

2. Kaitiakitanga

Objective

To manage the park in line with the principles of the Treaty of Waitangi, so far as they are not inconsistent with the National Parks Act 1980.

Through the traditions of the ancestors, whakapapa and links with iwi living in this land since the time of Rākaihautū, Ngāi (Kāi) Tahu, Ngāti Apa, Ngāti Kuia, Ngāti Toa and Ngāti Rārua are the iwi which claim mana over the park. They maintain kaitiakitanga over the land and derive their mana from it. The management of the park recognises these important spiritual and cultural links by seeking iwi advice and co-operation.

The Nelson/Marlborough Conservation Management Strategy sets out the basis for giving effect to the principles of the Treaty of Waitangi as they relate to this conservancy. The most significant matters relate to the maintenance or protection of wāhi tapu, traditional and archaeological sites. The iwi also maintain a strong interest in the park's flora and fauna, particularly those species that formerly provided cultural material and traditional foods. The park is now an important sanctuary and nursery for these species, some of which may be taken by iwi in other places (see 4.4 Customary Use). Activities which seek to restore this mana through pest removal or enhancing the survival of traditional foods such as tuna (eels), kūtai, weka, kererū, kākā and kiwi are supported by iwi.

Settlement of the Ngāi Tahu Treaty of Waitangi claim has been negotiated with the Crown and this will affect the way in which the Department manages some areas of Nelson Lakes National Park. Settlement of other claims may require specific actions or place obligations on the Department. Mechanisms established in the Deed of Settlement and Ngāi Tahu Claims Settlement Act 1998 place a number of specific obligations on the Department with respect to land which it administers, within the Ngāi Tahu takiwā/area, in addition to the general duty imposed by section 4 of the Conservation Act 1987. The Ngāi Tahu takiwā/area boundary is shown on map 12.

Pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998, the Minister of Conservation has issued Protocols in relation to the Department's relationship with Ngāi Tahu. In this context, section 281 of the Act provides:

“... the term ‘protocol’ means a statement in writing, issued by the Crown through the Minister of Conservation to Te Rūnanga o Ngāi Tahu, which sets out:

- (a) How the Department of Conservation will exercise its functions, powers, and duties in relation to specified matters within the Ngāi Tahu claim area; and*
- (b) How the Department of Conservation will, on a continuing basis, interact with Te Rūnanga o Ngāi Tahu and provide for Te Rūnanga o Ngāi Tahu 's input into its decision-making process.”*

The 'specified matters' dealt with in the Protocols are:

- cultural materials;
- freshwater fisheries;
- the culling of species of interest to Ngāi Tahu;

- historic resources;
- Resource Management Act 1991 involvement;
- visitor and public information.

The Protocols, which are enforceable against the Minister of Conservation by way of public law action (section 285), make general statements about how the Department should conduct its business in these areas. The Protocols also establish a process whereby Te Rūnanga o Ngāi Tahu can have input into the Department's business planning processes and identify specific projects to be pursued, subject to available funding.

Implementation

2.0.1 The Department will give effect to its statutory obligations and the principles of the Treaty of Waitangi in a manner not inconsistent with the National Parks Act 1980.

2.0.2 Certain provisions of the Ngāi Tahu Claims Settlement Act 1998 affect management of park land which is in Ngāi Tahu's takiwā/area and the Department recognises that empowering legislation from other claim settlements may also affect the implementation of this plan.

CMS REFERENCE:

Treaty Obligations – page 111.