



Planning Under
Co-operative Mandates

A Report to Iwi on the Kaupapa Māori Environmental Outcomes and Indicators Kete

by

Richard Jefferies and Nathan Kennedy

PUCM Māori Report 8

30 June 2009



IGCI
University of Waikato



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A Report to Iwi on the PUCM Kaupapa Māori Environmental Outcomes and Indicators Framework

Published 30 June 2009 by
The International Global Change Institute (IGCI)
The University of Waikato
Private Bag 3105
Hamilton
New Zealand

ISBN 978-0-986 4538-4-1

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(R. Jefferies and N. Kennedy) PUCM Māori Report 8
IGCI, The University of Waikato (Hamilton), and
KCSM Consultancy Solutions Ltd (Opotiki)
New Zealand

Author correspondence:
Richard Jefferies KSCM
Solutions Ltd
P. O. Box 64
Opotiki
New Zealand

Ph: +64 07- 315 7080

e-mail: richard@kcsmsolutions.com
nkennedy@ngaatiwhanaunga.maori.nz



Mihi

Ngā mihi ki ngā atua e tiaki nei i a tātou katoa. Ki a Ranginui e tū nei, ki a Papatūānuku e takoto nei. Ko Papatūānuku te whaea o tātou te tangata, te pūtake hoki o ngā whiriwhiringa kōrero i roto i ngā pepa nei.

Ngā mihi hoki ki a rātou mā kua huri ki tua o te ārai. Ko rātou hoki i poipoi, i ngaki, i tiaki hoki i te whenua, i mau hoki ki te mana o te whenua i nohoia e rātou. Heoi ano, ko rātou ki a rātou, ko tātou te hunga ora ki a tātou.

Kei te mihi atu mātou ki a koutou i āwhina mai nei i a mātou i roto i ngā rangahau, ngā kohikohi, ngā tātari i ngā take kei roto i ēnei pepa.

Ahakoā ko wai te tangata nāna te pepa nei i tito, ko te tūmanako mā te whakatakoto me te whakapāho o ēnei pūrongo kōrero ka kōkiritia ēnei kaupapa. Hei aha, hei painga mo te whenua, hei painga hoki mo te tangata - otirā ngā uri o Papatūānuku – i roto i ngā nekenekehanga o tēnei ao hurihuri. Hei whakamāramatanga hoki ki te tangata e kimi nei i te mātauranga o te Ao Māori e pā ana ki te manaaki me te tiaki i te whenua.

Ko tōna mutunga, kia whai mana tonu ngā kaupapa Māori i roto i ngā tikanga a te Ao Pākehā.

Nā mātou iti nei,

nā,

Richard Jefferies – Ngāti Tūkorehe

Nathan Kennedy – Ngāti Whanaunga

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Preface

This *Report to Iwi on the Kaupapa Māori Environmental Outcomes and Indicators Framework* outlines work undertaken by the PUCM Māori research team over the last 5 years to 2009. The focus was to develop effective tools for use by RMA practitioners that reflect a kaupapa Māori perspective. Unlike many other Māori outcomes and indicators already available, the outcome and indicator tools and methods developed by the team are totally based on a kaupapa Māori framework developed by the team.

Thus, the first stage of this work was the development of a Kaupapa Māori framework upon which to develop kaupapa Māori outcome and indicator tools, as detailed in our PUCM Māori Report 4 *Kaupapa Māori Framework and Literature Review of Key Principles* (Kennedy and Jefferies, 2005).

This report therefore outlines the development and trialling of the first batch of Outcomes and Indicators and associated methods - based on the kaupapa Māori framework, and grouped into kete according to key tikanga. The end result is a workable method for assessing by councils, iwi and Crown agencies environmental outcomes, including those resulting from statutory plan processes, from a Māori perspective. More detail about the research and development process is provided in Report 1, *Māori Outcome Evaluation (MOE): A Kaupapa Māori Environmental Outcomes and Indicators Framework and Methodology* (Jefferies and Kennedy, 2008a). The method itself is covered in detail in Report 2, *Ngā Mahi: Kaupapa Māori Outcomes and Indicators Kete* (Jefferies and Kennedy, 2009) and Report 3, *Māori Provisions in Plans* (Kennedy and Jefferies, 2008b).

The Māori project was led by Richard Jefferies, director of KCSM Consultancy Solutions Ltd, Opotiki. Research took place within a wider research programme on Planning Under a Cooperative Mandate (PUCM), led by the International Global Change Institute (IGCI), a self-funding research institute within *Te Whare Wānanga o Waikato* (The Waikato of University), in association with several other partners.

PUCM is a FRST-funded programme that since mid-1995 has been sequentially examining the quality of policies and plans (Phase 1), plan implementation (Phase 2), and environmental outcomes (Phase 3) under the 1991 *Resource Management Act* (RMA) and more recently the 2002 *Local Government Act* (LGA). An important part of this planning and governance research was consideration of the interests of Māori as Government's *Treaty of Waitangi* (1840) partner.

Following Phase 1 analysis of RMA plan quality, Richard Jefferies of Ngāti Tukorehe was brought onto the PUCM research programme in 2002 to lead the Māori component of the research. KCSM staff initially assisted with interpretation of findings relating to plan implementation and Māori interests. Nathan Kennedy, an environmental officer for Ngāti Whanaunga iwi and with experience working in local government, was employed at the beginning of PUCM Phase 3 to undertake research on Māori environmental outcomes.

The PUCM Māori team has published a series of working papers and reports as a means for making public its research findings, and in an effort to influence change in response to observed issues with plan quality and implementation, and environmental results, especially as they relate to Māori. These documents are downloadable from <http://www.waikato.ac.nz/igci/pucm>.

Located in grey in Figure 0.1 next page is the Phase 3 Māori RMA Objective with its published reports identified in the lower row of boxes; the one shaded grey being this report.

Neil Ericksen
PUCM Programme Leader
IGCI Associate and former Director
International Global Change Institute (IGCI)
The University of Waikato
Hamilton

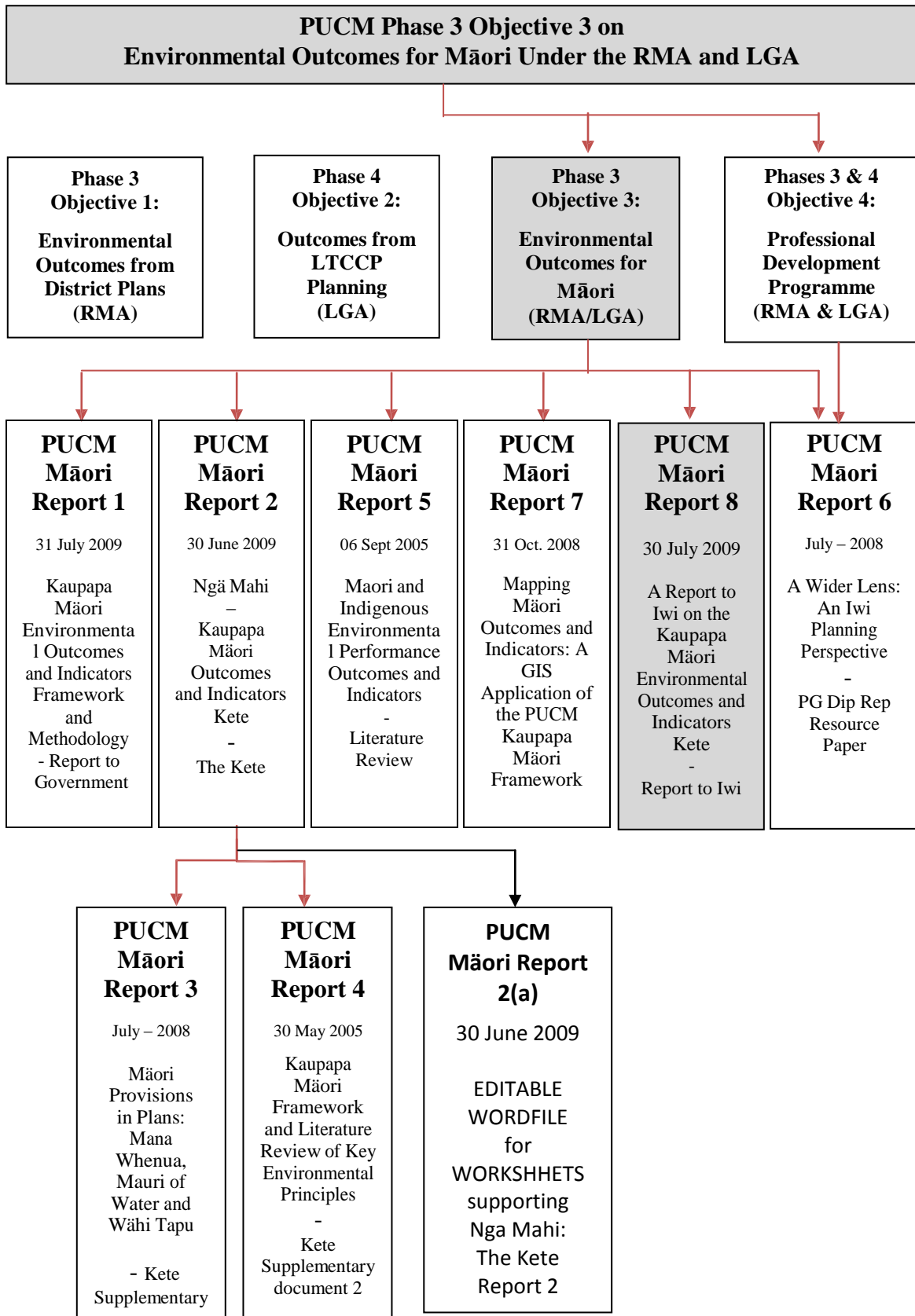


Figure 0.1. Māori Report 8 in context of the PUCM Research Programme on Planning Under Co-operative Mandates RMA (1991) and LGA (2002)

Acknowledgements

We give special thanks to the many peer reviewers over the last five years in two tangata whenua working groups who contributed to developing our Kaupapa Māori outcomes and indicators framework and methodology. The ‘Māori experts group’ comprised mostly Māori working within councils and Crown agencies. The ‘Iwi Practitioners group’ comprised of iwi managers and environmental officers. The following people have participated in these two groups at different times: Hori Parata, David Taipare, Tikitu Tutua-Nathan, Nassah Steed, Antion Coffin, Reg Profit, Garth Harmsworth, Todd Taiepa, Waaka Vercoe, Beverley Hughes, Vaughan Payne, Ronda Cooper, Nick Tupara, Saul Roberts, Te Warena Taua.

We also give special thanks to the staff of our partner iwi, Ngāti Awa and Ngāti Maru, for assistance and guidance with both developing and trialling the environmental outcomes and indicators framework and outcomes and indicators kete.

We thank, too, staff and members of the Mana Whenua forum of Matamata Piako District Council for their assistance and feedback, and to that council for trialling one of the kete. In that regard, we also thank staff in Bay of Plenty Regional Council.

We wish to acknowledge members of the wider PUCM team, who have contributed valuable advice throughout the research period, especially: Jan Crawford, Maxine Day, Neil Ericksen, and Lucy Laurian. Also thanks to Katarina Simons, IGCI PhD candidate, for insightful conversations. We give special thanks to Neil Ericksen, PUCM Research Programme leader, who supported our desire to develop a kaupapa Māori research approach and then encouraged us throughout the research endeavour. We are also grateful for him having reviewed and commented on drafts of this report and to IGCI support staff in its production.

The PUCM Research Programme (Phases 3 and 4) and Māori Research Project was funded by the Public Good Science Fund of the Foundation of Research Science and Technology (FRST-PGSF) under contract number UOWX0308 with the University of Waikato, and subcontracts to Planning Consultants Ltd (Auckland), KCSM Consultancy Solutions Ltd (Opotiki), Lawrence Cross Chapman and Co. Ltd (Planning and Resource Management Consultants, Thames), and Lincoln University. We appreciate the support of FRST.

Richard Jefferies and Nathan Kennedy

He Timatanga – Introduction

Tangata whenua in Aotearoa have been largely excluded from participation in local government planning since colonisation, but tikanga and Māori values have for the past two decades been acknowledged in resource management and local government legislation, especially the *Resource Management Act, 1991 (RMA)* and *Local Government Act, 2002 (LGA)*. For example, the RMA has provisions in over 30 sections for councils to give effect to Māori interests.

In practice, however, there is widespread concern that despite these provisions, Māori are largely excluded from local government resource management processes and their values subordinated to those of the wider community, particularly western scientific values.

This report describes research that resulted in a kaupapa Māori outcomes and indicators framework, and associated methods, that can be used by iwi to assess the quality of statutory plans and the environmental performance of councils in their rohe.

1.1 Plan Quality

Under the RMA and LGA, councils have to prepare district and regional statutory planning documents that address and give effect to the Māori provisions in the two Acts. The research programme called *Planning Under Co-operative Mandates (PUCM)* has studied the effectiveness of district plans for achieving environmental (RMA) and community (LGA) outcomes since 1995. An important part of this research was to consider whether Māori values were being recognised within district and community planning.

The team found that many plans are weak in terms of their Māori provisions (Jefferies, Warren, Berke, Chapman, Crawford, Ericksen and Mason, 2002), and that Māori largely do not participate in council planning processes (Bachurst, Jefferies and Ericksen, 2004). Earlier reports from government agencies also found widespread failure by councils to include Māori or recognise Māori values in their decision-making processes (Parliamentary Commissioner for the Environment, 1998; Ministry for the Environment, 2000).

When examining the quality of district plans that were publicly notified as of mid-1997, the PUCM team found them to be only fair to poor, particularly in how well plans address the role of Māori in land use and resource management. Just over half of councils understood their responsibilities with respect to the Māori interests, but failed to follow through due to lack of political commitment and capacity. While Māori had gained from the co-ordination and consultation provisions of the RMA, there was still considerable disappointment when good faith efforts were undercut by more powerful stakeholder groups (Ericksen, Crawford, Berke and Dixon, 2001; Jefferies, et al., 2002).

Moreover, the research found that poor mandate design of the RMA had impeded progress in recognition of Māori values and resources in plans. There was a failure of Government to clarify relationships between the Crown, Māori, and local government and this considerably weakened implementation of Māori interest provisions in the RMA (Ericksen, et al., 2001).

1.2 Plan Implementation

The second phase of the PUCM research (1998-2002) focussed on how well policies in district plans were being implemented through the resource consents process. This evaluation was conducted within a sample of six councils - selected from a range of plan quality scores (good-poor) and capacity to plan (high-low) - and across three topics: Māori interests, urban amenity, and storm-water management. Plan implementation was considered to be the extent to which the intentions in a district plan were being met in practice. Results showed a significant gap between intent and practice. The six councils selected for study exhibited minimal evidence of iwi consultation in resource consents – in fact, so few that the team could not draw a significant random sample to carry out the study as planned. Instead, the team developed an interview and survey process focussed on how well councils were dealing with iwi and hapū in their district.

Results showed that few councils undertook capacity-building for dealing with Māori interests and few had clear lines of communication with Māori. Moreover, there was little capability-building to assist Māori and councils to improve planning. Issues of concern to tangata whenua were found to be poorly dealt with through the iwi consultation process, despite commitment to the *Treaty of Waitangi* (1840) within district plans. Alarming, in 94% of consents no evidence of iwi consultation could be found. Disturbing results also emerged from the council interviews and iwi surveys regarding the different expectations iwi and councils have regarding participation in consultation. The researchers concluded that ‘the two parties are talking past each other’ (Bachurst, Day, Crawford, Ericksen, Berke, Laurian, Dixon and Chapman, 2002; Neill, 2004).

1.3 Kaupapa Māori Outcomes and Indicators Framework

As part of the third phase of the PUCM programme beginning in 2003, a case was made by the PUCM team to have a research objective aimed at developing a kaupapa Māori outcomes and indicators framework that would assess not only whether environmental planning was resulting in good outcomes for Māori, but also whether council planners and decision-makers understood Māori values and perspectives in their planning initiatives. It was hoped that this in turn would result in greater participation by Māori in local government planning and in planning decisions that were more sympathetic to Māori values while also providing tools for, and greater understanding by, Council staff, developers, and other parties.

By definition, ‘outcomes’ are statements of results sought by a community, while ‘indicators’ are the means for measuring if an outcome has been achieved. In essence, our interest is in knowing what plans have as outcomes for Māori and what indicators will be used to see if they are being effectively achieved.

The work for achieving our kaupapa Māori research objective started in late 2003, concluding in mid-2009. This report summarizes for iwi and hapū the main outcomes of our research. In Chapter 2 of this report, we outline the kaupapa Māori approach taken for carrying out the research. In Chapter 3, we draw on extensive literature reviews and documentary searches to highlight key aspects of environmental planning for Māori. While generally positive in legislative terms, we show in Chapter 4 that the reality for Māori is disappointing due to poor implementation of the statutory provisions by local government. It is in Chapter 5 that we highlight the kaupapa Māori framework and associated methods (kete). Then, in Chapter 6, we explain how we went about testing the framework and kete in selected iwi and councils. The potential use of the kaupapa Māori outcomes and indicators kete by tangata whenua is outlined in Chapter 7, and our conclusions and further work are noted in Chapter 8.

Approach to Developing Framework

In this chapter, we explain the approach taken to developing the kaupapa Māori framework, beginning first with an elaboration of the research problem and the questions it sought to answer. We then highlight our kaupapa Māori research approach and the tasks we employed to implement it.

2.1 Elaboration of the Research Problem

As already noted, we were concerned about the apparent lack of good environmental outcomes for Māori from the statutory planning process. Our aim was, therefore, to develop and test kaupapa Māori methods for three purposes:

- 1) interpreting anticipated environmental results (AERs) relating to Māori issues in district and regional plans;
- 2) evaluating a Māori view of the state of the environment (SOE) leading to the selection of indicators for relevant AERs (outcomes); and
- 3) assessing the effectiveness of the district plan in achieving its desired AERs.

Our research questions were these:

- What are the underpinning concepts, principles and understandings upon which Māori interpret and make decisions about the environment?
- How can these principles (kaupapa) and values (tikanga) be used for developing and testing a kaupapa Māori environmental indicators framework and methodology?

To answer these questions, we set out to do the following tasks:

1. carry out extensive literature reviews on kaupapa and tikanga and on the development and use of environmental outcomes and indicators for Māori and other indigenous peoples;
2. organize Māori peer review groups from experts and practitioners to assess our work at every stage;
3. develop a kaupapa Māori framework as a foundation for developing Māori environmental outcomes;
4. identify and develop Māori /iwi/hapū environmental outcomes;
5. identify and develop indicators for use in measuring the outcomes developed; and
6. test those indicators in at least two selected hapū /iwi and two related councils.

We reasoned that the product of this research (framework and methods (kete) would help to achieve three goals:

1. provide a framework and methods for Māori and councils to assess the achievement of AERs (outcomes) from a Māori perspective;
2. determine and explain differences between Māori and Council in AER; and
3. determine what will improve AER achievement for Māori.

Our Māori Outcome Evaluation (MOE) framework and methodology therefore aimed to fill a void by linking: kaupapa; associated environmentally important tikanga; and Māori aspirations (in the form of outcomes), to environmental indicators. It would thereby provide the means by which councils can interpret the effectiveness of RMA environmental management with Māori values as its foundation.

The RMA (1991) has, as already noted, many provisions referring to Māori interests and participation in district planning. The RMA also requires that councils monitor the effectiveness and efficiency of policies, rules and other methods in their policy statements and plans. *Effective* measures are those that work, i.e., that produce the anticipated outcomes. *Efficient* measures are the best suited for the job based on some criteria (unspecified by the RMA). Not until our MOE framework and methodology gets accepted and implemented by councils will local government have the means for evaluating either the effectiveness or efficiency of their plans with respect to Māori. That in turn is crucial for achieving good environmental outcomes for Māori.

2.2 Māori Focus of Research

Our research has been undertaken according to kaupapa Māori principles. This means that adherence to tikanga has been observed and the project work has been undertaken by Māori at every stage from initial conception, design, and research, through to evaluation of findings and report writing.

Richard Jefferies of Ngāti Tūkorehe (Ngāti Raukawa) was brought in to lead the Māori strand of the PUCM research in 2000 and he and staff from KCSM Solutions Ltd have continued to oversee the current research. Richard has long experience in policy development and evaluation and Māori land use, and a background in management and education. Nathan Kennedy of Ngāti Whanaunga was employed as a Research Officer in the International Global Change Institute (IGCI) at The University of Waikato to undertake the research. He has been Environment Officer for Ngāti Whanaunga since 2000 and also has experience working within Local Government.

In addition to the Māori research team, we have had the guidance of two Māori peer review groups. One is a Māori Experts group of Māori working in relevant fields mainly within councils and central government. The other is Iwi Practitioners group, including managers and environment officers from around the motu. The members of the two groups are named in the opening acknowledgement.

The draft outcomes and indicators framework and methods were trialled by experienced staff in two iwi - Ngāti Maru of Hauraki and Ngāti Awa of Whakatane. Prior to trialling, multiple workshops were held with staff in both iwi from which changes were made to the framework, outcomes, and indicators. Although the research team have substantial experience in environmental management trialling, this iterative discussion and revision was considered important, in order for the framework and methods to be as rigorous as possible.

2.3 Research Approach

A range of tasks were included in our approach to developing a kaupapa Māori framework and associated outcomes and indicators methods. These reflected our commitment to developing a framework that is both theoretically sound and consistent with tikanga Māori. In brief, the components of our research approach included:

- participation by Māori at all stages and an ongoing assessment of whether this participation was providing adequate opportunities for tangata whenua to contribute to the research;
- formation of a Māori experts peer review group;
- formation of a Māori practitioners peer review group;
- drawing on real examples from many years of iwi environmental work, in order to identify initial Māori outcomes and indicators;
- analysis of numerous statutory planning documents to identify and evaluate Māori provisions;
- development of a process for developing kaupapa and tikanga for inclusion in the framework;
- creation of a document called *Māori Provisions in Plans*, listing numerous Māori plan provisions according to key environmental tikanga against which council plans can be assessed;
- a literature review of international writing on indigenous outcomes and indicators work;
- a literature review of writing on environmentally relevant tikanga;
- GIS (Geographic Information Systems) modelling, analysis and representation;
- running workshops with iwi; and,
- trialling of the draft outputs and indicators kete by Ngāti Maru and Ngāti Awa.

These tasks and what each involved are explained in detail in our main Report 1, *Māori Outcome Evaluation (MOE): A Kaupapa Māori Environmental Outcomes and Indicators Framework and Methodology* (Kennedy and Jefferies, 2009).

Before focussing on our Kaupapa Māori framework and kete, we highlight the statutory planning framework in Chapter 3, and its significance for Māori in Chapter 4.

Environmental Planning and Māori

In this chapter, we describe the legal and statutory context relating to the management of the environment in Aotearoa and consider participation in resource management by Māori. The developments described here are the basis by which the Māori provisions have come to be included in our environment-related laws. We therefore provide an important introduction to the Māori provisions in environmental law. This is relevant here as the tools under development within a PUCM Kaupapa Māori framework are, in part, a response to this legal environment and the experiences of Māori within it.

While Māori have continued to assert their place as kaitiaki, Māori values and rights were entirely absent within New Zealand planning and environmental management legislation until the late 1970s when amendments to the *Town and Country Planning Act 1977* (TCP Act) included the first limited recognition of Māori. Section 3 of the TCP Act was amended to provide for, as a matter of national importance: ‘The relationship of the Māori people and their culture and traditions with their ancestral land.’

Importantly, however, it would be another 10 years before the High Court in *Royal Forest and Bird Protection Society vs. Habgood Ltd* (Royal Forest and Bird Protection Society vs. Habgood Ltd, 1987) confirmed that ‘ancestral land’ included all ancestral lands as opposed to only those still retained by Māori.

Despite this amendment to the TCP Act, recognition of Māori values in decisions made under it was minimal, with few in the 14 years prior to the enactment of the RMA (*Resource Management Act*, 1991) reflecting Māori values in any meaningful way. Rather, the Waitangi Tribunal proved to be a more significant influence during this period in the recognition of tikanga Māori and the environment through its early findings, such as the Motunui-Waitara Report (Waitangi Tribunal, 1989b) and Kaituna River Report (Waitangi Tribunal, 1989a). Reports such as these highlighted the need for Māori spiritual values to be recognised and provided for in resource management decisions and became the backdrop for the resource management law reform that resulted in the RMA (Love, 2001).

3.1 International Developments

Since the TCP Act was passed in 1977, international developments have influenced increased recognition of the rights and roles of indigenous peoples, including Māori, in environmental resource management. For example, Principle 22 of the UN Conference on Environment and Development’s (UNCED) Rio Declaration proclaims that:

Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognise and duly support their identity, culture and interests and enable their effective participation in

the achievement of sustainable development (United Nations Conference on Environment and Development, 1992).

The same year, the UN Convention on Biodiversity and World Summit on Sustainable Development supported significant declarations upholding the need for governments to recognise and protect indigenous practices and knowledge and to provide for these within environmental resource management legislation and processes (United Nations, 1992; UN Conference on Environment and Development, 1992).

These instruments followed on from a range of international and New Zealand court cases which had increasingly confirmed the legal right for participation by indigenous peoples and recognition of their values in resource management. Worthy of particular mention is the groundbreaking *Boldt Decision* (US vs Washington 2nd., 1978), which established that indigenous peoples have a right to participate in the management of their ancestral natural environments (Pinkerton, 1992). The Waitangi Tribunal has since observed the similarity and applicability of that decision to the circumstances of Māori.

3.2 The Resource Management Act

The purpose of the RMA is stated in Section 5 (1). It is ‘to promote the sustainable management of natural and physical resources,’ while at the same time keeping in view the economic, social and cultural well-being of communities. The Act includes numerous Māori provisions and incorporates Māori customary law through reference to tikanga Māori, including kaitiakitanga, taonga, and tapu. Foremost among its Māori provisions are requirements that those administering the Act to (to paraphrase):

- recognise and provide for, as a matter of national importance, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga (Section 6e);
- have particular regard to Kaitiakitanga (Section 7a); and
- take into account the principles of the *Treaty of Waitangi* - Te Tiriti o Waitangi (Section 8).

Te Puni Kokiri (The Ministry of Māori Development) describes Treaty principles as being primarily concerned with the way in which the Crown and Māori behave in their interactions with one another (Te Puni Kokiri, 2001).

While there is debate as to exactly what the principles of the *Treaty of Waitangi* are, the courts and Waitangi Tribunal have confirmed the following principles: partnership; reciprocity; mutual benefit; active protection; and redress. While there is debate as to whether it is in itself a Treaty principle or a duty inherent within other principles, the courts and tribunal have also recognised a duty on the parties to act reasonably, honourably, and in good faith.

There are Māori-specific provisions within more than 30 sections within the RMA, most of which are less often cited than Sections 6e, 7a, and 8. For example, Section 14(3)(c) exempts tangata whenua from the general prohibition against taking natural water or geothermal water in certain circumstances on the basis of tikanga. Local authorities with ‘functions, powers or duties’ under the RMA may transfer (Section 33) or delegate (Section 34) these to another ‘public authority’ including an ‘iwi authority,’ government

department, or other statutory authority. To date, only one Section 33 transfer to iwi has taken place, this being to Ngāti Tūwharetoa in relation to Lake Taupo in 2009. Section 39(2)(b) provides for a local or consent authority ‘to recognise tikanga Māori where appropriate.’

District and regional councils are required to have regard to relevant planning documents recognised by an iwi authority when preparing or changing a district plan (Section 74(2)(b)(ii)), regional policy statement (Section 61(a)(ii)), or regional plan (Section 66(2)(c)(i)).

There are also Māori values and participation provisions within various other pieces of contemporary environmental and resource management-related legislation. Of particular interest to our PUCM kaupapa Māori research are the provisions of the LGA (*Local Government Act*, 2002), which include the requirement that councils provide for Māori participation in decision-making, and mandate councils to develop community outcomes (including Māori outcomes) and monitor progress toward the achievement of these.

It is therefore clear that the Crown has recognised Māori environmental values and has made substantial provision for Māori participation in the management of New Zealand’s natural and environmental resources.

However, there is a lot of writing that identifies issues relating to Māori and the RMA, much of it critical of implementation of the RMA, but also of the Act itself. The Waitangi Tribunal widely criticised the Crown for the weakly worded Māori provisions. For example, in its *Ngawha Geothermal Resource Report* the Tribunal wrote:

The tribunal finds that the Resource Management Act 1991 is inconsistent with the principles of the Treaty in that it omits any provision which ensures that persons exercising functions and powers under the Act are required to act in conformity with the principles of the Treaty of Waitangi (Waitangi Tribunal, 1993).

3.3 RMA Statutory Planning Documents

Statutory plans under the RMA (1991) are an important means by which the Act, including its many Māori provisions, are to be given effect. Most criticism by Māori of the RMA is, however, over its implementation through local government. The RMA requires councils to prepare plans, but if plans are of poor quality and/or its provisions poorly implemented through the resource consents process, then poor environmental outcomes can be expected, including poor outcomes for Māori.

As noted, the RMA requires regional councils to make operative a Regional Policy Statement and Regional Plans, and city and district councils to make operative a District Plan. While the RMA does not stipulate the content of these plans, it does require that they adopt a particular structure including: the identification of significant Issues facing the region or district and the formulation of Objectives, Policies, and Methods for addressing these issues.

Additionally, under Section 35 councils are required to undertake environmental monitoring and evaluation of the effectiveness of their plans and policies and to make available to the public a review of the results of its monitoring not less than each 5 years.

Since the *Resource Management Amendment Act 2005*, regional and district plans have been required to ‘give effect to’ higher level statements, and to be not ‘inconsistent with’ higher level plans or water conservation orders. Prior to that amendment, plans were only required to not be inconsistent with higher plans or policy statements. However, research for PUCM Phase 1 (1995-1997) found that lower order plans often simply replicated the wording of the Act and higher level documents. This was particularly the case in relation to Māori provisions.

When evaluating iwi provisions in plans, the PUCM team reported: ‘Our analysis has revealed that this strong mandate has not been reflected well in the 28 district plans reviewed, which either largely paraphrase or fail to acknowledge key sections of the RMA’ (Jefferies, et al., 2002). Moreover, wider PUCM investigations regarding council monitoring found these to be wanting, and that this was certainly the case regarding Māori:

The PUCM team found that overall, monitoring was poorly written into plans, most failing to specify methods that would be used. Kōkōmuka (now KCSM) found that while some of the 28 plans it reviewed mentioned monitoring and encouraged iwi participation, they did not acknowledge how or with whom they would participate with in the monitoring process.

An important aim of our current research has been to develop methods for evaluating the Māori-specific provisions of statutory plans, as one strand of an overall assessment into the quality of environmental outcomes resulting from council actions. This work is discussed in Chapters 5 and 6.

3.4 The Courts

There have been some important decisions by the courts that Māori values must be accorded significant weight in resource consent decisions. The following are just a few of these court cases.

In the 1994 case *Haddon v Auckland Regional Authority* (Haddon v Auckland Regional Authority, 1994) the Planning Tribunal (predecessor to the current Environment Court) found in relation to consents granted to extract sand, that Ngāti Wai should be able to exercise kaitiakitanga over their local sand resource and to give guidance on how, and to what extent, it should be developed. In *Te Rūnanga O Taumarere & Others v Northland Regional Council & Far North District Council* (Te Rūnanga O Taumarere & Others v Northland Regional Council & Far North District Council, 1995) ruling the following year the tribunal found that where feasible alternatives were available these should be used rather than waste disposable solutions that are inconsistent with Māori spiritual values. And in *Bleakley v Environmental Risk Management Authority* [2001, 3 NZLR 213] the High Court confirmed that the reference to toanga in the *Hazardous Substances and New Organisms Act* (being the same as that in the RMA) included intangible spiritual and cultural values such as whakapapa, mauri, and te reo Māori.

In the decision of *Ngāti Maru Iwi Authority Inc v Auckland City Council* (Ngāti Maru Iwi Authority Inc v Auckland City Council, 2002) the court found not only that Māori values must be accorded appropriate weight, but went further to observe that decision-makers must adjust the scope of their consideration to ensure that indigenous values are adequately accommodated. Judge Baragwanath granted the iwi leave to appeal previous Environment and High Court decisions to the appeal court in which arguments based largely on Māori values had not prevailed, opining that tikanga Māori and mātauranga Māori had been accorded insufficient weight in those deliberations, and observing that:

It is unnecessary on a leave application to do more than allude to the evolving international recognition that indigenous issues must now be viewed through a wider lens than that of western culture.

This is more than an acknowledgement of the legal recognition of Māori values. It is a statement that means in considering such values decision-makers have to change the way they look at the world – at least in relation to the issues before them.

3.5 Other Jurisdictions

While the focus of the overall PUCM Research Programme has been on the RMA (1991) and more recently LGA (2002), our Kaupapa Māori framework objective takes a wider view. This was considered necessary in order for the outcomes and indicators to properly reflect the statutory environment within which Māori values must be considered. For example, the *Conservation Act* (1987) is relevant to Māori in that large areas of our ancestral lands are bound up in the conservation estate, and that Act also determines the manner in which Māori may manage or use important traditional resources such as native birds like kereru. The *Historic Places Act* (1993), *Hauraki Gulf Marine Park Act* (2000), and *Fisheries Act* (1996) all have strong Māori-specific provisions and each has a degree of overlap jurisdictional with the RMA (1991).

Our Kaupapa Māori outcomes and indicators framework and methods include separate evaluation of the performance of councils and various Crown agencies that operate under other legislation in order to consider the respective part each of these plays in environmental resource management and environmental outcomes as these relate to Māori.

The LGA (2002) is of particular interest here. Along with the RMA, the LGA is the primary legislation under which councils operate. Moreover the LGA includes requirements that councils in association with their communities (including Māori communities) develop community outcomes, and the further requirement that they monitor progress toward the achievement of these. Many councils have turned to indicators as the method for this evaluation.

The Reality for Māori

Despite the significant legal provisions and decisions described in Chapter 3 above, the reality for many iwi and hāpu is very different from what is promised within legislation and statutory plans. We acknowledge that the circumstances and experiences under the RMA of iwi vary, largely depending upon their capacity to participate in RMA and council processes, but also depending upon the quality of their relationships with councils and other factors. This Chapter, however, describes the negative reality for many Māori, with limited resources or capacity to participate, and who seldom experience positive environmental results, or outcomes of resource management processes, from a tangata whenua perspective.

This discussion is included because our PUCM kaupapa Māori framework and methods is very much a response to this widespread negative experience. The various tikanga chosen on which our outcomes and associated indicator sets have been based relate directly to environmental issues important to Māori, these being mana whenua, mauri of waterways, and wāhi tapu. In this chapter, we highlight particular experiences and the treatment Māori values have received before we concentrate in the following chapter on the Kaupapa Māori framework for environmental outcomes and indicators and the way this is intended to address the failure by councils to protect these values.

4.1 What Has the RMA Delivered to Māori?

While there have been some gains for Māori under the RMA, as described above, the reality for many is quite different. For example, the intention that Māori would have responsibilities devolved under the sections 33 and 34 of the Act has after 18 years of the RMA resulted in only one transfer to iwi. Māori capacity to participate in RMA processes is generally low (Tutua-Nathan, 2003) and Māori only participate in a small percentage of processes (Bachurst, et al., 2002).

Despite some apparently strong protections for Māori values in statutory plans, few resource consent decisions or conditions include any recognition of these. On the significant majority of those occasions where tangata whenua do participate in consent application processes decisions are contrary to those sought (Whangapirita, 2003).

Furthermore, while the only recourse tangata whenua have when tikanga is ignored in council consent decisions is to the courts, participation by Māori has been reported to reduce even further beyond the resource consent hearing stage (Parliamentary Commissioner for the Environment, 1998). Largely because of the substantial costs involved, recourse to the courts is scarcely an option for most iwi.

This negative experience is apparently becoming worse for Māori following changes in 2005 to the RMA (1991), which made clear that consultation with tangata whenua is not required in relation to resource consent applications - unless they are first deemed to be affected parties. As has been reported, whether tangata whenua are affected by a consent application or not will be determined by council planning staff, often without any formal policy for determining affected status. The opinions of council staff in this regard are regularly at odds with those of tangata whenua (Kennedy and Jefferies, 2008c).

Another recent amendment to the RMA has already proven to be a mechanism for limiting Māori and the general public from consents processes. It is 'the permitted baseline principle.' The premise underlying this principle is that when considering a consent application, including whether such consent should be notified, councils do not have to consider the effects of any similar activity that is allowed as of right, nor those that are already consented. While application of the permitted baseline principle is discretionary, in our experience it has been regularly used to exclude tangata whenua from the consents process, allowing these to be processed and granted without consideration of the values or concerns of tangata whenua.

Some commentators have acknowledged that both applicants and councils will use the 2005 amendments as a means to prevent participation by Māori under the RMA (Vince, 2006), and this has certainly been our experience. When tangata whenua consider their values and concerns to have been ignored the only avenue open to them is the courts.

4.2 Broken Scales

The RMA has been called a balancing act (Wheen, 2005; Hassall and Drummond, 2007), in which competing interests and values must be weighed in the decision-making process, in order to arrive at the appropriate decision. If this is the case, then the scales are widely observed by Māori to be broken and Māori values - particularly intangible or spiritual values - are unlikely to prevail (Wheen, 2005; Rennie, 2007; Williams, 2007). This imbalance is compounded because decisions regularly fail to explain why certain factors or positions have prevailed and others not. Such transparency is a basic tenet of natural justice.

We suggest that despite lofty legislative provisions, Māori values are still regularly ignored or subordinated by many council decision-makers. Furthermore, even where Māori values are demonstrated to be negatively impacted by a proposed development these are unlikely to prevail unless they are able to be protected without impinging on the aspirations of private developers and the wider community.

The kaupapa Māori framework described in the following chapter is intended to assist in addressing this deficiency by providing both tangata whenua and council staff and decision-makers with a framework and methods with which they can assess council statutory plans and their implementation. It includes measures for the extent to which tangata whenua values are provided for in decision-making.

The PUCM Kaupapa Māori Framework

In this chapter, our Kaupapa Māori outcomes and indicators framework is described. The framework consists of kete or baskets of outcomes and indicators of which three are included below (with other kete still under development). As noted in Chapter 2, a great deal of literature was reviewed to help identify key environmental outcomes and indicators. As well, hui were held to discuss and refine selected outcomes and indicators.

In addition, we documented Māori provisions in plans, in order to gain an appreciation of the quality of existing plans from a Māori perspective. Before focussing on the overall structure of the framework and the tikanga included in each of the three kete, we further define the meaning ‘outcomes’ and ‘indicators’ then describe the theoretical basis of the outcomes and indicators framework. In order to support the use of the outcomes and indicators that were developed, we also prepared Guidelines for the use of kete of outcomes and indicators – whether by Māori tribal organisations, councils, or other stakeholders.

5.1 Outcomes and Indicators

Outcomes in the modern statutory context are statements of particular results sought by a community-- including Māori aspirations. In the past decade or so, ‘outcomes’ have become a popular means for evaluating policy effectiveness and performance, particularly in central and local government.

The Māori word ‘hua’ has been suggested as a translation for ‘outcome’. For Māori, hua is the word for something that grows-- hua rākau is fruit, and hua whenua vegetables. Hua is then something that is strived for, something yielded.

Prior to the LGA (2002), which brought with it the requirement for the development of community outcomes, Māori-specific outcomes had received some attention in the health and education fields. These fields therefore provide some examples of Māori outcomes frameworks that we considered in preparation for our work. The most prolific writer on outcomes in relation to Māori health is Mason Durie. He and Te Kani Kingi have referred to Māori health outcomes as Hua Oranga, and developed the health-specific outcomes framework called Te Whare Tapa Whā. We also acknowledge hua as being an appropriate equivalent to outcome.

‘Indicators’ are a simple means of measuring whether outcomes are being achieved. Various indicators have been developed in the past decade for governmental policy analysis and use in environmental monitoring. But indicators are not new to Māori. Tohu,

traditional Māori indicators, have been used for hundreds of years and enable kaitiaki to both interpret and care for the natural environment.

Tohu Māori have been observed from earliest times. Tohu are signs or omens, and are an important means of interpreting and managing our natural environment. Tohu continue to be used today.

One form of tohu is what we might call alignment indicators, where one event in nature occurs with another. For example, the flowering of the kowhai tree indicates the right time to harvest of mussels, when the pohutukawa blooms the kina are fat and their best to eat. On the other hand, some traditions observe that harakeke flowering suggests that the kina roe is of poor quality.

There are numerous similar examples, all based on generations of local observation. Mātauranga Māori is not, however, fixed in the pre-colonial past. An example of a more recent indicator is the coincidence of the appearance of green leaf buds on exotic willow trees indicating the imminent arrival of indigenous whitebait.

Another kind of tohu is taunahanaha-- the naming of places. Prior to the arrival of Europeans, tangata whenua had imbued almost every feature of the landscape with meaningful names, often those of great ancestors. Te Whanganui a Hei (Mercury Bay) recalls the visit of the rangatira of the Arawa waka of that name. Similarly, Te Whanganui a Tara (Wellington) and Te Ika a Maui (the North Island).

5.2 Kaupapa Māori Theory

In setting out to research and develop a Māori outcomes and indicators framework, we considered which theoretical model(s) should inform our approach. There are various theoretical approaches used for evaluating statutory plans and we were mindful of these as we proceeded. Additionally, we considered various theoretical models that have been developed specifically for environmental monitoring and indicators, in particular the State-Pressure-Response model favoured by the Ministry for the Environment. However, we found these Western approaches to be wanting in terms of accommodating a Māori perspective and Māori values. Our Report 1, *Māori Outcome Evaluation (MOE): A Kaupapa Māori Environmental Outcomes and Indicators Framework and Methodology*, includes a substantial discussion of the theoretical models that we considered.

From our point of view, the critical theory underpinning this research has been kaupapa Māori theory. Kaupapa Māori theory is of course based on kaupapa Māori-- the foundation and guiding principles of Te Ao Māori, which include our tikanga and kawa. A critical element of Kaupapa Māori theory is the positioning of a Māori view as normal, rather than it being taken-for-granted that a Pakeha world view is normal and any other perspective is 'different' or unusual. An important part of kaupapa Māori research is that it should be conceived, developed, and carried out by Māori, the end outcome of benefit to Māori.

The term Kaupapa Māori theory is increasingly used to refer to academic investigation undertaken according to a Māori world view, and based on Māori principles of understanding (Smith, 1997; Pihama, 2001; Powick, 2003; Panoho, 2007). We considered various theoretical models that might be used for the construction of the Kaupapa Māori framework itself. In particular, we were concerned with potential models for layering or ordering mātauranga Māori / Māori knowledge in a way that would be consistent with tikanga.

Wä, Atua, and Tikanga

Three approaches were considered: Ngā Wä, Ngā Atua, and Ngā Tikanga. We now describe these, in order to provide an explanation for the final selection of the Tikanga model.

Ngā Wä

Ngā Wä (literally the times) refers to the Māori understanding and classification of time. Central to this approach is the Māori philosophy ‘Ka Mua; Ka Muri,’ whereby it is said that ‘we walk backwards into the future, our eyes fixed on the past.’ Dr Mere Roberts describes this as ‘an aphorism which highlights the importance of seeking to understand the present and make informed decisions about the future through reference to the past’ (Roberts, 2005). We felt that several periods are important to a Māori perspective on time:

- Te Timatanga o te Ao – the beginning of the world as described in the creation stories ending with the separation of Rangi and Papa by their children;
- Ngā Tupuna tawhito – the times and deeds of the eponymous ancestors as encapsulated within ngā korero tawhito (the old stories);
- Hawaiki – traditions from tribal homelands prior to travelling to Aotearoa;
- waka traditions – stories of travelling to Aotearoa and establishing dominion over these islands;
- *Treaty of Waitangi* – early colonial contact; and
- Modern day – contemporary Aotearoa.

Mātauranga Māori is, we suggest, characterised as being associated with one of the above periods.

Ngā Atua

Ngā Atua refers to the gods. Te Ao Māori is traditionally structured and understood according to whakapapa, which connects all elements of the natural world, including mankind, beginning with ngā Atua. Each Atua has its own particular domain of responsibility. It follows then that Ngā Atua provides a potential framework for developing Māori environmental outcomes, where these would be ordered according to the spiritual domains to which they belong.

Some iwi use Ngā Atua as a conceptual framework for environmental management. Of the iwi environmental plans we reviewed, several referred to the importance of Ngā Atua to a Māori conceptualisation of the natural environment. Outcomes and associated indicators

can be categorised according to the atua in whose domain they reside, for example natural environmental resources are descendents of Tangaroa, Tane Mahuta, Rongo, etc.

Ngā Tikanga

This model organises consideration, development, and use of Māori environmental outcomes and indicators according to the tikanga brought into play by a particular environmental issue. A tikanga-based model allows environmental issues to be addressed by assisting with the identification of relevant tikanga for a particular issue. Tikanga in turn provides us with the tools for assessing and developing a response to an issue.

The model ultimately adopted was Ngā Tikanga. The kaupapa/tikanga-based model was selected because it is likely to be the least complex model to follow, and allows for a close examination of key terms and concepts already in wide use in the domain of environmental management. By utilising the perspective of a key concept like tapu, the links to key issues, such as wāhi tapu, are more easily

5.3 Tikanga Included in the Kaupapa Māori Framework

We spent some time considering which kaupapa, and which associated tikanga, should be included in the initial framework and kete-- the outcomes and indicators series. While there are numerous tikanga that are environmentally important, time and resource constraints meant that we decided to focus on only three for the first series to develop.

The three kaupapa identified were: mana, mauri, and tapu. For each kaupapa, a single tikanga (as we have referred to them) was selected these being: for Mana – Mana Whenua; for Mauri – the Mauri of Waterways; and for Tapu – Wahi Tapu. And, for each tikanga is a single high-level outcome: Mana whenua is appropriately protected; the mauri of waterways are in optimal health; and wahi tapu are protected. Whether each outcome is achieved is through use of indicators. The structure of the kaupapa Māori framework is highlighted for three selected kaupapa below in Table 1.

Table 5.1. Kaupapa Māori outcomes and indicators kete

	Kete 1	Kete 2	Kete 3
Kaupapa	Mana	Mauri	Tapu
Tikanga	Mana Whenua	Mauri of Waterways	Wāhi Tapu
Outcomes And Indicators	1 Outcome	1 Outcome	1 Outcome
	Various Indicators	Various Indicators	Various Indicators

While there are of course other important tikanga, particularly kaitiakitanga, the three that we selected (in consultation with our peer reviewers) was for two main reasons. First, from our experience these tikanga receive substantial attention within the RMA arena. Second, they align well with the subject areas considered in the wider PUCM research and we wanted to be able to make comparisons between the findings regarding environmental outcomes for Māori under the RMA and LGA, and those of the wider community. We describe our treatment of these kaupapa and tikanga now.

Mana and Mana Whenua

As kaitiaki, tangata whenua have responsibility for safeguarding their ancestral lands. The term mana whenua commonly refers to the authority tangata whenua have over their lands (Walker, 1990; McCully and Mutu, 2003), and tribal mana is widely considered to be diminished where we fail in our duty as kaitiaki (guardians) of ancestral lands (McCully and Mutu, 2003; Taua, 2003). The RMA includes this definition of tangata whenua: ‘Tangata whenua, in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area.’ The Act provides a further definition for mana whenua: ‘Mana whenua means customary authority exercised by an iwi or hapū in an identified area.’

An issue for Māori is that neither the RMA (1991) nor LGA (2002) include mechanisms for resolving instances where there is dispute over mana whenua. This deficiency results in numerous instances where the wrong group are consulted regarding an RMA issue, or iwi with competing claims have no option, but to argue their mana whenua within RMA processes, this despite the fact that the RMA provides no authority for decision-makers to determine such issues. How councils deal with mana whenua is therefore of particular interest.

The PUCM kaupapa Māori framework and methodology recognises the above issues and includes measures by which tangata whenua and councils alike can judge the plans, policies and actions of councils, iwi/Māori, and the Crown in relation to RMA and other statutory provisions for mana whenua.

Mauri and the Mauri of Waterways

Mauri is often defined as the life-force of a physical object (living or otherwise). All things have mauri. The maintenance of mauri is widely considered to be the most important responsibility of kaitiaki Māori. Our Mauri Outcome is concerned specifically with the mauri of waterways, this being of particular importance to tangata whenua, as evidenced by the numerous planning processes in which tangata whenua participate in an effort to protect mauri. The Waitangi Tribunal describes the importance of protecting the mauri in its *Whanganui River Report*:

Conversely, if the mauri of a river or a forest, for example, were not respected, or if people assumed to assert some dominance over it, it would lose its vitality and force, and its kindred people, those who depend on it, would ultimately suffer. Again, it was to be respected as though it were one's close kin (Waitangi Tribunal, 1999).

This tikanga (the mauri of waterways) and its associated outcome and indicators (which we later explain) is intended to provide tangata whenua with a suite of tools to judge whether the mauri of waterways within their rohe are in good health, and also the contribution that councils and Crown agencies play in achieving that goal.

Tapu and Wāhi Tapu

The protection of wāhi tapu is of the utmost importance to tangata whenua, but in our experience, wāhi tapu, as with Māori values generally, regularly loose when competing with western values and the many other factors that must be weighed under the balancing act that is the RMA.

Wāhi tapu are specifically recognised and provided for in several pieces of legislation, including the RMA (1991), the HTP (*Historic Places Act*, 1993), the LGA (2002), and the *Foreshore and Seabed Act* (2004). Some of our indicators relate to those statutes and to obligations stemming from them on councils and agencies. The HPA (1993) is considered by some Māori to represent a tick box exercise in the process of modifying or destroying Māori sites of significance.

Observing the ineffectiveness of the RMA in protecting wāhi tapu, the Waitangi Tribunal (2006) made the following recommendation in its Hauraki Report:

We recommend that the Resource Management Act (1991) be made more consistently effective for the protection of Wāhi tapu and taonga (which the crown has conceded is not always the case), and that the Government, local authorities, and Māori should work together to publicise the protection measures available under it and ensure their use to the fullest extent possible in this context, we note the difference between archaeological sites and 'living' wāhi tapu, known and valued by claimants today. One possible way forward would be for working groups of tangata whenua, crown officials, and local authorities, formed under the resource management act, to locate those living Wāhi tapu most in need of protection (Waitangi Tribunal, 2006).

The PUCM kaupapa Māori outcomes and indicators summarised in Chapter 5.4 below are intended to provide a series of tools for both the evaluation and protection of tribal wāhi tapu. Solutions, such as in the Tribunal's above recommendations, are recognised in the PUCM Wāhi Tapu framework, the intention being that this will assist iwi and council staff in identifying existing and potential measures toward wāhi tapu preservation.

5.4 The PUCM Outcomes and Indicators Kete

In the PUCM kaupapa Māori outcomes and indicators framework we have created a kete for evaluating each of kaupapa (e.g., Mana, Mauri, and Tapu) and its associated tikanga and high-level outcome as they relate to statutory plans. In effect, the kete contains the methods used for implementing the framework. In its current form, the Kete consists of three documents.

The main document contains the worksheets for each tikanga and its associated user-guideline. (See *Ngä Mahi: Kaupapa Mäori Outlook and Indicators Kete* (Kennedy and Jefferies, 2009, PUCM Mäori Report 2. (This PDF file is also provided as an editable/expandable WORD file so that users can put their own information into the various worksheets.)

Supporting the main document are two supplementary documents: one on best practice provisions in plans, compiled from our review of many regional and district plans; the other on key environmental principles identified from our extensive literature review. These documents are downloadable from the PUCM website at:

www.waikato.ac.nz/igci/pucm.

They are titled: *Mäori Provisions in Plans* (Kennedy and Jefferies, 2008, PUCM Mäori Report 3) and *Kaupapa Mäori Framework and Literature Review of Key Environmental Principles* (Kennedy and Jefferies, 2005, PUCM Mäori Report 4).

Formalising the framework structure into a workable method for application by staff in iwi, councils and Crown agencies, is therefore, achieved in what we call the kete-- the basket of tools or methods.

As noted, each kaupapa has a single tikanga, these being: Mana Whenua, Mauri of Waterways, and Wahi Tapu. There is a single high-level outcome identified for each of the tikanga, this describing an ideal situation in relation to that tikanga. These outcomes are:

- mana whenua is appropriately respected;
- the mauri of all waterways are in optimum health;
- wähi tapu are protected.

The worksheet structure is as follows:

Kaupapa: the overarching principle to which outcomes and indicators relate;
Tikanga: the high-level principle or rule which must be upheld;
Outcome: a single expression of a group's ideal result for a particular tikanga;
Indices: a series of indicators grouped by theme;
Indicators: the high-level enquiry for evaluating whether outcomes are being achieved;
Measures: lower-level enquiry or method, several of which collectively provide the information required for an indicator.

To further demonstrate the distinction between indices, indicators, and measures, examples of each of these are included below. These are the indices from our Mana Whenua kete (Jefferies and Kennedy, 2009):

Index 1: extent to which Local Authorities acknowledge Mana Whenua;
Index 2: extent to which Other Government Agencies acknowledge Mana Whenua;
Index 3: extent to which Tangata Whenua assert Mana Whenua

You can see that these are high-level enquiries. Each of them has several indicators. For example, these are the indicators from Index 1 (above):

- Indicator 1: whether respondent agrees that Council acknowledges mana whenua;
- Indicator 2: extent to which iwi / hapū tribal rohe are known to Council;
- Indicator 3: whether Statutory Plans recognise and provide for mana whenua;
- Indicator 4: extent to which Council monitoring has determined whether Anticipated Environmental Results (AERs) relating to mana whenua provisions have been achieved;
- Indicator 5: extent to which Council provides for mana whenua input into decision making.

And each of these indicators in turn has several associated measures; these being the practical means by which the question in each indicator is to be answered. The measures for Indicator 2 above are:

- Measure 1: council is familiar with the extent of tribal lands within its area;
- Measure 2: extent to which Council holds information about mana whenua;
- Measure 3: funding or resources provided by councils to assist with the investigation of tribal lands / boundaries;
- Measure 4: council addresses competing claims to mana whenua.

Each of the measures is scored with the ‘ideal’ result scoring 1 and the worst result a 5. Each measure is represented in a table, which provides descriptions for each of the levels, and allows the users to indicate if they don’t agree with the ideal description. There is also a ‘notes field’ for each response to allow the user to add their comments.

As already noted, we have developed and tested three tikanga and associated outcomes and indicators. We have, however, developed several other tikanga and are working towards testing their outcomes and indicators in selected iwi and councils within their rohe. There is potential to develop other tikanga and we propose this be done in future research. Figure 5.1 at the end of this chapter illustrates the structure of the current Kaupapa Māori outcomes and indicators, and indicates others undergoing development.

For a fuller description of the framework and kete structure we refer you to either our main report, *Māori Outcome Evaluation: A Kaupapa Māori Environmental Outcomes and Indicators Framework and Methodology* (Kennedy and Jefferies, 2009, PUCM Māori Report 1) or to the Kete themselves in *Ngā Mahi: Kaupapa Māori Outcomes and Indicators Kete* (Kennedy and Jefferies, 2009b, PUCM Māori Report 2). (Note again, that the PDF file for Report 2 is also provided as an editable/expandable WORD file so that users can put their own information into the various worksheets.) These reports are available from the PUCM website.

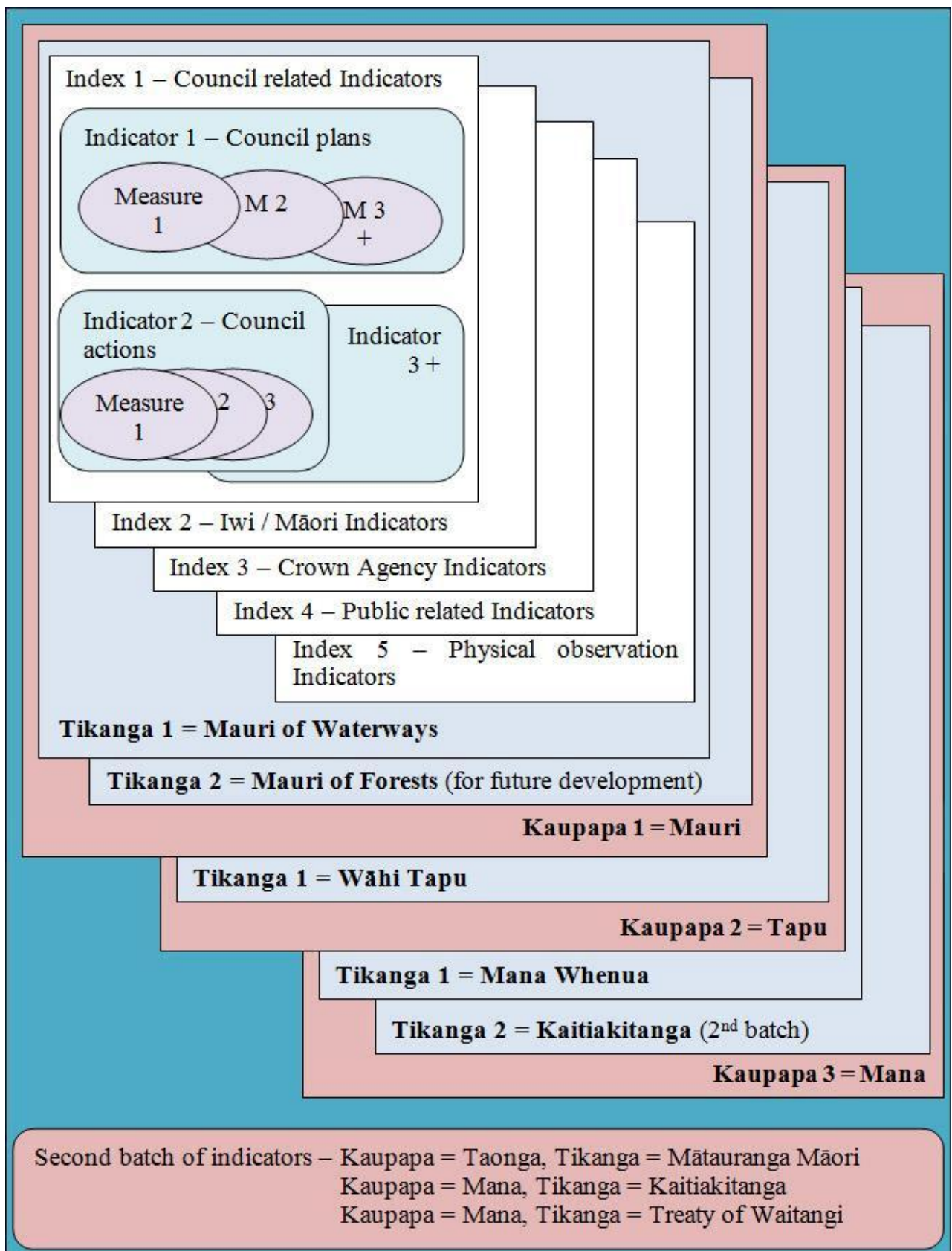


Figure 5.1. Schematic diagram illustrating PUCM Kaupapa Māori Outcomes and Indicators Framework.

Trialling the Kaupapa Māori Framework and Kete

While those developing the PUCM outcomes and indicators have a long background in both policy development and iwi environmental mahi it was always our intention that the kete should be independently trialled by experienced council planners and iwi environmental practitioners. There were several reasons for this, one being that tikanga varies from iwi to iwi, and another being the need to see how reliable and robust it would be when applied in different organisational settings, both council and iwi.

It had been our preference to have at least four iwi partners each trialling multiple kete, but resources precluded this. In the end, two draft outcomes and indicators kete were trialled, one by Ngāti Maru in Hauraki and another by Ngāti Awa of Whakatane. The third kete was trialled by ourselves through Nathan Kennedy drawing on his experience as environment officer for his iwi, Ngāti Whanaunga.

We also wanted to carry out trials in several councils from within the rohe of our iwi partners. Again, shortage of funds reduced this ideal to just two councils, Matamata-Piako District Council and Environment Bay of Plenty.

Trialling was intended to assess three things: the effectiveness of indicators; the adequacy of the outcomes that these indicators are intended to evaluate; and the kaupapa Māori framework itself. It consisted of workshops between trialling iwi and the PUCM researchers, both to explain the framework and kete and our requirements in relation to trialling, and to seek initial comment from iwi staff prior to their completing the worksheets. There were some recommendations made for minor modifications to the indicators from these workshops, and changes were made accordingly.

Both iwi confirmed that they considered the outcomes used to be both relevant and appropriate in terms of the ability to address the applicable tikanga (mana whenua, mauri of waterways, and wāhi tapu), and no structural changes or changes to the wording of outcomes were suggested.

6.1 Effectiveness of Indicators

Generally, both iwi trialists indicated satisfaction with the number and range of indicators used in their respective kete and only minimal modifications were suggested. One trialist was satisfied that both individually and combined the intention and results of the indicators were clear.

The other trialist expressed a view that in interpreting the responses we need to take into account the set of circumstances of responding iwi. Of particular concern was that some will be in the position of having completed Treaty settlements, while others might not.

6.2 Kaupapa Māori Kete

Both iwi trialists indicated that the kete we have developed are appropriate. Comments included that the layout is easy to understand and groups the issues together in a useful way.

The ‘actual’ and ‘ideal’ boxes provide users with an opportunity to indicate if they have a different definition of what is ‘ideal’ for them to those we have suggested, and none of the responses selected any alternative ideal position. The ‘comments’ section in the worksheets proved to be valuable in terms of providing the research team with a greater understanding of users’ perspectives, and particularly the relevance of their unique circumstances.

In summary, we believe that the range of indicators selected for each kete will provide useful tools for evaluating whether or not three important Māori environmental outcomes are being achieved. They will help to identify the contribution that councils, Crown agencies, and iwi are making towards this.

Use of Kete by Tangata Whenua

Having developed and trialled the kaupapa Māori outcomes and indicators framework and kete it is our hope that it will now be picked up and used by tangata whenua. We believe that the kete offers an effective, quick, and easy-to-use method for evaluating the plans and performance of councils, Crown agencies, and iwi organisations in relation to Māori environmental goals as well as the state of the environment in their rohe from a Māori perspective. By using the kaupapa Māori kete, tangata whenua can clearly identify issues and deficiencies in the plans and the performance of the organisations they deal with and bring these to the attention of relevant staff and decision-makers as a way of effecting change.

In addition to use of the framework to evaluate whether the overarching outcomes articulated within the three kete are being achieved, we hope and expect that iwi and hapū will use it for specific purposes. These include evaluating a council plan to assess the quality of its Māori provisions, or undertaking evaluation of the physical condition of those features to which the kete relate. Some such purpose-specific uses are, by iwi:

- evaluating council plans, policies and practices and testing whether these reflect tikanga Māori, and Māori environmental values and goals;
- evaluating the plans, policies and practices of other relevant Crown agencies;
- supporting iwi/hapū arguments for improvements to unsatisfactory plans, policies and practices;
- evaluating their own plans, policies and practices;
- helping monitor the state of the environment within tribal rohe;
- investigating to what extent councils, Crown agencies, tangata whenua, and the public have contributed to the state of the environment;
- identifying and developing outcomes, either for their own purposes or in relation to statutory processes; and,
- assisting tangata whenua in identifying and developing indicators, either for their own purposes or in relation to statutory processes.

The trialists in iwi told us that they would likely use the combined kete to assess the environmental outcomes of their council's activities, but also for other specific purposes. For example, by combining the plan evaluation indicators from each of the kete, in order to undertake assessments and comparison of district and regional plans that operate within a rohe, or by combining the council plan and performance indicators as part of an overall appraisal of consent authority's performance in terms of their obligations to Māori.

One iwi trialist said they would combine the iwi-related indicators from each kete as part of their own ongoing environment unit performance assessment, or use the kete individually to assess the state of the respective tikanga; Mana Whenua, Mauri of Waterways, and Wāhi Tapu within their rohe.

We also hope that councils will use the framework as a means for assisting them improve their own plans and performance in relation to their own statutory obligations to Māori. Further, it is hoped that the kete will assist councils in gaining an understanding of tangata whenua perspectives, and by having both iwi and councils using the kete that some common ground might be established.

It is our expectation that the kete will become of greater value to both iwi and councils the more it is used. For example, neighbouring iwi can use it to compare their experiences with the same councils and to help identify whether a council is failing in its duties for particular areas.

The indicators will then start to give a fuller picture about whether or not the Māori goals for our environment are being achieved if they are used repeatedly over time, say yearly, to see if improvements have been made.

We also believe that it will be productive if iwi and their associated councils use the kete at the same time. This will allow them to identify where they have different views about what environmental outcomes are happening and why – and to start to find out why councils and iwi have different views and expectations about this.

Conclusion and Future work

The PUCM Kaupapa Māori environmental outcomes and indicators framework and methodology is the result of 5 years of work, and represents an effective suite of tools with which iwi can evaluate and influence the performance of councils in relation to their obligations to tangata whenua under both the RMA 1991 and LGA 2002 from a Māori perspective.

The kete is also intended to provide councils with some understanding of tikanga Māori as this relates to the natural environment and therefore to environmental management. By doing so, it is hoped that councils will be better equipped and more willing to accommodate tikanga within their planning decisions. It will provide a means for testing their own plans and practices to see how these perform in relation to tikanga and against Māori expectations.

The PUCM kete will become more effective the more widely it is used by iwi and councils, and also as it continues to be used over time in order to consider what changes take place as time goes by. It kete will provide a simple way for tangata whenua to consider their experiences against those of neighbouring iwi. In this manner Māori to, over time, build up a picture of the environmental results of local authority's plans and their implementation across the motu in relation to Māori values and according to a Māori perspective. At the moment, it is fair to say that we have little idea about this.

There is a need to develop and test a more comprehensive suite of kaupapa Māori outcomes and indicators. By this, we mean a range of kete that deals with the many environmental tikanga important to Māori across the full range of the Kaupapa Māori framework we have developed. Having trialled the Kaupapa Māori framework and its first set of outcomes and indicators, we will continue developing more sets, funding permitting. Those kete developed or under development, but not yet trialled, include: Taunahanaha, Kaitiakitanga, Treaty of Waitangi, Manaakitanga, Mātauranga Māori, and Utu.

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