



# The potential of Cultural Impact Assessment - how far have we come?

Dyanna Jolly

Photo credit to [skepticalview](#)

## Introduction

This NZAIA newsletter addresses Cultural Impact Assessment (CIA) in Aotearoa New Zealand. We asked contributors to reflect on CIA, and engage in a conversation on what is working and what is not. CIAs are widely used by iwi and hapū to manage cultural impacts, but are they making a difference? To what extent are CIAs enabling iwi and hapū to have a real say over if, where and how development happens? By having a conversation on CIA, we are seeking to explore these questions and grow the collective knowledge of CIA.

This article begins the conversation. Here, I share some early thoughts on CIA, from the perspective of a practitioner working for iwi and hapū to prepare CIAs, but also a fledgling academic, thinking about how we use CIA. I also write from a tauīwi perspective. I am not from this land, and therefore my views on CIA are offered respectfully and with humility - two core values of my own people and place. The impacts of development on Indigenous People is shared territory, and it is from this place that I look to contribute. I value the role of impact assessment in making good decisions, and the potential for indigenous-led CIA to ensure this happens.

As an Indigenous cultural assessment, CIA reflects the aspirations of the tāngata whenua side of a treaty partnership. In this sense, CIA has the potential to contribute to a treaty-compliant resource management regime: defined by the Waitangi Tribunal (2011) as one that enables iwi/hapū to express tino rangatiranga in their traditional territories and is capable of delivering effective influence and appropriate priority to kaitiaki interests.

To explore this further, I use the [Aashukan Declaration](#) as a starting point. The declaration is a set of indigenous principles for how impact assessment should be managed. It is the outcome of the coming together of Indigenous representatives from around the world to talk about impact assessment. With this starting point we can ask: To what extent does impact assessment in Aotearoa New Zealand align with these principles? By using CIA to assess cultural impacts, is the process delivering treaty-based outcomes? *How far have we come?*

## Aashukan Declaration 2017

In March 2017 Indigenous participants from around the world gathered in the Cree community of Waskaganish in Northern Quebec, Canada, to talk about impact assessment. The exchange was organised by the Niskamoon Corporation and the Indigenous Peoples Section of the International Association for Impact Assessment (IAIA), as a special event leading up to the association's annual conference. Tangata whenua had a prominent role in the exchange, as Dr. Kepa Morgan (co-chair of the IAIA Indigenous Peoples section) led

the [presentation of the declaration to the IAIA](#), noting that it would be “...the legacy that most significantly impacts IAIA’s understanding of best practice in the future.”

The goal of the exchange was to reconcile development and the protection of Indigenous culture and lands. The result is the [Aashukan Declaration](#), a set of principles designed to ensure Impact Assessment leads to positive outcomes for Indigenous People, the environment and development. The principles are:

1. **Indigenous Peoples’ Rights** are the foundation upon which all discussions must initiated. Following international best practices, this includes territorial Rights, the Right to self-determination, and the Indigenous Right to say YES or NO.
2. **Relationships** must have integrity and be based on humility, respect, reciprocity, community empowerment, sharing, mutual learning, and sustained long term engagement. Our timelines are based on our values, processes and social organisation, and should be respected.
3. **Processes** must achieve clear communication, transparent decision-making, be inclusive, and be founded on the worldview of the Indigenous Peoples that are impacted.
4. **Outcomes** must be multi-faceted and oriented towards mutual benefits, a commitment towards the prevention of harm, and the enhancement of the well-being of Indigenous Peoples based on their own definitions and criteria.

Where does the Aotearoa New Zealand experience sit with these principles? The principles provide a useful measure to reflect on how the effects of development (and plans and policies) are assessed in this country, and the potential for CIA to lead to positive outcomes.

### CIA in Aotearoa New Zealand

The [RMA Quality Planning Resource](#) defines CIA as a report documenting Māori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these, which is used to facilitate meaningful and effective participation of Māori in impact assessment. I would add that CIA is a process as well as an outcome, that the process must be Māori led, and that values, interests and associations include treaty and customary rights. A key function of CIA is to identify ways to avoid, remedy or mitigate adverse cultural effects. As with other fields of impact assessment, CIA helps decision makers to make good decisions.

CIA are most often commissioned to meet statutory obligations under the Resource Management Act (RMA) 1991, although they are also used for proposals of national significance under the Environmental Protection Act 2011, and to inform strategic policy and plan-making. The RMA 1991 requires comprehensive assessments of effects on the environment, including cultural impacts, and proposals are assessed against high-order provisions that recognise the relationship of Māori and their culture and traditions to ancestral lands, waters and resources, the exercise of kaitiakitanga, and the principles of the Treaty of Waitangi.

The Treaty of Waitangi, and arguably the RMA, establish the Māori as partners in environmental decision-making (Ruckstuhl et al 2014). It is this framework that elevates the status of CIA from stakeholder consultation to a treaty-based impact assessment model. I remember when this was first explained to me in 2003, while working on an early CIA. As I focused on the Māori provisions of Part 2 of the RMA (coming from the Canadian context I was quite excited by these), Aunty Darcia Solomon, a Ngāi Tahu kaumātua, explained that the most important RMA provision was section 5 – the purpose and principles. This was

because Iwi Management Plans and CIAs are the Māori interpretation of how to achieve sustainable management, and it is in this context that their value and potential should be understood.

The potential for CIA to enable iwi/hapū to assume responsibility for identifying and assessing the effects of an activity themselves, and that this could lead to collaborative management, was identified in an early paper on CIA (Vanstone et al. 2004). Ten years later, there is evidence of sophisticated use of CIA as part of a treaty-based approach to impact assessment (Ruckstuhl et al 2014). However, a key challenge is the highly variable nature of CIA. As noted in a recent survey of the field: done at their worst, CIAs only address archaeology; done at their best, CIAs reinforce and invigorate culture, and provide robust and clear evidence for decision-making (Gibson 2007).

While use of CIA is increasing, there is little guidance available on what constitutes good CIA practice. CIA is an emerging field, and we are learning as we go. In this way, CIA is experiencing many of the same growing pains as early Environmental Impact Assessment and Social Impact Assessment. The difference lies with the fact that the emergence of CIA is against a backdrop of colonisation, land loss, displacement and the marginalisation of Indigenous Peoples' and their knowledge.

### **How far have we come?**

I think CIA has the potential to empower iwi and hapū and change power dynamics in impact assessment, leading to a more collaborative and treaty-based way of making decisions on development. Managing the cultural impacts of development is a shared struggle for Indigenous People around the world, and shared responses like the Aashukan Declaration can affirm and empower CIAs to reach their full potential. CIAs that reach their full potential will result in impact assessment that recognises Indigenous rights, builds relationships, invests in empowering processes, and results in outcomes that enhance rather than harm cultural well-being.

How far have we come? I think we are on our way. But we need to set a course, and this requires coming at the end goal from two directions: 1 – We need to produce high quality, robust and effective CIAs; and 2 - Mainstream impact assessment needs to 'create space' for CIA, and therefore for iwi/hapū to exercise kaitiakitanga and express tino rangatiranga in their traditional territories.

How do we grow good CIA practice? As a start:

- CIA process must be on iwi/hapū terms and iwi/hapū led.
- CIA must be treaty-based. It is the legal framework of the Treaty of Waitangi that enables Māori impact assessment approaches to be taken seriously (Ruckstuhl et al. 2016).
- CIA must avoid narrow definitions of culture, as this marginalises people and process.
- We need to encourage and support CIA as an emerging field, by generating a collective knowledge base of best practice and case studies, and making connections between iwi/hapū, practitioners and academics to address theoretical and methodological expectations and opportunities.
- Iwi and hapū need to be able to trust and value CIA (which can only happen if CIA deliver meaningful outcomes).

How can impact assessment create space for CIA? As a start, those involved in assessing the effects of development proposals need to:

- Recognise iwi and hapū as tangata whenua and treaty partner, not stakeholder.
- Invest in meaningful and enduring relationships with iwi and hapū.
- Create processes that engage, empower and enable iwi and hapū to participate, across all stages of environmental assessment.
- Accommodate other ways of knowing and relating to the environment. If CIAs are to be effective, then they, and the mātauranga on which they are based, should have a substantive influence on development decisions.
- Ensure that decision-maker panels have expertise in Te Ao Māori.
- Value CIA as an opportunity for improved project outcomes, rather than a hindrance to development.
- Understand CIA as a process as much as an outcome; one that produces a CIA Report but also informs other technical assessments and overall project design.

Ultimately, the measure of 'how far have we come' rests with iwi and hapū. It is iwi and hapū that are using CIA to push the margins of mainstream planning and impact assessment processes. But the benefits of getting there will be shared by all. CIA have significant potential to lead to better cultural, environmental, social and economic outcomes, for both Treaty partners.

## References

- Gibson, G. 2017. *Culture and rights impact assessment: A survey of the field*. The Firelight Group, Canada, Prepared for Mikisew Cree First Nation.
- Ruckstuhl, K., Thompson-Fawcett, M., and H. Rae 2014. Māori and mining: Indigenous perspectives on reconceptualising and contextualising the social license to operate. *Impact Assessment and Project Appraisal* 32(4): 304-314.
- Vanstone A, Thompson-Fawcett, M & R. Morgan, 2004. Cultural Impact Assessment: A Collaborative Management Tool with Potential. *Planning Quarterly*.
- Waitangi Tribunal Report, WAI262., 2011. *Ko Aotearoa tēnei: a report into claims concerning New Zealand law and policy affecting Maori culture and identity. Te Taumata Tuatahi*.