

THE WEST COAST PARTNERSHIP MODEL

COMMUNITY AND MAORI PARTNERSHIP IN TERMS OF THE TREATY OF WAITANGI

BACKGROUND TO DEVELOPMENT OF THE MODEL

The development of the West Coast Partnership Model dates back to 1987. When the West Coast United Council, predecessor of The West Coast Regional Council, sent staff along to Waitangi Tribunal hearings on The West Coast, they reported back that there was clearly a community responsibility to sort out the problems created by past governments. There was also an identification of a strong parallel between the marginalisation of Maori and the marginalisation of the people of The West Coast - Te Tai Poutini.

Prior to seeing this need to address Treaty of Waitangi issues the United Council had seen urgent need to reform local and regional government in order to give communities control over their own destiny. When central government did start the reform of local and regional government the United Council put to the Minister of Local Government the question of embodying the Treaty of Waitangi. His response, in a visit to Wellington, was indecorous. So the message received was that central government was not interested in trying to embody Treaty principles in local and regional government reform.

This meant that any initiative had to come from within the bodies being reformed. So a subcommittee of Council was set up. It comprised a Chairperson, two other Councillors, a tangata whenua kaumatua and a maata waka kuia. Two staff serviced it.

A MODEL FOR THE PAST OR THE FUTURE?

It was interesting to note that central government had actually assigned the Waitangi Tribunal two tasks. One was to consider Maori grievances and recommend redress. The other was to provide a surveillance over the actions of government to ensure causes of grievances are not caused in the future. Dealing with the outcome of the first task of the Tribunal seemed clearly to be the responsibility of central government. But tackling application of the Treaty of Waitangi to ensure grievances are not caused in the future seemed to be a responsibility of every citizen and needed to start in the smallest community.

A MODEL FOR UNITY NOT DIVISION

What was immediately clear was that people on The West Coast were first and foremost West Coasters. Secondly there were clearly Maori and non-Maori but all wanted to live as one people as they had for a number of generations. So how could Maori and non-Maori continue to live as one people but recognise each other's cultural differences?

The answer seemed to lie in providing a mechanism for Maori cultural values to be recognised in community decision-making and the understanding that only Maori can talk for Maori.

// The answer also seemed to lie in comprehending who the "Crown" is. It would appear that the "Crown" is where the people of a community, whether it is local, regional or national, vest their power. For New Zealand the "Crown" is in effect Parliament. But for community affairs and regional affairs the people vest their power in the district and regional council.

So the West Coast Partnership Model starts with the community. It comprises, in terms of the Treaty, Maori and non-Maori. All are equally citizens and enjoy citizenship rights in terms of Article III and all equally have religious freedom in terms of Article IV. In citizenship terms all people of the community, who are enfranchised, have an equal say in who they elect to represent them in local government (regional and district councils).

In terms applying the Treaty at the local community level, local government in effect functions as the Crown. Local government therefore has the responsibilities of kawanatanga (governorship) under Article I of the Treaty.

The Treaty, under Article II, requires the Maori people to retain sovereignty over their land, forests, fisheries and taonga, i.e. tino rangatiratanga. So the Maori people within the community must have the right to establish their own form of government without interference from non-Maori people and the Crown. Iwi government thus must be allowed to arise from the community in parallel with the local government. Iwi government representing the iwi of the community might be an "iwi authority" at a district or regional level. (It could be a runanganui at the regional level).

THE ANSWER IS IN PARTNERSHIP

*// But the major key question is how can kawanatanga and tino rangatiratanga work unless there is provided a mechanism for effective dialogue between the two? The komiti rangapu (partnership committee) is the body which provides the mechanism. But to be in an equal partnership each party has to contribute an equal number of members on the komiti. The local authority provides 50% of the membership in the form of councillors and the iwi government provides from its body an equal number of people. The komiti rangapu then discusses all matters of concern under the Treaty and provides effective communication with the local authority and the iwi authority.

In the West Coast instance at a regional level the proposal is for the Regional Council to provide 5 Councillors (which equals half of the Council) on the komiti rangapu. The Tai Poutini Maori people are talking of a regional iwi government (like a runanganui) comprising 10 representatives (from runanga of tangata whenua and roopu of maata waka or ruranga) which would also place 5 of its members on the komiti rangapu.

WORKING TOWARDS ATTAINING THE PARTNERSHIP

In May 1990 the Regional Council, in response to a request from Tai Poutini Maori leaders, set up an Iwi Partnership Working Party for the purpose of establishing a komiti rangapu by June 1991. It comprises representatives of the three tangata whenua runanga in the region, Te Runanga o Tuhuru, Te Runanga o Te Koeti Turanga and Te Runaka o Katiwaewae, the two centres of maata waka (ruranga), viz. Awatere and Mawhera, the Ngai Tahu Maori Trust Board, the Iwi Transition Agency and The West Coast Regional Council. A Councillor chairs the Working Party.

The West Coast Partnership Model has been promoted widely since it was first presented to the Waitangi Tribunal at Greymouth on 21 September 1988 and warmly received by that body. It received ~~on~~ fifty percent support from the eight local authorities of the original West Coast Region. As a consequence effort has been put into establishing the concept at a regional level and leaving the way open for the model to be applied at the district level.

TREADING GENTLY

We are not saying that the model is appropriate for anywhere else in New Zealand. There appears to be considerable support, particularly among Maori, for the West Coast Partnership Model being the appropriate model for The West Coast - Te Tai Poutini.

I am reluctant about presenting the accompanying diagram of the West Coast Partnership Model unless it can be presented in the steps outlined above. The reason is that such concepts are generally better understood when we start from where we are and move into something new.

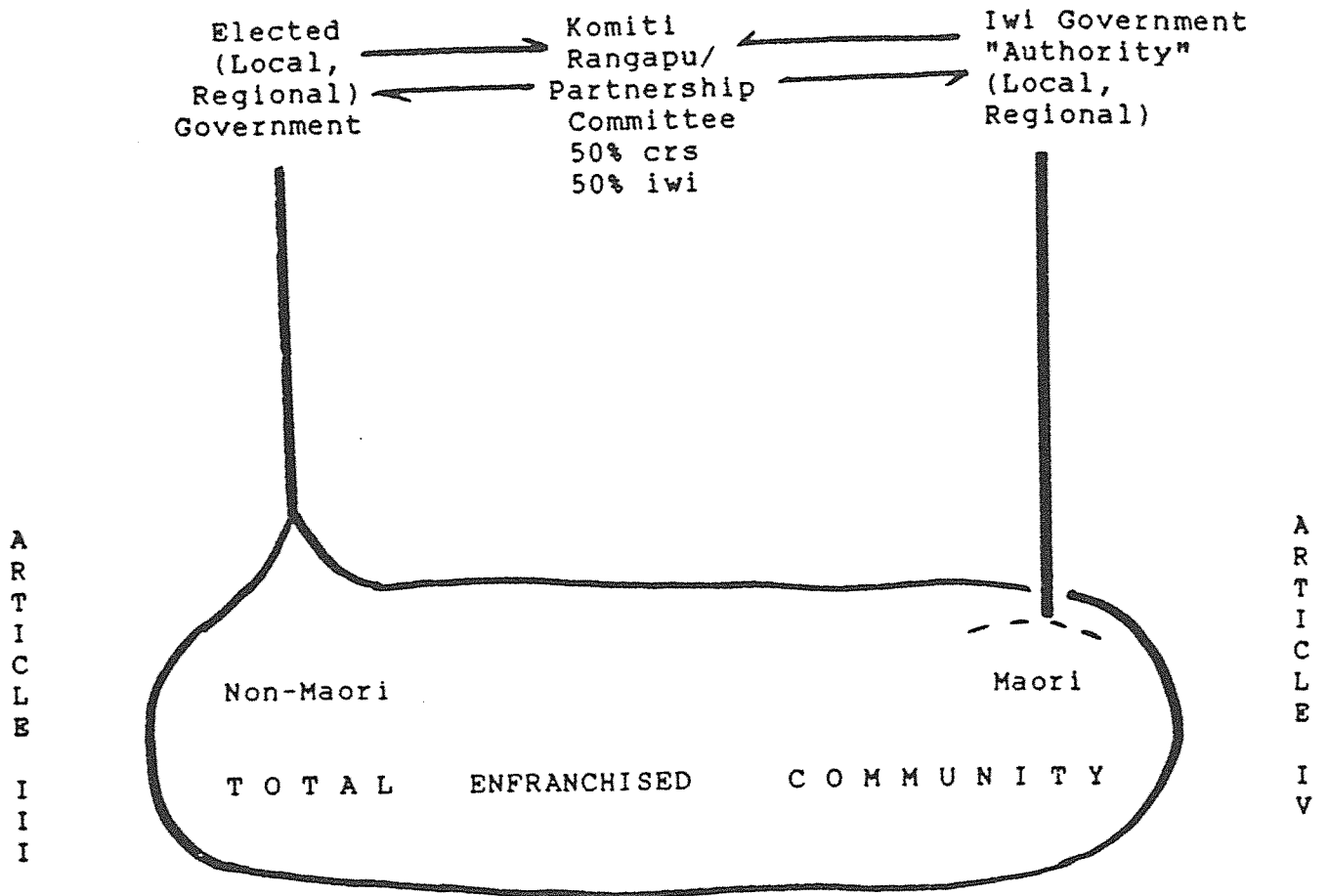
Peter Allan
Senior Policy & Planning Officer
The West Coast Regional Council
& Secretary of Iwi Partnership Working Party
September 1990

maori-pp.sbm

T I R I T I O W A I T A N G I

ARTICLE I
KAWANATANGA

ARTICLE II
TINO RANGATIRATANGA



THE WEST COAST - TE TAI POUTINI MODEL OF COMMUNITY PARTNERSHIP
UNDER THE TREATY OF WAITANGI



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MAORI PARTNERSHIP ON THE WEST COAST (TE TAI POUTINI) IN TERMS OF THE TREATY OF WAITANGI

1. SUMMARY

Since October 1987 the West Coast United Council has been grappling with the need to develop an appropriate mechanism in local and regional government which ensures that Treaty of Waitangi issues are dealt with in a just and equitable manner.

In a joint effort between the Maori people of The West Coast Region and the West Coast United Council a mechanism has been developed which is seen as appropriate for ensuring effective dialogue takes place in such a manner as will avoid generation of legitimate grievances in the future and at the same time encourage community harmony.

2. THE TREATY

The rights and responsibilities to be upheld under the Treaty of Waitangi in summary are:

Article I the responsibility to govern

Article II the responsibility to protect Maori interests
and where necessary to redress grievances

Article III the responsibility to ensure that Maori people
enjoy all the rights and privileges of
citizenship.

The legal obligations to the Treaty are probably best spelt out by Justice Cooke P. in *New Zealand Maori Council v. Attorney-General* (1987):

"For their part the Maori people have undertaken a duty of loyalty to the Queen, full acceptance of her Government through her responsible Minister, and reasonable co-operation."

"The duty of the Crown is not merely passive but extends to active protection of Maori people in the use of their lands and waters to the fullest extent practicable."

"The principles of the Treaty do not authorise unreasonable restrictions on the right of a duly elected government to follow its chosen policy. Indeed to try and shackle the Government unreasonably would itself be inconsistent with those principles. The test of reasonableness is necessarily a broad one and necessarily has to be applied by the Court in the end in a realistic way. The parties owe each other co-operation."

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"... the Treaty is a document relating to fundamental rights; that it should be interpreted widely and effectively and as a living instrument taking account of the subsequent developments of international human rights norms ..."

The principles of the Treaty require the parties "to act towards each other reasonably and with the utmost good faith."

"... where grievances are established, the State for its part is required to take positive steps in reparation."

Two further aspects of the Treaty need to be borne in mind:

- i. Prior to 1840 the British Crown recognised New Zealand as a sovereign state.
- ii. The Treaty secured the right for Pakeha to be New Zealanders.

"In the first instance the Treaty stated that large numbers of settlers were expected. That simple acknowledgement ought not to be under-rated in my view. While most New Zealanders think of the Treaty as something for Maori alone, in fact, it is the Treaty that secures the right for white New Zealanders to be here, not as interlopers or as conquerors, but as the inheritors of an agreement freely made and given. That fact, in my view, is as relevant to the resolution of Maori claims within the country, as it is to assuring to others the validity of the European presence in New Zealand." Chief Judge Durie 23 August 1988.

3. THE TREATY IN LOCAL AND REGIONAL GOVERNMENT

An observation on the Government's attitude to the Treaty in Local Government Reform and Resource Management Law Reform is that the two lead Ministers have shrunk from addressing practical implementation of the principles of the Treaty. "It reflects a broader government decision to distance itself from the Treaty" and "a conscious decision, at Cabinet level, ... to exclude the Treaty from the reorganisation of local government." (Jane Kelsey, May 1989).

On the other hand the Minister of Maori Affairs and the Government have been fostering dissolution of the Department of Maori Affairs and its replacement with an interim Iwi Transition Agency to give effect to tino rangatiratanga (of Article II) in statutory authority for iwi authorities to manage resources under iwi management plans in co-operation with local government and other agencies of the Crown.

4. WEST COAST UNITED COUNCIL EFFORTS TO UNDERSTAND THE IMPLICATIONS OF THE TREATY FOR WEST COAST PEOPLE

It may be helpful to firstly document the steps taken by the Council before summarising the present position.

What needs to be made very clear is that the United Council has tried to avoid taking any lone steps along the journey. There has been a lot of time spent at hui just listening. After much listening Te Tai Poutini Maori kaumatua have been asked many questions. The major submission was put together in partnership with the Regional Kaumatua. Every submission to the United Council has been firstly sent in its draft form to initially 14 and latterly 20 local Maori leaders. Only after the local Maori leaders have had time to respond has the United Council deliberated over each issue. It is acknowledged that this has been a Pakeha way of consultation and falls far short of joint decision-making on issues affecting the Maori people. However, it has been said that until Pakeha start walking in some direction they have little hope of being steered toward Maoritanga and reaching a goal acceptable to both cultures.

4.1 Summary of Steps

- | | |
|------------------|--|
| October
1987 | West Coast United Council tried to persuade Hon. Michael Bassett, Minister of Local Government, to integrate Maori partnership, in terms of the Treaty of Waitangi, in the Government's reorganisation of local and regional government. |
| December
1987 | Council resolved that staff consult with Regional Kaumatua Kelly Wilson to determine the best way for Council input to Waitangi Tribunal hearings on the Ngai Tahu land claim. |
| February
1988 | Council received a report on the Treaty of Waitangi (State Owned Enterprises) Bill. |
| May
1988 | Council resolved to prepare submissions to the Waitangi Tribunal on the Ngai Tahu claim and the Government on "He Tirohanga Rangapu" and set up a sub-committee for that purpose. |
| June
1988 | Council endorsed a paper arising from meetings of the sub-committee considering the West Coast situation in the light of "He Tirohanga Rangapu." (The sub-committee comprised two Maori, two Pakeha, a chairman and a secretary). |

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- July 1988 Council resolved that a submission providing a basis for statutory consultation based on the framework of the Town & Country Planning Act and Maori Community & Development Act be made to the Minister of Maori Affairs on "He Tirohanga Rangapu" subject to general acceptance by West Coast Maori Committees and runanga; and that Council continue to explore ways and means of attaining an effective partnership in terms of the Treaty of Waitangi which fulfils both Maori and Taiwi aspirations at the local, regional and national community levels; and this be the basis for a submission to the Waitangi Tribunal.
- August 1988 Council resolved that the concept of partnership joint committees be explored with West Coast Maori leaders; and subject to acceptance by West Coast Maori leaders, the concept of partnership joint committees be taken up in Council's submission to the Waitangi Tribunal.
- September 1988 Council resolved to reinforce the Chairman's invitation to the Minister of Maori Affairs to meet the Council together with local Maori leaders.
- 21 Sept. 1988 Chairman Margaret Moir presented Council's submission to the Waitangi Tribunal sitting in Greymouth. The Tribunal warmly received the submission.
- October 1988 On Council ratifying the submission made to the Waitangi Tribunal, the Regional Kaumatua, Mr Kelly Wilson, reported that Maori people are very much in favour of the points made in the submission.
- November 1988 Council resolved to thank the eight territorial local authorities for their response to the Waitangi Tribunal submission. (Three endorsed it, two accepted it and three discarded it).

In response to a request from the Waitaha Management Group, Council resolved to agree in principle to the United Council acting as trustee for funds devolved to a Tai Poutini Iwi Authority, if such should happen, subject to staff appraisal of any resultant workload. Clarification has been sought but not received.

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- December 1988 Council resolved to endorse the positiveness of the Government's proposals set out in "Te Urupare Rangapu;" and reaffirm to the Minister of Maori Affairs Council's desire to discuss with him on the West Coast the implications of its Waitangi Tribunal submission; and seek to discuss with the Minister practical ways of implementing in practice on the West Coast the partnership guaranteed under the Treaty of Waitangi.
- February 1989 Council resolved to continue to pursue establishment of a functional Maori Partnership Committee in the West Coast Regional Council.
- May 1989 Council resolved to present a paper to the West Coast Regional Transition Committee, the Westland, Grey and Buller District Transition Committees, and Tasman District Council with a strong recommendation from the West Coast United Council that the partnership mechanism be implemented in the new structures, noting the need for representation to be clearly from the West Coast; and that copies of the paper be supplied to other affected and neighbouring parties, including Nelson Bays United Council, Nelson-Marlborough Regional Transition Committee, Clutha-Central Otago United Council, Queenstown-Lakes District Council, Southland Regional Transition Committee, Department of Maori Affairs, and the Ministry of Maori Affairs.
- July 1989 Council endorsed efforts to apply the Maori partnership principles in getting administration of West Coast forests of the Crown devolved to the West Coast Regional Council.

5. WEST COAST MAORI POSITION

At the national level politicians and Maori leaders are debating whether iwi authorities (Maori government) should be based on tribal groupings or regional groupings. However it can be argued there is room for accommodating both groupings. In the case of The West Coast there is recognition of Te Tai Poutini* as a distinct area with Ngai Tahu - Ngati Mamoe acknowledged as the tangata whenua, the people whose ancestry is traceable to the region. Maps dating back to 1840 recognise Poutini Ngai Tahu as a distinct tribe within the West Coast Region (as promulgated in local and regional government reorganisation) and Ngati Mamoe ancestry can be traced back at least 800 years in South Westland. So this means that a Tai Poutini iwi

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authority can generally be accepted as a regional people's authority whether looked at from a rohe (area) or tribal perspective.

Various Maori groups can be identified on The West Coast. Runanga o Tuhuru and Runanga o Te Koeti Turanga were established in 1988 as incorporated societies. Other land based iwi groups include Runaka o Kati Waewae, Roopu o Tainui ki Poutini and formed Queen's Birthday Weekend, Te Roopu a Te Tai Poutini. There is also a South Westland Ngai Tahu Fishing Runanga and Waitaha Management Group. In accordance with tino rangatiratanga the Maori people of Te Tai Poutini are sorting out their own structures for delivery of services and decision-making. When these structures have been sorted out there will be clear identification of those with whom consultation can take place.

If the people of the region agree to a Tai Poutini Iwi Authority and the Government agrees to giving it legal status and accepting its competence the Iwi Authority would be involved in designing policy, contributing to design of programmes in partnership with individual government agencies, entering into contracts (or less formal agreements) for the implementation and delivery of those programmes, and be accountable for the resources allocated to it. The desired outcome of this policy is that iwi acquire the means to achieve social and economic self-reliance and independence.

6. PARTNERSHIP ON THE WEST COAST IN TERMS OF THE TREATY OF WAITANGI

It is understood that the Second Article of the Treaty guarantees Maori people the undisturbed governance of their own affairs (tino rangatiratanga). The right hand heirarchy of Appendix 2 to the West Coast United Council's submission to the Treaty of Waitangi illustrates tino rangatiratanga on Te Tai Poutini (The West Coast).

The left hand heirarchy of Appendix 2 illustrates local and regional government on The West Coast.

The mechanism for achieving partnership in terms of the Treaty of Waitangi is illustrated in Appendix 2 as Partnership Committees (Komiti Rangapu). These would be Standing Committees of the District Councils and the Regional Council to deal with Treaty of Waitangi issues. An important aspect of Partnership Committees is equal representation

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from the appropriate West Coast Maori authority and from the local or regional authority.

A logical initial task for the Partnership Committees would be working out how the philosophy expressed in iwi management plans can be effectively integrated into regional resource management policy statements and district resource management plans.

At the meeting of N Z Local Government Association in Rotorua last month the Minister of Local Government apparently stated publicly that the Government intends to introduce an amendment to the Local Government Act to establish Maori Partnership Standing Committees of District, City and Regional Councils.

7. RECOMMENDATION

The West Coast United Council strongly recommends that Partnership Standing Committees (Komiti Rangapu) be established as a committee of the

- . West Coast Regional Council
- . Westland District Council
- . Grey District Council
- . Buller District Council
- . Tasman District Council.

Peter Allan
for David Stapleton
PRINCIPAL OFFICER

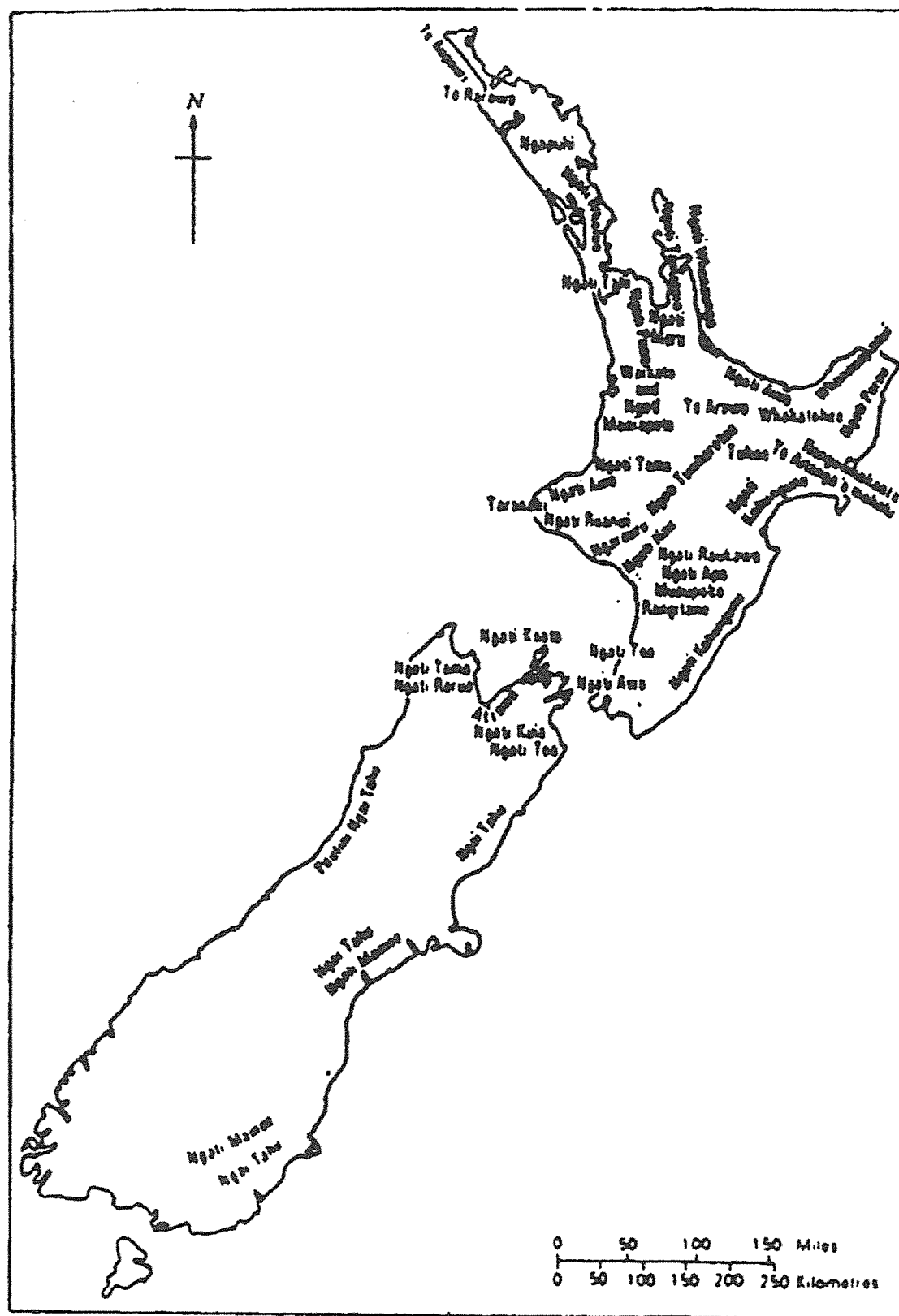
10 July 1989

Addendum

Appendix 2 of Waitangi Tribunal submission attached.

- * Te Tai Poutini rohe (area) traditionally extends from Piopiotahi (Milford Sound) in the south to Kahurangi Point in the north and embraces the land and sea west of the Southern Alps between those two extremities and includes all the Buller River catchment.

APPENDIX I



THE MAORI TRIBES ABOUT 1840

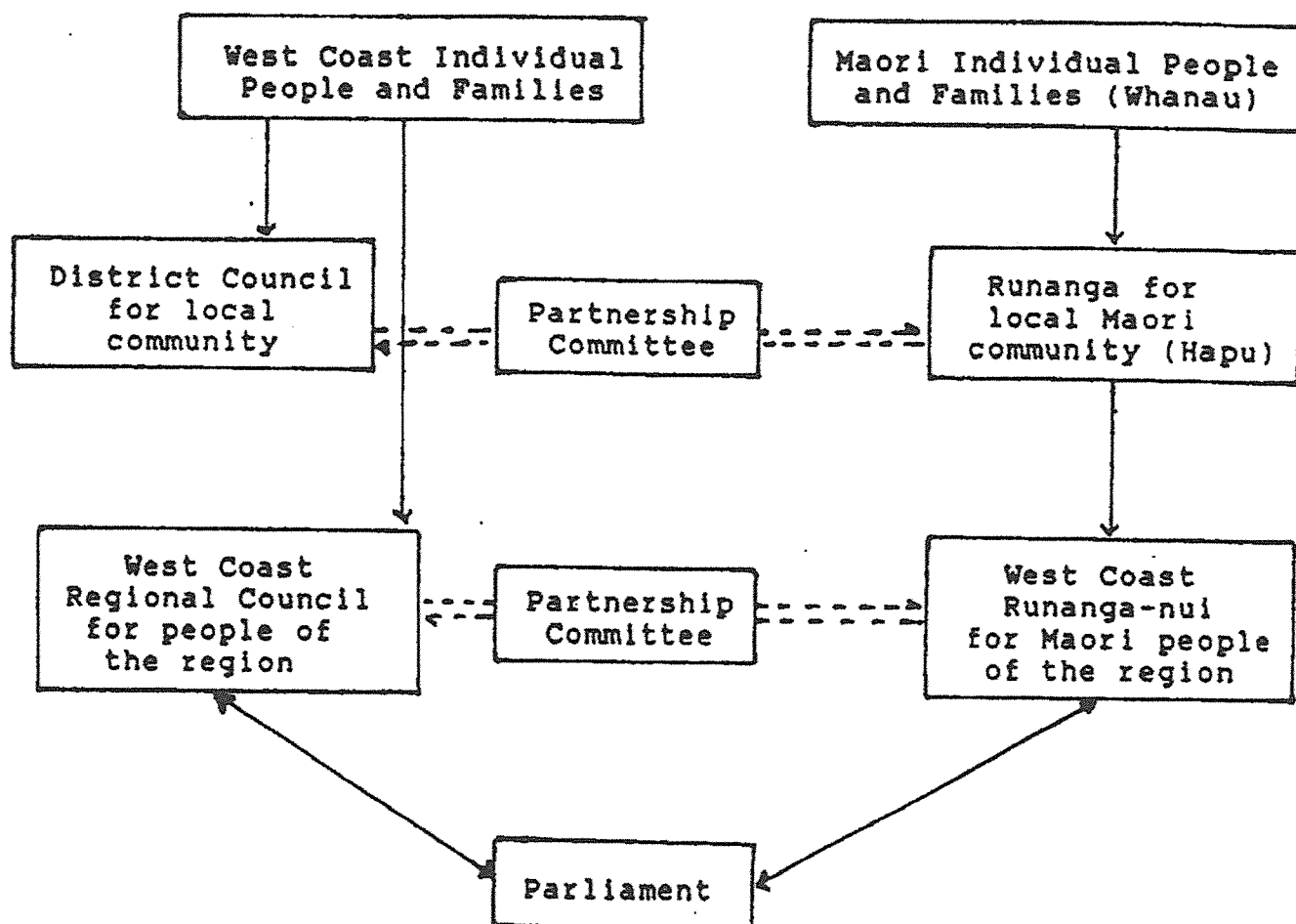
SPEECHES AND DOCUMENTS ON NEW ZEALAND HISTORY

Edited by W David McIntyre and W.S Gardener
Oxford University Press, Wellington

Reprint 1979

Appendix 2

PARTNERSHIP RELATIONSHIP PROPOSED FOR THE WEST COAST



(N.B. Membership of the Partnership Committees would be 50% Councillors and 50% representatives of the Runanga or Runanga-nui).

THE WEST COAST REGIONAL COUNCIL 1990/91 CORPORATE PLAN

(Extracts for the Workshop on the Treaty of Waitangi)

MISSION STATEMENT

The missions of The West Coast Regional Council are to:

- * Safeguard the interests of, promote the unity of, and provide opportunities for the people of The West Coast, now and in the future, as citizens of the West Coast and New Zealand.
- * Promote the wise management and sustainable use of The West Coast's resources, and the development of The West Coast Region, in such a way as will most effectively promote the health, safety, convenience, and the economic, cultural, social, environmental, and general welfare of the people of every part of The West Coast.

TREATY OF WAITANGI ISSUES AND IWI PARTNERSHIP COMMITTEE

Objectives

To recognise the Treaty of Waitangi as the basis for the New Zealand government system and respond to the responsibilities of the Regional Council as an element of the Crown party to the Treaty.

Nature and Scope of Work

Implementation of the Treaty of Waitangi, liaison with West Coast Maori people, establishment and operation of a Partnership Committee with Te Tai Poutini Iwi, and advocate the incorporation of West Coast viewpoints in relevant legislation.

Performance Targets

1. Satisfaction by the Council and West Coast Maori people that the rights and obligations of West Coast Maori people and the Regional Council agreed in the Treaty are understood and achieved in carrying out Council functions.
2. Provision of adequate opportunity for West Coast Maori people and the Regional Council to understand and take into account each other's points of view in their respective decision making.
3. To seek the appointment by the tangata whenua of Tai Poutini of a representative to the Regional Policy, Planning and Advocacy Committee by 31 October 1990.
4. Establish by 31 March 1991 a Partnership Committee (Komiti Rangapu) to provide an effective mechanism between the Regional Council and a Tai Poutini iwi authority (or the genesis of the latter).
5. Incorporation of West Coast view points in relevant legislation.

If you wish to make a submission to the Council about any aspect of this plan you are most welcome to do so. If you wish to be heard in support of your submission please state so clearly and you will be notified of the time and date following the closing date for submissions.

Submissions should be marked "Corporate Plan Submission" and sent to:

The General Manager
The West Coast Regional Council
PO Box 66
Greymouth

To be received no later than 5 July 1991

COUNCIL MISSION STATEMENT

To foster and develop the social, cultural and economic well being of the people of The West Coast by promoting the wise mangement and sustainable use of the region's resources, and to enable the people of The West Coast to take action as a regional community to improve the quality of their lives.

REGIONAL POLICY, PLANNING AND ADVOCACY

REGIONAL POLICY AND PLANNING

GOALS: To improve the quality of life of West Coasters; integrating cultural, social economic, and environmental aspects.

OBJECTIVES

Treaty of Waitangi

To recognise the Council's rights and responsibilities under the Treaty of Waitangi.

KEY ACTIONS

Liaise with West Coast Maori people.

Operate a Partnership Committee (Komiti Rangapu), comprising representatives of the Regional Council and Tai Poutini iwi, to deal with matters of common concern.

Provide for a Tai Poutini iwi representative on the Regional Policy, Planning and Advocacy Committee.

Advocate the incorporation of West Coast viewpoints in relevant legislation.

Promote opportunities for education regarding the Treaty.

Seek the input of public agencies to the preparation of a West Coast Maori development plan.

PERFORMANCE INDICATORS

Satisfaction by the Council and West Coast Maori people that the rights and obligations of West Coast Maori people and the Regional Council agreed in the Treaty are understood and achieved in carrying out Council functions.

Provision of adequate opportunity for West Coast Maori people and the Regional Council to understand and take into account each other's points view in their respective decision making.

Incorporation of West Coast viewpoints in relevant legislation.

Improved understanding of the Treaty by West Coasters.

Agreement among relevant agencies to the preparation of a West Coast Maori development plan.



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Te Kaunihera
Whakakotahi o
Tai Poutini

09-840 [09-062]

26 June 1991

Susan da Silva
Anglican Provincial Bicultural Education Unit
P O Box 9573
Newmarket
AUCKLAND

Dear Susan

THE WEST COAST PARTNERSHIP MODEL

You asked about using The West Coast Partnership Model for presentation to a St John's Course. We are very happy about anyone using the Model so long as it is stressed that it is seen as being appropriate for The West Coast Region/Te Tai Poutini Rohe and not necessarily suitable for anywhere else in New Zealand.

As background notes for reading prior to discussion I suggest the accompanying document produced in July 1989 by the predecessor of the Regional Council. It explains where regional government has come from in its attitude to the Treaty. The Regional Council not only adopted what the United Council developed but has progressed considerably in seeking implementation of the concept of partnership.

The subsequent steps taken by Tai Poutini Maori and the Regional Council are:

1. establishment in May 1990 of a partnership review sub-committee of Council comprising one Councillor, one representative from each of the three tangata whenua runanga and each of the two maata waka roopu, and one representative from the Ngai Tahu Maori Trust Board and the Iwi Transition Agency. This sub-committee, called the Iwi Partnership Working Party spent eight months considering the appropriateness of The West Coast Partnership Model and other alternatives. In February this year the Working Party recommended the establishment of a Komiti Rangapu (Partnership Committee) comprising

five Regional Council
representatives

one representative of:
Te Runanga o Te Koeti Turanga
Te Runanga o Tuhuru
Te Runaka o Katiwaewae
Awatere Maori Committee
Mawhera Roopu.



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Te Kaunihera
Whakakotahi o
Tai Poutini

09-840 [09-062]

12 June 1991

Ms Louise Prendagast
Taranaki Regional Council
Private Bag
STRATFORD

Dear Louise

Thank you for expressing your interest earlier in the week about The West Coast Regional Council's efforts to achieve effective partnership with Tai Poutini Maori people.

You expressed interest in how we perceive "the Crown." I am enclosing a copy of The West Coast - Te Tai Poutini Model of Community Partnership Under the Treaty of Waitangi. We prefer to not provide it without being able to personally explain it and build it up from first principles. Hopefully the written text helps but we believe there is no substitute for drawing the model as the concept of partnership is explained. Therefore we would appreciate it if you could confine use of this model to your personal understanding rather than sharing it with others.

A fundamental aspect of The West Coast Model is that we see it as appropriate for The West Coast - Te Tai Poutini Region. We in no way promote it as a model which could be appropriate for other regions. However, we are always happy to share with others the understandings we gain from the Model.

The Model helps to constantly remind us of our responsibility towards tino rangatiratanga. Somehow we have to let the Maori people sort out their affairs their way ... Justice Robin Cooke goes further ... we have to encourage the Maori people sort out their affairs their way. So the most painful criticism we suffer is when our Council is accused of interfering with rangatiratanga rights.

It would be good if we could keep in touch to share how our Council's are progressing with partnership under the Treaty.

Yours sincerely

Peter Allan
for David Stapleton, Manager,
Regional Policy Planning & Advocacy