

INVOLVING IWI IN NATURAL RESOURCE MANAGEMENT THROUGH HISTORICAL TREATY OF WAITANGI SETTLEMENTS

Cabinet proposals

The Government has been working on an approach for fairly and consistently looking at the claims of iwi in historical Treaty negotiations for more effective involvement in natural resource management.

Background

The Government recognises the profound cultural relationships iwi have with awa, maunga and whenua from which they hail.

The Government recognises many iwi wish to have greater participation in natural resource management, given the historical associations of iwi with natural resources.

Local government has been devolved responsibility for natural resource management under the Resource Management Act 1991 and for making decisions on how iwi will be involved in such management under the Local Government Act 2002. Often iwi have not been satisfied with how this has been implemented. Therefore, there has been a greater desire for iwi to seek stronger decision-making roles through historical Treaty of Waitangi settlements.

Cabinet has recently made decisions to provide more certainty about what redress might be available in historical Treaty of Waitangi negotiations to involve iwi in natural resource management. The Government's approach balances needs to achieve enduring settlements, protect local democracy and ensure effective natural resource management.

Main elements of Cabinet decisions

1. Matters to be considered when developing an arrangement to involve iwi in natural resource management

A number of matters will be considered in all negotiations when natural resource matters are raised to guide consideration of how best to involve iwi in natural resource management. These include:

- strength and nature of association of iwi to resource
- nature of grievance in relation to resource
- how many iwi are involved or have interests in the resource
- nature and state of the resource
- nature and extent of public and private interests in the resource
- aspirations of Crown and iwi in relation to the resource
- the need for a well-designed institution
- durability of any arrangement

Any arrangement for involving iwi should:

- provide an effective role for iwi in natural resource management
- lead to good environmental, economic, social and cultural outcomes for iwi and other New Zealanders
- address issues giving rise to the claim but not create new injustices
- be well-designed, simple, transparent and affordable; and
- result in durable settlement of the claim

2. *Two standard arrangements*

Two standard arrangements can be negotiated (if shown to be appropriate after consideration of the matters above and agreed by Cabinet):

- an advisory board where the council must have regard to the advice
- a joint committee with direct input into the development of regional policy statements and regional plans under the RMA. (The recommendations of the joint committee will be subject to usual council planning processes.)

3. *Non-standard arrangements*

An arrangement outside the standard models can be considered if an assessment of the matters above show this is appropriate but this must be agreed by Cabinet before being offered as part of a settlement.

4. *Final decision making*

Local authorities should retain final decision making rights over natural resource management to maintain local democracy.

5. *Involvement of local authorities in negotiations*

Local authorities must be engaged from an early stage. Preferably, councils should agree to proposed arrangements before they are finalised.

6. *Arrangements can be made permanent (but flexible to change over time by mutual agreement)*

Settlement legislation may provide for the involvement of iwi in natural resource management. But arrangements should be able to change over time by mutual agreement.

Implementing the Cabinet decisions

The new approach reflects the sorts of considerations that have been applied in recent negotiations (and considered by Cabinet). These will continue to underpin negotiations. The new approach will make these matters more transparent and identify some bottom lines in the design of arrangements.

The Government encourages claimant groups to continue to raise any relevant issues in their negotiations with the Crown when redress concerning natural resource management is being discussed.