

Land Claims

The Path Towards Recolonization:

**A Look at the Inuvialuit Final Agreement in
Canada and the Ngāi Tahu Settlement in New Zealand**

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Do land claims represent decolonization? Looking at the Inuvialuit Final Agreement (Canada) and the Ngāi Tahu Settlement (New Zealand), this paper argues that, in theory as well as in practice, land claims do not represent decolonization because they do not remove the direct control of the state and ultimate decision-making power remains in the hands of the state. Decolonization for the purposes of this paper is not understood as formal independence (complete sovereignty) but rather is understood as a process leading to a situation in which a collectivity (Aboriginal/Indigenous groups, the two terms will be used interchangeably) gains the ability and power to make and affect political, economic, and social decisions without external direction or with equal influence as other members of the state on matters that directly affect the collectivity. This paper begins by outlining the purpose and importance of land claims in addition to the events that gave rise to the Inuvialuit Final Agreement (IFA) and the Ngāi Tahu Settlement. The paper will then compare the political, economic, and social implications, within the last 10 years, of both the IFA and the Ngāi Tahu Settlement to demonstrate that land claims are about the transferring of land and not the transferring of power great enough to affect decisions of the state and therefore, do not amount to decolonization.

HOW WE GOT HERE

Land claims are designed to outline and define a wide range of rights and benefits for a particular group in order to facilitate economic growth and self-sufficiency. (INAC, 2004) Land claims ensure that the interests of aboriginal groups are recognized while allowing for them to share in the benefits of economic development. (INAC, 2004) The 2007 Auditor General's Report in Canada states that comprehensive land claims agreements recognize the continuation of Aboriginal rights and title based on traditional use and occupancy of the land. (OAG, 2007) According to Indian and Northern Affairs Canada, comprehensive land claims,

Usually include full ownership of certain lands in the area covered by the settlement; guaranteed wildlife harvesting rights; guaranteed participation in land, water, wildlife and environmental management throughout the settlement area; financial compensation; resource revenue-sharing; specific measures to stimulate economic development; and a role in the management of heritage resources and parks in the settlement area. (INAC, 2004)

These have been the guiding principles for the settlement of land claims in both Canada and New Zealand.

Beginning with Canada, the negotiation and settlement of land claims arose from Supreme Court decisions, more specifically, the decisions of *Calder vs. Attorney General, 1973*, and the *Berger Inquiry*. In 1973, via the *Calder* decision, the Supreme Court of Canada confirmed the existence of Aboriginal title as a concept of Canadian common law. (INAC, 2007) In this case the Nisga Nation claimed it historically, and presently, held Aboriginal title over traditional land. (INAC, 2007) The Court agreed and held that, "this right had not been extinguished unless it was specifically and knowingly surrendered." This led the federal government to adopt a process to settle outstanding land claims. (Anderson et al, 50) Furthermore, in 1974 a group of multinational oil companies submitted requests to the Canadian government to begin building a

pipeline that would carry natural gas from the Mackenzie Delta and Prudhoe Bay in Alaska to markets in southern Canada and the United States. Because of Aboriginal opposition to this project an inquiry headed by Justice Thomas Berger was established to examine and consider the issues surrounding the pipeline. (Anderson et al, 50) Proponents of the pipeline argued that industrialization in the north was inevitable, desirable, and would subsequently lead to a higher standard of living and quality of life for Aboriginals. (Anderson et al, 50) These supporters believed that the natural resources in the north did not belong solely to Aboriginals but to all of Canada. (Anderson et al, 50)

Indigenous groups, on the other hand, believed that, “this massive assault on the land base of Native northerners threatened their basic economic resources and the way of life that these resources sustained...when all the riches were taken out from under them by foreign companies, Native land and culture would have been destroyed and people left with nothing.” (Usher, 1993 cited in Anderson and Barnett, 10) After an examination of the issue Justice Berger’s report recommended a ten year suspension on the project to allow for the strengthening of Indigenous society, the Indigenous economy, and to enable the settling of Indigenous land claims. (Anderson et al, 50) These decisions opened up a new chapter in the relationship between Aboriginals, the governments of Canada, and corporations wishing to develop on traditional lands as it forced governments in Canada to begin settling outstanding land claims with Aboriginal groups. (Anderson et al, 50) Amongst these claims was the IFA of 1984.

In contrast, beginning in 1840 in New Zealand the British Crown and the Maori signed the Treaty of Waitangi which allowed the Crown to purchase land from the Maori while promising to set aside 10% of the land for Maori use and promising to build schools and hospitals on these lands. (Te Runanga O Ngāi Tahu, 2008) In 1848 the Crown purchased ten major pieces of land from the Ngāi Tahu, the third largest tribe in New Zealand. (Anderson and Barnett, 30) The Crown breached the terms of the Treaty, resulting in the Ngāi Tahu being dispossessed of their land and losing access to food gathering resources and sacred places. (Te Runanga O Ngāi Tahu, 2008) Consequently, the tribe was excluded from participating in the land-based economy and unable to continue their business and activity of sea fishing which ultimately led to their impoverishment. (Waitangi Tribunal, 2008)

In 1975 the Treaty of Waitangi Act established the Waitangi Tribunal to examine recent and, later on in 1985, to examine past breaches of the Treaty. (Anderson and Barnett, 28) This led to the filing of the Ngāi Tahu claims in 1986, with the Tribunal handing down its Report on the Claims in 1991, and began negotiations that dealt with land and food sources ownership, fishery rights, and individual Ngāi Tahu grievances. (O’Regan et al, 48-49) Believing that the Crown had committed grave injustices against the tribe, the tribe attempted to gain redress for such injustices including, according to Te Runanga O Ngāi Tahu, “stolen land and food sources, fisheries and forests, the claim also relates to hospitals and schools, which Crown agents had promised would be built and provided for iwi in each area when the land purchases were made.” (Te Runanga O Ngāi Tahu, 2008) Negotiations were suspended unilaterally by the Crown in 1994 and did not resume until 1996. (Te Runanga O Ngāi Tahu, 2008) These negotiations finally led to the Ngāi Tahu Settlement of 1998.

THE POLITICAL IS LOCAL

This paper begins with a look at the political outcomes and implications of land claims; it is the political aspect which provides Aboriginals with the power and rights to chart a new future for themselves. The IFA and the Ngāi Tahu Settlement have given both groups access to and control over certain resources and areas of land to allow for the continuation of the groups' way of life. However, neither agreement granted self-government or any real political power to affect decisions of the Canadian federal state or the New Zealand unitary state. Given this, it is evident that land claims are essentially about the transferring of land and not the transferring of power. Therefore, land claims do not represent decolonization because as these two settlements demonstrate they allow merely for the creation of localized administrations and do not grant national political power.

Signed in 1984, the IFA provided the Inuvialuit with "91 000 square kilometres of land, \$45 million to be paid over 13 years, guaranteed hunting and trapping rights, and equal participation in the management of wildlife, conservation and the environment, a \$10 million Economic Enhancement Fund and a \$7.5 million Social Development Fund." (INAC, 2004) The Inuvialuit Regional Corporation (IRC), created shortly after the inception of the IFA, was designed to oversee the management of the land settlement in order to achieve the goals set out in the IFA. (ICG, 1997, cited in Anderson et al, 51) According to the IFA, the goals include: preserving Inuvialuit cultural identity and values within a changing northern society; enabling Inuvialuit to be equal and meaningful participants in the northern and national economy and society; and to protect and preserve the Arctic wildlife, environment and biological productivity. (IFA, 05) However, the IFA makes no reference to self-government or mechanisms for greater political influence outside of the local community. For example, the IFA states that the government will continue to control development activities and retain ultimate responsibility for environmental management and will only provide the Inuvialuit with a greater role for participation in the management of the Settlement Region. (INAC, 1984) Clearly, this does not grant significant political power to the group.

In addition, according to the IFA, ownership rights exist only when such rights do not interfere with the interests of the Crown. This is evident in the agreement which granted Inuvialuit full surface and subsurface rights but these rights are extinguished in areas which contain oil and gas reserves. (INAC, 1984) Furthermore, lands that were proven to contain oil and gas were not available for selection by the group. (INAC, 1984) The agreement also states that, the lands are to be wholly owned and controlled by the beneficiaries. However, the Inuvialuit are only granted the right to sell the land, if they choose, to other Inuvialuit or to the Crown, thereby restricting the group's private property rights. (INAC, 1984) Thus, the transferring of land accompanied many restrictions in favour of retaining state power. This is also evident in the New Zealand instance.

Comparatively, the Ngāi Tahu Settlement of 1998 was the first comprehensive land claim in the history of the Treaty of Waitangi. (Anderson and Barnett, 31) Similar to the IRC in the Canadian case, the Ngāi Tahu created the Office of Te Runanga O Ngāi Tahu shortly after the settlement which is the executive arm for both the Ngāi Tahu Holding Corporation Limited and the Ngāi Tahu Development Corporation. (Anderson and Barnett, 31) According to Te Runanga O Ngāi Tahu, "Ngāi Tahu received cultural redress in the form of confirmation of the ability for Ngāi Tahu to express its traditional kaitiaki relationship with the environment, tribal redress, an apology from the Crown, acknowledgement of the role of our taonga Aoraki and economic

redress in the form of a payment of \$170 million plus the ability to purchase property from the Crown.” (Te Runanga O Ngāi Tahu, 2008) The Settlement provided built-in mechanisms that allowed the tribe to choose lands/assets (schools, churches, etcetera) most appropriate for the tribe’s needs.

These built-in mechanisms included but were not limited to the Deferred Selection Process (DSP) and Right of First Refusal (RFR). The DSP provided Ngāi Tahu with the ability to purchase any lands/assets in what was called the DSP “pool” of assets. According to Te Runanga O Ngāi Tahu this mechanism, “allowed the tribe to buy if it chose to, Crown assets from a defined 'pool', within 12 months of Settlement Legislation being passed, up to a total value of \$250 million.” (Te Runanga O Ngāi Tahu, 2008) This clause allowed the Ngāi Tahu to purchase a range of assets in different sectors and locations that would maximize the capital required for social development. (Te Runanga O Ngāi Tahu, 2008) In addition, the Ngāi Tahu Settlement built in a RFR mechanism, which allows the Ngāi Tahu the opportunity to be the first to acquire a large range of Crown asset at current market value when the Crown chooses to sell them. (O’Regan et al., 51) What is demonstrated here through the Settlement is the granting of purchasing power but not the granting of political power beyond the limits of the community.

For example, when the TīTi Islands, which are sacred to the Ngāi Tahu, were transferred back to the group, the Crown granted statutory responsibilities for control and management of these islands. (Te Runanga O Ngāi Tahu, 2008) The Islands are managed by Rakiura Maori as if they are a nature reserve. According to Te Runanga O Ngāi Tahu, the group “will have full responsibility for the control and management of the islands, including the power to make by-laws.” (Te Runanga O Ngāi Tahu, 2008) However, Rakiura Maori must act in accordance with the terms and conditions of the transfer of the islands and the prevailing laws of the land thereby limiting and localizing the group’s political power. (Te Runanga O Ngāi Tahu, 2008) Even more limiting is the Deed of Recognition which became part of the settlement, which, similar to the IFA in Canada, leaves final decision-making power over conservation in the hands of the Crown. As the Department of Conservation states,

A Deed of Recognition aims to make sure Ngāi Tahu has input into management of specified areas...Under a Deed of Recognition, there is specific obligation to consult Ngāi Tahu and have particular regard to its views in relation to the management or administration of areas. However, neither the Deed nor the other instruments prevent input from other parties and does not provide Ngāi Tahu with the final decision-making power. Responsibility for decisions remains with the Crown under current law. (Department of Conservation, 2008)

It is evident that like the Inuvialuit in Canada, the Ngāi Tahu do not retain final decision-making authority over matters pertaining to conservation/environment management in the Settlement region. Indeed, the Settlement has provided the Ngāi Tahu a greater forum for participation but it does not yield the tribe any real power to influence the affairs of the state.

Although it may appear that the Ngāi Tahu Settlement in comparison to the IFA allows the tribe more freedom to choose which lands to acquire, unfortunately both land claims do not amount to decolonization. In the Canadian case, federalism in Canada has the power to provide a collectivity with a great deal of self-government, such as that enjoyed by the Province of Quebec. However, the IFA does not provide the sharing of powers and the degree of self-

government that the federal and provincial governments benefit from. It simply grants local powers under the watchful eye of the Crown. This is evident in the fact that the Inuvialuit are not given rights to areas of interest to the Crown such as those containing oil and gas, they are given limited property rights, and the group is restricted from having final decision-making power over environmental management of the Settlement region in which they live. Consequently, the Inuvialuit do not possess national political power to influence or shape decisions of the state. This is not to suggest that the provision of self-government alone will ultimately lead to decolonization. Nonetheless, some degree of self-government may assist in moving the process along. Unfortunately, until this occurs the IFA does not amount to decolonization and offers the group little more than the status of local government.

Unlike Canada, New Zealand is a unitary state. Ultimately, decision making authority rests with the prime minister and the House of Representatives. The Ngāi Tahu Settlement, like the IFA, does not offer a considerable shift in decision making powers from the state to the tribe. It is simply concerned with the sharing of land and maximizing the use of the land for both the Crown and the group in question. However, in the case of New Zealand, the process of decolonization is more difficult. Being a unitary state, granting equal and effective political power to the Ngāi Tahu, or any tribe for that matter, would be a radical change. If final decision-making power remains with the Prime Minister and the House of Representatives, in what capacity can Aboriginals have an effective role in the political process? Admittedly there is a precedent in the British unitary state, where Wales and Scotland were given a significant amount of self-government when the two countries were each granted an elected assembly. Possibly a similar process in which the tribe gains a certain degree of legislative autonomy could occur in New Zealand in order to advance decolonization. Until then, land claims lack the potential to be decolonizing because the direct control by the state continues.

THE MEASUREMENT OF ECONOMIC SUCCESS

Land claims provide Aboriginals with the capital needed for self-sufficiency and to reap the rewards of economic development. As mentioned earlier both the Inuvialuit and the Ngāi Tahu received financial packages to assist in the development of the groups' economies and socio-economic goals. Both groups have generated impressive revenues and investment portfolios over the past several years. However, like most players in the market economy both groups remain subject to the constraints of the state and the insecurity of the marketplace because the Settlements did not granted the power to effect economic change. Therefore, without the ability to truly develop on their own terms, the economic goals envisioned in these land claims (meaningful participation in regional and national economies through investment, employment, and skills training) do not amount to decolonization.

In the Canadian case, the IRC was created to receive lands and financial compensation obtained in the IFA. The Inuvialuit received a financial compensation package which included \$45 million in cash compensation to be paid over thirteen years, a \$7.5 million Social Development Fund, and a \$10 million Economic Enhancement Fund. (Anderson et al., 51) From this the Inuvialuit has acquired, invested, and co-operated with other industries to build and increase the Inuvialuit's economic portfolio. This has led to impressive financial performances according to the IRC, which estimated the group's 2007 net earning to be over \$35.5 million. (IRC, 2007) Starting with over \$65 million, the Inuvialuit have grown their capital to well over

\$300 million. (IRC, 2004) The group attributes its economic success to its ability to identify opportunities, create businesses, and diversify assets in sectors such as technology and communication, transportation, tourism, and, oil and gas. (Anderson and Barnett, 24) Robert Anderson and Corinne Barnett note that these companies operate in the north, nationally, and internationally and more importantly, many of the group's joint ventures involve non-Indigenous corporate partners. (Anderson and Barnett, 24) However, it will be demonstrated below that the IFA has not afforded the Inuvialuit with the tools needed to affect economic decisions whether in national or international markets.

In Section 16 - Economic Measures, the IFA states that,

Canada and the Inuvialuit agree that the economic measures set out in this section should relate to and support achievement of the following objectives: (a) full Inuvialuit *participation* in the northern Canadian economy: and (b) Inuvialuit integration into Canadian society through development of an adequate level of economic self-reliance and a solid economic base...16.(4) The government agrees to provide the Inuvialuit with the opportunity to *participate* in economic planning in the Inuvialuit Settlement Region. (Emphasis added, IFA, 1984, 32)

This demonstrates that though the Inuvialuit gained some degree of control over the activities on their traditional lands and is granted participation in the development of such lands, they do not possess the power necessary to affect the course of larger scale economies, especially in terms of resource development. For example, the inception of the IFA did not put an end to the exploration for oil and gas in the north even though previously it was suggested that such activities would endanger the traditional livelihood of indigenous people based on the land. (Usher, 1993 cited in Anderson and Barnett, 10) Furthermore, section 7(50) to (58) states that the Inuvialuit themselves cannot expropriate their own lands without the consent of the federal cabinet. (Keeping, 20) Granted that the Inuvialuit have the right to control activities on their lands for cultural purposes, the power to affect economic development on the lands essentially remains with the state. The IFA does not provide the tools necessary for meaningful economic participation on a larger scale and therefore, the Inuvialuit economy remains subject to the dictates and perils of government and market forces.

Like the IRC, the Office of Te Runanga O Ngāi Tahu's economic branch, the Ngāi Tahu Holding Corporation Limited, "is responsible for guarding and increasing the money received in the settlement and to pass the profits onto the Ngāi Tahu Development Corporation." (Katschner, 11 cited in Anderson and Barnett, 31) The Corporation's business investment and ventures have also led to impressive financial performances. The tribe's 2007/2008 annual report estimated the tribe's net profit to be NZ\$64.1 million. (Te Runanga O Ngāi Tahu, 2008) Investing and acquiring assets in areas of fishing, property, tourism, and equities, the Ngāi Tahu have been able to transform NZ\$170 million into NZ\$441 million within six years of the settlement and make themselves the second largest land owners in the South Islands, only behind the Crown. (Slowey, 10-11)

O'Regan et al note that, "Today, Ngāi Tahu have strategic investments in key areas of the New Zealand economy, including fishing (Ngāi Tahu Seafood), tourism, property (managed by Ngāi Tahu Property Limited) and a diversified equities portfolio." (O'Regan et al, 57) By focusing on a few key sectors of the economy the Ngāi Tahu have become successful

entrepreneurs. However, like the Inuvialuit in Canada, the Ngāi Tahu have no real ability to affect economic change on a larger scale. For example, the Ngāi Tahu Settlement did not give the tribe power to oversee the distribution of fishing quotas under the Quota Management System though the tribe did receive a greater role in the conservation of fisheries. (Department of Conservation, 2008) To overcome this, the tribe's fishing business Ngāi Tahu Seafood, being the tribe's largest financial asset to the extent of 40%, had to enter into joint ventures with fisherman who have existing fishing quotas whether they are Ngāi Tahu or not. This has been the tribe's chief approach to gain greater leverage in its primary industry, a mechanism which was not provided by the Settlement. (O'Regan, 57) Consequently, O'Regan et al states that, "To date, the settlement process has had only modest success in driving local and regional economic and cultural empowerment within Ngāi Tahu." (O'Regan, 58)

What has transpired from the IFA and the Ngāi Tahu Settlement is capital growth but not economic power. The IFA and the Ngāi Tahu Settlement have not given either group the tools or power necessary to be equal and effective players in the development of land and resources for large markets. The Inuvialuit gained control over traditional activities on their lands but did not receive the freedom to decide how the land would essentially be developed; therefore leaving ultimate decision-making power in the hands of the state and the marketplace. Similarly, the Ngāi Tahu remain subject to the dictates of the state as they are unable to affect national economic decisions and this is overtly expressed in their inability to effectively manage the allocation of fishery quotas. The process of decolonization in the true sense requires the removal of direct state authority which would allow Aboriginals to develop on their own terms and to have a genuine role in deciding how land and resources are used, developed, and expropriated. Unfortunately, the IFA and the Ngāi Tahu Settlement in theory and in practice lack the avenues necessary to lead to decolonization.

SOCIO-ECONOMIC DEVELOPMENT

The attainment of economic success, measured by the Inuvialuit and the Ngāi Tahu in terms of revenue generation, has opened the door to provide Aboriginals with an opportunity to improve the socio-economic status of the collectivity and its members. At the root of this objective is the struggle to raise the Aboriginal standard of living to the level enjoyed by the groups' non-Aboriginal counterparts. The IFA acknowledges that, "the health, education, housing and standards of living of the Inuvialuit need to be improved." (IFA, 1984) The criteria stated above are the benchmark, by which to measure the socio-economic and subsequently the social decolonizing success, of any Aboriginal group. Though both the Inuvialuit and the Ngāi Tahu have enjoyed relative economic success it is evident that this success has not translated into socio-economic success, as will be demonstrated below. Thus, land claims are not decolonizing because they do not guarantee a standard of living at par with the general population which would allow Aboriginals to be meaningful and equal participants of their communities and society at large through informed political participation (electoral participation, political party participation, participation in public consultation, etc.)

The IFA's Social Development Fund of \$7.5 million was established to create programs which would alleviate the social struggles plaguing the Inuvialuit since colonization. This included housing, health, welfare, mental health, education, elders' concerns, and maintenance of traditional practices. (INAC, 1984) To date the Inuvialuit appear to be successful at funding such

programs. According to the IRC's 2007 annual report, the IRC provided \$8 600 000 in support for community wellness and capacity building programs. (IRC, 02) In previous years, examining the period between 2000 and 2002 to coincide with the last available comparative Canadian Health Statistics, the Inuvialuit Corporate Group has paid out close to \$787 652 in student financial support and provided over \$1.5 million to various community groups and individuals for social purposes. (These numbers reflect combined totals from 2000 to 2002. IRC, 2000, 2001, 2002 cited in Anderson and Barnett, 27) However, these numbers are deceiving because such programs have not led to a standard of living at par with the non-Indigenous population.

For instance, looking at the 2001 Canadian health statistics shows that Aboriginal health remains below that of the general population. The life expectancy of the Inuit population residing in the Inuvialuit region is 12 years lower than that of the non-Indigenous population. (Wilkins et al., 2008) Wilkins et al state that,

Analysis of the 2001 Census data revealed lower levels of education and income and poorer housing conditions for the Inuit-inhabited areas compared with Canada as a whole. Any or all of these, in addition to lifestyle risk factors and environmental conditions, could be at least partly responsible for the lower life expectancy in those areas. (Wilkins et al., 2008)

Though these data is dated, its publication fifteen years after the inception of the IFA suffices to demonstrate that land claims have not guarantee a higher standard of living, one that would place Aboriginals on an equal socio-economic footing as the general population and therefore, lead to greater political participation. (Gidengil et al, 173) Unfortunately, the Ngāi Tahu suffers the same social ailments.

Like the Inuvialuit in Canada, the Ngāi Tahu also use revenues from the tribe's business ventures to fund education, health and cultural programs. (Katschner, 11 cited in Anderson and Barnett, 34) In 2005 the Ngāi Tahu Development Corporation (branch responsible for the development of social benefits) reported spending over \$8.4 million on social independence programs which provided half a million dollars for education programs. (Te Runanga o Ngāi Tahu, 42) Unfortunately, this spending has not translated into socio-economic equality and this. For example, education statistics available through the 2006 New Zealand census suggest that approximately 22% of the non-Maori population over the age of 15 have no formal qualifications in education while that number increases to 29% for the same demographic group amongst the Ngāi Tahu. (Statistics New Zealand, 2006) These statistics suggest that the Ngāi Tahu levels of education are far behind those of their non-Aboriginal counterparts and therefore, continue to lack a standard of living at par with the non-Indigenous population in New Zealand.

The driving focus behind both the IFA and the Ngāi Tahu Settlement was to provide both groups the tools necessary to develop their economies and lead to self-sufficiency both economically and subsequently socially. This would allow the Inuvialuit and the Ngāi Tahu to become meaningful participants in the larger societies in which they live. In reality this has not occurred. Neither settlement guarantees social decolonization through the attainment of a standard of living equivalent to the larger population and thus, the goal of integration and full participation in society equal to non-Indigenous citizens has not yet been achieved. More precisely, Anderson and Barnett state that,

the agreements seem to be fostering economic development among Aboriginal peoples in Canada and the Maori in New Zealand, often in mutually beneficial alliances with the rest of the population...However, as successful as these activities have been, they have yet to raise the socio-economic conditions among the affected Aboriginal and Maori groups to anything close to the level of the non-Indigenous population in Canada and New Zealand. (Anderson and Barnett, 36)

Undoubtedly, the improvement of socio-economic conditions amongst these two groups will not occur overnight. The question that remains to be answered is whether it is occurring at all. The long term impact of land claims on Aboriginal standard of living is in its infancy and it may be too soon to make conclusive observations. However, the data presented here do demonstrate that to date land claims have not led to a standard of living similar to that enjoyed by the non-Indigenous populations in these countries. Therefore, decolonization, defined here as the process leading to a collectivity gaining the ability to be equal and meaningful participants of the political and economic process and in society at large, through land claims does not exist.

CONCLUSION

This paper has answered the question: do land claims represent decolonization? It has demonstrated that land claims, specifically the IFA and the Ngāi Tahu Settlement, do not represent decolonization because the Settlements do not remove the direct control of the state over the political and economic affairs of the group in question. Essentially, land claims are about transferring and sharing land between a particular Aboriginal group and the state. Land claims do not provide for self-government in any meaningful capacity similar to that enjoyed by the federal and provincial governments in Canada and the central government in New Zealand. Admittedly, land claims do provide the mechanisms and capital needed for economic self-sufficiency and to allow for the groups to reap the benefits of economic development. However, economic development does not occur on Aboriginal terms as ultimate decision-making power regarding the use, development, and expropriation of the lands and resources remain in the hands of the state. Furthermore, land claims do not guarantee the social-economic equality required for Aboriginals as individuals and as a collectivity to be meaningful and true participants of society. This is not to suggest that Aboriginal groups desire formal independence but what needs to be considered is how much independence and degree of self-government these groups desire. It is when these groups can determine their own path to development that decolonization exists. Until then, the process towards decolonization and decolonization itself is absent in the settlement of land claims.

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