

## Kāi Tahu Te Tiriti o Waitangi / Treaty of Waitangi

Te Tiriti o Waitangi (the Treaty of Waitangi) is the founding document for New Zealand, the basis on which the partnership between Māori and the Crown was established. Kāi Tahu consider that the Treaty bound the tribe and the Crown irrevocably to a mutual agreement which imposed responsibilities on both signatories.

Te Tiriti o Waitangi (the Treaty of Waitangi) was signed by Kāi Tahu in 1840 at Akaroa (May 30), Ruapuke Island (June 9, 10) and Ōtākou (June 13).

Sections 6, 7 and 8 of the Resource Management Act contain specific duties in relation to the Treaty of Waitangi and Māori interests. The Act identifies, as a matter of national importance, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taoka. The Act also states that the principles of the Treaty of Waitangi must be taken into account when managing the use, development and protection of natural and physical resources.

In planning for the long term growth, development and sustainability of the Queenstown Lakes District, the Queenstown Lakes District Council acknowledges its active partnership with Kāi Tahu.

The inclusion of Te Tiriti o Waitangi/Treaty of Waitangi principles is essential to the successful implementation of the partnership with Kāi Tahu. The principles of the Treaty, as enunciated by the Waitangi Tribunal and the courts, include:

- **The principle of tribal rakatirataka / self-regulation:** Recognising the right of Kāi Tahu to manage resources and exercise kaitiakitaka over their ancestral lands, waters and other taoka. The Waitangi Tribunal has suggested that it was an intrinsic principle of the Treaty that Māori would recognise and respect the Crown's right to national governance, while the Crown would recognise and respect Māori and their rankatirataka. The Crown has guaranteed rakatirataka to all iwi, which includes an implicit guarantee that the Crown would not allow one iwi an unfair advantage over another. There can be seen a principle of fair process incorporating the concept that the government should be accountable for its actions in relation to Māori.
- **The principle of partnership.** The Treaty has the basic object of two peoples living together in one country, and this concept lays the foundation for the principle of partnership.

- **Mutual obligations to act reasonably and in good faith.** Good faith consultation between parties is necessary to sustain the Treaty relationship.
- **The principle of active protection of Kāi Tahu interests.** Kawanatanga is less than absolute sovereignty and carries with it protective obligations.
- **The principle of development.** The Treaty principles are not confined to customary uses or the state of knowledge as at 1840 but are to be adapted to modern, changing circumstances. The Treaty provides a basis for a changing relationship and should always be progressively adapted.
- **There is a principle of mutual benefit that should be applied.** Neither partner can demand its own benefits if there is not also an adherence to reasonable state objectives of common benefit.

The Treaty is of particular relevance to resource management because it refers to the rights of kawanatanga (governorship) and rangatiratanga (chieftainship) and the relationship of Māori with natural and physical resources. Kawanatanga is commonly understood to be the Crown's right to govern and make laws, such as the RMA, through which it devolves powers to agencies such as local government. Tino rangatiratanga is generally held to denote some form of authority over resources. Ngāi Tahu, as tāngata whenua, are a Treaty partner with the Crown under the Treaty of Waitangi, a partnership that is particularly relevant to natural and physical resource management.

There are two versions of the Treaty of Waitangi, the English version and the Māori version. The version signed by the Kāi Tahu rākatira, should prevail if there is ambiguity.

**Partnership between the Queenstown Lakes District Council and Kāi Tahu will give effect to the principles of the Treaty of Waitangi in decision making and environmental management.**