



Fisheries Treaty Strategy Overview



What is the Treaty Strategy?

The Treaty Strategy is the plan for realising the following vision:

Tangata whenua and the Crown working in partnership to provide for the utilisation of fisheries resources while ensuring sustainability:

- > having particular regard to Kaitiakitanga
- > with the Crown meeting its obligations to Māori.

Tangata whenua and the Crown are in a partnership grounded in the Treaty of Waitangi. Within this broad partnership, and informed by the principles of the Treaty, tangata whenua and the Crown have negotiated and agreed explicit rights and obligations relating to fisheries and aquaculture. These negotiated agreements are generally embodied first in settlements and then in legislation.

The following legislation sets out the rights and obligations of tangata whenua and the Crown.

- > Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Māori Fisheries Act 2004, which contain commercial fishing rights, non-commercial fishing and management rights, participation and consultation rights.
- > Fisheries Act 1996, which contains commercial fishing rights, non-commercial fishing and management rights, participation and consultation rights.
- > Māori Commercial Aquaculture Claims Settlement Act 2004, which contains rights relating to aquaculture.

Agreements have also been reached as an outcome of historic Treaty settlements or Foreshore and Seabed negotiations. These specify in greater detail the non-commercial customary fishing and management rights agreed in the 1992 Settlement.

The Māori Fisheries Act 1989 has been repealed, as the obligations it contained have been delivered, but it forms part of the statutory base through which fisheries rights were delivered.

The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 was a comprehensive settlement so this Act and related legislation (set out at left) expresses the full scope of Māori fisheries rights. In some areas the legislation provided for the detailed expression of the rights to be further articulated, such as in the development of policies and regulations to provide for customary non-commercial fishing. The Treaty principles and settlement obligations may provide guidance on the interpretation and implementation of the rights and obligations contained in the legislation but they are not a source of substantive additional obligations on the Crown.

What's in the Treaty Strategy?

The Treaty Strategy contains drivers, enabling processes, and components which are summarised below.

Treaty Strategy Drivers

The drivers for the Treaty Strategy are the legislative obligations, Treaty principles, and Deed of Settlement obligations that the Crown owes to tangata whenua and Māori in the area of fisheries and aquaculture. Government priorities and strategies for delivering on these principles and obligations also drive the Treaty Strategy, as does the broader goal for fisheries management (recently confirmed in the Fisheries 2030 process). Tangata whenua priorities are equally important drivers.

Treaty Strategy Enabling Processes

The following processes are required to enable the Treaty Strategy to be effectively developed and delivered.

1. Ministry processes for governance, monitoring, and evaluation

Governance tasks include developing, coordinating, widely communicating, and assigning accountability for delivery on Ministry activities to deliver on the strategy. Monitoring and evaluation includes reporting on progress against agreed performance indicators, evaluating effectiveness, and adapting activities to better achieve outcomes.

2. Tangata whenua processes for governance, monitoring, and evaluation

These processes enable tangata whenua to engage as Treaty partners in order to realise their rights and deliver on their obligations with respect to fisheries and aquaculture. Tangata whenua need to be able to set their own goals, develop their own strategies, and evaluate progress against these goals and strategies.

3. Tangata whenua and Crown processes for engagement

These processes support the development and implementation of actions to deliver on the Treaty Strategy vision. Consensus on all matters is not required or likely. Some working agreement on the way forward is necessary however because development and implementation of the Treaty Strategy requires the cooperation and joint efforts of both partners. The greater the degree of consensus, the more effective the Treaty Strategy is likely to be. Recent decisions by the Ministry on input and participation have expressed a preference for engagement processes which bring together and integrate views representative of all iwi and hapū fisheries interests (commercial, non-commercial, and kaitiakitanga).

Treaty Strategy Components

Below is the list of the components of the Treaty Strategy which the Ministry of Fisheries will be responsible for developing (with input from tangata whenua). The Treaty Strategy as a whole has two further dimensions. These include the objectives and strategies which tangata whenua develop and bring to the engagement table and the matters which are jointly agreed between the Ministry and tangata whenua. As noted above, the Treaty Strategy needs to have

jointly agreed elements because developing and implementing the Treaty Strategy requires the cooperation and joint efforts of both partners. The Treaty Strategy also needs to be able to evolve over time.

The components of the Treaty Strategy which the Ministry of Fisheries takes responsibility for developing, with input from tangata whenua, include:

- > a **vision and outcomes** to expand on the vision
- > a **coordinating policy and/or set of principles** to guide decisions and ensure that different obligations are delivered in a coordinated manner

This guidance is required to realise the full potential of the Treaty partnership and settlement obligations. The development of this coordinating policy and/or principles is the vehicle to deliver on the 2030 action 'seek consensus on how to fully implement the Fisheries Deed of Settlement and historic Treaty settlements'. The need for better coordination, and the problems caused by its absence, have been acknowledged by both tangata whenua and the Ministry. The policy is required in addition to the enabling processes referred to above. It provides guidance for resolving tensions and realising synergies when making decisions within those processes.

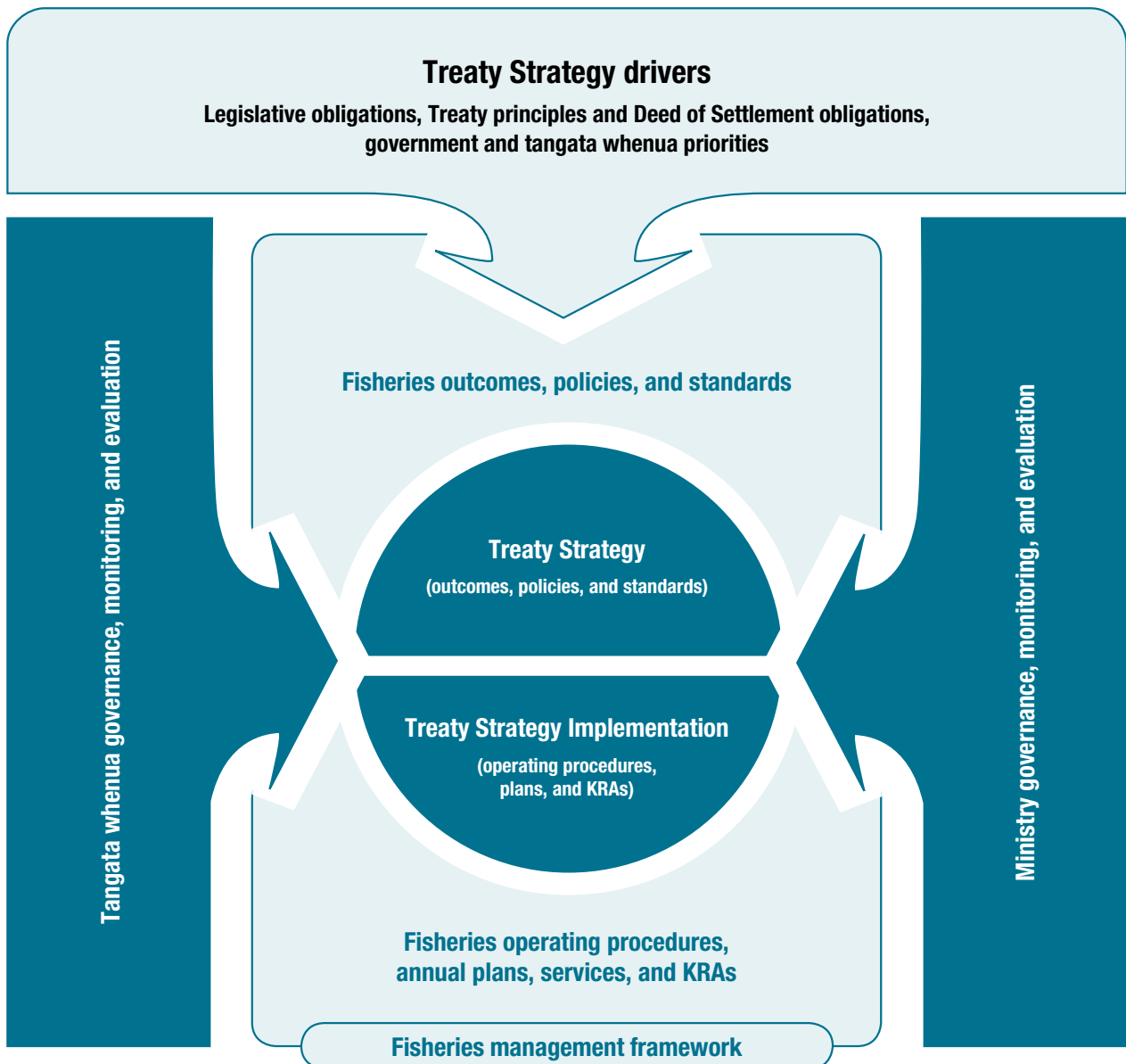
- > **policies** for delivering on particular obligations or for guiding particular activities
- > **standards** for specifying requirements for delivering on policies or obligations
- > **operating procedures, annual plans, services, and key result areas (KRAs)**

Operating procedures are the more detailed arrangements for realising particular policies or standards, for example, for engaging with representatives of tangata whenua fisheries interests at a local, regional or national level; for providing for tangata whenua participation in fisheries plans; or for supporting non-commercial customary management. Annual plans set out activities, services, and resource allocations and are required for the entire Ministry and for each business group within the Ministry. The activities provided for in plans need to be translated down into KRAs for individual staff members and tasks.

We will need to identify performance indicators for the various components above. These will allow us to monitor the delivery of outcomes and decide what changes we should make to our activities over time.

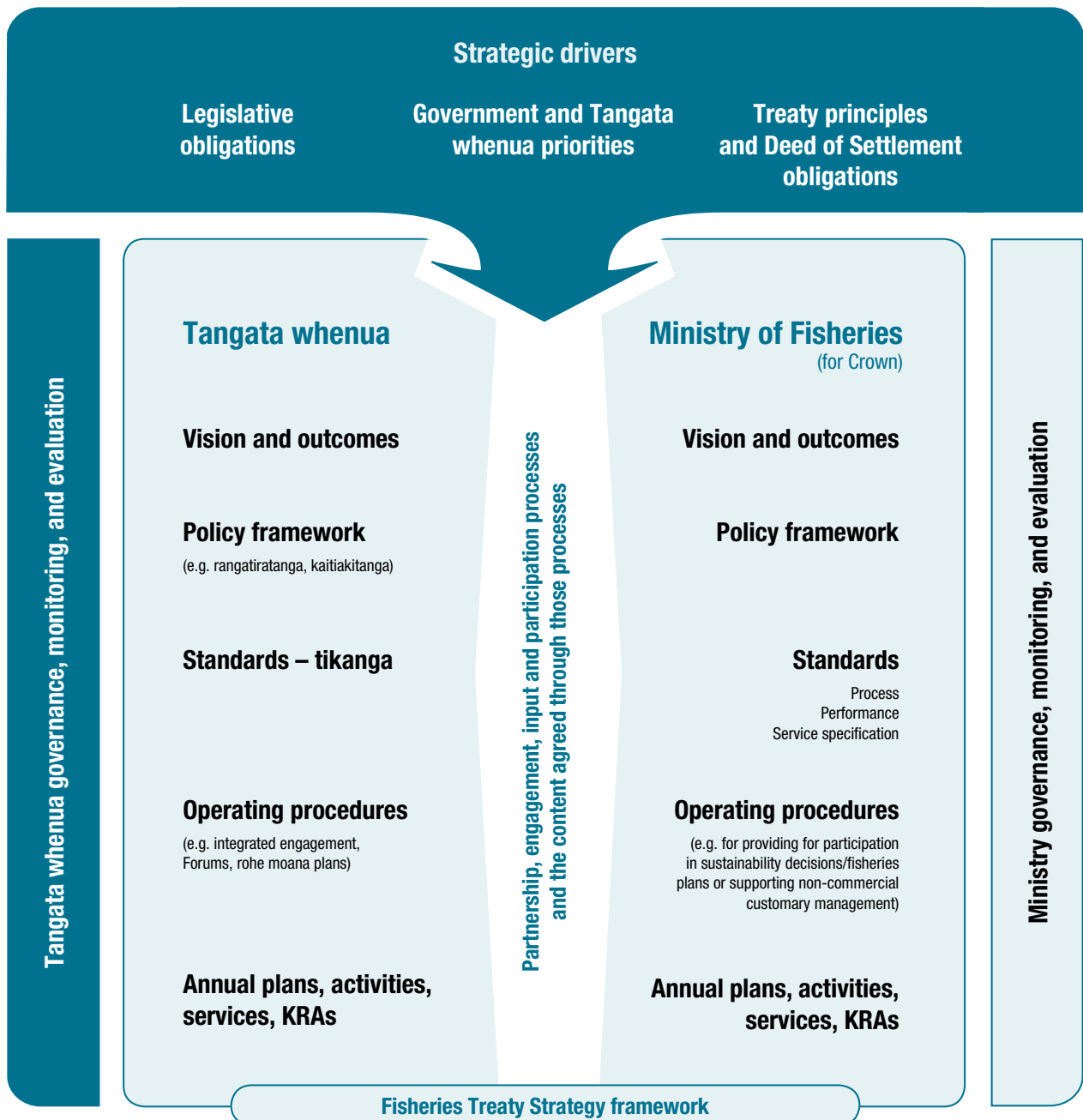
The Fisheries Treaty Strategy occurs within both the fisheries management framework and the broader tangata whenua– Crown relationship. This is set out in the diagrams that follow.

Figure 1: The Fisheries Treaty Strategy occurs within the Fisheries Management Framework



The Treaty Strategy has drivers (in the top panel), enablers (in the left and right panels), and content which occurs within the fisheries management framework (centre of the diagram). Decisions about how best to deliver the Treaty Strategy, including decisions on resourcing, need to take place within the strategic prioritisation decisions for fisheries management and for the Crown’s delivery on its Treaty partnership responsibilities as a whole.

Figure 2: The Fisheries Treaty Strategy occurs within the Crown–Tangata whenua partnership



This diagram shows the:

- > drivers of the Treaty Strategy in the top panel
- > enablers in the left, right, and centre panels
- > content in the middle.

The three dimensions of the content are the:

- > Crown contribution on the right
- > tangata whenua contribution on the left (contents are indicative only as these boxes are for tangata whenua to fill)
- > jointly agreed matters which result from the engagement processes in the central column.