

NZAIA Impact Connector #5 - April 2018

# Cultural Impact Assessment

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## Introduction

**Michelle Thompson-Fawcett**

In this newsletter we articulate some of the principles, practices, achievements and questions surrounding Indigenous impact assessment (Cultural Impact Assessment). We build on the strengthening international impetus in impact assessment practice to develop further integrity, respect and reciprocity in relationships with Indigenous groups.

To date, there has been little collective discussion as to what it actually means (or could mean) to practice Indigenous impact assessment in Aotearoa New Zealand. Furthermore, there has been little dialogue about the potential for non-Indigenous decision-making bodies to enhance the opportunity for Indigenous impact assessment based on Indigenous territorial rights and self-determination. So here we open up that conversation and consider the implications for developing a decolonising agenda in impact assessment. Commentaries from Indigenous contributors to impact assessment in Aotearoa New Zealand follow – contributors writing of their experience as manawhenua, CIA practitioner, commissioner, and academic.

The commentaries begin with an overview piece by **Dyanna Jolly** that was prepared as a prompt for all contributors. It was sent to each writer as a scene-setter for them; encouraging each to reflect on the extent to which Cultural Impact Assessment is delivering processes and outcomes consistent with Māori aspirations.

Then, the first response is from **Juliane Chetham** who raises the critical risk of Māori aspirations (and rights) being set aside completely in our conventional impact assessment process. A process that gives primacy to negotiation and compromise (mitigation).

Building on this conundrum, **Raewyn Solomon** questions the common situation where the CIA writer gives expert evidence as part of the applicant team and hence can inherently contradict a hapū position if the hapū submits in opposition to the proposal. CIA evidence and iwi/hapū contributions need to work together with consistency in order to achieve Māori visions for the future.

**Jade Wikaira** then draws our attention to the very real need for capacity building in the non-Indigenous community of impact assessment practitioners. Understanding the importance of authentic relationships with hapū, valuing mātauranga Māori and te ao Māori, and gaining competence with tikanga and kawa are all important for arriving at genuine solutions.

As **James Whetu** points out, that also means recognising that current use of impact assessment in a western planning framework does not enable kaitiaki to articulate their broader perspectives on impact nor their associated aspirations in a comprehensive way. Impact assessment is a constraining, compartmentalising device in the way practitioners and decision makers use it in this country.

**Tē Kīpa Kēpa Brian Morgan** further develops on such notions, seeking improved ways of sharing power and decision making in our efforts to shift towards greater sustainability.

Similarly, **Hirini Matunga** regards the narrowing effect of CIA as particularly challenging for Maori communities; a challenge amplified by the reactive, rather than proactive, position in which it places iwi/hapū. Linking back into Julianne Chetham's concerns, Hirini suggests that CIAs risk becoming mechanisms for saying 'yes' to development. As a way forward, he argues for a broader impact assessment framework that takes a comprehensive holistic account of change and futures (interconnecting environmental, social, cultural, economic, political, historical, spiritual, and Indigenous dimensions) and legitimates Indigenous groups as practitioners, resource developers and decision makers.



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

Dyanna Jolly

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## 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.

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## Cultural Impact Assessment: A decision-maker's perspective

Raewyn Solomon

### Introduction - what triggers a CIA?

Strictly speaking I view every Iwi/Hapū response to a development proposal as a cultural impact assessment, whether it is a formal documented report (formal CIA) or a paragraph on a piece of paper (in-office assessment). This is because all Iwi/Hapū assessments of proposals are viewed through the lens of cultural values. However, to acknowledge the importance of the process taken to develop a formal CIA, I refer here to a formally produced report that follows a particular process rather than a standard in-office assessment. Formal CIA Reports are an ideal tool and are what decision-makers most often work with in a hearing context. This then begs the question - what triggers a formal CIA process?

Two Iwi Management Plans provide guidance on this matter:

#### **Te Taumutu Rūnanga Natural Resources Management Plan 2004**

*If a proposal impacts on tangata whenua values to the extent that is of concern to the Runanga, the applicant can be required to commission a CIA report. These assessments enable applicants to better understand tangata whenua values and concerns and, suggest ways to avoid, remedy or mitigate adverse effects.*

**Te Poha o Tohu Raumati - Te Rūnanga o Kaikōura Iwi Management Plan 2005** provides specific triggers:

- *Where an in-office assessment cannot be made because the impacts of an activity on cultural values is unknown or unclear or cannot be determined until research and investigations have occurred.*
- *Where there are a number of activities being proposed that need multiple approvals from both the District and Regional councils and other regulatory authorities such as Heritage New Zealand.*
- *The proposed activity is either on, adjacent to or will impact on a site of cultural importance or within an area of cultural significance.*
- *The size and scale of the proposal is such that multiple values or multiple effects need to be considered.*
- *The proposal is considered to have significant cultural effects*

As we learn and experience we evolve and naturally, so do the triggers. With experience they become more refined while still, importantly, remaining open ended. However, the key message is that there must be potential adverse effects on cultural values to warrant a CIA.





## **CIA - writing a report and having it heard**

Notwithstanding the contributions of the CIA writer, CIA are developed in the main by individual and identified whānau members, sharing their values and explaining how those values may be impacted upon by a development proposal. Whānau members are normally selected because they are known for their knowledge and expertise of those natural resources and values that may be impacted upon by a development proposal.

Developing the CIA can involve a range of things, from spending time interviewing whānau members to facilitating and organising hui, co-ordinating paperwork and feedback with contributors, to organizing and helping to establish working parties, through to finalising the CIA with whānau. The writer spends a lot of time with whānau, learning about and discussing values. A lot of trust and faith is placed in the CIA writer. Whānau would not trust just anyone with their precious information, understandably they would need to have faith and feel secure with the writer.

CIAs are best commissioned early in the project development process, well before resource consent applications are lodged with a council. This will save unnecessary delays and costs at later stages. For example, a CIA process may result in the need to modify or do further technical investigations required for the Assessment of Environmental Effects (AEE), to accommodate whānau concerns or respond to a cultural issue.

Once a CIA is completed and provided to the applicant, the CIA writer may be required to prepare expert evidence to present at the hearing, as part of the applicant's team. This is because the CIA is prepared for both the whānau and the applicant, and usually paid for by the applicant. Having a CIA writer prepare and present evidence on behalf of the applicant can be uncomfortable for whānau, particularly if they are fundamentally opposed to the development proposal. They could see 'their' CIA writer as now giving evidence 'for' the opposition. This could cause discomfort for the CIA writer too. Well delivered evidence, clear, understandable and consistent language, and good communication with whānau are skills any CIA writer must have. They need to be astute, sensitive, responsive and made of sturdy stuff.

A CIA writer's area of expertise is the process followed to develop the CIA. Their role is specific - it is not to answer questions or give their personal view about cultural values. Nor is it to speak on behalf of the whānau or to discuss and answer questions about cultural values. A CIA writer must be independent and work in an independent manner.

## **CIA, whānau and expert evidence**

The *Making Good Decisions resource for RMA decision-makers* describes the value of community submissions and the nature of expert evidence. Various members of the community will make submissions at hearings and all for different reasons. They can range from neighbours who are directly affected by a proposal, to those organisations or individuals who have an interest in the area, to those who have a long term relationship with and use of its natural resources - such as hapū and whānau. Local submissions are necessary and valuable.

Expert witnesses are experts because of their qualifications. Expert witnesses include planners, water quality scientists, biologists, geo-tech engineers, landscape architects for example and are often called upon to give evidence on behalf of applicants and submitters. Expert witnesses have clear obligation under the Environment Court's code of conduct:

- ***have an overriding duty to assist the court impartially on relevant matters within the expert's area of expertise***
- ***are not advocates for the party who engages the witness***

It is important that there is a strong connection between the CIA, whānau evidence and any expert evidence presented by iwi/hapū. I highlight this point because if the whānau evidence is not, even in part, consistent with their expert evidence it can influence decision-making considerations. Two particular hearings come to mind where whānau evidence was very sound and delivered in a powerful and influential way, but the associated expert evidence did not support the whānau evidence to the extent it could have. This resulted in the panel not being able to accommodate the Iwi/Hapū requests and concerns to the extent it could have.

I have also participated in a hearing as a decision-maker for a relatively large piece of infrastructure where no formal CIA was provided to support the whānau evidence. The historical evidence presented by whānau was indisputable; but some other matters outlined in their submissions were not relevant to the hearing. Therefore we as a hearing panel had no authority to consider the points raised. In addition, further supporting information requested by the panel could not be provided, because there was no coordinated or completed assessment of cultural impacts.

In this second example, a formal CIA process would have benefited the decision-making process by providing information relevant to the hearing in a coordinated and comprehensive way. A CIA is advantageous to a hearing because it can reaffirm and consolidate Iwi/Hapū information, and as a decision-maker its best if submissions and evidence is presented to the panel in this way. It is always reassuring to know that submitters and applicants have done their homework when preparing to present at a hearing.

### **What is a successful outcome?**

Sometimes, unless one has a reasonable understanding of the Resource Management Act 1991 process, a successful outcome is not always obvious to those who contribute their values to a CIA process. For instance when an adaptive management process has been put forward to address some potential unexpected effects that could arise as a result of the proposal, it does take a leap of faith to trust in a regime that will adapt its management approach depending on how and to what extent a value has been effected. Even to understand how the regime will work can be challenging.

Further, sometimes the wider hapū/iwi members who have not been part of a CIA process may not realise a success has been achieved if for example, a development proposal is declined, due in part to the significance of cultural impacts as expressed in a CIA. In this case, there will be nothing to see at the end of it so the success may not be fully appreciated or acknowledged.

### **Conclusion - CIA and decision-making**

It is not a decision-makers role to find the solutions. Like the proposal itself and its associated potential issues being presented to a decision-making panel, the panel anticipates and expects that solutions will be put before them too. They cannot consider or change past decisions, nor can they address points that fall outside of a resource consent application. Their decision-making framework is restricted to the application in question and the Resource Management Act.



CIA's make a valuable contribution to the decision-making process, when well written and endorsed by the iwi or hapū for whom they are prepared. CIA's provide a clear assessment of the cultural values that may be impacted by a proposed development, the nature of the impacts, and culturally appropriate ways to avoid, remedy or mitigate adverse effects. This enables decision-makers to recognise and provide for RMA Part 2 matters and to ensure that a project's AEE is comprehensive. A good CIA provides a basis for developing consent conditions. Hence my takeaway message: decision-makers are only as good as the information put before them.

# Damned if you do and damned if you don't - The Mitigation Dilemma

Juliane Chetham

I'm not sure about others preparing Cultural Impact Assessments (CIAs) but I confess I do not really stay on top of all the case law. I tend to stick to Resource Management Act 1991 [Part 2](#) matters as the foundation for assessing cultural effects, and couch any effects identified in terms of recommendations to avoid, remedy or mitigate (in that order).

However, in my experience, applicants and councils are inclined to reach straight for mitigation options in a CIA. Admittedly, that's due to the fact that oftentimes what they are saying is a less than minor effect, tangata whenua are describing as more than minor. These differences aside, it's generally accepted best practice to make recommendations to advance some form of mitigation for cultural effects.

But what happens when the findings of a CIA indicate that cultural effects are potentially so significantly adverse that they can't be remedied or mitigated, and from the perspective of tangata whenua can only be avoided, i.e. the application should not proceed? Are we doing ourselves a disservice by engaging in discussions around mitigation?

As tangata whenua, we often find ourselves placed in the unenviable position that while we may oppose an application in its entirety, our duty as kaitiaki, and as a result of our long experience with resource consents almost certainly being granted – means that we are obliged to participate in the minimised process of addressing and advocating conditions of the activity that we oppose. We do so to ensure our ongoing involvement as mana whenua, mana moana and as hau kainga in development activities occurring in our rohe. But the result is a perception that we are in agreement with the development, and our engagement is then touted as “consultation, active participation and protection”. Is this the outcome we want from a CIA process?

From a tangata whenua perspective, the consenting process may compel us to negotiate conditions, but this does not constitute partnership or effective decision-making input.

My hapū Patuharakeke are a composite hapū descended from most major iwi groups in the north. These include Ngātiwai, Ngāpuhi nui tonu and Ngāti Whatua. We are located on the southern shores of the Whangarei Harbour and our seaward boundary, reaching a point just north of Mangawhai Heads. In March 2018 we came out of a week of hearings in relation to an application to dredge 3.7 million m<sup>3</sup> of sand from the entrance channel to the Whangarei Harbour and dispose of it at two sites in Bream Bay. A [collective CIA prepared by Patuharakeke Te Iwi Trust Board](#) (PTB) and ratified by several other harbour hapū and iwi found that overall, the range and magnitude of potentially unacceptable adverse effects meant that managing, mitigating or offsetting the effects would not be possible. An adaptive management methodology, i.e. staging and halting dredging if unexpected or greater than



minor impacts became apparent, or enabling approval for continuing to the next stage if effects prove negligible could not be applied in this instance.

The applicant's experts identified a number of minor effects that, in isolation, seem relatively benign. However, our assessment was that, when occurring concurrently and in conjunction with past impacts, the potential cumulative effects in relation to marine mammals, benthic organisms, coastal processes, kaitiakitanga, and mauri, for example, were significant. As such, the CIA recommended that the proposal in its entirety be avoided.

This firm position of opposition was maintained throughout the submission process in the face of repeated attempts by the applicant to negotiate a mitigation package. At this point tangata whenua started second-guessing ourselves; i.e.

***“If consent will be granted anyway, then we risk being completely outside of any monitoring strategies, restoration initiatives, reference groups and so forth”; or***

***“Do we want to have some control over consent conditions or do we just accept what is handed down by the commissioners?”***

Perhaps if we were in agreement with the applicant that some degree of potential adverse cultural effect of the proposal would be acceptable, and less than minor in magnitude, we would readily have engaged in discussions on mitigation measures. However, our experience has been that when mitigation measures are advanced or accepted by tangata whenua they become the default position and it becomes difficult to continue to defend opposition to the proposal. For example, it is often implied that kaitiakitanga is equivalent to participating in monitoring of consent conditions and sitting on a reference group. I myself frequently refer to participating in consent processes as “contemporary kaitiakitanga”. However, first and foremost, in our view, kaitiakitanga is an act of *guardianship* not mitigation. It is an act of safeguarding in the first instance rather than reparation after the fact.

During the hearing for the above mentioned dredging project, the Panel were at pains to draw our witnesses out on mitigation options and clearly wanted us to actively participate in discussions on conditions while stressing that of course that didn't mean they were predisposed to grant consent. They are merely doing their job and doing it very well in this particular case. I imagine we'll end up doing just that in the end, and probably even get a better suite of conditions and monitoring programme out of it. But is that where tangata whenua should be aiming our sights? Is that all we should hope for?

So that's the dilemma tangata whenua are faced with: choose not to participate in mitigation discussions and risk that the project proceeds with no or little involvement and conditions that don't address cultural effects. Or participate, and the applicant, council and panel can all feel reassured that tangata whenua have been engaged, and meanwhile the issue of the no development option has been quietly shifted to the “too hard basket”.

**It begs the question - is the current decision-making framework able to accommodate situations where the findings of CIA indicate that ‘no development’ is the only option to provide for our relationship to our ancestral waters and taonga and enable the exercise of kaitiakitanga?**

# Cultural Impact Assessments - insights and observations

Jade Wikaira (Te Whanau-a-Apanui, Ngati Tuwharetoa, Ngapuhi)

## **Kupu Whakataki / Introduction**

Māori have a deep and inherent relationship with natural resources. That relationship provides the lens through which Māori view, relate, connect and identify with those resources and encompasses inter-generational responsibility to uphold its mana and health and wellbeing. It is a lens that promotes the integrated management of resources. Additionally, it promotes integration as a way of working together to understand key issues and concerns and the best ways to move forward into the future. For Māori, a maunga or moana or awa or waahi may be symbolic of a unique event or representative of a tipuna. Because of this connection, Māori pay particular attention to the management, use, restoration and protection when there is an activity relating to that maunga or moana or awa or waahi.

Cultural impact assessments are used to articulate the values and aspirations of Māori and to document their interests and associations with an area or natural resource. At present, there are no formal guidelines or national or industry standards on how these are prepared. The quality and effectiveness of cultural impact assessments can often be reflected in the form of feedback, implementation of consent conditions or at project meetings if this element has been provided. At times, the process of developing a cultural impact assessment can be seen as more effective than the final assessment report.

As a Māori resource management consultant and practitioner I am often privileged to assist cultural impact assessment processes. I have worked with iwi and hapū to understand how a specific consent application and proposal might impact or affect their relationship with and abilities to interact with their natural resources as tangata whenua and kaitiaki. I have worked with local authorities and private sector clients to develop impact assessment processes to work with Māori where cultural capabilities are limited. As a result of these experiences, I have been privileged to see a range of approaches to cultural impact assessment.

## **Insights and Observations**

This article continues the conversation about cultural impact assessments and whether they are making a difference in producing high quality cultural outcomes in resource management

decisions. Below I offer a few insights and observations for the impact assessment community, because working together and sharing experiences should lead to a greater understanding and confidence in applying cultural considerations to impact assessment.

### ***Time to build relationships***

When developing a cultural impact assessment, invest the time in building sound relationships with all parties and organisations involved in the proposal or project. This includes building an appreciation of the vision, values, aspirations, drivers and main points of interest for respective parties.

### ***Be genuine and authentic in your approach***

Relationships are based and built on trust and it is important to be genuine and authentic in your approach to developing relationships. Māori will get a quick sense if your approach is more focussed on meeting a deadline or completing a project. Think about appropriate locations and settings when organising to meet.

### ***More than one project at a time***

Understand the resource management environment that iwi and hapū are operating in and be flexible and prepared to accommodate change at short notice. Māori are often managing a multiple number of projects, proposals, and requests to meet with local Council and government department officials. Māori are often involved in Treaty settlement negotiations, Whanau Ora projects, papakainga developments, marae development meetings, wetland and ecological restoration projects and regular general business. Understand the capacity (not capability) of Māori to participate and contribute and allow for this. A good relationship will enable flexibility to respond to the dynamic and changing responsibilities placed upon iwi, hapū and Māori.

### ***Understand the Vision, Values, Objectives and Aspirations***

Appreciate, acknowledge and recognise the vision, values, objectives and aspirations of Māori into the future. Māori are not going anywhere and it is in the best interests of developing high quality cultural outcomes to work on a relationship that endures. This means understanding the Māori perspective and worldview and relationship with natural resources.

### ***Work harder to communicate technical data***

Ensure that technical data and details regarding a natural resource project or proposal are well communicated and presented in a digestible manner. Presenting scientific technical data can come across like another language and care needs to be taken to portray the necessary and important details. Moreover, this data needs to be communicated in a way that relates to the deep and inherent relationship Māori and how this might affect that resource. This may be influenced by your ability, as a practitioner, to empathise and understand that Māori lens and worldview.

### ***Develop confidence in cultural settings***

Develop and apply cultural confidence and awareness in cultural impact assessment settings. We are all working hard to understand what works for iwi, hapū and whānau and to appreciate their environment when it comes to cultural impacts. Cultural confidence will involve understanding the kawa and protocols of the local iwi and hapū and how to prepare when going onto a marae.

### ***Persist in the perceived ambiguity***

Cultural values are often perceived as being intangible, hard to define or difficult to assign a quantifiable measure. For this reason, cultural values (and the impact on these) are perceived as ambiguous. It is important to work together to articulate how a cultural value of meaning, importance and significance to iwi and hapū might be impacted upon by a physical transaction or activity.

### ***Kupu Whakakapi / Conclusion***

This article continues the conversation on cultural impact assessments and offers some insights and observations from my experiences. Cultural impact assessments provide opportunities for resource management practitioners and Māori to work together to develop confidence in understanding Māori perspectives and articulating values in order to drive solutions and decisions to meet our aspirations into the future.



# Achieving Sustainability Through the Use of CIAs

James Whetu

Sustainability is a big aspiration. Often spoken and written about by academics, researchers and scientists, and equally referred to by policy writers and planners in their analysis, assessments and reporting, the term “sustainability” is fast becoming a watered-down term in this writer’s view. It is starting to lack meaning and genuine consideration when authorities encourage appropriate action.

In Aotearoa New Zealand, the Resource Management Act 1991 (RMA) is the primary environmental management law. Its purpose is to promote the sustainable management of natural and physical resources. In addition to the purpose of the RMA, in Part 2 are a hierarchy of principles that local and central government authorities, and appointed decision-makers, must also consider in achieving this purpose, such as matters of national importance and principles of Te Tiriti o Waitangi.

Although the term sustainability is not used directly, the sustainable management of our environment must also recognise our social, economic, and cultural well-being. The principles outlined in Part 2 of the RMA identify Te Tiriti o Waitangi related matters to ensure a Maaori worldview is provided in the sustainable management of our environment under the RMA.

## **Maaori worldview**

Te Ao Maaori, or the Maaori worldview, is holistic and acknowledges the interconnectedness between all things, both the tangible and intangible. The familial connection, or whanaungatanga, between Maaori and the environment, and the respect and honour afforded to the Gods or Ngaa Atua, articulates through narratives, and solidifies in practice, this worldview. Also, it is important to recognise and acknowledge that there is no one Maaori worldview. That the Maaori worldview is primarily reflective of locality (spatial) and of time (temporal) and the mana of tangata whenua/mana whenua

## **Consent Planning and Cultural Impact Assessments**

When it comes to consenting, there are measures under Part 6 and 6AA of the RMA that guide and direct consent planners in preparing consent applications and/or how to consider consent application if they work for a consent authority. The role of the consent planner in both instances is to evaluate the merits of proposal as to whether it is a sustainable use, development and protection of our natural and physical resources.

To help inform their evaluation, should they choose to, consent planners have the ability to seek or commission expert technical advice. Advice is often sought where there are matters such as sediment and erosion impacts, stormwater and traffic management, and noise nuisance or impacts. It is in this same manner that Cultural Impact Assessment reports are recognised as technical reports to help inform consent planners with their evaluation.

So what are Cultural Impact Assessments? The trusted planners' resource Quality Planning website outlines that Cultural Impact Assessments (CIAs) are "*reports documenting Maaori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these. CIAs are a tool to facilitate meaningful and effective participation of Maaori in impact assessment. A CIA should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.*"

Although I do not disagree with this description, what is important to understand is that this description fits in a western planning or impact assessment context. CIA is not a Maaori planning/impact assessment tool. It is a method within a western framework to enable, in a managed capacity<sup>[1]</sup>, the consideration of Maaori values, Maaori perspectives, mātauranga Maaori, and a platform for kaitiaki to provide their views and direction on te mana o te wai/te taiao.

Therein lies the challenge: planners expect that Maaori, in preparing their CIAs, will stick to 'cultural' concerns and avoid social or other matters; and that the scope and focus of CIAs remains within the constraints of the proposal. The challenge for Maaori is that we are forced to narrow-down and compartmentalise our worldview so as to fit a compartmentalised resource management system. By doing, the consent planner (and decision-maker) potentially limit their assessment and evaluation against the matters in Part 2 of the RMA. Only by pushing the envelope on status quo consent planning practices through the courts do Maaori find incremental wins in achieving sustainable management under the RMA (e.g. [Motiti Rohe Moana Trust v Bay of Plenty Regional Council](#))

### **Achieving Sustainability under the RMA**

The opportunity for consent planners, whether working for Council or a consultancy, is to recognise the importance of CIAs (or Cultural Values Assessments) as reports that provide information that informs assessment and evaluation against the RMA and planning documents. This is where our understanding of sustainability, or sustainable management under the RMA, can be broadened in Aotearoa New Zealand. Consultants should be proactive and encourage clients to work with tangata whenua/mana whenua. Consent planners in local authorities should have the courage to commission CIAs to inform reports.

I can acknowledge that achieving sustainability is a big task. It is a very complex aspiration. It can mean different things to people and different situations. The Oxford dictionary itself has two definitions. The first is "the ability to be maintained at a certain rate or level", and the second is "avoidance of the depletion of natural resources in order to maintain an ecological balance". It must be assumed that in the eyes of the experts at Oxford that both definitions are of equal value, and that neither one of the definitions carries more weighting above the other. Sustainability can be an action to maintain, and equally an action to protect or avoid.

Sustainability for some Maaori could be in alignment with the first Oxford definition, where the effort of kaitiaki is to maintain at a certain rate or level the resources and environment within their area. Conversely, there are Maaori who would fulfil their kaitiaki role according to the second Oxford definition, and would seek measures to protect the depletion and degradation of the resources and environment in their area. Each perspective or Maaori worldview is of equal value and weighting, but more importantly is reflective of specific narratives and practices.

Whether consultant or a Council consent planner, it is important to take the time to investigate, query and understand the expression of the values outlined in CIAs, whilst also respecting the perspective and knowledge as empirical information/evidence. This approach would further enhance our efforts as consent planners and impact assessment practitioners towards sustainability (guised as sustainable management under the RMA) that appreciates and provides for a Maaori worldview.

[1] Managed capacity meaning in a RMA context – have regard to, take into account, or if we are fortunate enough, recognise and provide for.

# ***Cultural Impact Assessment - enhancing or diminishing the mauri of Hapū and Iwi?***

Dr Tē Kīpa Kēpa Brian Morgan FEngNZ

Photo credit: Mark Thompson

## **Introduction**

The incorporation of the cultural, environmental and social considerations of Indigenous and local communities into impact assessment procedures was negotiated in Kahnawake located near Montreal as a part of the Convention on Biological Diversity in 2004. From those negotiations came the *Akwé: Kon* voluntary guidelines for the conduct of cultural, environmental and social impact assessment. The aspirations held by Indigenous Peoples in relation to these guidelines is evident in the Mohawk term *Akwé: Kon*, a holistic term meaning everything in creation.

Cultural Impact Assessment (CIA) is one aspect of the holistic assessment anticipated by the guidelines. CIA is a process of evaluating the likely impacts of development on the way of life with the involvement of the affected group. It is expected to include both beneficial and adverse impacts on values, belief systems, customary laws, language(s), customs, economy, relationships with the local environment and particular species, social organisation and traditions of the affected community ([CBD Guidelines, 2004](#)).

The purpose of the guidelines is to provide a collaborative framework, within which decision making can occur, and that supports effective participation and involvement of Indigenous and local communities in impact assessment. The outcome sought is the proper inclusion of the cultural, environmental and social concerns of the communities who often bear a disproportionately large share of the negative development impacts ([CBD Guidelines, 2004](#)).

In this article, I consider what CIA has contributed over more than a decade of application, and whether the original aspirations of *Akwé: Kon* are likely to be achieved. A relevant question to pose is whether collaborative frameworks can be effectively applied when there is little consideration of how cultural differences shape the original enquiry and introduce unconscious bias regarding whose ways of knowing is more relevant. The voluntary status of the *Akwé: Kon* guidelines themselves means that those with the power to decide continue to be the decision-makers in many cases.

## **Iwi Cultural Impact Assessment – A Necessary Compromise?**

Having observed the use of CIA over time, it is evident that while it can be useful in some cases, the outcomes are highly variable and are very much dependent on the drivers for the CIA. At the bare minimum, CIA involve a desktop analysis of the available literature, often



Waitangi Tribunal Reports and documentation regarding claims settlement, Iwi Management Plans, and relevant national and regional policy. And while the aspiration may be to consult with the impacted Iwi, doing this well may not be possible within pre-determined timeframes where practitioners are strangers in communities that often have prerequisite expectations regarding the appropriate transfer or sharing of Indigenous Knowledge. Access to oral tradition requires a prior earning of trust and many planning practitioners do not have the necessary relationships with Iwi to be given access to such knowledge. So how then can CIA measure-up to the expectations of Iwi?



### **The Aashukan Declaration 2017**

The opportunity to wānanga as a collective of indigenous impact assessment practitioners was realised in April 2017 at Waskaganish, Eeyou Istchee. The name chosen for the meeting, Aashukan, means 'bridge' in Cree. A [set of principles](#) were drafted that reflect best practice impact assessment from the perspective of the Indigenous Peoples who gathered.

Aashukan saw the culmination of several years of strategy and planning that started in 2013 at the International Association for Impact Assessment (IAIA) conference in Calgary. An exchange between the IAIA Indigenous Peoples Section meeting and the First Nations group performing prior to the conference dinner crystallised an understanding that future conferences should incorporate a pre-conference activity with the Indigenous People of the area that each conference is to be held in. Aashukan became the first indigenous pre-conference event of the IAIA Indigenous Peoples Section, and was a resounding success that lifted the mauri or life essence of the participants and the James Bay Cree community. The cultural exchanges on the final evening were the highlight for many, with Cree Master of Ceremonies and Cree youth quickly imitating the Māori haka from New Zealand.

Of relevance to this discussion, is the fact that advocacy for the adoption of impact assessment best practice for an earlier IAIA Annual Conference was met with resistance from the organising committee. The Indigenous Peoples' Section had suggested that IAIA could secure its Social License to Operate (run the conference) by organising a pre-conference event for the Indigenous Peoples of that location, with the purpose of creating an opportunity to apply impact assessment expertise to address local issues. The Social License to Operate was considered an obvious step forward for our membership, yet the adoption of best-practice approaches is rarely straight forward. The resistance was useful however, as it catalysed the need for Aashukan and for a set of principles that reflect best practice impact assessment as determined by Indigenous Peoples.

The Aashukan Declaration will be the legacy that most significantly impacts understandings of best practice in the future. For the Indigenous Peoples Section of IAIA, the declaration principles of Indigenous Rights, Relationships, Processes and Rewards will inform the focus of future conference presentation themes and collaborative efforts on special edition of the IAIA Journal.

## Local Application of the Aashukan Declaration

Late in 2016, the Western Bay of Plenty District Council approached Te Arawa Iwi leadership with the intention of creating a new consultation process including meeting schedules and protocols. The Takutai Moana O Te Arawa Whakaruruhau adopted the Aashukan Declaration to inform the drafting of Te Kawenata, a proposed terms of reference and relationship agreement between iwi and the council, based on tikanga and the Treaty of Waitangi. The Takutai Moana O Te Arawa Whakaruruhau consider 'that whakapapa is the fundamental way of knowing our ecosystems of origin, people living harmoniously as one with Ranginui and Papatuanuku'.

The tangata whenua relationship guidelines are:

### Mana Tukuiho (heke iho)

Tangata Whenua Rights are the foundation upon which all discussions will be initiated. Following Te Tiriti O Waitangi and international best practices, this includes our right to exercise;

- whenua rights
- tino rangatiratanga
- our own ways of defining mauri, mana, and wairua

### Mana Whakahonohono

Relationships must be based on integrity, humility, respect, reciprocity, empowerment, sharing, mutual learning, and sustained long-term engagement. These are tangata whenua tikanga for measuring the value of our relationship.

### Mana whakahaere

Mana whakahaere is founded on the worldview of the iwi and hapu that are impacted. Processes must have integrity and achieve;

- clear communication
- transparent decision making
- ongoing monitoring
- respect to our timelines
- collective endorsement

These guidelines reflect the local interpretation of the [Aashukan Declaration principles](#):

1. Indigenous Peoples' Rights are the foundation upon which all discussions must be 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.

The Western Bay of Plenty District Council rejected Te Kawenata and reverted back to the existing consultation processes. This outcome highlights the relevance the issue raised in the beginning of this article regarding the power of the decision makers: Ultimately, are decision-makers willing to share power?

### **A Potential Way Forward**

Past development has affected and altered the lives of Iwi and Hapū in significant and in some cases irreversible ways. As such, the whakaruruhau (Iwi leaders) expectation that the new relationship between themselves and council should align to Tangata Whenua guidelines does not seem unreasonable.

At the heart of the problem is the imbalance in power and decision making that has been established by the colonisation process and that is perpetuated by the various levels of government in this country. The resistance to sharing power, for example as intended under Section 33 of the Resource Management Act 1991, is based to a large degree on the assumption that west-European scientific understandings are superior to Indigenous ways of knowing. The reality is that those 'superior' understandings have led to many examples of scarcity in resource management contexts that science does not have the ability to resolve. So how then can CIA measure-up to the expectations of Iwi?

In March 2018, Ngāti Mākinō Heritage Trust contributed within the public submissions process to the region-wide water quality planning process. The guiding philosophy is that when our ways of knowing become an intrinsic part of us, our knowledge becomes wisdom.

### ***Kia Ahomatuahia te taketake, kia tuwaerea te tau a Mākinō.***

In 2014 [Ngāti Mākinō Heritage Trust v Bay of Plenty Regional Council \[2014\] NZEnvC 25](#) the Court reported the relationship between Māori and their tāonga *“exists beyond mere ownership, use, or exclusive possession; it concerns personal and tribal identity, Māori authority and control, and the right to continuous access, subject to Māori cultural preferences.”* Ngāti Mākinō believe that it is not unreasonable to expect that previous court decisions are appropriately reflected in a quality planning process.

Ngāti Mākinō have adapted the Mauri Model Decision Making Framework (Morgan, 2006 & 2007 and Morgan & Faau, 2017) to assist their understanding of complex issues that impact upon them from time to time. The framework uses the concept of mauri as a measure of sustainability. It is an evaluation approach defines reality in a way that seamlessly includes their own ways of knowing. The four dimensions of mauri are prioritised in the Mākinō Model to represent not only the Ngāti Mākinō worldview but also the bias of others. This assists in communicating more effectively about what matters to Ngāti Mākinō and what is important to others. The quantification of worldview (Morgan, 2009) informs who holds relevant knowledge and expertise, and informs an inclusive indicator selection process.

The goal of the model is to use stakeholder bias to best understand a problem. The process

enables community capacity to grow with successive applications of the framework, and creates the means for monitoring the impacts of decisions. In this way, the process is able to address the deficiencies in existing regional government decision making capacity, and respond to the complex challenge of water allocation. An evaluation of sustainability indicator sets by the Cawthron Institute (Challenger, 2013) assessed the Mauri Model as an exemplar, and considered the model the most useful indicator set regardless of community.

Ngāti Mākino concluded stating the existing planning and decision making structures of Regional Council are considered ineffective at representing Iwi interests, and that the existing Regional Council water management approaches are poorly informed and unsustainable. In essence, Plan Change 9 was seeking to perpetuate unsustainable allocation practices that privilege those that have spoken too loudly in the past rather than heeding the Ngāti Mākino way of knowing, a way of knowing that is an intrinsic part of who we are, could facilitate information evolving to intuition, and knowledge becoming wisdom.

## Conclusion

Indigenous ways of knowing continue to be relevant today. These ways of knowing offer solutions to problems that are facing humanity and threatening our future survival. The contribution that Indigenous ways of knowing can make are becoming more obvious, while society is becoming increasingly concerned about the out of balance emphasis on economic outcomes at the expense of all else.

For impact assessment outcomes to be multi-faceted and oriented towards mutual benefits that include indigenous peoples, a commitment must be made towards the prevention of harm, and the enhancement of the well-being of Tangata Whenua based on their own definitions and criteria. Local, regional and national government will need to identify and implement improved ways of sharing power and decision making.

Questions around the effectiveness of CIA, and what is working and what is not, are really questions about power and decision-making. When organisations in control of the decision making processes are open to indigenous input and the sharing of power, such as the adoption of the Aashukan Declaration by IAIA, there is the potential for significant progress. Unless this happens, tools such as CIA are at risk of diminishing rather than enhancing the mauri of Hapū and Iwi.



# Strategic Indigenous Impact Assessment: a case for extending beyond CIA

Hirini Matunga

## Reclaiming mana motuhake

Nga Tikanga o Ngaati Te Ata (Awaroa Ki Manuka, 1991) was prepared under the stewardship of the late Dame Nganeko Minhinnick during the environmental reforms that resulted in the Resource Management Act 1991. It was one of the first and most wide ranging, tribal policy statements ever prepared in modern era Aotearoa/New Zealand. Arguably it also remains one of the more politically resolute and visionary. In its own words, the aim was to “clearly state the social, cultural, environmental and political aspirations of Ngaati Te Ata” and respond to “the invidious position of continually reacting to a barrage of proposals developed, controlled and ultimately initiated for the benefit of others”. And, “an unwarranted diversion away from the more pressing issues of tribal development, reaffirmation of Ngaati te Ata tikanga and enhancement of the spiritual, cultural, social and economic wellbeing of Ngaati Te Ata, its people and its resources”.

The central kaupapa “Nga Tikanga o Ngaati Te Ata” or “inherent rights as an iwi” was articulated through an interconnected triumvirate of principles: self-determination, self-sufficiency and kaitiaki, that then cascaded across a wide range of iwi devised and defined policy fronts. The goal was to drive not only future environmental policy and practice of/for Ngaati Te Ata *and* tauiwi (immigrants and institutions within their tribal territory), but a broader cultural, social, economic and political agenda for the tribe. In other words, the context was not just environmental or social or cultural or economic – but rather the seamless totality of *being Ngaati Te Ata* across all of these interconnected domains. The policy statement concluded with a Ngaati Te Ata whakataurangi that in my view remains the guiding philosophy or tikanga for iwi management planning and indeed whatever iteration of impact assessment – environmental, social, cultural or otherwise, might lie ahead, namely – “tooku mana – the right to be ourselves” (Awaroa ki Manuka, 1991:59).

Through their tribal policy statement, Ngaati Te Ata was in essence affirming their inherent right *to be* and what is more define themselves and *the nature of their being*. And, perhaps more to the point, to not have *their being* segmented, compartmentalised, narrowly defined then assessed by others, against methodologies, approaches, practices and criteria not of their choosing. The overall aim was to transition from the reactive position that they and indeed many other iwi across the country at the time were increasingly finding themselves in, to a much more proactive tribal development state. In short, to be the arbiters of their own destiny, through Tino rangatiratanga me mana motuhake, rather than incidental recipients of processes determinedly focussed around the private property and/or public development interests of others. The ‘others’ were generally non-Māori who often cast, or at least proxied

out the role of 'environmental guardian/conscience' of the district, region, or nation to iwi Māori – as kaitiaki, thereby allowing them to get on with the more serious, pressing business of development.

It is against this convoluted backdrop that I offer some thoughts on the future of cultural impact assessments.

### **Whence from?**

Environmental Assessment (then Environmental Impact Assessment – EIA) in New Zealand was a creation of the mid 1970's and 80's, 'think big', Muldoon interventionism, large scale government resource development projects and private enterprise development requiring consent. EIAs were a means to assess the environmental impacts of these projects. While the initial emphasis was understandably environmental in orientation, it extended reasonably quickly to encompass social effects on people and communities, through what became known as Social Impact Assessment (SIA). From the late 1980's, the approach extended beyond discrete projects to policy assessment and the environmental effects of proposed policy, plans and/or programmes – otherwise known as Strategic Environmental Assessment or SEA (See Fookes, 2000).

In the early 1990's, no doubt coinciding with the passage of the Resource Management Act 1991 and its effects based orientation, along with inclusion of critical Māori cultural and institutional (e.g. Treaty) provisions in the Act, and progress across a number of Treaty of Waitangi settlements, the concept of cultural impact assessments (CIA) began their rise to prominence.

That said, it is important to note during this period that iwi Māori (and their allies) became highly adept at using whatever tools were available to advocate and protect their interests. EIA, SIA and even CIA were no exception. Iwi management plans (or 'planning documents recognised by iwi') were another tool. Significantly, CIA's under the moniker of 'culture' provided an opportunity to more clearly 'carve out' a space for Māori to react and respond – rather than be simply and eternally grafted to generic EIA or SIA menus as just another (albeit worthy) agenda item. Having said that, they also opened up a host of other challenges - not the least of which was the essentialising of Māori interests principally to 'culture', coupled with ongoing contestation around what culture and cultural actually means. The tendency to hitch culture to tradition as historical artefact rooted principally in the past rather than the lived reality of the Māori present(s) and indeed Māori future(s) also posed/poses challenges, particularly in this era of Treaty settlements and proactive Māori development.

### **But, for whom?**

Impact assessments whether social, environmental, or indeed cultural are by their very nature reactive - that is, reactive *to* rather than proactive *for* a proposition. The *modus operandi* is generally geared to the status quo, and if not 'maintenance' at least the art of 'not making worse'. After all, avoiding, remedying or mitigating any significant and/or negative effects a proposition might entail is the principal aim of impact assessment.

In this context the challenge for Māori participation in EIA, SIA, and to a lesser extent CIA, in my view coalesces around two key themes: namely the reactive nature of the endeavour and its compartmentalisation and narrowing into various predetermined assessment categories – labelled environment, community, culture et al.

Generally the 'proposition' – development, project, policy, plan or programme is 'someone

else's'. By that I mean 'not iwi Māori in origin' but rather, aligned with development interests that lie elsewhere. Often, they are the antithesis of Tino rangatiratanga, mana motuhake, tribal self-determination, self-sufficiency and kaitiaki – *requiring* an iwi Māori response. Moreover, the 'reactive' treadmill that Ngaati Te Ata railed against over 25 years ago shows very little sign of abating, and offers little or no tangible gain for tribal development – except perhaps 'at best' maintenance of the environmental, social or cultural status quo.

Iwi management plans were supposed to 'liberate' iwi Māori from this highly reactive state and provide a framework for positive and proactive tribal development, reaffirmation and enhancement of iwi Māori across *all* indices of human development – in other words 'to be themselves' rather than continually reactive to others. However rather than working with iwi management plans as articulators of iwi Māori intent, developers and councils have increasingly used CIAs as the 'go to' process. Therefore CIAs carry the risk of becoming a mechanism for development and developers, and even statutory authorities and resource decision-makers, to 'get to yes' in the consent and/or policy process. Put another way, they have become another entry gate to the reactive treadmill.

While Māori (and their allies) might continue to use CIAs, they often have to push the boundaries beyond the prescribed category and extend the approach to accommodate a multiplicity and complexity of dimensions and potential effects. This has itself become a form of marginalisation and must call into question not only the legitimacy of the impact assessment approach in its current form, but its ability to be appropriately nuanced and comprehensively applied across a range of differing human/cultural/racial/ethnic/political – even temporal/spatial contexts.

If assessments CIAs in themselves are reactive, *how* the reaction is framed and processed is clearly critical to the endeavour. In other words the framework and process for doing the CIA is as (if not more) critical than the outcome. The validity of the outcome is firmly hitched to the validity of the process. Hence the need to appeal to what I coin the trio of 'ology's'. I have 'co-opted' these to create an interconnected space for indigeneity to link 'being indigenous' with indigenous knowledge and values – and in particular the 'exclusive' right to mediate and negotiate across these domains. This itself is an expression of self-determination.

### The "ologies"

Depending on the type, scale, scope, (policy, plan, programme or project) even location of the proposition, to be valid the CIA process *must* in my view be sourced in the appropriate Māori, iwi or indeed hapū ontology about what it means to be *this* hapū, *that* iwi or more broadly Māori, for it to have legitimacy. Locating assessment firmly in an indigenous ontology also 'removes' for instance restricted notions of time and space – for example *how* time is perceived, and recalibrates it against indigenous notions of time, continuity between past- present and future et al.

Secondly, assessment also needs to be grounded in a Māori (and again iwi or indeed hapū) epistemology or knowledge system about what it means *to know*. This does not mean it has to necessarily 'limit' itself to traditional ecological knowledge for instance or even mātauranga Māori, but rather that the notion of 'appropriate' knowledges to be applied to the assessment (i.e. western science, community-based knowledge et al) must be the prerogative of the indigenous community concerned.

Thirdly, the proposition must be assessed against *and* through a Māori (or more specifically iwi or hapū) axiology, set of values or tikanga base.



**Figure 1: 'A' platform for Strategic Indigenous Impact Assessment (SIIA)**

My use of the term indigenous is deliberate and a device to locate impact assessment firmly in a colonial context of highly differential power, privilege, institutional, regulatory and legal dominance and control. The differential applies equally to ownership and access to resources – not only in the present *but* the past and lingering effects of that past. The playing field is *not* level. Treating it as if it were, is simply perpetuating yet another injustice.

Critically, there is also a disjunction between impact assessment and the colonial history that created it, and in many respects continues to create it. So, far from being an ahistorical endeavour – without history, impact assessment is *all* about history, and in particular the asymmetric, cumulative and negative impacts of colonisation on indigenous communities (Māori included). Again, this 'history' continues to manifest across the full range of social, economic, cultural, environmental even political indices and must be factored into assessment methodology.

Notwithstanding the redress orientation of the Treaty settlements process in this country, Māori and indeed other indigenous communities around the world are in rapid phase 'development catch up'. In other words the asymmetrically negative impact of colonialism on these communities requires an equally asymmetric (as opposed to business as usual) response, to 'fast track' to the future that could have been, had colonialism taken a more enlightened collaborative turn. As we well know it did not, and many indigenous communities remain in various states of recovery. Therefore, impact assessment must be firmly embedded in this recovery, *in* history and in particular, the colonial history that created it. It (i.e. impact assessment), does not have the luxury of functioning *outside* history as an ahistorical endeavour.

CIAs have been able to respond to this in part, but because the tool emerged from the expedience of the environment, society and now culture, and not indigeneity, it is largely ill equipped for the kind of asymmetric strategic oversight needed to traject indigenous communities into their desired, and what I would term - legitimate futures.



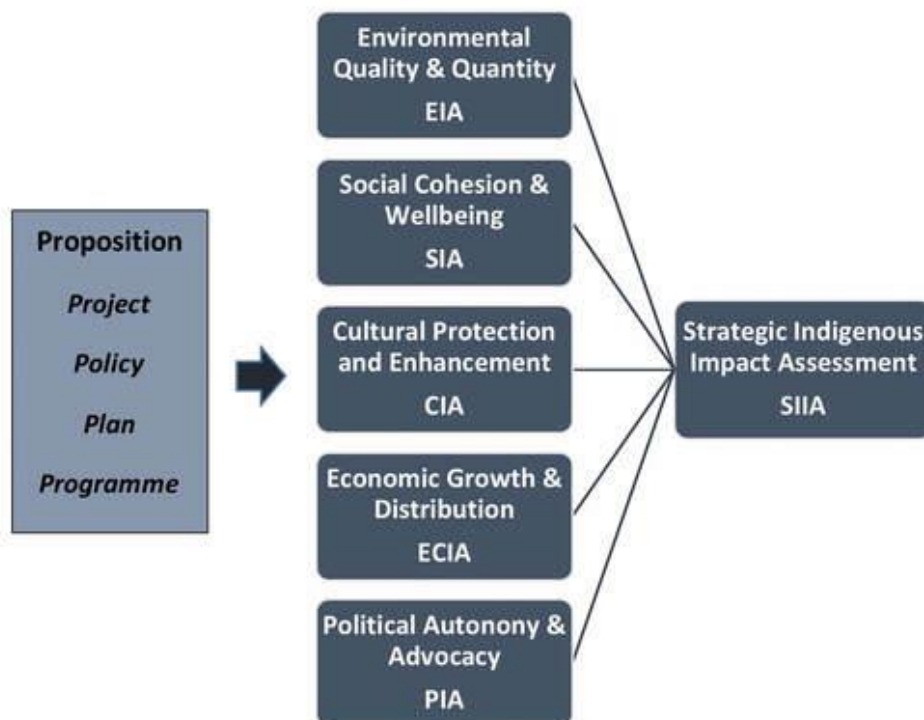
## Beyond CIA to SIIA?

Mimicking the earlier extension of project focussed EIAs to broader policy/plan oriented SEAs, CIAs need to be more firmly located in a broader strategic assessment framework that legitimates *all* aspects of indigeneity including for instance, indigenous peoples as resource users and resource developers and indigenous peoples as decision-makers, managers, policy analysts and planners. Again it has been historically convenient to shunt environmental responsiveness across to indigenous communities as an offshoot of *their* culture and tradition, but negate the development aspirations and interests of these same communities. While the era of Treaty settlements in Aotearoa has generally put paid to that charade, CIAs cannot risk remaining in such an artificially constrained space – outside the lived reality of iwi Māori communities and their desired futures. These futures are not just environmental, social or cultural - but indeed economic and political, along with all spaces between.

Not surprisingly, Treaty settlements have also created an internal iwi Māori debate around the balance between conservation and development that needs to, and indeed is happening. That said, kaitiakitanga and rangatiratanga remain in my view critical mediators in both that discourse and the broader impact assessment debate.

Borrowing from a framework devised for indigenous planning *as an outcome* (see Matunga. H. 2013) impact assessment needs to be reframed against an indigenous ontology, epistemology and axiology. It also needs to be contextualised to specific indigenous people and communities, in their place, lands and environments, immersed in their culture and critical aspirations for the future.

While there remains (in my view) a place for individualised assessments of projects, policies, plans and programmes across the various human dimensions, essentially in a two stage process the assessments need to be much better connected and then incorporated into a much more strategically focussed overarching assessment of effects.



**Figure 2: Framework for Strategic Indigenous Impact Assessment**



## Concluding thoughts

A 'current definition of CIA (at least as defined by [RMA Quality Planning](http://www.qualityplanning.org.nz/index)) is "a report documenting Māori cultural values, interest and associations with an area or resource and the potential impacts of a proposed activity on these". While in and of itself this *might* be an appropriate definition, it cannot hope to comprehend the totality of hapūness, iwiness, Māoriness or indigeneity across multiple interconnected dimensions from the environmental and social, to economic and political. The tool was never meant to do that. Rather it was designed to function across a more constrained and contested field defined as cultural. Therefore, the challenge remains the 'fit for purpose' utility of CIA going forward, at least in its current form. It also raises the need to either modify/extend CIA as a tool or locate it in a much more strategic assessment framework around indigeneity.

At the NZAIA Conference in 2016, I put forward a case for a new acronym/tool for impact assessment to facilitate a 're-centring' of impact assessment within an indigenous ontology, one that:

- locates being indigenous, Māori, iwi or hapū at the centre rather than periphery – or worse, incidental to the process;
- assesses effects in a comprehensive rather than fragmented disjointed way;
- not only frames assessment according to an indigenous world-view but also locates this worldview and indeed assessment practice *in* history; and
- has a clear focus both on the indigenous present(s) and indigenous future(s).

The 'triaging' of interconnected 'ology's' otherwise known as indigenous ontology, epistemology and axiology, centres indigeneity unequivocally in the assessment process. Hopefully, the SIIA framework suggested above can also offer a much more strategic framework for assessment practice going forward.

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