereby amended by omitting the words "water supplies of local authorities, fisheries, wildlife habitats, and all recreational uses of natural water", and substituting the words "community water supplies, all forms of water-based recreation, fisheries, and wildlife habitats, and of the preservation and protection of the wild, scenic, and other natural characteristics of rivers, streams, and lakes".

Appendix Six

Town and Country Planning Act, 1977.

3. Matters of national importance -

(1) In the preparation, implementation, and administration of regional, district, and maritime schemes, and in administering the provisions of Part II of this Act, the following matters which are to be declared to be of national importance shall in particular be recognised and provided for:

- (a) The conservation, protection, and enhancement of the physical, cultural, and social environment:
- (b) The wise use and management of New Zealand's resources:
- (c) The preservation of the natural character of the coastal environment and the margins of lakes and rivers and the protection of them from unnecessary subdivision and development:
- (d) The avoidance of encroachment of urban development on, and the protection of, land having a high actual or potential value for the production of food:
- (e) The prevention of sporadic subdivision and urban development in rural areas:
- (f) The avoidance of unnecessary expansion of urban areas into rural areas in or adjoining cities:
- (g) The relationship of the Maori people and their culture and traditions with their ancestral land.

(2) The Minister may exercise all such powers as are reasonably necessary for promoting, in accordance with the provisions of this Act, matters of national interest and the objectives of regional, district and maritime planning.

Appendix Seven

Section Five - Resource Management Act, 1991.

5. Purpose -

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Appendix Eight

Section Eight - Resource Management Act, 1991.

8. Treaty of Waitangi

In achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Appendix Nine

First Schedule, Clause Three - Resource Management Act, 1991.

3. Consultation -

- (1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult-
 - (a) The Minister for the Environment; and
 - (b) Those other Ministers of the Crown who may be affected by the policy statement or plan; and
 - (c) Local authorities who may so be affected; and
 - (d) The tangata whenua of the area who may so be affected, through iwi authorities and tribal runanga.
- (2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan.
- (3) Without limiting subclauses (1) and (2), a regional council which is preparing a regional coastal plan shall consult -
 - (a) The Minister of Conservation generally as to the content of the plan, and with particular respect to those activities to be described as restricted coastal activities in the proposed plan; and
 - (b) The Minister of Transport in relation to matters to do with navigation and the Minister's functions under the Marine Pollution Act 1974; and
 - (c) The Minister of Fisheries in relation to fisheries management, and the management of aquaculture activities.

Appendix Ten

Section 64 - Resource Management Amendment 1993

64. Preparation and change of regional coastal plans.

(1) There shall at all times be, for all the coastal marine area of a region, one or more regional coastal plans prepared in the manner set out in the First Schedule.

(2) A regional coastal plan may form part of a regional plan where it is considered appropriate in order to promote the integrated management of a coastal marine area and any related part of the coastal environment.

(3) Where a regional coastal plan forms part of a regional plan, the Minister of Conservation shall approve only that part which relates to the coastal marine area.

(4) A regional coastal plan may be changed in the manner set out in the First Schedule.

Appendix Eleven

Timetable for the Preparation of the Coastal Management Plan

Source: Gregory, D., & Wilkinson, L., (1992).

What Happens

Key Dates

Consultation with
tangata whenua

We are here

Initial ideas for
Issues and Options
circulated as a
report

September 1992

Your response to
Issues and Options
forms the next
stage

Tangata Whenua
liaison, meetings,
exhibitions, and
personal responses

Sept. - November

Review of ideas and
options to feed
into a working
draft of a plan

October 92 - March
93

Release of working
draft Regional
Coastal
Management Plan

April

Public consultation on forming the final plan	Tangata whenua liaison, meetings, exhibitions, and submissions	April - July
Proposed Regional Coastal Plan publicly notified	meetings, submissions, hearings etc.	1 October 1993
To Minister of Conservation for approval		
Operative Regional Coastal Plan		

Appendix Twelve

Canterbury Regional Council Guiding Principles

1. To take account of the Treaty of Waitangi

The Canterbury Regional Council (CRC) will take into account and use its best endeavours to implement the principles of the Treaty of Waitangi in discharging its responsibilities as a resource management agency.

2. To establish a relationship based on partnership.

The CRC will seek to establish a relationship with tangata whenua that recognises the principle of partnership and the partnership and the rangatiratanga of tangata whenua in respect of their resources and other taonga, while maintaining its own authority, that has been devolved from the Crown through statute, in the area of natural and physical resource management.

3. To act in utmost good faith.

The CRC will exercise its relationship with tangata whenua in utmost good faith, in particular though always being honest and clear about:

- (a) What outcomes tangata whenua can expect from the consultation process in terms of determining decisions and the integration of the values and preferences into policy and projects.
- (b) Constraints on consultation, for example, resources and time frames.

4. To resource the relationship.

The CRC will actively facilitate the consultation process by providing sufficient resourcing in terms of funding, personnel and reasonable time frames to ensure that effective communication occurs.

Commitments

1. That the Canterbury Regional Council is committed to establishing a relationship with tangata whenua in the Canterbury region that facilitates their effective and consistent input into the sustainable and integrated management of the region's natural and physical resources, both at decision-making and professional levels.
2. That the CRC is committed to adopting a consultative process (or processes) and/or mechanism (or mechanisms) that has been agreed in consultation with the region's tangata whenua, through iwi and runanga.
3. That the CRC will provide funding as is necessary and reasonable to implement and maintain the agreed consultation option (or options).
4. That the CRC is committed to ensuring a high quality of internal advice and skill in matters relating to tikanga Maori, the Treaty of Waitangi and the discharge of its resource management functions and will retain the personnel necessary to fulfil this commitment.
5. The CRC recognises Te Whakatau Kaupapa as a relevant planning document for Ngai Tahu iwi and will consider it as such in the preparation of the Regional Policy Statement and Regional Plans.

Appendix Thirteen

Section 62 - Resource Management Amendment 1993

62. Contents of Regional Policy Statements -

- (1) A regional policy statement shall make provision for such of the matters set out in Part I of the Second Schedule, (and such of the matters set out in Part II of that Schedule as are of regional significance), that are appropriate to the circumstances of the region, and shall state -
 - (a) The significant resource management issues of the region and
 - (b) Matters of resource management significance to iwi authorities; and
 - (c) The objectives sought to be achieved by the statement; and
 - (d) The policies in regard to those significant issues and objectives, and an explanation of those policies; and
 - (e) The methods used or to be used to implement the policies; and
 - (f) The principal reasons for adopting the objectives, policies, and methods of implementation set out in the statement; and
 - (g) The environmental results anticipated from implementation of those policies and methods; and
 - (h) The processes to be used to deal with issues which cross local authority boundaries, and issues between territorial authorities or between regions; and
 - (ha) For the region or any part of the region, which local authority shall have responsibility within its own area for developing objectives, policies, and rules relating to the control of the use of land -

- (i) The avoidance or mitigation of natural hazards:
- (ii) The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances -

and may state particular responsibilities for particular hazards or hazardous substances or group of hazards or hazardous substances; but if no responsibilities for a hazard or hazardous substance are identified in the policy statement, the regional council shall retain primary responsibility for the hazard or hazardous substance; and

- (i) The procedures to be used to review the matters set out in paragraphs (a) to (ha), and to monitor the effectiveness of the statement as a means of achieving its objectives and policies; and
- (j) Any other information that the regional council considers appropriate; and
- (k) Such additional matters as may be appropriate for the purpose of fulfilling the regional council's functions, powers, and duties under this Act.

- (2) A regional policy statement shall not be inconsistent with any national policy statement, New Zealand coastal policy statement, or water conservation order.

Section 66 - Resource Management Act 1991.

66. Matters to be considered by regional council -

- (1) A regional council shall prepare and change any regional plan in accordance with its functions under section 30, the provisions of Part II, its duty under section 32, and any regulations.

-
- (2) In addition to the requirements of section 67 (2), when preparing or changing any regional plan, the regional council shall have regard to -
- (a) Any proposed regional policy statement in respect of the region; and
 - (b) The Crown's interests in land of the Crown in the coastal marine area; and
 - (c) Any -
 - (i) Management plans and strategies prepared under other Acts; and
 - (ii) Relevant planning document recognised by an iwi authority affected by the regional plan; and
 - (iii) Regulations relating to the conservation or management of taiapure or fisheries; and
 - (iv) Regulations made under this Act, including regulations made under section 43, - to the extent that their content has a bearing on resource management issues of the region; and
 - (d) The extent to which the regional plan needs to be consistent with the regional policy statements and plans, or proposed regional policy statements and proposed plans, or adjacent regional councils.

Section 74 - Resource Management Act 1991.

74. Matters to be considered by territorial authority -
- (1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations.

-
- (2) In addition to the requirements of section 75 (2), when preparing or changing a district plan, a territorial authority shall have regard to -
- (a) Any proposed regional policy statement or regional plan on a matter of regional significance in respect of its district; and
 - (b) Any -
 - (i) Management plans and strategies prepared under other Acts; and
 - (ii) Relevant planning document recognised by an iwi authority affected by the district plan; and
 - (iii) Regulations relating to the conservation or management of taia pure or fisheries, -
to the extent that their content has a bearing on resource management issues of the district; and
 - (c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

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