



# A Tika Transition to a Flourishing Aotearoa

Guidance to inform a 'tika' transition.

Maria Bargh

## Design Rationale

Within this report there are two overlapping Toi Māori elements. These designs have been created and woven through this report to amplify the narratives of A Tika Transition.

The first design integrates elements from Poutama and Tāniko. Poutama and the Tāniko stemming from te mahi raranga, the art form of weaving. Usually seen in tukutuku panels in marae. Traditional patterns used to express pivotal themes outlined in the Tika Transition document, with a particular focus on Tikanga.

The overlapping design components, such as puhoro, koru, and mangōpare, embodies the fundamental values that are within the report. These are then placed throughout the report to further drive the importance of these values to then achieve our aspiration for a Te Tiriti-focused Aotearoa.

These balanced and symmetrical patterns reflect our aspiration for a Te Tiriti-focused Aotearoa, emphasising the importance of honouring and upholding Te Tiriti o Waitangi through collaborative partnerships.

### This policy and decision-making guidance is based on:

- Bargh, M., 2019. 'A Tika Transition'. In D., Hall (ed.), A Careful Revolution. Wellington. Bridget Williams Books, pp. 36–51
- Bargh, M. and Tapsell, E., 2021. For a Tika Transition: strengthen rangatiratanga. *Policy Quarterly* 17. <https://doi.org/10.26686/pq.v17i3.7126>

This policy guidance describes and outlines a tika transition to a flourishing Aotearoa including the core concepts and toolbox to help guide tika and enduring decision-making.

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# What is a tika transition and why do we need it?

1. Many of us are inspired by the idea that we can have an Aotearoa where the forests are flourishing and noisy with birds and insects, the rivers are clean to swim in and have room to flow, and where tangata whenua and tangata Tiriti are in good relationships with each other and the environment<sup>1</sup>.
2. However, at the moment Aotearoa is experiencing a decline in biodiversity, gross greenhouse gas emissions have been increasing since 1990 exacerbating climate change and the impacts of extreme weather events are being experienced by many communities. Worryingly Māori are being left out of some of the big planning and policy decisions.

## Current Decision-Making Flow

Policy scope, research and design is led by Government (Crown) agendas, targets and aspirations.



Process is dominated by Crown.

Consultation is minimal and controlled by Government agencies.



Final decisions made by Government.



Rangatiratanga (Māori) Sphere

Iwi, hapū and Māori have limited ability to share in decision making or participate in process effectively.

3. To get from where we are now, to our vision of a flourishing Aotearoa, will require change and importantly will require a time of transition.
4. The transition will require difficult decisions, trade-offs and, at best, some uncomfortable changes for individuals, households, communities, the private sector, and government. Excluding or constraining Māori knowledge and communities in a transition, entrenches historic inequities and creates ongoing and new Te Tiriti o Waitangi breaches. The specifics will need to be refined as new information arises and circumstances change. For the transition to lead to enduring solutions for Aotearoa, the transition must be tika.

## Tika Transition Decision-Making Flow

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**1.** Reflect on key relationships and positionalities, listen, understand the history and context of NZ. Tikanga, Te Tiriti o Waitangi and UNDRIP are guiding frameworks for decision-making process.

**2.** Key relationships are built and maintained with Te Tiriti partners.

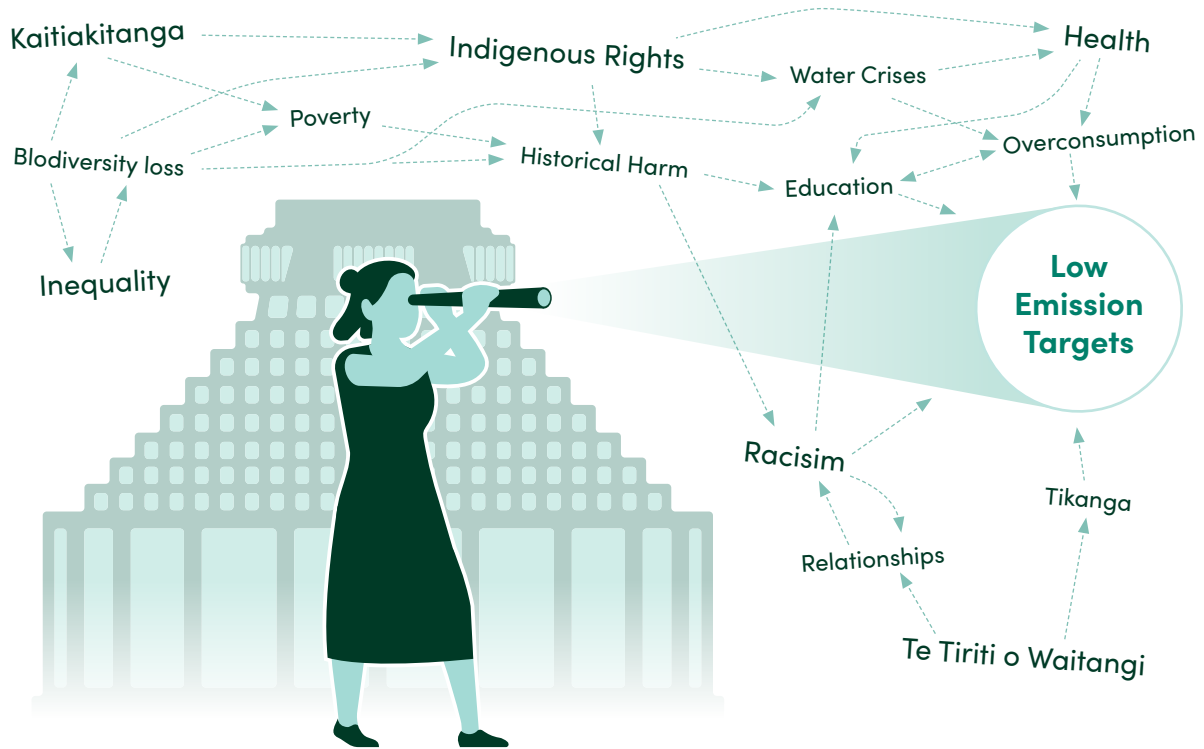
**3.** Co-designed scope, research and design of policy with iwi, hapū and Māori including both a 'national' perspective and local considerations.



**5.** A tika transition to a flourishing Aotearoa is one that embraces tikanga Māori as a source of solutions, upholds Te Tiriti o Waitangi and is consistent with the UN Declaration on the Rights of Indigenous peoples (UNDRIP). A tika transition recognises our unique democracy and the context of Aotearoa and will ensure that the transition is fair, equitable and enduring.

**6.** A flourishing Aotearoa requires more than only focusing on transitioning to lower emissions or renewable energy options and is not a singular government target to achieve – it will include taking into account many different issues and considerations.

## Government Target Tunnel Vision<sup>2</sup>



### Key Points:

Tikanga Māori and Māori leadership will provide solutions and benefits for all of us as we transition to a flourishing Aotearoa.

For the low emissions transition to be fully tika, the Crown must uphold and support:

- Tikanga
- It's Te Tiriti o Waitangi obligations, and;
- be guided by the minimum standards for Indigenous rights in international law.

Combined, these elements have the potential to provide a more enduring transition that creates transformational change in the environmental, social, economic, and political realms of our society.

# Understanding the core concepts and elements of a tika transition

**Tikanga** – is the first law of Aotearoa

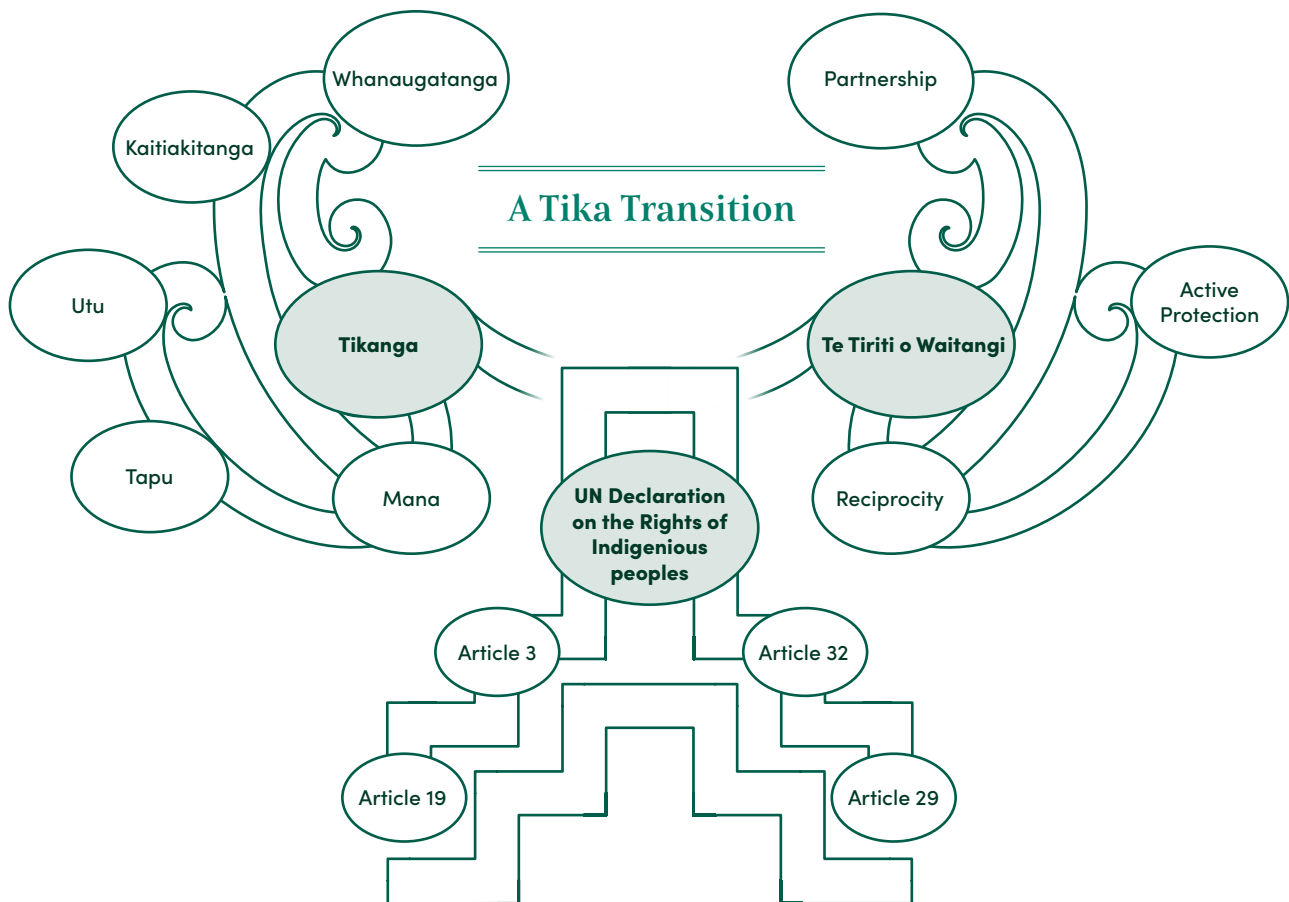
7. Tikanga varies across iwi, but any changes are guided by the fundamental values that underpin it.<sup>3</sup> It is important to note that its flexibility and its change over time is consistent with all cultures of the world and 'change does not necessarily imply that a culture is "dying" or that it is now somehow inauthentic'.<sup>4</sup>

The *concept of tika* relates to correctness, or 'that which is right or just'.<sup>5</sup>

8. A breach of tika or tikanga requires a rebalancing or resolution. Hirini Moko Mead describes a concept of 'take-utu-ea': where a breach becomes the 'take' (an issue), it then requires appropriate utu (recompense) and resolution to satisfy all parties (ea).<sup>6</sup> What can therefore be considered the tika practices and procedures around a low-emissions transition are those which Māori view to be right or just, as well as those which do not give rise to a breach.
9. Tikanga Māori provides solutions for a tika transition, but it is commonly overlooked by central and local government in policy and planning.<sup>7</sup> At the core of tikanga Māori is a worldview which emphasises the importance of relationships: between people and the natural world and amongst people.
10. Aspects of tikanga that provide useful pointers for the correct kinds of transition practice include: whanaungatanga (relationships), kaitiakitanga (environmental guardianship), utu (balance), mana (authority) and tapu (a spiritual aspect to all things).<sup>8</sup>

**Te Tiriti o Waitangi** – is one of the founding constitutional documents of Aotearoa New Zealand.

11. Te Tiriti o Waitangi is central to land use, environmental governance, and a low emissions transition as it provides the framework for the relationships between the Crown and tangata whenua. Te Tiriti reaffirmed to tangata whenua their tino rangatiratanga over lands, resources, taonga and kainga in exchange for kāwanatanga or governance rights for the Crown.



- 12.** Te Tiriti o Waitangi provides a blueprint for how Māori and non-Māori can respect each other's ways of living in Aotearoa. For Māori, Te Tiriti laid out a future where Māori tikanga and culture would be upheld. For tangata Tiriti, it laid out how they, and their ways, would be respected so they could also live here. That original blueprint can be honoured and again guide us to a harmonious future.

All over Aotearoa there are positive examples of Te Tiriti o Waitangi partnerships and relationships.<sup>9</sup>

### **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**

– an international instrument adopted by the United Nations General Assembly in 2007.

- 13.** UNDRIP is a human rights declaration which sets out the minimum standards and rights of Indigenous Peoples and includes rights to self-determination, to maintain and strengthen their own governing institutions, traditions, culture and development, and rights to lands, territories and resources.
- 14.** In 2010 the New Zealand government announced support for the Declaration and in 2014 gave a commitment to create a Declaration plan. In 2019, the 'Working Group on a Plan to realise UNDRIP' completed their report, *He Puapua* which provides a roadmap towards realising UNDRIP compliance in Aotearoa<sup>10</sup>.

## Using a Tika Transition Toolbox

- 15.** The toolbox is designed to be used as part of the formulation, design or implementation of any policy, legislation or project decision-making that relates in some way to climate change, energy, environmental governance, or any steps towards a low emission future.

The toolbox is not designed to be a tick box exercise that is used at the completion of work.

- 16.** The toolbox aims to expand the thinking, concepts and values that are considered when making decisions about a flourishing Aotearoa so that the eventual outcomes are tika and enduring. The questions provided are not exhaustive and other questions will, and should, arise depending on context.

- 17.** For some groups answering some of the questions may be beyond your area of expertise and will require partnership and co-design with local iwi and hapū. For example, tikanga questions will be best answered by Māori. However, it is important for the kāwanatanga sphere to include tikanga in their thinking and planning as well. It is important for kāwanatanga or tangata Tiriti groups to learn about these concepts and values if they haven't considered them before.

# Tika Transition Toolbox<sup>11</sup>

## Tikanga

### Tika Element: Whanaungatanga

Relationships are a particularly important part of tikanga Māori. Understanding how people are connected, whether through whakapapa or historical or mana whenua links, is crucial to being able to determine and honour rights and responsibilities. Whanaungatanga 'denotes the fact that in traditional Māori thinking relationships are everything – between people; between people and the physical world; and between people and the atua (Kaitiakitanga)'.<sup>12</sup>

Closely connected to that is manaakitanga, the nurturing of those relationships. In a tika transition, representatives of the Crown must make themselves aware of the relationships among hapū and iwi and actively protect them.

<b>Questions to ask (not an exhaustive list)</b>	<b>Answers/thoughts/considerations:</b>
Have relationships been nurtured and protected?	
Have marae been informed, educated, and mobilised?	
Have the rights and interests of future generations been considered?	



# Tikanga

## Tika Element: Kaitiakitanga

Kaitiakitanga is the exercise of environmental guardianship or management by hapū and iwi. The root word 'kaitiaki' means guardians, originally in the form of physical objects or spiritual beings that watched over specific natural resources, such as gardens or bodies of water.<sup>13</sup> Most, if not all, hapū and iwi want to keep exercising kaitiakitanga over their lands and resources through strategic and environmental management plans. In planning a low emission transition, the Crown must therefore examine how it would impact on Māori in their exercise of kaitiakitanga. This examination would include policy design, implementation, monitoring and evaluation, as well as Māori access to resources and Māori access to managing their own trade-offs between revenue generation, sustainable development, and conservation.

<b>Questions to ask (not an exhaustive list)</b>	<b>Answers/thoughts/considerations:</b>
Have the roles of kaitiaki been upheld?	<hr/>
Have the negative impacts on the Māori role of kaitiaki been minimised or avoided?	<hr/>
Is Māori access to natural resources affected?	<hr/>
Can Māori continue to practice kaitiaki duties?	<hr/>
Will Māori sustainable development aims be impacted?	<hr/>
Have any transition proposals been checked against aspirations articulated in Iwi Environmental Management Plans?	<hr/> <hr/> <hr/> <hr/>



# Tikanga

## Tika Element: Utu

The concept of utu or balance rests on the idea that ‘for everything given or taken a return of some kind [is] required’.<sup>14</sup> When the Crown weighs up who will benefit or be disadvantaged by, for example, the location of energy production facilities, the cost of electricity or the acquisition of Māori land as coastal roads are eroded, it must be aware of the ‘give and take’ balance. If that is disrupted, then Mead’s take-utu-ea mechanism is essential to establish where the breach has occurred, by whom and what recompense can be agreed upon. If electricity costs rose significantly for some Māori, the rebalancing might involve a subsidy. If wind turbines must be located on a prominent ancestral maunga, a share in the ownership of the turbines might in some circumstances provide a gesture of rebalancing for the breach of tapu.

<b>Questions to ask (not an exhaustive list)</b>	<b>Answers/thoughts/considerations:</b>
Has balance been maintained?	<hr/>
What metrics are used to weigh costs and benefits?	<hr/>
Where a breach occurs, has the take-utu-ea mechanism been deployed to re-balance?	<hr/>
How are risks allocated?	<hr/>
Who suffers most of the negative consequences (e.g., air pollution) and externalities?	<hr/>
How is compensation calculated or distributed?	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

# Tikanga

## Tika Element: Mana

This key aspect of tikanga ‘has to do with the place of the individual in the social group’<sup>15</sup> and can be enhanced by following correct protocols and caring for your community and interacting with others with dignity.<sup>16</sup> The mana or authority to make decisions about areas of land (mana whenua) or waterways (mana o te wai or mana moana) can be derived from several sources, including whakapapa, but also from one’s actions and relationships with others and demonstrated achievements in kaitiakitanga. When representatives of the Crown engage with Māori, they should ensure they do so in ways that are attentive to the mana of the people. Iwi that have completed Treaty settlements and have statutory acknowledgments or overlay classifications and other cultural redress should be given appropriate weight when transition policies are being designed, implemented, and evaluated.

<b>Questions to ask (not an exhaustive list)</b>	<b>Answers/thoughts/considerations:</b>
Has mana been considered?	<hr/>
Do transition proposals impact Treaty Settlement commitments?	<hr/>
Is there any bias evident on the part of the decision-maker?	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

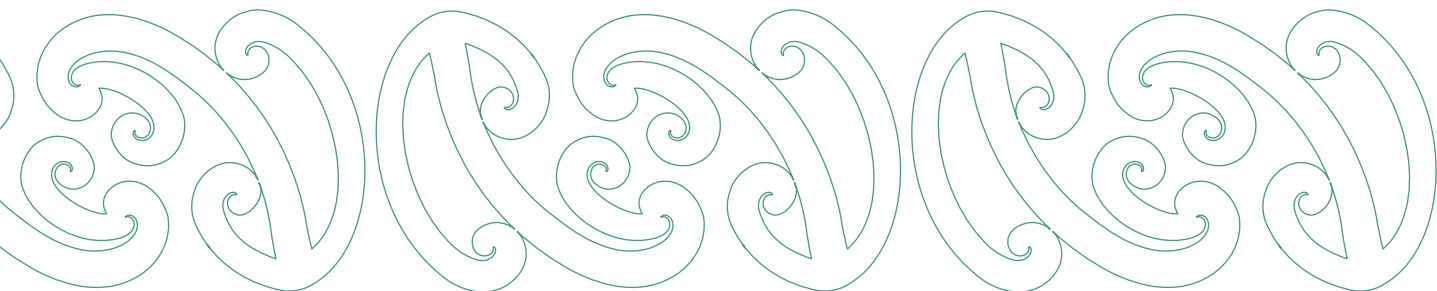
# Tikanga

## Tika Element: Tapu

Hirini Moko Mead argues that tapu is inseparable from mana.<sup>17</sup> It is 'present in people, in places, in buildings, in things, words, and in all tikanga'.<sup>18</sup> Carwyn Jones explains the concept in relation to 'the spiritual quality of all things' and the 'restrictions and regulations that relate to the spiritual dimension'.<sup>19</sup> He argues that tapu and its opposite, noa (to be free of restrictions), 'provide a key motivation for obedience to laws; the perceived consequences of breaching tapu act as an enforcement mechanism'.<sup>20</sup> For the Crown to be attentive to the spiritual nature of all things would require at least an acknowledgment that people can have intangible connections to place which need to be respected, and that some landscape features, such as maunga, may possess a higher value to some hapū and iwi than monetary or sustainable development values.

On the Crown's current trajectory, the low-emissions transition will not be tika according to tikanga Māori. The Crown must revise its approach to climate change policy to align with tikanga. Otherwise, this will require a re-balancing and remedy at a future point.

<b>Questions to ask (not an exhaustive list)</b>	<b>Answers/thoughts/considerations:</b>
How are things valued?  Are Māori spiritual connections to taonga and place enhanced?	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>





# Te Tiriti o Waitangi

## Tika Element: Active Protection

The Crown’s duty to actively protect Māori rights and interests was affirmed by the Court of Appeal in 1987 and by the Privy Council, which said the Crown should take ‘vigorous action where a taonga is threatened, especially where its vulnerability can be traced to earlier breaches of the Treaty’. In the case of environmental management, climate change and low-emissions transition policies, there is a history of breaches of Te Tiriti that have excluded Māori from the protection, restoration and enhancement of natural resources, while at the same time industries that exacerbate climate change have expanded.<sup>21</sup> This suggests that ‘vigorous action’ is required for the Crown to protect Māori rights and interests such as the taonga of freshwater, which is severely threatened.

Questions to ask (not an exhaustive list)	Answers/thoughts/considerations:
<p>Are Māori rights and interests actively protected?</p> <p>Are existing Māori investments within Crown stipulated frameworks, such as the Fisheries Quota Management System or Emissions Trading Scheme protected?</p> <p>How can these frameworks be amended to ensure active protection of Māori rights through transition?</p> <p>Is information shared with the appropriate Māori entities?</p> <p>Is information sufficient and adequate in form?</p> <p>Is information provided in a timely manner and with appropriate timeframe to digest and discuss and analyse and receive advice on?</p> <p>Is information objective?</p> <p>Has mātauranga Māori been included?</p> <p>Has local knowledge been included?</p> <p>Has the local context of the community been accounted for?</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

# Te Tiriti o Waitangi

## Tika Element: Reciprocity

As for reciprocity, Te Tiriti provided for a reciprocal relationship: the British could establish k awanatanga while M ori tino rangatiratanga was protected. As the Waitangi Tribunal has said, ‘it is the constitutional status of M ori as the first inhabitants of New Zealand which gives rise to a M ori expectation of equal status with the Crown’.<sup>22</sup> Having equal status is therefore linked to the expectation that any breaches will be redressed as part of the reciprocal relationship, and the status of equals restored.

In the context of a low emissions transition the principle of reciprocity suggests that the Crown must assess how the processes and policies provide mutual benefit to M ori and the Crown. A transition that only benefits M ori as much as any other stakeholder, or in a general way and less than the Crown, will not adequately provide mutual benefit and reciprocity. In addition, much M ori land, and other natural resources (such as waterways) have already been exploited, used to benefit the New Zealand economy and in many cases left depleted or polluted; future policy should avoid similar breaches of Te Tiriti.

Questions to ask (not an exhaustive list)	Answers/thoughts/considerations:
<p>How are the outcomes (costs/risks and benefits/opportunities) of transition distributed?</p> <p>Who benefits from subsidies? Who pays the investment costs?</p> <p>Who owns the energy infrastructure (renewable or otherwise)?</p> <p>Where is the infrastructure located? How are profits distributed?</p> <p>Who is responsible for action?</p> <p>How are developmental opportunities allocated?</p> <p>How much do people pay towards energy costs?</p> <p>Do transition policies provide mutual benefits?</p> <p>Have M�ori been treated fairly in relation to others such as Crown-owned entities, and large non-M�ori/non-New Zealand resident corporations?</p> <p>Will there be disproportionate negative impacts on M�ori land and natural resources?</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

# UNDRIP

## Tika Element: Article 3

Article 3 outlines 'Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.' This suggests that constitutional change is required to enable Māori to exercise self determination and political authority, including over environmental and climate change matters. Resourcing will be required to support capacity building and this may come for example, from levies or taxes on resources where Māori have clear interests or indeed ownership.

Questions to ask (not an exhaustive list)	Answers/thoughts/considerations:
Do Māori have representation?  Are Māori able to freely pursue their economic, social, and cultural development?  Do resourcing arrangements support capacity building of Māori self-determination and Māori governance institutions?	<hr/> <hr/> <hr/> <hr/> <hr/>

# UNDRIP

## Tika Element: Article 19

Article 19 notes that, 'States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.' This provides clear direction for the Crown to involve Māori representative institutions such as hapū and iwi in genuine engagement and consultation processes.

Questions to ask (not an exhaustive list)	Answers/thoughts/considerations:
Have Māori had a genuine opportunity to say no to transition proposals?  Has free, prior, and informed consent been sought from Māori representative institutions?	<hr/> <hr/> <hr/> <hr/> <hr/>



# UNDRIP

## Tika Element: Article 29

Article 29 states: 'Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.'<sup>23</sup> This suggests the Crown should ideally work with Māori to understand the form of conservation or utilisation of land and natural resources that Māori want. Transition will require research, education, communication and assistance programmes, and the Crown can provide funding for those areas. In a report on Adapting to climate change in New Zealand, Māori were shown to still be in need of assistance to progress towards effective adaptation systems.<sup>24</sup>

<b>Questions to ask (not an exhaustive list)</b>	<b>Answers/thoughts/considerations:</b>
<p>Do assistance programmes assist Māori with the conservation and protection of their lands, territories, and resources?</p> <p>Are Māori able to protect the environment?</p> <p>Are Māori able to productively use their lands, territories, and resources?</p> <p>Is funding assistance available to Māori for research, education, and mobilisation of Māori communities for transition?</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>



# UNDRIP

## Tika Element: Article 32

Article 32, states 'Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources' and requires state parties to 'provide effective mechanisms for just and fair redress for any such activities, and appropriate measures... to mitigate adverse environmental, economic, social, cultural or spiritual impact'. This suggests that the Crown must work in conjunction with Māori to carefully ensure land use changes, or proposals such as managed retreat, are consistent with Māori aspirations and take account of specific ways that Māori connections with place might be impacted in different ways to other communities.

<b>Questions to ask (not an exhaustive list)</b>	<b>Answers/thoughts/considerations:</b>
<p>Have negative impacts of transition on Māori individuals, households, communities, and businesses been minimised, mitigated, or removed?</p> <p>Have Māori been integral to determining and developing priorities and strategies for transition?</p> <p>Have Māori current land use priorities been considered in transition design, implementation, and evaluation?</p> <p>Have risk assessments taken account of specific and unique risks for Māori communities?</p> <p>Has free, prior and informed consent been sought from Māori representative institutions in relation to the impacts on their lands, territories and other resources?</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>



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2. Infographic inspired by 'Carbon Tunnel Vision' by Jan Konietzko.
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