

12. Kaupapa Atawhai

E nga waka e nga mana e nga reo
 e nga iwi o Te Upoko o Te Ika a Maui
 tena ra koutou katoa
 nga mihi hoki ki nga tini mate o nga marae maha o te motu
 haere koutou haere koutou haere koutou
 no reira ko ratou kia ratou
 ko tatou te hunga ora kia tatou
 tena koutou tena koutou tena tatou katoa

Greetings to the tribes of the southern North Island
 our acknowledgements also to those who have passed on,
 farewell, abide in your realm while we the living go on.
 Greetings and salutations to us all.

Explanation

The Conservation Act, section 4, requires the Department to give effect to the principles of the Treaty of Waitangi in interpreting and administering the Act. The Department must always consider the application of the principles of the Treaty and decide how they are to be weighed in a particular decision situation alongside the conservation of New Zealand's natural and historic resources.

The Treaty signifies a partnership between the Crown and Maori. Partnership is a shorthand means of describing the elements which the Treaty envisaged would reflect the relationship between the Crown and Maori. Those elements include notions of reasonableness, awareness of the other partner's views, willingness to accommodate those views, fairness and good faith. In short, co-operation.

The nature of the relationship is still being determined by the Crown and Maori and the Department's stance is to seek a co-operative working relationship with tangata whenua. This is sought by consultation with tangata whenua to determine their interests and how they can be provided for in the management of natural and historic resources and recreation.

Maori have interests in the natural and historic resources managed by the Department, interests which the Treaty of Waitangi requires be recognised and provided for. In particular, these interests relate to land, fisheries, forests, taonga (which for the Department include rivers, mountains and water), mahinga kai and waahi tapu. The Department should not do anything which would unduly prejudice settlement of any claims under the Treaty of Waitangi.

The Treaty of Waitangi recognises the rights of the Crown to govern in the interests of all New Zealanders and ultimately decisions must be made by the Department in the interest of all New Zealanders.

The Department established a national Kaupapa Atawhai Policy Division

and a regional network of Kaupapa Atawhai managers to co-ordinate and monitor the establishment of co-operative working relationships with tangata whenua for the purposes of:

- Identifying the extent of Maori interests in natural and historic resources the Department manages.
- Identifying Maori conservation principles and practices pertaining to the interest identified, in consultation with iwi and incorporating these successfully into conservation management.

Treaty of Waitangi claims have been lodged in the conservancy, which cover areas managed by the Department. These claims are not expected to come before the Waitangi Tribunal in the short term. The Department's role in the resolution of Treaty claims is to provide advice to the Minister and the Crown on specific issues and to participate as requested in negotiations, mediation, hui, Tribunal hearings and inter-departmental meetings contributing to that advice.

Wellington Conservancy

Tangata Whenua

The Department works with seven Iwi in the Wellington region: Rangitane, Ngati Raukawa, Muaupoko, Ati Awa ki Whakarongotai, Ngati Toa Rangatira, Taranaki Whanui ki te Upoko o te Ika a Maui, Ngati Kahungunu.

These iwi are represented by Runanga with whom the Department consults on matters of national and regional significance.

The tribal Runanga are empowered to act and negotiate on behalf of the whole tribe in most instances. Where they are not the appropriate group, they are particularly helpful in identifying those affiliated groups and organisations that the Department should be consulting with. This can often be so in respect of land-based issues where a hapu (sub-tribe), whanau (family), or group of trustees will speak for such places. Clearly, however, where a 'tribal perspective' is desired, then the appropriate Runanga is consulted.

The Department has been advocating the development of closer links with tangata whenua in its liaison with Regional and District Councils and other associated agencies which have a responsibility for managing natural, historic, recreational and cultural resources.

Roopu Tikanga Maori

In addition to tangata whenua iwi in the Conservancy, there is also a network of Taura Here Roopu or members of iwi from other parts of the country, resident in the Wellington region. Some of these organisations have developed their own links with the tangata whenua of the areas in which they operate.

Furthermore, educational organisations, weaving groups and herbal medicine groups operating from a Maori perspective have also expressed their interest in using resources managed by the Department.

There are also some non-tikanga Maori groups and individuals who are interested in the resources managed by the Department, e.g., weavers, carvers and herbalists.

The Department has informed Roopu Tikanga Maori, and other user groups who have enquired about these resources, of the Department's legislative obligations to tangata whenua and the need for the Department to develop policies in consultation with them for the management of resources, particularly those in which tangata whenua have an historical, cultural or Treaty of Waitangi interest.

Development of Kaupapa Atawhai

To help the development of Kaupapa Atawhai, the Conservancy has been going through an orientation phase. The Kaupapa Atawhai Manager's position was established in February 1990 and the identification of appropriate procedures for consultation has been an early focus.

Further efforts have been directed at raising the awareness of staff about the Department's Treaty of Waitangi obligations and also at raising tangata whenua awareness of the Department's aims and objectives.

To date the Kaupapa Atawhai Manager has facilitated the most consultation with tangata whenua as and when projects or policy implications have come to notice. Emphasis is now being placed on developing staff awareness so that all staff can consult directly with tangata whenua about the projects they are involved with.

Management Issues

Staff Awareness

Staff at all levels of the Department interact with tangata whenua in their work. The responsibility to give effect to the Treaty of Waitangi rests with all staff, and not just the designated Kaupapa Atawhai managers.

All staff should be aware of the Department's responsibilities to give effect to the Treaty of Waitangi and how they individually can achieve that. To achieve this, a Tikanga Maori Training Programme began in 1991 and will continue as required.

The development of co-operative working relationships between field centres and tangata whenua in the conservancy will be a priority.

Working Relationships

There are several ways for the Department and tangata whenua to establish co-operative working relationships. These range from consultation and sharing of information through to tangata whenua involvement in management actions and equal contribution to decision making.

Priority issues for the Department in establishing working relationships will be any issues relating to the resolution of Treaty claims, consultation to determine resources and places of special cultural or historic values to tangata whenua, and protocols for the distribution of resources for Maori customary use. [*refer Section 14.4, p 151*]

A priority will also be to ensure that the Department obtains sufficient information, either by consultation or other means to enable it to make informed decisions on any matter affecting Maori.

Objectives

- 1 Assist with settlement of claims under the Treaty of Waitangi, as required by the Government or directed by Head Office, in consultation

with tangata whenua and other Crown agencies, to ensure the protection of New Zealand's natural and historic resources.

- 2 Develop co-operative working relationships between the Department and tangata whenua in protection and management of natural and historic resources administered by the Department.
- 3 Integrate giving effect to the principles of the Treaty of Waitangi into all aspects of the Department's work.

Implementation

Treaty of Waitangi Claims

- 1 Provide timely, sound advice to the Minister and the Crown on Treaty of Waitangi issues.
- 2 Contribute to negotiations, mediations, hui, tribunal hearings or other forums to assist in the resolution of claims.
- 3 Respond to Crown instructions in regard to implementation of the findings of the Waitangi Tribunal.

Staff Awareness

- 4 Increase staff awareness of the historical context and principles of the Treaty of Waitangi.
- 5 Increase staff awareness of tangata whenua of the Conservancy to enable staff to undertake consultation and work with them.

Working Relationships

- 6 Identify areas and resources managed by the Department of significance to tangata whenua and develop appropriate responses in consultation with tangata whenua.
- 7 Increase iwi awareness of the Department's objectives and activities.
- 8 Undertake consultation with others on the outcome of consultations and negotiations with tangata whenua.

Cross-references

Matters and places of particular interest to iwi are dealt with throughout the following CMS sections:

Part Two: Places in Wellington Conservancy

All sections

Part Three: Functions

Section 14	Indigenous Species:	Transfer of Species
Section 14.2	Freshwater Fisheries:	Whitebait and Eels
Section 14.3	Marine Mammals:	Whalebone
Section 14.4	Taking Plants and Animals	
Section 15	Historic Resources:	Historic and Cultural Sites
Section 23	Land Management:	Land Disposal and Transfer
Section 25	Management Planning:	Consultation
Section 27	Recreation:	Awareness of Maori Recreation