

HE ARA HONOHONO PATHWAYS TO MANA WHAKAHONO

HE KETE MĀTAURANGA OVERVIEW OF MANA WHAKAHONO AGREEMENTS



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OVERVIEW OF MANA WHAKAHONO AGREEMENTS

Why develop a Mana Whakahono ā Rohe agreement?

The intent of a Mana Whakahono ā Rohe is to improve working relationships between tangata whenua (through their iwi authority or hapū) and local authorities. The intent of Mana Whakahono is also to enhance Māori participation in RMA resource management and decision-making processes.

What is a Mana Whakahono ā Rohe Agreement?

- ☞ Mana Whakahono agreements were introduced through changes to the Resource Management Act in 2017.
- ☞ Mana Whakahono ā Rohe is a tool that tangata whenua and local authorities can use to discuss and agree on how they will work together, in a way that best suits their local circumstances.
- ☞ Mana Whakahono Agreements can be initiated by an iwi authority, or by a council. Hapū can be invited to join an agreement by a council, or by an iwi authority.
- ☞ Originally envisaged to focus on resource management issues, but several existing agreements have been negotiated to also cover Local Government Act, Reserves Act, and other aspects of the iwi council relationship.

What are the benefits of a Mana Whakahono ā Rohe agreement?

- ☞ Local - Focussed on developing a vision, outcomes and objectives to reflect local priorities.
- ☞ Flexible - Can include a range of issues, including focussing on the issues which are important in your area
- ☞ Comprehensive - Cover your whole rohe, rather than a single resource
- ☞ Can be iwi-led - Can be initiated by iwi or by a council.
- ☞ Focussed on processes and implementation - can strengthen an existing Iwi Management Plan, Hapū Environmental Plan or other existing documents by agreeing processes, or set out how to implement provisions in a Treaty settlement.
- ☞ Set timeframe - a Mana Whakahono agreement must be concluded within 18 months of the agreement being initiated.
- ☞ Enduring - cannot be ended unilaterally by either council or iwi.
- ☞ Binding and recognised in law
- ☞ Recognised as a trigger in national legislation for consultation. For example, fast-track proposals for approvals under the Resource Management Act must be assessed against a Mana Whakahono ā Rohe, and any procedures agreed in a Mana Whakahono ā Rohe must be followed when approving a resource consent.

What does a Mana Whakahono ā Rohe agreement cover?

- ☞ Mana Whakahono Agreements must include agreements about: preparing or changing a policy or a plan; consultation; monitoring; giving effect to any iwi participation legislation; identifying and managing conflicts of interest; and resolving disputes.¹
- ☞ Mana Whakahono ā Rohe may also include agreements about: consulting or notifying an iwi authority about resource consents; notification of iwi as an affected party; any other arrangements relating to the RMA; how iwi authorities will work collectively; and delegation of participation roles by an iwi authority.
- ☞ Some Mana Whakahono agreements also include agreements about matters outside the RMA, including resourcing, training and other matters.

¹ RMA Section 58R.1.c

Who should consider developing a Mana Whakahono ā Rohe?

- Where there are existing relationships, Mana Whakahono are intended to support or build on those relationships, creating efficiencies and removing duplication of process. Where there is no existing relationship, Mana Whakahono give an opportunity for a formal relationship to be developed.
- Every group will need to undertake its own assessment of whether a Mana Whakahono ā Rohe would provide benefits above existing agreements. We recommend that councils ask their legal teams to consider the following questions, and share the resulting advice with iwi and hapū in their region:
 - What agreements between iwi/hapū and council are currently in place?
 - How would a Mana Whakahono ā Rohe interact with existing agreements and arrangements?
 - To what extent are existing agreements recognised in the Fast Track Approvals Act and other new or proposed resource management legislation?
- Regardless of the status in legislation, the process of developing shared understandings and agreed ways of working together, grounded in Te Tiriti o Waitangi, will be significant and valuable for both iwi/hapū and council.

Key messages for iwi/hapū

- Be clear about what you want a Mana Whakahono to achieve.
- Consider your existing agreements and current relationships.
- What could a Mana Whakahono agreement add?

Key messages for councils

- Be prepared for an initiation.
- Consider how council could support the development of a Mana Whakahono.
- How could a Mana Whakahono improve the work you do?

You can find more information about Mana Whakahono agreements here:

- [Mana Whakahono ā Rohe guidance](#) (Ministry for the Environment, 2018).
 - The Ministry for the Environment maintains a [list of existing Mana Whakahono ā Rohe agreements](#), including links to signed agreements.
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