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**Te Toi Poto, Te Toi Roa**  
**A Critical Evaluation of Māori-State Inclusion in the Ohiwa  
Harbour Strategy, Aotearoa New Zealand.**

A thesis  
submitted in fulfilment  
of the requirements for the degree  
of  
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**Amanda Lowry**



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## ABSTRACT

In New Zealand, the State Owned Enterprises Act 1988 [SOE], Local Government Act 2002 [LGA], the Resource Management Act 1991 [RMA] require that government include the voices of Māori, and ensure their contribution to the decision-making processes of local authorities. Accordingly, central and local government have embraced the idea of inclusive partnership as part of policymaking processes informed by shared values both of government and iwi. Thus, it is not uncommon to see consultations, partnerships and engagement between Māori-state on a range of issues in line with Tikanga and protocols of Māori culture. These transitions reflect contemporary critical policy scholarship that underscores the need to include marginalised voices policymaking, specifically through processes that reflect diverse values. Termed here as ‘procedural inclusion’, these efforts are framed within the wider goal of participatory democracy as part of the efforts to realise an inclusive society. The present research is a critical evaluation of the inclusion of Māori in the processes of policymaking, especially when those processes have been especially designed to be culturally sensitive.

This core objective is developed through the analysis of the case study of iwi/hapū-local government engagement in creating and implementing the Ohiwa Harbour Strategy in New Zealand’s Eastern Bay of Plenty region between 2002-2008. The strategy engagement, which culminated in a long-term plan to manage and conserve the Ohiwa harbour, is uniquely positioned for this investigation. It is often regarded by its iwi/hapū and local government stakeholders as a success story in iwi/hapū-government engagement. Using a critical qualitative research

methodology informed by kaupapa Māori, the study sought to critically evaluate this exemplar of procedural inclusion at multiple levels. At an operational policy level, the research identified the factors that either facilitated or inhibited Māori inclusion in the strategy development process. At another, more substantive level, the study explored the politics of this engagement, and if the goals of procedural inclusion could accommodate the transformative claims of self-determination and kaitiakitanga made by iwi/hapū.

The analysis of interview data with key stakeholders and documents of the strategy process revealed that a range of factors enhance inclusive policymaking for Māori. At a practical level, legislative frameworks, commitment to Tikanga by all parties, and key strategic cultural brokers facilitated the inclusion of Māori, while limited capacity, fear of change and inter-tribal tensions hinder inclusion. The results also show, at another level, that the ability to productively participate in these engagement processes are framed by discursive politics – of the meanings and interpretations emanating from historical contexts, nature of power relationships, and of decisions regarding who represents whom and what is represented. In all, the study points to both advantages and limitations of procedural inclusion. Inclusive policymaking can open possibilities for better management of environmental resources, strengthening Māori political voice, and creating opportunities for livelihoods and with it greater economic and social inclusion. Equally, there are also limits of government-sponsored engagement. Māori inclusion in policymaking, while positive, does not deliver opportunities for self-determination or rangatiratanga in keeping with the Treaty principles of partnership.

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## **Prologue**

### **THE BEGINNING**

It is said in the karakia, at the beginning of time there stood Te Kore; the Nothingness.

Te Po roa

Te Po uriuri,

Te Po kerekere,

Te Po tiwha,

Te Po te kitea,

Te Po tangotango...

The Great Night, the Long Night, the Dark Night, the Intensely Dark Night, the Gloom-laden Night, the Night Unseen, the Night to be Felt. The first light that existed was no more than the glowing of a worm, and when sun and moon were made there were no eyes, there was none to see them; not even kaitiaki. The beginning was made from the nothing (Rangiahua, 2004).

Tikanga Māori is the first principle of Māori law, which served the needs of tangata whenua for thousands of years before the arrival of Tauīwi. According to Tikanga, Te Ao Māori (Māori worldview) is predicated on the interconnectedness or whanaungatanga of all living things. Thus the role of men and women is to preserve and maintain the balance of the natural order of the universe.

From the nothingness, the primal parents of the Māori came, Papatūānuku, the Earth mother, and Ranginui, the Sky father, locked in a tight embrace. The offspring of Papatūānuku and Ranginui were forced to live in eternal darkness between them. The children, who longed to live in the light, decided that their parents should be separated. Tāne-mahuta said let the sky move away from us, but let our nursing mother, the earth, remain close. Strong as the kauri tree, he placed his shoulders against his mother Papatūānuku and his feet against his father Ranginui, and he pushed hard with his strong legs, for a very long time, straining

and heaving without rest. Soon, and yet not soon, for the time was vast, the Sky and Earth began to yield. Tane pushed and cried out with grief and surprise as Ranginui and Papatūānuku were separated. And so the children of Ranginui and Papatūānuku see light and have space to move for the first time. Ranginui and Papatūānuku continue to grieve for each other to this day. Ranginui's tears fall towards Papatūānuku to show how much he loves her. Sometimes Papatūānuku heaves and strains and almost breaks herself apart to reach her beloved partner again. When mist rises from the forests, these are Papatūānuku's sighs as the warmth of her body yearns for Ranginui and continues to nurture mankind.

As the human mother nourishes her child in the womb and then upon her breast after the child's birth, so does Papatūānuku; nourishing humankind and all life interconnected in a network of symbiotic relationships. This spiritual connection is strengthened over time as tangata whenua continually reinforce their identity through their kaitiaki relationships with the land; through the burial of the placenta of the newborn; through the ancestors returning to guide the living in karakia and mihi that reinforce iwi connections to a particular piece of land since creation.

Māori culture is both a product and a response to this environment. Māori embed themselves in nature, and follow the rhythms of the natural world as a lens to understand the world. Kaitiakitanga is intrinsically interwoven with whanaungatanga, with the land as an extension of the responsibility of their own kin; of siblings, parents and children. Kaitiakitanga is intimately linked to tino rangatiratanga and embodies a diverse set of practices designed to achieve sustainable management of environmental resources.

My own whakapapa starts in Horeke in the Hokianga, where my great uncles in their eighties are still barefoot flounder fishing in the tidal waters of the harbour. Kaitiaki is in their blood, as it is in mine. The journey embodied in this thesis has changed me, like the story of creation where one state is born from another. It is not a journey that I sought, however it is one for which I will be eternally grateful for. For me, in the beginning there was a deep sadness inside, Te Kore (the nothingness), when I searched in vain in the darkness for my kaupapa, my whakapapa, my whanaungatanga. At times the journey has been difficult and

distressing as I have felt like an imposter acknowledging my lack of experience and understanding of Te Ao Māori. I have felt unprepared and ill equipped to represent the voices of iwi in a way that is true to their unique experiences and understandings. The telling of this story is not and never has been neutral. It is a reflection of my priorities and my perceptions of the world, and I am beginning to understand that Te Ao Māori is not another worldview, it is actually another world, a different reality. However with tutelage and guidance I am learning, I am growing and I am changing. This thesis allowed me to locate myself as a Māori feminist woman, researching Māori for the benefit of Māori; shedding light on my darkness. “E kimi ana i ngā kāwai i toro ki tawhiti” (Grey, 1857, as cited in Mead & Grove, 2001, p. 29). The translation of this whakataukī is “seeking shoots that stretch out far” (Mead & Grove, 2001, p. 29). It is reflective of my journey to kaitiaki, to reconnect and rediscover my own Māori roots.

Thus this story, or the one I wish to tell, is the enduring story of kaitiakitanga that remains constant despite the conflicts and shifts of the past 200 years.

And so the story begins....

## Chapter One

### INTRODUCTION

“E Tū-rau-ngā-tao e, me pēwhea tāua e whiti ai? Tēnā anō kei ōna rōrātanga<sup>1</sup>.”

“How can we cross a river? At the place of its weakness (i.e. where it is narrow and not deep).”

The inclusion of Māori voices in state policymaking is now a widely accepted part of New Zealand policymaking process. In New Zealand, the State Owned Enterprises Act 1988 [SOE], Local Government Act 2002 [LGA], the Resource Management Act 1991 [RMA] and their successive amendments require that government not just include the voices of Māori, but foster the development of Māori capacity to contribute to the decision-making processes of the local authority. Accordingly, both central and local government have embraced the idea of inclusion in the shape of shared values and processes. It is not uncommon to see policy consultations and the resulting forms of collaboration and partnership that are consistent with Tikanga and protocols of Māori culture. This thesis presents a critical evaluation of the practices and politics of Māori-state inclusion in culturally sensitive policy process or procedural inclusion. In particular, it examines whether inclusionary policy practices in reality reflect Māori voices and to consider the implications for democratic participation if they do.

This research is couched in a broader study that explores the outcomes of the state's efforts to engage with diversity and difference. The broader research examines the practices of relationship building, including consultations, networking with stakeholders and partnership building. Relational policymaking is the term used to describe the inclusion of citizen voices in state decision-making, which is seen as an important vehicle for the inclusion of minority or marginalised voices in policy. This research, building on these broader tenets, seeks to explore how involvement in culturally sensitive inclusive process brings

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<sup>1</sup> The meaning of this whakataukī is: “Difficult obstacles can be surmounted if one perseveres and all avenues are explored” (White, 1887 & Williams, 1971, as cited in Mead & Grove, 2007, p. 49).

with it not only opportunities for both Māori and local government players, but also the different meanings and expectations that stakeholders bring to inclusive practices and the implications for policy engagement. At a theoretical level, the research uses the inclusive policy practices as a window to explore more theoretical questions about the role of the state in the quest for social justice for marginalised communities. Procedural inclusion is a process of culturally sensitive engagement that has theoretical links with delivering justice through process. This thesis is interested in and how procedural inclusion furthers Māori understandings of social justice, in particular when Māori understandings of social justice are intrinsically linked to self-determination and autonomy, which exist beyond the scope of the state. These questions tap into a body of critical feminist literature called the ‘politics of difference’ which is fundamentally premised on notions of social justice and equality for all citizens. This thesis argues that there is a strong relationship and parallels of assumptions and practices between the ideas expressed in procedural inclusion and critical feminist literature which have had an impact on policy development.

The critical evaluation of the practices and politics of Māori-state inclusion is developed through a case study centred on the Ohiwa Harbour Strategy in the Eastern Bay of Plenty. This study is envisaged to have practical and theoretical relevance in that it will fill the gaps in the literature about the outcomes and effects of procedural inclusion (as an empirical example of a relational practice) on both Māori communities and state actors who are engaged in policymaking. At an empirical level, this study examines the ways in which Māori Tikanga<sup>2</sup>, values and meanings were included in policymaking and whether culturally sensitive protocols and practices reflective of procedural inclusion were followed. Building on these findings, this research will explore whether procedural inclusion is an effective mechanism to enhance opportunities for social justice for marginalised Māori communities. Furthermore, it looks at whether procedural inclusion has led

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<sup>2</sup> Tikanga-the word Tika’ means to be right, thus Tikanga taps into understandings about the right way of doing things, involving “moral judgements about appropriate ways of behaving and acting in everyday life” thus Tikanga is an essential part of the “traditional Māori normative system” (Mead, 2003, p. 6). Best way to look at Tikanga in the current context is as an “essential part of mātauranga Māori-or Māori knowledge” (Mead, 2003, p. 7).

Please note that most Māori words are translated for the first time that they appear in text. However there is also a Māori word glossary at the end of the document.



to a change in status and altered Māori relationships with the state and with it the nature of their associations within other democratic processes. These questions are of increasing importance to New Zealand both economically and socially given the growing Māori population and the costs of continued marginal status (Humpage, 2007).

This introduction will set the stage for this evaluation, highlighting that the national focus on inclusive policymaking practices owes a legacy to international feminist and indigenous rights theories. It will then focus on the Aotearoa New Zealand context outlining how the contemporary Māori-State relationship has been shaped and framed firstly by the Treaty of Waitangi, and secondly by national and international political/ideological shifts. Finally this chapter will introduce the Ohiwa Harbour Strategy case study, which brings together international ideas and provides the window on how procedural inclusion can work in the Aotearoa New Zealand context.

### ***Conceptual Context***

Given the complexity of issues, such as indigeneity, marginalisation, and policy, the remainder of the section introduces a multi-disciplinary approach in the key bodies of academic scholarship. The contributions of procedural inclusion to furthering social justice will be discussed in the following section.

### ***Procedural Inclusion***

Procedural inclusion is the key concept in this thesis. It offers a unique contribution in the search for social justice. Procedural inclusion is a practical mechanism that tailors human rights principles to the local context, implementing them through culturally sensitive process in order to generate culturally legitimate outcomes (Ignatieff, 2001; Orentlicher, 2001; Gentile, 2010). The limited literature that exists on procedural inclusion suggests that it is a process that can lead to social justice as it provides a culturally sensitive way of ‘doing inclusion’, recognises the embeddedness of culture and the implications for strengthening political voice when power is placed in the local context (Gentile, 2010). The term procedural inclusion used in this thesis draws upon Young’s (2000) abstract theory of procedural justice which claims that justice can be achieved and

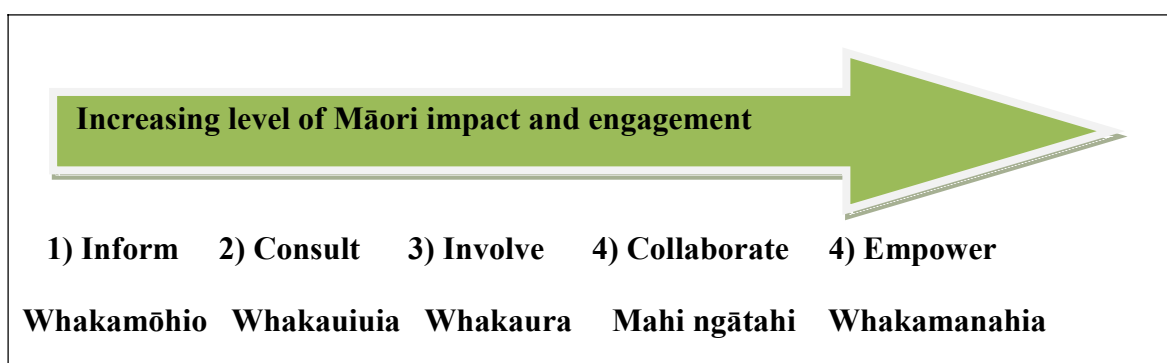
delivered within process (*as developed in Chapter Two*). As these critical scholars have argued, it is the duty of democratic societies to promote greater justice and social change through the structures and institutions (that have perpetuated and reinforced injustice) (Young, 1997, 2000).

In Aotearoa New Zealand, the introduction of Māori Tikanga in inclusive, culturally sensitive policy process, or what this thesis links to the concept of ‘procedural inclusion’, has a number of key elements that have bearing on Māori-local government partnership.

In the context of procedural inclusion, Māori demand for greater voice and rangatiratanga bring with it the opportunity for new institutional arrangements and capabilities to support participatory governance and partnership. Fundamentally, rangatiratanga means chiefly control or sovereignty, but is increasingly understood as “self-determination, the right to determine one’s own destiny, to define what that destiny will be and to define and pursue a means of attaining that destiny *in relation to others*” (Bishop, 2008, p. 441, *emphasis in original*). These changes and reforms advance democratic process, creating a more transparent and accountable mechanism of government decision-making. By engaging Māori in inclusive policymaking and sharing power, governments can act to empower Māori organisations with authority, establish new regulatory arrangements that make space for autonomous action and provide advice to support empowered decision-making (Bruns, 2003).

As envisaged by the Bay of Plenty Māori Policy Unit [BOPRCMPU] (2011), the five stages of Māori participation<sup>3</sup> are shown in the figure below.

*Figure 1: Māori participation and empowerment model.*



<sup>3</sup> BOPRCMPU (2011) drew from the International Association for Public Participation [IPA2] (2003, 2006) for their model. I have adapted their model for the purpose of this thesis.

The challenge for this thesis therefore is to test these theories and practices, in order to find new ways to not only meet the needs of those ‘othered’ by difference but to further their rights through engagement in inclusive policy processes. The contributions of critical political theory to furthering these aims will be outlined in the following section.

### ***Critical Political Literature***

Underpinning this empirical study is the emergent body of critical political literature termed ‘politics of difference’ which builds upon theories of deliberative democracy. The fundamental idea underpinning a ‘politics of difference’ is how to facilitate equality within a system that perpetuates inequality on the basis of difference.

Since the mid-1990s feminist scholars, such as Young (1990, 1997, 2000), have discussed the need to create a dynamic public sphere that makes the space without bias or judgement for other ways of being and understanding the world; i.e. a public space that is reflective of a ‘politics of difference’ (Phillips, 2002; Fraser, 2003, 2007). For those who are positioned as ‘other’ in society, a ‘politics of difference’ is a vital lens to bring their voices to the fore supporting their struggle to engage in truly democratic debate. It is from a deeply critical perspective of the failings of liberal democracy that Young’s (1997) vision for justice is asserted.

However this thesis recognises that task of including the excluded is no simple task as excluded communities often have complicated and conflicting relationships with the state, particularly, when they are indigenous occupants, unwillingly assimilated into a colonial state. Some of the complexities of indigeneity and marginalisation will be outlined in the following section.

### ***Indigeneity***

The second cluster of theories that this thesis draws upon to extend the notion of procedural inclusion are theories of indigenous rights. In western nations the debate of what to do with indigenous cultures has centred on two strands. The first strand was that indigenous cultures should be integrated into the national mainstream culture; either assimilated, or that indigenous peoples constituted a culturally distinct class (separate from other socially and economically excluded

groups) and therefore were entitled to varying degrees of self-determination (Stavenhagen, 2000). Historically indigenous policies while undoubtedly well-intended were a tool for the governing elites to integrate indigenous populations into broader society. As such, indigenous social policy was an instrument of the state (of which indigenous perspectives were given only a token input) rather than a process whereby indigenous peoples themselves could achieve rights, greater freedoms, as well as experience full participation in the economic and social realms of society (Stavenhagen, 2000, p. 73). However, with continued resistance, and cultural renaissance backed by international human rights movements (such as the United Nations Declaration Rights of Indigenous People [UNDRIP] (2007) indigeneity is repositioned, becoming a potent tool to demand redress of the imbalance of power. UNDRIP (2007) pushes policymaking beyond the scope of 'needs', to the pursuit of 'justice' while emphasising the 'rights' that indigenous peoples have for recognition and redress.

Underpinned by international recognition the inclusion of indigenous communities through social policy over the past decade has reflected a shift toward power sharing and partnership which begins to address some of the structural and institutional inequalities that have historically reinforced a group's marginalisation (Humpage, 2007). Policy processes focused on the unique position of indigenous communities, not as some excluded minority, but as the descendants of the original inhabitants of the country, reflects a respect for indigenous difference and distinctiveness while legitimatising the demand for "internal self-determination and for some greater participation in national policies" (Stavenhagen, 2000, p. 95). It is important to note that the discourse of the state and indigenous actors will shift over time and place; at times indigenous communities will be satisfied to work with existing institutions while at other times there may be strong demands for greater control and autonomy (Salée & Lévesque, 2010).

The pursuit of social justice has become a key feature within the recent policy context of Aotearoa New Zealand, Canada and Australia. The critical re-evaluation of Aotearoa New Zealand policy arena (irrespective of the leanings of the party in power) has been shaped by national and international drivers, both ideological and political, focusing on 'closing the gaps', capacity building, and

strengthening indigenous communities negative position within the existing state, many of which have fallen short of their mark failing to address the daunting obstacles that prevent any real social change (Humpage, 2007). The failings or perhaps better put, the lack of policy successes expose the challenges that exist for the democratic state to recognise the distinct position of indigenous peoples as original occupants (and their position within the state) and their demands for social justice through greater autonomy and self-determination (and their position outside of the state).

The demands of indigenous groups for autonomy and self-determination are often supported by treaties. The Canadian and Aotearoa New Zealand governments have recognised and embedded (often not willingly) treaties into legislation that commit them to work in partnership with indigenous peoples to honour those treaties. In Aotearoa New Zealand underpinning any Māori-state engagement is a commitment to the Treaty of Waitangi. When the Treaty is embodied in legislation its specific focus is on ensuring that Māori are protected by the law, and that the distinctive position of tangata whenua, as one of two partners, are recognised which has direct implications for inclusive policymaking. The following section will outline the key shifts and legislative changes that underpin current understandings of the Treaty, and its importance to Māori-state relations.

### ***The New Zealand Context***

#### ***Te Tiriti o Waitangi/The Treaty of Waitangi***

Like many other nations in the late nineteenth century, a colonial English state was imposed on an indigenous population despite the Declaration of Independence 1835 being sanctioned by the British which affirmed the authority of Māori chiefs. However, what is of major and enduring importance was that in New Zealand the Treaty of Waitangi 1840 set the terms for the nature of an ongoing partnership between the British and Māori chiefs (Durie, 1998; Walker, 2004).

Pursuant to the Treaty, Māori and Pākehā were acknowledged as equal citizens under a shared national constitution, which ensured Māori that “colonisation would be balanced with indigenous rights” (Cheyne, O’Brien & Belgrave, 2008,

p. 20). The Treaty, as a partnership between Māori and the Crown, “entailed the rights of Māori to manage their own policy, resources and affairs, within the minimum parameters necessary for the proper operation of the state” (Hill, 2009, p. 8). Despite the promises of partnership, the Crown’s aim was the “amalgamation of the races with the full assimilation of Māori to European modes of behaviour, and ways of viewing the world” (Hill, 2009, p. 1). Consequently, the key function of Māori policy for most of the nineteenth century in Aotearoa New Zealand was to negate autonomy and suppress constitutional and political aspirations, while ensuring the “transfer of resources from Māori to Pākehā control or at least from tribal to individual control” (Cheyne et al., 2008, p. 20). However, Māori collectivist perspectives and tribal/sub-tribal identification survived, with even greater resilience.

Fuelled by the civil rights movement in the US of the 1960s and the subsequent identity politics pushed the boundaries to revive traditional customs and Tikanga (Māori customs and traditions), Māori expressed renewed commitment to preserve and restore tribal tūrangawaewae (a place to stand, embodying notions of home and foundations) and actively engaged in protest such as the land rights movements (as in the 1975 Māori land march; in 1978 the Bastian Point protest, and in 1978 the Raglan golf course protest) (Durie, 1998; Walker, 2004; Hill, 2009).

The state played a key role in the renaissance, through the instigation of policy to strengthen Māori language, changes to law to recognise Māori rights in relation to ancestral land, and the establishment of the Waitangi Tribunal, and a commitment to bi-culturalism (Hill, 2009). The Treaty represents a start point for “an ongoing partnership” between Māori and the state which would evolve in response to “developing national circumstances” (Lands Case, 1987, as cited in Cooke, 1994; Te Puni Kōkiri [TPK], 2001). Correspondingly, the Waitangi Tribunal holds that the Treaty is foundational document for an on-going social contract, “not intended to fossilize the status quo, but to provide direction for future growth and development” (Waitangi Tribunal, 1983, as cited in TPK, 2001).

Endorsed by a sanctioned Treaty and greater cultural recognition, the past 25 years has seen a renaissance regarding Māori culture, values, and a renewed emphasis on all things Māori (TPK, 2007). Māori voices have gained a salient

public presence with the emergence of The Māori Party (2004) and there has been growth in Māori speakers and those who identify as Māori (Statistics New Zealand, 2007; Ministry of Social Development [MSD], 2008), but most importantly the inclusion of Māori views is a widely accepted part of contemporary state processes.

Greater state recognition of Māori underpinned the enactment of the SOE 1988. For the first time since the signing of the Treaty, the Act defined the principles and the nature of the relationship (akin to partnership) embodied in the treaty made between representatives of the colonising power and Māori (Burton, 2007). The partnership reflects the tensions between *kāwanatanga* (article one of the Treaty) and *rangatiratanga* (article two of the Treaty). It also represents an opportunity for compromise and resolution based on the quest for common ground (Burton, 2007). In response to representations made to the government by the Tribunal and Māori leaders Section 9 of the SOE 1988 stated that “[n]othing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi” (SOE, 1988, Section 9). This reference, for the first time, allowed the courts to test the Crown’s actions against the principles of the Treaty. Within the SOE 1988, the Treaty principles of protection, participation and partnership were embodied in phrases, such as “fiduciary duty, active protection, full spirit, the honour of the Crown, fair and reasonable recompense for wrong, fundamental concepts, and satisfactory recompense” (Cooke, 1994, n.p.)<sup>4</sup>. Despite enduring virtues, as evidenced by the ideological shifts discussed above, Māori-state relations are in a state of constant flux.

### ***Ideological and Political Shifts***

In Aotearoa New Zealand, alongside these transitions between Māori and the state, there was a parallel shift in political ideologies that redefined the role of government in service, delivery and policy operations (Kelsey, 1995; Powell, 2000; Cheyne et al., 2005, 2008). From 1984 to the present, neo-liberal ideology has extensively underpinned government practice. Deregulation and dismantling

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<sup>4</sup> It must be noted that there are challenges to Section 9 under the current National government.

of state institutions led to devolution, also known as the funder/provider split<sup>5</sup>. An unforeseen, yet positive consequence of the neo-liberal funder/provider split saw the introduction of competitive tenders to provide health care and other social services which allowed the opportunity for iwi and hapū to be more extensively involved in the wellbeing of their members<sup>6</sup> (Cheyne et al., 2005, 2008). The Fifth Labour Coalition government (1999-2008) was heavily influenced by changes internationally in relation to the Third Way values around inclusion, partnership and consultation (Cheyne et al., 2005, 2008; Humpage, 2006, 2007). Under this approach of inclusive liberalism saw community focused partnerships that aimed at building local capacity to further self-reliance and meet local needs. More broadly, under inclusive liberalism, capacity building, self-management and self-reliance were focused on shifting responsibility from the state to the community, which had a far reaching effect on the Māori-state relationship (Humpage, 2007). Of note is that policy development in this time encapsulates a new kind of thinking, that both recognises and reinforces Māori values such as the importance of whānau (extended family), hapū (subtribe or clan) and iwi (tribe) ‘capacity building’; ‘equity for all’, and a focus on ‘local level solutions’ (TPK, 2002; Cheyne et al., 2005, 2008). Key to the success of redistribution is the full inclusion of Māori within the policy process. As part of biculturalism and under the Third Way, the notion of the provision of “by Māori and iwi, for Māori and iwi” services has been entrenched within the discourse of the contemporary New Zealand policy framework<sup>7</sup> (TPK, 2002, p. 12). While the outcomes of the targeted programmes of inclusion remain contested it is clear that there is an

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<sup>5</sup> As Harris and O’Sullivan (2010) note the funder/provider split originated in this country as a mechanism that sought to maintain a division between state and non-state service bodies which compete for contracts for services. Driven by neo-liberalism (new-right) the funder/provider split aimed to make service provision more competitive and remove state monopolies, encouraging the involvement of non-state bodies (Harris & O’Sullivan, 2010). Secondly, the reduction of the state as a provider was both about cost cutting and in “desirable end in itself” (Harris & O’Sullivan, 2010, p. 76).

<sup>6</sup> For example, Hauora Waikato hospital, established in 2000, at Tamahere for Māori mental health patients; Ngāti Awa Social and Health, established in 1989, provides a range of health and social services catering to whānau in the Ngāti Awa Rohe; Ngāpuhi Iwi Social Services, established in 1996, provides a range of social services to Ngāpuhi.

<sup>7</sup> An example of a contemporary policy that demonstrates this intent in action include the Ka Hikitia policy or ‘Managing for Success’ which is The Ministry of Education’s (2008-2012) approach to improve the performance of the education system for and with Māori to deliver a quality education system where all students are succeeding and achieving.



accent on the processes of procedural inclusion to reflect culturally sensitive ways of doing policy.

The current Māori-state relationship is paradoxical. While Māori are part of the current coalition government, Māori-state relations have waxed and waned from Treaty outcomes, to social experiments, yet refusal to recognise Māori interests<sup>8</sup>. Despite these contradictions the continued inclusion of Māori in policymaking reflects a contemporary turn in policymaking process that commits to enhancing deliberative democratic process.

### ***Māori-State Relations: The LGA 2002 and the RMA 1991***

This thesis is concerned with the inclusion of Māori in policymaking; thus, it is important to understand how inclusion is articulated and understood in contemporary policy documents.

The Fifth Labour-led government (1999-2008) and the current National government (2008-current) of Aotearoa New Zealand has publicly articulated a commitment to Māori through the use of culturally sensitive inclusive practices in all levels of policy development. This is demonstrated by how the central government expectations in regard to Māori, with evidence garnered from extensive Māori consultation are interwoven into articles and statements of intent of key ministries: Social Development, Agriculture and Forestry, Conservation, Environmental, Foreign Affairs and Trade, Labour, Fisheries, Education, Treasury, Health, Justice and the Human Rights Commission 2008-2011.

Traditionally, local government tends to be associated with public policy measures associated with infrastructure rather than social policy. However, the Fifth Labour government, influenced by Third Way ideas of solidarity and subsidiarity (Harris, 1999; Batters, 2010; Piercy & Batters, 2011), changed the Local Government Act in 2002 which meant that there was shift in focus that allowed local government actors to engage in a consultative or inclusive policy process that would enhance the wellbeing of their local communities.

The LGA 2002 states that the purpose of local government is:

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<sup>8</sup> It must be noted that the current issues challenging Māori interests in present government are the continuing issues around the foreshore and seabed, challenges to the SOE 1988 Section 9, the sale of Crafar farms to a Chinese company despite a Māori bid to prevent the sale.

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and

- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

Point (b) embodies policies and practices associated with the social policy arena. In addition, the commitment to Māori inclusion through consultation is clearly stated in the LGA 2002. Section 81 and 82 (2) set guidelines for local authorities to involve Māori in decision-making and the importance of consultation processes appropriate to Māori. In order to recognise and respect the Crown's responsibility to Māori as partners, the Act commits to take appropriate account of the principles of the Treaty of Waitangi (Section 4). The LGA 2002 outlines the state commitment to maintain and improve opportunities for Māori to contribute to local government decision-making processes (Section 14(1) (D), see Appendix Three for details). The contributions to decision-making processes in local government by Māori are facilitated by this act in which a local authority must:

- (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and

- (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and

- (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).

The RMA 1991 makes space for Māori to be key participants, thus supports Māori interests in the resource management process. Of the ten sections of the RMA 1991 that have bearing on Māori-Local government partnership, the sections that are relevant to this research are Section 2 and 7(a) define and have regard to kaitiakitanga. Kaitiakitanga is an inherited responsibility of Māori people who act in accordance with their particular Tikanga (principles) and kawa (practices, protocols and behaviours). The root word is tiaki, which includes the ideas and principles of, environmental guardianship, care, wise management and the idea that “resources themselves indicate the state of their own mauri” (Draft 1). Although Māori understandings transcend the scope of legislative understandings

of kaitiakitanga, the exercise of kaitiakitanga in the current context helps people to make sustainable and culturally appropriate decisions about occupying, using and sharing environmental space and resources.

Section 8 commits to the honouring of the principles embedded in the Treaty of Waitangi; Section 33b makes space for the transfer of powers to an iwi authority; Section 36B - provides opportunities for power sharing and the opportunity to make joint management agreements; Section 66 (2A) which requires councils to take into account iwi management plans<sup>9</sup> in the process of regional plan development, and finally Section 188 provides the opportunity for iwi to become heritage protection authority (See Appendix Three for details).

The legislative context for inclusion of Māori voices in local government policy processes is embedded in the LGA 2002 and the RMA 1991. This thesis examines the realities of inclusive policy engagement between iwi and local government by examining the views of stakeholders in relation to the creation of the Ohiwa Harbour Strategy. This thesis argues that Aotearoa New Zealand is a good example of the positive (facilitative) and negative (limiting) partnership elements of procedural inclusion given its bi-cultural practices established in policy development since the late 1980s. Of particular interest is the impact of the legislative requirements on local government motivation for iwi inclusion or engagement in policymaking processes, and whether or not iwi are able to use the inclusive process to further their demands for self-determination as laid out in the Treaty of Waitangi.

Thus the inclusion of Māori in the policy processes of the state has not only practical but political implications too. The issues that impact on the processes of state engagement with Māori communities will be outlined in relation to the case study in the following section.

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<sup>9</sup> Iwi planning documents provide a framework for consultation, and can strengthen the partnership between local authorities and iwi and can provide more certainty in making sure the interests of iwi (such as statutory acknowledgements and sites of significance) and environmental issues of significance to tangata whenua are taken into consideration at the appropriate time (Chapter 4.2 Ohiwa Strategy, 2008). Drawing from Quality Planning (2012) these plans are prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities. For more information please see <http://www.qualityplanning.org.nz/plan-topics/faq-iwi-management.php>.

### ***The Present Study***

Given the broad contours of the contextual and theoretical overview, as noted, the present study is interested in the processes by which Māori and the state have engaged. As part of the development of the Ohiwa Harbour Strategy local government undertook extensive culturally sensitive consultation between 2002 and 2007 with local iwi and hāpu (Whakatōhea, Upokorehe, Ngāti Awa, and Tūhoe) to establish a strategic plan for the Ohiwa Harbour. The Ohiwa Harbour Strategy is viewed as the ‘jewel in the crown’ in terms of the breadth and depth of consultation between local government and Māori (BOPRC, 2008). The key players in the creation of the strategy were Environment Bay of Plenty [BOPRC], Whakatane District Council [WDC], and Opotiki District Council [ODC], as well as the local iwi/hapū groups of Whakatōhea, Upokorehe, Ngāti Awa, and Te Waimana Kaaku/Tūhoe.

The central theme of this research relates to discovering and capturing the subjective experiences of Māori local government engagements, thus kaupapa Māori is a vital lens as a methodological direction. A feminist approach embodying a ‘politics of difference’ will also be used to critically strengthen the analysis; drawing upon the synergies of the kaupapa framework and critical qualitative methodologies in relation to creating culturally appropriate research. To this end, qualitative methodologies are central to the collection and analysis of empirical material.

### ***Overall Aim of the Research***

As outlined, the research is a critical evaluation of Māori inclusion in policymaking drawing on the contributions and cultural intersections from interrelated multi-disciplinary scholarship. The emphasis of the project is twofold. First, through the case study the project explores empirically the actual processes and outcomes of procedural inclusion. The examination of these findings will allow for a nuanced examination of meanings and understandings that the key players bring to state processes. Second, the examination of procedural inclusion provides a lens to more fundamental theoretical questions about contemporary states, inclusion of indigenous voices and the opportunities for social justice. This thesis argues that consultation underpinned by procedural inclusion can deliver

Māori aims for social justice and further self-determination within the realm of the State. To that end this research is expected to contribute to new thinking about the inclusion of marginalised indigenous populations in liberal democratic states.

Against the background above, this research is a critical evaluation of the Ohiwa Harbour Strategy development. It aims to explore the positive and negative experiences of Māori and state actors who have experienced procedural inclusion, that is, the processes, practices and policies of Māori-state inclusion and its ability to reflect and deliver the ideals of political inclusion.

Drawing from the case study of the Ohiwa Harbour Strategy development the research questions will develop an understanding of the effectiveness of procedural inclusion at both the theoretical and applied levels. The research questions are:

- At an applied level, what are the factors that facilitate or limit the inclusion of Māori in policy engagement?
- What are the aspects of Māori-state relations that influence or determine who or what is included in these engagements?
- At a theoretical level, does procedural inclusion speak to Māori claims of self-determination and highlight broader issues faced by marginalised groups that might bring Aotearoa New Zealand closer to a political system that reflects and reinforces difference?

## **Thesis Outline**

This thesis is divided into eight main chapters. Following this Introductory Chapter which sets the context for this study, Chapter Two outlines the theories or the lenses that shape and frame this research. In this chapter, international critical feminist literature ('politics of difference'/communicative democracy), and indigenous theory provides the broader theoretical context for the research. While kaupapa Māori and procedural inclusion, drawn from the contributions of critical planning literature, grounds the research in the Aotearoa New Zealand policy context.

In order to orient the reader to the research methodology Chapter Three outlines the case study approach and the specific methods informed by feminism (Harding, 1987; Haraway, 1988) interpretive interactionism (Denzin, 1989) and Smith's

(1999) Māori centred kaupapa approach as a tool for creating more Māori centred research. This chapter describes the methods of data collection and analysis. Chapters Four, Five and Six present the fieldwork. Chapter Four explores the case study; drawing from archive and interview data this chapter provides the chronological development of the Ohiwa Harbour Strategy. Chapter Five extends the case study focusing on the analysis of the 'practices of inclusion'. This chapter will also make theoretical links with the experiences of iwi/local government involvement in process to enhance understandings of the implications (tensions and opportunities) embodied in procedural inclusion. Chapter Six explores 'the politics of inclusion' as experienced by both local government and iwi players in the Ohiwa Harbour Strategy case study.

In Chapter Seven, the Conclusion, findings from the research will be expanded and positioned in the context of my research questions. It discusses the findings in relation to recent events and political shifts that impact on indigenous inclusion. This section also suggests implications for future practice, research and theorisation and highlights the limitations of the study. Finally, the epilogue concludes this thesis as it starts; with my voice.

## **Conclusion**

The introductory chapter contextualised the research topic and provided an overview of the central themes of this research. This chapter examined concepts of the concept which is fundamental to this thesis: procedural inclusion. It has looked at the contributions of critical theoretical literature, and the ideas underpinning procedural inclusion, indigeneity and the unique socio-political, legislative context of Aotearoa New Zealand in which Māori-state engagement occurs. It examined the Māori-state relationships in the unique Aotearoa New Zealand context and outlined how the Treaty of Waitangi shapes and frames this contemporary relationship. This chapter outlined the paradoxical nature of the Māori-state relationship and how it has changed in light of historical of ideological and political shifts. It examined how contemporary policy documents such as the LGA 2002 and the RMA 1991 provide the impetus for procedural inclusion. It has established the key research questions for this study. The following chapter will explore the broader theoretical framework that underpins this research.

## **Chapter Two**

### **PROCEDURAL INCLUSION IN POLICY: A THEORETICAL OVERVIEW**

“Kia Tuhono te pono me tika <sup>10</sup>.”

“Let the truth and justice be joined.”

As suggested in the Introduction, the inclusion of Māori voices in state policymaking is now a widely accepted part of New Zealand policymaking process. This chapter sets the stage for a critical examination of this notion. Firstly this chapter takes an in-depth look at the thesis’s pivotal concept: procedural inclusion. It is explored via the related notions of exclusion and inclusion. The second section explores procedural inclusion’s general characteristics and the third makes links between feminist scholarship and procedural inclusion. The chapter continues to explore, its implementation (particularly in Aotearoa New Zealand) and the importance of inclusion for indigenous demands for self-determination. This chapter closes with critiques of the process. The theory chapter argues that inclusion is not merely technocratic policy process but is imbued and embedded within a larger political context. It aims to ascertain that within any inclusive policy context there are tensions of power and control of whose voices and ways of being are privileged and whose are excluded.

An overarching kaupapa to this theory chapter is that each theoretical contribution must be seen in context of how it furthers understanding of Māori aims for self-determination. This chapter provides a vital lens for the case study, recognising both the practical and political dimensions of engagement between local government and iwi/hapū actors.

#### ***Inclusion and Exclusion***

Clearly understanding the notions of exclusion and inclusion helps us to understand the notion of procedural inclusion. Exclusion and inclusion share two important dimensions: economic and cultural. The current idea of inclusion is a

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<sup>10</sup> “When truth and justice go hand in hand the people are well treated” (Stowell, n.d., as cited in Mead & Grove, 2001, p. 218).

response to the fact that societies that are characterised by the exclusion of some of its members are neither desirable nor efficient; socially, economically or politically (United Nations Education and Scientific Cultural Organisation [UNESCO], 2005). The approach to address investment in the development of people's strengths and resources requires a multifaceted policy approach (Peace, 2001). This multifaceted policy framework must have mechanisms that recognise the complex and contradictory nature of social exclusion, in that some of the investments and opportunities provided will not be relevant or accessible to others (Peace, 2001). On the one hand, policies need to provide access to 'tangible' basic services such as health education and housing. On the other hand, there need to be policies that deal with the 'intangible', such as helping or preventing people from being exposed to unnecessary risk or harm and/or enable people to seek and take advantage of opportunities (Peace, 2001).

Exclusion also has a distinctly cultural component. Those who differ from the dominant norm of society are often viewed as outsiders or the 'Other' (Malloy & Gazolla, 2006). The implications of this unequal relationship are visible in the economic, cultural, political, symbolic and social lived histories of excluded communities or individuals. To explore this idea further, culture plays a vital role in shaping and contributing to the individual's opportunities for development and capacity to function in society, in particular, to their participation in the labour market or economic sphere (Sen, 2000; Malloy & Gazolla, 2006). Therefore, when acknowledging the experiences of marginalised populations, it is the oppressive social processes embedded in the structures and institutions of society that legitimate the exclusion and oppression of social groups because their members possess certain features that mark them as inferior to others (Young, 1990, 1997, 2000; Mouffe, 1999; Sen, 2000; Fraser, 2003, 2007; Bashir, 2011). Nussbaum (2000) stated that to define *ways of being* as inferior to those of others is profoundly wrong, and an individual or group deprived of the cultural support required to develop his/her/their capabilities may result in underdevelopment and signals the beginning of social, economic, and political exclusion.

In short, promoting inclusion is complex and difficult. It is about improving social frameworks, including structures, mechanisms and governance, to better meet the needs of a diverse citizenry (Peace, 2001; UNESCO, 2005; Malloy & Gazolla,



2006). As a result, contemporary policymakers have tended to concentrate on questions and mechanisms of community involvement as a way of generating greater social inclusion and wellbeing. The mechanisms support the government's vision for an inclusive society in which all people enjoy the opportunities to fulfil their potential to prosper and fully participate economically, socially and culturally in their own communities and in the nation. Pragmatic reformists seek a system-wide focus of improving inputs, processes and the development of environments to foster capacity building<sup>11</sup> while others aim for system-wide transformation. The commitment to social inclusion is future focused and looks at ways of reducing inequalities and increasing opportunities for participation. Hunter (2009) suggested that while it is difficult to argue these sentiments, it is also difficult to reconcile these aims with the various attempts to operationalise the notion of inclusion. While often the narrow focus may be a result of the difficulties of measuring complex social phenomenon such as inclusion and exclusion and the need to find 'accountable' international examples on which to base the inclusive process (Hunter, 2009). Yet, much of the literature holds that possibilities for transformation begin with procedural inclusion; that is, the inclusion of marginalised voices in culturally sensitive policymaking could in the long run lead to transformation (Young, 1997, 2000; Umemoto, 2001; Fraser, 2003, 2007; Quick & Feldman, 2011).

A commitment to inclusion involves changes and modifications in policy content, approaches, structures and strategies. These changes have historically guided social policy toward a common vision which attempts to meet the diverse needs of all citizens (UNESCO, 2005). In particular, four key elements have tended to feature strongly in Western conceptualisations of inclusion. Drawing from UNESCO (2005) the four elements are as follows:

- Inclusion is a process. Specifically, inclusion is an aim in the never-ending search to find better ways of responding to diversity. It is about learning how to both live and learn from difference.
- Inclusion is concerned with the identification and removal of barriers that exclude citizens from full participation in social and economic and

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<sup>11</sup> This approach is problematic as involves integrating more people into flawed social systems stratified by exclusion.

political life. Currently the direction and impetus for inclusive policy comes from a wide range of evidence based policy mechanisms (however almost all indicators focus on economic participation. For example, unemployment, educational achievement, social spending on health and welfare).

- Inclusion involves an emphasis on those groups in society who have been or who may be at risk of marginalisation, or exclusion. This indicates how society (through the mechanism of the state) takes a moral responsibility to ensure that those groups that are statistically most ‘at risk’ are targeted and that, where necessary, steps are taken to ensure their presence, participation and inclusion.
- The move towards inclusion is not a quick fix. It requires the commitment to clearly articulated principles, which aim to address inequalities from a system-wide approach.

Thus, inclusion is about not only ensuring the presence and participation of all citizens but also the commitment to outcomes that include the voice of all citizens. According to UNESCO (2005) *presence* is focused on where (i.e. in which institutions) and public places citizen presence is welcomed, and how consistently citizens attend. *Participation* relates to the quality of their experiences whilst they are included (from their perspective). Thus, inclusive processes must reflect and incorporate the views of the participants themselves. Finally *outcomes* are a measure to reflect the quality of the inclusionary process exploring if the participants feel that they were heard and that the outcomes are reflective of their experiences and contributions (UNESCO, 2005).

There are tensions in using social inclusion as a policy framework as the normative tendencies inherent in social exclusion discourse are still present (Peace, 2001; Hunter, 2009). Or more succinctly, the lens used to assess the need for inclusion is on the basis of particular communities’ exclusion through a ‘lack of’ material wealth, health, well-being and social cohesion, or high numbers of the population experiencing, poverty, material deprivation, and/or ill health (Peace, 2001). However, outlines Peace (2001), in a policy context the states focus on social inclusion could be interpreted, as an “agenda to facilitate, enrich and enhance individual and group capacity for at least three things: opportunity,

reciprocity and participation” (p. 33). As highlighted these concepts occur alongside the concept of exclusion in much of the international policy debate (Peace, 2001; UNESCO, 2005). Methods to achieve the broad aims of social inclusion begin with the inclusion of the excluded in policymaking process. The use of culturally sensitive process or procedural inclusion will be discussed in the following section.

### ***Procedural Inclusion’s General Characteristics***

Procedural inclusion is a complex process that has three general characteristics. First it recognises the embeddedness of local culture, the importance of values and the particular socio-cultural traditions from which these values stem. It recognises that honouring culture within process has positive implications for strengthening political voice and opportunities for social justice (Ignatieff, 2001; Orentlicher, 2001; Gentile, 2007). As a strategy, procedural inclusion offers a unique contribution as it allows the implementation of universal human rights principles to be tailored to the local context. This strategy recognises that embedding cultural sensitivities in policy processes can lead to more culturally legitimate outcomes. Thus, as a policy mechanism in a national context, procedural inclusiveness must go “deeply local” to further human rights (Orentlicher, 2001). Ignatieff (2001), like many of the critical feminist scholars, such as Fraser (2003, 2007), Gould (1988, 1996) and Young (1997), noted that when offered as a principle, procedural inclusiveness symbolises the commitment to “dignity as agency” (Ignatieff, 2001, p. 171). Procedural inclusion is further enhanced by a commitment to deliberative equality. Individuals are supported in deliberative process to having their perspectives heard and accommodated as a human right (Gould, 1988, 1996; Young, 1997, 2000; Ignatieff, 2001; Orentlicher, 2001; Fraser, 2003, 2007; Gentile, 2007).

The second general characteristic of procedural inclusion is that it is closely related to participation and public engagement (Quick & Feldman, 2011). Commonly within this discourse the dimensions of participation and inclusion are frequently conflated despite the limited positive outcomes of simple participatory processes (Quick & Feldman, 2011). In normative terms, the legitimacy of a decision-making process can be established through the inclusion of a broad range

of stakeholders; as such this requirement is firmly embedded in virtually all variants of democratic theory (Young, 1997, 2000; Dryzek, 2005; Dryzek & Niemeyer, 2006; Beisheim & Dingwerth, 2008; Quick & Feldman, 2011). However, as many critical authors note, participation in isolation does not guarantee a democratic process (Fraser, 1997; Young, 1997; Dryzek, 2001, 2005; Dryzek & Niemeyer, 2006; Beisheim & Dingwerth, 2008; Quick & Feldman, 2011).

Instead, there are complimentary factors required to achieve equal and fair rights of participation. There are three significant factors in this context are; firstly a commitment to inclusiveness ensures that all stakeholder interests are represented effectively and that those who make decisions have a degree of connection and accountability to those who must live with the consequences of those decisions (Healey, 1996, 2003; Umemoto, 2001; Beisheim & Dingwerth, 2008; Purcell, 2009). Second, participation processes should be fair, in that all stakeholders should be able to participate in the process either on an equal basis or morally justified participation rights (Beisheim & Dingwerth, 2008; Brownill & Carpenter, 2007; Quick & Feldman, 2011). Third, participants within the process must be genuine and legitimate representatives of their group (Beisheim & Dingwerth, 2008; Umemoto, 2001). As Quick and Feldman (2011) pointed out, participation practices are not in-depth as they are usually aimed at increasing public input into the content of policies and programs. Inclusion practices however, are far more complex as they “entail continuously creating a community involved in co-producing processes, policies, and programs for defining and addressing public issues” (Quick & Feldman, 2011, p. 272). These authors went on to argue that consultation as an appropriate form of deliberation is limited, unless it is incorporated into an inclusive process. It is inclusive process that allows participants to engage in the pursuit of “multiple ways of knowing” and opportunities for transformation (Quick & Feldman, 2011, p. 283).

Extending the view that participation in process is fundamental to community building, the authors suggested that it is more appropriate to say that “inclusion builds community” (Quick & Feldman, 2011, p. 285). Procedural inclusion breaks down the boundaries between content and process, creating a platform for constant dialogue and negotiation. Procedural inclusion creates opportunities to

build connections and community capacity for on-going policymaking work in a process where the participants identify the problem together, decide on policy approaches, and share responsibility for on-going implementation (Innes & Booher, 1999, 2010; Butler & Goldstein 2010; Quick & Feldman, 2011). Quick and Feldman (2011) highlight that the most important point of inclusive process is the commitment to continuing discussions of content and process over time, in contrast with single-issue or single-meeting approaches to public engagement. It is this aspect that expands community by building trust and establishing relationships to allow participants to co-create connections and generate solutions to their issues. Thus inclusion at its best is predicated on the “valued recognition of diversity and solidarity,” (Lombe & Sherraden, 2008, p. 203). Inclusion embodies a deliberate effort by the dominant group to “proactively engage vulnerable individuals” and groups in “full and genuine participation in social, political and economic processes” (Lombe & Sherraden, 2008, pp. 203-204).

The third general characteristic of inclusion as outlined in the Introduction is that contributes to the search for social justice. As a mechanism for social justice, culturally sensitive procedural inclusion furthers political voice through the recognition of local values, understandings and rights bringing ‘participatory parity’ for those engaged in process (Ignatieff, 2001; Orentlicher, 2001; Fraser, 2003, 2007; Gentile, 2007).

While critical feminist scholars critiqued the opportunities for transformation within the realm of the public sphere there is also recognition that inclusion in the right context can bring about social justice for marginalised communities. Feminist contributors to the theory and practices of inclusion and inclusive process will be discussed in the following section.

### ***Feminist Scholarship and Procedural Inclusion***

There is a large body of feminist literature which resonates with the notions of procedural inclusion. Feminist theoreticians offer us two theories which can inform and extend the concept of procedural inclusion: procedural justice, and communicative democracy.

The key theoretical focus of this thesis draws from Young's (2000) theoretical work on procedural justice. Young's (2000) vision is important for those who believe that it is the duty of democratic societies to promote greater justice and social change through the very structures and institutions that perpetuate and reinforce injustice. Thus, this vision is grounded on the promotion of procedural justice, by institutional change. In keeping with theories of inclusion, Young's (2000) theory of procedural justice outlines a path whereby positive outcomes for marginalised groups are possible when the institutional process is linked to both recognition and redistributive outcomes, such as capacity building, resource access and control (Durie, 1998; Walker, 2004; UNESCO, 2005; Malloy & Gazolla, 2006).

Procedural justice is based on key components of Young's (2000) vision of deliberative democracy; inclusion, political equality and social justice. Like Fraser (2003, 2007) the most important factor in this model is legitimate inclusion, also known as participatory parity, which has a distinctly moral component in which citizens 'respectfully' engage in the process of discussion and decision-making on issues that affect them. Both Young (2000) and Fraser (2003, 2007) stated that the norm of inclusion is only possible when coupled with norm of political equality. These theorists also argue that status equality or participatory parity is fundamental to justice. When political equality is an ingredient of inclusive process it allows for the greatest expression of interests perceptions, opinions in the process of public problem solving (with no form of cultural expression being more legitimate than others) (Young, 2000; Benhabib, 2002; Fraser, 2003, 2007). Another vital aspect of inclusive process is the "freedom from domination" (Young, 2000, p. 23). Freedom from domination means that none of the participants are able to use threats or coercion to force others into accepting particular directions or outcomes. Young's (2000) ideas of social justice that underpin this model are important for this thesis as they hinge on the values of self-development and self-determination. In this context self-development can be understood as the enablement of all people to learn, grow capabilities and express themselves and their skills in socially accepted settings (Durie, 1998; Sen, 2000; Young, 2000; Benhabib, 2002; Fraser, 2003, 2007; Maaka & Fleras, 2005, 2009). Whereas self-development while touching on the

usual aspects of redistribution has greater focus on the ability to shape and frame one's own path toward action; free from domination and control (including institutional domination) (Durie, 1998; Franks, 2000; Sen, 2000; Stavehaven, 2000; Young, 2000; Fraser, 2003, 2007; Cornell, 2005; Maaka & Fleras, 2005, 2009). Thus there is a direct role for institutions to create and promote the conditions for co-operation and to restrict, through regulations, the power of the most dominant groups (as supported in theories of inclusion) (Young, 1990, 1997, 2000; Fraser, 2003, 2007; UNESCO, 2005).

Procedural inclusion is the reification of the abstract procedural justice theory. The challenge here is how to transfer abstract theory into a particular context. Decisions must be made on how to further the particular values and goals of procedural justice and what, if any, tradeoffs must be made when the theory is played out in the real world (Young, 2000).

The second feminist theory which can inform procedural inclusion focuses on 'communicative democracy'. In a literature review 'communicative democracy' definition does not exist in any reference texts or in feminist literature prior to 1997. Interestingly where it does appear is in eco-feminist text and critical planning literature as these academics and practitioners see the worth in its contribution to small scale public engagement. In these texts the authors draw from the principles of Young's (1997) communicative model and use them as a lens to meet environmental challenges (eco-feminism) or the unique challenges connected to a geographical location (critical planners). In the pursuit of social and environmental justice eco-feminists draw from Young (1997) communicative model calling for the expansion of the communicative process (recognising difference and a plurality of perspectives) in deliberation to enhance inclusion and broaden the scope of democratic process (Maldonado, 1999). Similarly, critical planners use the communicative model in environmental management to find new ways to include geographical communities fragmented by difference (Healey, 1996).

As already highlighted Young's (1997) vision for communicative democracy was asserted on the failings of liberal democracy to meet the needs of those othered by difference. Young's (1997) model has three key factors that build upon the

existing elements of democratic communication that have strong links with the aims and outcomes of procedural inclusion and her later work on procedural justice. First, meaningful communicative democracy, like procedural inclusion, creates a space for marginalised voices. It brings their perspectives into public discussion framing public discussion squarely in terms of justice, opening public discussion to differing perspectives on social problems, allowing for recognition of the diversity of social perspectives and rectification of structural inequality (Young, 1997). Secondly, Young (1997) held that when participants of an inclusionary/communicative process are confronted with different perspectives, interests and cultural understandings they are better able to position themselves, and the reality of their lived experience. The third part of the communicative model is directly linked to procedural inclusion as it is based on expanding social knowledge through challenging, questioning, expressing and engaging with those in different social locations, allowing participants to make new links that show the connections and tensions in social processes (Young, 1997, pp. 402-403).

Young's (1997) rationale for the communicative model is grounded on challenging the dominant norms, beliefs and values of society. Young argued that if institutional change is possible at all, it must stem from the historical reality of the contemporary environment "not as the negation of the given but rather as making something good from many elements of the given" (1990, p. 317).

Both Yeatman (1994) and Young (1997) outlined the communicative process as an organic, inclusive, context responsive, participative framework that is "fundamentally predicted on a right to give voice and be listened to within the dialogical process of decision-making" (Young, 1990, p. 8). The inclusionary framework outlined the ideological means for recognising and affirming differently identifying groups in two base senses. The first gives political representation to group interests, including claims of "oppression or disadvantage on account of cultural or structural social positions with which they are associated" (Young, 1997, p. 383). The second celebrates and affirms the "distinctive cultures and characteristics of different groups" reflective of a 'politics of difference' (Young, 1990, p. 319).

This model is not without criticism. Elshtain (1995), Gould (1996) and Squires (2005) argued that the logistics of engagement between frequently competing and



conflicting identity groups would turn people away from the idea of cooperative problem solving as the differences are too many and too vast to overcome.

The strength of the communicative model is its principles that allow participants to position themselves rather than be positioned. This model reinforces the fluidity of identity, furthering self-determination outside the direct control of the state (Dryzek, 2005; Dryzek & Niemeyer, 2006). Yet the key to the success of any theory is how it manifests in reality. All of the theories presented so far recognise inclusion in process as vital to any structural or institutional change. Drawing from feminist and deliberative democratic theory, the inclusive communicative process or procedural inclusion becomes a political tool that provides opportunities for the strengthening of marginalised voices in local policy process. The theoretical and practical contributions will be discussed in the following subsection.

### ***Implementation of Procedural Inclusion***

‘Doing’ procedural inclusion successfully requires four basic elements: recognition of power inequalities, building trust, code swapping and participant determined protocols (Healey, 1996, 2003; Brownill & Carpenter, 2007; Purcell, 2009). Below these four issues are examined.

The first aspect for successful inclusion is that facilitators recognise the embeddedness of power inequalities on engagement. The ‘communicative turn’ in planning theory<sup>12</sup> of the 1990’s was in response to the failure of the economic neo-liberal model to address broader social issues of exclusion for marginalised communities (Healey, 1996, 2003; Brownill & Carpenter, 2007; Purcell, 2009). Further, historical solutions posed to the problems of exclusion consistently delivered poor outcomes for these communities (Healey, 1996). Solutions were not typically reflective of grass roots, bottom up struggle to represent the voice of

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<sup>12</sup> Communicative planning theory is largely grounded in Habermas’s theory of communicative rationality, however radical deliberative theorists such as Young (1990, 1997, 2000), Mouffe (1999), Dryzek, (2001, 2005) and Benhabib (2002) have been influential in reshaping planning theory to reflect a more inclusive and equitable environment for “transformative social learning” (Bond, 2011, p. 166).

marginalised groups but are crafted in top-down manner by socially dominant groups (Healey, 1996).

Umemoto (2001), drawing from Young's (1997) model of communicative democracy, defined an inclusionary space as one which can enhance democratic decision-making, especially in the context of cultural diversity. Inclusive practitioners are confronted with the challenge of interpreting and facilitating communication between individuals who have distinctly different worldviews embedded in their lived and remembered history. It must be recognised that willingness (or unwillingness) of the community to participate in an inclusive process may be a direct result of their experienced historical and current cultural, physical and spiritual exploitation, and denigration, in both policy and practice (Umemoto, 2001). The more groups feel alienated from institutions of governance the more likely they are to view inclusive process (despite any well-meaning intentions) as disempowering (Umemoto, 2001). She discussed how inclusion occurs at a particular moment, in which "culture, history, and collective memory shape the interpretive frames through which meaning is made" and with thought, can create the foundation for social learning through the facilitation of discourse among different positioned lenses" (Umemoto, 2001, p. 20).

The second important aspect for successful inclusion is a focus on building trust within the process of engagement. Building trust in a safe inclusive environment is vital to empowering communities historically marginalised by institutional process to "engage in meaningful and intimate dialogue" (Umemoto, 2001, p. 22). The author continued that if the expression of different cultural values identities and protocols were part of an accepted inclusive practice that the process could facilitate the "articulation of dreams and desires from diverse worldviews" and with it community empowerment (p. 27). Most importantly when citizens have an opportunity to influence the agenda the inclusive process becomes a political tool that can be used to provide opportunities for marginalised voices (Listerborn, 2007) and one in which facilitators lose their privileged position of expert to become just one of the many voices (Brownill & Carpenter, 2007).

The third element that furthers the successful implementation of procedural inclusion is code swapping. Empirical studies on inclusive process have found

that if facilitators can ‘code switch’ between the cultural symbolic language of the participants and their own, that positive outcomes in inclusive process are enhanced (Auer 1998; Umemoto, 2001). The use of cultural translators or strategic brokers<sup>13</sup> in culturally diverse communities or communities with histories of oppression and marginalisation can smooth the way for discussion and relationship building (Umemoto, 2001). A final point identified in the literature to facilitate transformative outcomes for marginalised communities is that the inclusive process must start with a ‘blank page’ to ascertain the visions, aims and aspirations of the community or group around the management, development, or protection and sustainability of a place or space (Healey, 1996). The fourth element that furthers procedural inclusion is to enable participants to determine the pace and procedural norms of the inclusive process (in keeping with their own cultural understandings). A final point for inclusion to become a transformative space are to hold public meetings in spaces outside the formal public spheres as these spaces hold greater opportunity for authentic representation (Purcell, 2009; Aitken, 2010).

As highlighted in the previous sub-sections there are tensions and contradictions underpinning the inclusion of marginalised communities in inclusive policy process. The complexity and tensions are magnified when the focus of procedural inclusion is the inclusion of marginalised indigenous groups who have their own understandings, as first nation’s people, of what their relationship with the state should be. Some of the key issues will be outlined in the following sub-section.

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<sup>13</sup> Larner and Craig (2005) strategic brokers are the individuals who draw upon not only their professional skills and their organisational relationships but more importantly their “‘soft skills’ and commitments: networking, relationship management, and local/sectoral activism” (p. 415). These authors discuss how (in the contemporary policy arena) that no policy is legitimate without the evidence of consultation or collaboration. Strategic brokers draw upon their specific expertise geared to process issues facilitating, mediating and negotiating, nurturing networks, and deploying cultural and local knowledge in ways that “enable traditionally “silent” voices to be heard along with the articulate, persistent and powerful” (Office for the Community and Voluntary Sector, 2001, p. 70).

### ***Inclusion and Indigeneity***

The importance of inclusion for marginalised indigenous peoples is significant. Below four issues are examined.

The first issue of indigenous inclusion is its complexity. Inclusion in this context must be sensitive enough to redress issues of marginalisation, while reinforcing indigenous understandings of social justice, often including self-determination. Hunter (2009) and Morrison and Vaoleti (2011) discussed that indigenous policy is one of the most complex areas facing governments, as it involves many issues that do not exist for other citizens: a vibrant cultural life; a need to transform social norms; collective forms of property rights, such as native title; and the intergenerational transmission of disadvantage as a result of colonisation, sometimes arising from historical government interventions, as well as desire for the “maintenance and development of its own identities, languages and religions and freedom to determine its relationships with nation-states in a spirit of co-existence, mutual benefit and respect” (Morrison & Vaoleti, 2011, p. 72).

Indigenous discourse and with it demands for self-determination occur at crossroads of issues regarding human rights, democracy, development and the environment. Thus the demands of contemporary indigenous communities are intrinsically interwoven despite the differing contexts (Durie, 1998; Peters, 2002; Walker, 2004; Cornell, 2005; Humpage, 2005, 2006, 2007, 2010; Maaka & Fleras, 2005, 2009). In New Zealand, Australia and Canada, indigenous populations are more likely to be unemployed, have low education, die as infants, be subjected to violence, be incarcerated, have a lower life expectancy, live in substandard housing and have a low or even below subsistence income than that the rest of the population (Wherrett, 1999; Franks, 2000; Humpage, 2007; MSD, 2008; Hunter, 2009; Steering Committee for the Review of Government Service Provision, 2009; Morrison & Vaoleti, 2011). Despite the fact that indigenous research has shown that positive social and economic outcomes for indigenous groups are directly linked to self-determination under cultural appropriate forms of governance, self-determination opportunities have been limited to state-centred models that reflect, reinforce, and advance state interests over those of indigenous peoples (Durie, 1998; Franks, 2000; Stavenhagen, 2000; Peters, 2002; Walker, 2004; Cornell, 2005; Humpage, 2005, 2006, 2007, 2010; Maaka & Fleras, 2005,

2009; Hunter, 2009). Consequently indigenous first nation's people in settler colonies have struggled to maintain and build their cultural identities and recoup management and greater self-determination over issues that directly affect them.

Building on this, the second point is that for inclusion to be a mechanism for social justice, it must further indigenous understandings of culturally appropriate forms of governance. The inherent tensions and contradictions of self-determination within an existing nation state are highlighted in the two following Canadian and Australian examples. The Canadian government, committed in 1982 to recognise the existing right of aboriginal self-government, yet since that time has limited the potential for self-determination by defining self-government as federal funded re-distribution of existing resources (such as culture, health care, social and welfare services, education, hunting, trapping, land use, taxation and regulation of businesses on tribal land) within the boundaries of the existing constitution (Wherrett, 1999).

On March 30, 1987, Australia's Palm Island was granted 'a form' of self-determination with an imposed system of governance that left them destined to fail (Kyle, 2006). Overarching power was given to a superintendent and the Department of Native Affairs (Kyle, 2006). Since then the island has faced immense social problems brought on by these government policies. Consequently the premier of Queensland has taken self-determination off the agenda (without indigenous consultation). The logic of dysfunction, economic failure and social marginalisation has been used as a weapon by the state to deny indigenous self-determination rather than as a reason to further indigenous demands for self-determination (Kyle, 2006). "[Our society] is dysfunctional because we have been denied the right to run our communities" with governance that furthers the cultural aspirations of indigenous Palm Islanders (Kyle, 2006, p. 47). The limitations inherent in the recognition of indigenous rights in Australia and the refusal of the Canadian government to open constitutional discussion highlight the reluctance of Western liberal governments to create the conditions for real power sharing. These examples also highlight the complexities for indigenous communities to find a legitimate space within the existing liberal state. For true self determination these communities would be outside of the state, self-governing, yet working in parallel on matters of mutual interest (Durie, 1998;

Wherrett, 1999; Franks, 2000; Stavenhagen, 2000; Humpage, 2005, 2006, 2007, 2010; Kyle, 2006; Maaka & Fleras, 2009).

The third issue of indigenous inclusion is that it has been impacted on by broader international political and policy shifts. Humpage (2005, 2006, 2007, 2010) articulated that political and ideology shifts as well as shifts in the discourse around inclusion and exclusion of international policy arena have shaped and impacted on New Zealand and Australia's indigenous citizens and their demands for self-determination. Humpage (2007), drawing from Porter and Craig (2004), outlined that this current phase of inclusive neo-liberalism is one in which the broader policy focus increases the opportunity for local level autonomy and with it government/community partnerships. Thus social inclusion following this line of thinking is predicted on capacity building and partnership (Porter & Craig, 2004). As both Durie (1998) and Humpage (2007) have pointed out what is problematic in New Zealand is that the Third Way 'partnership' discourse to mitigate social exclusion overlaps with, and has been confused with indigenous demands for greater autonomy and control. Under the Third Way Labour government, there was a focus on inclusion and capacity building through collaborative partnerships between the government and indigenous communities (Larner & Craig, 2005; Humpage, 2007). During this time iwi government engagement reflected iwi demands for greater autonomy was bolstered by frequent reference to the Treaty of Waitangi, self-determination and partnership (Statement of Government Intent [SOGI], 2001; Humpage, 2007). In the Association of Non-Governmental Organisations of Aotearoa [ANGOA] analysis of the 2001 SOGI, the state commits to being an active partner in fostering robust and respectful relationships between government and community and iwi/Māori organisations as part of building a strong civil society (Holland, 2008). What is of particular interest to this thesis is the SOGI 2001 described six commitments which were intended to change the culture of government (two of which directly relate to the Māori-state relationship). The SOGI 2001 reaffirmed its commitment to the Treaty of Waitangi and committed to fostering partnership in decision-making. The commitment to building iwi participation in decision-making talks about working together to build communities of practice, which Holland (2008) suggested is the basis of "strong collaborative partnerships" (p. 21). At the same

time iwi organisations are increasingly seeking collaborative, active approaches in their dealings with the state rather than a “subsidiary role” (Wilson, 2002, p. 48). Yet despite these clear state commitments to partnership and collaboration, the word ‘consultation’ (which embodies none of the transformative opportunities of partnership) is used in reference to iwi and community groups’ participation and engagement with the public sector (Holland, 2008).

Whereas partnership from an indigenous perspective (backed by Article Two in the Treaty) is grounded in recognition of Māori sovereign status, power sharing and engagement over matters of mutual interest (Humpage, 2007). This expectation is backed by the fact that indigenous New Zealanders never gave up their rights of self-determination and that the partnership under the Treaty would afford the power of Māori to make decisions for Māori while establishing the conditions for a continuing, dynamic and fruitful Māori-state relationship (Maaka & Fleras, 2005, 2009; Humpage, 2007). Thus, the term ‘partnership’ in both New Zealand and Australia, can be reflective of a shallow and coercive ‘opportunity granted by the state’ to ‘allow’ for the inclusion of marginalised indigenous citizens in policy process (Humpage, 2007). While the positive aims of inclusion generate positive socio-economic outcomes, inclusion itself does nothing to address the structural and institutional drivers of indigenous disadvantage, nor allow for indigenous centred autonomy and control that have had positive outcomes in Scandinavia (Hicks & Somby, 2005); as well as some indigenous communities in Canada and USA (Werrett, 1999; Franks, 2000; Stavenhagen, 2000; Turner, 2000; Cornell, 2005).

The fourth issue is that indigenous inclusion can challenge the legitimacy of the state. The New Zealand government’s back-tracking on the foreshore and seabed legislation highlighted the true nature of the state’s position in regards to Māori self-determination. The foreshore and seabed issue was an opportunity to truly level the playing field, yet the Labour government under Helen Clark chose to ignore Māori customary title on the basis that anything else would be exclusionary to other New Zealanders’, thus delinking inclusion with state commitments to honouring of the Treaty and Māori partnership (Humpage, 2007). “One law for all treats aboriginal peoples with a fundamental disrespect, in that it does not allow them to speak for themselves” (Smith, 2000, as cited in Turner, 2000, p. 146). If

anything, states Humpage (2007), the shift towards inclusion and the focus on local level indigenous inclusion and autonomy (in both Australia and New Zealand) over the past decade has hidden the lack of progress toward indigenous recognition and the failure of successive governments to challenge the status quo. Unhappy with the status quo some indigenous peoples have now undergone a “complete paradigm shift” taking initiatives in order to free themselves of “overwhelming deficit positioning” to being self-determining as well as more future and solution focused (Morrison & Vaiolenti, 2011, p. 80). However, in both Australia, and New Zealand, while it appears that inclusion and capacity building are opening up opportunities for greater indigenous self-determination, they are in fact controlling and shaping the direction and speed of indigenous growth and empowerment, constraining opportunities for the dominance of the state to be challenged (Durie, 1998; Walker, 2004; Maaka & Fleras, 2005, 2009; Humpage, 2007).

Clearly the implementation of inclusion is complicated. In Aotearoa New Zealand, its implementation has particular characteristics. In 2004, local government New Zealand conducted an in-depth survey on the local authorities’ understandings of Māori inclusion, partnership and co-management. Procedural inclusion has four key elements that influence its implementation in a Māori - local government partnership. The first key point identified by those surveyed is that inclusion must be underpinned by an intention to forge and maintain strong trusting relationships with iwi to manage resources of common interest. Secondly that for successful inclusion with iwi there must be acknowledgement of iwi history and cultural sites of significance. Thirdly, a key factor in establishing co-management or partnership arrangements (an outcome of successful inclusion) is the willingness of Māori and local authorities to work together toward a common aim. The fourth and final point is that for Māori to engage in a co-management/partnership arrangement with local government, the processes of inclusion must provide a direct opportunity for iwi to exercise kaitiaki and “regain or restore mana” (local government New Zealand, 2007, p. 36).

Local authorities identified the following factors as important facilitating factors for their involvement in the co-management process. Firstly, they recognised the importance of the development of positive working relationships with iwi. These



relationships allowed them to fulfil their LGA 2002 and RMA 1991 statutory obligations, while at the same time mitigating the need for environment court appeals. Both groups stressed the importance of succession planning to avert the harm caused by changes in iwi or local government representatives.

### ***Indigenous Voices in the Management of Environmental Resources***

The case of indigenous self-governance of environmental resources highlights the tensions between western visions of economic development and indigenous viewpoints of environmental protection and sustainability. The emphasis on local level participation with indigenous communities is on the basis that indigenous people often have “profound and detailed knowledge about local ecosystems and their relationship with human societies” (Peters, 2002, p. 206). Indigenous knowledge can provide more realistic understandings and better decision-making around environmental resources and production systems. A continuing challenge is how indigenous knowledge and perspectives should be integrated, into the broader western based decision-making process. In Aotearoa New Zealand additional problems are created by the necessity to give legislative effect to the principles of the Treaty of Waitangi, especially where this involves the incorporation of certain principles, such as kaitiaki and kaitiakitanga, into government or local body Acts (Roberts, Norman, Minhinnick, Wihongi & Kirkwood, 1995). Especially problematic is that there is no single Māori understanding on its meaning that is applicable to all iwi or hapū (Roberts et al., 1995; Hayes, 1998). However it is generally agreed that kaitiakitanga is an inherited responsibility of Māori who act in accordance with their particular Tikanga (principles) and kawa (practices, protocols and behaviours). The root word is tiaki, which includes the ideas and principles of, environmental guardianship, care, wise management and the idea that “resources themselves indicate the state of their own mauri” (Draft 1).

Further the implementation of kaitiakitanga within the sphere of the RMA 1991 is inherently problematic. Any attempt to label and characterise Māori concepts and principles within a foreign system is always difficult (Hayes, 1998). As such a concept such as kaitiakitanga cannot be accurately translated into an equivalent Pākehā or English concept, in particular when its background is spiritual rather

than linked to law (Hayes, 1998). Nevertheless, the concept of kaitiakitanga has been given a statutory definition by the RMA 1991. In addition to the already mentioned issues of incommensurability and misinterpretation, concepts such as kaitiaki cannot function appropriately when there is a lack of cultural context; an essential prerequisite of which incorporates the exercise of self-determination or rangatiratanga (Roberts et al., 1995). Although Māori understandings transcend the scope of legislative understandings of kaitiakitanga, the exercise of kaitiakitanga in the current context helps people to make sustainable and culturally appropriate decisions about occupying, using and sharing environmental space and resources.

Peters (2002) asserts that the incorporation of local or indigenous knowledge systems into resource management is, in itself, a political act. The inclusion of indigenous knowledge into state processes offers indigenous groups the opportunity to challenge contemporary structures of power and authority from within. While indigenous input into policymaking is not an instrument of self-government or self-management, intended to replace existing systems of governance, nonetheless it still creates an opportunity for indigenous participation within the existing systems of governance and an opportunity to bring about change from within (Durie, 1998). While the government retains the ultimate power in decision-making there remains the opportunity and scope for the indigenous participants as the “designated instruments” of environmental protection to affect outcomes for the better (Peters, 2002, p. 213).

In order to understand the real opportunities embodied in any theoretic perspective one must understand its limitations. The critiques of inclusion will be discussed in the following section.

### ***Common Critiques of Procedural Inclusion***

There are three basic critiques of inclusion. The first suggests that well meaning facilitators of inclusive process are not equipped to address the embeddedness of social inequality merely through engaging citizens in procedural inclusion (Healy, 1997; Huxely, 2000). The basis of this critique is the focus on how inclusionary aims for consensus-building, even when rooted in communicative action tends to mask the incompatibility of certain forms of interests and reinforce existing power

relations rather than transforming them (Huxley, 2000; Purcell, 2009; Aitken, 2010).

The second critique of procedural inclusion is that it becomes a tool for reinforcing neo-liberal interests and undermining transformative opportunities. In particular Brownill and Carpenter (2007) highlight the uneasy tensions between inclusive processes in a neo-liberal environment. Under neo-liberalism the power of strategic and economic interests can overtake communicative process creating a contradictory potential for democratic involvement. The warning is that when collaborative and consensual relations (reflective of a participatory democratic process) are underpinned by neoliberal interests that any resistance will be suffocated (Purcell, 2009). Thus, governments have the ability to co-opt the inclusive communicative process as a way to re-entrench the neo-liberal political and economic agenda (Porter & Craig, 2004; Brownill & Carpenter, 2007; Purcell, 2009). In support, Purcell (2009) and Aitken (2010) are concerned that public participation and inclusion is less about the empowerment of participants and more about social control “through which public participation is managed in order to secure particular outcomes” (Aitken, 2010, p. 248).

The third critique of inclusion is how the aim of consensus embodied in democratic process can serve to silence the most marginalised voices. In inclusive processes under neo-liberalism, the consensus building model favours the notion of the stakeholder (Healey, 1996) (as defined as all those who have a stake in a particular location) over the broader, civically minded citizens as the agents involved in democratic decision-making (Purcell, 2009). Perversely, those that have historically been excluded, disempowered and marginalised are sought out to be included in the process which asks them to act for everybody’s “common good” (Purcell, 2009, p. 153). The marginalised must overcome their “disadvantage (and their most powerful political tool) by proposing a course of action that is seen to be in everyone’s best interests, not just theirs” (Purcell, 2009, p. 153). Thus, inclusion can undermine the ability of groups advocating for their own particular interests (Young, 1990, 1997, 2000; Fraser, 2003, 2007).

Building on this paradox, Purcell (2009) poses that to truly engage in the emancipatory potential of procedural inclusion, facilitators must ask why groups

should be expected to build a cooperative solution through communicative action, when often they want something fundamentally different from the process<sup>14</sup>.

Facilitators of inclusive practice must step beyond themselves to acknowledge how different or incompatible worldviews will shape and determine the scope of possible outcomes of any process (inclusive or not). Purcell (2009) argues that because procedural inclusion often exists outside the formal public spaces, therein lies an opportunity to create spaces of resistance or radical counter-hegemonic action to challenge and transform the status quo; a 'subaltern counter-public'<sup>15</sup> (Fraser, 1997).

In summary there is nothing simple about creating a space within the public sphere for community empowerment. Inclusion is both messy and complex. Facilitators must find innovative ways to address (and potentially transform) power inequalities, while linking competing rationalities and conflict viewpoints in order to foster social learning within inclusive process (Brownill & Carpenter, 2007). While the ideal of procedural inclusion is to get as many representative voices as possible at the table, in reality this is difficult to do in practice. However, procedural inclusion can create a counter-hegemonic space for the most disadvantaged and excluded communities to challenge normative assumptions and to introduce new thinking and ideas informed by alternative worldviews and the lived experience of diverse communities as central to decision-making (Goonewardena, Rankin & Weinstock, 2004; Purcell, 2009). While there is no universal formula to remove the pervasive nature of power inequalities in process, critical planners have recognised it, and have worked with both theory and

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<sup>14</sup> Questions must be asked, why groups should be expected in the communicative process to build a cooperative solution through communicative action, when often they want something fundamentally different from the process. What if worldviews are incompatible? For example an "owned harbour is very different from an inhabited one" (Purcell, 2009, p. 160). To assume the harbour can be owned is hegemonic in that it is seen first and foremost as serving the needs of the economy, over the counter hegemonic vision of the harbour as inhabited (Purcell, 2009).

<sup>15</sup> In *Rethinking the Public Sphere*, Nancy Fraser (1990) critiqued Habermas's (1989) explanation of an equal and inclusive public sphere arguing it was shaped by substantial exclusions. Fraser's (1990) claim is that marginalised groups can form their own public spheres ('subaltern counter-public' or 'counter-publics') to express their concerns and views, strengthening their political voice, whilst challenging the dominance of the norms of deliberation.

practice to make connections across it and through it, extending the realities of engaging marginalised communities in all forms of inclusive policy process.

### ***Conclusion***

This chapter explored related terms of inclusion and exclusion and their economic and cultural dimensions. It looked at procedural inclusion's general characteristics. It then examined how and if inclusion addresses the complex issues of marginalisation, indigeneity and self-determination. This chapter established the links between inclusion and other forms of participation and public engagement, and how it offers a unique contribution to the search for social justice. This chapter discussed the implementation of inclusive processes. This section outlined some of the tensions and opportunities of state engagement, partnership and procedural inclusion as experienced by Canadian, Australian and New Zealand's own indigenous populations.

The final part of this theory chapter outlined the common critiques of procedural inclusion. Building upon this theory chapter the following chapter will present the methodological framework for the empirical analysis of the Ohiwa Harbour Strategy case study.

### **Chapter Three**

## **METHODOLOGY**

“Mā te mohio ka marama, mā te marama ka matau.”

“By discussion comes understanding, through understanding comes wisdom.”

As a prelude to the Ohiwa case study this chapter will outline the methodological stance taken for the data collection and analysis. This chapter will draw upon a critical qualitative research approach to examine the experiences of Māori and local government actors involved in inclusive, culturally sensitive policy process. The critical approach is appropriate to explore the particular dimensions of this study as it reflects both kaupapa Māori and feminist perspectives of those who are marginalised. This cultural lens allows for the exploration of the embedded issues of power in institutional practice as well as the deeper meanings and understandings that local government and iwi actors bring to inclusive process.

Noting the complexity of issues around indigenous inclusion in process I have developed my own methodological framework drawing from different strands of critical qualitative research. Section one, the methodological overview, will discuss how the critical qualitative methodology embodied in the case study approach is an appropriate lens to explore understandings around inclusion and inclusive process as experienced by Māori-state actors in the development and implementation of the Ohiwa Harbour Strategy. This section will also discuss how this unique methodological framework is informed by kaupapa Māori, interpretive interactionism, and critical feminist perspectives. This section will also include a brief discussion on issues of reflexivity. Section two of this Methodology chapter will present the methods of information collection and data analysis that comprise the research design. This chapter will briefly conclude with a discussion of the key methodological contributions in this case study of iwi and local government inclusion.

### ***A Critical Qualitative Research Approach***

This chapter draws upon a critical qualitative research approach to examine the experiences of Māori and local government actors involved in inclusive, culturally sensitive policy process. The critical approach is appropriate to explore the particular dimensions of this study as it reflects both kaupapa Māori and feminist perspectives of those who are marginalised. This cultural lens allows for the exploration of the embedded issues of power in institutional practice as well as the deeper meanings and understandings that local government and iwi actors bring to inclusive process.

The case study approach draws upon multiple methods to explore the experiences of Māori and local government actors who, over a period of four years, engaged in inclusive policymaking process. In this section, I will outline the case study approach as the first strand in this methodological framework.

### ***Case Study Approach***

Drawing from Yin (2009), the case study approach is an in-depth empirical inquiry that investigates a contemporary phenomenon within a particular context focusing on social processes rather than individuals. The case study of local government and iwi engagement, as will be outlined in the Ohiwa Case Study, creates an opportunity for testing and expanding, refining or confirming current ideas and theories of inclusion of marginalised indigenous communities in local government policy processes (Hakim, 1987; Yin, 2009). Accordingly, the case study is the most flexible of the research designs as it can be descriptive, used for exploration or hypothesis testing or a combination of all of these ideas in varying degrees (Hakim, 1987; Yin, 2009).

Where the case study approach has particular merit to this research is that it supports the use of multiple methods to further increase sensitivity drawing upon a variety of data collection techniques. Multiple methods position the findings to “address more complicated research questions and collect a richer and stronger array of evidence” than possible with any single method alone (Yin, 2009, p. 63). The use of a variety of data collection methods and techniques allows for a more holistic, well rounded study that can give detailed insight “substantiate or refine” understandings of the nuances of any given process (Hakim, 1987, p. 62).

To increase the reliability and validity of the data gathered in a case study Yin (2009) suggested that there are four principles of case study analysis that require attention. Firstly, the analysis must pay attention to ‘all the evidence’ (even that which conflicts with the researchers’ hypothesis); next, if possible, the analysis must address all competing interpretations of the findings. Thirdly, the analysis must address the most significant aspects of the case study and not default to a lesser issue. Fourthly, the case study should draw upon the researchers own prior expert knowledge to demonstrate the researchers awareness of current understandings and expressions of the case study topic. The case study analysis will compare and contrast the qualitative experiences of the informants, with the theory and the archive data to gain not only understanding, but to identify the cracks and spaces for transformative social change.

### ***Kaupapa Approach***

A second methodological strand is the kaupapa approach. In order to represent Māori voices in the case study of Māori-state inclusion there is a commitment to kaupapa Māori research practices. The commitment to kaupapa is on the basis that Western research on indigenous people brings “a cultural orientation, a set of values, a different conceptualisation of such things as time, space and subjectivity, different and competing theories of knowledge and highly specialised forms of language and structures of power (Smith, 1999, p. 422). In contrast, kaupapa Māori Research refers to an approach, framework or methodology for thinking about and undertaking research which is grounded in Māori perspectives.

Kaupapa Māori research undertaken by Māori reflects Māori cultural practices, values knowledge, language, history, as well as contemporary realities, furthering Māori scholarship (Bishop, 1996; Smith, 1996; Smith, 1999; Pihama, 2001; Pihama, Cram & Walker, 2002; Cram, 2009).

This research examines the nature of bi-culturalism in the local government context thus a commitment to Treaty principles is paramount. Commitment to Treaty principles embodied in kaupapa Māori methodology ensures the researcher will examine ethical, methodological and cultural issues from all sides, before, during and at the completion of the research. Kaupapa Māori research addresses issues of injustice and of social change. It is this approach that makes it an



appropriate tool for examining complex issues around Māori partnership, inclusion and participation in policymaking. The key kaupapa principle that shapes and frames this research asserts the need to mediate and assist in the alleviation of negative pressures and disadvantages experienced by Māori communities. Thus I am committed to a kaupapa Māori research approach that will bring positive benefit to the Māori communities involved.

Drawing on contemporary research Linda Smith (1999) outlined the ways in which indigenous people have engaged in the research processes to advance their collective philosophies or their kaupapa. Smith (1990) and Bishop (1996) highlighted the need for Māori researchers to strategically advance the agenda of reclaiming, reconstructing and reformulating indigenous cultures and languages. These Māori scholars demanded that Māori researchers undertake projects that have an agenda of social justice that advances cultural survival and restoration, toward greater self-determination and healing (Denzin, Lincoln & Smith, 2008).

### ***Interpretive Interactionism and Critical Feminist Approaches***

The third strand of this methodological frame is informed by Denzin's (1989) 'interpretive interactionism'. Interpretive interactionism has synergies and overlaps with both kaupapa and the critical feminist perspective (the fourth strand). Together these stands provide a vital lens to unearth the pervasive nature of power inequalities embodied in inclusive process. Central to this work is the aim of social justice. The critical feminist lens is a tool to unlock and explore issues of power and control, while the interpretive lens allows exploration of the subjective responses of Māori and state actors. The key rationale for the use of the interpretive methodology is that it is specifically designed to "examine the relationship between personal troubles and the public policies and institutions that have been created to address those personal problems" (Denzin, 1989, p. 10). Interpretive interactionism explores the interrelationship between private lives and public responses to personal troubles. It connects the biographical (personal and collective) to broader historical social structures (Denzin, 1989).

In keeping with feminist tenets of this research, the basic assumptions of interpretive interactionism build on the feminist critiques of positivism (Harding, 1987; Haraway, 1988; Denzin, 1989). This critical methodology recognises that

power permeates every structure of society, and is both a force and domination; a process and a driver, shaping relationships, between people, as well as between groups and institutions (Harding, 1987; Harraway, 1988). Vital to this research interpretive studies provide a critical lens that examines how power “twists and shapes human experience” (Denzin, 1989, p. 34). Interpreting, understanding and exploring human experiences through the lens of social interaction can allude to key moments of transformation and the power dynamics within them.

According to both Denzin (1989) and Yin (2009) case studies are the best method for interpretation as they will naturally link to the readers experiences and allow them to develop their own understandings about ‘how’ and why interacting individuals perceive, plan and shape social processes. This concept is in keeping with the kaupapa tenets of ‘reframing’. Reframing examines how normative understandings of a problem or issue often do not link to Māori understandings of how best to solve that problem (Smith, 1999). Like kaupapa, interpretive interactionism asks the researcher to locate the research within one’s own personal history and to work outward from their own personal story/biography or whakapapa. This interpretive principle is reflective of kaupapa definitions of indigenising and connecting research in a way that privileges indigenous voices, and worldviews, while reflecting the unique spiritual and physical relationships between people, space and place (Smith, 1999). In line with both kaupapa and interpretive principles the researcher makes a commitment to transparency in the research process; making the research methods and materials as public as possible (Denzin, 1989; Smith, 1999). Throughout the research process I aim to critique the social structures and social process that are under investigation, paying particular attention to the normative cultural understandings that underpin the phenomenon in question (Denzin, 1989). The interpretive principle critiques the primacy of dominant assumptions as a basis for understanding and policymaking. This principle links with the kaupapa understanding of ‘intervention’ (Smith, 1999). Under this principle research seeks to bring about the positive transformation of institutions or structures that engage or deal with indigenous people, not in changing indigenous peoples to fit within these structures (Smith, 1999).

The researcher in qualitative analysis is the primary research tool. Thus reflexivity is acknowledged as an element that will impact on the direction and scope of the research and analysis in the following section.

### *Issues of Reflexivity*

This research is about the generation of knowledge. Accordingly how the researcher is positioned within the research is important; if they are located as an ‘insider’ or an ‘outsider’; if their analysis will reflect ‘top down’ or ‘bottom up’ perspectives. This section acknowledges how my lens (based on my lived experience and understandings of the world) will affect (the generation of knowledge) the observations and the interpretation of the situations I observed within the research process.

In this thesis I explore the opportunities and limitations of Māori inclusion in the policy context. I want and need Ngāti Awa, Whakatōhea, Tūhoe and Upokorehe to be the backbone of this thesis. This work will not be another piece of work where Māori are merely the research subjects and, like the Treaty, are ‘bitsified’ (broken into small pieces, not acknowledged as a whole) to fit into some external researchers paradigm. The Māori story of creation was vital to exemplify the distinctly Māori context in which all these shifts occur, as was the commitment to a kaupapa methodology. To ensure that the kaupapa flowed through the entire thesis I chose whakataukī to present each of the chapters so that the reader would constantly be reminded that there are many different ways of seeing the world; and the primacy of the Māori worldview to this thesis.

As already expressed the initial methodological framework of this research is shaped by the kaupapa principles of whakapapa and rangatiratanga, with a focus on furthering Māori scholarship (Smith, 1999). Drawing from the whakapapa principle, Ngāpuhi are my iwi and it is important for me, to shape this research in ways that allow Māori (as a group) to benefit. Although I have no whakapapa links to the Eastern Bay of Plenty, I have strong connections with Ngāti Awa and feel deeply connected to both the people and the land. My own story will be familiar to many Māori who too, are disconnected from their roots. Two generations of my family have never known our extended whānau or iwi connections. I have never known my whakapapa, I do not know my mihi or even

my iwi, and I cannot speak Te Reo because the dominant western ideology determined that my history, my language, and my story was not worth knowing. Thus my personal rationale for the research is to begin a journey of self-discovery, to understand and reclaim my place as a colonised Māori woman. I come from a background of critical social science, strongly influenced Marxism and feminism. For me this research is a journey, a re-connection with my roots, and an opportunity to experience first-hand, the ethic of kaupapa. It is of central importance in the research that I constantly reflect on my position as an ‘outsider’ to deliver research that extends the broader indigenous agenda. For me, the aim of research is not passive, or merely to observe but is predicated on the transformation of structures and institutions that reinforce inequalities in our societies. This checking and re-checking my interpretations was an important part of the journey for me and lead to a greater understanding of how my own lenses and preconceptions influenced the analysis of the data. From a broader perspective, my aim is that my research will support Māori, strengthening human resources and capabilities so that all iwi have a greater input into the direction and shape of their future.

The following section will outline the methods of information collection and analysis of the case study research.

### ***Data Collection: Documents and Interviews***

There are two main methods of information collection that form the backbone of this research; document analysis and semi structured interviews. The interviews and documents were investigated both chronologically and thematically. Details of document and interview analysis, as well as the referencing conventions, will be outlined in the following sections.

### ***Document Collection***

The Bay of Plenty Regional Council has archived all of the data/documents around the development of the Ohiwa Harbour Strategy. The document analysis undertaken in this research includes official and unpublished data (obtained with appropriate permissions) including (but not limited to); emails, minutes of meetings and hui, official letters, public submissions and drafts from the Ohiwa

Harbour Strategy consultation process. Both Hakim (1987) and Yin (2009) discussed how the use of archive data adds depth to the case study with a chronology of key events, interactions, decisions, conflicts and successes. Analysis of unpublished data (prior to the interview analysis), allowed me to build on the existing theory and develop “converging lines of enquiry” to better understand the interactive phenomenon of Māori-state consultation (Yin, 2009, p. 115). The documents were selected on the basis that they contributed to my understandings of the key events, the cultural intersects, tensions, shifts and opportunities embodied in the Ohiwa development process (See Appendix One for the details of the coded guide to the documents used in this case study)<sup>16</sup>. The chronological document analysis also provided a window to some of the key themes underpinning the development of the relationship between iwi and local government players, prior to the interviews. Additionally this material provided contact details and information about key actors who might be available to participate in the interview part of the case study to complement the analysis of secondary sources. The interview method used in this research will be discussed in the following section.

### ***Interviews***

The second method of data collection is the interview method. As part of the research between November 2011 and late January 2012, I interviewed seven people (five iwi and three local government representatives) who played leading roles in the creation of the Ohiwa Harbour Strategy. As the research has a Māori focus the majority of the interviewees were iwi and hapū representatives from Ngāti Awa (one representative), Tūhoe and Te Waimana Kaaku, (two representatives) Whakatōhea and Upokorehe (two representatives). Further, three representatives from the Bay of Plenty Regional Council specifically involved in the Ohiwa Harbour Strategy consultation process with Māori were interviewed.

Kaupapa Māori research involves negotiating approaches that are ‘taken for granted’ ways of learning and behaving within a Māori worldview (Smith, 1999). Given the focus on Māori and the commitment to kaupapa principles, I took

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<sup>16</sup> Note: The documentation included in the reference list are the sources that I drew from for the analysis, representing a cross section of the thousands of pages of data (notes, minutes, letters, meetings/hui and drafts) that went into the strategy creation.

special care in the face to face meetings and interviews with Māori participants. Drawing from Smith (1999), the key kaupapa principles I kept in mind during the interviews were that I should be respectful; “Aroha ki te tangata” and that face to face engagement embodied in “Kānohi kitea” (the seen face) is the preferred method of Māori engagement. In the interview it was important for me to pay attention to the participants by first looking (to acknowledge the unsaid), then listening (to hear the deeper messages), and then finally speaking (to create and clarify understanding); “Titiro, whakarongo ... korero”. It was important for me that my participants felt welcome and valued in the process so I ensured that kai (food and refreshments) were provided in keeping with the kaupapa tenets of “Manaaki ki te tangata (share and host people, be generous)”. In the interview process I was cautious “Kia tupato” to not trample over the mana of people, “Kaua e takahia te mana o te tangata” nor did I use the interview as an opportunity to flaunt my knowledge “Kaua e mahaki” (Smith, 1999, p. 120). These kaupapa methods are embedded throughout the research methods supported whakawhānaungatanga (building and maintaining relationships) between myself the participants and were used to locate the analysis in the ‘lived experiences’ of the participants.

*Table 1:* Iwi and local government participants interviewed.

<b>Organisation or Iwi</b>	<b>Participant/s</b>	<b>Date Interviewed</b>
<b>Ngāti Awa/BOPRC</b>	Bev Hughes	2/11/2011
<b>Te Waimana Kaaku/Tūhoe</b>	Nika Rua and Onion O’Rupe	26/01/2012
<b>Whakatōhea</b>	Lance Reha	9/11/2011
<b>Upokorehe</b>	Maora Edwards	18/11/2011
<b>BOPRC</b>	Simon Stokes	11/11/2011
<b>BOPRC</b>	Stephen Lamb	9/11/2011
<b>BOPRC</b>	Martin Butler	9/11/2012

With kaupapa principles in mind I drew from two different interview schedules to tap into the experiences of consultation from different subject positions of Māori

and local government participants. The interviews were semi-structured, in-depth interviews covering their experiences of the Ohiwa Harbour Strategy consultation process of approximately 60-120 minutes duration. The interviews were digitally recorded and participants were also offered the opportunity for a copy of the recording. All informants were given the opportunity to determine where the interviews would be held, so that they would be comfortable and relaxed. The interviews with district council members took place in their offices, and interviews with iwi representatives took place at the various rūnanga and workplaces, allowing the participants to continue to meet their work responsibilities during the interview. All the interviews were all relatively informal, and as outlined above included kai (food and refreshments). Some of the interviews with iwi began with karakia and mihi.

In keeping with a critical qualitative methodology the interview guide contained a series of semi-structured questions which I sharpened during the successive interviews to better capture the themes that I was exploring (Hakim, 1987; Taylor & Bogden, 1998; Rubin & Rubin, 2005; Yin, 2009). Although there was an open opportunity for the participants to speak in Te Reo none of them chose to do so. This allowed me the opportunity to gain access as an ‘outsider’ to the lived experience of the Māori participants in the consultation process.

In keeping with the critical tenets of this research (kaupapa, interpretivism and feminism), reinforcing the validity of my interpretations, the participants were offered an opportunity to give feedback and amend, or add to their contributions. The two key district council representatives and all of the iwi groups amended their contributions. All participants agreed to be identified in the thesis.

### ***Data Analysis: Documents and Interviews***

The data analysis used to explore the qualitative semi-structured interviews drew from different approaches of analysis to enhance the depth and breadth of understanding of the experiences of iwi local government engagement. The primary analysis approach was content analysis, in particular thematic analysis. Thematic analysis is a qualitative analytic method for organising data into themes of rich detail allowing interpretation and analysis of multiple themes in a research topic (Braun & Clarke, 2006). Thematic analysis allowed me to tap into the

deeper meanings that the participants brought to the process, reflective of their worldviews. The themes identified allowed for me to identify response patterns (from bottom up perspective in line with the tenets of kaupapa and feminism) in the data and to find overlaps and synergies with and between participants.

In keeping with the guidelines of thematic analysis<sup>17</sup> I transcribed each of the six interview transcripts verbatim (a total of 125 pages). Then, after in-depth reading, I came up with some broad themes that had manifested in both iwi and local government participants interviews. The themes are as follows, iwi involvement in process, iwi inequalities, iwi relationships, process aims, communicative approach, problems in process, process outcomes, mana whenua/Mana motuhake, kaitiakitanga, LGA, inclusion, partnership and other. I then fine-tuned each of the participants' contributions to find synergies and overlaps with both the theory and the other participant's experiences and expressions. After the fine tuning I printed each of the participants' interviews out on different coloured paper, and cut-out each comment, pasting them onto sheets of paper with the thematic headings as outlined above.

*Figure 2: Thematic analysis.*



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<sup>17</sup> Drawing from Braun and Clarke (2006) thematic analysis involves a process. After transcription, the first step is becoming familiar with the data and generating initial codes. The researcher should then search for themes and the review them to ensure that they are consistent, coherent and distinctive. The following step is to name the themes, ensuring that the themes have been analysed not just described, and that there is congruence between the chosen extracts and the analytic narrative (Braun & Clarke, 2006).



This very physical process of thematic interview analysis allowed me to see the contributions as a whole; to see the synergies and differences between the experiences of iwi and local government representatives and to gain an in-depth understanding of the nuances within the interview data. I was also able to move the pages around to create a flow chart of facilitating and limiting factors, principles of inclusion as well as the moderating and mediating factors to better understand the outcomes of process and how it might have been better. I then combined all of the iwi and local government interview data into the following themes: capacity building, code swapping, communicative process, iwi inclusion, the LGA, kaitiaki and mana whenua and partnership and process outcomes. The thematic patterns from this process formed the data sets that were the basis for the analysis and discussion.

The case study drew from different types of archive documents and interview material. The following referencing conventions will be followed in this thesis. The BOPRC archive data I have drawn upon for the Ohiwa Harbour Strategy analysis includes draft sections of the strategy, hui, hui minutes, letters, meeting, reports and submissions. Each of these events has been numbered as they are used within the text. For example, 'Hui 1', Hui 2, Letter 1, Letter 2, Meeting 1 and so on. As outlined in Appendix One there is an index to the in text citations of the archive material. Meeting and/or hui are presented noting the date and, where possible, the title of the event, where it was held and the agenda. Letters are dated and themed. BOPRC parties involved in correspondence are identified, while the iwi respondents remain anonymous and are identified only by their tribal affiliations. Reports and submissions are dated, themed and include authors, and the organisations to which they are affiliated.

The rest of the data came from interviews. All of the participants have been identified by their first name and either their iwi/hāpu affiliations or in the case of local government, their organisational affiliation. Both Lance Reha and Maora Edwards were interviewed as representatives from Whakatōhea, yet both are Upokorehe (a hapū of Whakatōhea), thus I have referenced them as both Whakatōhea and Upokorehe. Bev Hughes is Ngāti Awa. At various points in the 1990s, Bev was employed by BOPRC as a consultant. Between 2002 (at the strategy inception) and 2005 she was employed by BOPRC as a strategic planner,

thus I have referenced her as both Ngāti Awa and BOPRC. Where appropriate, I will indicate in the preceding sentence before her quote when she is speaking from iwi or BOPRC perspective.

### ***Conclusion***

This chapter outlined the research design for this study, both its methodological approach and methods of the research. As shown above, a critical qualitative methodological framework informed the case study approach, and kaupapa Māori, interpretive interactionism, and critical feminist perspectives provided the unique lens for this research. A multi-method case study approach was used to explore the development of the Ohiwa Harbour Strategy. Data was drawn from archive documents and qualitative semi-structured interviews of iwi and local government participants involved in the Ohiwa Harbour Strategy consultation process. The analytic techniques used in this research were primarily thematic which allowed me explore the understandings of iwi and local government participants and locate them in the wider political context. The following chapter begins the presentation and analysis of the case study findings.

## **Chapter Four**

### **A CASE STUDY**

“Te umu tao noa a Tairongo<sup>18</sup>.”

“The food oven of Tairongo”.

The analysis chapters of this thesis are organised to develop understandings of the practices, processes and politics of inclusion in the context of the Ohiwa Harbour case study. The present chapter is the first of three empirical chapters that examines the inclusion of Māori in inclusive process around environmental management with local government. This case study is both exploratory and explanatory and provides the unique historical and geographical backdrop for critical insight into Māori involvement in local government policy process. The first section, Setting the Scene, provides the geographical context, as well as details of the key players involved in the strategy development. The second section outlines significant events and phases in The Development of the Ohiwa Harbour Strategy 2002-2008. The final section outlines the Current Status of the Strategy 2008-2012 and ends with concluding remarks.

#### **Setting the Scene**

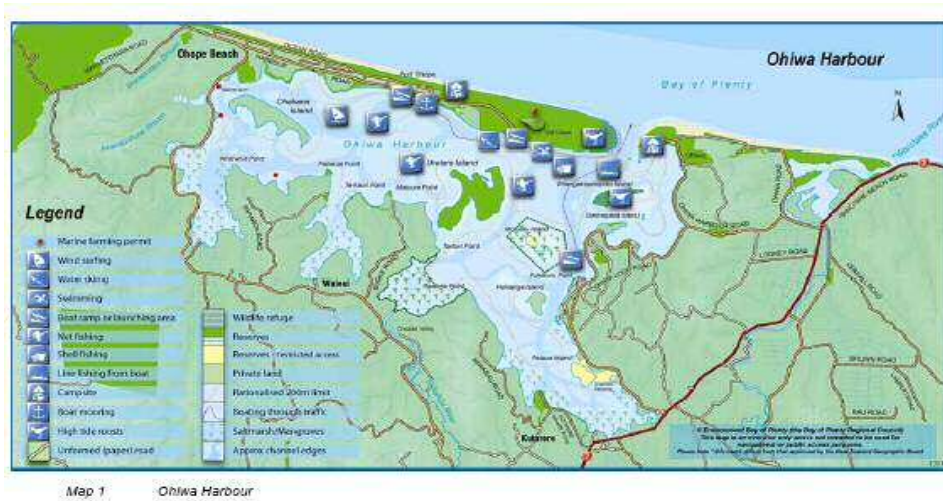
The Ohiwa Harbour Strategy details the unique makeup of the Ohiwa Harbour. Ohiwa Harbour is situated in the Eastern Bay of Plenty in the North Island of New Zealand<sup>19</sup>. The harbour itself covers an area of approximately 26.4 km bordering the Pacific Ocean separated by a six kilometre long sand spit (Ohope Spit). To the east lies the much smaller Ohiwa spit of approximately 900 metres. The urban settlement of Port Ohope is on the larger Ohope Spit, west of the harbour mouth (Ohiwa Harbour Strategy, 2008).

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<sup>18</sup> Iwi/Hapū Working Group chose the name of the strategy (Report 3).

<sup>19</sup> These geographical details have been drawn directly from the Ohiwa Strategy (2008).

Figure 3: Ohiwa Harbour (Ohiwa Harbour Strategy, 2008, p. 2).



There are twelve small streams and one small river, the Nukuhou River, feeding into the harbour from the inland hills towards Matahi, and in the Nukuhou valley (Ohiwa Harbour Strategy, 2008). The Ohiwa Harbour catchment drains approximately 171 km of small valleys, with the largest being the Nukuhou River valley which drains 60% of the Harbour catchment. The catchment generally faces north, and has a diversity of land uses ranging from protection and production forestry, through dry stock and dairy farming, to horticulture and lifestyle blocks. 3,500 people live in the water catchment area 2,000 are in residential areas at Ohiwa, Kutarere and Ohope (BOPRC, 2011b).

Te Moana ā Toite Huatahi, the original name for the Bay of Plenty, has a very long and very proud Māori heritage (BOPRC, 2011b). Ohiwa Harbour lies within the homelands of Upokorehe, Whakatōhea, Ngāti Awa and Tūhoe. Reflecting the history of the tribes who have lived and harvested from the Ohiwa Harbour, there are a high concentration of both cultural/archaeological sites in and around the Harbour. Māori knowledge of the abundant food resources at Ohiwa has endured for many centuries (Ohiwa Harbour Strategy, 2008). Ohiwa is still recognised as a food basket by contemporary Māori, many of whom continue to rely on collecting shellfish and other food to feed their families (Ohiwa Harbour Strategy, 2008).

## The Ohiwa Harbour Strategy

In 2002, Environment Bay of Plenty [BOPRC] launched the Strategy by publicly inviting people and organisations to participate in its development. The strategy sets out a non-prescriptive vision for the harbour, identifies issues, key community values and aspirations and recommends actions to achieve those. It is designed as a road map to take the harbour from where it is now to where people want it to be in the future (Ohiwa Harbour Strategy, 2008). It promotes an integration of the wide variety of plans, processes and practices used by councils, government departments, iwi, hapū and members of the council, also known as the Integrated Resource Management approach<sup>20</sup> [IRM]. The broad aim of the integrated management strategy is “the integration of process for the sustainable management of the harbour and its natural and cultural resources” (Bev, Ngāti Awa/BOPRC). Other objectives include:

- Reduce duplication of services and spending;
- Provide greater clarity and certainty about roles and responsibilities;
- Enhance relationships between stakeholder groups including the community; and
- Provide opportunities for stakeholder groups to participate in activities aimed at achieving a common vision.

All of these aims are to be achieved while sustainability managing resources and development. Within the strategy there is also a complimentary aim of providing for kaitiakitanga which will be facilitated by the development of an “integrated iwi planning document for Ohiwa Harbour and delivered to statutory authorities” (Ohiwa Strategy, 2008). This project involves “means by which iwi and hapū are

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<sup>20</sup> Drawing from the RMA 1991 Section 30(1) BOPRC has the function of furthering the integrated management of the regions natural and physical resources. The Integrated Resource Management [IRM] approach is further supported by Regional Policy Statements and other regional plans underpinned by the broader New Zealand wide council commitment to Integrated Catchment Management [ICM] (2000). The rationale for this shift towards a more collaborative, inclusive, process embodied in ICM was held as the best way to generate the broader community ‘buy in’ and support of the legitimacy of a process and its outcomes (based on collaborative “committed and continuous partnerships” among stakeholders) in environmental management (Landcare Research, 2012). It seems likely the RMA 1991 *support* for IRM in conjunction with the incoming LGA 2002 *requirement* that the council facilitate (through the mechanism of iwi management plans) the ability of Māori to contribute to the decision making processes of local government, was a driving factor behind the integrated strategy development.

integrated into the processes that affect sustainability management of the harbour” (Bev, Ngāti Awa/BOPRC). To meet this aim the council will support:

- Consultation and framing work with relevant iwi and hapū to develop draft protocols. that provide for kaitiakitanga;
- Consultation with relevant iwi and hapū to identify their aspirations for the sustainable management of the Ohiwa Harbour and catchment; and
- Keeping records for RMA 1991 s32 analysis<sup>21</sup> (Report 6, pp. 2-3).

### **Key Players in the Strategy**

Key players involved in the creation of the Ohiwa strategy towards the integrated co-management of the Harbour are three councils - Environment Bay of Plenty, Opotiki District Council and Whakatane District Council with input from Ministry of Fisheries, the Historic Places Trust and the Department of Conservation - and four iwi/hapū groups - Whakatōhea, Upokorehe, Ngāti Awa and Tūhoe. The co-management area is the Ohiwa Harbour and catchment, an area of historical and cultural importance to Whakatōhea, Upokorehe, Ngāti Awa and Tūhoe/Te Waimana Kaaku. Details of each are given below (for more in-depth detail about each of the key stakeholders, see Appendix Two).

### **Iwi**

#### ***Ngāti Awa***

Ngāti Awa is an important stakeholder in the Eastern Bay of Plenty and played a significant role in the development of the Ohiwa Harbour Strategy. Ngāti Awa comprises 22 hapū with over 18700 registered hapū and whānau affiliates (Te Rūnanga o Ngāti Awa [TRONA], 2012).

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<sup>21</sup> In the context of the RMA 1991 s32 is the appropriateness of policies, rules or other methods. It includes the extent to which the provisions will be both effective and efficient. Effective is defined as how successful a particular option is or will be in achieving the stated objective, and efficiency is a course of action in which the benefits will outweigh the costs, either immediately or over time (Quality Planning, 2012).

## ***Tūhoe***

Tūhoe are the largest iwi involved in the strategy. Tūhoe homeland includes 40 marae, with a population of 35,000. Of the population 11,000 live within or near the boundaries of the iwi (Te Ara, Encyclopaedia of New Zealand, 2011).

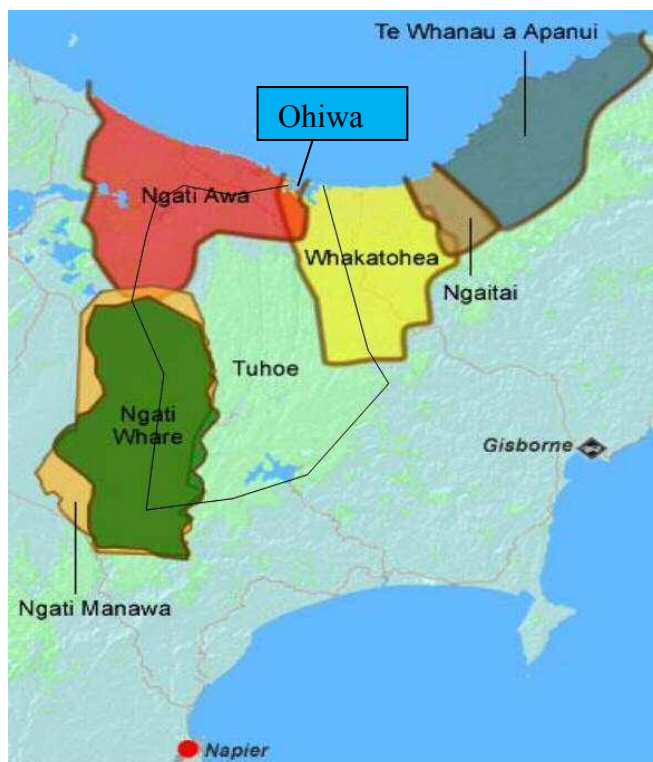
*Te Waimana Kaaku:* Tribal Executive Committee includes a resource management group of Tamakaimoana representing all twelve Pā and nine hapū within the Te Waimana Kaaku rohe (Tūhoe, 2012b).

## ***Whakatōhea***

Whakatōhea comprises six hapū - Ngāi Tamahaua, Ngāti Ira, Ngāti Ngahere, Ngāti Patumoana, Ngāti Ruatakena and Te Ūpokorehe - and has 12,072 affiliates (Whakatōhea Māori Trust Board, 2011).

*Upokorehe:* Upokorehe is the largest sub tribe in the Whakatōhea iwi. Upokorehe have for many centuries been kaitiaki of the Ohiwa Harbour (Whakatōhea Māori Trust Board, 2011).

Figure 4: Map of tribal boundaries around Ohiwa (TPK, 2012).



## **Local Government**

### ***Bay of Plenty Regional Council/Environment Bay of Plenty***

The key player in the creation of the strategy was the Bay of Plenty Regional Council. BOPRC monitors the effects of human activities on the environment, promoting the sustainable management of natural and physical resources for present and future generations (BOPRC, 2011a).

### ***The Whakatane District Council***

The Whakatane district covers the Ohope Spit, Ohakana Island, Uretara Island, the Paparoa and Burke Road peninsulas and the majority of the harbour's catchment. The WDC undertakes a number of functions, responsibilities and activities to promote the social, economic, environmental and cultural well-being of its residents for the present and the future (WDC, 2011).

### ***Opotiki District Council***

The Opotiki district covers the area of the Ohiwa Harbour through the Nukuhou wetland to the Ohiwa Spit and the catchment area inland from Kutarere (Ohiwa Harbour Strategy, 2008). ODC aims to provide economic growth, environmental quality and quality of life underpinned by a strong community spirit (ODC, 2012).

## **Statutory Agencies**

### ***Department of Conservation***

The Department of Conservation [DoC] are required to promote the conservation of natural and historic resources, both on and off conservation land, and to promote these benefits to present and future generations (DoC, 2012).

### ***Ministry of Fisheries***

The Ministry of Fisheries [MoF] role is to ensure the health and sustainability of New Zealand's aquatic ecosystem. "Note: The MoF has been significantly absent from the Ohiwa Harbour Strategy Project since inception, despite regular and strong recommendations to participate" (Bev, Ngāti Awa/BOPRC, *emphasis in original*).



## **The Development of the Strategy 2002-2008**

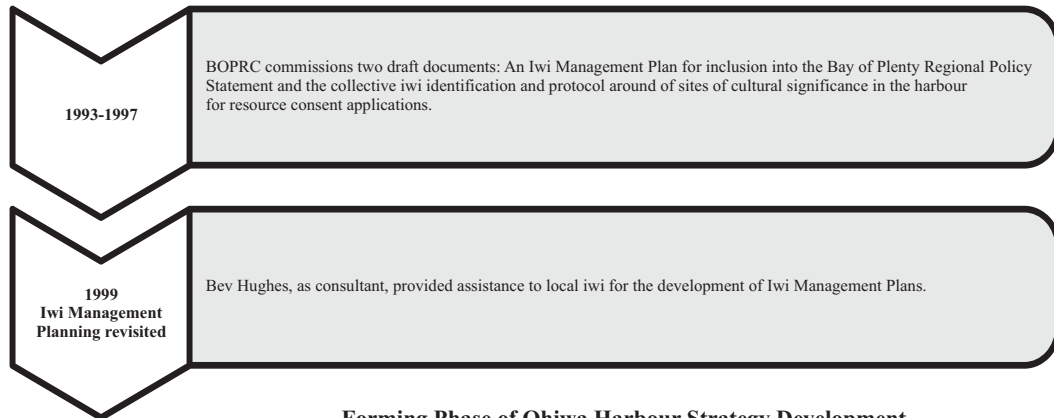
This section of the case study will outline the key events in the development of the Ohiwa Harbour Strategy. The data that shapes this section is drawn from preliminary sources including archive data, meeting notes, hui minutes, letters, interview data and the strategy itself, to provide an in-depth understanding of the inclusive processes around the development of the strategy. The subsequent sections of this chronological case study are divided into different phases that reflect the development of relationships and subsequent team building between the strategy partners engaged in procedural inclusion. As expressed by Simon (BOPRC), the phases in the inclusive process were: ‘Forming’ (2002) ‘storming’ (2003), ‘norming’ (2004) and ‘performing’ (2005-2012). According to the literature, ‘forming’ refers to the first phase in which the forming of the development team took place and key stakeholders were identified (Tuckman, 2001)<sup>22</sup>. Storming is the second phase used in team development that refers to the expressions of conflict that are vital in the development of shared process and protocol. Norming is the phase of team development in which there is increased collaboration and consensus between team members about their collective aims, objectives and methods of achieving those aims. Performing is the final phase in which the team begins to work well as unit, achieving goals and operating as an autonomous unit. I adopt this framework in the following section as a way of presenting findings relating to the processes of inclusion that were utilised in the development of the Ohiwa Harbour Strategy.

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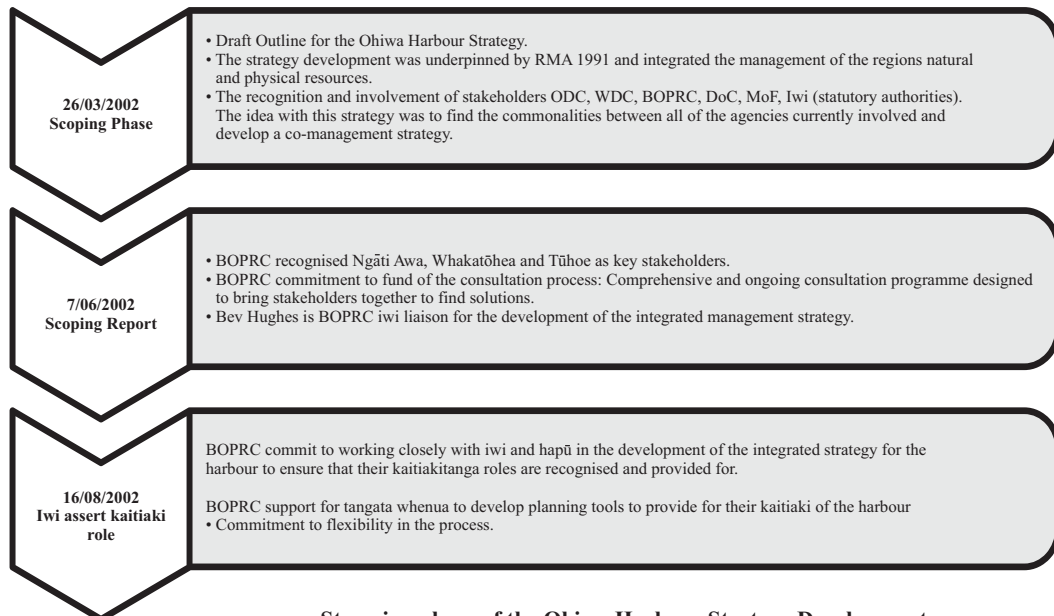
<sup>22</sup> The Forming – Storming – Norming – Performing is a model of group development first proposed by Tuckman in 1965. He maintained that these phases are all necessary and inevitable in order for the team to grow, to face up to challenges, to tackle problems, to find solutions, to plan work and to deliver results (Tuckman, 2001).

## Ohiwa Harbour Strategy Development Timeline 2002-2008

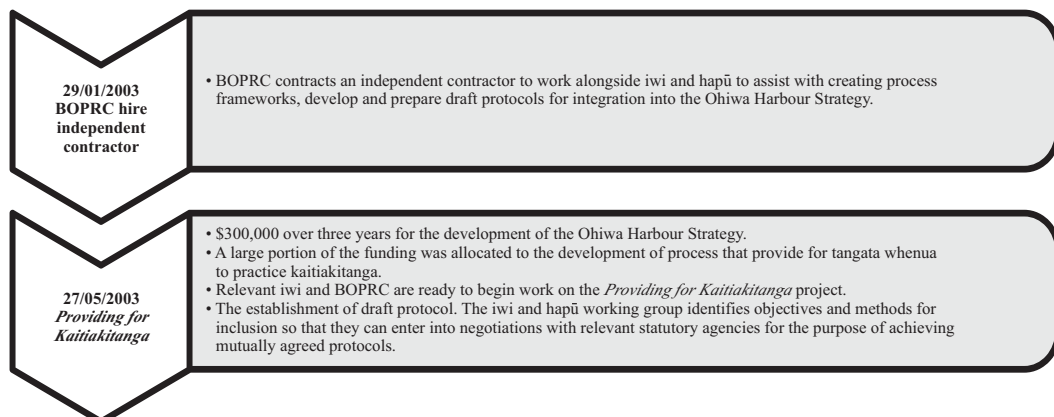
### Pre-Strategy

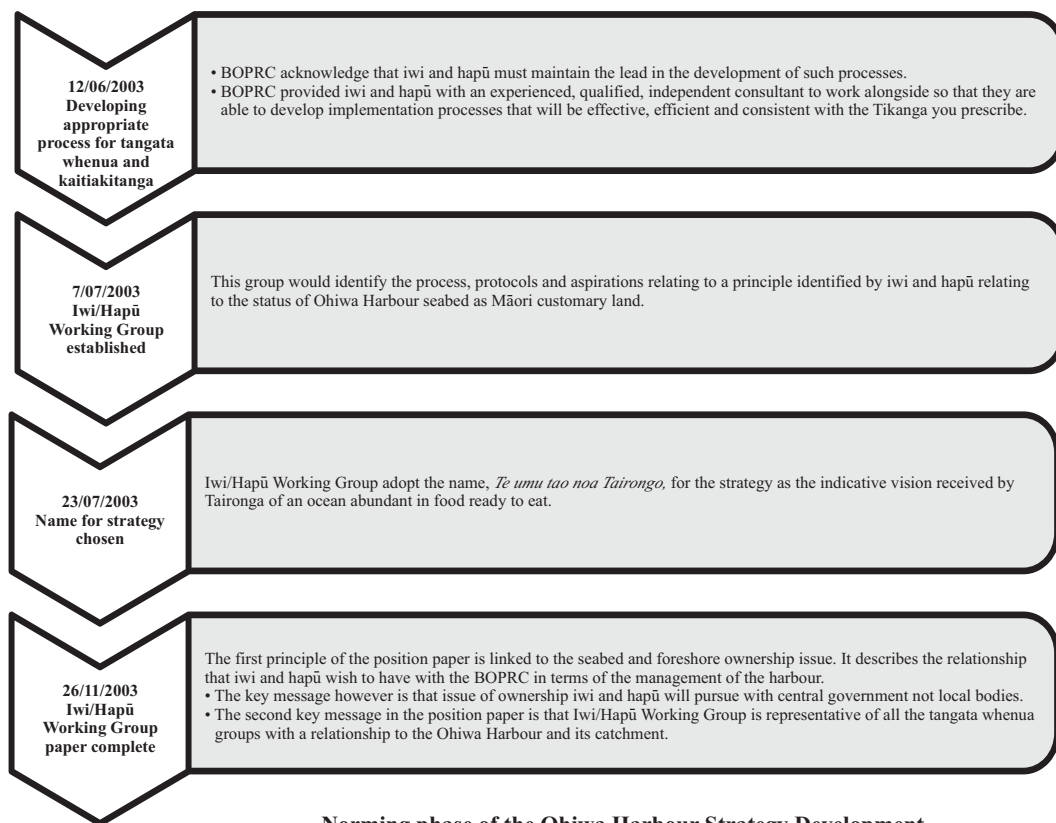


### Forming Phase of Ohiwa Harbour Strategy Development

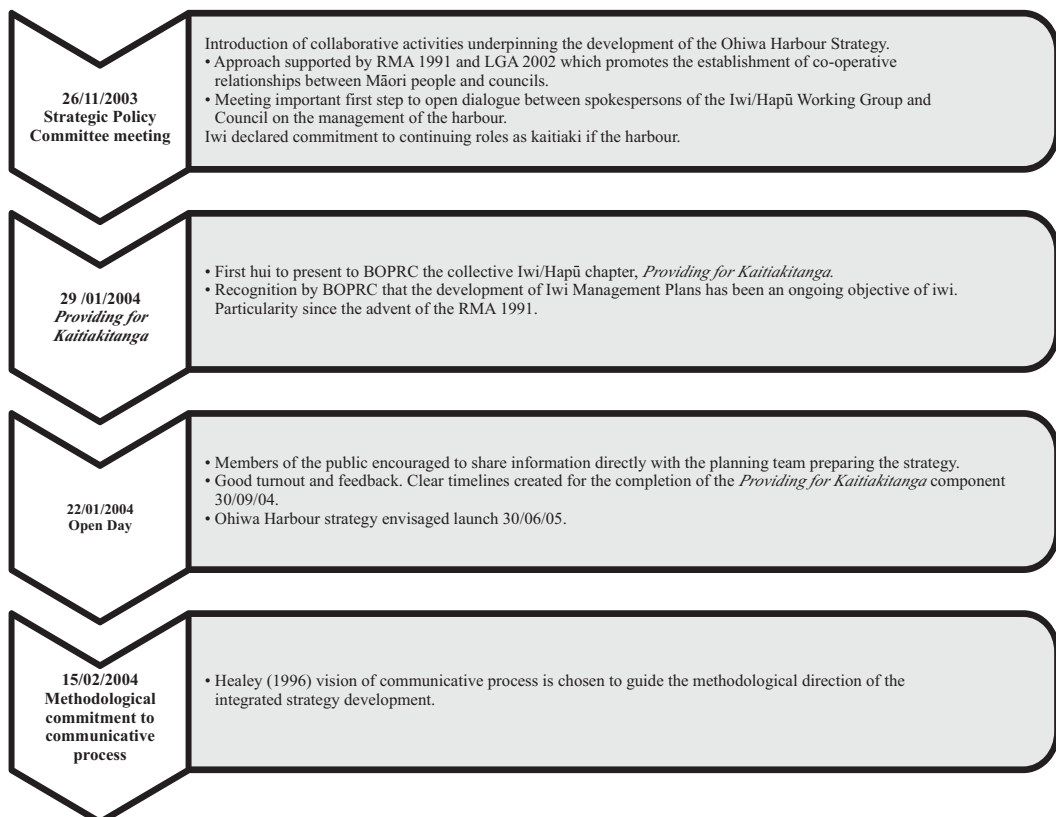


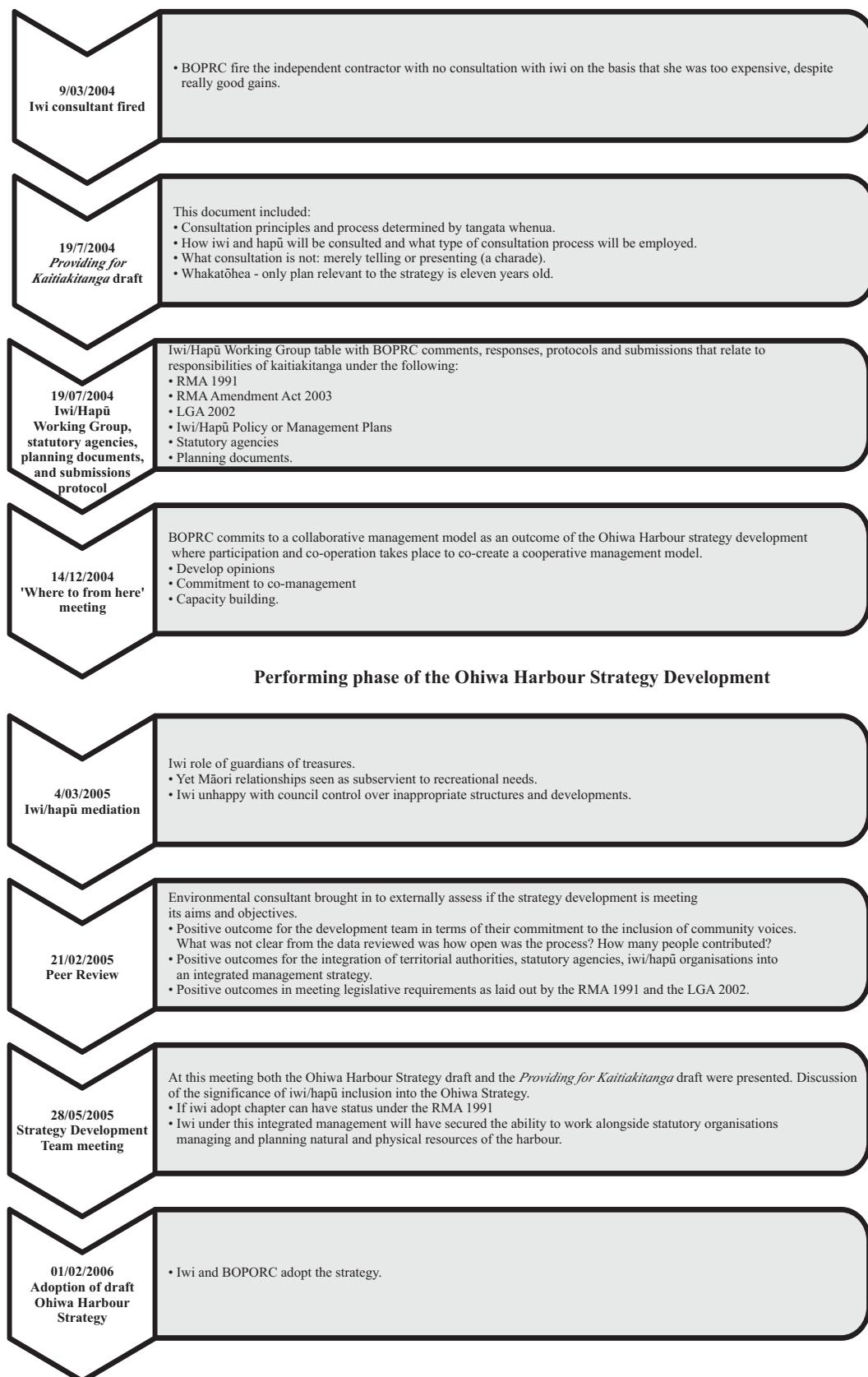
### Storming phase of the Ohiwa Harbour Strategy Development

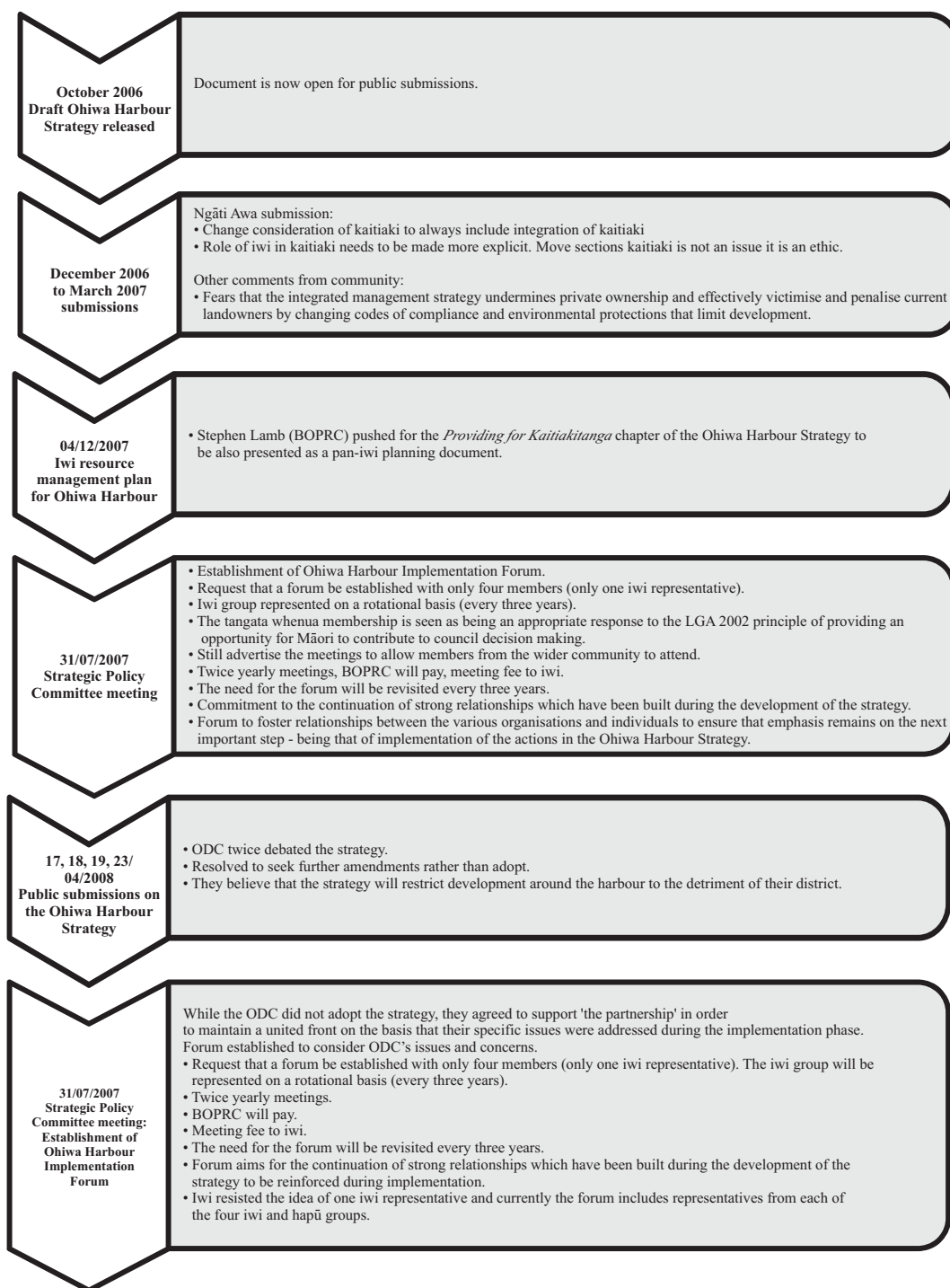




### Norming phase of the Ohiwa Harbour Strategy Development







**01/08/2008 Ohiwa Harbour Strategy Released**

### Forming Phase of the Strategy 2002-2003

In September 2002<sup>23</sup>, backed by the impetus of the new LGA 2002 framework, Environment Bay of Plenty launched the Strategy by publicly inviting people and organisations to participate in its development. To reach the residents and stakeholders of Ohiwa Harbour and catchment, a ‘communicative’ approach was used as it enabled the integration of community ideas with “the agencies responsible for putting those ideas into action” (Ohiwa Harbour Strategy, 2008, p. 3). The development of the strategy involved three councils, four iwi/hapū groups and two statutory agencies. As detailed, the key stakeholders included ODC, WDC, BOPRC, DoC, MoF and local iwi. Of these iwi, Ngāti Awa, Whakatōhea and Tūhoe asserted their interest, and were supported by BOPRC in undertaking their kaitiakitanga role (Meeting 1). However, Upokorehe (Whakatōhea’s largest hapū with five marae), who are located directly on the harbour and are recognised by other iwi as the primary kaitiaki of Ohiwa, had to actively seek inclusion in the strategy development team. The reason for Upokorehe being originally being overlooked as a strategy partner was that local government invited only the iwi groups to participate, perhaps without recognition of the Upokorehe hapū position as the primary kaitiaki of Ohiwa Harbour. As Upokorehe point out in a personal communication, “Upokorehe have been the active resident kaitiaki of the harbour since time immemorial. Upokorehe are the only hapū that have mana whenua within this rohe”<sup>24</sup> (Letter 7).

Originally, we weren’t even on the radar. Upokorehe. It was Whakatōhea, Tūhoe and Ngāti Awa in the beginning... They forgot and it was uncle who

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<sup>23</sup> Bev was originally employed as a consultant in the 1990’s to support iwi in the development of an iwi management plan, perhaps driven by the RMA 1991 which discusses the impetus for local government to foster the creation of these plans. According to archive data, despite a second attempt in 1997 an iwi management plan never eventuated. However, in 2002, driven by RMA 1991 requirement for integrated management and the push for inclusion embodied in the LGA 2002, the Ohiwa Harbour Strategy was launched. Bev was the BOPRC planner that was given the scope as project manager to determine ‘how’ the Ohiwa strategy was to be carried out.

<sup>24</sup> For Upokorehe, it is important to state that Ohiwa Harbour sits within Te rohe o Upokorehe. Upokorehe’s traditional boundaries start from Maraetotara and cut across to the Waioweka River (Letter 7). Upokorehe is clear that their kaitiaki role is inherent and one of right based on mana whenua, and mana moana. This is not the case with the Ohiwa Harbour Strategy Forum and its other stakeholders; therefore the Upokorehe interpretation of kaitiakitanga is not the same as indicated in the Ohiwa Harbour Strategy (Letter 7).

went in there and said, “We are the kaitiaki here, we don’t come here to visit, we actually live here, right here on these harbours” (Lance, Upokorehe/Whakatōhea).

From the outset, as noted in the Ohiwa Harbour and Catchment Scoping Report 2002, integrated management has been a clear outcome sought by the strategy (Report 1). In June 2002, BOPRC made the commitment to a “comprehensive and on-going consultation programme designed to bring stakeholders together to find solutions” (Letter 1).

The inclusive milieu created by the LGA 2002 and the RMA 1991 promote the establishment of co-operative relationships between Māori and councils. In keeping with the LGA 2002 and to further iwi ability to contribute to decision-making processes of local government, in August 2002 BOPRC made two commitments. First, they committed to fund the consultation process. Second, they committed to facilitating flexibility so that iwi values, understandings and protocols would be reflected in the process. BOPRC also expressed that they would work closely with iwi and hapū to ensure that “their kaitiakitanga roles [were] recognised and provided for in the development of the integrated strategy for the harbour” (Meeting 1).

By the end of 2002, scoping was complete and the key players had all expressed an interest in participating in the development of an integrated management strategy for the harbour.

### **Storming Phase of the Strategy 2003**

In 2003, the terms of the relationships between iwi and BOPRC were negotiated and re-negotiated. At this phase of development, team members begin to confront each other’s ideas and perspectives. The theory discusses that the ‘storming’ stage can be contentious, unpleasant and even painful to members of the team, yet it is vital to the growth of the team (Tuckman, 2001). Issues around process, protocol and representation were raised and overcome in this tempestuous year. In a series of hui, iwi asserted their position as kaitiaki as an expression of their mana whenua, coming together as a collective to determine the protocols of process of the strategy development.

As a gesture of goodwill to iwi, BOPRC hired an “experienced, qualified, independent consultant to work alongside iwi and hapū” to “identify objectives and methods for inclusion” in January 2003 (Report 6). The consultant assisted iwi and hapū to create process frameworks, develop and prepare draft protocols, and;

... initiate negotiations with the relevant statutory agencies to achieve mutually agreed protocols [and] implementation processes that will be effective, efficient and consistent with the Tikanga you prescribe [to provide for the integration of kaitiakitanga in resource management] (Letter 5).

The earlier commitment to fund the consultation process in 2002 by BOPRC was finalised in 2003. BOPRC decided to spend a total of \$300,000 over three years (2002-2005) for the development of an integrated management strategy (Report 6). At a hui held on June 12, 2003 on the development of appropriate process for tangata whenua and kaitiakitanga, BOPRC acknowledged that “iwi and hapū must maintain the lead in the development of such processes” (Hui 1).

Despite the commitment to iwi determined process, BOPRC’s invitation for iwi involvement in the strategy development was initially not well received by all iwi. At a subsequent hui held at Te Maungarongo Marae Ohope for “Developing Appropriate Process for Tangata Whenua and kaitiakitanga”, iwi distrust of local government was expressed (Hui 2). While iwi “commended the council for initiating such a project... their sincerity was questioned”. Iwi discussed how they struggled with the invitation as they felt “dislocated from the process” and had “not been included from the beginning”. Other iwi members voiced a “lack of confidence in the regional council protecting and managing the harbour now and in the future” and that progress was “too slow to protect a dying harbour” (Hui Minutes 1).

One of the central problems behind iwi apprehension appeared to be the consultant. Iwi voiced that while they recognised that the independent consultant was hired as a good will gesture from BOPRC, they were upset on two counts. Firstly, they were not included in the selection process. Secondly, the consultant was “... appointed by council to put **our vision** into political jargon then iwi have



not been included in **your vision**” (Hui Minutes 1, *emphasis in original*). In response, Bev (Ngāti Awa/BOPRC) took responsibility for the hiring of the consultant. Iwi made it clear that the problem was the process, rather than Bev or the contractor<sup>25</sup>.

Processes are not robust as long as only one party makes the decision as to how the process should be (Letter 5).

The same Ngai Moewhare Marae/Hapū representative stressed that the key issue for iwi was that cultural misnomers, such as decisions being made for iwi without iwi consultation, are constant reality for Māori operating in a Pākehā world. These kind of behaviours and assumptions, whether accidental or not, undermine the very nature of inclusion. His critique extended to the lack of cultural sensitivity of BOPRC and suggested that this undermined the relationship established with tangata whenua. He argued that for the process to be inclusive it must be grounded in:

“Good faith” and “Reasonableness” [and to move forward] both parties MUST agree on HOW the PROCESS for kaitiakitanga should develop. [The significant point is that while] BOPRC provides the wherewithal for the process to occur - it must NOT arbitrarily determine how the process should occur (Letter 5, *emphasis in original*).

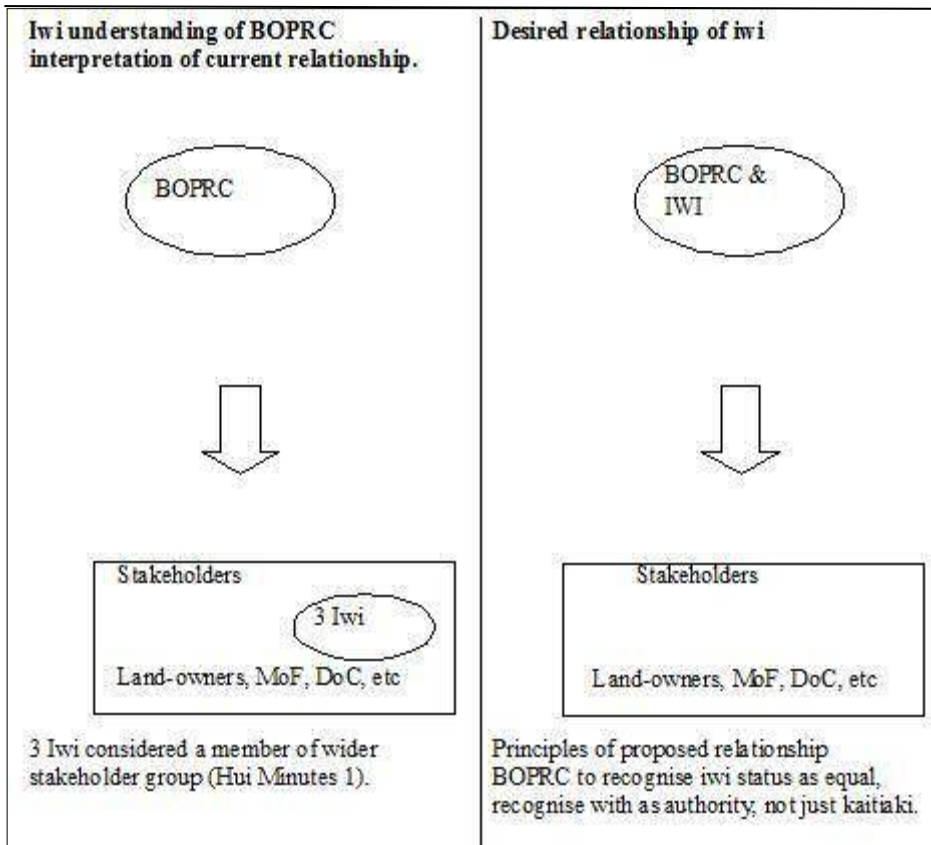
At this hui, iwi voiced that they would continue to discuss a process that “would not compromise the integrity of their culture” and that they would support the project on the basis that their contributions are not “watered down” (Hui Minutes 1). For iwi, their rationale for engagement in the partnership with local government for the integrated management of the Ohiwa Harbour is synonymous with iwi rights as kaitiaki. Iwi groups collectively developed the principles to guide the relationship with BOPRC. The principles that were chosen by iwi and hapū to govern the relationship were an assertion of political and status equality of iwi with an “absolute guarantee of authority, not just kaitiaki”<sup>26</sup> (Hui Minutes 1).

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<sup>25</sup> The Ngai Moewhare Marae/Hapū member was invited to the hui but was not able to attend. His contributions were sent in a letter to Bev and form the basis for the following critique of process.

<sup>26</sup> These principles of iwi authority were established hui at Wairaka (1997). Iwi want the Wairaka hui to be recognised as the start point for the Ohiwa development and negotiations to continue where they were left.

Figure 5: Iwi vision for desired relationship with BOPRC.



At this hui, iwi also expressed resentment to being included as stakeholders and therefore being “lumped in with community groups” as was common in local government processes. Iwi wanted to clarify the relationship between themselves and council to recognise the status of iwi as reflected by a quote from a Ngāti Awa representative:

We are not stakeholders, we own the place (Hui Minutes 1).

Iwi demand for status and authority was not just about recognising their agency in the context of broader institutional structures, but also an assertion of the legitimacy of iwi voice in the management of their harbour (Hui Minutes 1).

The motivation behind iwi involvement was not just about participation in the process for the sake of participation, but a strategic attempt to exercise rangatiratanga or mana motuhake and to assert the legitimacy of tangata whenua right to political voice in statutory processes relating to Ohiwa Harbour (Bev, Ngāti Awa/BOPRC; Lance, Upokorehe/Whakatōhea; Maora, Upokorehe/Whakatōhea; Onion & Nika, Te Waimana Kaaku/Tūhoe). Speaking

from an iwi perspective, Bev (Ngāti Awa/BOPRC) outlined how iwi were “using the provisions in legislation to contribute [iwi] texture to the open-textured legislative framework” while asserting their right to be included in policymaking.

[Iwi participation in policymaking] is a way for voice to be given effect in a statutory framework. It is a way of making it clear to statutory organisations that there are obligations that they have to the Māori people... and they will be held to meet those obligations. And, what’s more, the Māori community is contributing to their meeting those obligations (Bev, Ngāti Awa/BOPRC).

The collective iwi group saw their involvement in the strategy as a way to support a vision that the kaimoana would be edible in 2050 which iwi believe is a vision for the whole community (Hui Minutes 1).

The aforementioned Ohope hui (Hui 2) marked an important shift in intra-iwi relations. At this hui a small group of iwi and hapū representatives were selected by their collective iwi and hapū to form the Roopu Whakahaere or Iwi/Hapū Working Group. This is significant for two main reasons. First, this was the first time these groups had overcome issues of mana whenua, mana tangata and mana moana to come together in a collective. Second, the forming of the Iwi/Hapū Working Group occurred at the same time that the iwi groups were counter-claiming in the Waitangi Tribunal process (Bev, Ngāti Awa/BOPRC). The Upokorehe/Whakatōhea representative discussed how iwi were focused on the opportunity and enhanced power embodied in the collective experience.

Collective first... Then working towards [the collective] everyone started getting a bit of respect towards each other and then the partnership started to gel.

Despite a commitment to the betterment of the Ohiwa Harbour by all of the iwi partners, the historical tensions between iwi groups and local government had to be managed within the scope of the inclusive processes proposed course of action. The deep distrust by some tangata whenua groups of government and government initiatives can be understood in the context of more than a century of institutional marginalisation.

There was a lot of conflict between us and government departments, between us and other iwi, but [with the strategy], we need to play together nicely in the sandpit otherwise nothing is gonna get done and we may end up losing all our toys. So we are making sure we play nicely (Lance, Upokorehe/Whakatōhea).

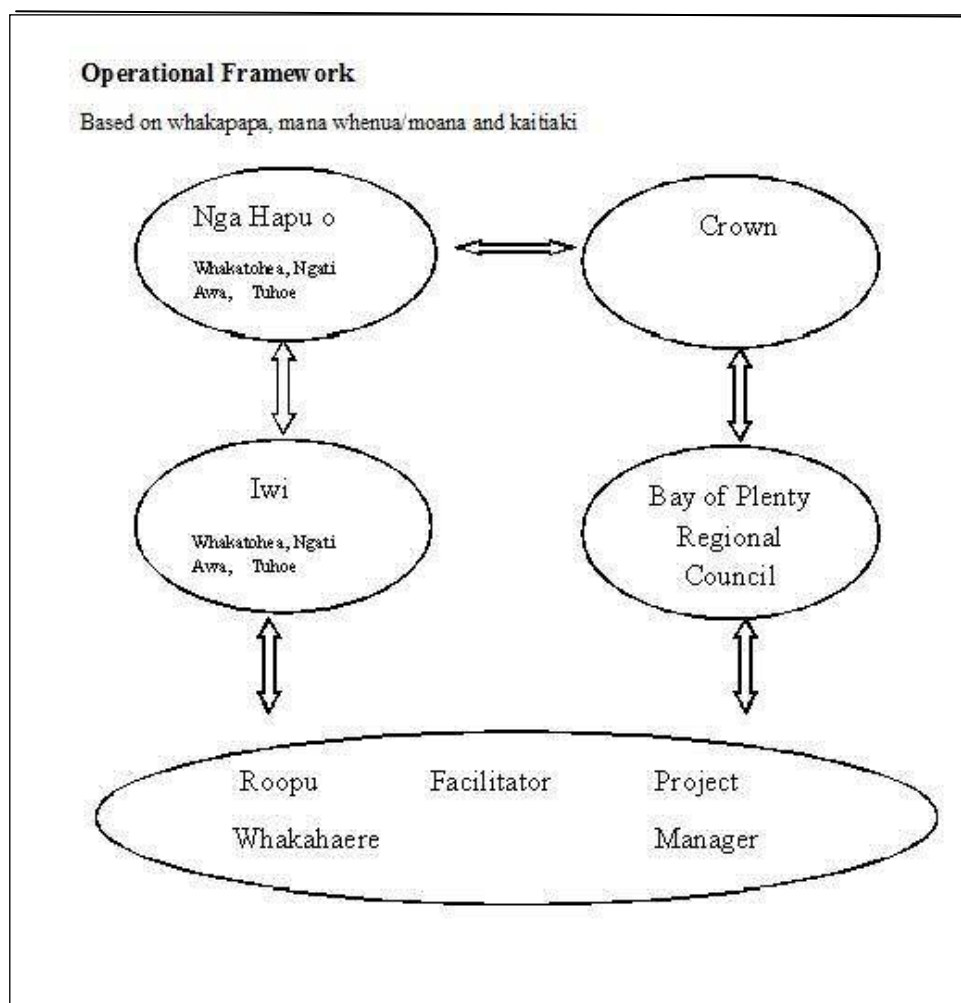
After the Ohope hui there were series of meetings held from mid to late 2003 in which the Iwi/Hapū Working Group, with the support of the consultant and BOPRC, established the collaborative commitments to process and protocol guiding the strategy development. The Iwi/Hapū Working Group's first role was to identify process, protocols, aims and aspirations relating to the "first principle" that would "assert their mana" and clarify their authority over the harbour<sup>27</sup> (Hui Minutes 1). The "first principle" of the position paper created by the Iwi/Hapū Working Group was linked to the seabed and foreshore ownership issue (Meeting 2). In this document they state that iwi and hapū wish to have a positive relationship with BOPRC in terms of the management of the harbour as it is part of the seabed and foreshore. Thus, iwi and hapū will pursue any ownership issues with central government not local bodies. The second key message in the position paper was that Iwi/Hapū Working Group be representative of "*all* the tangata whenua groups with a relationship to the Ohiwa Harbour and its catchment" (Meeting 2, *emphasis added*). In other words, rangatira of the respective tribes had all mandated hapū and iwi inclusion in the development process of the Ohiwa Strategy. At this meeting the Iwi/Hapū Working Group chose the name the strategy, *Te umu tao noa a Tairongo*, as a reflection of the vision and aspirations that iwi have for the harbour. *Te umu tao noa a Tairongo* was a vision received by "Taironga of an ocean abundant in food ready to eat" (Report 6). This meeting signalled an important first step to opening dialogue between spokespersons of the Iwi /Hapū Working Group and council on the management of the harbour. Iwi backed by BOPRC, declared commitment to continuing their roles as kaitiaki.

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<sup>27</sup> The first principle states that: The Ohiwa Harbour, including the harbour bed to mean high water spring, is Māori customary land still held in accordance with Tikanga Māori (Māori customary values and practices). The RMA 1991 has allowed for access but has not extinguished that status. Māori customary title is part of the common law of New Zealand. Māori customary title cannot be ignored by the Crown unless and until parliament has clearly extinguished it and that can only be achieved with the informed consent of tangata whenua (Hui Minutes 1).

At this meeting iwi also presented their vision of a relationship framework based on national, local and international treaties and declarations to establish the terms of the relationship they wished to have with BOPRC and the other statutory agencies in the strategy development and in their role as kaitiaki<sup>28</sup>.

*Figure 6: Iwi desired relationship for operational protocols.*



The 'storming' phase of the strategy development highlighted the tensions in inclusive process. The tensions, which at times lead to conflict, were a

<sup>28</sup> Based on whakapapa, mana whenua/mana moana and kaitiaki the declarations shaping the iwi local government relationships were; The Treaty of Waitangi, Mataatua Declaration, International Labour Organisation Convention 169, International Doctrine of Aboriginal Title. In November 2004, iwi added to the list of international declarations that had relevance to the strategy development and their role of kaitiaki. Additions included: United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and (DDRIP), The Convention of the Elimination of all forms of Racial Discrimination (CERD), The International Covenant on Economic and Cultural Rights (ICESCR), The International Covenant on Civil and Political Rights (ICCSCR) Cartagena Protocol-Convention on Bio-diversity (Draft 1).

manifestation of differing worldviews of historical iwi marginalisation, reinforced by unfulfilled promises and the ensuing iwi distrust of local government initiatives.

### **Norming Phase of the Strategy 2004**

The ‘norming’ phase refers to stage of procedural inclusion in which the boundaries and protocols of engagement had been expressed and relationships had formed between strategy partners. At this stage of procedural inclusion the team moved toward consensus and collaboration toward an agreed mutual plan to tackle issues and achieve objectives (Tuckman, 2001).

January 2004 marked the first collective hui to present the iwi/hapū chapter on *Providing for Kaitiakitanga* to BOPRC (Hui 3). At this meeting, iwi/hapū representatives discussed that although they saw iwi contribution to the integrated strategy as valuable, more important were the development of iwi management plans, as a way of giving iwi legitimate voice in a statutory framework. Iwi management plans had been an aim of local iwi/hapū particularity since the advent of the RMA 1991 and were a key aim of the Ohiwa Harbour Strategy (Report 6). The only iwi management document relevant to strategy was The Whakatōhea Resource Management Plan which was prepared in July 1993 (Ohiwa Harbour Strategy, 2008).

In the development of the strategy, intensive culturally sensitive inclusive iwi consultation resulted in the “development of a common set of planning tools including principles, processes and protocols to provide for co-operative kaitiakitanga of Ohiwa Harbour” (Stephen, BOPRC). Historically, a lack of process for consultation with iwi and hapū (for example, in resource consent processes) had led to less than ideal outcomes for all parties, including tangata whenua, councils and developers (Ohiwa Harbour Strategy, 2008). Of particular concern to tangata whenua was the lack of appropriate provisions for the protection of sites and values of significance. The inclusive “collaborative process” (Letter 5) led to the “identification of environmental issues, iwi contacts and processes for consultation in respect to places, values, and relationships of cultural significance to assist landowners, tangata whenua and councils in being proactive in knowing where and how to avoid adverse effects on the environment”

(Ohiwa Harbour Strategy, 2008). As a result, strong relationships were forged between iwi and local government representatives to manage resources of common interest in and around the Ohiwa Harbour<sup>29</sup>.

Recognising the importance of venue, hui were commonly held in the marae of the four iwi partners or other neutral spaces, such as local halls or golf clubs. Some meetings were held at the Bay of Plenty Regional Council buildings. The Upokorehe/Whakatōhea representative expressed his feelings around attending meetings at the council.

I don't think I ever remember going to the council. They might have had meetings there, but I just chose not to attend those ones. I refuse to go into the lion's den... The wairua is all wrong there, it doesn't sit right.

BOPRC members welcomed the use of and participated in Tikanga and kawa of each marae. Hui and meetings were opened and closed with karakia and sometimes waiata (Simon, BOPRC). The hui were kanohi ki te kanohi (which is the preferred method of communication for Māori) and Te Reo was encouraged. BOPRC facilitated the recording of detailed minutes to chart the progress of the hui which were forwarded to the participants to discuss with their respective iwi and hapū. Plenty of lead-in-time was allowed for meetings. They were organised at previous hui and/or distributed by way of pānui or written notice. This gave participants time to prepare, recognised that some iwi have limited resources and many iwi experience difficulties responding to requests from multiple organisations (Draft 1). Furthermore, council would provide at least 20 copies of the material to be distributed and discussed in acknowledgement that “decision-making by consensus requires a high level of community involvement and debate”<sup>30</sup> (BOPRCMPU, 2011, p. 23).

As part of the inclusive communicative approach there was an intensive effort made to reach the residents and stakeholders of Ohiwa Harbour and catchment. BOPRC commitment to inclusion saw those involved actively seek out

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<sup>29</sup> Details about the inclusive process were drawn from BOPRC archive material, *Providing for Kaitiakitanga* Chapter of the Ohiwa Harbour Strategy and the BOPRC Māori Policy Units guide to engaging with Māori and interview data.

<sup>30</sup> In line with the theory the commitment to communicative process through procedural inclusion, the Ohiwa Harbour Strategy allowed the participants to engage in multiple ways of knowing, creating the conditions for community building (Young, 1997; Quick & Feldman, 2011).

participation of all ‘communities of interest’ to open up public debate to develop a strategy that was inclusive of the local population. They did this by creating the space for public discussion in alternative forums, such as radio talkback, open days, information exchanges and invitation directly to Whakatōhea, Upokorehe, Ngāti Awa, Tūhoe and community interest groups.

An Open Day (combined consultation with the public and statutory agencies) was held on January 22, 2004 (Report 6). As a part of this open day, all of the statutory agencies that were involved with Ohiwa shared the information that they had on the harbour and catchment to engage the community in discussion around their views, aims and concerns for the harbour (Report 6)<sup>31</sup>. Open days were held in community spaces, such as marae, schools and council and members of the public were encouraged to share information directly with the planning team preparing the strategy.

In addition to iwi voice, other groups, clubs and organisations with interests in the harbour were approached independently so that the strategy would include a representative range of views (Ohiwa Harbour Strategy, 2008; Report 6). To increase the validity of the strategy further, specialist information was sought from people familiar with the Ohiwa Harbour (Ohiwa Harbour Strategy, 2008, p. 4). A temporary ‘Advisory Management Team’ with representatives from the Whakatane and Opotiki District Councils, the DoC, MoF, Historic Places Trust, Whakatōhea, Upokorehe, Ngāti Awa, Tūhoe and Environment Bay of Plenty was formed to consider issues and ideas emerging from consultation (Ohiwa Harbour Strategy, 2008, p. 4).

Speaking from the position of a BOPRC strategic planner, Bev expressed how the communicative approach aimed to include all community voices.

We are here to share what we know. We want to hear what worries you.

We want to know what you are interested in seeing happen in the harbour,

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<sup>31</sup> Drawing from the archive data, a variety of opportunities, tools and resources were used to obtain community views of the values and aspirations and/or concerns they hold for the harbour. However because there is a lack of documentation it is difficult to gain a comprehensive picture of all modes of communication and all stakeholders consulted. In a peer review by Hunt (2005) she commended the ‘communicative model’ used in the Ohiwa Strategy given “the large number of agencies, diverse community interest, and range of issues facing the harbour”. In particular she commended BOPRC for the use of ‘open days’ and ‘information exchanges’ as these methods invite a wide range of participants (Hunt, 2005).



what your concerns are and your visions are. If you wish to be involved, all contributions are welcome and will help shape the direction of the strategy. Can you indicate a willingness of taking this journey with us? (Bev, Ngāti Awa/BOPRC).

In March 2004, in contradiction to the commitment by BOPRC to follow iwi protocols of engagement and despite good gains, the consultant that was hired without iwi involvement was also fired without iwi knowledge or consultation<sup>32</sup>. While BOPRC articulated that the consultant “had brought together the disparate elements of tangata whenua” who are often sceptical about forming relationships with both local and regional authorities, and “facilitated their formation into a cohesive partnership” with local and statutory authorities, the consultant was dismissed because of the expense (Letter 4). It was decided that the work the consultant was responsible for would be carried out by Bev.

Whakatōhea, Upokorehe, Ngāti Awa, Tūhoe and their respective hapū with their established team of representatives, the Iwi/Hapū Working Group, were working collaboratively on the development of processes and protocols that provide for kaitiakitanga. Throughout 2004, the Iwi/Hapū Working Group shaped a series of draft kaitiaki chapters in addition to establishing the agreed process and protocols to govern the ongoing relationship between the partners leading to a co-management of the Ohiwa Harbour. Iwi participants discussed that the commitment to honouring different voices in the development process was reflective of traditional Māori “method of consensus seeking and support for a message representing an iwi and hapū” (Bev, Ngāti Awa/BOPRC). Lance (Whakatōhea/Upokorehe) commented how the processes of inclusion and Tikanga embodied in the Ohiwa Harbour Strategy development process created a platform on which everyone was on board to “come in and korero and get around those issues and keep coming back till we’ve found a solution”.

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<sup>32</sup> Both the hiring and firing of the consultant is important in the broader story of the Ohiwa development, as it highlights how assumptions predicated on the primacy of cultural norms in process can create misunderstandings and undermine the integrity of the process. Thus it is important for both parties to agree how an inclusive process should develop. For Māori involved in this strategy, the relationship must be underpinned by Treaty principles, good faith and reasonableness in order to establish the common ground and trust that furthers the expression of Māori voices in the achievement of collective goals.

Speaking from her position as a resource planner, Bev (Ngāti Awa/BOPRC) said that despite her role being really challenging at times she felt “privileged to hold the pen”. Holding the pen allowed her to direct the process of inclusive policy engagement with the collective Iwi/Hapū Working Group to embody a process of reflective enquiry<sup>33</sup>. Reflective enquiry begins first with a pause to reflect back to the participants the points that she had taken from the previous conversation to ensure they were happy with her interpretation. Bev’s (Ngāti Awa/BOPRC) commitment to make the space for open dialogue and communication is the core of the inclusive practice, maximising its emancipatory potential.

“Are you happy for me holding the pen? ... This is what I think I have heard from you. Did I catch that? Is that about right?”... [And they would say,]... “Have a go Bev, write it down and send it back to us and we will re-visit it again next time”... That’s how we rolled. We were writing together. We were discussing all the other attributes that were being considered as well (Bev, Ngāti Awa/BOPRC).

Only when the Iwi/Hapū Working Group was comfortable with the interpretation would the participants then re-engage and move forward with discussion.

The ‘norming’ phase established the conditions for collective consensus in order to make the team function and achieve team goals. The following time period is the ‘performing’ phase. In this phase the relationships between iwi groups and between iwi and local government are well established and strong. In keeping with the literature, during the ‘performing’ phase the strategy partners are motivated, knowledgeable, and autonomous and can function as an effective unit in order to find ways to get the job done without inappropriate conflict (Tuckman, 2001). In this phase, and as a direct result of inclusive process, local government and iwi differences have been overcome to enable for conversations across difference and, in turn, transforming understandings, creating consensus and new collective visions.

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<sup>33</sup> Reflective enquiry is intimately linked with the practice of kaitiakitanga which “requires people to pause, reflect, discuss and demonstrate care for the environment they live in. It’s about people being clear about their respective relationships with the environment and seeking to live in union with it” (Draft 1).

## Performing Phase of the Strategy 2005-2012

The *Providing for Kaitiakitanga* draft created by iwi was released in April 2005 and integrated as a chapter in the Ohiwa Harbour Strategy draft. The draft strategy was adopted in February 2006 and released to the public in October 2006 for an eight week period. Over this eight week period, public hearings and deliberations were held on the 17, 18, 19 and 23 April 2008 and 53 submissions were received (Meeting 4). Iwi asserted that the strategy must position kaitiaki as an ethic not an issue and change the “consideration of kaitiaki” to “always include integration of kaitiaki” (Submission 1).

The Ohiwa Harbour Strategy went through a formal regional council hearing process which was unusual for a non-statutory document<sup>34</sup>. The formal BOPRC council hearing process gave iwi a chance to ‘speak to it’ in a way that was consistent with Tikanga and hear from the other partners that their visions for the Ohiwa Harbour were supported (Stephen, BOPRC). The significance of the hearing was that all of the key tangata whenua values expressed for Ohiwa Harbour embodied in the strategy document were approved by the council. This gave the Iwi Management Plan greater weight and a “form of status... recognised as relevant by our iwi authority and there would need to be regard to it by the statutory organisations” (Bev, Ngāti Awa/BOPRC).

Simon (BOPRC) outlines how this hearing not only legitimated and strengthened the presence of iwi in regards to the strategy and its outcomes but also might strengthen the ability to embed an iwi voice in council protocols and process.

The strategy is our bible. We managed to get it approved through the local government partner which certainly was a big step towards accepting the concept and acknowledgement of kaitiakitanga. This isn’t a minor detail. This is critical and means heaps to our three iwi and one hapū partners. It is actually verbally recognising the Treaty principles as much as accepting it in a written form and it’s going through the system (Simon, BOPRC).

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<sup>34</sup> Iwi held the *Providing for Kaitiakitanga* chapter, a chapter intended for an inclusion as a chapter in the Ohiwa Harbour Strategy in its entirety, in abeyance as an iwi management plan until they saw the Ohiwa Harbour Strategy go through the hearing process and be adopted (Bev, Ngāti Awa/BOPRC).

ODC twice debated the strategy and sought further amendments rather than adopt it. They believed that the strategy would restrict development around the harbour to the detriment of their district (Bev, Ngāti Awa/BOPRC; Martin Butler, BOPRC). The ODC requested that the hearings process be reopened to address their issues and concerns. However, BOPRC was concerned that this would delay implementation and incur extra costs. A joint committee, *Ohiwa Harbour Implementation Forum* [OHIF], was formed to specifically consider ODC's issues and concerns (Report 6). While the ODC did not adopt the strategy, they agreed to support 'the partnership' in order to maintain a united front on the basis that their specific issues were addressed during the implementation phase. Bev (Ngāti Awa/BOPRC) commented that the ODC "did us a great service. Everybody was a bit grumpy about it at the time, but the move in the long run worked to empower Upokorehe". Lance (Upokorehe/Whakatōhea) discussed that Upokorehe control of mangrove management for the Ohiwa Harbour enhanced kaitiaki and, in turn, Te Ao Māori.

We didn't want their way of doing it. We wanted to do it our way. We wanted to target iwi to protect what was important to us. We didn't want to go in with a slash and burn policy. We wanted to target and try to claim back some of the old netting grounds, the old kai grounds.

From inception to the launch of the Ohiwa Harbour Strategy, BOPRC played a major role in the drafting of the Ohiwa strategy and coordinating the process on behalf of the partners. Bay of Plenty Regional Council effectively 'has held the pen', but reiterate that the process has been a partnership (Bev, Ngāti Awa, BOPRC; Ohiwa Harbour Strategy, 2008).

### **Current Status of the Strategy 2008-2012**

The strategy contains a policy guide to the future direction of the Ohiwa Harbour and contains specific actions under the headings: Health of the Estuary; Kaimoana; Kaitiakitanga; Recreational Opportunities; Managing Development Pressure; Natural Areas, Plants and Animals; and A More Informed Harbour Community (Ohiwa Harbour Strategy, 2008). The strategy outlines the agencies and organisations involved in every aspect of the care, development, maintenance and management of the Ohiwa Harbour. It provides information about resource

provision for the undertaking of actions as well as timeframes for the achievement of actions.

Since approval in 2008, the strategy is currently in its implementation phase. As already noted, in order to facilitate the implementation of the Strategy, BOPRC has established the Ohiwa Harbour Implementation Forum (Report 6). OHIF meet every six months to coordinate the actions, report on the achievement of the actions as well as discuss and plan new actions to better the integrated management of the harbour as laid out in the Ohiwa Harbour Strategy (Report 6). Initially it was envisaged that this group would be made up of one representative from each of the councils (WDC, ODC and BOPRC) as well as one tangata whenua appointee to represent the four iwi and hapū groups (Whakatōhea, Upokorehe, Ngāti Awa and Tūhoe). However, iwi demand for separate iwi and hapū representation was supported by BOPRC and the other strategy partners on the basis of the strong partnerships that had been established during the drafting phase (Stephen, BOPRC). As such, OHIF currently includes representatives from the three councils as well as four iwi and hapū. This forum, while retaining an emphasis on completing actions, provides opportunity for open and informed discussion about Ohiwa Harbour and the ongoing reinforcement of the positive relationships established during the draft strategy (Report 6). In the forum it was envisaged that each council would bear the costs of their representation, yet the boarder administration costs, including iwi meeting fees, were to be borne by BOPRC.

Because the process was reflective of kaupapa iwi, there was a feeling among the iwi participants that they were valued within the process and that their voices were not only recognised but heard. Onion (Te Waimana Kaaku/Tūhoe) discussed his support and the significance of the positive relationships established within the inclusionary process.

Satisfaction. Satisfaction that we are working collectively together for the first time in over one hundred years.

Reiterating this sentiment, Lance (Upokorehe/Whakatōhea) commented on the iwi outcomes of inclusive process.

The best bit is the unity! And I mean the unity between the iwi, bringing all of them together. For the first time in a long time everyone agreed on the one thing... I know we are gonna fight about it again and it will come back to mana whenua... So we've got a document that puts our harbour first.

Local government representatives involved in the strategy not only made the effort to follow Tikanga but also committed at a personal level to engage with iwi so that they might personally learn and understand the intricacies of a Māori worldview. Thus expanding their own social knowledge through challenging, questioning, expressing and engaging with those in different social locations. The key to good engagement with iwi was a lot of what Simon (BOPRC) called, “the intangibles which you need to bring to these projects.... Things like honesty, enthusiasm, trust, commitment, and respect”.

Rather than ‘calling the shots’ as was the norm for a resource rich government organisation, BOPRC followed iwi developed guidelines for the protocol of the process. Simon (BOPRC) outlined how he disliked the words ‘consult’ and ‘consultation’ and what they stand for, stating that the Ohiwa Harbour process of inclusion was about listening and engaging and allowing all those involved to have a sense of ownership. The inclusive process was reflective of “mahī ngātahi (collaborate) and Whakamanahia (empower) probably right from the word go” (Simon, BOPRC). Simon (BOPRC) commented:

One thing I'd say about our Ohiwa Harbour work is, post-strategy, that we do not do consultation. It's not an ethos we espouse to. We work collaboratively, in a co-operative participatory environment... and we accept that each representatives cultural differences, business differences, whatever differences at the table. One aspect we have always done is shared decision-making. For example, if I am to hire a consultant for work for the partnership, my role is just managing that work, not dictating the whole process. The consultant must understand that each of the partners ‘owns’ the work they are doing and can contribute to the output and outcome of that work.

Bev (Ngāti Awa/BOPRC), Simon (BOPRC) and Stephen (BOPRC) all commented that the strategy is a product of the combined efforts of council and iwi and means that “we actually have more power to protect the integrity of that harbour than ever before”. Bev (Ngāti Awa/ BOPRC) commented how “all those involved in the fold, working on the OHS and the OHIF feel really positive about what they have contributed. There is a [real sense of] ownership and teamness”. Thus, within implementation there was a significant shift with much greater support for the strategy and iwi inclusion from the Whakatane and Opotiki District Councils who were starting to realise how powerful the Ohiwa Harbour Strategy could be in achieving their outcomes. As a final comment, Simon (BOPRC) summed up his feelings about the inclusive strategy process.

I’d like to think that since the strategy has been approved and is now being implemented that the door has been opened for fostering the development in an informal sense, not a specific sense, of all of the partners in how to work together for a common purpose. And because that door is wide open that all of the partners have been able to be heard at all times. Whether they’ve walked through, used the opportunity, voiced themselves, to me that’s their call. I don’t know whether they feel that they’ve had the chance or not to do that. But from my perspective I’d like to think that they have always had the chance and voice. Always. Inherently that comes back to the capability and capacity of the partners representatives and their organisations and the intangible qualities they bring.

### ***Conclusion***

This chapter provided a chronological exploration of the key events in the development of the Ohiwa Harbour Strategy. This chapter explored ‘*how*’ BOPRC included iwi, underpinned by the LGA 2002 and the RMA 1991. This chapter investigated the iwi/hapū response to inclusion. It thematically analysed the development of local government and iwi relations in relation to ‘forming’ (2002), ‘storming’ (2003), ‘norming’ (2004) and ‘performing’ (2005-2012). This chapter, drawing on the phases of team development, highlighted the tensions in procedural inclusion and the steps that were taken to mitigate or resolve those tensions. It highlighted the opportunities embodied within the inclusive process

for the development of the common set of planning tools including principles, processes and protocols to provide for co-operative kaitiakitanga and enhanced mana whenua. This chapter outlined how Iwi and hapū resistance to the amalgamation into one iwi/hapū voice meant that all their respective mana whenua was represented at the table. Iwi and hapū asserted their authority in regard to their rights to kaitiaki as a reflection of their mana whenua. Iwi/hapū were strategic about their inclusion on two counts, firstly recognising it as an opportunity to protect the harbour (a direct manifestation of their role as kaitiaki). Second, it was a way of legitimating iwi/hapū voices within local government policy framework. This chapter has established that the Ohiwa Harbour Strategy development was a successful example of procedural inclusion. Part of this success was due to the commitment by BOPRC to further the inclusion and participation of iwi/hapū from its inception to implementation in a way that supported the mana of all partners. Those who were involved with the strategy development listened and participated separately and together with Whakatōhea, Upokorehe, Ngāti Awa and Te Waimana Kaaku/Tūhoe, allowing these communities to develop their own agency and authoritative voice without engaging in the usual discourses that “inscribe otherness” (Bishop, 2008). The following chapter will continue to explore the case study with analysis of the practices of inclusion that makes the Ohiwa Harbour Strategy an exceptional example of procedural inclusion.



## **Chapter Five**

### **PRACTICES OF INCLUSION**

“Me mātou ki te whetū I mua I te kokiri o o te haere<sup>35</sup>.”

“Before you set forth on a voyage, be sure you know the stars-good planning and preparation will help you reach your destination.”

This chapter is an extension to the previous chapter which outlined the inclusive processes relating to the development of the Ohiwa Harbour Strategy in that it explores of the key practices of Māori inclusion in local level policymaking identified in the case study. The aim of this section is to present the key facilitating and limiting factors that highlight why the Ohiwa Harbour Strategy was so successful and why it should be regarded as a model of best practice for inclusive iwi and local government engagement.

This chapter has four sections. Section one explores how the legislative environment created the right context for procedural inclusion and furthered the recognition of kaitiaki. Section two investigates how cultural translators and strategic brokers facilitated inclusion through code swapping (Umemoto, 2001). Section three highlights the facilitating links between iwi inclusion, Tikanga and organisational change. Section four examines the factors that limit procedural inclusion, in particular, the ways in which both local government and iwi lack of capacity and capability impacted on the process and outcomes of inclusive engagement. Section five examines the outcomes of procedural inclusion. This chapter will then conclude with a summary of the practices of inclusion within inclusive process that have been both facilitating and limiting.

#### **Facilitating Factors**

##### ***Legislation***

The most important facilitative factor for Māori inclusion is the legislative framework. The LGA (2002) aims for the inclusion of Māori voice in local

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<sup>35</sup> BOPRC, 2011, p. 26.

government process, and the RMA (1991) ensures that commitments to Treaty principles are interwoven into environmental management documents such as the Ohiwa Harbour Strategy.

Embodied in the LGA 2002 is the compulsion for local government to not only include iwi in decision-making processes on matters that impact them but also to facilitate iwi ability to contribute to the decision-making process. Bev (Ngāti Awa/BOPRC) highlighted how the LGA 2002 institutional framework sets the terms of iwi inclusion.

... Local government is obliged to demonstrate how their decisions are informed by Māori. If those mandated Māori are prevented from providing that advice due to a lack of resources then it follows that a council should foster their capacity to contribute (Bev, Ngāti Awa/BOPRC).

As outlined in the introduction the RMA councils must “define and have regard to kaitiakitanga” (RMA 1991 Section 2 and 7(a)). Within the legislation, kaitiaki is understood as a practice of sustainable environmental management<sup>36</sup>. The RMA 1991 enables Māori to fulfil their role of kaitiakitanga making the space for the inclusion of iwi voice in local government through the processes relating to resource management.

Bev (Ngāti Awa/BOPRC) noted that the non-prescriptive “open-textured” LGA 2002 framework was a “contemporary tool” that can be used by iwi and local government to further the goals and development of iwi, and to bring transformative organisational change to local government. Iwi are ‘choosing’ to engage in this process not because they are obligated to but because the open-textured and non-prescriptive nature of the legislation legitimates the right of iwi to participate and contribute. It also creates a space for the participation and contribution of iwi to be valued.

### ***Kaitiakitanga***

Kaitiakitanga is a shared value among Māori, recognised within a legislative context, thus becomes the second facilitating factor for iwi inclusion. Iwi

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<sup>36</sup> As outlined in the Theory Chapter while the legislation fails to capture the wider dimensions of Māori understandings of kaitiakitanga, the recognition of kaitiaki in legislation remains a facilitating factor for iwi inclusion.

participants discussed how it was their historical right and responsibility to kaitiaki over their rohe. While iwi representatives were pleased that their involvement in the Ohiwa Harbour Strategy legitimated kaitiaki within local government process and protocol, they were all very clear in expressing that, irrespective of the opportunity for inclusion offered by local government, they had the right to kaitiaki in keeping with their mana whenua.

Bev (Ngāti Awa/BOPRC) discussed how a focus on kaitiaki allowed for the building of productive working inter-iwi and intra-iwi relationships.

The kaitiakitanga activity is bringing us together and a bi-product of that [are] greater unification, greater clarity and more streamlined communications between us that are purposefully aimed at minimising adverse environmental effects. So it's a very happy scenario for us, but it's a continuous challenge to keep moving on that plane.

Iwi all saw their involvement in the Ohiwa Harbour Strategy as a way of not only protecting the harbour through the practice of kaitiaki but an opportunity to influence statutory process to reflect Te Ao Māori. Iwi voiced that “tauīwi were mono-cultural therefore there will be no understanding of our concepts and values” and that “tauīwi do not want to understand [that is why] it is important that iwi are included for this reason” (Hui 2).

While legislation was supportive of kaitiaki, it is limited when it is only about inclusion in process and input in decision-making, without the power to access and allocate resources.

Four out of five of the iwi participants expressed that “we managed and controlled it all before anybody turned up and they are trying to saying that we don't know what we are doing” (Nika, Upokorehe/Whakatōhea). Importantly since the creation of the strategy how the work is done, and who carries out the work, now has some degree of iwi input. Three out of four iwi participants expressed that ideally BOPRC should be a resource to allow iwi to do a better job of kaitiaki.

Well, if you were to ask us what the desired relationship would be, it would be iwi at the top with BOPRC as a resource to be able to kaitiaki. Before government organisations were established, before BOPRC was

established, iwi were the kaitiaki and they looked after what was in their rohe. Because BOPRC came later they should be really seen as a resource that we can actually utilise to kaitiaki, to better the kaitiakitanga (Maora, Upokorehe/Whakatōhea).

Yet what must be noted is the changing nature of kaitiaki. Historically kaitiaki was a way of being, yet with kaitiaki embedded into policy it can be used as an instrument of political power to reinforce Māori voice. Thus policy shifts embedding Māori worldviews in legislation can have a positive impact on Māori presence and political voice, but only when the organisations and institutions operationalising the policy have developed the capacity (process, relationships, skills and mechanisms) to do so<sup>37</sup>.

There is a broad consensus amongst politicians and practitioners alike that rebuilding institutional infrastructure through the fostering of collaborative relationships will allow for the sharing of ‘best practice’ knowledge and practices, and more nuanced understandings of the local needs those practices must meet (Quick & Feldman, 2011). In her role as a BOPRC planner and cultural translator, Bev (Ngāti Awa/BOPRC) had the opportunity to use her intrinsic cultural knowledge to create a culturally sensitive process embodying Tikanga and kaupapa; understanding that iwi engagement in this process was an opportunity to strengthen iwi voice within a legislative frame.

### ***Cultural Translators and Strategic Brokers***

Another facilitating factor in the success of the Ohiwa Harbour strategy process was the role that Bev played as a cultural translator, and Simon as a strategic broker<sup>38</sup>. As a cultural translator, Bev was able to switch between the cultural symbolic language of iwi participants in her role as a planner to generate positive

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<sup>37</sup> Wakely (1997) believes that to be effective, capacity building must embrace all three aspects, human, organisational and institutional development. The first capacity is *human resource development* which can be understood as; the support of people to develop the knowledge, skills and understanding to be effective including soft skills (relationship building, conflict resolution) and/or strong leadership. While the second element of *organisational capacity building* is focused on the development of a responsive management structure that is flexible, progressing the strengthening of collaborative relationships, reflective of learning organisations. The third is *institutional development* which underpins organisational development through the legal and legislative changes that enable organisations to enhance their capabilities.

<sup>38</sup> The significance of strategic brokers in Third Way partnership has been discussed by Larner and Craig (2005).

outcomes not only for the process in terms of meeting aims and outcomes but also enhancing the experiences of inclusion by iwi members (see Umemoto, 2001). As a strategic broker, Simon is the key member of BOPRC who is in charge of the implementation of the strategy. Although he does not have the whakapapa links with iwi, Simon's respect for the relationships formed during the development of the strategy and his commitment to the kaupapa that underpinned the development, allowed him to mediate for a high level of cooperation between iwi, local government officials and councillors. Strategic brokers and cultural translators in this context become the 'practitioners of partnership' working at both individual and organisational levels.

As outlined in the case study Beverly Hughes was the BOPRC planner that was given the scope to determine how the Ohiwa Harbour strategy was to be carried out. Bev's connection and whakapapa links to all of the iwi who were to participate in the creation of the strategy combined with her commitment to strengthening iwi voice, made her the perfect person to shape local government iwi engagement for the Ohiwa Harbour Strategy.

All the iwi participants spoke in glowing terms about what Bev had brought to the strategy. In particular, they emphasised her openness to share her knowledge on government process. Bev (Ngāti Awa/BOPRC) expressed the strategy development and the opportunity to support iwi was a "privileged journey". Lance (Upokorehe/Whakatōhea) expressed Bev's humility.

Kaore te kūmara e kōrero mo tōna māngaro (the kūmara does not speak of its own sweetness<sup>39</sup>).

All the participants discussed that her gentle and respectful way with the rangaitira allowed her message to be heard and the benefits that their involvement and support of the strategy might bring to their respective iwi and hapū. Lance (Upokorehe/Whakatōhea) commented:

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<sup>39</sup> This whakataukī illustrates Māori inclinations to be unassuming and modest in the midst of achievement. Honesty and integrity are shown through the spoken word and actions (Speake & Simpson, 2008).

[Bev's] got a good thing with atu (her attitude) of working with old people. She was massive. My uncle trusted no government departments but while Bev was working for BOPRC he trusted Bev... and he wouldn't make a move until he had asked what do you think? And how will this affect us? And she would answer honestly.

Bev, like all the participants, is passionate about the harbour and how it was being used. Throughout the process, and often in her own time, she made sure that all of the participants were up to par on each stage of the strategy development (Lance, Upokorehe/Whakatōhea). As expressed by Lance (Upokorehe/Whakatōhea), Bev's involvement was crucial in generating greater iwi inclusion in the management of the harbour:

Bev, again, she was the one. Where if people didn't realise what was happening she'd come in and bring people up to par, so that they understood, so that they could come back into the next meeting, and make an informed decision.

In terms of the Ohiwa Harbour Strategy, Bev's dual connection to iwi and government was vital in allowing the strategy to become the vehicle for greater iwi presence and voice. Bev in her unplanned role of 'cultural translator' in this context was fundamental in mitigating the historical tensions between the iwi partners and at the same time generating the buy-in required to deliver positive outcomes for iwi. As Lance (Whakatōhea/Upokorehe) commented:

[Bev] was instrumental. Without her in the mix I don't think any of the iwi could have agreed too many things, let alone this. Yeah. She would come and explain, and she took time out to explain what the benefits are.

The mandatory requirement laid out by the LGA 2002 and BOPRC's commitment to iwi inclusion in the process did not mean that greater iwi presence will be welcomed in all local governments. In this process some local government departments, and individuals struggled to reconcile the outcomes of iwi inclusion that required power sharing (Bev, Ngāti Awa/BOPRC; Simon, BOPRC). Strong leadership and support of iwi inclusion by key district council and iwi representatives helped to mitigate any 'fear-based' resistance from some local

government members (Bev, Ngāti Awa/BOPRC; Simon, BOPRC). Proactive participants within each of the partner organisations have used the strategy as an opportunity to encourage non-Māori councillors, who may in historical terms, feel certain adverseness to risk around Māori involvement in decision-making (Bev, Ngāti Awa/BOPRC; Simon, BOPRC; Stephen, BOPRC). Simon (BOPRC) discussed that in his role he has felt that he has had to:

... take people through the reasoning why and accepting that if iwi around our harbour want to work that way, then what is the problem? What is our risk? ... While there is a framework which is in place, [that] supports the principles of the Treaty and in general tangata whenua and people have written and read it, when it comes to apply it in the real world with Māori, somehow it becomes harder for no reason. Words are easy to write down. Sometimes they are hard to come to agreement over, but nothing is as hard as actually doing it.

Bev (Ngāti Awa/BOPRC) left in June, 2005. Simon entered into the fray in October 2007 when the strategy development was complete. Simon (BOPRC) played a role reflective of strategic brokering that worked to influence his colleagues thinking at both the Whakatane District Council and Opotiki District Councils to understand that there was “no risk” in advancing iwi inclusion. Simon (BOPRC), as “the de facto OHSCG leader slash organiser”, continued to push for iwi inclusion in the process to reflect the ethic of Tikanga rather than defaulting to council process and merely slotting in a few Tikanga principles. Otherwise, he claimed the process could have been a “Western nightmare” (Simon, BOPRC).

My role at our initial hui was, looking back, really important and thankfully the partners around the table were accommodating to my learning the ropes... I suppose I naturally just allowed for things to occur the way that they did and do occur, otherwise it would have been uncomfortable and uninviting, particularly to tangata whenua (Simon, BOPRC).

All of the iwi representatives spoke highly of Simon and his commitment to further iwi presence and voice in the management of the Ohiwa Harbour (Bev, Ngāti Awa; Lance, Upokorehe/Whakatōhea; Maora, Upokorehe/Whakatōhea;

Onion & Nika, Te Waimana Kaaku/Tūhoe). Simon (BOPRC) made the process truly inclusionary, spending time with iwi participants to show them what was required of them as a contributor to local government processes.

The strategy is a working environment and it's actually allowing for all of the partners to do a huge amount of learning which is building the capability and capacity of each of the representatives and their organisations. Because it is a working environment, you have to work. And while there's varying capability and capacity to do this we all help each other. It's like crossing a river on stepping stones; everyone has to help everyone to get across safely.

With strategic brokers and cultural translators there was an opportunity created in the strategy development and implementation for Māori worldviews to be the basis for discussion, and Tikanga to determine the protocol for engagement around the integrated management of the harbour. With BOPRC's commitment to inclusion, both the local government and iwi partners were able to collectively achieve together something that could not be achieved alone. In honour of those hard won iwi relationships, these local government representatives would personally and professionally do everything in their power to 'walk the talk' and honour agreements and commitments made with iwi. In other words: "your word is your honour" (Simon, BOPRC).

If you want to effect change with whoever you're working with, Māori or Pākehā you need to actually convey to them a whole lot of intangible things about you, particularly if you're going onto their land, which gives them some courage and confidence in respecting you, trusting you, and believing in you.

The following quote taps into iwi distrust of local government. Iwi, after consultation, negotiation, re-negotiation and building relationships within inclusive process, have come to trust people within local government. Iwi engage with local government on the premise that iwi will only work with those they trust. Recognition that the success of the inclusive process hinged on the involvement of Bev and Simon, and fears about the loss of those trusting relationships was expressed by both local government and iwi participants.



If there was no Bev and leadership was to change, dynamics would change. That is quite an issue for our iwi... BOPRC are going to be lost if [Simon] was ever to leave there because he has good relationships across the partners (Maora, Upokorehe/Whakatōhea).

This argument was supported and extended by Simon (BOPRC).

I worry about the loss of Bev from her knowledge base and strength of policy and governance... I think that will be hard to replace. And those things are all really fundamental... intangibles.

These quotes highlight the fragility of the process and the importance of succession planning to facilitate the continued positive outcomes of procedural inclusion.

Both Bev and Simon are the committed and charismatic strategic brokers behind the successful creation of local iwi partnerships built on trust, reciprocity, understanding and credibility. As partnership managers they worked across boundaries on both an individual and organisational level, enabling the inclusion and engagement of multiple iwi partners, with local government and statutory agencies. However, for their efforts to be realised institutional arrangements and mechanisms of governance needed to adapt and respond to the unique challenges of progressing Māori inclusion. The following section will explore the links between inclusion, Tikanga and organisational change.

### ***Inclusion, Tikanga, and Organisational Change***

A third facilitating factor was BOPRC commitment to inclusion, Tikanga, and organisational change. Bev (Ngāti Awa/BOPRC), backed by BOPRC, made the commitment to use inclusive planning as a transformative process that allowed marginalised iwi voices to be heard. The Ohiwa Harbour strategy began with a “blank page” and was “not a consultation on a pre-determined contribution”, thus creating a process environment that had far more scope for iwi to express their visions for their harbour than ever before (Bev, Ngāti Awa/BOPRC). As expressed by all the participants, Bev’s commitment to articulate collective iwi desires for the kaitiaki of the harbour, also marked the beginning of a new era of

strong, respectful, trusting relationships between iwi and between iwi and local government.

As reflective of deeper level inclusion, local government and iwi jointly planned the Ohiwa Harbour Strategy whilst developing their collective capabilities and capacity for implementation. As a part of this inclusive shift, and reflective of organisational capacity building, BOPRC embraced and operationalized Tikanga in all their dealings with Māori.

Things are changing. Perceptions of how things should be or could be [are changing, rather than] trying to apply a complete western science approach to research or operational management. So it's about understanding mātauranga (Māori ways of knowing) as best we can to apply it, and this is actually a big learning curve for everybody (Simon, BOPRC).

This approach facilitated the process to evolve to reflect iwi ways of doing business through the consistent and unquestioned commitment to Tikanga, finding new ways to weave the formalities of local government processes to Māori cultural protocols (Simon, BOPRC).

OHSCG is training and learning ground for the marrying of cultures and it's quite a fascinating mix of formality and informality when it comes to hui. There is a lot of formality at hui and that can change from rohe to rohe, but then it can change from district council to regional council. Folding in the appropriate Tikanga actually enhances the hui and gives it a wonderful platform to work from. For many Pākehā it can be an enlightening process (Simon, BOPRC).

BOPRC employees created an environment of trust and cultural respect with the use of Tikanga and Te Reo wherever and whenever possible, began to create the conditions for participatory parity and social justice. Iwi engagement in this process (on their terms) was an opportunity for transformation in a way that an imposed process could never be. Embracing Tikanga and Te Reo, Simon (BOPRC) commented, is such, “a New Zealand thing and it's such a lovely way to do business or work”. Simon (BOPRC) went on to explain that what Te Reo brought to the process was far more than language:

Te Reo actually tutors Pākehā as to the dynamic of protocols allowing non-Māori to begin to appreciate the key concepts, values and understandings underpinning a Māori worldview. This is so very important... It's one of things that I think local government organisations need to improve on is, not just write about it or even embrace it, but truly understand some of the fundamental concepts, understand Tikanga, understand mauri, understand basic Te Reo, understand what needs to happen and then make it happen because it is actually something that has no risk. It's not hard. It can be challenging.

There will be barriers that can hinder the path toward inclusive engagement, in this case study the process became a site where the realities of these limitations were realised and some of them overcome. The following section will describe and discuss how the positive outcomes of procedural inclusion were weakened by the limited capacity and capability of iwi and local government partners.

### **Limiting Factors**

#### ***Capacity and Capability***

There were capacity and capability strengths and shortcomings for both BOPRC and iwi that impacted on their ability to leverage the opportunities presented in procedural inclusion. As outlined in the case study, many iwi/hapū in the Eastern Bay of Plenty region are struggling to cope with decades of economic and social marginalisation. The historical marginalisation of iwi voices, among many things, was identified by one of the participants as directly connected with land confiscations and ensuing colonisation (Bev, Ngāti Awa/BOPRC). The confiscation of land took away iwi ability to contribute to decision-making. Thus iwi engagement in the strategy was in recognition of those historical wrongdoings and a strategic attempt by iwi to regain the balance of power and the right to manage and control their land (Bev, Ngāti Awa/BOPRC). Bev (Ngāti Awa/BOPRC) commented on how the depth of political, social and economic marginalisation continues to both hold back iwi growth and development, and underpins iwi distrust of government process.

Like many other tribes in our area who were subject to land confiscation in 1867, that confiscation was not only about land but was also about the right to decide. We were disempowered from the right to decide. Very shortly afterwards there was no expectation from other parties that we had any right whatsoever to contribute to decision-making so we are struggling with that challenge.

What must be acknowledged in this discourse is that Māori are not a homogenous group and occupy multiple subject positions in terms of wealth, social status, and education. The four iwi involved in the strategy were positioned at opposite ends of the continuum of human and economic resources. Ngāti Awa, who has been in a post-Treaty settlement phase since 2005, is a powerful iwi with a vast amount of skilled people and resources at their disposal. Whereas the other two iwi, Whakatōhea and Tūhoe, and one hapū, Upokorehe, who have not yet settled and may never, have limited economic and human resources. What must be made clear in terms of this analysis is that while the lack of skilled people and the lack of resources can be understood as a lack of capacity; it is only in the context of local government systems and processes. Simon (BOPRC) recognised the challenge for those outside of local government “... who certainly don’t lack in capability within their own organisations” to develop an understanding of unfamiliar local government systems and processes. He stressed the importance and the challenges of delivering culturally appropriate support to further iwi capacity to work effectively within the boundaries of local government process.

...when you are trying to marry existing organisational capacity to local government processes, and those organisations are trying to grow their own ability around those processes, it’s really important that feedback loops occur and that those on the outside don’t just expect it to happen. There may be a need to add support or change in how that feedback loop works. For example, we have altered our formal hui minutes to an easy to read style which is being left at marae within each partners rohe (Simon, BOPRC).

Lance discussed how inclusion in the process meant that iwi and hapū representatives had learned about local government agencies and processes and therefore how to negotiate those structures.

Because we've got a lot with the passion and the heart and at the moment we are slowly building up that academic side to be able to deal with the law, legislation and all that (Lance, Upokorehe/Whakatōhea).

The discussion around capacity building is not limited to organisational or human development, but also includes recognition of the financial capacity and resources required for the 'provision of inclusive process' and the 'engagement in inclusive processes'.

### ***Costs of Inclusion***

While the aim of inclusive process is to grow iwi capacity to contribute to local government decision-making, there are on-going costs to both the council and respective iwi organisations. While local government has historically and currently committed to the responsibility of the management of environmental resources, it is well resourced to do so, many iwi are not. A facilitating factor of inclusion is the recognition by the council of iwi social and economic inequality, and the practical steps taken to alleviate this issue (Martin Butler, BOPRC; Simon, BOPRC). Simon (BOPRC) commented:

Our organisation council still carries the lion's share of work requirements but the strategy actions kind of demand that anyway and that is what we have committed to under the ten year plan. But we are funded to do so. Our partner organisations are not as well funded to do so and that is just a fact. However what money can't buy is commitment and contribution, and we have that in spades.

Furthering this observation, BOPRC funded a meeting fee to the iwi organisation and travel expenses for iwi and hapū representatives attending hui in recognition that the "advice received from iwi was valuable" and there is "... a reasonably heavy burden on those participants to keep communications up with their hapū and uri out there out there among their respective tribes" (Bev, Ngāti

Awa/BOPRC). Simon (BOPRC) expressed that two of the iwi and one hapū could not afford to participate without the fee.

Essentially it is appropriate that all three iwi and one hapū partners are compensated for their time at hui.

There was recognition that iwi, in engagement are providing a valuable professional service. Engagement in all circumstances costs each iwi organisation and their representatives, for which there is no recompense from their business operations or other funding sources (Bev, Ngāti Awa/BOPRC; Simon, BOPRC). As Simon (BOPRC) reiterated:

In the Eastern Bay of Plenty we have got a low socio-economic base, particularly within Māori, and that even just getting some of the partner representatives to hui must be funded. For example, no petrol, no representation, no hui, end of story.

Simon (BOPRC) discussed how the benefits of inclusive process far outweighed the costs for capacity growth and development for both iwi and local government.

It costs the council to provide supportive funding for our three iwi and one hapū representatives for OHSCG (Ohiwa Harbour Strategy Coordination Group) and OHIF (Ōhiwa Harbour Implementation Forum) about \$3200 a year if everybody attends, to actually have a fully engaged partnership system.

Another dimension of capacity building was organisational readiness.

### ***Organisational Readiness***

Simon (BOPRC) commented that while the involvement of iwi in inclusive practice is positive, those iwi and local government partners that are resource and capacity rich are in a 'state of readiness' have an obligation to support the growth of other iwi/hāpu groups.

Ngāti Awa are still having to carry a fair share of the burden of cost which they are starting to come to grips with, cause some of it will stay with them.

Bev (Ngāti Awa/BOPRC) reiterated this point.

Because we are in a state of readiness to cope with this type of work, some of us are... better resourced... Ngāti Awa with the settlement has been fortunate that's its own board has decided that it's worthwhile contributing to establishing staff...But other iwi are not in a position to be able to do that.

While time consuming and costly at this stage, Ngāti Awa representatives are aware that their commitment to the collective serves to fine tune their own systems and procedures for on-going engagement with both council and other iwi organisations (Bev, Ngāti Awa/BOPRC). Over time iwi involvement in policymaking and the ensuing capacity and capability growth will logically result in lessening administration costs for both iwi organisations and local government.

Getting our rhythm and our capacity right, making sure that in our capacity of what we are doing as iwi and hapū participants is minimised in terms of our cost and we are getting better bang for our rate buck by seeing the bulk of the administrative and functionary role undertaken by the people on whom we should be relying on (Bev, Ngāti Awa/BOPRC).

Simon (BOPRC) elaborated that the limitations for furthering iwi voice within the council structure were twofold. First, the internal structures of iwi organisations were not all at the capacity to fully leverage the opportunities for inclusion. Secondly, Simon (BOPRC) suggested that the council processes of governance backed by the statutes of law that they worked under, while supportive of iwi inclusion, limited the depth and breadth of inclusive outcomes. As such “traditional governance models may not work into the future, particularly to meet the local challenges [facing] both iwi and local government” (Simon, BOPRC).

The barriers to the future won't be the people; it will be the processes and the governance structures that we have to work in... that are driven by statute of law. People won't be the problem unless you've got the wrong people (Simon, BOPRC).

Thus, for the positive outcomes of inclusion to be realised there must be the space within legislation for local answers to be developed for local problems (Simon,

BOPRC). On the basis of the strong, open relationships established in the ten years of inclusive engagement, iwi and local government have developed the capacity and capability for positive communication across difference required for future power sharing and partnership opportunities (see Young, 1997; 2000 and Fraser, 2003, 2007). What is important to the success of the collective will be the capacity of state organisations to further the growth of these inclusive relationships through their internal processes and systems of governance.

Like the capacity of iwi organisations, BOPRC was also challenged by the inclusionary process with Māori. It appeared that the organisational capacity of BOPRC was not sensitive enough to implement the outcomes of culturally sensitive inclusive process beyond the ‘coal face’. Both iwi and local government representatives discussed how the implementation of the integrated management plan almost destroyed the relationship between the partners. Stephen (BOPRC) outlined that he did not think that the integrated management plan was given the “attention that it deserved operationally when it was handed over to head office in Tauranga”. Lance (Upokorehe/Whakatōhea) reflected on this disappointing aspect of the process.

After BOPRC and local iwi celebrated their success in forming partnership, BOPRC head office in Tauranga emailed the partners to introduce a new contact person who would “let iwi see the draft integrated management plan as soon as [it was done]”. Iwi were “up in arms” because they should have been included in all discussions around the management of Ohiwa Harbour. Furthermore, again in opposition with agreed protocol, the BOPRC head office representative changed four times without iwi once ever meeting them. Consequently, iwi decided that they would only deal with local BOPRC representatives with whom they have established trusting relationships. Local iwi felt that the ‘others’ at the next level up within BOPRC;

... have no affinity. They don’t have aroha for the place.

Lance (Upokorehe/Whakatōhea) commented how Simon (BOPRC) was instrumental in fixing the problem and addressing iwi concerns. Simon (BOPRC) told head office BOPRC that the lack of concern for iwi voice in the process (even if unintentional), undermined not only the integrity of the inclusive process, but



the relationships and trust established between local government and iwi/hāpu groups. As expressed by Lance (Upokorehe/Whakatōhea):

You need to go through the [iwi mandated] process or you are gonna tear it apart. And it almost did.

In spite of the unquestioned positive outcomes for Māori and local government in the 10 years of engagement, the co-created inclusive principles put in place by the Whakatane arm of the BOPRC did not flow through to transform the wider organisation. Simon (BOPRC) discussed that the most challenging aspect of the engagement was ‘delivering’ on the co-created culturally sensitive outcomes in a wider organisational environment that was not always open to change.

What has emerged from the data is that the unique socio-economic political context serves to limit and/or facilitate procedural inclusion. When procedural inclusion is supported through institutional mechanisms, organisational and human capacity, the outcomes can be truly inclusionary and can begin to redress issues of marginalisation. With this understanding in mind the following section will examine the positive implications and outcomes that have occurred as a direct result of the engagement in the unique Ohiwa Harbour context.

### ***The Outcomes of Inclusive Process***

Iwi involvement and capacity building is not a ‘quick fix’ to broader address issues of exclusion and marginalisation. However, it highlights a long-term iwi vision where the aim is to have greater control and voice in the management and kaitiaki of their resources. Iwi involvement in both the development of the strategy and the implementation process has generated opportunities for social justice, and through it enhanced iwi development and self-determination.

Iwi discussed that capacity building of their rūnanga has lifted opportunities for young people to focus on work in and around their rohe (Maora, Upokorehe/Whakatōhea; Onion, Te Waimana Kaaku/Tūhoe). Iwi recognised that the strategy implementation of kaitiaki could lead to employment opportunities for their people, and thus involvement had positive long-term social and economic gains. Maora (Upokorehe/Whakatōhea) expressed this shift clearly.

Employment is sitting right there on our front doorstep which nobody else can see... We wouldn't have any WINZ (Work and Income New Zealand) beneficiaries because the mahi (work) is there to be done.

Both the Te Waimana Kaaku and Tūhoe participants express the same sentiment.

We can do the mahi (work) and they can all put in the pūtea (money) for us to do the mahi, and that is what is happening at the moment (Nika, Te Waimana Kaaku/Tūhoe).

There is a feeling of pride among the local government participants when they talk about the positive outcomes for iwi as a result of being involved in the Ohiwa Harbour Strategy process. Iwi participants talked about how they are now able to provide employment opportunities for iwi members that would have otherwise been outsourced to contractors (Maora & Lance, Upokorehe/Whakatōhea; Nika & Onion, Te Waimana Kaaku/Tūhoe).

We're here to help. We're here to help you train. We're here to offer you working opportunities which ultimately other people have been doing so you can earn too (Simon, BOPRC).

Local government representatives discussed how iwi capacity has continued to grow particularly since the strategy's implementation phase and that with continued support iwi capacity and capabilities will continue to grow. Capacity in this context can also be the key contacts that participants have made in their involvement in the strategy. Simon (BOPRC) discussed how "[iwi are] using the strategy, and some of us in there, to actually support themselves with their problems within their own organisations".

The relationships established within the inclusive Ohiwa Harbour process has allowed the iwi participants access to resources and people to better meet the needs of their own rūnanga.

[Our involvement in the strategy] bought us a lot of contacts which is a good thing. Before we didn't know who to talk to in the government agencies. Now we know a lot of people personally because we have worked with them for so long. A lot of the stuff we were doing in the

strategy we have sort of implemented in some of our planning for our own iwi so we transferred a lot of stuff that we learned there and we implemented it (Nika, Te Waimana Kaaku/Tūhoe).

All of the iwi participants talked about the positive impacts of their capacity growth. Some discussed how the strategy has enabled the access and open lines of communication with government agencies and processes which allows them to be more effective in their iwi work. The work on the harbour has traditionally been the responsibility of the regional and district councils and other statutory agencies importantly since the creation of the strategy. Now iwi has input and influence over how the work is done and who carries out the work (Bev, Ngāti Awa/BOPRC; Lance, Upokorehe/Whakatōhea; Simon, BOPRC).

However, as Simon (BOPRC) expressed, while the outcomes of inclusive process continue to deliver for iwi and local government the issue will be how the proposed changes to local government will impact on future opportunities for inclusion and capacity building.

The next big issue on the horizon for us all is going to be keeping the seven partners together through the next local government review process and even each individual organisations review of their involvement in the strategy. To actually keep going, to keep the funding coming to support the actions, to keep the growth of the iwi partners in particular going because that's benefiting them within a wide range of other scenarios.

The outward respect demonstrated by participants and the strength of the relationships established in the drafting phase, provided the perfect environment for capacity building and development during the implementation phase of the strategy. Te Waimana Kaaku and Upokorehe/Whakatōhea representatives discussed that a direct result of their capacity and capability growth has lead to management and control of iwi resources, thus greater independence and self-determination, which is a key aim Māori involvement in inclusive process.

When we went on and bought in BOPRC in 2006 and took over the management of our river. And now today, they apply us to for resource

consent to work on our river... so we are now the consent givers for our resources here (Onion, Te Waimana Kaaku/Tūhoe).

Both iwi participants and local government participants voiced that their involvement in the strategy process has built both organisational and individual capacity and contributed to the sense of ownership and pride around the strategy outcomes.

What we are learning is how to work together. That's the primary thing. This is building capacity (Simon, BOPRC).

Interestingly the Te Waimana Kaaku/Tūhoe representatives were the most supportive of the process and the gains that have been made in building solid trusting relationships between the partners. Onion (Te Waimana Kaaku/Tūhoe) said he was exceptionally satisfied with the creation of the collective as a result of the inclusive process. He also commented on how involvement in the process had enhanced iwi capacity to negotiate and contribute to organisational processes.

The other thing is [involvement in the strategy process] has also helped us with a lot of other developing processes like the river management process that we have been going through. It has also helped us... in understanding the processes and how to do some of these outrageous paper works. It has also helped us in regard to the management and the control and the wellbeing of our sacred sites because there are well over 4000 sites that have been registered all around the Ohiwa area (Onion, Te Waimana Kaaku/Tūhoe).

The approach taken by local government toward iwi inclusion and capacity building has been one of openness and respect. The outcomes not only resonate a respect for Māori culture in terms of the employment of culturally sensitive protocol in process but an absolute respect of where iwi have come from, where they wish to go, and the role that BOPRC might take in helping iwi to reach that goal (Bev, Ngāti Awa/BOPRC; Simon, BOPRC).

To see the angst and the growth of their own relationships, to actually get to where they would like to go. There is still a huge amount of [capacity

building and development] even with the burgeoning power and funding capability of our iwi across New Zealand (Simon, BOPRC).

Simon (BOPRC) discussed that despite the good outcomes of this inclusive process that there is still a challenge ahead for iwi to take the lead in their own capacity development so that they can truly leverage the opportunities in front of them.

There's still a long way for some iwi to go to be that kind of modern Māori business, but often that's the difference between an iwi who has settled with the Crown and one that has not or is trying to achieve all their aspirations (Simon, BOPRC).

The broader benefits for Aotearoa will be realised when iwi capacity and capability are developed to the point where Māori can demand to be recognised as 'legitimate players' by the all of the statutory organisations. Iwi presence and iwi voice in all levels of governance will strengthen the ability to protect and sustain not only the land and resources, but also advance the social, economic and political well-being of all New Zealanders.

### ***Conclusion***

This chapter highlighted some key lessons for the practice of engagement. It established that inclusion is fragile, given that there are there are limiting and facilitating factors that inhibit or enhance engagement and its outcomes. This chapter has demonstrated how the LGA 2002 and RMA 1991 legislation provides the impetus for local government inclusion, therefore is key in strengthening iwi presence and voice, a broader aim of inclusive practice. Iwi participation was both a strategic move and a political move to assert, in a formal local government framework, iwi right to kaitiaki over their mana whenua, furthering rangatiratanga. Further this chapter then established that large part of the success of the Ohiwa Strategy must be contributed to the involvement of cultural translators and strategic brokers that facilitated, mediated negotiated and nurtured networks, in ways that allowed marginalised Māori voices to be heard (Larner & Craig, 2005). This chapter in the section 'inclusion, Tikanga, and organisational change' has shown how at a local level BOPRC, worked to leverage their human

and organisational capacity to facilitate Māori voice in policy, reflecting the wider commitment to Māori partnership and inclusion embedded in the legal and legislative institutional framework.

The challenges or limiting factors for inclusion lie in recognition that the participants in inclusive process are often separated by cultural differences, intensified by historical economic, social and political inequalities. This chapter highlighted the challenges and opportunities of capacity and capability building for both iwi and local government organisations and representatives. As a result of procedural inclusion iwi capacity growth has centred on largely on human and organisational development, leading to greater inclusion of iwi voice in resource management, greater opportunities for work and employment and positive social outcomes for the iwi partners. Whereas the local government capacity building was largely centred on the intangibles; relationship building, embedding of Tikanga principles in process in the hope that their organisation would facilitate the ability of Māori, with varying degrees of capacity and capability, (and a historical distrust of local government) to contribute to council decision-making processes. However for procedural inclusion to achieve the higher aims of strengthening Māori voice in local government process and transforming dominant understandings that continue to perpetuate inequality, organisations (in which procedural inclusion occurs) must work to develop the capacity not only to ‘carry out culturally sensitive process’, but also the mechanisms to ‘implement and deliver on co-created culturally sensitive outcomes’. More broadly, if engagement serves to embed the dominant agenda, albeit in a culturally sensitive way, without increasing the opportunity for self-determination and autonomy through organisational and institutional change then engagement becomes a tool for maintaining political stability and suffocating resistance (Purcell, 2009). This chapter holds that the Ohiwa Strategy stands as a ‘best practice’ benchmark for collaborative, cooperative practices of Māori and local government inclusion. Therefore it is vital that instigators of inclusive process focus on succession planning to replace cultural mediators, to ensure that the positive outcomes for both iwi and local government are strengthened and maintained. The following chapter, building on the empirical analysis of this chapter, will revisit critical

theory to explore the how the practices of inclusion are imbued within a broader political context.

## **Chapter Six**

### **THE POLITICS OF INCLUSION**

“Te mōrehu whenua: Te mōrehu<sup>40</sup>”

“The remnants of the land the remnants of the people.”

The previous chapter explored some of the practical factors that either facilitated or limited the success of procedural inclusion for Māori and local government. In the context of the Ohiwa Harbour Strategy, despite the largely ‘successful’ nature of the practices of engagement, there were deeper level political realities impacting on the process and outcomes of engagement. Furthering this exploration, this chapter will explore how politics and power relationships underpinning iwi/local government engagement in policymaking, impinge on democratic shifts, affirming or undermining Māori political voice.

To examine the tensions and opportunities of the politics of inclusion this chapter will be divided into three sections. The first section will examine the politics of representation, highlighting the challenges brought by inter-tribal dynamics, inequality and the strategic use of inclusion to further Māori claims of self-determination. Section two will examine the language and concepts of partnership arguing that the language that underpins neo-liberal Third Way inclusion sits in tension with Māori demands for self-determination. This section will also explore resistance to inclusion. The third section discusses how new political identities are created through the process of engagement and how these shifts in identity inform the creation of new collective communities.

#### ***Politics of Representation***

The current literature on inclusion assumes that the process of engagement occurs between two parties. Generally the two parties are the state (or one larger organisation) and ‘one marginal other’, thus the strategies based on this premise

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<sup>40</sup> Tinirau, 2007, p. 143.



are limited as a template for the inclusion of multiple voices in process (UNESCO, 2005; IPA2, 2006; BOPRCMPU, 2011). What was unique about procedural inclusion in the Ohiwa Harbour Strategy context is that local government initiated engagement with Māori involving three iwi and one hapū, or succinctly, more than 60 hapū, divided into three iwi with more than 65, 000 affiliates (Whakatōhea, 2011; Te Rūnunga o Ngāti Awa, 2012; Tūhoe, 2012a). In tension with the dominant models of inclusion, inclusive engagement in the Ohiwa strategy development with multiple iwi/hāpu groups required local government to recognise iwi/hāpu specific protocols, kawa and Tikanga.

While at times there was recognition of iwi/hāpu differences, all of the iwi groups articulated how at different stages of development, and in opposition to agreed protocol, local government kept trying to reduce the iwi representation from four to one (reflective of normative understandings of inclusionary process involving one marginal other). In the beginning ... “[iwi had] to persuade the partners in the OHS to accept that they need representation from each of our iwi organisations, not just one” (Bev, Ngāti Awa/BOPRC). Furthermore, despite the positive strategy development that included all iwi voices, at strategy implementation and the establishment of the Ohiwa Harbour Implementation Forum, local government again tried to reduce iwi representation from four to one. While the council outwardly expressed how “the tangata whenua membership is seen as being an appropriate response to the LGA 2002 principle of providing an opportunity for Māori to contribute to council decision-making”, they requested that the “iwi group represented on a rotational basis (every three years)” (Meeting 4, p. 3). It is possible to interpret the reframing of iwi as Māori, as an expression of the limitations of the current understandings of inclusion (with their distinctly neo-liberal undertones) that require ‘sameness’ as a basis for inclusion (Humpage, 2007). The distinctly political demand by iwi for separate representation within the Ohiwa Harbour Implementation Forum, as an expression of their mana whenua, meant that the process had to be flexible to engage with multiple iwi groups. As highlighted in both the theory and the practices of inclusion, Māori are not a homogenous group, thus the ensuing demand for the recognition of ‘kaupapa iwi’ forced the state to embed within procedural inclusion the opportunity for the expression of each of the iwi groups unique historical, kaitiaki and mana whenua

relationships with the land and water (Durie, 1998; Walker, 2004; Mikaere, 2011). Surprisingly, although slowing the process, multiple voices did not halt the process “...when it got going every inch was a miles worth of battle to win” (Bev, Ngāti Awa/BOPRC). What these findings suggest is that procedural inclusion has the flexibility to include and deliver culturally sensitive outcomes and cooperative problem solving to more than just one group (beyond current understandings of the concept) and is a suitable process for overcoming the challenges presented by both difference and multiple voices (Young, 1997, 2000; Fraser, 2003, 2007).

### ***Inter-tribal Dynamics and Inequality***

While the ideal of procedural inclusion is to get as many representative voices as possible at the table, in reality this is difficult to do in practice. There were tensions between iwi and between iwi and local government which needed to be managed within procedural inclusion. Within the inclusive process iwi partners engaged with local government (an institution that had historically marginalised and alienated Māori from institutions of governance) and found a way to overcome the challenges of intra-tribal tensions, and inequalities to reach ‘collective consensus’, an aim of procedural inclusion. Iwi participants discussed that the commitment to honouring different voices in the development process (following the communicative approach) was reflective of traditional Māori “method of consensus seeking and support for a message representing an iwi and hapū” (Bev, Ngāti Awa/BOPRC). Demonstrating this point Bev discussed how BOPRC in the scoping phase of the strategy determined the interest of iwi to participate meeting with the rangatira of the four iwi, Ngāti Awa, Upokorehe, Whakatōhea and Tūhoe.

[BOPRC] asked them, “How would you have us move forward? How would you have us work with your operatives and functionaries so that we prepare our way forward with your satisfaction and your comfort?” And the rangatira said, “Kei te pai te ra (the day is good)<sup>41</sup>. But, you come back to us and we will see what direction you are proposing to go and then we will revisit this question on our willingness to participate” (Bev, Ngāti Awa/BOPRC).

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<sup>41</sup> This alludes to the idea that the rangatira were supportive of the kaupapa underpinning the invitation for iwi/hapū inclusion in the strategy development.

The forthcoming support of the four iwi/hapū rangatira brought high level of comfort in the process, iwi partners were able to overcome immense issues, of inequality, powerlessness, and contested mana whenua (that would have stalled most inclusive processes), and focus on coming to consensus about “the real issues at stake” (Bev, Ngāti Awa/BOPRC). The following comment from Nika (Te Waimana Kaaku/Tūhoe) mirrors the collective consensus of all the iwi partners to engage in the process:

It was about our harbour, our kaimoana and our future for our people.

Drawing from the evidence garnered in the case study, iwi involvement and support of policy development at the local level can be seen as an example of a broader strategic move by Māori to transform the norms of equivalence (*from within*) of the institutions that have historically reinforced and perpetuated their inequality. Demonstrating this point the united rangatira support for iwi involvement in the development of the Ohiwa Strategy was future focused and strategic (asserted around “a kind of ownership”) (Bev, Ngāti Awa/BOPRC). Iwi are clear that they already have the power<sup>42</sup>, and inclusion in process becomes a framework by which their power can be exercised (Bev, Ngāti Awa/BOPRC). rangatira asserting this perspective to the council that: “it doesn’t matter who *owns* the resource, your responsibility as regional council is to manage the integrated management, in an objective setting, and we will take [issues of ownership] up with the crown (Bev, Ngāti Awa/BOPRC).

[For rangatira] issues were always seen in terms of the real issues at stake. Kaitiaki over mana whenua, [mana whenua] is a debate for another time; The Treaty of Waitangi or High Court. Right now we are here for this. We will treat with you on your perspective. Kei te pai (good). We are settled (Bev, Ngāti Awa/BOPRC).

### ***Strategic Iwi/hapū and Procedural Inclusion***

Bev (Ngāti Awa/BOPRC) discussed the challenges for all of the iwi groups who while involved in the Ohiwa Harbour Strategy development were also counter

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<sup>42</sup> There is mention of section 33 of the RMA that allows for the transfer of power from local government to iwi. Iwi involved in the strategy say that “s33 transfer of power insinuates that iwi do not have power”. “Iwi must not to buy into this concept as iwi already have the power” (Hui 2).

claiming in the Waitangi Tribunal process. Iwi involvement was a strategic expression of their right to kaitiaki as an assertion to both local government and other iwi groups of mana whenua and mana moana<sup>43</sup>.

Yet “iwi have always demonstrated that they can make distinctions between the mana whenua issues and issues relating to kaitiakitanga” (Meeting 3). During the strategy conversations, if productive discussion was stalled by issues of mana whenua the following argument was used to mediate these tensions and divert to the higher argument.

“Can we focus on kaitiakitanga? Can we park the mana whenua issues for another place another people, another hat to be worn?” If some of us are involved with that because if we have interconnectedness of mana whenua that is creating a lack of clarity about what we are there to do as kaitiaki, then we will never do what we are there to do as kaitiaki (Bev, Ngāti Awa/BOPRC).

Bev highlighted that iwi involvement in the strategy which manifested as the pan-Iwi Management Plan (2005) had far reaching strategic implications. The strategic move by rangatira to engage in procedural inclusion ‘irrespective of the ownership of the asset’ legitimated Māori presence and embedded Māori understandings into a policy framework. Bev (Ngāti Awa/ BOPRC) highlighted how the *Providing for Kaititanga* document is the “first pan-tribal iwi planning document for a harbour.... The first one that has been made in New Zealand... with Ngāti Awa holding the pen, but with all co-operating in generating the approach”.

The Iwi/Hapū Working Group is not an instrument of self-government or self-management, intended to replace existing systems of governance, but rather creates an opportunity for indigenous participation within the existing systems of governance. Iwi representatives as spokespeople for their broader iwi and hapū

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<sup>43</sup> Iwi and hapū are clear to differentiate that statutory acknowledgement is not the same as mana whenua. Expressing this point in a personal communication Upokorehe state that:

Upokorehe understand that the role of the council is to consult with Ngāti Awa, who has statutory acknowledgement within a specific part of the Ohiwa Harbour. The council obligation to the statutory acknowledgement of the harbour is for a period of 20 years. The hapū are very clear this does not mean ownership or mana whenua, mana moana. (Letter 7).

groups are the “designated instruments” (Peters, 2002, p. 213) of environmental protection or kaitiaki, and while the government retains the ultimate power in decision-making there remains the opportunity and scope for Māori working *within* the system to affect the outcomes (Durie, 1998; Humpage, 2007). In support of this proposition Bev highlighted how the strategy document positions iwi as key players in the management of environmental resources and “has probably had an effect on the overall strategy and had an effect on the way that iwi are perceived in the Eastern Bay of Plenty now, and local government”. While at the same time the “bi-products of our kaitiakitanga relationship [have]...enhanced our intertribal relationships as well” (Bev, Ngāti Awa/BOPRC).

Despite the positive expressions of iwi uniting for strategic and political reasons within the strategy development, the intra-tribal tensions are deep and ongoing (reflective of Māori worldviews of their place on the continuum) mediated by Whakapapa ties and historical acknowledgment of mana whenua and kaitiaki. Maora (Upokorehe/Whakatōhea) discussed that being a participant in the process required an “understanding [of] the unique make up of each iwi and their *relationship* to the harbour”. The inclusive process is a forum where intra-iwi tensions are articulated as a manifestation of the contested nature of ‘iwi relationships’ with ‘iwi resources’ controlled by the Crown. Critical to this analysis is the understanding that for Māori property ownership (in a western sense) is not the key; control is the key (Durie, 1998; Walker, 2004; Maaka & Fleras, 2005, 2009; Mikaere, 2011). Simon (BOPRC) grasped the significance and the complexity of the development of these relationships between the iwi partners, commenting that, “there is sensitivity between the four iwi that is palpable. You can hear it in the way that they are talking with each other around the items”.

As already expressed, some of the iwi participants although not disempowered as a group, experience varying degrees of voice and inequality within the broader Māori community. For these groups a lack of resources, also translates as a lack of power, undermining the possibilities for transformative outcomes in inclusive process. When a socially, economically and politically marginalised community is included in policymaking processes of local government (irrespective of the culturally sensitive process) their lack of resources and political voice means that they have no option (if they wish to be included) but to accept the terms of the

process; in this case collaborative consensus building. This sentiment was expressed by Maora (Upokorehe/Whakatōhea);

It's a really hard place to be in at the moment because everyone in this strategy believes they are doing the best thing that they can and do, but they probably would think differently if they walked in the shoes of Upokorehe.

The least powerful iwi and hapū groups rely on the other iwi not only to honour their historical mana whenua relationships with the harbour and its surrounds, but to reinforce them as well<sup>44</sup>. With consensus as an aim the least empowered iwi/hapū (by nature of the inclusive process) can be forced to pursue a course of action that is reflective of everyone's 'common good' (Young, 1990, 1997, 2000; Fraser, 2003, 2007; Hoch, 2007; Purcell, 2009). For the least powerful, their involvement in the collective has undermined their ability to speak for their own interests. In a personal communication Upokorehe discuss the difficulty of their position as hāpu on both the strategy development and their own Treaty claims.

Overall the Ohiwa Harbour Strategy has been an evolving process... Upokorehe have identified that although the intention of the Ohiwa Harbour Strategy may have had the best intention to enable collective care of the Harbour, it has become evident to Upokorehe, that the strategy has had significant impacts on Upokorehe with regard to their own tino rangatiratanga within their rohe (mana whenua and mana moana) (Letter 7).

Upokorehe must overcome their disadvantage (and their most powerful political tool) by proposing a course of action that is seen to be in everyone's best interests, not just theirs, effectively silencing their political voice.

When the shots are called... you're totally disempowered (Maora, Upokorehe/Whakatōhea).

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<sup>44</sup>For example from an Upokorehe perspective, they are primary kaitiaki of the harbour. They are yet to settle their Treaty claims within their rohe (which includes Ohiwa Harbour). As a hāpu without iwi status they feel the most disempowered by the collective. "You want people to stand up and say, 'I think Upokorehe should lead it'" (Maora, Upokorehe/Whakatōhea).

Thus when the aim of inclusive process is consensus building, even when rooted in recognition and reinforcement of Te Ao Māori, the process can reinforce existing power relations rather than transforming them (Purcell, 2009).

Despite these tensions the least powerful iwi recognise the benefits and the power of the collective voice. Through the involvement in engagement iwi are building capacity to operate at many levels within local government and are learning to become voluntary authorities, both individually and collectively. Onion (Te Waimana Kaaku/Tūhoe) discussed how his thinking had shifted due to his engagement in the Ohiwa process:

You need to be broad minded in order to go out there to be part of a collective group of thinkers and developers because you can't develop in a little hole of your own or you are going to get those closed in ideas, those narrow minded ideas.

Onion (Te Waimana Kaaku/Tūhoe) identified how capacity growth and development had benefitted his rūnanga, but recognised that for deeper level change that the power was in the collective.

That is what we are trying to uplift here. Just getting the little bit of leeway we've got so far in the last ten years to get us to a level... and we are still not quite up there (hand signalling height). This is where we push and we need to sort of go through together collectively (Onion, Te Waimana Kaaku/Tūhoe).

The positive experiences of the partners in the strategy process have facilitated the unforeseen outcomes of strong inter-iwi relationships and the shaping of a collective iwi community. The commitment to the collective is significant as it takes place in the face of vast challenges presented by historical conflicts, iwi powerlessness, marginalisation and inequality, magnified by contested mana whenua in a Treaty environment. Iwi are beginning to realise that they will win or lose this together, and that the power exists within the collective. In support of the collective iwi voice Onion (Te Waimana Kaaku/Tūhoe) commented that:

We shouldn't be talking with the district council, we should be talking with Ngāti Awa... and how can we support them better, in any which way

we can, so that we all have a win-win situation instead of losing out (Onion, Te Waimana Kaaku/Tūhoe).

Bev (Ngāti Awa, BOPRC) discussed how the success of the strategy underpinned the formation of the collective iwi community.

It has been a huge team effort... this work is the manifestation of so many hands that have touched it. It's about all of us celebrating where we are at right now... but in terms of 'one group' that is the iwi groups have been practicing in this way since 2005.

For the success of the collective iwi must maintain scale and stay big. If iwi balkanise and continue to separate into iwi hapū groups, there will be a loss of power and a loss of voice. Thus the challenge is to find a way to smooth the angst among iwi in order to create productive collective working relationships, and with it powerful pan-iwi decision-making bodies. Bev (Ngāti Awa, BOPRC) discussed the significance of the collective.

I think that by just being determined in our mind and being focused on what we were needing and wanting to do and what we could afford to do and just doing it, with the right attitude in mind that determination and those decisions have carried our iwi community and tangata whenua groups forward, and I think that it is wonderful as it has given these groups experience of decision-making, in a collaborative form across our respective tribes.

While iwi are committed to finding new ways to strengthen their political voice and presence furthering rangatiratanga and mana motuhake the underpinning rationale for the collective is the possibility that multiple voices can better protect the environment. This sentiment was expressed by Maora (Upokorehe/Whakatōhea) who said that her iwi commitment to the collective was

... About giving opportunity to our people, whether that be Ngāti Awa, Tūhoe or whoever. If we don't do something about that soon, we won't have any nice clean resource to look after.



Within inclusive process Māori political goals regarding governance and self-determination are shaped and constrained by the wider ideological underpinnings of inclusive liberalism. This focus on the cultural and the political is underpinned by an emerging body of evidence that the social and economic success of indigenous communities is intrinsically linked with culturally-based governance (Durie, 1998; Cornell, 2005; Maaka & Fleras, 2005, 2009; Humpage, 2007). Partnership is both an aim and a tool of procedural inclusion. While partnership is a method by which Māori can engage with the state on matters of mutual interest to achieve the goals of sustainability as well as furthering their demands for self-determination. From the states position, it is a functional process by which to achieve social inclusion through the recognition and responsiveness of local voices on policy. While the BOPRC participants truly believe that procedural inclusion is the way to generate greater iwi presence and strengthen iwi voice, there are tensions between the dominant understandings and Māori understandings of partnership which will be discussed in the following section.

### ***The Language/Concepts of Partnership***

Through engagement and culturally sensitive inclusion the LGA 2002 and the RMA support the opportunities, for greater iwi involvement and presence in keeping with local government obligations to Māori as Treaty of Waitangi partners. Critical in this discourse is that indigenous peoples have the constitutional right as original occupants with sovereign status to control their resources, as well as shape and deliver policy that reflects their unique socio-political, economic needs (Durie, 1998; Walker, 2004; Cornell, 2005; Maaka & Fleras, 2005, 2009). What must be acknowledged is that on the surface the language embodied in culturally sensitive inclusive process, appears to provide the opportunity for Māori to reassert their desires for self-determination at the cultural, economic and political levels yet the ideological underpinnings serve to narrow, rather than broaden this opportunity.

One lens that can be used to examine this idea within the case study is an examination of the similarities between the language of inclusion (and its neo-liberal underpinnings) and the language of Māori self-determination. Contemporary Māori policy is imbued with the language of inclusion, such as

‘capacity building’, ‘partnership’ and ‘self-determination’, with reference to the Treaty of Waitangi<sup>45</sup> (Humpage, 2007). These words from a Māori perspective could be understood as a direct policy response and opportunity by the state to provide for greater Māori autonomy. The following quotes drawn from the interview data will examine the use and meanings of the word ‘partnership’ by iwi and local government players to tease out the complexities of this point.

Simon (BOPRC) voiced that the strategy development and implementation was a “collaborative... cooperative” partnership between iwi and local government. From the data it appears that local government representatives saw procedural inclusion as a way to eliminate power imbalances between the partners, levelling the playing field for iwi/local government engagement. From a local government perspective, power was bracketed within the inclusive process, by the commitment to Tikanga, iwi determined process and protocol, and the resulting outcomes that reflected and reinforced the legitimacy of Te Ao Māori. From a local government perspective the collaborative process and outcomes in the Ohiwa Strategy were akin to partnership.

It’s a training ground and it’s actually helping them within their own trusts to actually understand processes and systems, and that’s what I really like about this partnership. And I really like the word 'partnership' because right at the start its put us all on equal footing (Simon, BOPRC).

While one cannot critique the intention and integrity of the local government representatives in their quest for iwi partnership, just by stating it is a partnership, does not make it so. Partnership is about power sharing. All iwi participants said that while there was a degree of power sharing, it is limited to input into process and outcomes. Partnership in this context is not reflective of Māori understandings of ‘partnership’ which are based on the development of power-sharing relationships that enable access and control of resources in keeping with the Treaty of Waitangi. Furthering this point, iwi expressed that relationships are one

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<sup>45</sup> The Treaty of Waitangi, ‘capacity building’ and Third Way understandings of ‘partnership’ are central in Māori policy making. Yet, as Humpage (2007) outlined, concepts of ‘capacity building’ stemmed from development programmes in the South, and ‘partnership’ from the Third Way ideology of the north.

thing, but control over mana whenua publically legitimates, reinforces the sovereign status and rights of tangata whenua, furthering rangatiratanga.

Why are we bothering with an Ohiwa harbour strategy when we know that it's not going to make a difference at the end? When I say that when we know that we can't get the resource in there. We might have a good understanding and relationship [with local government and iwi partners] but that's all we'll have because were not being given the resource to do the job (Maora, Upokorehe/Whakatōhea).

When the iwi representatives spoke of their partners, it was made clear that the word was only used in reference to the strong relationships that had been formed with local government and iwi representatives during the strategy development and implementation. For Māori relationship building is just one aspect (albeit a vital one) of engagement and inclusion with the state, but until inclusion is linked with access and control of resources it is not a partnership. Simon (BOPRC) grasped the significance of the language used to describe iwi engagement.

Collaborate, fine. Co-management I struggle with and I think I struggle with that because I respect that, particularly tangata whenua around here have said to me that we won't be co-managing anything because it will be ours. [So we at BOPRC] look for a collaborative or a cooperative and I like those words better.

The collective iwi issue with the partnership was expressed as an outstanding issue at the Ohiwa Implementation Forum (Report 7). This document, penned by TRONA, highlighted that there were “no formal protocols or agreements” that commit organisations to partnerships<sup>46</sup> which did not “provide confidence to parties that statutory agencies will continue working in an integrated manner with iwi and hapū partners” (Report 7, p. 39).

Four of the five iwi participants expressed that they would like the Ohiwa Strategy to be a partnership but felt that the imbalances between partners were

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<sup>46</sup> Humpage (2007) discusses “true partnership should see both partners fulfilling obligations and responsibilities” (p. 20). The outcome in the Ohiwa Strategy is reflective of other recent Māori policy initiatives in which Māori communities have met their “obligations established under ‘partnership’ frameworks, while governments have been slower to respond” (p. 20).

still too great for that to be a reality (Bev, Ngāti Awa; Maora, Upokorehe/Whakatōhea; Onion & Nika, Te Waimana Kaaku/Tūhoe).

Onion from Te Waimana Kaaku discussed that despite the positive relationships where “everyone is happy, everyone is smiling, [and] communication is quite cool” yet when questioned if the strategy was a reflection of partnership he definitively stated: “No. We have got a voice but that’s all”. Nika (Te Waimana Kaaku/Tūhoe) also stressed that: “No. There is no partnership there whatsoever”. While Bev (Ngāti Awa/BOPRC) also focused on the positive relationships between the respective iwi and between iwi and local government, she also did not see the strategy as reflective of a partnership. Although she did comment that she “would like to see us have a partnership”. However, she goes on to say for a partnership there would “need to be a level playing field... and we don’t have a level playing field”.

Extending this exploration from another perspective, Tūhoe through Te Waimana Kaaku are included in the process as legitimate players in the management of Ohiwa Harbour yet their demands were not for partnership (as Tūhoe are not Treaty signatories) but were for recognition and acknowledgement of their unique political position and rights to autonomy as an independent sovereign state; thus self-determination. Nika (Te Waimana Kaaku/Tūhoe) articulated that Tūhoe did not wish to be identified as “subjects of the crown... we are not subjects of the crown... That is why BOPRC don’t use Māori anymore. They use the word tangata whenua.... [The Strategy] is the first document with tangata whenua on it”.

In the Ohiwa Harbour Strategy, BOPRC furthered the opportunity to self-determine, supporting iwi to reclaim their unique political identity as tangata whenua. From an indigenous centred perspective this finding is significant as self identification and self-definition are recognised as important aspects of the political struggle toward decolonisation (Smith, 1999). Furthermore, Tūhoe demand for self-definition reflects international indigenous shifts. In this shift, indigenous peoples are no longer just “passive objects of government policy but are active participants in the struggle for recognition of their own human rights and in the redefinition of their relationship with the rest of society” (UNESCO Institute for Education, 1999, p. 5). Yet from a critical perspective one could

suggest that this shift, while significant to individuals engaged in process, is not significant as it is a nominal change that does not challenge or shift the political, but reinforces the position of Māori (as junior in the partnership with the Crown) within existing political boundaries (O’Sullivan, 2007). Thus procedural inclusion while ‘culturally sensitive’, is limited in addressing issues of ‘political sensitivity’ such as rangatiratanga and mana motuhake. Demonstrating this point both Te Waimana Kaaku representatives commented that the process was brilliant and that they felt both seen and heard, yet they both expressed that the Ohiwa forum did not allow for conversations that challenged existing power structures.

I guess it's a bit different for us as Tūhoe because we never signed the Treaty<sup>47</sup>. That is why we come on that angle a lot of times. I keep on telling them at those hui at the Ohiwa harbour. We don’t recognise the Acts because we weren't party to the Treaty contract, so we are sort of outside of that. We are more or less like an independent to the partnerships...an independent nation...It is quite hard because everyone else keeps on talking Treaty, and acts and all of that, and it is only a couple of us that are mentioning Mana Motuhake; our own independence. We sort of get listened to but we sort of get overrun too at the same time (Nika, Te Waimana Kaaku/Tūhoe).

The warning is that while procedural inclusion makes space for the articulation of cultural understandings in process and outcomes, as a mechanism it furthers Māori autonomy *only* to the point where control continues to reside within the system. Although the language of procedural inclusion and Māori autonomy has overlaps, the scope of inclusive process does not have the capacity to redress wider political claims for Māori autonomy, mana motuhake or rangatiratanga.

Embedded in the politics of inclusion is a struggle for political power between those that already have the power, those who wish to resist it, and those who wish to lay claim to it. In the case study not all iwi embraced the opportunity for

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<sup>47</sup> It must be noted that Tūhoe and Te Waimana Kaaku were not signatories to the Treaty of Waitangi. This has influence on how they see their relationship with the Crown and the statutory obligations of the state.

inclusion, some choosing resistance as a method of achieving their aims<sup>48</sup>. Despite the fact that BOPRC openly requested and sought iwi inclusion from the beginning of the process, some iwi members were openly resistant to inclusion. It appears that iwi resistance to inclusion was historical, based on past experiences of government initiatives which reinforced dominant understandings while undermining and belittling Māori representatives, and their worldviews. In a letter written to Bev, strategic planner of BOPRC, an unhappy Waikaremoana trust board member expressed these sentiments.

The worth of any participation is not clear to us at all [especially when] our people may come along and get confronted by your technical words, and be essentially ignored and made a fool of by you... It is not the policy of my Board to service the bidding of local bodies or to do so AT OUR COST... [So why don't] you produce the strategy yourself and make that document generally available for comment (Letter 5, *emphasis in original*).

In response to this resistance, Bev reiterated that the input from each iwi was vital and that it was important for iwi “to speak for its preferences and to guide us all toward a management framework that is inclusive and not exclusive” (Letter 6). The critique served a purpose in that it required BOPRC to articulate their understandings of the outcomes inclusion in the policy process might bring to iwi, and the role that they wished to take in facilitating the strengthening of iwi voice. Bev discussed the importance of including all iwi voices in the process was in order to create a “chapter that satisfies iwi and hapū, because it has been crafted by them”. Also in her response, Bev (Ngāti Awa/ BOPRC) explained to the concerned iwi member that contributions from iwi are valued as they will be included into a document that:

... will have an effect on councils and statutory organisations that are relevant to the harbour [and may also be included as] an addition to an iwi

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<sup>48</sup> Percy-Smith (2000) discusses that this aspect resistance through of self-exclusion can be linked to political choice or cultural norms, or a reflection of limited information, historical marginalisation from political institutions and processes, or because excluded individuals do not feel they have a vested interest in society nor the way it is governed.

management plan if the iwi and their hapū consider it worthy to be so (Letter 6).

The Tūhoe/Waikaremoana member was not satisfied by Bev's response so Jan Mandemaker, Strategic Policy CEO of BOPRC, also responded point by point to the critique.

While 'servicing our bidding' (but at BOPRC's cost), [iwi representatives] are also working for the benefit of iwi and hapū. We consider that many people, including BOPRC, will benefit from inclusion of the iwi and hapū view on how kaitiakitanga should be provided for in the management of Ohiwa Harbour and its catchment (Letter 8).

The challenge for iwi and local government participants in procedural inclusion is to find commonalities in differing worldviews to build a co-operative solution through collective action. Yet it seems likely that the partners achieving their aims and aspirations are limited when they all want something fundamentally different from the process. Māori must decide if their participation in mainstream democratic processes furthers their demands for rangatiratanga or if resistance is the path to bring about the transformation of existing power relations. The warning is that when collaborative and consensual relations (reflective of a participatory democratic process such as procedural inclusion) are underpinned by neoliberal interests that any resistance will be suffocated (Brownill & Carpenter, 2007; Humpage, 2007; Purcell, 2009).

Fears that iwi involvement in inclusive practice was just another way of silencing Māori resistance was expressed by a Ngāti Manawa affiliate. Deeper exploration of the following quote suggests that iwi felt that the method of selection for iwi representation in the Ohiwa Harbour Strategy had delivered sympathetic, non-resistant participants that would allow local government to make "unilateral decisions" undermining iwi and hapū right to kaitiaki and their broader demands for rangatiratanga (Letter 7).

The practice of kaitiakitanga falls out of Tikanga Māori which results from years of sustainable development based on the principle of maintaining, protecting and actively promoting positive utilisation of the Continuity of

Consciousness of the Taonga of Ranginui and Papatūānuku. [Thus] the strategies for kaitiakitanga must emanate from collective hapū who live by and on the taonga and NOT some government created iwi authority (Letter 3, *emphasis in original*).

The above quote taps into other tensions underpinning procedural inclusion. The broader aims for procedural inclusion must always go unrealised as it is neither practical nor desirable to include everyone; “as every *inclusive* ‘we’ must *exclude* a ‘they’ in order to exist” (Purcell, 2009, p. 153). As a result decisions are imposed on iwi and hapū who have had little or nothing to do with the process, yet are affected by the outcomes. This point highlights that to be truly inclusive the procedural inclusion must be transparent, open to questioning, challenge (from within and without) and modification if required, for the outcomes to reflect any kind of legitimacy for those affected by the outcomes yet not involved directly in the process (Quick & Feldman, 2011).

Political change must be driven by Māori who have knowledge and understanding of the gaps and spaces in institutional frameworks for the assertion of Māori voice. In the governmental spaces created by procedural inclusion, new subjects and with it new identities are being formed through engagement in contested discourses and practices. Procedural inclusion becomes a training ground for the expression of new political identities, which will be explored in the subsequent section.

### ***Procedural Inclusion and New Political Identities***

Involvement in procedural inclusion created new political identities for the representatives. In inclusive process the lived experiences of iwi representatives are validated, their ways of being reinforced and supported, they are changed because they are heard. This sentiment is supported by Onion (Te Waimana Kaaku/Tūhoe) (who initially had concerns about involvement in the process) who said upon reflection that the other partners: “valued it more than our own what we were saying in regard to contributing to some of the changes that have occurred at the moment.”



Simon (BOPRC) too commented how his work with iwi in the strategy has changed him. The process has given him the opportunity to strengthen Te Reo and through engagement the opportunity to truly understand Te Ao Māori. Simon commented that his involvement in the process has given him a:

... depth to being a New Zealander, working here, that I never had before and it's come because I'm working with Māoridom outside of the organisation who have given me that depth... that level of history and understanding that means that I start to feel now like I have much more connection to the place where I belong to (Simon, BOPRC).

Engagement created new political identities for both iwi and local government representatives. Local government representatives are insiders who step into the Māori world are transformed by their first hand experiences of Te Ao Māori, and express how this lens deepens their understandings and connections to both the land and the people (Simon, BOPRC). For Māori the situation is complex. Māori are 'outsiders' to the dominant society yet through procedural inclusion iwi/hapū representatives become 'insiders' through their knowledge and understanding of state process and their relationships with local government officials. What I propose is that iwi/hapū involvement in procedural inclusion and subsequent 'buy in' to the process re-creates Māori political identities. What would be interesting to explore is how these hybrid identities that allow iwi representatives to have a foot firmly in both worlds impact on iwi/hapū affiliates. While it is clear from the interview data that iwi representatives are proud of their contributions to the strategy and the benefits that continue to flow back into their wider iwi groups. What is not clear is how the representatives are perceived by their respective tribes. Are the iwi and hapū affiliates involved in the process perceived as 'Uncle Toms'<sup>49</sup> or does the group recognise the importance of inclusion to redress issues of marginalisation? And how do iwi/hapū representatives reconcile the tensions between their role as a spokesperson for their iwi and the commitment to the collective strategy partners?

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<sup>49</sup> The term "Uncle Tom" is used as a derogatory title for a person who betrays their own group by participating in its oppression, whether or not they do so willingly. See <http://www.merriam-webster.com/dictionary/uncle+tom>.

## ***Conclusion***

The tensions and opportunities of the politics of procedural inclusion have been explored in this chapter. Drawing from the case study material this chapter examined the political challenges and opportunities presented by procedural inclusion as a mechanism for procedural justice (Young, 2000). This chapter aimed to extend and critically evaluate current understandings of the political implications for state inclusion of marginalised Māori communities.

The politics of representation discussed how the current literature on inclusive process assumes one marginal other. This chapter explored how the successful representation of iwi voices in culturally sensitive process extends current understandings of procedural inclusion as a mechanism for inclusion, delivering inclusive outcomes to more than one ‘other’ voice, overcoming the challenges presented by both difference (Young, 1997, 2000; Fraser, 2003, 2007). Within the successful inclusive process iwi overcame issues such as powerlessness, inter and intra-tribal tensions due to contested mana whenua, reaching collective consensus on providing for kaitiakitanga. Though there must be some kudos given to the culturally sensitive processes of inclusion put in place by BOPRC, the success of the process must be also attributed to iwi ability to act strategically and always find ways to ‘divert to the higher issue of kaitiaki over mana whenua’ in the face of immense challenges. Iwi strategically used the legislative requirement embodied in the LGA 2002 and the RMA 1991 for inclusion within the Ohiwa Harbour Implementation Forum to politically legitimate kaitiakitanga (as an expression of mana whenua) and embed Māori understandings within local government process. Thus local level iwi involvement and support of policy development was future focused, strategic and political. The implications of this finding are twofold. Firstly, iwi participants were the ‘designated instruments’ of Māori voice strategically using their culture and presence to transform the norms of equivalence *from within* the institutions that have historically maintained Māori inequality. Secondly, BOPRC was and supportive and open to increased Māori political presence, embracing Tikanga and Te Reo as part of their organisational processes to be more in line with Māori ways of doing business and Te Ao Māori. This finding is in line with the theory that holds that positive indigenous social and economic outcomes are linked to systems and process of culturally-based

governance (Durie, 1998; Cornell, 2005; Maaka & Fleras, 2005, 2009; Humpage, 2007).

This chapter explored the unforeseen yet positive outcomes of procedural inclusion which was the development of strong inter-iwi relationships. With the building of these collective relationships iwi no longer have to ‘fight over the crumbs’ for recognition, resources and voice but use the power of the collective to drive deeper level structural and institutional change; furthering their claims for rangitiratanga. The “productive tensions” (Simon-Kumar & Kingfisher, 2011, p. 272) of procedural inclusion were highlighted as the least powerful iwi/hapū, by nature of consensus, had to pursue a course of action that was reflective of the wider iwi common good, rather than their own, reinforcing existing power relations rather than transforming them (Purcell, 2009; Simon-Kumar & Kingfisher, 2011).

While partnership was presented as an aim of procedural inclusion within the case study it was more reflective of a tool for inclusion. This chapter discussed how different understandings and meanings of partnership that iwi and local government actors impacted on the process. Local government actors believed that opportunities for partnership existed in procedural inclusion whereas iwi felt there were no opportunities for partnership. Local government participants expressed partnership as a process by which to achieve social and economic inclusion for Māori communities. While iwi understandings of partnership were expressed as power-sharing, autonomous decision-making and engagement with the state over matters of mutual interest. Thus ‘culturally sensitive’ procedural inclusion, is valuable to furthering iwi voice in the management of their resources, is limited to address wider issues of ‘political sensitivity’ such as partnership and self-determination.

Finally this chapter examined how through engagement and capacity building that, new political identities are created. For iwi these shifts in identity are intimately linked to the development of knowledge skills required to negotiate institutional processes. These identity shifts are vital to inform the creation of new collective communities that will ensure, at all times, there is Māori voice in management, constantly pushing for shared control and partnership, furthering rangatiratanga.

The following chapter will conclude this thesis, drawing together the theory and arching back to the research questions, to determine if procedural inclusion can deliver procedural justice and with it bring Aotearoa New Zealand closer to a politics that reflects and reinforces difference.

## **Chapter Seven**

### **CONCLUSION**

“Ka titiro whakamuri, kia ahu whakamua, ka neke<sup>50</sup>.”

“By looking into the past, our current practice can be informed to create a pathway forward.”

This research was a critical evaluation of the practices and politics of Māori-State inclusion in culturally sensitive policymaking processes as laid out in the LGA 2002 and the RMA 1991. These issues were explored through a qualitative case study account of the experiences of local government and iwi/hāpu actors involved in the Ohiwa Harbour Strategy development 2002-2008. This thesis argued that procedural inclusion is a mechanism to deliver social justice through positive social, economic and political outcomes in process (Young, 2000). It investigated whether procedural inclusion could further social justice for Māori, beyond the social and economic outcomes, as well as Māori political autonomy and self-determination.

This chapter will draw together all the strands that underpin Māori-state inclusion in policymaking. Firstly, the three research questions are answered in light of the previous three chapters and compared to existing literature. Links are made to theory and extensions to current understandings of the opportunities and challenges of inclusive policymaking with marginalised groups are discussed. Finally, this chapter will discuss the methodological strengths and limitations of this research and suggest possibilities for further research.

#### **Revisiting the Research Questions**

This research has critically explored the positive and negative experiences of Māori and state actors who have experienced procedural inclusion, that is, the processes, practices and policies of Māori-state inclusion and its ability to reflect and deliver the ideals of political inclusion.

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<sup>50</sup> Johnson, Hyland, MacLean & Te Atatu, 2011.

The following section will briefly summarise the position of Māori and state actors.

In sum, iwi/hapū actors who were involved in procedural inclusion all rated the experience highly. They discussed how the commitment to iwi determined process and protocol made them feel both heard and seen. All of the iwi/hāpu participants and their respective rūnanga benefitted from their engagement. However, iwi/hapū actors expressed that procedural inclusion alone cannot deliver the ideals of political inclusion. While furthering Māori political presence, procedural inclusion does not create opportunities for Māori determined systems of governance that are vital for Māori political inclusion.

State actors also all rated the experience of procedural inclusion highly. They discussed how their commitment to Māori Tikanga, process and protocol enhanced the ability of their organisations to engage with local iwi/hapū. Procedural inclusion with Māori also developed state actors own understandings, acceptance and support of Te Ao Māori. State actors recognised the limitations in their own organisations and in institutional and structural mechanisms to deliver the ideals of Māori political inclusion.

In this section, I will revisit the three key research questions in order to explore the factors that facilitate or limit Māori inclusion in policy engagement. More broadly this section will explore if Māori engagement in policymaking furthers Māori claims for self-determination and shifts the democratic process closer to a politics that reflects and reinforces difference.

***Q. 1. At an applied level, what are the factors that facilitate or limit the inclusion of Māori in policy engagement?***

There are six key facilitating factors for Māori inclusion: the legislation, BOPRC a learning organisation, the use of strategic brokers and cultural translators, the strategic iwi collective and successful social, economic and political outcomes of procedural inclusion. These factors will be discussed below.

A key factor that facilitated procedural inclusion is the legislation. Local government are compelled by the RMA 1991 and LGA 2002 legislation, to include iwi in a 'state of readiness' to contribute to council decision-making

process. Enabled by the legislation iwi were strategic and future-focused using the changing political nature of kaitiaki and the statutory requirements for Māori inclusion as a way of legitimating their rangatiratanga and concretising iwi presence in local government policy and process. Normative understandings around models of inclusive process assume the presence of one marginal other. In this unique engagement process, iwi were not homogenised as one Māori voice but rather their iwi and hapū identities were reinforced and supported to reflect the ‘plurality of perspectives’ in process (Young, 1997, 2000; Fraser, 2003, 2007).

In the context of strained historical relationships between government and iwi, undelivered promises and marginalisation, BOPRC, who embraced the notion of a learning organisation, welcomed the use of Tikanga and Te Reo, and enabled Te Ao Māori to underpin the inclusive engagement process. Enhancing the positive outcomes of procedural inclusion were strategic brokers and cultural translators that facilitated the development and strengthening of local government and iwi/hapū relationships, enhancing the positive outcomes and experiences of participants engaged in inclusive process (Auer, 1998; Lerner & Craig, 2005; Umemoto, 2001). By engaging in Māori ways of ‘knowing, being and doing’, shifts in the organisational culture of local government occurred and iwi voice and political presence was strengthened. As a result, the status of Māori has been raised and “political parity” of iwi representatives has been reinforced and furthered through their engagement in procedural inclusion (Fraser, 2003, 2007). Furthering Māori inclusion, iwi participation was not just limited to the engagement process but extended to developing aims, objectives, outcomes and plans as well as implementation and monitoring of outcomes. Through the process of inclusion, and the ensuing capacity building iwi created new political identities.

After decades of intra-tribal and inter-tribal tension over contested mana whenua and mana moana (magnified in a Treaty claims environment), iwi strategically overcame these vast issues to work together to create a pan-iwi management document *Providing for Kaitiakitanga 2005*. This document is significant as it is the first pan-iwi management document relating to the management of a harbour that has been successfully implemented in Aotearoa New Zealand concretises Māori values, aims and aspirations within policy and politically legitimates iwi voice within a statutory framework. Consequently, the iwi groups are building

capacity and rhythm in process to achieve aims and objectives as a collective through integrated iwi operations and planning documents including joint enforcement of the harbour (mahinga maitaitai and rohe moana) supported by the territorial authorities and statutory agencies.

From a state perspective, the Ohiwa Harbour Strategy stands as a model of ‘best practice’ for inclusive process due to the positive political, economic and social outcomes for iwi involved in the strategy. These outcomes can guide other local and national authorities thinking around the possibilities for iwi involvement in local level policymaking. For local government, their involvement with iwi in the Ohiwa Harbour Strategy development provided a good experience for the councils of collaborative decision-making with non-elected iwi. Participants expressed that bringing iwi on board as partners gave councils and iwi more power to protect the integrity of the harbour than ever before.

For more details about the positive outcomes for local government as a result of their engagement with Māori, see Appendix Four.

### ***Limitations of Māori Inclusion***

There are six key factors that limit Māori inclusion: Lack of formal commitments, legislation does not compel Māori inclusion, lack of iwi and local government capacity, outcomes not linked to power-sharing, prejudice and fear of power changes.

While local government are compelled by legislation to include Māori voices to contribute to council decision-making process there are no formal protocols or agreements (legislative or otherwise) that *commit* statutory organisations to *continue* working in an integrated fashion with iwi and hapū partners. The LGA 2002 discusses Treaty principles, inclusion but not partnership, and the RMA 1991 discusses Treaty principles but not inclusion. Thus local government autonomy around iwi inclusion is problematic, in that many strategic or regional and district planning documents discuss their aims for Māori inclusion in keeping with the statutory requirements but do not necessarily deliver on these commitments. As such, despite the impetus provided by the LGA 2002 and the



RMA 1991, the depth of Māori inclusion will be indicative of the cultural awareness and sensitivity of individual local government institutions.

Three out of the four iwi/hapū groups were not well resourced nor ‘in a state of readiness’ to participate in procedural inclusion. Without local government funding and support, there are questions around whether iwi would have and/or could have participated. Capacity is not only an issue for iwi. Another limiting factor is the state organisations capacity for cultural sensitivity; vital for successful procedural inclusion. This research has shown that facilitators of inclusionary processes must first find ways to economically level the playing field. Second they must commit to ongoing capacity building for any of the positive opportunities to be realised.

Significantly, while iwi/hapū were impressed by the cultural sensitivity of the inclusive process, the outcomes did not further their autonomy by linking iwi engagement in process to greater control or access to resources. When inclusive process does not lead to strengthened political voice and power it may be seen as a method to secure particular outcomes and deliver social control over those whose existence undermines dominant understandings (Brownill & Carpenter, 2007; Hoch, 2007; Purcell, 2009). Further limiting the opportunities for Māori inclusion were historical mindsets and prejudices fearful of changes to the balance of power.

For more details about the limiting outcomes for local government -Māori engagement with, see Appendix Four.

***Q.2. What aspects of Māori-state relations influenced or determined who or what is included in these engagements?***

Initially, the degree of iwi involvement was determined by local government highlights one of the many flaws in the system. Local government not only get to choose who is included, but the terms of inclusion and how the processes of inclusion will be carried out. While iwi are open to engagement with local government, they do so on the basis that inclusion gives them voice to assert their power and expressions of ‘a form of ownership’ over contested resources

currently in control of the state. Or more simply, engagement gives iwi space to express their rangatiratanga through kaitiakitanga.

The process itself differed from dominant understandings of inclusive process involving marginalised communities. There was no pre-determined outcome, but a commitment for the creation of a document that would embody iwi aims/ values and aspirations for the future of their harbour. The Māori local government representative, with intrinsic knowledge and experience of Māori culture was able to roll the inclusive process out in a way that was reflective of iwi ways of doing business. The local government commitment to iwi determined process and protocol increased the positive outcomes of iwi engagement in inclusive process.

On the basis of historical dissatisfaction with local government engagement, iwi initially challenged local governments' commitment and integrity to furthering iwi voice within inclusive process. Iwi initiated a process of negotiation, discussion and debate with local government which were played out in hui and through email and letters. This debate pushed local government to take ownership of their past behaviours and established that Māori would determine the new 'culturally sensitive' ground rules for the strategy engagement. This outcome shows how iwi used the opportunity for inclusive engagement to position themselves within the process, rather than being positioned; reflective of communicative democracy and essential for procedural justice (Young, 1997, 2000).

As highlighted, historically poor relationships and outcomes for iwi have underpinned iwi distrust of local government initiatives. It is important to Māori to work with people within local government with whom they trust and have a relationship with (whakawhanaungatanga). Māori were clear to local government about whom and what kind of people they would work with. Māori rejected working with people in local government who spoke before they listened, who did not follow through on their promises and who did not recognise iwi contributions as valuable. For example when the strategy was operationalised, BOPRCs failure to follow the co-created process and protocol, saw iwi turn their back on dealings with the broader organisation, in favour of local level representatives with whom they had a relationship. The outcome was unique as Simon became the broker for

iwi, reflecting the fluidity of identity (Fraser, 2003, 2007; Mouffe, 1999; Young, 1997, 2000). Simon is not Māori. He is a local government representative. He was not chosen to speak for Māori, yet he spoke for Māori in order to protect their interests and the relationships that had been established during the strategy development.

As Māori do not engage unless their own ways of ‘doing and knowing and being’ are acknowledged, throughout the inclusive process understandings of Tikanga and Te Reo and Te Ao Māori were interwoven. When Māori ways of ‘doing, being and knowing’ were not reflected in procedural inclusion, iwi stopped the process, confronted the people, dealt with the issues, made council accountable, and negotiated new terms for going forward. This outcome is reflective of communicative democracy whereby process is used as a mechanism to question and expand social knowledge and challenge dominant norms, and create the space for multiple voices, leading to procedural justice (Young, 1997, 2000). Bev (Ngāti Awa/BOPRC) summarised the challenge and the intensity of the journey:

Every inch was a miles worth of battle to win.

***Q. 3. How does procedural inclusion further Māori claims of self-determination and highlight broader issues faced by marginalised groups that might bring Aotearoa New Zealand closer to a political system that reflects and reinforces difference?***

As outlined throughout this thesis, the significance of these research questions is that the continued marginal status of the growing Māori population has far reaching economic and social costs (Humpage, 2007). Thus mechanisms to bring about political, social and economic inclusion are vital to bring about social change.

As already noted, there are positive outcomes from the involvement in inclusive process facilitate the achievement of positive social and economic outcomes for Māori, such as increased self-reliance through access to work, access and some control of resources and opportunities for greater presence and voice in decision-making. The first key point is that procedural inclusion does not go deep enough

to address Māori issues of political significance, such as the demand for political voice, power, autonomy or partnership.

The language of procedural inclusion conveys to indigenous communities that there is an opportunity for self-determination, political voice, power, autonomy and partnership. Yet local government as well as the wider organisational and institutional framework are limited in their desire and capacity to achieve them. Though procedural inclusion does not create any real opportunities for the manifestation of tino rangatiratanga, this thesis demonstrates that desired and positive outcomes reflecting Māori goals and aspirations can still be gained. Thus the second key point is that procedural inclusion of Māori does strengthen Māori presence and voice in political contexts.

There also remains a question around whether the social and economic benefits attached to iwi involvement in procedural inclusion shifted the more radical aims of resistance to reflect the collective aims of common good and consensus. The third point is that procedural inclusion can undermine resistance and deliver political stability (Huxley, 2000; Purcell, 2009; Aitken, 2010).

Building upon this critique one must ask if Māori aims for self-determination and autonomy can be delivered from within the system. The political complexity for iwi seeking greater self-determination through inclusive process is that any resulting Māori autonomy would reside within an existing state system. Iwi must decide if their struggle for liberation and self-determination falls beyond the scope of what can be delivered by democratic or inclusive process. Iwi must decide if it is possible that iwi engagement in procedural inclusion is a way of bringing structural and institutional change from within. The fourth key point is that if inclusion in culturally sensitive process leads to outcomes that begin to transform the norms of equality, legitimating different worldviews, and delivering opportunities for power sharing, then (and only then) can procedural inclusion become a tool for emancipation.

At the local level, the creation and implementation of the Ohiwa Harbour strategy is an example of meaningful communicative democracy. The fifth point is that procedural inclusion in the Ohiwa Harbour Strategy context supported a 'politics of difference' in which Māori perspectives and struggle for justice underpin the

both the process and implementation (Young, 1997). Following the tenets of a politics of difference, BOPRC as a democratic institution created the social framework to transform the exclusions and oppositions that symbolise Māori realities to create opportunities for Māori to engage as political equals delivering social justice in the process (Young, 1997, 2000; Fraser, 1997, 2003, 2007). Ohiwa is reflective of Fraser's (1997) sub-altern counter publics that provide an opportunity for the expression and legitimation of diversity, reflecting citizen voice and opportunities for emancipation to a far greater degree than deliberative democracy (Hoch, 2007; Listerborn, 2007; Umemoto & Igarashi, 2009; Bond, 2011).

However, in order to bring about broader positive political outcomes for Māori that are reflective of the Treaty partnership, procedural inclusion a considerable first step. For Māori and other marginalised indigenous populations, positive institutional and structural change can only come with legislation that *compels* government to not only consult, but to *engage, collaborate, and power share* with indigenous communities. The sixth key point is that only if procedural inclusion leads to power sharing, and self-determination as embedded in the Treaty that inclusive process can become a mechanism for procedural justice as envisaged by Māori. The final point is that the key to redressing issues of marginalisation and unlocking Māori potential begins with the legislation. Māori want to achieve their goals, visions and aspirations in their own ways; “by Māori and iwi, for Māori and iwi” (TPK, 2002, p. 12). Legislation must be strengthened if Māori are to ever fully contribute, on their own terms to the well-being of this society. If the funded capacity building of iwi resource management plans would allow iwi the same status as the other local and district players, as Williams (2012) noted, iwi could stop being objectors and start being proponents. The resulting culturally appropriate forms of governance, such as power-sharing partnerships, would further Māori self-determination and procedural justice and, in turn, move Aotearoa New Zealand toward a political system that reflects and reinforces difference.

## **Methodological Limitations and Further Research**

My study is distinctly limited by its size and scope. The interviews included only three regional council members and four iwi/hapū groups, without input from district council or any of the statutory agencies. However because there was a commitment to honouring their voices, that readers will get an understanding of the experiences of the different actors involved in procedural inclusion. An expansion of this project could include a larger scale research project incorporating multiple councils and multiple iwi groups to compare and contrast the different types of Māori inclusion currently undertaken by local government. Further research on indigenous experiences of inclusive processes would fill a gap in literature that is usually positioned from the viewpoint of the dominant group. As mentioned in Chapter Six, involvement in inclusive processes potentially can create new political identities and/or ways of thinking and acting collectively. This raises the following questions: What are the costs and benefits for engagement in inclusive process for representatives of marginalised communities? How do they negotiate these identities and how are these identities perceived by other community members? This study is a qualitative account of the experiences and outcomes of local government and iwi actors engaged in culturally sensitive inclusive process. The intention of this study is to provide both theoretical and practical lessons to shape future inclusionary processes to be more reflective of the voices and experiences of indigenous communities, bringing social justice to those historically marginalised by the structures and institutions of society. Paradoxically when the wherewithal for the inclusion of a marginalised group falls on the very institutions that have historically perpetuated a group's exclusion, one has to question the ability for any engagement in this context to be 'inclusive'. In order to redress any of these issues what must be acknowledged are the different understandings of social justice that underpin indigenous engagement with the state. State determined inclusive process generates social, economic and political outcomes. While valuable, these outcomes are not reflective of indigenous understandings of social justice which further their broader aims of self-determination.

Issues of indigenous marginalisation are complex and multidimensional. This study holds that indigenous inclusion in the policy process can lead to culturally

appropriate outcomes that can redress issues of marginalisation and exclusion, but not without structural and institutional change. The RMA 1991 gives the local government the option to enact power sharing, yet, as Williams (2012) noted, in 21 years this outcome has never been successfully delivered. Given that many iwi organisations have developed the capacity and capability to take over the management of their own resources, one must ask why local governments are not open to power sharing with tangata whenua. Procedural inclusion, when linked to the institutional mechanisms that further Māori rights to self-determine, can raise the status of Māori. However there is clear potential for the state to rectify Māori marginalisation by furthering Māori claims for self-determination in ways that do not undermine the legitimacy of the nation state but expand its flexibility and strength through positive and productive working relationships with Māori collectives

Engagement in this context can create the conditions for political parity, and real opportunities to unlock Māori potential, in keeping with the emancipatory tenets of 'Māori succeeding as Māori'. When discussing the challenges presented by procedural inclusion, it is as the title of this thesis *Te Toi Poto, Te Toi Roa* suggests in that there are short steps and long steps on the journey. As one local government representative put it:

Just because it is hard, doesn't mean that it shouldn't be done (Martin, BOPRC).

## Epilogue

“Whāia te iti kahurangi Ki te tūohu koe, me he maunga teitei”<sup>51</sup>.

“Pursue excellence – should you stumble, let it be to a lofty mountain”.

This journey through kaitiaki has been both challenging and rewarding. Commitment to kaupapa has brought unforeseen challenges. Challenges have allowed me to engage with powerlessness, and how important it is for my work to reflect the experiences and understandings of those historically silenced. These challenges were necessary so that I might let go of the given and make space for the new. This journey through kaitiaki has opened me to other understandings and expressions, pushing my own boundaries so that Te Ao Māori might become a part of me, as it always should have been.

This journey began with the story of creation when Tāne mahuta separated earth and sky allowing light to shine on the earth, freeing the world from darkness.

“Na Tāne I toko, ka mawehe e Rangi raua ko Papa

Nana I tauwehea ai Ka heuea te Po

Ka heuea te Ao”<sup>52</sup>.

The whakataukī translates as: “it is by the strength of Tāne that the sky and earth were separated, and light was born”. This metaphor is poignant to end this thesis. It reflects the first small steps of my journey to the attainment of knowledge and enlightenment, as Māori woman, as a feminist, and as a scholar. It locates me, on the banks of the Hokianga with my whānau. My kaupapa connects me to Upokorehe, Whakatōhea, Ngāti Awa and Tūhoe through whakawhanaungatanga. I thank them for their part in my journey, and acknowledge that this is only the beginning.

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<sup>51</sup> TPK, 2012.

<sup>52</sup> No author.



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## APPENDICES

### Appendix One

#### Guide to Referenced Archive Data

Draft 1	<p><i>Date:</i> November 11, 2004</p> <p><i>Subject:</i> Providing for kaitiakitanga draft</p> <p><i>Author:</i> BOPRC</p> <p><i>Reference number:</i> 5565-01</p>
Hui 1	<p><i>Date:</i> June 11, 2003</p> <p><i>Agenda:</i> Providing for kaitiakitanga project, introduce consultant to iwi and request iwi and hapū to select and mandate representatives.</p> <p><i>Venue:</i> Te Maungarongo Marae, Ohope</p>
Hui 2	<p><i>Date:</i> June 25, 2003</p> <p><i>Agenda:</i> Ohiwa Harbour and Catchment Integrated Management Strategy, Providing for kaitiakitanga</p> <p><i>Venue:</i> Te Maungarongo Marae, Ohope</p>
Hui 3	<p><i>Date:</i> January 29, 2004</p> <p><i>Agenda:</i> Ohiwa Harbour and Catchment Integrated Management Strategy: Providing for kaitiakitanga</p> <p><i>Venue:</i> Te Maungarongo Marae, Ohope</p>
Hui Minutes 1	<p><i>Date:</i> June 25, 2003</p> <p><i>Agenda:</i> Draft notes from plenary hui - Ohiwa Harbour and Catchment Integrated Management Strategy: Providing for kaitiakitanga hui</p> <p><i>Author:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Written for:</i> All involved in the project</p>
Letter 1	<p><i>Date:</i> June 7, 2002</p> <p><i>Subject:</i> Iwi Management Board for Ohiwa Harbour</p> <p><i>Author:</i> Jeff Jones, Chief Executive, BOPRC</p> <p><i>Written to:</i> Dr Hirini Mead, Chairman of TRONA</p> <p><i>Reference number:</i> 5565-01</p>
Letter 2	<p><i>Date:</i> January 29, 2003</p> <p><i>Subject:</i></p> <p><i>Author:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Written to:</i> Iwi</p> <p><i>Reference number:</i> 5565-01</p>



Letter 3	<p><i>Date:</i> June 24, 2003</p> <p><i>Subject:</i> Letter of apology. Request for concerns to be voiced at the Te Maungarongo Marae hui on June 25, 2003 to discuss Ohiwa Harbour and Catchment Integrated Management Strategy: Developing Appropriate Processes for Tangata Whenua and Kaitiakitanga</p> <p><i>Nature of Item:</i> Official Iwi document</p> <p><i>Author:</i> Ngai Moewhare Marae/Hapū affiliate</p> <p><i>Written to:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Reference number:</i> 5565-01</p>
Letter 4	<p><i>Date:</i> March 9, 2004</p> <p><i>Subject:</i> Discontinuation of consultancy services and its implications for iwi and inclusion</p> <p><i>Author:</i> Independent Consultant</p> <p><i>Written to:</i> Jan Mandemaker, Group Manager Strategic Policy</p> <p><i>Reference number:</i> 5565-11</p>
Letter 5	<p><i>Date:</i> April 15, 2004</p> <p><i>Subject:</i> Unhappy with process</p> <p><i>Author:</i> Tuhoe-Waikaremoana Māori Trust Board member</p> <p><i>Written to:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Reference number:</i> 5565-01</p>
Letter 6	<p><i>Date:</i> April 16, 2004</p> <p><i>Subject:</i> Response to ‘unhappy with process’</p> <p><i>Author:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Written to:</i> Tuhoe-Waikaremoana Māori Trust Board member</p> <p><i>Reference number:</i> 5565-01</p>
Letter 7	<p><i>Date:</i> April 17, 2004</p> <p><i>Subject:</i> Response to BOPRC</p> <p><i>Author:</i> Tuhoe-Waikaremoana Māori Trust Board member</p> <p><i>Written to:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Reference number:</i> 5565-01</p>
Letter 8	<p><i>Date:</i> April 23, 2004</p> <p><i>Subject:</i> Clarification of issues raised by Tuhoe-Waikaremoana Māori Trust Board member in email correspondence with Bev Hughes, Resource Planner and Martin Butler, Resource Policy Manager</p> <p><i>Nature of Item:</i> Official Council document</p> <p><i>Author:</i> Jan Mandemaker, Group Manager Strategic Policy</p>

	<p><i>Written to:</i> Tuhoe-Waikaremoana Māori Trust Board member</p> <p><i>Reference number:</i> 5565-01</p>
Letter 9	<p><i>Date:</i> August 16, 2012</p> <p><i>Subject:</i> Thesis feedback</p> <p><i>Author:</i> Maora Edwards, Upokorehe hapū</p> <p><i>Written to:</i> Amanda Lowry</p>
Meeting 1	<p><i>Date:</i> August 16, 2002</p> <p><i>Agenda:</i> Scoping report, strategy development begins</p> <p><i>Venue:</i> BOPRC</p>
Meeting 2	<p><i>Date:</i> November 26, 2003</p> <p><i>Agenda:</i> Ohiwa Strategy – Providing for Kaitiakitanga</p> <p><i>Venue:</i> BOPRC</p>
Meeting 3	<p><i>Date:</i> May 28, 2005</p> <p><i>Agenda:</i> Presentation of Providing for Kaitiakitanga draft</p> <p><i>Venue:</i> Piripari Marae, Waimana</p>
Meeting 4	<p><i>Date:</i> July 31, 2008</p> <p><i>Agenda:</i> Approval of the Ohiwa Harbour Strategy</p> <p><i>Venue:</i> BOPRC</p>
Report 1	<p><i>Date:</i> March 12, 2002</p> <p><i>Agenda for pending meeting:</i> Ohiwa Harbour Scoping Report: Draft Outline</p> <p><i>Author:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Written to:</i> Strategic Policy Committee</p> <p><i>Reference number:</i> 5565-01</p>
Report 2	<p><i>Date:</i> May 19, 2003</p> <p><i>Agenda for pending meeting:</i> Ohiwa Harbour and Catchment Integrated Management Strategy – Providing for Kaitiakitanga Project Update</p> <p><i>Nature of Item:</i> Official Council document</p> <p><i>Author:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Written to:</i> Joint Māori Regional Representative Committee</p> <p><i>Reference number:</i> 5565-01</p>
Report 3	<p><i>Date:</i> July 7, 2003</p> <p><i>Subject:</i> Ohiwa Harbour Strategy Project Update</p> <p><i>Author:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Written to:</i> Joint Strategic Policy Committee</p> <p><i>Reference number:</i> 5565-01</p>

Report 4	<p><i>Date:</i> January 30, 2004</p> <p><i>Subject:</i> Ohiwa Strategy Update</p> <p><i>Author:</i> Bev Hughes, Resource Planner, BOPRC</p> <p><i>Written to:</i> Strategic Policy Committee</p> <p><i>Reference number:</i> 5565-11</p>
Report 5	<p><i>Date :</i> February 2005</p> <p><i>Subject:</i> Ohiwa Harbour and Catchment Integrated Management Strategy (pre-draft version) - Peer Review</p> <p><i>Author:</i> Amanda Hunt, Environmental Consultant</p> <p><i>Written to:</i> Strategic Policy Committee</p> <p><i>Reference number:</i> 5565-11</p>
Report 6	<p><i>Date:</i> July 18, 2007</p> <p><i>Subject:</i> Establishment of Ohiwa Harbour Implementation Forum</p> <p><i>Author:</i> Claire Battersby, Resource Planner, Opotiki District Council</p> <p><i>Written to:</i> Strategic Policy Committee</p> <p><i>Reference number:</i> 5565-13</p>
Report 7	<p><i>Date:</i> October 31, 2011</p> <p><i>Subject:</i> Ohiwa Harbour Strategy – A cooperative and integrative approach to kaitiakitanga</p> <p><i>Author:</i> Bev Hughes, Environment Manager, TRONA</p> <p><i>Written to:</i> Strategic Policy Committee</p> <p><i>Reference number:</i> 2.00019</p>
Submission 1	<p><i>Date:</i> December 14, 2006</p> <p><i>Subject:</i> Ngāti Awa Submission to the Draft Ohiwa Harbour Strategy</p> <p><i>Author:</i> Jeremey Gardner, Chief Executive, TRONA</p> <p><i>Written to:</i> BOPRC, Strategic Policy Committee.</p>

## **Appendix Two**

### **Additional Stakeholder Information**

#### **Ngāti Awa**

Ngāti Awa is a settled iwi in the Whakatane district. TRONA is constituted under Te Rūnanga o Ngāti Awa Act 2005. The Ngāti Awa Claims Settlement Act 2005 and the Ngāti Awa Deed of Settlement also refer. These came into effect on 26 October 2005. Ngāti Awa people are tangata whenua, kaitiaki, landowners and ratepayers within the Bay of Plenty region (TRONA, 2012).

Ngāti Awa rohe is vast including the islands of Motiti, the Rurima group, Moutohora (Whale Island), Te Paepae o Aotea (Volkner Rocks), Whakaari (White Island), Ohakana and Uretara and the seas from Waihi Estuary near Maketu to Ohiwa Harbour. From the Waihi Estuary to Ohiwa, along the Pongakawa River to Lake Rotoehu and the Rotoehu Forest from Lake Rotoehu to the Te Haehaenga, Pokohu and Matahina lands including Lake Rotoma. To the south beyond the Waikowhewhe River towards Rangitaiki, across the Rangitaiki River to include the Tuararangaia lands and on the east along the Whakatane River to Taneatua across to the Nukuhou River and from there along the Nukuhou River to Ohiwa Harbour (TPK, 2012).

Drawn from TRONA (2011), Ngāti Awa has statutory acknowledgements relevant to Ohiwa Harbour, Tarawera, Rangitaiki and Whakatane Rivers, various reserves, various forests, fresh, ground and salt water resources and many other ancestral taonga including geothermal and air resources. Ngāti Awa also has interests and statutory relationships with various offshore islands and the coastal marine area. Ngāti Awa people actively exercise kaitiakitanga. Only Ngāti Awa pukenga on whom Ngāti Awa hapū and iwi rely can determine Ngāti Awa relationships with our ancestral lands waters, waahi tapu, sites, air, and other ancestral taonga (TRONA, 2011).

Drawn from TPK (2012):

- Ngāti Awa is an "iwi authority" for the purposes of the Resource Management Act 1991.
- Mandated iwi organisation in the Māori Fisheries Act 2004.

- Iwi Aquaculture Organisation in the Māori Commercial Aquaculture Claims Settlement Act 2004.
- Post-Treaty settlement governance entity [Ngāti Awa Claims Settlement Act 2005].

## **Tūhoe**

Tūhoe tribal boundaries extend from Taneatua north towards Whakatane across to Kutarere down to Maungapohatu and Waikaremoana. The tribal area also includes the Whirinaki, Minginui, Te Whaiti and Waiohau areas, encompassing Te Urewera, and to Kaingaroa on its western front (TPK, 2012). Scattered within this expansive region of bush are the communities of Tūhoe (TPK, 2012).

The current Tūhoe entities are made up of the Tūhoe Establishment Trust, Tūhoe Waikaremoana Māori Trust board and Tūhoe fisheries Charitable Trust. However there is a public Tūhoe dissatisfaction with the current tripartite arrangement of iwi authorities, due to what is believed to be leadership tainted by divergent goals and administrative wastage (Tūhoe, 2012a). Tūhoe are marginalised to a greater degree than other Eastern Bay Māori. As a group they earn less than other Māori and earn \$5000 less than other New Zealanders per year. Tūhoe as a group are impacted by poor infrastructure, inferior roading and housing, limited energy options, as well as a negligible health service (Tūhoe, 2012b).

Tūhoe have historically had a weak relationship with the crown, which must be taken into consideration when investigating their experiences of consultation in a local government context (kaupapa iwi). The hapū within Te Waimana had the mana moana connections with Ohiwa Harbour. Other Tūhoe hapū would gain access to Ohiwa Harbour through these Waimana hapū. Thus it is from this hapū the mandated representatives come.

Tūhoe has four representative organisations that have different levels of recognition with statutory agencies (TPK, 2012).

## **Tūhoe - Te Uru Taumatua**

- Post settlement governance entity to represent Tūhoe interests in the Central North Island Forests Land Collective Settlement 2008

### **Te Kotahi ā Tūhoe Trust**

- Represents Tūhoe as an "iwi authority" for the purposes of the Resource Management Act 1991.
- Mandate recognised by the Crown for Treaty of Waitangi settlement negotiations.

### **Tūhoe Fisheries Charitable Trust**

- Mandated iwi organisation in the Māori Fisheries Act 2004.
- Iwi Aquaculture Organisation in the Māori Commercial Aquaculture Claims Settlement Act 2004.

### **Tūhoe - Waikaremoana Māori Trust Board**

- Represents Tūhoe as an "iwi authority" for the purposes of the Resource Management Act 1991.

### **Whakatōhea**

#### **Whakatōhea/Upokorehe**

Whakatōhea territory stems from the Maraetotara Stream as the westernmost boundary. Within this boundary lies Ohiwa Harbour descending inland (south) to the Waimana Stream source. The iwi is traditionally centred in the area around the town of Opotiki. The traditional territorial lands extend eastwards from Ohiwa Harbour to Opape along the coastline, and inland to Matawai. These lands have long held an abundance of food resources, particularly seafood. Most of the marae of the iwi are located near the coast, historically to defend its marine resources (Whakatōhea Māori Trust Board, 2011). Upokorehe are currently undergoing discussions with Whakatōhea about claiming their own iwi status on the basis that they make up the largest part of Whakatōhea with five Marae directly connected to Upokorehe.

Whakatōhea and with it Upokorehe strongly considers that its ancestral rohe extends to the waters off the coast - Te Moananui ā Toi. This is in recognition of their traditional fishing grounds and the use of the area for transport and other traditional activities. Both Whakatōhea and Upokorehe have Iwi Resource Management Plan for Ohiwa Harbour. The Whakatōhea plan was prepared in July 1993, and the Upokorehe in 2003, and the most recent plan in 2012. In 1996, the

New Zealand government signed a Deed of Settlement, acknowledging and apologising for the invasion and confiscation of Te Whakatōhea lands, and the subsequent economic, cultural and developmental devastation suffered by the iwi. Te Whakatōhea are presently preparing to negotiate a full settlement with the New Zealand government. Whakatōhea are also key players in the development of the Opotiki river mouth and are the major shareholder in Eastern Seafarms venture (with a major Chinese aquaculture firm) to develop a multi species marine farm 8.5km off the Eastern Bay of Plenty coastline (OPC, 2011b).

### **Whakatōhea Māori Trust Board**

Drawing from the TPK website (2012), Whakatōhea is:

- Recognised as an "iwi authority" for the purposes of the Resource Management Act 1991.
- Mandated iwi organisation in the Māori Fisheries Act 2004.
- Iwi Aquaculture Organisation in the Māori Commercial Aquaculture Claims Settlement Act 2004.

### **Upokorehe**

- Upokorehe are registered as the authority within Te Rohe o Upokorehe that local councils must consult with under the RMA Act 1991. This area includes Ohiwa Harbour.

### **Bay of Plenty Regional Council/Environment Bay of Plenty**

Based in Whakatane, Environment Bay of Plenty is the regional council for the Bay of Plenty that manages the effects of people's use of freshwater, land, air and coastal water. Its role encompasses the whole of the harbour and catchment. However, BOPRC also has a broader responsibility with others for the economic, social and cultural well-being of the regional community (BOPRC, 2011).

In 1989, the Government consolidated 25 organisations and renamed them the Bay of Plenty Regional Council. Bay of Plenty's Māori landscape is culturally rich and dynamic. 28% of the regional population identify themselves as Māori reflected by the 34 iwi, over 142 hapū and more than 200 marae located across the region (BOPRC, 2011). Of the regions land area, 38% is in Māori ownership, with 1800 Māori Land Trusts managing these assets (BOPRC, 2011). Of note is that

the Regional Council became the first territorial authority to provide for Māori representation in local government.

As a reflection of BOPRC's commitment to furthering Māori presence in the area they have within their council a Māori Policy Section, Māori Constituencies, Māori Committee, as well as a commitment to fund and recognise the Hapū/Iwi Resource Management Plans documents approved by iwi in the management of the regions natural resources (BOPRC, 2012).

Drawing from the Ohiwa strategy (2008) BOPRC undertakes flood management, pest management (plant and animal), soil conservation, river and harbour navigation and safety, natural hazard management, coastal management (such as aquaculture permits and structures) and regional transport. It has a number of roles under the Resource Management Act to ensure the sustainable management of natural and physical resources. These include controlling discharges to land, air and water, managing the use and development of land and water resources, protection of heritage sites/values and managing contaminated sites (p.17).

BOPRC had the major role in the drafting of the Ohiwa strategy and coordinating the process on behalf of all the partners.

Bay of Plenty works with Māori in many ways. It provides some funding for special projects, supports environmental care groups, provides iwi liaison, and manages recognition of principles of the Treaty of Waitangi and for kaitiakitanga of the region's natural and physical resources (BOPRC, 2011). Within Bay of Plenty Regional Council the Māori Policy section forms part of the Strategy Development Group. This section consists of a Māori Policy Manager plus three Māori Policy Officers. Some of its role includes:

- Providing advice on Treaty claims and settlements
- Supporting the Māori Committee and Councillors
- Supporting the development of hapū and iwi management plans
- Facilitating initiatives to building Māori capacity
- Building staff awareness and understanding of the importance of cultural competency
- Providing a conduit to improve or establish Council-Māori relationships (BOPRC, 2011).



Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001 established the three Māori Constituencies. Māori Councillors are elected to each constituency by residents on the Māori electoral roll; these representatives are Council members and fully participate in BOPRC decision-making processes (BOPRC, 2011).

BOPRC implemented a Māori Committee in 2006, its primary function is to implement and monitor Council's legislative obligations to Māori (BOPRC, 2012). Māori Committee meetings are held on marae across the region to enhance participation (BOPRC, 2012).

### **Environment Bay of Plenty policies and plans that relate to Ohiwa:**

- Bay of Plenty Regional Policy Statement
- Bay of Plenty Regional Land Management Plan (to be superseded by the Water and Land Plan)
- Proposed Bay of Plenty Regional Water and Land Plan
- Bay of Plenty Regional Coastal Environment Plan
- Bay of Plenty On-Site Effluent Treatment Plan
- Bay of Plenty Regional Air Plan
- Pest Management Strategy
- Regional Land Transport Strategy
- Navigation and Safety Bylaws (Ohiwa Strategy, 2008, p. 18).

### **The Whakatane District Council**

In 2011, the population of Whakatane was estimated at 34, 500 people, of which, 42.2% of people in Whakatane District identify as Māori while 58.4 % of people identify as non-Māori (Statistics New Zealand, 2011; WDC, 2012). The Whakatane District Council Long Term Council Community Plan 2009-2019

outlines the commitment to the Local Government Act [LGA] 2002, building Māori voice and capacity to contribute to council decision-making processes.

The Whakatane district council has had an iwi liaison committee in place since 1983. The committee membership and structure is reviewed every three years, coinciding with the local body elections (WDC, 2011, p. 97). The committee focus is primarily to strengthen the relationship between hapū, iwi, and Māori and the Council and maintain and improve the capacity of hapū, iwi and Māori to contribute to the Council's decision-making processes. A consultation with Māori/Whanāu/Hapū /Iwi Policy has been developed to provide clarity for the Council and Māori on good practice consultation to ensure it is an effective process (WDC, 2011, p. 99). It distinguishes between Māori structures of whānau, hapū, Iwi and how consultation with each can be different. The policy is to facilitate Māori engagement in Council decision-making and to ensure legislative requirements are met. The policy recognises obligations under the LGA 2002 to take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wahi tapu, valued flora and fauna, and other taonga, when making decisions.

#### **Whakatane District Council policies and plans that relate to Ohiwa:**

- Whakatane District Plan
- Opotiki District Plan for Paparoa and Burke Road in the interim
- By laws
- Ohope Reserves Management Plan
- Long Term Council Community Plan (Ohiwa Strategy, 2008, p. 17).

#### **Opotiki District Council**

Whilst the Opotiki district encompasses a large land area, the Opotiki District Council [ODC] is a small local authority with very limited resources. The district includes a high proportion of non-rateable land (80% of the district's land being in native vegetation) and has the highest Deprivation Index rating of any district in New Zealand (ODC, 2011a). Currently the population of Opotiki is about 9,000. The ethnicity mix is 54% Māori, 46% non-Māori. Despite the demographics

Opotiki engagement with tangata whenua and the commitment to furthering Māori voice appears minimal. The ODC Annual Plan 2011-2012 and long term council plans do not refer to the Ohiwa Harbour Strategy at all. This plan does not mention the LGA 2002 nor commitment to furthering Māori participation/consultation other than funding three hui per year with local iwi, and wishing to maintain mutually beneficial relationships (Opotiki Annual Plan, 2011-2012, p. 16).

The Opotiki District Council has represented the strong desire of the district's community to improve economic wellbeing and has recognised the transformational potential of the harbour improvements project in conjunction with the development of a major aquaculture industry based in Opotiki (ODC, 2011b). The Opotiki District Council (2011b) has driven the harbour entrance improvements project through the prudent use of scarce financial resources and in strategic partnership with Te Whakatōhea along with the support and assistance from a host of other organisations and agencies.

In 2006 the district unemployment rate was 6%, compared with 3% for New Zealand. In the past year, Work and Income expenditure excluding NZ superannuation was well over \$20 million, for a total district population of fewer than 10,000 people.

**Opotiki District Council policies and plans that relate to Ohiwa Harbour:**

- Opotiki District Plan
- Ohiwa Reserves Management Plan
- Bylaws
- Long Term Council Community Plan (Ohiwa Harbour Strategy, 2008, p. 18).

**Department of Conservation**

DoC's (2012) purpose statement is "Conservation leadership for a prosperous New Zealand", that is a country that is flourishing economically, socially and environmentally. DoC works closely with district and regional councils, tangata whenua, and other organisations such as Fish and Game Council. Their role in the

Ohiwa Harbour catchment includes managing conservation land, such as reserves and the protection of indigenous flora fauna of the coastal environment, natural and historic resources, wetlands including freshwater fish and their habitat.

One of the pathways to achieving protection of the natural and historic values is through statutory planning processes. Under the RMA 1991 the processes to address a range of broad or specific issues, such as waste or freshwater management, natural hazards or heritage management are administered by regional and territorial local authorities.

DoC (2012) recognises that effective partnerships with tangata whenua can achieve enhanced conservation of natural resources and historical and cultural heritage. Tangata whenua responsibilities to this heritage are embodied in the ethic of Kaitiakitanga. The Department of Conservation has talked with tangata whenua about their conservation concerns and has developed a range of policies that aim to enhance the ability of the department to build and support relationships with tangata whenua to achieve conservation outcomes for the natural and historic heritage of New Zealand (DoC, 2012). Some of the initiatives that support tangata whenua include the revival and retention of traditional Māori knowledge and practices in biodiversity management; to promote biodiversity and ensure traditional knowledge and practices of Māori are respected and preserved in the management of our biodiversity and natural resources<sup>53</sup> (DoC, 2012). DoC (2012) as a statutory agency commits to acknowledging the “Principles for Crown Action on the Treaty of Waitangi” (1989), which include the principles of government, self management, equality reasonable cooperation, and redress. However the application of these principles will be determined by the circumstances of each case, “including the statutory conservation framework and the significance to tangata whenua of the land, resource or taonga in question” (DoC, 2012).

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<sup>53</sup> For further information about DoC’s commitment to furthering tangata whenua principles and goals in the management of natural resources see <http://www.doc.govt.nz/getting-involved/volunteer-join-or-start-a-project/start-or-fund-a-project/funding/for-landowners/nga-whenua-rahui/matauranga-kura-taiao-fund/>

And the commitment of DoC to the Treaty of Waitangi <http://www.doc.govt.nz/publications/about-doc/role/policies-and-plans/conservation-general-policy/2-treaty-of-waitangi-responsibilities/>

## **Department of Conservation policies and plans that relate to Ohiwa:**

- Bay of Plenty Conservation Management Strategy
- New Zealand Coastal Policy Statement
- Reserves Act 1977
- Conservation Act 1987
- Wildlife Act 1953
- Marine Mammals Protection Act 1978
- General Policy (Ohiwa Strategy, 2008, p. 19).

## **Ministry of Fisheries**

On their website, the MoF (2012b) make explicit reference to tangata whenua and the Crown working in partnership to provide for the utilisation of fisheries resources while ensuring sustainability. In New Zealand there are regulations that strengthen some of the rights of tangata whenua to manage their fisheries (Kaimoana Customary Fishing Regulations, 1998). This commitment by the MoF (2012b) is articulated as having particular regard to kaitiakitanga, with the Crown meeting its obligations to Māori.

MoF governs customary fishing regulations, iwi and hapū groups must decide who has tangata whenua status over a fishery. Groups choose people to act as guardians for the area, but the role can be shared by a number of groups. The guardians are then appointed by the Minister of Fisheries and can issue a permit to anyone to catch fish in their area for customary use. Tangata whenua can ask for special management areas – ‘mātaihai reserves’ and ‘taiāpure-local fisheries’ – to cover some of their traditional fishing grounds. Within mātaihai reserves, guardians can bring in changes to the rules for customary and recreational fishing and also have the power to determine if commercial fishing should continue in the reserve (MoF, 2012a).

Following the MoF Treaty Strategy Enabling Processes<sup>54</sup> the MoF will be responsible for the collective governance, monitoring, and evaluation to enable

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<sup>54</sup> For more information on the MoF Treaty Strategy Enabling Processes see <http://www.fish.govt.nz>

tangata whenua to engage as Treaty partners in order to realise their rights and to deliver on their obligations with respect to the sustainable management of fisheries and aquaculture.

## Appendix Three

### Legislative Provisions

#### *Resource Management Act 1991*

Specific provisions relating to Māori under the RMA are:

Section	Provision
Section 2	Defining and having regard for kaitiakitanga.
Section 6 (e)	Recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
Section 7	Having regard to kaitiakitanga.
Section 188	Implied obligations in Section 188 including applications to become heritage protection authorities.
Section 33	Transfer of powers-where one or more functions can be transferred, including to an iwi authority.
Section 61(2A)	Taking into account iwi management plans when preparing or changing a regional policy statement
Section 65 (3)(e)	Consider preparing a relation plan if tangata whenua have significant concerns for their cultural heritage in relation to natural and physical resources.
Section 66 (2A)	Taking into account iwi management plans when preparing or changing a regional plan.
Section 107A	Restriction of granting resource consents where activities will have adverse effects on recognised customary activities.
Schedule 1 s3	Schedule 1 specifically refers to consultation with iwi authorities.

***Local Government Act 2002***

Specific provisions relating to Māori under the LGA 2002 are:

Section 4	Treaty of Waitangi
Section 81	Contribution to decision-making and capacity building
Section 82 (2)	Principles of consultation-must have process for consulting with Māori
Section 14 (1) (D)	Building capacity
Schedule 10, Clause 8	Long term planning to build capacity



## Appendix Four

### Outcomes and problems identified by iwi/hapū and local government actors in the Ohiwa Harbour Strategy development

#### *The keys to successful procedural inclusion with iwi and hapū*

Engagement occurred in places where iwi/hapū felt comfortable. Meetings held in collectively chosen venues (mostly in iwi marae).
Due a lack of resources, local government was open to funding iwi/hapū to participate.
Until iwi capacity and capability is built, local government took the responsibility to carry the ‘lion’s share’ of work requirements.
BOPRC did not set the terms of engagement. New protocols were developed through the process of engagement that married the western committee meeting culture to Māori protocols and Tikanga.
Local government committed to finding new ways to recompense iwi intellectual property.
A local government commitment to Te Reo tutors local government representatives in the dynamic of protocol and Tikanga.
Listening and being open is essential.
A recognition by BOPRC that for iwi ‘history is new’ and underpins the current engagement.
Creating a space that values all forms of cultural expression is vital in allowing all involved to have ownership of the process.
Recognition of partners’ capacity determines the role that they will each play in implementing the vision and aims of development.
Good process with iwi is defined by the intangibles, such as honesty, enthusiasm, knowledge, respect, walk the talk, your word is your honour, deliver on promises made and so on. Words are easy, however doing is hard.
The intangibles are more powerful than the tangible.
Mauri enhancing activities are critical to gain tangata whenua support of process.
Kaitiaki and mana whenua shape and frame all iwi engagements as primary principles.
There must be only one line of communication. Kanohi ki te kanohi is best.
Facilitating the iwi and hapū representatives’ role. Making minutes of meeting notes available for iwi representatives to report back directly to iwi and hapū.
Involvement and engagement with iwi will begin to shift organisational culture.
Ma te wa. Do not rush. Relationships need to be established so that iwi and hapū will

trust, believe and want to follow.
Māori engagement in process is a value added contribution.
Collective power is far greater to address issues.
The creation of a safe environment to tutor non-Māori in Tikanga and protocol around Māori engagement.
The Ohiwa Harbour Strategy process was reflective of a collaborative/co-operative participatory engagement.
Focused meaningful and timely consultation with tangata whenua generates outcomes that contribute to the sustainable development of the harbour for the benefit of all New Zealanders.
A co-operative and integrated approach fosters the capacity of iwi to contribute to decision-making without depleting the capacity by expecting tangata whenua to provide advice on those assessments at their own cost.
Iwi contributing to statutory planning adds value and contributes to change of the decision-making processes of statutory organisations.

***Problems identified by key actors in the Māori-local government engagement***

<b>Actor</b>	<b>Problems identified</b>
Iwi/hapū	Current Treaty claims process more important focus than the strategy.
BOPRC Iwi/hapū	Concerns about the continuation of good process with the loss of key players.  The continuation of the strong working relationships and the positive outcomes that they produce depends on the maintenance of personnel involved.
Iwi/hapū	Fear that iwi involvement and input into the strategy was going to be watered down in the same way that central government refers to treaty principles not articles. <ul style="list-style-type: none"> <li>• Kaupapa not respected at all times.</li> </ul>
BOPRC Iwi/hapū	Broader organisational culture did not honour the relationships and work undertaken by iwi/hapū and individual local government representatives  Ignored instructions on how to approach iwi. This almost destroyed

	the relationships between and work completed by iwi/hapū and BOPRC.
BOPRC	<p>The communicative strategy delivered vast amounts of information gathering with no policy in it.</p> <p>The initial strategy had no direction or focus. While effective in gathering community voice, the communicative approach was not efficient.</p>
BOPRC Iwi/hapū	Ministry of Fisheries did not participate.
Iwi/hapū	<p>The BOPRC officer was changed without warning four times.</p> <ul style="list-style-type: none"> <li>• This raises questions as to whether the organisation making the change is genuinely committed to the relationships established between the respective organisations.</li> <li>• Lack of continuity.</li> <li>• Extra load on iwi and hapū to re-train new appointees.</li> <li>• Underestimation of the value added by tangata whenua in the management regimes of the harbour.</li> </ul>
Iwi/hapū	The outcomes did not link to resourcing or access to resources.
Iwi/hapū	<p>Not a level playing field between the partners. Three out of the four iwi/ iwi/hapū had limited funds and resources.</p> <p>Promulgation of meetings, high cost for voluntary iwi/hapū representatives who must keep the communications open and the information flowing. Iwi and hapū question why they should iwi pay to participate and contribute to council and other statutory decisions and processes.</p>
BOPRC	Systems of governance limit the potential outcomes of inclusion.
BOPRC Iwi/hapū	<p>Forward thinkers at BOPRC made commitment to honour tikanga.</p> <p>ODC and WDC were miles behind in their thinking about how to work with iwi. This was largely due to naivety, fear, afraid of change in the balance of power and historical events.</p>
Iwi/hapū	The Ohiwa Harbour Strategy is a non-statutory document. There are no formal protocols or agreements that commit the statutory

	organisations to continue working in an integrated fashion with iwi and hapū partners. This means that the strategy cannot be termed a partnership.
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### ***Outcomes identified by iwi/hapū***

Iwi presence and voice was reinforced and legitimated by BOPRC. Full iwi/hapū participation in all the processes relating to the strategy development.
The development of aims and objectives, outcomes, plans, delivering and monitoring were in keeping with the ethic of kaitiaki.
Capacity building has begun to bring greater social and economic opportunities to the respective tribes. Growth in work and employment opportunities within the rohe of the respective tribes: Upokorehe mangrove management and Tūhoe management and maintenance of the Waimana river. Iwi can demand more input and involvement in resource consents and resource management.
Iwi capacity building reflects greater self-determination and self-development. Iwi self-determine as tangata whenua not Māori.
The <i>Providing for Kaitiakitanga</i> chapter was legitimated by BOPRC. Strategy and the Pan-Iwi Management Plan must be given regard to by statutory organisations: the first of its kind in New Zealand.
Participants experienced intrinsic and extrinsic rewards in process involvement. Feelings of pride that the participants have contributed to the wellbeing of the harbour for the future, reinforcing mana whenua and tangata whenua role of kaitiaki. Collective support from all partners for mauri enhancing work.
Positive experience for iwi/hapū of working in a collaborative environment with territorial authorities and statutory organisations.
Iwi/hapū working together for the first time in over 100 years. All partners reported having an amazing experience of collaborative decision making, a sense of ownership and teamness. Building capacity and rhythm in process to achieve aims and objectives as a collective. Cross pollination of draft responses and integrated iwi operations and planning documents.

Capacity building in the strategy development has led to a transfer of skills, contacts and outcomes from the Ohiwa Harbour engagement which directly benefits rohe management. Open and positive communication pathways between iwi/hapū, territorial authorities and statutory organisations.
Greater iwi/hapū management and control of their sacred sites.
A collective iwi/hapū database to identify sites of significance developed by Ngāti Awa.
Direct liaison between statutory harbour masters and iwi wardens toward integrated iwi/hapū harbour enforcement.

### ***BOPRC and iwi/hapū achievements***

WDC has come into line with ODC and increased lot sizes from 2 to 4 ha.
All buildings and structures within the Ohiwa Harbour and its catchment now require resource consent.
No building within 100m of the harbour edge, except habited islands.
All earthworks greater than 200m <sup>3</sup> require resource consent.
Forestry and harvesting greater than 5 ha require resource consent.
100% protection of the Ohiwa harbour from stock access.
86% of catchment stream margins and 80% of rivers are now protected from stock. This protection is on-going.
Ohiwa Harbour Strategy co-ordinator will be employed in 2012.
Focus on the development of community connections - po whenua, popo (tribal carvings) and iwi sites of significance.
A community newsletter was created relating to the Ohiwa Harbour that identifies who is responsible for what.

### ***Outcomes identified by BOPRC***

Aims of the strategy were achieved and delivered - managing development and providing for kaitiaki.
BOPRC key role in raising cultural awareness around the Ohiwa Harbour with po whenua, poupou and signage around iwi sites of significance.
Good experience of collaborative decision making between three territorial authorities, iwi/hapū and DoC. Resulting in greater consistency between councils and iwi organisations, less overlap of services, cost effectiveness and improved awareness of harbour health.
BOPRC facilitated iwi capacity building. Strategy development process and implementation has allowed for iwi voices to be heard.
BOPRC Māori Policy team drew from the Ohiwa Harbour Strategy to inform the development of the Māori Engagement Guidelines 2011.
Intrinsic and extrinsic rewards for individual participants.
Positive experience of having non-elected iwi/hāpu on Ohiwa Harbour Implementation Forum. Positive outcomes from the strategy are more likely to spread elsewhere and influence other councils. Ohiwa Harbour Strategy development as a benchmark process to guide other territorial authorities thinking around the possibilities for iwi involvement.
Potential for iwi joint enforcement of the harbour.
Ohiwa Harbour Strategy development process and implementation meets all the strategic requirements of the RMA 1991 and the LGA 2002.
BOPRC acknowledges and has committed to the ethic of kaitiakitanga which gives them more power to protect the harbour than ever before.
Shift in thinking of ODC and WDC about the benefits of iwi inclusion.
Bringing iwi and hapū on board as partners adds to the ability of the project to be delivered.
Pan-Iwi Management Plan is a good operational document for local government to refer to.
Open, inclusive communicative process lead to a high level of community buy-in and support for the strategy.

Source: Archive Data, interviews and the Ohiwa Harbour Strategy.

## Māori Word Glossary

atua - (*noun*) ancestor with continuing influence, supernatural being, deity, ghost. Māori trace their ancestry from *atua* (in their *whakapapa* (genealogy)) (this word has other meanings but this meaning is used in this thesis).

hapū - (*noun*) tribe, sub-tribe, kinship group (this word has other meanings but this meaning is used in this thesis).

hihiri - (*verb*) to passionately desire, long for, spring up; (*noun*) desire, longing; (*stative*) energetic, dynamic.

hui - (*verb*) to gather, meet, congregate; (*noun*) gathering, meeting, congregation, assembly, seminar, conference.

iwi - (*noun*) a large group of people who descend from a common ancestor, extended kinship group, tribe, people (this word has other meanings but this meaning is used in this thesis).

kaitiaki - (*noun*) guard/ian, trustee, minder, custodian, keeper.

kaitiakitanga - (*noun*) guardianship (this word has other meanings but this meaning is used in this thesis).

karakia - (*verb*) to recite ritual chants, say grace, pray, recite a prayer, chant; (*noun*) incantation, ritual chant, prayer.

kaupapa - (*noun*) topic, policy, matter for discussion, plan, proposal, agenda, programme, theme (this word has other meanings but this meaning is used in this thesis).

kaupapa iwi - (*noun*) topic, policy, matter for discussion, plan, scheme, proposal, agenda, subject, programme, theme of an iwi (extended tribe) or hapū (subtribe).

kawa - (*noun*) protocol of the marae (area in front of the wharenui (meeting house)) and *wharenui* (meeting house) and formal activities (this word has other meanings but this meaning is used in this thesis).

kāwanatanga - (*noun*) government, dominion, authority.

mahi - (*verb*) to work, do, perform, make, accomplish, practise, to raise money; (*noun*) work, job, employment, occupation, activity, exercise (this word has other meanings but this meaning is used in this thesis).

mahinga maitaita- traditional seafood gathering place. In this thesis mahinga maitaita is related to iwi and hapū and management of their rohe moana (customary tribal boundaries of the sea).

mahi te mai - go on and do it then.

mahi ngatai - (*noun*) collaborate.

mana - (*noun*) prestige, authority, power, influence, status, charisma (this word has other meanings but this meaning is used in this thesis).

manaaki - (*verb*) to support, take care of, give hospitality to, protect, look out for; (*noun*) support, hospitality.

mana whenua - (*noun*) rights, power, history and legends associated with possession and occupation of tribal land. Understandings of mana whenua go far deeper and link to tribal history and legends. The land provides sustenance for tangata whenua to provide for their people and to provide hospitality for guests, thus mana whenua is intrinsically interwoven with the concepts of kaitiaki (protection and stewardship). The kaitiaki of the land and water is a direct reflection of mana wheuna (authority over land) and mana moana (authority over the sea).

mana motuhake - (*noun*) separate identity, autonomy, *mana* (prestige, power, authority) gained through *tino rangatiratanga* (self-determination) and control over one's own destiny.

Māori - (*noun*) word used to name the people who are native to, indigenous to, belong to Aotearoa/New Zealand (this word has other meanings but this meaning is used in this thesis).

mātauranga - (*noun*) education, knowledge, wisdom, understanding, skill.

mauri - (*noun*) life principle, special nature, source of emotions.

pākehā - (*noun*) New Zealander of European descent.

pānui - (*noun*) public notice, announcement, poster.

poupou - (*noun*) carved post, pole, carved wall figures.

po whenua- (*noun*) tribal carved post, pole.

pūtea - (*noun*) fund, finance, bank account (this has another meaning but this



meaning is used in this thesis).

rāhui - (*verb*) to put in place a temporary restriction on a place; (*adjective*) be reserved, restricted (this word has other meanings but this meaning is used in this thesis).

rangatira - (*stative*) be rich, well off, noble, esteemed, revered; (*noun*) chief, master, boss, supervisor, employer, landlord, owner.

rangatiratanga - (*noun*) sovereignty, chieftainship, right to exercise authority, noble birth.

rohe - (*verb*) to set boundaries; (*noun*) boundary, district, region, territory, area, border (of land).

rūnanga - (*verb*) to discuss in an assembly; (*noun*) council, assembly, board, boardroom.

tapu - (*stative*) be sacred, prohibited, restricted, set apart, forbidden, under the protection of an *atua* (ancestor with continuing influence); (*noun*) restriction.

Te Ao Māori - (*noun*) translates to meaning ‘the world of Māori’ or ‘the Māori world’. Refers to Te Reo Māori (indigenous language of Māori people), Tikanga (protocols), marae (community), waahi tapu (sites of importance) and access to hapū (subtribe) and iwi (extended kinship group).

Te Kore - the void.

Te Po - the world of night.

tangata whenua - (*noun*) local people, hosts, indigenous people of the Aotearoa, New Zealand.

tauiwi - (*noun*) foreign people, non-Māori, foreigners, immigrants.

Te Reo (Māori) - (*noun*) the name given to the language spoken by Māori.

Tikanga - (*noun*) correct procedure, custom, way, code (this word has other meanings but this meaning is used in this thesis).

Tino rangatiratanga - (*noun*) self-determination.

tūrangawaewae - (*noun*) translates to ‘place to stand’, place where one is

connected to by kinship and *whakapapa* (genealogy).

utu - (*verb*) to repay, pay, make a response, avenge; (*noun*) revenge, cost, price, wage (this word has other meanings but this meaning is used in this thesis).

waka - (*noun*) canoe, vehicle (this word has other meanings but this meaning is used in this thesis).

whakamanahia - (*verb*) empowerment, to give authority to, give effect to, give prestige to, confirm, enable, authorise, legitimise, empower (this word has other meanings but this meaning is used in this thesis).

whakamōhio - (*verb*) to let know, teach, instruct, inform.

whakapapa - (*noun*) genealogy, lineage, descent (this word has other meanings but this meaning is used in this thesis).

whakataukī - (*noun*) proverb, saying.

whakauia – consultation.

whakaura – involvement.

whānau - (*verb*) to be born; (*noun*) extended family, family group (this word has other meanings but this meaning is used in this thesis).

whanaungatanga - (*noun*) relationship



