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# **Restoring the flow:**

## **Challenging the existing management frameworks to integrate Mātauranga Māori**

By

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A thesis submitted in fulfilment of the requirements for the degree of

**Master of Social Sciences**



THE UNIVERSITY OF  
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*Te Whare Wānanga o Waikato*

**Te Whare Wānanga o Waikato**

**2012**

*He tohu maumahara tēnei mō te kuia, te wahine toa a Winifred Ngaroma McKenzie (1940-2010). Kāore mātou kia warewaretia ōu mahi e tiaki ana a mātou wai e kānapanapa ana, arā ko Taupō moana.*

He wero tēnei ki ngā tangata whenua katoa o tēnei motu, ahakoa i tā te ao Pākehā ko te putea te mea nui kia kaua e warewaretia tō hononga ki tēnei whenua, tō tūrangawaewae.

## **Ko wai a hau**

*Uia mai rā, ‘Ko wai koe?’ Ko te whakahoki, ‘Ko wai ahau.’ Inā rā ahau te wai. Ko ngā wai o ōku moana, o ōku awa, ko ngā wai e maringi mai ana, e māturuturu iho ana i tōku tūpuna i a Ranginui, ko ngā wai kei roto i a au. Ko te whakahoki, ‘Ko āhua ā hau.’ Inā rā ko ahau te hau. Ko ngā hau a Tāwhirimātea e pupuhi nei i te ao i te pō, e karanga mai nei ki a tātou kia hoki ki ō tātou maunga purea ai e ia. Koia tēnei ko te hau ora, ko te wai ora e rere nei i roto i ahau, i ahu mai i ngā atua, i a Io Matua tonu, kia kīa ai ahau he tangata.*

Sean Ellision – Ngatī Tūwharetoa, Raukawa, Te Arawa

Statement of Evidence in the Waitangi Tribunal

28th February 2005

Ko Tauhara te maunga

Ko Taupō-nui-a-Tia te moana

Ko Waikato te awa

Ko Te Arawa te waka

Ko Nukuhau te marae

Ko Rauhoto te hapū

Nō te Hikuwai ahau o roto o Ngatī Tūwharetoa me Ngā Pūmanawa e Waru o Te Arawa, mai Maketū ki Tongariro. Me kī te whakataukī:

Ko Tongariro te maunga

Ko Taupō-nui-a-Tia te moana

Ko Ngatī Tūwharetoa te iwi

Ko Te Heuheu te tangata

Ko Tredegar Rangiātea Hall ahau

## **Abstract: Tuhinga whakarāpopoto**

Within the context of the current regimes of fresh water management in Aotearoa, this thesis is an exploration of the significance of freshwater to Māori; our rangatiratanga, Treaty rights and ownership. The Māori world view and the way this relates to fresh water is described and contrasted with the principles and practices of water management in the contemporary neo-liberal governance structures of this country. The impacts of the commodification of water through ownership rights, the limited monitoring capacity and the inability to provide a governance structure that will work across diverse environments are seen to threaten the sustainability of a critical part of our environment. The primary focus of on this research is on the relationship between the exclusion of tangata whenua from decision making in resource management and the degradation of the environment.

The thesis comments on the development of resource management legislation and actions of the state in Aotearoa, and uses post-colonial theory as a starting point to document the subordinate relationship of Māori within contemporary governance. This has privileged mono-cultural and neoliberal forms of water management that has scarred Papatūānuku and threatens human sustainability into the future.

The recent co-management agreement for the Waikato River is the specific case study against which a recent effort to reduce the alienation of Māori is viewed. A kaupapa Māori methodology is used to acquire and understand the importance of mātauranga Māori/ Traditional Ecological Knowledge (TEK) and what is required for these principles to enhance water management practices within the case study area. The original contribution of the work is drawn from interviews conducted with Māori and others who are involved in or informed by the commitment to explore co-management sustainable management options. These views are woven into a substantial and interpretative commentary on the role of Māori in future water governance.

The thesis argues that the best way to enhance water management and environmental protection is by inducing a planning paradigm shift where tangata whenua are given greater influence in environmental decision making that resembles an equal Treaty of Waitangi partnership, where the ethic of kaitiakitanga is empowered. Such a strategy would allow decision making regarding water and environmental management to be more focused on what is best for the resource and its survival rather than what most cost effective for some owners of water rights. Encouraging the acceptance of mātauranga Māori and incorporating more efficient and sustainable innovative technologies can restore the mauri of water in our place.

## He mihi: Acknowledgements

*Ahakoā he iti, nā te aroha*

---

Water is the epitome of life; it flows within all of us physically, emotionally and spiritually. As a young Māori male with a strong essence of kaitiakitanga, I have reached the point of my life where the walk in two worlds becomes challenging. This journey has not only seen the development of this research topic but also the informing of my own views and legitimizing of my perspective on the environment. The fight to protect ones tai ao, identity and ancestral right as tangata whenua begins not on the battlefield but within the realms of the physical, emotional and spiritual life of the individual; what you believe drives how you behave and how you behave determines your character and identity.

I must express my appreciation and thank all those who have been a part of this journey. To all the participants, I am humbled and enlightened by your rich korero that each of you has contributed to this research. Regardless of the resistance that such a topic has, hearing your words and visions as kaitiaki has been inspirational and often reminds me of what we are and should be fighting for.

To my supervisor Lex Chalmers, thank you for putting me on this path; your guidance and support had been invaluable throughout this journey. We didn't get to Canada but we got to the finish line none the less.

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To the staff of the Department of Geography, Tourism and Environmental Planning at the University of Waikato, I am grateful to have been around such an encouraging environment. Angeline Greensill, you have always been an inspiration since Māori lands and Communities 219-08A. Thank you also to Naomi Simmonds and Keri Topperwien for being my Māori student mentors and role models; you two showed me how Māori can achieve and make a difference academically.

I would also like to thank the Ngati Whakaue Education Endowment Trust Board for providing the valuable financial support with the 'postgraduate scholarship 2011'. On that note, I would like to further acknowledge all the trusts and iwi organisations that have supported me throughout my time at Waikato University, hopefully this research is the start of a return on your investment in our people and whenua.

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# Chapter One

## Introduction

*Kotahi tonu te hiringa, i kake ai a Tane ki Tikitiki-o-rangi ko te  
hiringa i te mahara*

*There was one great power which enabled Tane to reach the upper  
most heaven and that was the power of the mind<sup>1</sup>*

---

### **Towards the development of the topic**

Water is the essence of life; since antiquity it has been a symbol of devotion and purity for many cultures worldwide. In Aotearoa, water has its own unique values, perceptions and practices specific to tangata whenua and it is a vital component of New Zealand's natural landscape. This iconic feature of the landscape was influenced by the tangata whenua who lived by these cultural values and practices to sustain an essential balance with the environment. The genealogy of the central plateau of Te Ika a Maui<sup>2</sup> that formed Lake Taupō and the Waikato River has a history that extends back far beyond the eruption of various volcanoes.

Stokes and Begg (1997) have documented one such history: the creation of the Waikato River begins with the story of Tongariro and Taupiri. These two were siblings who grew up in the Taupō district; Taupiri married a Tainui rangatira, Pirongia, and moved with him to the area now called Waikato. When she became ill, a servant was sent to her brother, Tongariro, to fetch water from a tapu spring in their homeland. After performing the necessary rituals, water began trickling from a rock which then turned into a rushing stream. Tongariro commanded the stream to follow the servant back home so that Taupiri would always have a constant supply of freshwater. The stream flowed into the great crater of Taupō-nui-a-Tia and as it overflowed it continued to follow the servant. The river made various twists and turns, but the servant and his dog were unable to stop it as it

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<sup>1</sup> Ngata, A. 2004: *Ngā mōteatea :he maramara rere nō ngā waka maha*. Auckland, N.Z.: Auckland University Press.

<sup>2</sup> The North Island of Aotearoa/ New Zealand

flowed out to the sea in Hauraki. They journeyed on to Taupiri with the calabashes they had filled with water, and informed her about the river. She began a karakia to Rūamoko, and when Tongariro heard his sister he too began a karakia to summon Rūamoko. The deity woke in a terrible fury that erupted volcanoes and shook and split the ground. The river was unsure of where to go and so it followed the dog's barking to the home of Taupiri and then flowed out to the sea on the West Coast. This story is one explanation of the formation and location of the Waikato River.

The Western science perspective of the Waikato River's formation only acknowledges the volcanic eruptions which changed the landscape. The Māori historical account above goes further by personifying prominent ancestors with mountains and the natural landscape, intrinsically linking their descendants (iwi) with the environment. Although the natural landscape of Aotearoa might be acknowledged and appreciated by many New Zealanders, tangata whenua are intimately more connected to their natural environment; it creates their identity and has special spiritual and historical association that extends beyond physical value (Brown 2008 2). The personified landscape encapsulates a whakapapa that sees humans as descendants of Ranginui and Papatūānuku – the parents of all living things in te ao marama. This conceptualisation of the past and present links tribal identities with the environment; it underpins Māori worldviews and ultimately their approach to the management of natural resources (Ruru 2010b).

### **The start of the journey**

I am of Ngāti Tūwharetoa and Te Arawa descent; individually and collectively we have an integral relationship with the water and our environment. Lake Taupō is important to Ngāti Tūwharetoa as it is more than a water source, but also a reference for place and identity. The relationships are the same for Te Arawa and their lakes and for Māori in general as our environment defines and identifies us geographically, collectively and locally as a people.

I was brought up in a bi-lingual environment in Taupō – a place centred on interaction with the lake. Swimming, fishing, gathering kōura and floating on rubber tubes are all activities that defined my upbringing. Through the stories and narratives of my ancestors and the feats that they achieved, I often refer to the lake

as my own. Through-out my life Lake Taupō has always been a space of sustenance, healing and recreation. It is not to be owned, but respected and cared for by all. However, as I grew and gained new experiences outside of my home environment, I quickly discovered that my world of bliss was challenged by different worldviews. Contestations between different worldviews have become increasingly important in an era in which sustainable management is vital.

When I was 11 years old I moved to Wellington to live with my tuakana. As a result of the shift, my perception of the world quickly changed; I became more aware of the history of Aotearoa/NZ, and discovered how cultural differences amongst teenagers can lead to points of ‘playground’ discrimination. I attended Wellington College and was exposed to a spectrum of peers from many different ethnicities and backgrounds. This contrasted greatly to the predominantly Māori and Pākehā environment that I had experienced in Taupō. At the time of my enrolment, Wellington College had approximately 1500 students, 70 of whom were registered as being of Māori descent. During my time there I quickly aligned myself with the kapahaka team and eventually led the group. I was often the only Māori student in my classes, and was constantly called on to talk about my culture and people. However, my opinion was not kindly received by some of my peers, and I would often be at the centre of a stereotypical joke or sharp remarks such as “its racist having Māori scholarships.” Being exposed to these negative and discriminating opinions made it apparent that everyone did not share the same values and worldviews that I did.

I was fortunate to be in Wellington to experience the 2004 Foreshore and Seabed hikoī. This protest was a response to political legislative action by the Labour Government to actively legislate against Māori interests in access to resources. For an in-depth description of this legislation and background, please refer to Jackson (2010). This protest movement showed me that the issues of discrimination and racism extended far beyond the ‘banter’ of the high school lunch hour. I realized that discrimination was present within the governance structures of the country and general public. While there were many issues that Māori protested against in the Bill, two issues stood out for me: firstly, that Māori were angered by the Government’s acts to deliberately disadvantage them, and secondly, that large areas of the foreshore and seabed of the West Coast had already been surveyed for private sales and mining prospect permits. Not only

was this an act to demean Māori mana and rangatiratanga, it also evoked a threat to the environment and the ethic of kaitiakitanga.



Figure 1: Te haukāinga – Papatūānuku has been observing human change for number for years.

## **Seizing of rights: arriving at my research focus**

In order to better understand the uses of resource management I enrolled in a Bachelor of Social Science, majoring in Geography and Environmental Planning. My geography studies taught me how different worldviews and cultures can influence actors in many forms of governance, and I also became more familiar with issues of sustainability and demand and supply. Environmental Planning encouraged me to learn about the management practices and legislation surrounding resource management, and more specifically about the Resource Management Act 1991.

The issue of water ownership came to my attention during the 2008 summer holidays when I worked on the Waiora Project with the Ngatī Tūwharetoa Trust Board; I was required to run a pilot project that monitored rivers significant to iwi and hapū. During this time, Ngatī Tūwharetoa and the Taupō District Council signed the first joint management agreement (JMA) in the country. There were many concerns in the office about water ownership; despite the JMA, the future of water was destabilised by managers with little awareness of Tūwharetoa tikanga, and there were also feelings of mistrust and betrayal. I did not understand how tangata whenua rights could be suppressed since various planning documents acknowledge Māori values with the environment and the Treaty principles. I presumed that everyone within the environmental planning field had an understanding of Māori environmental values, and would strive to achieve them through environmental standards and resource sustainability. I see now that I was sadly mistaken.

In 2010 I undertook an Honours paper which discussed Variation 6 - the new water allocation system under the Waikato Regional Plan. While this new management regime acknowledges the relationship that Māori have with the river, the variation does not allow for water allocations to tangata whenua. Furthermore, allocation is given on a 'first in, first served basis' so that rights to water can be purchased, essentially like property rights.

In 2011 I gained an internship with the Waikato Regional Council (WRC); I worked in the Tai-Ranga Whenua (iwi) unit, creating a framework of cultural monitoring for water. The framework attempts to reconcile Māori cultural

knowledge with current scientific practices. This initiative is a product of the Waikato River Settlement Act which seeks to give iwi more rights to care for and manage the River, and to install more obligations on the WRC to do the same. That work experience strongly corresponds with this research; it allowed me to gain insight into the overlapping and conflicting interests between the Waikato River co-management agreement and the Variation 6 water allocation regime.

Reflecting on all my experiences, I was faced with questions of who actually owned the water, and who had the authority to allow portions of it to be bought and sold. This strongly motivated me to investigate water ownership; its existence seems to conflict with the requirement for planning documents to acknowledge the cultural connection that tangata whenua have with the natural world. Through this research project I intend to reveal the unequal relationship that continues to occur over the management of water in the region and natural resources in general in Aotearoa.

## Shaping the research

The aim of this thesis is to investigate issues of water ownership and management for Māori in Aotearoa. The research is based on two main motives:

- Water is a taonga and needs protecting as current management practices have degraded this taonga.
- Māori have a values base and a system of environmental protection and mātauranga; however, we have been continually excluded from environmental management and not effectively included in consultation.

The central detailed focus is on the sustainability of water management, water ownership, and the extent to which tangata whenua values and rights are acknowledged within current management practices. I argue that post-colonial theory provides a useful springboard for the examination of contemporary management practice, and I work towards the position that widespread acceptance of the limits to contemporary practice is the key requirement for developing a sustainable system of water management in which Māori interests and approaches have a central role. I then employ a kaupapa Māori methodology to seek the perspective and knowledge of primary sources through qualitative interviews. These perspectives are then contrasted with those identified in the literature.

The main themes addressed in this research are:

- Unequal power relationships continue to occur between Governments and indigenous people over the management of natural resources.
- The present state of freshwater management, rights and ownership does not acknowledge the significance of water to Māori and indigenous peoples and does not ensure the survival of water resources for future generations, or safeguard indigenous identities.
- Co-management agreements are a reflection of power relationships that determine resource management models; these models may influence the recognition of rights of indigenous peoples, or could continue to hinder them.

The neo-liberal approach, based mainly on Western science, has not led to effective water management for the whole community.

## **Water: an internationally limited resource**

Demand for water is increasing worldwide, and this has resulted in increased water takes from streams, rivers, lakes and ground water sources. Due to the shortage of water, more than 1.1 billion people lack access to safe drinking water, and a further 2.6 billion people lack access to basic sanitation. These shortages lead to more disturbing statistics such as the 1.6 million children that die from diarrhoea per year (The World Bank Group. 2010).

The growing international water demand exerts additional pressure on New Zealand's freshwater sources. Growing conflicts with supply and demand causes complex interactions between different groups who have various needs and uses for water. Water demand is not the sole issue that affects Aotearoa/NZ; water quality is also a significant factor. The water quality in Hamilton is declining; 40 percent of shallow ground water does not meet drinking water standards, and this percentage is rising due to intensification of land use, deforestation of riparian areas, wastewater inputs and more (National Institute of Water & Atmospheric Research 2010). The large demand on water supply and quality compels the need for sustainable management, as well as the equal involvement of tangata whenua in decision making processes. The limited supply of water highlights the wider issues of water management that influenced and justify this project.

## **Water and Indigenous Peoples**

*To speak of indigenous peoples and water is to speak of cultural diversity. Original inhabitants share the same philosophy about water, but they practise diverse forms of water management, according to their own differing realities, histories and experiences. In the indigenous world, there is no single 'model' for using water resources, but multiple alternatives and forms of management that change from region to region and from time to time. The common element underlying these diverse forms of water management is 'respect for water', considering water resources not as an input or a commodity, but as a living part of Nature, as a being with which one must interact in order to ensure the rights and participation of all living beings*

(Solon 2006 36).

Indigenous peoples and their lifestyles provide valuable lessons for the consumption and sustainable use of natural resources; they regard inland waters, rivers, wetlands, sea, islands, reefs and sandbars as inseparable parts of their estates (Australian Human Rights Commission 2008). Years of occupation and environmental adaption allowed indigenous peoples to develop their own sustainable use of resources. Biological and ecological science and cultural diversity are intricately linked by native languages; these contain and transmit ecological knowledge accumulated by indigenous peoples (Australian Human Rights Commission 2008 169). However, colonization and assimilation has drastically changed indigenous peoples' culture and abolished what authority they once possessed. Indigenous people continue to face obstacles in obtaining customary rights for what were once their natural resources, especially water. Key water issues that affect indigenous people include:

- *Water bodies that are critical to cultural and physical wellbeing are being polluted by outside forces beyond their control;*
- *Customary access and rights to water is seldom recognised by the state authorities that control indigenous areas;*
- *Indigenous communities are not included meaningfully in water policy and planning processes;*

- *Indigenous cultural and spiritual understandings about water are misunderstood or simply ignored by dominant Western societies.*

(Water and Culture Institute. 2009-2011 para. 2).

Common law traditionally recognised indigenous rights through customary title; however, Durette (2008) writes that this has been substantially altered by legislation that vests ownership in the Government, e.g. the Foreshore and Seabed Act 2004. There have also been moves to decentralise water management; this is strongly influenced by the private sector which seeks to accumulate water rights and subsequent control over water supply in order to maximise business profitability. A number of fierce water policy debates have arisen over this, raising questions of who has the legitimate authority to define and sanction water rights. New Zealand is not excluded from this move to privatisation; this is exhibited by the Government's actions in 2012 to remove Treaty provisions from legislation so that they may sell state owned assets without consulting tangata whenua.

Privatisation and commodification of water rights only privileges those with wealth; those in control can gain profits at the expense of others. Solon (2006) proposes a democratic model asserting that water problems will not be solved by private investors or public bureaucrats, but from an increasingly prominent role played by communities. The issues facing indigenous people over water and environmental management are universal. The imposition of laws, tradable rights mechanisms, and privatisation endangers democratic management and eliminates cultural diversity; "It standardizes water management, putting an end to centuries of social, community water management, of which the indigenous peoples are living exponents" (Solon 2006 38).

The challenge for tangata whenua in Aotearoa is to adapt, change and up-skill with the times. We need to be able to heed the warnings of what is happening internationally, and continue to strive for an outcome that not only protects our mana and rangatiratanga, but most importantly strives to protect water and its integrity.

## Chapter Two

### Te Wai Puna Ariki: A conflict of two worlds

*Na Ngātoroirangi i kawē mai te tika o te tū i whakatapua te tihī o  
Tongariro. E puia rā te tohu o te wahine ura. E hīhī mai ngā  
tiketike. Kei raro te moana mākohā o Rongo, he wai ora mo te  
whenua tupu. He korowai tapu e hora atu rā, e tāwhatu e ngā awa  
i te māringiringi. He tuku tapu ēnei na ngā tūpuna. Hei kura  
hirahira mo tōku tikitiki*

*It was Ngātoroirangi who brought forth the protocols and  
sanctified the peaks of Tongariro. Where burst forth the fire  
goddess streaking outwards from yonder heights. Below the  
tranquil waters of Rongo, the life giving waters of all life on land.  
Tis the sacred cloak that spreads forth being woven by the rippling  
rivers. These sacred gifts bequeathed by our ancestors an  
adornment for my topknot<sup>3</sup>*

---

#### Ngā whakaaro timatanga

Prior to the arrival of Pākehā, Māori were the undisputed managers and administrators of natural resources including land, air, water and other taonga. Governance of these resources was dictated by whakapapa, tikanga and kawa; these established a relationship based on interconnectedness between Māori and the environment (Kaai-Oldman 2004). Policy to regulate such governance principles were implemented by iwi, hapū, and whānau; they derived their knowledge from a holistic philosophical foundation (Nuttall and Ritchie 1995 1). These principles acknowledged the mana, wairua and mauri of all things, and enforcement measures such as rāhui were employed to replenish resources and their spiritual connection (Kaai-Oldman 2004). Māori regarded themselves as one of the many forces that interacted and relied on the environment to survive; they

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<sup>3</sup> Tuwharetoa Maori Trust Board. 2011: Ko Taupo te moana. Retrieved 16th December from <http://www.tuwharetoa.co.nz/moana/moana.htm>

were therefore an integral part of nature, and they never believed that they were above it (Muru-Lanning 2009).

The Māori worldview takes a holistic approach and has a perspective that is different to Western belief systems. In my view, representations of Māori in contemporary media often fail to present the true principles, values and practices of Māori, and they misinform public perceptions of what iwi fight for. I argue that an understanding of the Māori worldview is required in order to comprehend the significance that water has to Māori, and the effect that Western ownership has on Māori culture. This chapter describes a number of fundamental elements that construct the Māori worldview of water, and describes how this perspective conflicts with Western understanding of ownership.

### **Māori Worldview**

The Māori worldview does not fragment the environment but regards it as an interconnected whole. The beds of lakes and rivers are not separate from the water that flows on top of them, just as the peak of a mountain is not separated from the Earth below it. This idea of an interconnected whole is encapsulated by whakapapa which is the foundation of Māori culture, consciousness and their worldview. Marsden and Henare describe worldview as:

*Cultures pattern perceptions of reality into conceptualisations of what they perceive reality to be: of what is to be regarded as actual, probable, possible or impossible. These conceptualisations form what is termed the “world view” of a culture. The World View is the central systemisation of conceptions of reality to which members of its culture assent and from which stems their value system. The world view lies at the very heart of the culture, touching, interacting with and strongly influencing every aspect of the culture.*

(Royal 1998 4).

The holistic Māori worldview regards the environment as an ancestor of which all humans are descendants (Douglas 1983).

Whakapapa is an important part of the Māori worldview; the implicit meaning of whakapapa is constructed in ideas of orderliness, sequence and process. These ideas are embodied in the sequence of myths, traditions and tribal histories that establish policies of social order and rule (Walker 1996). Similar to ideas held by physicists, the Māori worldview is a 'process' in which the perception of the 'real world' is pure energy; this comes in the form of mauri which ultimately emerged from the relationship and connection to the natural world. This cosmic process is unified and bound together in the spiritual realm. As a result, the worldview and values held by Māori about the physical environment is inseparable from the spiritual environment (Marsden *et al.* 1988 9).

The Māori perspective is a way of life that incorporates physical, emotional and spiritual dimensions of a relationship with the environment. It identifies humans as an integral part of the ecosystem as opposed to being separated from it. The Māori worldview and culture is a 'complex whole' of beliefs, attitudes, values, morals, customs and knowledge. It has been acquired, adapted, developed and transmitted into Māori society as guiding principles; individuals use these to respond to the needs and demands dictated by their life and their environment (Marsden *et al.* 1988 12).

This way of thinking greatly conflicts with Western forms of resource management and ownership as water is held as an ancestor from whom humans are descended. By virtue of this relationship water management has its own specific spiritual, ethical and moral values that determined practices. These values were deeply engrained within the consciousness of all tangata whenua. In contrast Western water management, commodification and ownership fractionalises this holistic view and encourages human domination of what is an ancestor.



Figure 2: Lake Taupō-nui-a-Tia and the Warrior mountains – all connected parts of the whole.

## **Whakapapa**

Whakapapa ensures collective enabling and positioning of all members of the Māori society. Chris Winitana, in the He Maunga Rongo report on central North Island Claims, described whakapapa of the natural world as:

*In our worldview framework, the natural elements of wind, air, water and fire along with the diverse forms of nature are our kith and kin; we were each born, as evidenced by our genealogy, of the same primal parents Rangi and Papa and through their children*

(New Zealand Waitangi Tribunal 2008 90).

There are many different accounts of the number of offspring produced by Ranginui and Papatūānuku. According to Kepa Ehau of Te Arawa waka, there were 70 children that represented resources; their feats give direction and guidance to their offspring, humankind. These 70 gods possess ancestral knowledge about every resource and element within te ao marama (Ellison 2005).

Parawhenuamea is the guardian or deity of freshwater, and the child of Tāne and Hine-tūpari-maunga, as displayed below:

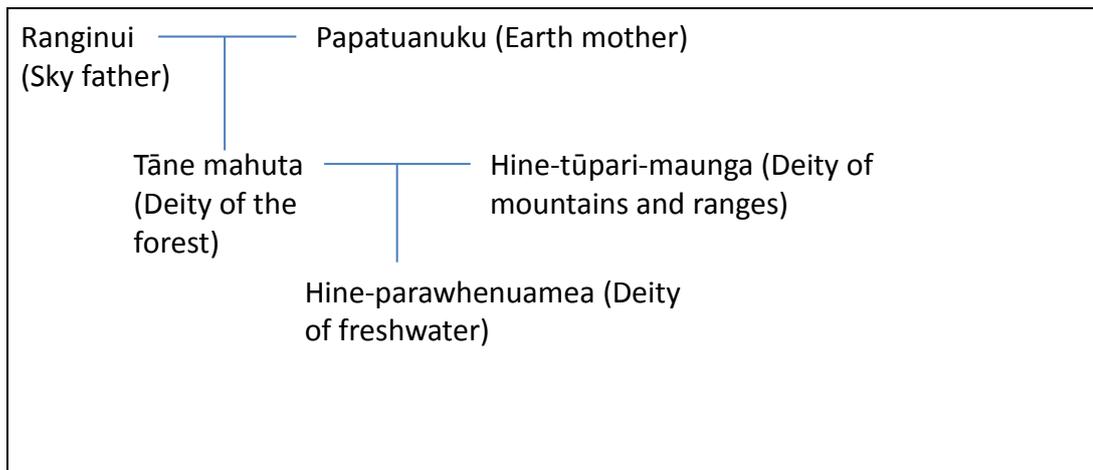


Figure 3: The whakapapa of water

Narratives of relationships and feats achieved by the gods are personified to allow Māori to trace their origins back to the gods through whakapapa. The genealogy above, despite being metaphysical in nature, also displays the necessary formulation of elements that allow water to be created from the tears of Ranginui and subsequently run over land. Therefore, whakapapa goes further than being a mere display of genealogy, it's also an instrument to teach the science of the natural world (Royal 1998 7). The narrative below is an example of how the nature of whakapapa and the relationship of the elements are personified and interpreted to portray the character of the hydrological cycle:

*Papatuanuku releases evaporation that eventually reaches the house of Tū-kapua, guardian of clouds. The clouds are a sacred gift from Papatuanuku, the Earth Mother, to her husband Ranginui, the Sky Father. It is the duty of Tū-kapua and Tawhirimātea, the guardian of winds, to arrange that sacred cloak upon Ranginui. Each time man looks skyward, the cloak takes on a different form and colour.*

*Te Ihurangi, the guardian of rain, is a mischief maker that forever seeks an opportunity to pull the plug on Tū-kapua in order to release rain. Whenever he succeeds the water returns in the form of tears which contains the love of Ranginui for Papatuanuku and also returns to the guardianship of Hine-parawhenuamea*

(Ngati Tuwharetoa Fisheries 2009).

As a result, whakapapa is one of the most important and dominant factors that create the holistic Māori worldview. Within Māori whakapapa and oratory, notions of kaitiakitanga, rangatiratanga and mana equate to what the Western world would perceive of as ownership. As the tears of Rangi fall they come under the protection and responsibility of Te Ihorangi, the deity of rain who releases the rain from Tū-kapua, the deity of clouds (Ngati Tuwharetoa Fisheries 2009). As the tears of Rangi reach the embrace of Papatūānuku, they fall on the mountains of Hine-tu-pari-maunga (the female deity of mountains) and in the forests of Tane (the deity of forests); these are parents of Parawhenuamea, the deity of water (Best 2005). In the celestial realm the passage of water has already passed through the kaitiakitanga (guardianship), or what could be perceived as possession of a number of atua.

Whakapapa connects us as humans to water and the natural environment, and within it is the knowledge base that teaches the science of the natural world. Whakapapa also contains the values and principles of how to achieve environmental harmony based on responsibility, obligation and protection; this is vital to this research. It is this interconnected holistic consciousness that constructs the fundamental basis of a Māori worldview of water.

## **Māori worldview of water**

*Haere ake nei au, tō ake te tatau ki te whare.*

*He hua hua te kai pai? E, Kao, he wai te kai pai!*

*When I go, close the door of the house.*

*Is preserved pigeon the best? No, Water is better!*

(Mead and Grove 1996 51 & 71).

Inherent in the Māori language is the appreciation of the significance of water. The quotations above are *kīwaha*, which is colloquial language used to give greater context and meaning to what would be a general conversation. These *kīwaha* have a deeper meaning despite being rather basic in their translation. They were conceived when Uenuku-kōpako, son of Tūhourangi of Te Arawa waka, travelled to Maroa-nui-a-Tia to stay with my tūpuna Tūkekeru. Uenuku-Kōpako believed that there was nothing better to consume than preserved pigeon. Tūkekeru disagreed and expressed that water is the most valuable of all foods that nourish people. Uenuku-Kōpako sternly disagreed. Tūkekeru, annoyed at the obvious meaning of the reply, subtly ordered his servants to cover the well in his house. Uenuku-Kōpako was then only fed pigeon until he was over whelmed with thirst and eventually felt that he would die for want of water. Once Uenuku-Kōpako pleaded for water, Tūkekeru uncovered his well and allowed Uenuku-Kōpako to drink his fill. Uenuku-Kōpako then reflected on the earlier conversation and was very embarrassed. He said the above *Kīwaha* as he was leaving the pā (Mead and Grove 1996).

These *kīwaha*, despite their use to refer to the debate that underpins them, is a direct indication of how Māori acknowledge the importance of water and its significance. As a descendant of Tūkekeru, these *kīwaha* have particular significance to me.

Māori perceive water as an integral part of life as it possesses its own *mauri*, *mana* and *wairua*. Water is also perceived as a *taonga*, gifted by tūpuna for the benefit and use of their descendants. *Tangata whenua* are bestowed with the responsibility of *kaitiakitanga* to manage water not as a resource, but as a vital source of life.

Water requires nurturing as if it were a human itself. This is so that both parties exchange and interact equally in a way that promotes future growth and sustainability. The metaphysical qualities of the mauri, wairua and mana that water possesses act as indicators of the physical health and quality of the water. If the spiritual and emotional relationship between Māori and the water was not honoured, this would appear in the physical world as well. It is for these reasons that Māori have karakia before entering the forest and extracting resources – to ensure that both spiritual and physical aspects of humans and nature are acknowledged. Indicators of resource health included the presence of taniwha, as kaitiaki. Taniwha are a part of the resource management system, acting as an indicator of the health of the resource and surroundings (Love 2004 125). Another form of Māori resource management was that of rahui that tohunga would place on areas, prohibiting use until the spiritual, emotional and physical aspects of the area had recovered (Walker 2004 66). As a result, the physical relationship between water and Māori was secondary to that of the spiritual relationship (Llewellyn 2004 481).

As noted above, the origins of freshwater stem from the whakapapa of the deity of freshwater, Parawhenuamea. The actions of atua (gods) act as the focal point for cultural and spiritual practices, and their stories personify the relationship that Māori have with their environment. The human relationship to water is described as follows:

*Water, whether it comes in the form of rain, snow, the mists that fall upon the ground and leave dew, or the spring that bursts from the earth, comes from the longing and loss in the separation of Rangi-o-te-ra and Papatūānuku in the primal myth. Tears that fall from the sky are the nourishment of the land itself. The life-giving water is founded upon a deep quality of sentiment that, to Māori, puts it beyond the realm of a mere usable commodity and places it on a spiritual plane*

(New Zealand Waitangi Tribunal 1999 44).

A Māori worldview of water is constructed from a vast values base and sound traditional knowledges that has informed sustainable management of water as a taonga and as a tūpuna. From this worldview, knowledge and values base, specific rules and guidelines have been established to maintain and ensure a balance

between physical, spiritual and emotional realms. These rules are a ‘values based’ legal system called tikanga.

### **Tikanga Māori: values, lore and law**

Tikanga is the foundation of Māori social control. It is a system of philosophy and its principles are practised by the individual and the group. Mead describes tikanga as “the set of beliefs associated with practices and procedures to be followed in conducting the affairs of a group or individual” (Mead 2003). Judge Eddie T. Durie defines it as the “values, standards, principles or norms to which the Māori community generally subscribed for the determination of appropriate conduct.” Dame Joan Metge describes tikanga as “the right Māori ways” (Gallagher 2008). The Waitangi Tribunal Muri Whenua land report (Wai 45) refers to Māori law as being the “fundamental purpose to maintain appropriate relationships of people to their environment, their history and each other”. There is no English common law or English social order equivalent that could allow people to own land without associated duties to the community (New Zealand Waitangi Tribunal 1997). There are many definitions of tikanga; however, despite the variance in interpretation, the common notion is that tikanga Māori is value orientated – not rules based. Hirini Mead (2003) asserts that tikanga is based on a set of procedures that embody beliefs to be practised when conducting the affairs of a group or individual. “Tikanga are tools of thought and understanding. They are packages of ideas which help to organise behaviour and provide some predictability in how certain activities are carried out” (Mead 2003).

Any perception of individual ownership of land and resources is purely a Western concept; the human right within Māori culture to exploit natural resources was based on the value of obligation to ensure the future survival of the resource. Western perceptions of individual ownership are alien to this value base. Māori values defined the parameters or tikanga for safe and reasonable use. The tikanga value base allowed iwi and hapū to develop specific and intimate management, rules and practices for harvesting while ensuring a sustainable balance which is both place and space related.

Tikanga is not static and does not consist merely of traditional customs; according to the ‘kauwae runga, kauwae raro’, (the upper and lower jaw) philosophy,

tikanga is able to adapt so long as practices are consistent with its overarching values. This metaphor of the upper and lower jaw represents how tikanga is constructed and practised. In a physical sense te kauwae runga (the upper jaw) represents all things celestial that are permanent and constant, while te kauwae raro (the lower jaw) represents terrestrial, continual movement, change, rhythm, agility and flexibility (Smith *et al.* 1978). The beauty of this philosophy is that despite these two forces being opposites, one permanent, one moving, both are necessary for survival. Te kauwae runga represents the base values and principles that represent the celestial values of tikanga.

Te Kauwae raro represents terrestrial aspects that some iwi describe as kawa. Kawa is the protocols and practices associated with the correct practice of tikanga; it is the customs and polices that enforces tikanga (Mead 2003). Kawa in the form of operational practices and management can be different to specific iwi and hapū in their respective areas; however, irrespective of their differences, they all strive to achieve the same purpose of te kauwae runga which is kaitiakitanga. Tikanga possesses the values and principles for sustainable resource management and has the ability to adapt contemporary technology and science so long as the practices are consistent with its values.

## Identity

‘Ko te wai te toto o te whenua, a, ko te whenua te toto o te tangata’

‘The river is the blood of the land; the land is the blood of mankind’

(New Zealand Waitangi Tribunal 2008).

For Māori, the personification of land and the environment is the most important part of identity. Mountains, rivers, lakes and hills are all regarded as ancestors and embody the wairua of the iwi and each individual descendant (Douglas 1983). Through the use of pepeha, an individual can be identified by his genealogical links purely from stating ones mountain, river, waka, iwi and marae. For many iwi, the origin of water and its path is used as a form of whakapapa recital that binds people and iwi together. Sir Robert Te Kotahi Mahuta (1975) stated:

*Nō tātou te awa. Nō te awa tātou. E kore e taea te wehe te iwi o Waikato me te awa. He taonga tuku iho nā ngā tūpuna. E whakapono ana māotu ko tā mātou, he tiakitauataongamōngāuriwhakatupu*

*The River belongs to us just as we belong to the River. The Waikato tribe and the River are inseparable. It is a gift to us by our ancestors and we believe we have a duty to protect that gift for future generations.*

(Waikato Raupatu Lands Trust. 2008 5).

This statement signifies a Māori perspective of ownership; instead of owning the River, the Waikato River belongs to the Waikato iwi and the iwi belong to the River. Traditional and contemporary oratory uses the whakapapa of water and its path to geographically connect people from different regions and atua, and through notions of mana and kaitiakitanga it depicts ownership from a Māori perspective.

*I tiaki a Te Heuheu i te mātāpuna o te awa o Waikato, i Tapuaeharuru, i te taha whakarunga o te maunga o Ruapeha. E kīā ana e ngā iwi o Waikato-Tainui, ko “Te mātāpuna wai o Tongariro” – hei whakanui i te mātāpuna o te awa o Waikato, e rere ana mā ngā wai o te moana o Taupō, ki Te*

*Tāheke Hukahuka<sup>4</sup>. Mai i reira ka mōhiotia ko te awa o Waikato, e rere ana i Te Tāheke Hukahuka puta atu ki te Pūaha o Waikato. Mai anō ko ngā whare ariki o Pōtatau me Te Heuheu i honoa e te awa o Waikato.*

*Te Heuheu safeguarded the source of the Waikato River at Tapuaeharuru on the south side of Mount Ruapehu. Waikato-Tainui refers to “Te Mātāpunawai o Tongariro – the headwaters of Tongariro”- in recognition of the source of the Waikato River flowing through the waters of Taupō moana – the Lake, to Te Taheke Hukahuka – the Huka Falls. From here it becomes known as the Waikato River, which flows from Te Taheke Hukahuka to Te Pūaha o Waikato (the mouth). The historical relationship between the Houses of Pōtatau and Te Heuheu is thus bound up with the Waikato River.*

(Waikato Raupatu Lands Trust. 2008 8).

This extract from the Waikato-Tainui Deed of Settlement signifies the mana, rangatiratanga and kaitiakitanga of the ariki of Ngatī Tūwharetoa and Waikato. The source of the Waikato River at Tapuaeharuru Bay (the name of the bay that Taupō Township is situated) is under the kaitiakitanga and mana of Te Heuheu, which can be equated to ownership, while the water rests in Lake Taupō. This water source originated from the head water of the Tongariro River that runs off Tongariro Mountain. Once the water leaves the gates of Huka Falls and travels to the rohe of Waikato, it then comes under the mana and kaitiakitanga of Pōtatau, ariki of Waikato-Tainui. This extract depicts how Māori oratory and the use of whakapapa can connect people by the path of a river, acknowledging their identity as part of it and their obligation to protect it while it is in their area. Therefore, the obligation that iwi have to protect the environment within their region reflects their mana and kaitiakitanga, evoking the idea of temporary ownership through protection while the water is in their area.

This mind set is the same for Te Arawa, Raukawa, Manaiapoto, Waikato and all other iwi that whakapapa to the Waikato River. Throughout their journey, the tears of Ranginui travelled on the path that displayed ownership, authority and

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<sup>4</sup> The name Te Tāheke Hukahuka is the name used for Huka falls in the extract above from the Waikato Deed of settlement to give a statement of significance of the Waikato River to Waikato-Tainui. Therefore this name for Huka falls could belong specifically to Waikato-Tainui.

responsibility rights of atua and iwi to this body of water. Despite the water being under the ownership and contributing to the fundamental identity of each entity it passed through, the water was never possessed by one group. An understanding of the significance of Māori identity and ownership with natural resources is best encapsulated by the following statement:

*Māori saw themselves as users of the land rather than its owners. While their use must equate with ownership for the purposes of English law, they saw themselves not as owning the land but as being owned by it. They were born out of it, for the land was Papatūānuku, the mother Earth who conceived the ancestors of Māori people. Similarly, whenua or land, meant also the placenta, and the people were the tangata whenua, which term captured their view that they came from the earth's womb. As users of the Earth's resources rather than its owners, they were required to propitiate the earth's protective deities. This, coincidentally, placed a constraint on greed.*

(New Zealand Waitangi Tribunal 1997 23).

The many waters and paths of the Waikato connect the environment and also people and atua. This is displayed by the ancestral stories which have been generated from the river's path as it flows from the top of Mt Tongariro to the sea where it eventually returns to its source, Ranginui. This is testament of whakapapa and the holistic Māori worldview – everyone has the obligation of responsibility but no one has ownership.

## **Mana and Rangatiratanga: Authority verses Ownership**

A tikanga Māori approach to freshwater resources conflicts with a Western, anthropocentric approach to the environment; it expressly prohibits individual ownership of resources. Within the Māori worldview, whakapapa bestows on descendants a legacy of obligation and responsibility to maintain and protect the environment. Notions of authority are embodied through three main concepts of mana, rangatiratanga and kaitiakitanga.

Mana mediates personal and group relationships, and when associated with the environment, it also reflects the perceived value of landmarks. Rangatiratanga and mana are very closely linked. Hirini Mead defines rangatiratanga as “political sovereignty, chieftainship, leadership, self-determination, self-management; individual qualities of leadership and chieftainship over a social group, a hapū or iwi” (Mead 2003). Rather than meaning ‘ownership’ or ‘sovereignty’, rangatiratanga pertains more to concepts of power, authority and status. Rangatiratanga and its interpretation within the Māori world has greater association with local rights and responsibilities of chiefs, tribes and individuals towards to their property and towards each other (Wikaira 2010).

Kaitiakitanga has no universal definition within Māori society; it has often been loosely described as guardianship or stewardship within older versions of the 1991 Resource Management Act (Marsden and Henare 1992). However, Marsden (1992) believes that stewardship is not an appropriate definition of kaitiakitanga as the original English meaning of stewardship is “to guard someone else’s property”, while also inferring overtones of a master-servant relationship (Marsden and Henare 1992). Kaitiakitanga can be better described as “the process used to strike a balance between the physical, cultural, economic and spiritual needs of hapū and the sustained growth and vitality of the environment and all its natural resources” (Murry 2001). Kaitiakitanga has the meanings of guardianship, preservation, conservation and indefinite protection for future generations (Marsden and Henare 1992).

Mana, rangatiratanga and kaitiakitanga are prominent components equating to authority within the Māori worldview. As exemplified by each of these terms, the holistic nature of the Māori culture is inherent within all these terms as they

interrelate with each other and draw upon all the underlying values of tikanga Māori. These concepts strongly evoke messages of authority by asserting ideas of responsibility and obligation that are based on respect for the environment and striking a balance rather than dominance.

### **The issue that is ownership**

An anthropocentric and neoliberal perception of ownership did not exist within the Māori worldview. Tikanga Māori has no concept of individual ownership; the closest notion to ownership was limited to a number of personal things such as garments, weapons, and combs. Marsden states:

*Apart from this all other use of land, water, forests, fisheries was communal and/or tribal right. All natural resources, all life was birthed from mother Earth, Thus the resources of the Earth did not belong to man but rather, man belonged to the Earth. Man as well as animal, bird, fish, could harvest the bounty of mother Earth's resources but they did not own them. Man had but 'user rights'*

(Marsden and Henare 1992 156).

Tribal boundaries were created by naming the land during taunaha whenua (exploration) and settlements were established by maintaining ahi kaa (the lighted fires). Although this led to the creation of take tūpuna (ancestral rights), individual ownership still did not exist. However, occupancy, use and protection of any resource was sufficient evidence to know that the resource was under the mana of a particular iwi (Kingi 2007). Often land and resources belonged to more than one tribal group whose rights and uses were different. According to Mead (2003), “tribal co-operation in cultivation and the sharing and redistribution of resources inhibited any trend towards individualism and the individual ownership of land” (Mead 2003 282).

The exposure of Māori to Western cultural and philosophies resulted in the systematic fragmentation of the Māori culture, values, conscious rules and way of life. The extensive loss of ancestral land deprived Māori of traditional resources of spiritual, emotional and physical economic value which were of high value to their identity and self-esteem (Sheppard 2005). Western ideas of ownership were

encroached upon traditional Māori values, creating conflict amongst two different epistemologies of managing and owning water and resources.

In order to effectively understand the conflict between these two different worldviews of ownership, one must understand how ownership is perceived in the Western world. According to LeFevre:

*Guided by reason or by a few residual instinctive drives, man dominates his environment more than any other living thing; His mastery of environment is primary if not totally a matter of property acquisition and utilization...The yearning for ownership, is one of the most fundamental facts of life...Human beings long to possess items which they admire and appreciate. Conceivably, love, recognized as fundamental with humans, is somehow related to this deeply imbedded drive to possess, to own, to master personally, to exclude the rest of the world.*

(LeFevre 1971 1).

Themes portrayed by LeFevre may represent the philosophical foundations of Eurocentric views of Western ownership as founded by the Judaeo-Christian religion. Judeo-Christian values that underpin Western philosophies of ownership can be identified from the following Bible quotes:

*And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the Earth (Genesis 1:26).*

*God blessed them and said to them, "Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish of the sea and the birds of the air and over every living creature that moves on the ground. (Genesis 1:28)*

(Genesis 1: 26-28).

Possible interpretations of these verses reveal how the Western world may view ownership and the environment. The statement 'god created man in his image' may imply that man has the same ability that god has, and therefore can do with the Earth what he wants. This idea is consistent with the wording in Genesis 2:28:

“fill the earth and subdue it”, as well as the notions of ownership portrayed by LeFevre (Genesis 1: 26-28). The word subdue, according to the Oxford Dictionary means: “to bring under control by force”(Soanes and Stevenson 2004). In this context it reaffirms the above message that humans have the ability to exploit and dominate the environment with no cultural implications or significance.

The philosophical values underpinning the idea of ownership within the Māori and Western cultures are direct opposites. The holistic Māori culture induces notions of collective obligation, respect and responsibility to equate to the right of use and occupation. In contrast, the values of the Western view promote individual dominance and possession over the environment and people. The Western culture is disconnected from a Māori holistic worldview because it relies heavily on capitalism; this promotes production, exploitation, expropriation, and commodification of land, resources and people. (Marsden and Henare 1992). This Western perception of ownership is the basis of current legal and management systems which contradict Māori environmental ethics and values, and limits customary title to water.

## **The Seizing of Water**

The Western philosophy of capitalistic ownership has been applied to Aotearoa and her waters since the first European settlers arrived. The Government has often avoided the argument about water ownership as Māori argue that the Treaty affirms their rights to water and that ownership was never relinquished. However, the assertion of Māori to retain customary ownership over water is refuted by 'common law'. This was exemplified in the 1912 case of *Tamihana Korokai v. Solicitor-General* [1912] 32 NZLR 321; the court ruled that it would not enforce native title that wasn't sanctioned by law, and at most, it would recognise customary title. "This area of law was developed in the twentieth century around claims of fisheries where the judiciary consistently limited Māori rights to customary ownership and rights of use and access rather than full ownership" (Durette 2010 6).

Customary rights and title stems from Māori tikanga, occupation and practices such as hunting and fishing. This type of right and title has limited benefits as it is subject to English freehold title rights, and can be extinguished under New Zealand law. Despite the potential that customary title has, Māori are still concerned with the cultural, spiritual and sustainable use of resources; customary title does not protect these aspects or prevent the Government from selling natural resources to overseas conglomerates. This leaves Māori ownership as the only option to ensure the protection of the whakapapa, integrity, and prestige of natural resources for the survival of future generations. There are many issues associated with this notion and these will be explored in Chapter 5. Common law has played a major role in seizing tangata whenua rights to water, and this has been accompanied by a range of legislation that has commodified this taonga.

## Water and New Zealand legislation

The Crown's interpretation of the Treaty of Waitangi is that it maintains sovereignty over interests in water. Following British colonisation, rights to use freshwater was based on demands of pastoral land ownership; this was via a common law riparian regime which meant access to freshwater was linked to ownership of lands adjoining riverbanks. Water could be used for most purposes, provided that the quantity and quality of water available for downstream riparian users was not diminished. Riparian rights holders could sue if their interests were adversely affected (Land and Water Forum. 2010).

A reoccurring theme in all legislation relating to natural resources is that the Crown vests ownership in itself. Early statutes such as the Water Power Act 1903 vested in the Government the "sole right to use water in lakes, falls, rivers or streams" for the purpose of generating electricity. The Water and Soil Conservation Act 1967 vested in the Crown the "sole right to dam any river or stream, or divert or take natural water, or discharge natural water or waste into any natural water, or use natural water". Pursuant to the Coal Mine Act 1979 all beds of navigable rivers are also vested in the Crown (Hayes 2007 19).

For non-tidal, navigable rivers, the English common law presumption applies above the tidal limit; the owners of the riparian land (land with river frontage) own the river to its centre line, or in the case of lakes, to the centre point. Ownership is only of the bed of the water source, not the water itself. This is the *ad medium filum aquae*<sup>5</sup> rule which allows for beds of non-tidal navigable rivers to be privately owned, unless a particular Act has stated otherwise (Waitangi Tribunal. 2011b).

Under common law, ownership of naturally flowing water is not recognized until it is abstracted. Common law recognized the rights of landowners to take and use water flowing over or under their land which had not yet found its way into a water source, subject to certain restrictions. It also recognizes the limited rights of riparian landowners to take and use water flowing in waterways and lakes. Such water is not susceptible to ownership until it has been taken under common law right; it then becomes the property of the taker. Where a waterway runs through

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<sup>5</sup> Ad medium filum aquae rule – under English common law non tidal rivers assumes that the owner of the banks of the river own the river bed to its centre point.

an owner's land, the landowner is presumed to also own the bed and banks. If a waterway forms a boundary between lands, the medium filum aquae rule is applied and the land owners are presumed to own the river bed to the mid-line of the river. Tidal and/or navigable rivers however, are vested in the Crown. Common law applies to lakes, as it does to waterways. If a single property surrounds a lake, that landowner also owns the lake bed. If there are multiple landowners then the medium filum aquae rule is applied (Gibbs *et al.* n.d.). The Water and Soil Conservation Act 1967 extinguished common law riparian rights to freshwater and introduced a consenting regime for allocating rights.

In 1991 the Resource Management Act (RMA) was enacted by the New Zealand Government to promote the sustainable management of natural and physical resources. The RMA is the main planning paradigm for resource management in Aotearoa/NZ. Under the RMA, regional councils and territorial authorities have the primary responsibility for managing freshwater in New Zealand. Regional councils have the authority (among other aspects) to:

- Control land use to maintain and enhance water quality and aquatic ecosystems, and maintain water quantity;
- Control the use, taking, damming, and diversion of water, and the quantity, level and flow of water in water bodies, including setting maximum or minimum flows, and controlling the range or rate of change of flows or levels;
- Control the discharge of contaminants and water into water; and
- Establish rules in a regional plan to allocate:
  - The taking or use of water; and
  - The capacity of water to assimilate a discharge of a contaminant

(Gibbs *et al.* n.d. 4)

These provisions give regional councils the authority to establish rules to allocate rights to water; this includes allocating and regulating water among competing uses such as irrigation, hydropower generation, environmental values and recreation. Section 354 of the RMA maintains the stance of the Water and Soil

Conservation Act; the sole right to take, use, dam, divert or discharge into natural water is vested in the Crown (Resource Management Act 1991 s.354).

The RMA confers on regional councils the authority to grant consents to water. The Act provides a model of allocation which is intended to prevent the over-allocation of water. Water permits must be considered in order of application, and once a permit has been granted, a subsequent permit cannot be granted. This means that once a catchment is fully allocated, new parties wanting to purchase a permit must obtain a transfer of an existing permit, or wait until the expiry of an existing permit. Permits can be granted for a maximum period of 35 years, after which the consent holder may apply for renewal. As catchments are quickly becoming fully allocated nationwide, water trading is very quickly becoming a topic of discussion (Gibbs *et al.* n.d. 5).

In 2003 the New Zealand Government established the Sustainable Water Programme of Action (SWPA); it was to consider how freshwater resources could be managed to best support their sustainable future. SWPA identified three national outcomes for freshwater:

- Improve the quality and efficient use of freshwater by building and enhancing partnerships with local Government, industry, Māori, science agencies and providers, and rural and urban communities.
- Improve the management of the undesirable effects of land-use on water quality through increased national direction and partnerships with communities and resource users.
- Provide for increasing demands on water resources and encourage efficient water management through national direction, working with local Government on options for supporting and enhancing local decision making, and developing best practice.

(Anderton and Benson-Pope 1998-2011).

One model that the SWPA has proposed for better efficient management of water is the market mechanism. Dominant international doctrines portray the market mechanism as the best option to manage resources efficiently due to the increased concerns of resource survival and sustainability. However, this approach has many communities deeply concerned, especially indigenous people. If water

management is based on market value and the neoliberal policies that promote it, environment protection and restoration could potentially be based on the responsiveness to the market, rather than the need to prevent or cure environmental hazards, for example, the 2010 BP oil spill in the Gulf of Mexico (Bargh 2007). Legislation based on neoliberal values risks destroying natural resources for future generations. This is concerning for Māori as this form of thinking and management conflicts with tangata whenua values for the environment.

### **Tangata whenua and New Zealand Water Legislation**

Currently in Aotearoa/NZ, there are conflicting tensions regarding water as two different worldviews clash. Māori maintain that tino rangatiratanga over water was never lost and that water is an undivided entity. However, the impact of colonization, and the imposition of a statutory regime has meant that iwi have had to adopt a completely different way of managing water resources that does not adhere to their values and tikanga. The holistic, interconnected Māori worldview has become fragmented and replaced by a Western, neoliberal view that perceives water as a common commodity (Bargh 2007).

Under New Zealand law, Māori can hold customary title to water; however, ultimate ownership is vested in the Crown. This is in conflict with the Treaty of Waitangi which guaranteed to Māori the full, exclusive, and undisturbed possession or “tino rangatiratanga” of their lands, estates, forests, fisheries, and other properties, and their taonga. Despite what was agreed, the spirit of the agreement seems to have been quickly forgotten as the Government went to considerable lengths to vest ownership in itself. The legal system to date has not been sympathetic to Māori interests; but the resolution of claims through Treaty settlement processes provides an avenue where Māori can assert their legal rights to water (Durette 2010 6).

The Treaty claims process provides one avenue for negotiation and clarification of water rights; it also offers to Māori some influence over the management of water resources (Durette 2010 6). Past Treaty settlements have returned the beds of the Taupō and Rotorua lakes to iwi; however, the actual water itself has remained outside of the scope of these settlements. The most current Treaty settlement that

allows management rights to water is the Waikato-Tainui co-management agreement. This agreement is based on equal decision making and representation “to restore and protect the health and wellbeing of the Waikato River for future generations” (Guardians Establishment Committee 2010). Legal settlements represent a means for Māori to secure rights; however, these rights are often determined by the Treasury which are based on economic principles that will never allow full redress for the damage done to water.

Māori claim ownership to water based on two arguments; by asserting claims of customary or aboriginal rights to water bodies, and by claiming that rivers and waters sources are taonga and therefore protected under Article 2 of the Treaty.

The Government’s Treaty settlement policy does not entertain the notion of tribal ownership of natural resources, and the New Zealand law does not provide for ownership of lakes and rivers. According to the Māori Party co-leader, Turiana Turia, the processes that the Government is enacting through SWPA and water legislation is “blurring” the issues of water ownership to create the illusion of Crown ownership of water for the public good. Like the foreshore and seabed issue, this would enable the Government to privatize rights to water, and allow its purchase by overseas conglomerates (Gibbs *et al.* n.d. 2).

The position of water ownership in Aotearoa is uncertain. The New Zealand Government is firm in their stance that ownership is vested with them, even though the founding historical document of this country states that Māori were guaranteed their rights over water. Thus far the New Zealand Government has actively legislated to prevent this right from being allowed; ensuring that full power is in their control, and that they will have the ability to sell resources and their use rights to overseas companies. Although Treaty settlements have provided a new avenue of gaining water rights, i.e. co-management, whether such arrangements allow equal governance, management and protection of resources is yet to be determined. As a result, water ownership and the power relationship between Māori and the Government are still being tested. For Māori, the ability to prove tino rangatiratanga will not be possible once resources are passed out of Crown ownership (Bargh 2007 14). Once resources and their rights are sold off, it is effectively a re-enactment of the raupatu that Māori faced during the

colonization of Aotearoa. This is far from an equal partnership or an adequate acknowledgement of Māori as a Treaty partner.

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### **A conflict of two worlds chapter review**

As this chapter has shown, encompassed within the Māori worldview is a holistic environmental ethic based on fundamental values that shaped Māori consciousness and resource management. Prior to European colonization, this value based environmental interaction was practiced not only by the greater Māori collective, but also at iwi, hapū and whanau levels; they developed their own specific sets of knowledge and practices for their individual localities. This knowledge was passed on through generations who retained the same value base that constructed these protocols and processes. However, the arrival of Pākehā and the subsequent colonization saw this knowledge suppressed along with Māori culture. It also removed from Māori what the Western world calls ownership and management rights of resources.

The unequal power relationship between the Crown and Māori is most prominent in the field of resource management and environmental, despite the insertion of rules in legislation and planning documents regarding the protection of Māori interests (RMA ss 6(e), 7(a) & 8). Māori perspectives of management, ownership and rights to the environment continue to be denied through legislation such as the Foreshore and Seabed Act and government initiatives for mining and resource extraction. This causes continued tension as Māori are often regarded as a stakeholder rather than an equal partner in environmental decision making processes.

The denial of Māori ownership and rights by the New Zealand Government, and the subordination of traditional knowledge in management practices are reflective of a power struggle between the coloniser and the colonised. Aotearoa/NZ is a country born of two different sets of knowledge bases and histories. The constitutional framework for resource management has been based on the Western doctrines of the coloniser, utilised from 1840 to the present day. Acknowledging the discourse of the worldwide inequality between the indigenous people and the

coloniser, and how it continues to manifest itself within current governments, legislation and management practises is best exposed in post-colonial discourses. This theory challenges colonial governance, epistemologies and what is perceived as the 'correct knowledge base' that determines environmental management. This will be discussed in the following chapter.

## Chapter Three

### Post-colonial theory: a paradigm of exclusion

*Ko taku reo taku ohooho, ko taku reo taku mapihi mauria*

*My language is my awakening; my language is the window  
to my soul*

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#### Assimilate and exclude

*‘Our values, beliefs and way of life were incrementally replaced with those of the colonisers’.*

(New Zealand Waitangi Tribunal 2008 92).

European expansion has created a legacy of tragedy and agency around the world. For indigenous people, tragedy often supersedes agency as Europe’s encounters are commonly seen as a process of uninterrupted, inevitable and undifferentiated disaster for all indigenous people (Belich 2009). Aotearoa was no exception; imperialism and colonial settlement enacted practices such as plunder, warfare, genocide, enslavement and rebellion to acquire land and effectively displace tangata whenua, rendering them and their traditional knowledge invisible and subordinate to that of the colonisers (Polak 2005).

This chapter describes post-colonial theory as the theoretical discourse that underpins my approach to environmental development in Aotearoa. Firstly, it will outline the importance of exploring post-colonial theory to this study. Secondly, it will discuss the key post-colonial terms attributed to post-colonial theory, displaying its multiple meanings and interpretations, and this will lead into an exploration of the relationship between the colonizer and the colonized. Thirdly, it will align key components of post-colonialism with the work of French theorist, Michel Foucault; this will further explain the state of indigenous people and knowledge systems within the current state of environmental development.

Fourthly, mātauranga Māori is discussed and then compared to Western science, unearthing the core issue of incompatibility between the two approaches to resource use.

### **Theoretical basis**

Environmental planning in Aotearoa/New Zealand is entrenched in the environmental regulatory regime of the Resource Management Act 1991 (“RMA”). The RMA provides the central framework for resource management and iwi environmental involvement. However, the manner in which Māori interests are incorporated is mainly determined by the courts. These interests relate to “Māori living in and working with their ancestral communities, and endeavouring to protect the integrity and life sustaining abilities of their lands and natural resources” (Mutu 2002 165). The RMA provides the framework for environmental management, but it also contributes to defining the parameters that restrict iwi environmental management. Furthermore, the events of the first part of this century such as the confiscation of the seabed and foreshore, the emergence of new technology such as genetic engineering, and the amendments to the RMA, have mirrored the acts of land confiscations and legislative suppression that occurred in the 19<sup>th</sup> and 20<sup>th</sup> centuries (Hutchings 2006). Numerous assessments have been carried out on the impact of the RMA on iwi kaitiaki interests. Also, “all of the assessments and decisions continue to uphold the assumed power basis of the colonial hegemony as the dominant worldview and system for managing the environment in Aotearoa” (Hutchings 2006 95).

Many environment planning theorists, such as Faludi (1973), believe that the rationale for planning theory is to promote human growth and continue the enrichment of human life. Faludi writes, “planning and science propel this process of man becoming master over his world and himself along a path towards further human growth” (Faludi 1973 35). It can be argued that this is the stance that the Government has in regards to resource management in Aotearoa/New Zealand. Western ideas of environmental management and domination, in the name of progress, often conflict with the views of indigenous people whose voices of environmental experience and traditional knowledge have been silenced or seen as inferior due to a past of colonisation, assimilation and exclusion.

Aotearoa has two different sets of histories and knowledge; one of the original inhabitants – the tangata whenua, and the other of a settler population. A power struggle has arisen between the colonised and coloniser which is readily seen in the environmental domain. Issues of cultural knowledge, justice, redress and truth are central to this study in unearthing the nature of the power struggle over the ownership and management of natural resources. Post-colonial theory is employed to challenge the colonial dominance over environmental and water management. The work of French philosopher, Michel Foucault, is coupled with post-colonial theory to portray how the production and application of truth and knowledge depicts the bias amongst the portrayal and acceptance of knowledge.

### **Post-colonial terms**

The term post-colonial theory or post-colonialism has a wide range of interpretations and applications. This term is closely associated with colonialism and imperialism, and in the context of Aotearoa/New Zealand it depicts a relationship between Pākehā as the colonizers and Māori as the colonized. *The Dictionary of Human Geography* describes colonialism as “The establishment and maintenance of rules, for an extended period of time, by a sovereign power over a subordinate and alien people that is separate from the ruling power” (Watts 2000 93). Imperialism is defined as “the creation and maintenance of an unequal economic, cultural and territorial relationship, usually between states and often in the form of an empire, based on domination and subordination” (Clayton 2009 373). Despite the definition above, Loomba criticizes definitions of colonialism as they very rarely make reference to encounters between peoples or of conquest and domination, but rather refer to settling in a ‘empty’, new, uninhabited country (Loomba 2005). Polak (2005) emphasises that the multiple interpretations and ambiguities of definitions of the prefix ‘post’ and the root ‘colonial’ in the term post-colonial, deliberately fail to mention the possibility of people already residing in countries prior to European settlement. Both Loomba’s and Polak’s assertions are in reference to the Oxford English Dictionary definition of colonialism:

*a settlement in a new country...a body of people who settle in a new locality, forming a community subject to or still connected with their parent state; the community so formed, consisting of the original settlers*

*and their descendants and successors, as long as the connection with the parent state is kept up*

(Loomba 2005 7).

This definition avoids making any reference to people other than the colonizers during settlement. It implies that the colonizers created a settlement in a ‘new country’; this process of forming a community excludes indigenous people, legitimising their invisibility. Indigenous exclusion within the history of European settlement has had a continuous mark on human history. The transmission of a nation’s history often excludes its ‘bloody past’ and only acknowledges that settlement represented the formation of a primarily European community in a new country. Polak further explains that practices such as plunder, warfare, genocide and enslavement would not have been necessary “had the colonisers not had somebody to plunder, fight against, put to genocide or enslave” (Polak 2005 136).

This process is reflected in contemporary times when settler populations fail to recognise the original inhabitants of a country and proclaim themselves to be ‘indigenous’ to the new land. This was exemplified when Labour MP, Trevor Mallard, ‘proudly’ claimed to be indigenous to New Zealand, challenging the “presumption about the way in which non-Māori feelings for land and water were dismissed as less heartfelt, less sensitive, less spiritual” (Misa 2008). Such actions reflect how colonialism did more than takeover a territory to “extract tribute, goods and wealth from the countries that [Western Europe] conquered”; it restructured economies, exploited labour and interfered with political and cultural structures of another people or nation (Loomba 2005 5).

Colonialism began with the European expansion in the 16<sup>th</sup> to 20<sup>th</sup> centuries; this was described as the exploration of the ‘new world’. European encounters with indigenous people can be often characterised by the Christopher Columbus quote:

*Uncivilised heathens could have no superior right to occupy the Lord’s holy Earth, regardless of how long they had lived in a particular place. A Christian nation could move in at any time and occupy the space needed by its own people... as such occupancy was essential to the process of bringing heathens into the saving knowledge of the new religion, which was born out of the Reformation (Harris 1953 63).*

Indigenous people encountered European contact all over the world, in different terrains and frontiers. No encounter was the same. In some areas indigenous people created trade with the initial settlers and allowed them to live among them, while in other encounters the indigenous people were massacred for their resources.

According to the Western world, colonisation was inevitable as it was the only path to modernism. “Colonisation invoked modernity’s triumph over so-called traditional society” (During 1998 1). Terms such as colonialism and imperialism refer to a linear time frame of progression from first contact, to colonisation and to then modernisation. McClintock (1992 85) describes the progression as “the passage [that] rehearses this temporal logic: progress through the ascending doors, from primitive pre-history, bereft of language and light, through the epic stages of colonialism, post-colonialism and enlightened hybridity<sup>6</sup>”. Throughout this progression indigenous people were enslaved, exterminated or forced to conform. On top of the suppression of colonisation, Pākehā-induced epidemics greatly affected the Māori population such that many Pākehā assumed that Māori would be extinct towards the turn of the century. Dr Featherston, the superintendent of Wellington stated:

“The Māoris are dying out and nothing can save them. Our plain duty as good compassionate colonists is to smooth their dying pillow. Then history will have nothing to reproach us with”

(Mikaere 2000 12).

While extinction did not occur, the spread of disease aided the colonisation and assimilation process, encouraging urbanisation and pledging allegiance to the Crown, or converting to Christianity in order to receive aid (Mikaere 2000). The devastating spread of disease was common amongst indigenous people worldwide; they had not experienced European disease until their arrival. The linear process of colonisation to modernity<sup>7</sup> created nation states within these new colonies based on imperial control. Evelyn Stokes (1980) also illustrates this point in the

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<sup>6</sup> Hybridity – The conceptual boundaries produced by dominant discourses that depend on diversions between the ‘other’ and the same; hybridity refers to those things and processes that transgress and displace such boundaries and in so doing produce something ontologically new.

<sup>7</sup> Modernity and modern – occupy a central position within the discourse of Europeanism. Within Europe modern was repeatedly employed to distinguish a new social order from previous ones.

colonisation of Aotearoa; “the only way that Māori people could hope to fully be acceptable to European settlers as fellow citizens was to assimilate to European culture...Māori progress was equated with Europeanization”. In the South Pacific the significant European explorer, Captain James Cook, is symbolised as a founding colonial ‘forefather’ for first ‘discovering’ the uninhabited islands of New Zealand and claiming them for his sovereign (Belshaw 2005). Colonialism sought to create a universal understanding of humanity by annihilating ‘otherness’ with assimilation and absorbing “the heterogeneous...; in short, to translate the other into the language of the same” (D’Hautesserre 2005 103).

As the new colonies of Europe grew and indigenous people were either exterminated or assimilated, these imperial colonies gradually developed into their own nation states and identities; McClintock describes this as a state of hybridity. Colonial and Anglo-Christian values remained the foundational values of these colonies, depicting and acknowledging only a colonial past and history of the nation (Maguire 1985). This reflects how those settlers believed that countries failed to have original or indigenous inhabitants, and justified how a nation’s history did not begin until the arrival of its colonial settler population. This system of nation building only produced images of European supremacy, but also institutionalised a “fabricated history, full of omissions and distorted perspectives” that for the majority of the New Zealand public, only started in 1840 (Maguire 1985).

Colonialism, imperialism and modernism are vital in the creation and interpretation of post-colonial theory as it encompasses all these terms. An understanding of these terms and their application alludes to where post-colonialism sits in the modern context of indigenous societies, and within the hybrid state of colonial nations (McClintock 1992).

## Post-colonial theory

Post-colonial theory encompasses all of the above terms and theories; however, its definition and interpretation has been widely contested. The obvious implication of this term is that it refers to a period after colonialism. Its most popular use arises in situations that examine the impact of the coloniser on the colonised and how this continues to the present day. The theory of post-colonialism became more crystallised when Said published *Orientalism* (1978); he described the idea of post-colonialism as ‘an examination of the impact and the continuing legacy of European conquest, colonisation and domination of non-European lands, peoples and cultures’ (Said 1978). The main argument of *Orientalism* is that people do not acquire knowledge about ‘others’ in an objective way; the manner in which the information is analysed and received is the end result of a process that reflects certain colonial interests. Said describes this as a lens that distorts the actual reality of other places and people. This lens is called Orientalism – a framework that is used to understand the unfamiliar and the strange, and is intended to make indigenous people appear different and threatening (Said 1978). This has led to the creation of modern day cultural and social stereotypes. *The Dictionary of Human Geography* (2009) defines post-colonialism as:

*A critical politico-intellectual formation that is centrally concerned with the impact of colonialism and its contestation on the cultures of both colonizing and colonized peoples in the past, and the reproduction and transformation of colonial relations and representations and practises in the present*

(Gregory 2000 612).

There is debate as to when the post-colonial state arises; many assume that because descendants of the colonised are widely dispersed, the world is post-colonial, inferring that the term refers to the time after the ending of colonialism (Childs and Williams 1997). This is due to the prefix ‘post’ which implies an ‘aftermath’. However, Loomba (2005) asserts that “if the inequalities of colonial rule have not been erased, it is perhaps premature to proclaim the demise of colonialism” (Loomba 2005 7). As a result, decolonisation has not meant an end to unequal relationships or imperialism (D’Hauteserre 2005), but allows a country

to claim post-colonial or independent status, while still remaining neo-colonial<sup>8</sup>. Polak (2005 137) believes that post-colonialism should be accepted in its plural form as it encompasses a set of “heterogeneous moments arising from very different historical processes”. This is also supported by Daring’s (1998) statement that “the post-colonial effect is specific to each ex-colony”. Most authors contend that post-colonial theory is a critique of Western structures; Evelyn Stokes notes that it “should constantly interrogate and apply self-reflexibility to the creation of knowledge, and lead to rethinking of the very terms by which knowledge has been constructed” (D’Hauteserre 2005 105).

Post-colonial theory is used in this thesis as a method of analysis when I discuss various cultural, political and linguistic effects and experiences initiated by colonization (Polak 2005). More importantly, it demonstrates how past colonial discourses still exist in the post-colonial present, and opens “up a space to question the categories and epistemologies” that have supported Western structures of dominance (D’Hauteserre 2005 105). As displayed in Said’s literature, colonialism often discusses the interaction between the coloniser and the colonised. In the case of Aotearoa, the colonised is the original indigenous inhabitants, tangata whenua, and the coloniser is the invading European settler population. Colonised people within the post-colonial discourse are often described as the strange, different and threatening ‘other’ in the coloniser Western ‘norm’ of understanding (White 2005). This mind set embodies all the aspects of exclusion and marginalisation as defined above under the terms colonialism and imperialism.

In terms of New Zealand’s environmental planning, post-colonial theory analyses and addresses the fundamental theories that construct resource management and the mainstream decision making processes. Identities of Māori, the tangata whenua, and the dominating motives of the European settler population have been amalgamated into what is portrayed internationally as the nation state of New Zealand. This image produces images of racial equality; however, this is a misleading and tokenistic portrayal that only employs some aspects of Māori culture. Monda (2011 para. 6) comments how:

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<sup>8</sup> Neo-colonial – The sense of remaining economically and/or culturally dependant.

*Consequently, a loss of history and memory takes place, with the effect that the colonised indigenous is kept out of the objective conditions of contemporary nationality. Under these conditions identity easily becomes confused with an "artificial nostalgic folklore" unconnected to the times.*

This is exemplified by the token provisions found in planning documents; they outline the significance of tangata whenua values and participation, but fail to practice these. Traditional values such as mauri, wairua, taniwha, tikanga and atua are often discussed in consent hearings and the Environment Court as iwi react to activities that threaten these values. However, these arguments are labelled as ‘myths’ and have little weight in comparison to stronger written sections of the RMA. Other examples include the exploits from tourism such as the ‘haka’ before rugby matches; this further promotes a false nation state in favour of economic gain. Māori knowledge, management and socio-economic conditions remain subordinate to that of the colonial oppressors, and this uneven relationship is often exposed in the environmental and resource management field. Such moves to portray a nation of equality are deliberately made by those in positions of power. The next section outlines these power relations, specifically Foucault’s work and how it uncovers how those in power deliberately manipulate knowledge to install realities of ‘truth’.

### **Foucault: the installing of what is true and false**

Even after the initial conquest, processes of colonisation continue to enforce Western domination, power and control over countries and indigenous people. Forms of knowledge, language and values of the indigenous ‘other’ are made subordinate to those of the Western institutions; this is achieved by creating an environment which imposes the supremacy of Western knowledge. Aspects of indigenous culture that cannot immediately conform become decentred, marginalised and appropriated as the colonies assert their own discourses of history and knowledge. It is in this way that Western knowledge, science, language and institutions can dominate history and power structures (White 2005).

Foucault explores the ideas of discourses and ‘truth of resemblance’; he discusses how knowledge that is perceived as truth is a product of power because it is employed in a way that regulates and normalises individuals. This is illustrated by

the use of scientific principles, methods and reasons as the practices employed to create categories of understanding and what is deemed as acceptable truths. These truths are then justified by observations, accounts, testimonies, and confessions to the truth; this allows the knowledge to be established as ‘conditions’ which distinguish the ‘normal and healthy’ and what is rationally right and wrong. Foucault emphasizes that “madness doesn’t just exist – it is produced by disciplinary knowledge” (Danaher *et al.* 2000 26). In this example he explains how the government drafts policies and laws that determine who is legally normal and healthy, and who is morally or physically dangerous. Knowledge is based on institutional and discursive practices to authorise and legitimate the exercise of power (Danaher *et al.* 2000 26).

*In European society power is in the hands of the government and is exerted by the hands of the government and is exerted by some particular institutions such as local governments, the police, the Army. These institutions transmit the orders, apply them and punish people who don’t obey*

(Chomsky 1971).

Discourses and epistemologies operate as forms of language applied by various institutional settings to lay the foundations of how people make sense of the world. Foucault describes this as the ‘games of truth’ which are projected by Governments in the fields of science to authorise what can be judged as true or untrue (Danaher *et al.* 2000 45).

Foucault’s assertion of perceived, accepted truths and knowledge are clearly connected to post-colonialism. Knowledge of the suppressing power has been promoted in such a way that mainstream media and education systems disperse knowledge so that power resides and is maintained in the hands of a certain class. This can be strongly associated with post-colonial theory which describes indigenous people as the ‘other’ and the colonial power as the normal. Within Aotearoa, this is clearly displayed by the dissemination of Māori histories and knowledge; stories of exploration and war are retold and institutionalized by the colonial power. This fabricated history is then used as ammunition for politics to gain leverage over indigenous claims of rights and causes, continuing social discrimination in a self-proclaimed nation of ‘one people’.

This manipulation of knowledge is described by Marxist philosopher and political scientist, Antonio Gramsci, as ‘cultural hegemony’ (Monasta 1993). Gramsci explains how a culturally diverse society can be dominated by one social class that manipulates the societal culture such as values, explanations and perceptions, so that the worldview of the ruling class is imposed as the social norm. This perception is then universally accepted as the valid status quo and believed to be beneficial to all, while only benefitting the ruling class (Mumby 1997).

The combination of post-colonial theory and Foucaudian thought enables claims of knowledge, discourses and truth perpetuated by colonial systems to be challenged by indigenous peoples. Furthermore, it creates a space for indigenous people to contest and validate their own discourses and knowledge, enabling them to challenge and establish alternatives to mainstream Western discourses. Foucault further supports this by making this statement in a debate against Chomsky in 1971:

*The real political task in a society such as ours is to criticize the workings of institutions that appear to be both neutral and independent to criticise and attack them in such a way and manner that political violence has always exercised itself obscurely through them will be unmasked, so that one can fight against them*

(Chomsky 1971).

An example of a different knowledge base which can be used to challenge the status quo of mainstream environmental planning and shift towards greater sustainable management is mātauranga Māori.

## **Mātauranga Māori: Traditional Ecological Knowledge**

*Indigenous communities are the repositories of vast accumulations of traditional knowledge and experience that link humanity with its ancient origins. Their disappearance is a loss for the larger society, which could learn a great deal from their traditional skills in sustainably managing very complex ecological systems*

(Inglis 1993 2).

For many years prior to European arrival, indigenous people worldwide lived by their own cultural value systems and beliefs which sustained their environment and identity. This form of knowledge was encompassed within indigenous worldviews. For Māori, environmental and social management is values based and is applied in various ways that are specific to each iwi and hapū in geographically defined areas. Practical knowledge of environmental and resource management is therefore represented by local values and associated knowledge. Māori call this mātauranga a iwi<sup>9</sup>, and mātauranga a hapū<sup>10</sup> for hapū and iwi and for Māori in general it is referred to as mātauranga Māori. An interpretation of mātauranga Māori can be found in the NIWA scoping study of the Waikato River:

*The knowledge comprehension or understanding of everything tangible or intangible that exists across the universe from a Māori perspective. It takes many forms including te reo (Māori language), taonga tuku iho (treasure handed down) and mātauranga (traditional environmental knowledge) and knowledge of cultural practises, such as rongoa (healing and medicines) and mahinga kai (hunting, fishing and cultivation of food)*

(National Institute of Water & Atmospheric Research 2010 18).

This type of local knowledge, despite existing for thousands of years, has only been recognised by the Western scientific community since the 1980s and has been described as Traditional Ecological Knowledge (TEK) (Kimmerer 2002). There is no universally accepted definition of TEK, but the term is seen to describe the knowledge that has been acquired by indigenous local cultures, explaining their interaction with their surrounding environment and includes

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<sup>9</sup> knowledge of specific iwi or tribes

<sup>10</sup> knowledge of specific hapū or sub-tribes

cultural practices based on this knowledge. TEK incorporates “an intimate and detailed knowledge of plants, animals, and natural phenomena; the development and use of appropriate technologies for hunting, fishing, trapping, agriculture, and forestry; and a holistic knowledge or worldview that parallels the scientific discipline of ecology” (Rinkevich 2008 19). TEK is typically ascribed to aboriginal people “who have spent their lives out on the land/waters, and who have developed a holistic understanding of lands/waters, their biota, and human interrelationships with both”(Chapman 2007).

Traditional ecological knowledge refers to the knowledge, practice and belief concerning the relationship of living beings to one another and to the physical environment. For Māori, TEK or mātauranga a iwi, a hapū is encompassed by the Māori worldview; cosmology, whakapapa, spirituality, and the importance of myths and legends are all vital in mātauranga and its application.

Mātauranga or TEK exists in all indigenous cultures around the world; it's based on an intimacy and attentiveness to a homeland and can arise wherever people are materially and spiritually integrated with their landscape (Kimmerer 2002). TEK is not a universal term, but is specific to tribal and sub-tribal groups within their local environments. This is the same for Māori as not all iwi, hapū and whānau have the same practices; however, they share principles that drive them, entrenched by whakapapa and adapted to their locality. Mātauranga is holistic and not a static perspective of the world or type of applied technology. As Māori continue adapting, learning and evolving through each generation's detailed observations and experiences, mātauranga continues to develop, expand and adapt to the ever changing realities of the contemporary world. This approach resembles the kauwae runga and kauwae raro philosophy that illustrates how the lower jaw continuously moves, allowing for speech and processing of food, while the upper jaw remains permanently in place. While both components are opposites, both are required to maintain balance and survival (Smith *et al.* 1978). As mātauranga evolves its underlying values and principles remain the same, allowing the incorporation of new innovative technologies that can be applied in a manner that strives to achieve these core principles of respect and sustainability (National Institute of Water & Atmospheric Research 2010). This then allows for mātauranga to also adapt to Western scientific techniques and practices so long as it is consistent with its core principles.



Figure 4: Te awa o Waikato – Mātauranga Māori is based on proven traditional values and practices.

### **Mātauranga and Western Science**

There is growing worldwide recognition that the Earth's resources and organisms are finite and are depleting. This has led to the creation of actors in environmental management. An example is the 1992 United Nations Rio Declaration on Environment and Development; it created an international agreement to encourage States to protect and respect global environmental integrity (United Nations General Assembly, 1992). However, if efforts to sustainably manage the environment and resources are going to be successful, environmental protection and technical knowledge need to go further than solely relying on Western scientific knowledge systems. A greater understanding of the adaptive nature of ecosystems and the complex interactions between humans and other biological processes is required. Unfortunately, ecosystem adaptation and interconnectivity are often neglected concepts in Western scientific management; scientific management reduces environmental issues down to detailed parts and tends to be a more accepted approach (Banavage 2008 3).

The difference in approach and transmission of mātauranga Māori and Western science has created a divergence between the two in environmental management.

Competition between these two systems does not occur because of negation or contradiction, but rather because both forms of knowledge are not given equal recognition and value. Alongside the Western worldview, Western science is perceived as the dominant form of knowledge that legitimises management procedures and validates decisions of the courts (Banavage 2008). All other forms of knowledge are subordinate and inadequate.

*The idea of a divide between indigenous knowledge and Western science has been founded on the view that Western science and allied systems of knowledge have formed a dominant discourse that has obliterated, marginalized, or assimilated local, traditional, and indigenous traditions and discourses*

(Davis 2006a 146).

Traditional ecological knowledge differs from scientific ecological knowledge in a number of important ways. TEK observations tend to be qualitative, and they create a diachronic database which is predominantly an oral record of observations from a single setting over a long time period. The benefits of these observations are that the observers themselves tend to be the resource users; their harvesting success is inextricably linked to the quality and reliability of their ecological observations. The scope of TEK also includes:

*A detailed empirical knowledge of population biology, resource assessment and monitoring, successional dynamics, patterns of fluctuation in climate and resources, species interactions, ethno taxonomy, sustainable harvesting, and adaptive management and manipulation of disturbance regimes*

(Kimmerer 2002 433).

In contrast, scientific observations generally employ quantitative methods of data collection and often represent synchronic data or simultaneous observations from a wide range of sites; this frequently lacks the long-term perspective of TEK. A key difference between these two forms of knowledge is that Western science is conducted in an academic manner that views nature as strictly objective. TEK is values based while the Western science prides itself on objectivity. TEK allows for more than the empirical information concerning ecological relationships, and

also possess explanatory power from oral transmissions over generations. TEK is woven into and is inseparable from the social and spiritual context of indigenous people's worldview; those worldviews are constructed from an ethic of reciprocal respect and obligations between the human and nonhuman world (Kimmerer 2002). While TEK and Western science are based on contradicting philosophies, values and practices, a middle ground can be established to utilize both systems of knowledge. This occurs only if TEK has an equal status to Western science, and Western science is prepared to accept and adapt new ways of thinking and operating.

Applying TEK in contemporary environmental and resource management practices can mean facing a number of reoccurring colonial issues of power, control and exploitation. Menzies describes how bureaucrats generally either ignore TEK, or exploit its use in a decontextualized, Western, rationalised extraction. Menzies asserts that TEK is a part of the local people and culture, and exploiting it out of context could incur further environmental exploitation and create issues over ownership of cultural knowledge (Anderson 2007 571).

The risk of alienation of TEK has arisen in Aotearoa by way of the Wai 262 claim to the Waitangi Tribunal; it was an attempt by Māori to prevent the Government from selling rights to indigenous fauna and flora to overseas pharmaceutical companies. If this was allowed, it would confiscate Māori rights to *rongoā*<sup>11</sup> and their associated knowledge base and place it in the ownership of companies outside of this country. The Waitangi Tribunal Wai 262 report states:

*Current laws [in Aotearoa New Zealand], for example, allow others to commercialise Māori artistic and cultural works such as haka and tā moko without iwi or hapū acknowledgement or consent. They allow scientific research and commercialisation of indigenous plant species that are vital to iwi or hapū identity without input from those iwi or hapū. They allow others to use traditional Māori knowledge without consent or acknowledgement. They provide little or no protection against offensive or derogatory uses of Māori artistic and cultural works*

(Waitangi Tribunal. 2011c para. 11).

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<sup>11</sup> Rongoā – Māori medicine created from indigenous flora and fauna of Aotearoa

Despite messages institutionalised by the Government of racial equality, colonialism is still present within this contemporary day and age. It continues to justify colonial rule to assimilate and subdue any other form of knowledge or value base.

Validating indigenous knowledge then becomes as challenging as justifying indigenous rights and ownership. However, merely researching indigenous knowledge and practising some of their principles is a further enactment of colonisation as it exploits another's knowledge. It is for this reason that post-colonial theory needs to be applied when addressing issues of acquiring knowledge for management systems.

NIWA, in their four part scoping study of the Waikato River as part of the Waikato River co-management agreement, acknowledged that there is consensus among Māori and the scientific community that aspects of water and sediment quality throughout the Waikato River are degraded and need remedying. The report further commented that “mātauranga Māori and science together can help identify what actions need to, and can be sensibly, be taken to restore the health and wellbeing of the Waikato River” (AgResearch Ltd *et al.* 2010). Successful integration requires a thorough and thoughtful synthesis with mātauranga Māori and Western science; a common ground of reconciliation that does not diminish the legitimacy of cultural concepts needs to be found (National Institute of Water & Atmospheric Research 2010). However, adequate integration of mātauranga and Western science remains dependent on those with the decision making power that control the production of information that dictates management practices.

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## **Post-colonial theory chapter review**

This chapter began with the process of colonisation that has destroyed, suppressed and assimilated indigenous peoples, cultures and knowledge bases, and then regurgitated the history from a Western perspective. Like the people, indigenous knowledge bases are also regarded as the ‘other’, the strange, different and unnecessary. The RMA provides the theoretical basis and current paradigm for environmental management in New Zealand. However, this paradigm is solely based on Western ideologies, informed by Western science and validated in a Western legal system which deliberately excludes the rights and knowledges of tangata whenua. This manifestation of colonialism is exposed by a post-colonial lens.

Key terms that combine to construct post-colonial theory are colonialism, modernism and imperialism. Beginning in the 16th century, colonisation saw that new colonies were established in ‘new, undiscovered’ countries; this saw the expansion of Europeanization by way of Anglo-Christian values. Colonialism sought to create a universal perception of humanity by annihilating the indigenous ‘other’ by assimilation and suppression. This ultimately created settler identities of colonial hybrid nations, legitimating European residence in countries of which they were merely immigrants. Post-colonial theory encompasses these terms and analyses the relationship between the coloniser and the colonised; throughout history the colonised has been viewed as the ‘other’, separate, dangerous and savage to the coloniser.

Post-colonial theory is employed as the starting point of this commentary, and it exposes the continued suppressive relationship between the coloniser and the colonised within contemporary environmental management. This post-colonial lens reveals token legislation that fails to have any meaningful benefit to tangata whenua, and the deliberate acts of those in power to solely privilege their motives and promote their ideologies.

The deliberate ‘institutionalisation of ideas’ are discussed; Foucauldian thought reveals how knowledge that is perceived as truth is a product of power because it is employed in a way that regulates and normalises individuals. This is illustrated by the privileging of scientific principles and the neoliberal forms of management;

these practices are employed to create categories of understanding and are deemed to be acceptable truths.

The manipulation and dissemination of knowledge is deliberately done to limit tangata whenua rights and the utilization of mātauranga Māori or TEK. However, as natural resources diminish, new forms of science and management are being explored. Tangata whenua and indigenous peoples worldwide have developed the knowledge to live sustainably, so it is reasonable for current environmental management and Western scientific methods to adapt indigenous knowledges and practises. However, it is not the difference between Western science and TEK that prevents this from happening, but the subordination of indigenous knowledges by a system based on colonial ideologies and installed manipulations of truths.

Post-colonial theory is utilized as a lens to advance mātauranga Māori and sustainable initiatives by identifying and unearthing the unequal power relationship between the Crown and tangata whenua which hinders this advancement. Post-colonial theory is combined with a kaupapa Māori methodology to recruit and interview participants, to attain primary information of this topic. This is discussed in the following chapter.

## Chapter Four

### Methodology

*Naku te rourou nau te rourou ka ora ai te iwi*

*With your basket and my basket the people will live*

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#### **Finding an appropriate stance**

A research methodology provides some justification for the approach in which the research is conducted, and demonstrates the thoughts of the researcher. It has been explained that since the European colonisation of Aotearoa, environmental management and wider social experiences with Māori have been characterised by consistent inequality and disadvantage. Post-colonial theory shows us that the relationships between the coloniser and colonised can be deconstructed and reconstructed, although this process is seldom fast and never painless.

In the context of this research, an appropriate methodology is one that not only addresses the issue, but also protects the participants and the sacredness of the information they provide. Acquiring qualitative information by and from Māori and indigenous people requires an acknowledgement of the impact of suppression and assimilation that indigenous cultures have faced and continue to face in contemporary society. An in-depth understanding of Te Reo Māori<sup>12</sup>, the Māori worldview and tikanga is also required so that any qualitative information acquired is effectively understood and protection is ensured.

This chapter explains the methodological perspective of kaupapa Māori which is employed for this research. Secondly, it explains my own stance on the research topic and how this has influenced the work. Thirdly, I discuss the national water management legislation issues driving this methodology that I intend to explore in the interviews. Fourthly, I move to selecting, locating and meeting with the

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<sup>12</sup> Māori language

participants. Fifthly, I discuss the work experience that I benefited from at the Waikato Regional Council (WRC) and the relevance that this experience had to the research and the case study of the Waikato River co-management agreement. Finally, I discuss how the data acquired from the interviews is to be analysed and interpreted.

### **Kaupapa Māori analysis**

*Kaupapa Māori research developed as a part of a broader movement by Māori to question Westernized notions of knowledge, culture and research. Kaupapa Māori research has been used as both a form of resistance and a methodological strategy, wherein research is conceived, developed, and carried out by Māori, and the end outcome is to benefit Māori*

(Walker *et al.* 2006 331).

Kaupapa Māori research was born from Māori resistance and their discontent with conventional research methods (Walker *et al.* 2006 332). The conventional methods documented Māori lives and knowledge by the concerns and interests of non-Māori researchers, representing the continuation of neo-colonial dominance of coloniser interests in social and educational contexts. This perpetuates a tradition of research based on colonial values that undervalue and belittle Māori knowledge and practices, and endorses those of the colonizer (Bishop 1999). Evelyn Stokes (1987 119) emphasises this by explaining how colonial discourses continue to manifest themselves in the post-colonial present; she criticised Pākehā geographers' views of Māori culture stating that "a geography of Māoris is not just a geography of Māori places" (D'Hautesserre 2005 106). The view of a subordinate Māori culture created a research ideology of cultural superiority; it excluded the development of equal power sharing processes and the recognition of legitimate cultural and epistemological diversity (Bishop 1999). This resulted in past research methods that misinterpreted and misrepresented Māori knowledge and understandings, commodifying and manipulating it for the consumption of the colonizers (Bishop 1999 145). Stokes (1980) states that in order for the Western nation state to achieve hegemony free of 'otherness' it needs "to absorb the heterogeneous, to rationalize the incongruous". Bishop adds that Western moves to operationalize unanimous homogenous behaviour and understandings is

deliberately done at the widest possible geographic scale by those who position themselves within empowering relationships (Bishop 1999 3). This affirms the statement by Ngahuia Te Awekotuku that the “collection of knowledge is about power” (Te Awekotuku 1991).

Walker *et al* (2006) explains that the emergence of kaupapa Māori research was influenced by a number of developments:

*First, the worldwide move of indigenous people to increase their self-determination.*

*Second, a greater commitment to the intentions of the Treaty of Waitangi, which meant that there would be greater collaboration between Māori and non-Māori, sharing of research skills, and greater production of Māori data and participants.*

*Third, the growth of initiatives which had emerged from the revitalisation movement, for example, the introduction of kohanga reo (Māori language preschools) and kura kaupapa schools where Māori language and tikanga (culture and customs) were taught, as well as the emergence of specific health models for Māori like Te Whare Tapa Wha, also encouraged Māori to begin to create their own processes of research.*

(Walker *et al.* 2006 332).

Kaupapa Māori research methodologies were born through heavy critiquing of the relationship between the coloniser and the colonised, as well as challenging, protesting and contesting the post-colonial space. Bishop (1999 2) writes, “[o]ut of discontent with traditional research disrupting Māori life, an indigenous approach to research has emerged in New Zealand”. Māori academics began to challenge the way in which knowledge was regarded as legitimate and how other forms of knowledge, such as Māori knowledge, were viewed as illegitimate. Most importantly, the kaupapa Māori movement critiqued the dominant hegemony of Westernised positivistic research (Walker *et al.* 2006). Stokes (1998) claimed that the majority of this research was based on a Western academic framework that has allowed academics to make “successful careers out of being Pākehā experts on Māoris; but that Māoris have not gained a great deal by this process.” Conventional forms of Western research on Māori were exposed and criticized for

reinforcing existing negative stereotypes of Māori rather than identifying avenues that could remedy the negative statistics (Sadler *et al.* 2010).

It is from these reasons that the kaupapa Māori discourse, theory and methodology emerged and was legitimised within the Māori community. Kaupapa Māori has been defined as research by Māori, for Māori and with Māori (Walker *et al.* 2006). Bishop (1999) describes kaupapa Māori as:

*the philosophy and practice of being and acting Māori. It assumes the taken for granted social, political, historical, intellectual and cultural legitimacy of Māori people, in that it is a position where Māori language and values are accepted in their own right.*

(Bishop 1999 2).

Kaupapa Māori research embraces traditional Māori beliefs and ethics, while incorporating contemporary resistances strategies that embody the desire for tino rangatiratanga (self-determination and empowerment) for Māori people (Cooke 2009 236).

Kaupapa Māori methodology has been criticized as being biased and separatist by other authors and is seen as an anti-positivist methodology. The researcher recognizes that bias exists in accepting the validity of the Māori culture; however, this knowledge and worldview must be incorporated when interpreting and analysing data to ensure that any Māori information is treated properly. Linda Tuhiwai-Smith explains that kaupapa Māori methodology accepts being Māori as normal and that research should not question the validity of Māori knowledge and culture but should instead be accepting of it (Smith 1999b). Smith (1999b) continues to emphasise that kaupapa Māori methodology accepts the Māori culture and worldview as ‘normal’, and that being and seeing as Māori is not a hindrance to this research but rather it enhances it. Barnes (2000 5) states that “[i]f we accept that there is no one way of seeing things, then our methods need to reflect this and embrace this, rather than deny diversity.” Kaupapa Māori may seem to be taking a distinctive stance as it is based on underlying principles that construct a Māori worldview. It is open to a range of methodological approaches, taking a position that challenges norms and assumptions while embracing the concept of the possibility and desirability of change (Barnes 2000 5).

Royal (1998) states that “today mātauranga Māori finds itself in a difficult state [as] a new range of institutions have appeared which serve to explore and express mātauranga Māori, to varying degrees” (Royal 1998 1) . He further explains that the fundamental issue facing mātauranga Māori is its rediscovery in contemporary circumstances which could result in this knowledge being abused, exploited, misused and misrepresented.

Kaupapa Māori methodology and research practice provides a sound avenue for the purpose of this research; it will expose the power relationship and continued manifestation of post-colonial theory between indigenous people and the Government within the environmental planning arena. Furthermore, kaupapa Māori methodology is necessary to understand and to safeguard any information that the participants share, especially in regard to mātauranga a iwi, a hapū and Traditional Ecological Knowledge (TEK), ensuring that this information is adequately collected and respectfully analysed. In the context of this study, cultural information that has both traditional and contemporary significance will be addressed, making kaupapa Māori methodology instrumental in the manner that this research is conducted.

Kaupapa Māori research methodology questions the related control of knowledge; who possess it, who is to benefit from it and what damage could be caused from it (Smith 1999b). It is through this lens that Māori environmental ownership, management and incorporation of mātauranga a iwi, a hapū or TEK can enhance the state of the environment and resources (Smith 1999b). On the other hand, accountability and responsibility of knowledge lies at the forefront of utilization of mātauranga Māori, requiring Māori cultural values to drive decision making. Through whakapapa, a kaupapa Māori perspective acknowledges the connection of humans to the natural world; it therefore seems appropriate that this same connection is made between myself (as a Māori researcher) and the environmental research topic.

## Research and me

To include one's self in the research is common for contemporary cultural geographers. According to (Brown 2008 40), the:

*Move to include one's self within the research arose out of the realization that 'objective' and distancing, a common trademark of past and much present social science research, left out a major component, the highly influential social position of the researcher.*

As discussed in Chapters 1 and 2, the importance of whakapapa connects everything in the living world through mauri and wairua. This connection gives inspiration that drives matter to exist and subsequently gives reason and purpose to life (Royal 1998). It is the connectivity of whakapapa that contributes to the uniqueness of kaupapa Māori. Mereana Taki describes kaupapa Māori as:

*derived from key words and their conceptual bases. Kau is often used to describe the process of "coming into view or appearing for the first time, to disclose." Taken further ka u may be translated as "representing an inarticulate sound, breast of a female, bite, gnaw, reach, arrive, reach its limit, be firm, be fixed, strike home, place of arrival" (Williams 1860-1937). Papa is used to mean "ground, foundation base." Together kaupapa encapsulates these concepts, and a basic foundation of it is "ground rules, customs, and the right of way of doing things.*

(Taki 1996 17)

This is a Māori worldview that incorporates comprehension and ways of thinking (Durette *et al.* 2009).

These points are also consistent with Tuhiwai-Smith (1999a 5) who maintains that the authenticity of whakapapa within Māori research is critical as employing Kaupapa Māori is an expression of an individual's Tino Rangatiratanga. This can be understood as control over one's own destiny. Māori research requires an understanding of whakapapa and the insertion of oneself as the researcher and their emotional and experiential dimensions that contributes to the research. I believe it is important that as a Māori person who has had practical and theoretical experience in this area of research, the inclusion of my own experiences and

concerns will add to the overall importance and significance of researching water and indigenous rights.

As a child I was brought up in my natural environment and was able to physically and spiritually interact and connect with tūpuna<sup>13</sup> such as Lake Taupō. As I grew, so too did my understanding of the management of the natural world. I realised that a culture, alien to my own, had created rules about how the natural environment were to be treated and managed. These rules were very different to my own. Growth from childhood into adulthood could be described as a movement from ignorant bliss to a realisation of a harsh reality about resource management. As I grew, the New Zealand nation state and its continued development did also, creating an ever growing ecological footprint. Over time I became aware of the continuing degradation of the natural environment that I had grown up in. Lands once full of native bush that surrounded the Lake turned into urban sections; water that was once clear was coloured with tinges of orange and green from storm water run offs; and Tauhara Mountain that once slept peacefully at night is now lit up by the light of geothermal power stations and a new highway. I began to question the sustainability of human practices and the significance of a Māori worldview in the hierarchy of decision making. Of particular importance is the impact on Lake Taupō and the management of freshwater which ultimately led me to this research.

Acknowledging my inclusion in the project as a researcher is an important aspect of kaupapa Māori methodology; I was able to assure the interviewees that the information they discussed would be treated with respect as a common ancestry and value base unites them with the researcher. Stokes (1991 2) asserts that the importance of Māori research and the researcher being present within the research is critical as “traditional attitudes and values need to be acknowledged and respected, because concepts of mana, kaitiakitanga, and rahui and the spiritual dimensions of these, the taha wairua of a place, are still relevant in resource management”. This is so Māori people can take a step to control the direction and management of their own distinctive cultural identity. Self-determination of one’s identity stands against the colonisers’ aspiration to annihilate the indigenous ‘other’ in achieving a homogeneous Western modernity (D’Hauteserre 2005).

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<sup>13</sup> Ancestors

Bishop (1996) emphasises the importance of personal investment of the researcher in the research and points out that this investment is not on the terms of the researcher. He states:

*The investment is on terms mutually understandable and controllable by all participants, so that the investment is reciprocal and could not be otherwise. The personal investment by the researcher is not an act by an individual agent but emerges out of the context within which the research is constituted.*

(Bishop 1996 147).

For this reason, many authors using kaupapa Maori methodology argue that “being Māori identifying as Māori as a Maori researcher”, is a critical element of their work (Bishop 1999; Cooke 2009; Durette *et al.* 2009). Kaupapa Māori research looks at the world from a grounding in the Māori world, but this does not preclude Māori researchers from being systematic, ethical and scientific in the manner that research is addressed. Evelyn Stokes (1998) adds that Māori research may be criticised by non-Māori as not meeting the norms of conventional social science research.

Knowing mātauranga Māori, tikanga, Māori history and politics are vital criteria in kaupapa Māori research. However, this does not exclude those who are not Māori from participating in Māori research, so long as they have a kaupapa Māori orientation (Smith 1999b). Walker *et al* (2006) also emphasises this point by stating that while it’s important that the researcher is Māori, merely being Māori is not enough. Walker asserts that a researcher in Māori issues must be someone that is competent in things Māori. They must be knowledgeable in te reo Māori and have the ability to conduct quality research with Māori instead of imposing ideals on them (Walker *et al.* 2006 335). As I am familiar with these aspects of Māori culture, I feel that I am capable of working within a kaupapa Māori methodological perspective. Bishop (1996) and other authors argue that Pākehā can participate in kaupapa Māori research, so long as they do not control or dictate the research in ways that prevent the expression of Māori beliefs and practices. This is so that outsiders or non-indigenous researchers do not attempt to operate from their own perspective which does not accurately reflect the view or reality of the researched (Walker *et al.* 2006).

Evelyn Stokes then quite accurately states:

*Perhaps the issue is really how to get pākehā society in New Zealand to divest itself of the nineteenth century colonial view of the world which we have all inherited, that European culture is 'civilised' and indigenous cultures are not, and have to 'catch up'.*

(Stokes 1985 5)

The main challenge of my research is to portray to non-Māori, the value in acknowledging the status and special relationship that Māori have with the environment as tangata whenua of this country. The challenge is to promote efficiency and sustainability in employing traditional Māori environmental knowledge, which is inherent in our culture and language, into land use practices and decision making of water management. Despite the negative criticisms of mainstream academics, Bishop describes the insertion of the researcher within the research as:

*Just as identity to Māori people is tied up with being a part of a whanau, a hapu, an iwi, in the research relationship, membership of a metaphoric whanau of interest also provides its members with identity and hence the ability to participate. For Māori researchers to stand aside from involvement in such socio-political organisation is to stand aside from one's identity. This would signal the ultimate victory of colonisation.*

(Bishop 1996 157).

My position as the researcher within the project fits comfortably with a kaupapa Māori methodology as I was able to acknowledge the importance of ownership and usage of the acquired information. As the researcher, I then effectively communicated my purpose and the intention of the research and was prepared to take a multi-method approach if required. The open discussion and flexible approach I took with the participants allowed me to indicate the intention of the research and identify subsequent issues (Barnes 2000). Including myself within the research gives me the ability to address the issues driving the methodology which originated from my own personal experiences and perspective.

## Issues driving the methodology

Prior to the 2010 report of the Land and Water Forum on establishing an effective National Policy Statement for Freshwater management, water management often failed to adequately consult with iwi. The Land and Water Forum has been instrumental in gathering together iwi and relevant stakeholders in water to discuss water management and their goals and objectives for water. The report identified that despite the different perspectives of these various parties, all acknowledged that, nationally, water is a valuable resource that has been degraded and needs better management (Land and Water Forum. 2010 viii). This aligns with the local concerns that various iwi have expressed about their significant water bodies such as the Waikato River and Lake Taupō. However, there has been criticism that despite the positive actions that the Land and Water Forum took to undertake meaningful consultation, the Government is still failing to adequately address and act on what this report has specified. There was also a report prepared for the Ministry of the Environment titled ‘Māori perspectives on water allocation’ by Durette *et al.* (2009). This report also identified iwi concerns about the state and health of water, as well as the unsatisfactory relationships shared with the Government and its agencies.

The findings of these reports influenced the motives that initiated this research. These issues are both national and local;

- Water is a taonga and needs protecting as current management practices have degraded this taonga.
- Māori have a values base and a system of environmental protection and mātauranga; however, we have been continually excluded from environmental management and not effectively included in consultation.

This research focuses on national management and legislation of the water, and then looks specifically at the Waikato River co-management agreement as a case study.

## **Finding and meeting with participants**

This study focuses centrally on the Waikato-Tainui co-management agreement that has created a pioneering space for water management in these rohe. The importance of this research on the Waikato River is that it may provide a precedent that can be a model for the rest of the country, with respect to water management and iwi inclusion.

The participants were selected based on their whakapapa, work experience and connection to the Waikato River. Participants of Māori descent were either descendants of Te Arawa waka or Tainui waka, while non-Māori participants were identified as having work experience within the Waikato River catchment. In the selection process, I was looking for:

- Knowledge and experience in traditional Māori management practices and mātauranga Māori

Or

- Contemporary knowledge and experience in environmental management and co-management from a Māori perspective

Or

- Knowledge and experience in mainstream environmental management

Participants were selected using the ‘snowball’ sampling technique; this is a sampling technique where already identified participants recruit future participants from among their acquaintances, creating a snowball effect (StatPac 2011). My existing contacts referred me onto other contacts that might fulfil my specifications for ideal participants. This technique has been criticized as it is widely believed that it is impossible to make unbiased selections. However, using participants who were referred by others does not conflict with this research if the participants met the research criteria. This element of bias fits comfortably with kaupapa Māori as it is open to accepting multiple methods in gaining information from participants. It is also intentionally biased with the purpose of accepting Māori culture as normal and advancing its positive progression.

The snowball sampling technique is most often used in marginalised, hidden or hard to reach populations that are difficult for researchers to access (Heckathorn 2011 356). Arieli and Cohen (2011) suggest that snowball sampling is the most effective method when researching marginalised populations. Arieli and Cohen (2011) and *Sadler et al.*(2010) emphasize that marginalization is the main contributor to underserved and vulnerable populations that creates difficulties for social science research. The use of culturally sensitive recruitment strategies, by adapting the snowball technique, is both appropriate and effective when enlisting the involvement of members that have or are continuing to be marginalised. This reinforces the compatibility that kaupapa Māori methodology has with working with the snowball sampling technique.

Overall I interviewed 16 participants; they all contributed to the analysis and findings sections of this research. The interviews generally lasted 45 minutes to an hour and were conducted in office spaces. One interview ran for five hours; it started in the participant's home before taking a walk to view this person's cultural water source and gaining a greater appreciation of the cultural knowledge that they were sharing.

I ensured that representatives from each of the five river iwi involved in the Waikato co-management agreement were consulted and interviewed in this study. All participants were asked for their consent to be recorded for my convenience, or have access to a transcript of my interview notes. Some agreed to be named, others chose to be anonymous. The interviews were qualitative and semi-structured; they generally consisted of informing participants of what the research was about and, once they understood that, they would be free to direct the conversation as they desired. Some participants asked for questions to initiate the discussion; I asked questions such as what water meant to them, and what they thought of current water management in New Zealand.

The interviews were transcribed and then returned to the participants for reviewing (unless participants had indicated otherwise at the interview). This ensured that any information used from the interviews would be supported by the participants, and it gave them the opportunity to identify any information that they would not like to be shared. It is important that the participants have control over the information that they provide as it is their own and does not belong to the

researcher. Acknowledgement of this is my interpretation of implementing a kaupapa Māori methodology. An important component that contributed to my understanding of this research topic and the identification of participants was a summer internship that I had gained with Environment Waikato (now called the Waikato Regional Council).

### **Experience in the field: Environment Waikato**

During the preliminary stage of this project I was offered employment at the Waikato Regional Council after receiving the Dame Te Atairangikaahu scholarship in 2010. I was working in the Tai-Ranga-Whenua unit,<sup>14</sup> developing a framework to establish and recognise customary indicators as a credible test for the health of freshwater bodies and streams. This work lasted from the 28<sup>th</sup> of February to the 29<sup>th</sup> of April 2011.

The project was an initiative of the Tai Ranga Whenua unit to develop a framework of cultural/customary indicators. It was inspired by the co-management agreement and subsequent Waikato River Settlement Act; this seeks to give iwi more rights to fulfil their traditional responsibilities to care for and manage their resources as a part of the Waikato – Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The intention of this project was to produce a database of Māori cultural knowledge as indicators for the health of freshwater in streams and tributaries of the Waikato River. The database of cultural knowledge is to be put into a framework which will be matched with relevant Western science methods to correlate the cultural indicators. It will allow iwi to record the state of their rivers and streams, and once data is collected it can then be used to inform decision making in water management and land use in the area. This framework is an example of an attempt to combine mātauranga Māori with Western science.

The co-management agreement and the establishment of the Waikato River authority (WRA) as the trustee for the Waikato River has opened a space where tangata whenua perspectives of the environment are given more weight and consideration. In the past there has been very little consideration of iwi interests and the ethic of kaitiakitanga in managing and monitoring natural resources;

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<sup>14</sup> Iwi unit

Wright *et al.* (1995) describes this as a cultural bias in the delegation of guardianship and its constitution. While iwi customs and values are a long way from being effectively recognised and legitimated in courts, creating a framework of cultural indicators and using Western scientific techniques to correlate these indicators would be a step towards this. Another reason for this project is that there is insufficient monitoring of freshwater in general and in particular, for the Waikato River and its tributaries.

As I was attempting to construct this framework, I met with a number of the Waikato Regional Council's scientists to gain an understanding of how current monitoring systems work, and what is currently being monitored. From these interviews I learned that monitoring is consent and point source based, and there was a general consensus that greater monitoring – both regular and extensive – is required (Cooke 2009). Currently, there is no permanent and comprehensive ecological monitoring program for the Waikato River. Ecology monitoring is an important component of this framework as there are a lot of shared values between ecology and Māori kaitiakitanga (Wright *et al.* 1995). While there is existing targeted monitoring that takes place, overall the monitoring clearly does not provide an adequate indication of the health of ecological systems in the Waikato River.

Scientific concerns for water quality often coincide with iwi values and concerns; both parties acknowledge that more needs to be done to monitor and protect the water and its ecosystems. At the conclusion of the internship I compiled a report that looked at how similar frameworks have been developed, and then made recommendations. This project was a step forward and on-going WRA support for such initiatives will help to achieve the vision and strategy of the Waikato River co-management agreement: “to restore and protect the health and wellbeing of the Waikato River for future generations” (Guardians Establishment Committee 2010 1).

In the internship I was able to see the influence that the Waikato co-management agreement and legislation will have at the regional Government level. I was able to witness the meetings that constructed the joint management agreements with the river iwi and WRC, and most importantly I was able to meet with councillors, scientists and iwi environmental managers to gain their perspectives on water

management and tangata whenua inclusion. These contacts assisted with the selection and snowball identification process that contributed greatly to this research.

### **The analytic process**

Upon completion of the interviews, the transcripts were read many times to identify themes and patterns of linked commentaries. Thematic data analysis was appropriate for this as it is a method that locates textual references, and reports patterns and themes within the data. Thematic data analysis describes the data and interprets various aspects of the research (Braun and Clarke 2006). This technique has an exploratory ability to inform those that are lacking previous knowledge of the research topic as they are not guided by any preconceptions (Subvista 2010).

Thematic analysis is defined as:

*[The] identification of themes in qualitative material often identified by means of a coding scheme. A widely used approach to qualitative analysis, generally treating accounts as a resource for finding out about the reality or experiences to which they refer, this is similar to interpretive content analysis*

(Encyclo Online Encyclopedia 2011 para. 1).

This type of analysis identifies themes that emerge from the data acquired, and does not reflect the views imposed by the researcher. This allows the data collection and analysis to occur at the same time, as well as enabling background reading to be a part of the process if it contributes to an emerging theme. Furthermore, closely connected to this thematic analysis is comparative analyses; data from different people is compared and contrasted until the researcher is satisfied that no new issues can emerge. Thematic and comparative analyses are often used collaboratively within the same project, requiring the researcher to thoroughly evaluate transcripts, notes and research literature (Afroze 2010).

Key themes and issues were identified in the interviews; the transcripts were analysed identifying the commonalities and differences between the interviewees. Particular attention was given to these key themes which pertain to the purpose of this research:

- Documenting a Māori perspective of national water management, legislation and state of national water resources,
- Identifying a Māori perspective on the local Waikato co-management agreement and how this locally affects water management,
- Seeking the incorporation of mātauranga Māori/ Traditional Ecological Knowledge (TEK) into water management mechanisms to better improve water management frameworks, and shift the current planning paradigm to place greater acceptance of more efficient technologies and sustainability,
- Revealing the unequal power relationship and inequality that still exists in this country and is most prominent in environmental planning and resource management. This will be done by acknowledging that despite provision for Māori interests, these are far from representing a Treaty partnership and meaningful Māori inclusion.

A large number of issues and relationships were identified and subsequently discussed in the findings of this thesis. Coupled with this issue of identifying and discussing other relevant themes was the selection of quotes that would be most appropriate for this research. To achieve this I selected examples that embodied the message and meaning of what the interviewee was saying at the time.

The main themes and quotes identified from the interviews will be used in the text in a way that fits the scope of this research. Direct quotes will be worded in the exact language and pronouncement used by the interviewee so that their authenticity is retained. Where applicable the context around any quote inserted in the text will be provided. The Māori language does not translate directly into the English language, and for this reason all quotes in Māori will only be inserted in the text exactly as the interviewee spoke it – without an English translation. This is so the message of what is being discussed is not diminished.

## **Methodology chapter review**

This chapter has explained how I operationalized my exploration of water management. It flows on from the context of Māori worldviews, and recognises the values of postcolonial theory in providing a platform of analysis.

Kaupapa Māori analysis is discussed following the circumstances of its emergence, development and purpose to legitimate a Māori voice in a Western paradigm that has previously been exclusive. In addition, kaupapa Māori has also been adapted into a research methodology that is based on sound, underlying cultural principles within a Māori worldview. It takes a position that challenges mainstream norms and assumptions, as the purpose of the research is to make a positive difference.

The positioning of the researcher is an important part of a kaupapa Māori research methodology; it allows the researcher to fully connect with participants, ensuring that the information being shared is analysed from a person with a similar background and who will respect the essence of the information and not exploit it. The inclusion of the researcher within the research is important as failing to be a part of it reinforces the actual hegemony of the dominant ideology (Bishop 1996 157).

Post-colonial criticism of the legitimacy of the kaupapa Māori methodology has been reflected in legislation which lacks or superficially allows for the inclusion of Māori in water and environmental management. In the following chapter an analysis of the major legislation affecting water management at a national level is discussed, identifying issues such as the unequal power relationship with Māori in water and environmental management.

Coupling kaupapa Māori principles with snowball sampling identified 16 participants based on one of the three criteria:

- Knowledge and experience in traditional Māori management practices and mātauranga Māori
- Contemporary knowledge and experience in environmental management and co-management from a Māori perspective

- Knowledge and experience in mainstream environmental management

Once participants were identified and agreed to be part of the research, qualitative semi-structured interviews were conducted and recorded for later analysis.

An important component that led to the development of this research and methodology was a summer internship at Environment Waikato (now called the Waikato Regional Council). I worked as a member of the Tai Ranga Whenua unit on a project based on developing a framework of cultural and customary indicators; this project came about from the Waikato River co-management agreement. This work experience was invaluable in allowing me to understand the difficulties in legitimating mātauranga Māori and inserting it into current practices. The difficulties encountered in this work were very similar to the issues that were expressed by Māori about water management legislation. The experience allowed me to meet with scientists working for the Regional Council and river iwi environmental planners involved in the co-management agreement. These contacts and issues associated with the cultural monitoring framework enriched the snowball sampling technique and contributed to the criteria in selecting participants.

Finally, this chapter discussed the analytic process and addressed how the information from participants was handled and analysed. Thematic data analysis is applied which identifies the common key themes and issues that the participants communicated as having significance to the research. These key themes and issues are discussed in the following chapter titled ‘understanding the disrupted flow’.

## Chapter Five

### Understanding the disrupted flow: Aotearoa National Water Management

*Kei uta te pakanga, kei tai te whiunga*

*Although the fight starts inland, those by the sea will be affected. When conflict spreads it is the innocent that suffer for the guilty<sup>15</sup>.*

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The traditional Māori world was governed by rules and principles that not only adhered to the needs of the physical, but also the spiritual realm. Environmental management and resource consumption was based on principles of whakapapa, mauri, wairua and mana, and together these made up the ethic of kaitiakitanga. Over 171 years have passed since the signing of the Treaty of Waitangi; this time period has left a legacy of historical oppression and near cultural obliteration, to struggle, survival and resistance. The physical and cultural geography of this country was altered through this struggle; Papatūānuku and her children have been scarred and the Māori culture is not what it was. This chapter considers the main themes identified from the interviews; they consist of those that were significant to the participants in terms of the shape of water, and the natural and cultural environments of this country. The first theme discusses the importance of certain traditional Māori values that shape how Māori balance their interaction with the environment. The second theme looks at how some of these values are manifested today and the feelings that the participants associate with them. The third theme considers the impact that colonisation has had on Māori and the environment and how it continues to this day. The fourth theme discusses legislation pertaining to water; it addresses the origins of water legislation to the creation of the Resource Management Act 1991 (RMA) and the National Policy Statement for Water (NPS). The fifth theme looks at the legal issues of ownership, covering the incompatibility of Māori cultural values and Western ideologies of ownership. The sixth theme correlates issues of ownership and assimilation with

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<sup>15</sup> Colenso, W. 2001: *Contributions towards a better knowledge of the Māori race*. Christchurch, New Zealand: Kiwi Publishers.

the long history of Māori exclusion from water management decision making, and the seventh theme considers threats to water which have originated from past legislation and management. Lastly, the Waikato River co-management agreement is used as a case study to assess how beneficial this type of arrangement may be for Māori.

Kaupapa Māori methodology has been employed to gain the perspectives of people from a number of diverse positions and experiences with tangata whenua rights and environmental planning. Their perspectives have informed my view of this research and exposed the continued mistrust that Government has to meaningfully include Māori as a Treaty partner in water and resource management. This has also incurred poor environmental management based on neoliberal values which has lacked integration and the vision of sustainability for future generations. Successive legislative attempts have been made to move further towards sustainable management and allow tangata whenua inclusion through the RMA, NPS and more recently the Waikato River co-management agreement. However, commonly exposed within all environmental legislation is that the Crown either vests ownership of water in itself or avoids its discussion. These statutes place tangata whenua in a subordinate position; they are either 'consulted with' or given tokenistic positions that maintain the health of freshwater sources while the Crown and its agencies retain the ability to sell rights to water and operate with little iwi influence.

### **Māori worldview: more than an environmental ethic**

The holistic view of the environment as an interconnected whole governed by atua and tūpuna from the spiritual realm was explicitly stated by all Māori participants of this research. The overarching values of the Māori worldview reinforce the idea of humans being part of the environment, rather than master or controller of it, and this dictated human actions. Marsden *et al* (1988 5) writes that "values are more than mere formulae and dogma. They are the instruments by which we view, interpret, experience and make sense of the world". As discussed in Chapter 2, the mauri of all living things, including the environment and especially water, played a fundamental role in determining the level of human exploitation and harvesting of the environment; "mauri imbues Māori thinking, knowledge, culture and language with a unique cultural heartbeat and rhythm" (Whakaatere and Pohatu

n.d.). Mauri as life force and energy is a fundamental element of Māori culture and our relationship to the environment. Māori, like all humans on this planet, extracted, exploited and harvested from the environment. However, what distinguished traditional, pre-European, Māori practices from the environmental exploitation of the Western world were the overarching values that determined the extent of exploitation and effect on mauri. Water is an important component of all life and the environment; it has even greater significance within the Māori world as it has its own classification system and each level has a differing degree of mauri.

Sean Ellision: He nui ngā momo wai. Me kī noa ki te kore te wai ka kore anō tātou. He mauri anō tō te wai, e mohio ana tātou he mauri tō ngā mea katoa. Ko te wai anō tērā me tōna mauri. E taea ai te kī he mauri ora, he waiora, e ora ana te wai e tautoko ana ia i ngā mea katoa pērā i ngā kai, ngā tipu, ngā mātaimai, era mea kātoa e whai oranga ai i te wai.

(Individual interview 16/11/11).

Sir Edward Durie (2011) asserts that the general thought held by the New Zealand public that 'land is all Māori are interested in' is false and that the predominant interest was and still is in water.

Participant B: Water is a taonga and its importance is illustrated by our reo in how we say "ko wai koe?" "no wai koe?"; these are examples of how our ancestors used to think of our water; not only as a living requirement, it was also the basis of all human interactions and where we situated ourselves.

(Individual interview 27/10/11).

The great focus that Māori placed on water rather than land was because food sources came predominantly from lakes, rivers, streams and swamps. In the case of coastal based iwi the foreshore and seabed was the primary source of food; this is why the Foreshore and Seabed Act 2004 is such a great issue for Māori (Durie 2011 84).

Participant B: The tears of Ranginui, the breast milk of Papatūānuku, water is the life force of both the nature – the environment that we co-exist with; but also to human beings – it’s an essential fuel, with it comes an important responsibility to act as kaitiaki over our taonga.

(Individual interview 27/10/11).

The importance of water was imbedded within the Māori psyche during pre-European times. Durie (2011 84) notes that “one would have thought these people would have no thought or concern whatsoever for the maintenance of pure water regimes”, however, the reality of this was the opposite:

*They had extraordinary strict regimes to the extent that different water streams were used for cooking, for drinking, and for washing clothes and cleaning bodies. Pretty unusual, but such was the concern for the defilement of water. Waste was discharged, of course, to land, not to water. Where waste is discharged, the spiritual quality of the water is defiled. The Māori way of thinking is no gutting of fish even near the water’s edge. The defilement of water was a serious offence that would be seen to carry an almost certain bad consequence for the people as a whole*

(Durie 2011 84).

The sacredness of water is what distinguishes it from land. While humans are both descendants of Ranginui and Papatūānuku, and therefore descendants of both earth and water atua, the difference of sacredness between food and water was simple:

*Food is not sacred, water is. That is the difference with Māori. Freshwater is seen as the life giving gift of the Gods. It is used to bless, to heal and seen to have a life force, or mauri in the same way human beings have their own life force*

(Durie 2011 84).

Ngā atua Māori and te taha wairua played a fundamental role in all Māori life. Atua are the guardians and administrators of mauri, and phenomena such as rain,

earthquakes and wind were attributed to their actions and emotions. Māori are descendants of these atua and hold that mauri in high regard. To acknowledge the atua, karakia would be recited when extracting resources from the different domains such as the forests of Tāne-mahuta, or the oceans of Tangaroa.

Sean Ellison: Ko ngā atua ngā tino kaitiaki. Ahakoa kei whea, ahakoa he aha, kei reira tonu ngā atua. Ahakoa e kīa ana ko Tangaroa ko te moana, ko Tāne ko te ngahere kāore he tino wehenga hāunga kei te hinengaro o te tangata. Ko tātou nei te whakatinanatanga o rātou. Ko te hā ora, ko te wai ora, ko te mauri ora kei roto i a tātou i ahu mai i ngā atua, otirā i a Io matua tonu.

Haere ana te tangata ki runga i te marae o Tāne o Hinewao ka tuku karakia, ka tuku mihi e tau ana ki a rāua tahi. Haere ana ki runga i te marae o Tangaroa, o Hinemoana, o Hinewainui, ka tuku karakia, ka tuku mihi anō. Nāwai rā ka manaakitia e ngā atua ka hōmai ētahi o ā rātou tamariki hei whāngai i te iwi – ngā kai o te moana, ngā kai o te whenua, ngā kai o te ngahere.

(Individual interview 16/11/11).

Māori held a balance with the natural environment; values were enforced by tikanga, and all harvesting was based on Mātauranga Māori which provided the knowledge of how, when and where this action was to happen.

### **Tikanga me ngā kare ā roto o te wai: customs and feelings of water**

A unique relationship with the environment is encompassed within tikanga, mātauranga Māori and the Māori worldview; a balance must be maintained between sustainable use and protection of the environment. The principles of this worldview were transmitted through the generations with the use of te reo Māori, karakia, waiata and general environmental practices. The survival of te reo Māori has ensured the continuation of Māori environmental tikanga and values. In my

view these values have also been articulated within the English language, although not to the same extent.

Despite the perception that these practices and values are no longer held, belief and acknowledgement of the spiritual world was strongly communicated by the Māori participants of this research. Water within the Māori world has many uses from sustaining life to purifying the soul.

Tame Roa: E rua ngā taha ki ngā mea katoa, he taha kikokiko te taha wairua. Mō te taha kikokiko ka taea e tātou te whakapā atu, te whāwhā, te hongī, te kai, te kite, te rongo. Nō reirā ko tēnei mea te wai, e kite ana taha kikokiko he mea ngāwari, engari ki tana taha kaore i te kiteā, kāore i te rangonā he mea nui kē ake ki reirā. Koirā pea i ngenge ai he wai-rua.

Ko tēnei mea te wai me timata pea ki reirā ki te taha wairua. Kei te hiahia te tangata te whakatapu i tētahi mea, ka whakamahia e ia te wai. Kei te hiahia ia ki te whakanoa i tētahi mea, ka whakamahia e ia te wai. He tohu tērā i te mana o te wai, he mananui whakaharahara.

(Individual interview 14/11/11).

Sean Ellison: E rua ngā wai ki te wairua. Ko te wai e whangai ana i te tangata, e horoi ana, e pure ana i te ngakau me te wairua o te tangata, he wahi whakangahau hoki, engari ki te kore e tūpato ka toremi hoki ki te wai. Pērā anō ki te tangata ehara i te mea he wai tahi i roto i te tangata, ko tetahi ahua he pai ko tērā atu he kino. Ko te mea nui ko te whakaaro ki te hōhonutanga o tērā, ā ko te whiriwhiri i te huarahi e tika ana mō tēnā wā, mō tēnā wā.

(Individual interview 16/11/11).

All iwi have different experiences with their natural geography and it is these experiences, along with their associated tikanga, which defines them. However, each Māori participant, regardless of their iwi affiliations, acknowledged the role of atua and the obligation of kaitiakitanga to protect their environment and its mauri.

Rama Ormsby: Mauri could be described as the energy levels you experience in different environments. The first things that hit the senses, what you can see, hear, the appearance and smell and the type of energy it generates within the individual and that part of the environment. Then comes a level of inspiration, followed by a lasting impression. These feelings could be further enhanced through knowledge and understanding of significant historical events and traditional connections to the landscape through ancestral and tribal heritage. From a non-Māori perspective, people may be able to connect to those feelings of what mauri is when visiting a place in the world that is special to them, or their homeland. Mauri to me can also be an indicator that measures the strength of the connection of people to the land and their responsibility to maintain and protect the wellbeing of their environment; rangatiratanga, manaakitanga and wairuatanga are important responsibilities of tangata whenua as kaitiaki, and it is their inherent obligation to ensure these taonga are maintained at optimum levels to ensure the continued wellbeing of the people and the environment.

(Individual interview 04/11/11).

Angeline Greensill wrote of her experiences in her rohe, Whaingaroa (Raglan):

*I sit in my house in the dunes, listening to the soothing call of Tangaroa, and Hinemoana as they move back and forth, lapping over what remains of my front lawn. Barely a year ago, Tane, Tangaroa and Tawhirimatea engaged in one of their frequent duels each attempting to exert power over the others' domain. When their energies were spent, over twenty meters of our tribal land and exchanged places had become part of the foreshore and seabed.*

(Greensill 2004).

The Waikato River is regarded as a taonga by all iwi, but it is more than just a food source; there are also over-riding spiritual dimensions that have their place in tradition and ritual. In an article of the Waikato Times, Normal Hill accounts for a time when the:

*Waikato River ran clear and there were freshwater mussels growing on the River bed, it was said you could tell a person's tribal affiliations by the smell of their river on their skin. The river was a rope used to connect our people and the aroma was one of love. The river smelt of love*

(Bone 2011).

The Waikato Raupatu River Settlement also expresses accounts of the spiritual dimension of the river and its personification.

*The river is a being, a mother, a complete and whole body comprising the water, the bed and the banks from its source to the sea. The life of the river and thus of the tribe is in its intactness – no limb struck from its body or the head separate from the heart*

(Waikato Raupatu Lands Trust. 2008).

In my view the common view of the participants displays how the spiritual qualities of water extend to healing the spiritual aspects of the individual.

Participant C: Water is about healing, as a child I was blessed from our local river when heading on journeys, and still do now, especially when heading overseas. My

aunty always said to me ‘ahakoa he paruparu he rongoa kē te wai’. Regardless, if it is dirty, it still heals te taha wairua.

(Individual interview 31/10/2011).

The values and practices of water still remain central to a Māori understanding of water and its management, depicting a physical, emotional and spiritual relationship to the taonga. While practices may change within different regions, the underlying principles remain the same. Some of the participants discussed their experiential and cultural knowledge which links to their emotional connections with water and correct environmental management known as tikanga.

Sean Ellision: Kei te tika he mauri tō te wai. He mauri to ngā mea katoa tae mai ana ki a tātou te tangata. I te awangawanga etahi mō te tuku i ngā wai o te awa o Waikato ki Tamaki. Ina hoki he rerekē te mauri o tēnā wai, o tēnā wai. Kaore e tika ki ētahi te tuku i te wai o tētahi wāhi, awa, roto rānei, ki tetahi atu. He ahua penei anō ki a tātou te tangata, he rerekē te mauri o tēnā, o tēnā, o tēnā.

Engari ki a tātou i te nuinga o te wa, ko te wai me te karakia. Ina hoki he kaha to te wai ki te horoi atu i ngā pehi kinotanga, a tinana, a hinengaro, a wairua nei. Ka mutu ko etahi wai, me ngā wāhi nō reira aua wai, he kaha ke atu i etahi. Ki a taua ki roto o Ngati Tūwharetoa, ki te pā mai tetahi raruraru, taumahatanga ki a taua, pai noa iho te hokihoki ki te moana o Taupō ruku atu ai ki te pure ano i a taua. Ki ngā iwi o Waikato ka haere ki te awa o Waikato, ki reira karakia ai, uhiuhi ai i a rātou anō ki te wai. Ki ngā hapū e noho ana ki te takutai moana pēnei i a mātou kei konei kei Whaingaroa, ka haere ki te moana, oti rā ki ētahi wahi kei te takutai moana. He oranga ano kei reirā e whakaora ai i te tangata, e

pure ai i te tangata. Kei reirā tērā kaha o te wai, tērā mana o te wai.

(Individual interview 16/11/11).

Many generations of Māori contributed to cultural principles and practices that determined the integration of people with place. The spiritual world heavily influenced human behaviour and is imbedded within the Māori language to this day. Encompassed in te reo Māori and tikanga are the values and principles for better environmental management and practices; “If the wairua of the river is violated, the river suffers, becomes sick, and if ignored, will die” (Waikato Raupatu Lands Trust. 2008).

These values and management practices still exist and survive today within the consciousness of a lot of tangata whenua. However, they are rarely considered as a primary part of the management of water and environmental practices of local and central Government agencies, and are no longer practiced by some Māori also. As a result, the degradation of water and the environment continues at the hands of both Government agencies and Māori; they are acting from a position of disconnection from the spiritual and cultural value of the environment, and are ignoring the protection it requires.

Sean Ellision: Kua wareware tātou ki te mauri o te tangata me tōna tūhonotanga atu ki te mauri o te taiao. Koirā te take, kia whakaparu tātou i te wai, ā nāwai, ka mauīui haere tātou. Mēnā e raru ana te mauri, ko tō tinana e kōrero mai, e rongō ai.

(Individual interview 16/11/11).

## **The loss of our environmental Tikanga**

From the 18th century, European nations were profoundly concerned with the growth of scientific exploration. This growth was mostly motivated by commercial or imperial zealotry tinged with evangelistic impulses (Livingstone 1993 125). However, what became known as the enlightenment era of ‘scientific travel’ gained greater emphasis as a tool for the establishment of European Colonies in the name of modernism. Through the settlement of European colonies, the Enlightenment period implied a new era of constructing knowledge. Before the 18th century, Western environmental knowledge was constructed in terms of theological or religious modes of thinking which has been the foundation for current environmental practices (Waitt *et al.* 2000 171).

In 1840 the Treaty of Waitangi was signed with the promise of a collaborative partnership between tangata whenua and the Crown. The result was the opposite as a paradigm of colonial exclusion was born, stripping tangata whenua of their decision making processes which determined their resource use and management.

*This exclusion was progressively institutionalised in ways that varied between subtle and violent in their effect. A legal, political and planning framework that was alien to Māori was imposed upon them, their institutions and their environment. This framework, while fundamental to the colonial project, also created a context for enduring Māori dissension and opposition which contemporary ‘mainstream’ planning has been the unlucky inheritor of*

(Matunga 2000 36).

Many historical accounts of European occupation generally refer to ‘settlement’ as an economic contribution that was wrought from the environment, with little mention of the inequitable consequences involved in the colonisation process. Once the colonies were established, ideologies of colonisation were formed which illustrated the European, oppressive dominance over indigenous people and the environment. These newly formed colonies were based on the image of the dominant culture, expanding the European frontiers and the Eurocentric view of racial superiority. Through what Waitt *et al* (2000 171) describes as the ‘geographies of invasion’, colonisation by colonialism (control of foreign places

and people) and imperialism (unequal relationships) controlled indigenous peoples worldwide and created unequal power relationships. Expansion of Eurocentric views allowed for the growth and enlargement of ideologies such as anthropocentrism; when coupled with Western science it has been not only the basis for environmental exploitation, but also the exploitation of indigenous people (Waite *et al.* 2000).

For these reasons many participants highlighted the re-active and resistant state of many iwi in terms of water and environmental management. This re-active state involves a lack of communication and iwi participation within environmental management – a process which is controlled by district and regional councils of the New Zealand Government. Some of the issues that contribute to iwi ‘re-action’ rather than ‘pro-action’ are dissatisfaction of the state of the environment, the spoiling of mauri, and failing to adhere to the tikanga of sacred sites and overall principles of Māori environmental practice. Another major contributor to this re-active state is the fact that iwi are not included or involved as equal partners, as guaranteed by the Treaty of Waitangi. Instead, tangata whenua are reduced to making submissions against consents and actions of local authorities, or going further to the Environment Court. Again, these processes are created by only one Treaty partner and are imposed on the other, failing to represent an equal partnership.

Many participants commented on this unequal partnership and the effects it has had on the environment and our people:

Participant D: 150 years of colonisation; marginalisation of our knowledges; the privileging of science and the economy over the spiritual and cultural value of water. It’s about the control of that resource – we were denied the ability to access, use and make decisions about it.

The Government has made decisions which have polluted the waterways; globalisation, capitalism – these processes have negatively affected the waterways at a rapid pace.

There are some good things happening with co-management agreements etc. but water management more generally doesn't align with these co-management frameworks in terms of including iwi at that high level of decision-making and policy.

(Individual interview 21/10/11).

Julian Williams:

Go back to pre-Treaty era (for Waikato); we held the mana whakahaere here; we were the District Council and Regional Council; especially around Taupiri, Rangiriri, Te Puaha – all known spots for their cultural harvesting.

Mana whakahaere – we determined who used the river; we had the rights, authority and control of the River, this included trading; those are the things the iwi want to get back to.

Those rights were confiscated along with the lands (they were then gifted to local authorities by the Government); the only way iwi could get involved in resource management was through the consenting and environmental court processes.

(Individual interview 04/11/2011).

## **Exclusion and issues in the present**

Many Māori migrated into urban areas in the 1970s; this began to socially reshape tangata whenua in a new context. Many Māori traditional values and practices were lost in the face of assimilation and colonisation, but they are being revived by the revitalisation of te reo Māori, performing and creative arts, Treaty settlements, land utilisation and innovative business (Davis 2006b).

Participant D: Our tupuna did adapt as circumstances changed – we wouldn't have been able to survive if not.

(Individual interview 21/10/2011).

While traditional values still survive, they are rarely applied to current environmental practices by Māori and regional and local authorities alike. Despite the progress that has been made from the implementation of the RMA, there is a general dissatisfaction from tangata whenua about their engagement in environmental management and the state of natural resources, especially water.

Linda Te Aho: The current water management systems are not working for Māori or the waterways.

Regardless of where you come from and who you are, what's happening at the moment isn't working for our waterways. There needs to be radical and drastic changes if we are really genuine about wanting to improve the water quality and improving the allocation systems of freshwater.

(Individual interview 05/10/11).

Stephanie O'Sullivan: There are serious legacy issues with water because the problems have been left for so long.

(Individual interview 19/10/2011).

Stokes (1991 2) laid the groundwork for these arguments; she asserts that a holistic, Māori environmental perspective “must be in tune with the spiritual qualities of a place”, and that a fragmented assessment of environmental impacts based on consents and various statutes is a ‘piecemeal’ process. Māori concerns focus on certain places that should be protected from desecration by any water that does not belong there. It is repugnant that dirty water, sewage or discharges from factories or mining activity should go into a water source (Stokes 1991).

Environmental degradation is strongly correlated with the exclusion of Māori engagement within its management. Many planning documents and national policy statements make reference to the importance that the mauri and protection of water and the natural environment has for Māori, but these instruments fail to adequately engage with them. A lot of iwi can only react to these actions by making submissions to the authorities and courts in order for their interests to be heard.

Julian Williams: We have spent over four million dollars on cases (leading up to the settlement of the Waikato River); although we knew we would lose a lot of cases, it was an illustration to the Crown that we never gave up those rights (referring to Waikato iwi being the kaitiaki of their resources before their confiscation).

(Individual interview 04/11/2011).

While some iwi have the ability to fight for their voice and interests to be heard, others lack the resourcing and are restricted from being included.

Stephanie O’Sullivan: There are systemic issues about Māori in terms of our rights and responsibilities and our capacity and capability to step up and make sure those relationships are at a Treaty Partnership level. So unless you are post-Treaty settlement, where are you going to get resources, capacity and capability? You

can only do what you can with the resources you have got. Pre-Treaty settlement, we (Raukawa) started to have MOUs with councils and develop relationships at governance, management and operation levels but that was because we got capacity funding from a state owned enterprise, the councils didn't come to us and initiate that. It was a state owned enterprise that saw the need to develop our capacity and capability.

(Individual interview 19/10/2011).

Other iwi in post-settlement situations have been able to elevate their position and relationship with local authorities due to the growth of their own resourcing and development of commercial branches.

Participant B:

The Maori economy was still maturing; 1980s and 90s it was relatively small and unknown, but is now being recognised.

In the 90s it was the social and culture concerns being voiced; but now the commercial arms have risen to such a level that they can't be ignored anymore; over time they've had to gel together; iwi are at the table and need to take account of all their interests.

(Individual interview 27/10/11).

Julian Williams:

We are protective of our environment but still have a commercial focus; we believe the two can co-exist.

(Individual interview 04/11/2011).

Overall there is uneasiness among iwi and their relationship with local and regional authorities which can be attributed to a lack of understanding of Māori environmental values and the definition of an equal partnership.

Participant A: Because we work a lot with councils, a lot of questions come up from regional and district councils around ‘what does it mean by cultural perspectives of Māori’?

(Individual interview 30/09/2011).

The current environmental planning regime gives regional authorities the primary responsibility of managing freshwater resources, and also places on them the responsibility of determining the extent to which iwi are engaged. However, many struggle to effectively engage with iwi and understand the key values referred to in the legislation.

Participant A: There are plenty of planning documents and legislation that talk of tangata whenua roles and interests, and so there are objectives and policies that are at least recognised. But then to me it’s going to be the interpretation of councils, local or regional, how they actually engage with tangata whenua and write this in their plans. So a lot of them will not have that understanding, a lot of the thought is “let’s use pākehā words so that they can understand stewardship rather than kaitiakitanga in which they have no idea”. They think kaitiakitanga is like portraits where you sit there in a nice fluffy cloud, you don’t actually do anything, you’re just a token nicety, that’s how they treat kaitiakitanga. But to us, it’s actually an active role; it’s a hands on active role in the protection of our taonga. (Individual interview 30/09/2011).

The continued degradation of freshwater resources greatly concerns tangata whenua nationwide, and it has been a dominant factor driving iwi to become involved in environmental decision making. However, for some iwi this move is met with resistance from local and regional authorities.

Rama Ormsby:

I don't think that there is a council in the country that can put their hand on their heart and say that they have got everything right, every RC and DC has got something in place that works and meets some of the needs of iwi and Maori, but not all.

(Individual interview 04/11/2011).

Failing to adequately manage natural resources has been of grave concern for tangata whenua and many other environmental groups. David Hamilton, on behalf of the New Zealand Freshwater Sciences Society, stated in a media release about the National Policy Statement for Freshwater management that “over the past decade or so New Zealanders have witnessed accelerated degradation of many water bodies in response to diffuse nutrients derived mostly from agricultural sources” (Hamilton 2012 para. 1). This indicated an imbalance in measuring the economic need against the health of the environment. Within this statement, Hamilton further highlights this imbalance as the Government is willing to fund \$400 million dollars to fast track regional irrigation schemes, while only providing \$15 million in additional funding over two years to clean up waterways that are affected by historical pollution. Hamilton states that although the Minister for the Environment indicated that “economic benefits are sufficient to outweigh other costs”, it is not in NZ's interest to continue to degrade our water bodies.

*There is some acceptance that this cost will be spread across the community given that there was limited knowledge of the implications of past land use changes on water quality and quantity, but this is no longer the case and we cannot continue to externalise the costs to communities and the New Zealand taxpayer of pollution by private industries*

(Hamilton 2012 para. 2).

Stephanie O’Sullivan:

The Maori worldview is excluded from water management.

The Government focuses on economic development and growth; farm intensification – which needs plenty of water, (growth) rather than focussing on resource sustainability.

(Individual interview 19/10/2011).

Participant F:

For the rest of the community it is not fair that a few farmers make a big profit from everyone’s water and be the biggest contributors to its pollution.

(Individual interview 28/10/2011).

In the Waikato River scoping study, NIWA acknowledged the overlapping concerns and desires to protect and improve water ways between Māori and the scientific community (National Institute of Water & Atmospheric Research 2010). As exemplified in the New Zealand Freshwater Sciences Society submission, their “opposition to the lack of acknowledgement of the importance of natural character” and “lack of clear bottom lines to prevent further degradation of freshwater resource” further supports the alignment between Māori and scientific views of water management (Hamilton 2012).

The issues of environmental degradation and tangata whenua exclusion from environmental management give reason to ask questions about governance and legislation.

Participant C:

Regional Council previously only made decisions based on keeping constituents happy, co-management legislation is opening more doors.

(Individual interview 31/10/2011).

Pākehā practices of Western hegemony, power; racism, progress and modernisation were brought from Europe and institutionalised in Aotearoa.

These ideas were transmitted into the governance and management of natural resources, and continue to be enforced by the dominant class. As a result, these ideas determine the shape of our landscape and the subordinate partnership that was promised under the Treaty of Waitangi. Colonial thinking and environmental racism continues to appropriate and exploit the natural world, deliberately disregarding the concern and cultural values of tangata whenua and others. Examples of environmental racism include declaring traditional fishing grounds as unused land, or declaring cultural water bodies as ‘dead’ (Greensill 2010).

Successive Governments have asserted their ownership and sovereignty over natural resources by legally vesting ownership in the Crown (Durette 2010). The Foreshore and Seabed Act 2004 is a prime example of the continued confiscation of rights and resources which were guaranteed under the Treaty.

*The government has assumed it can treat us as if we don't exist with impunity, ignoring our rights to make decisions over what is ours. While all parties in government promote one law for all, in this instance, when the law was found in favour of Māori, the government promptly announced they would change the law. Such treatment of tangata whenua in the 21<sup>st</sup> century can no longer be justified. Policies that interfere with inherited relationships and cultural practices, and which extinguish our rights through legal sophistry need to be challenged and resisted. The government however, as the highest court in the land, has invented four principles, certainty, regulation, access and protection, as the foundation for its proposed legislative changes, which if implemented will extinguish Māori rights*

(Greensill 2004 56).

Participant D:

It has always been, from the point of colonisation, that we do not have control over our resources to the point we can manage them by our values. I hope that one day it won't always be like this but, because

Maori don't have control over resources, a lot of this stuff doesn't necessarily eventuate out of our own desires for water ownership; it's a reaction, and iwi have been reacting for Government issues, pressure and discrimination for a long time.

(Individual interview 21/10/11).

For more information on the deliberate colonisation of the traditional Māori world and economy see appendix three.

## Water legislation

The Western hegemonic rule of water and natural resources laid the foundations of water management in New Zealand.

Linda Te Aho: The foundation of water legislation and management in New Zealand was based on the wants and needs of the settler population at the time.

(Individual interview 05/10/2011).

Environmental planning in Aotearoa has changed over time, but its foundation remains and continues to transmit legislation and policies that privilege the colonial population and disregard the voice of the indigenous tangata whenua. Current water management regimes demonstrate this as water quality continues to fall and tangata whenua are still excluded.

Linda Te Aho: Water law (in NZ) has always been reactive – what was needed for the settlers at the time, i.e. not long term. Conservation wasn't a drive early on; this changed with the Soil and Conservation Act, and even more with the RMA.

(Individual interview 05/10/2011).

The RMA is the current paradigm for environmental planning and resource management in New Zealand. The RMA provides for Māori interests; authorities 'shall recognise and provide for', 'have particular regard to', and 'take into account' tangata whenua concerns under sections 6(e), 7(a) and 8 in Part 2 of the Act. However, the extent to which consultation and inclusion takes place is often dependent on the regional authority. Other sections that relate to kaitiakitanga and Māori interests are sections 33 'Transfer of Powers' and section 36(b) 'Power to make joint management agreement'. The presence of these sections alludes to a partnership. However, in practice this is not the case as the RMA operates in a vacuum; there are a wide range of policies, statutes, institutions and relationships

that contribute to the parameters that both enable and restrict iwi involvement in environmental and resource management.

### **The Resource Management Act: failure to implement**

In 2011 the Waitangi Tribunal produced a report (“Wai 262”) into claims concerning New Zealand law and policy affecting Māori culture and identity. The Tribunal stated that

*it is disappointing that the RMA has almost completely failed to deliver partnership outcomes in the ordinary course of business, and that Māori are being made to expend the potential of their Treaty settlement packages to achieve results the resource management reform promised, two decades ago, would be delivered.*

(Waitangi Tribunal. 2011a 115).

Many participants believed that the necessary functions within the RMA were sufficient to allow for adequate Māori engagement, but these were not utilized by local authorities and iwi:

Participant B:

The current regime that operates under the RMA was previously under the Water and Soil Conservation Act. We’re presently in a process where things are revolving to a new level. The RMA did relatively well during its period (last 20yrs) but it ran its course.

The current framework: if iwi are resourced and capable (and not too pig headed), we have a more holistic view of water in which the RMA might still be a good tool for participation. The truth is that most iwi haven’t used all the tools available to them under the RMA; so it’s difficult for iwi to make a full assessment of whether current

tools are useful or not, BUT the barriers to entry and participation may be a reason why there hasn't been participation (resourcing & funding).

(Individual interview 27/10/2011).

Section 36(b) of the RMA deals with joint management agreements; Ngati Tūwharetoa is the only iwi to have successfully utilized this provision. Participant B acknowledged that the RMA allows for iwi participation, but iwi resourcing is a major issue for engagement in the RMA processes. While some participants agreed that resourcing restricted iwi, others such as Participant E believe that the RMA “didn't go far enough in terms of involving iwi and acknowledging Māori knowledges:”

Participant E:           The RMA is designed for managing people and their actions to the environment not for involving people and cultural concerns. The RMA fails to be as flexible as it should be for including other knowledge bases and innovative technologies for best practice. It has been used to privilege those with funding to utilise its functions.

It is not flexible as it should be to allow other ideas about water management. But it's better than measures in Australia – where perpetual licences of ownership and control led to the depletion of whole water sources.

(Individual interview 31/10/2011).

The RMA's failure to include Māori concerns was expressed in the interviews; these were strongly correlated with the weak and varied legislation construction around water management. Raukawa made a submission against Variation 6 of

the Waikato Regional Plan; they agreed that stricter regulations and rules have been long overdue for the management of water, but disagreed with the allocation of water rights as a better form of management. The RMA confers on regional authorities the management of water and this has resulted in fragmented polices and dissatisfied iwi groups.

Stephanie O’Sullivan: When we started negotiations for the Waikato Co-management agreement, the Government said point blank that they were not prepared to countenance a change to the RMA. So what we had to come up with had to be within the current Act. It all is, and look at the change; the establishment of the WRA, joint management agreements, accords, integrated river management plans, Māori involvement in key planning and policy aspects of all council business, resource consent processing and monitoring and enforcement. So they have all been there this whole time within the RMA, yet Māori have been focused with running around trying to get engaged through resource consents which is nothing near a partnership.

There has been a real failure in implementing the intent of the Act, especially with iwi and local Government forming sound and meaningful relationships to implement the Act in the way it was intended.

(Individual interview 19/10/2011).

Stephanie referred to the vast amount of momentum that was gained from the Waikato River settlement and co-management agreement; all of which operates within the parameters of the RMA. This leads to questions of why adequate iwi

engagement and integrated water planning is dependent on Treaty settlements, instead of using the already existing processes in the legislation governing environmental management. This further supports the arguments of Participant B and others who commented that the tools present within the RMA fail to be utilized by regional councils and iwi alike. However, what appears to be a most prominent barrier to iwi engagement is the willingness of regional and local authorities to work with local iwi.

Linda Te Aho: The potential of the RMA has been disappointedly unfulfilled; this is because the regional councils haven't been able to keep up with the times; and also because of the reluctance to allow Maori to have a meaningful role in water management, even though the Act envisioned that we could back in 1991.

(Individual interview 05/10/2011).

Participant D: There's some good things happening, e.g. co-management agreements but water management more generally doesn't align with these co-management frameworks in terms of including iwi at that high level of decision-making and policy.

In my experience, iwi are still just a party to be consulted rather than one to sit around the decision making table...Māori are a Treaty partner, not just a stake holder...Contesting and defending will be part of our reality.

(Individual interview 21/10/2011).

The subordinate treatment of iwi by local authorities appears to be a major contributor to the lack of performance of the RMA. The participants expressed possible reasons for this relationship:

Participant E: There are a lot of reasons; councils just want to please constituents; legislation plays a big part in saying how councils operate.

The maturity of regional councils plays a major role; many don't have the knowledge, understanding or experience to carry out effective engagement with Maori in the region. It has taken time for the Tai Rangi Whenua<sup>16</sup> team to become prominent within the council (still a lot of work) Tai Rangi whenua are making more progress now because of the co-management legislation.

Attitudes have been not open to involving Māori in decision making.

(Individual interview 31/10/2011).

The treatment of Māori as mere stakeholders rather than a Treaty partner also contributes to the barriers of engagement under the RMA.

Tina Porou: Institutionalised fear is why there has and is reluctance from councils to work with Māori.

It is not just a one way problem, Māori have not been fourth coming enough, we haven't been advocating, we have been fighting with each other, we have been poor, it's hard to change people's views when our responses have often and generally been too late, ill-

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<sup>16</sup> Iwi unit at the Waikato Regional Council

informed and lack resources. We add to the problem because we are divided and easy picking. I would say 90% of councillors are open to Māori issues but are hand-tied because we are in a democracy and we are a minority.

(Individual interview 03/11/2011).

While the lack of resourcing is a major barrier to iwi participation, the Wai 262 Report asserts that this is a factor but not the true reason for the failure of the RMA. The Report also emphatically rejects any assertion that iwi and hapū lack the ability to translate centuries of kaitiakitanga of the environment into an RMA context. It also gave examples of arrangements where iwi have negotiated regulatory control outside of the RMA. Private negotiations and Treaty settlements should not be the only avenue for Māori to gain rights to act as kaitiaki, enforce greater environmental standards and develop better partnerships with local authorities (Waitangi Tribunal. 2011a 113).

Stephanie O’Sullivan: Only now has a National Policy Statement for Freshwater been created – it shows that water has not been a valued priority. Previously it has been left up to regional councils who have to balance a whole lot of needs, interests and priorities, so water has been one of the losers.

(Individual interview 19/10/2011).

In my view the interviews suggested that regional councils were relying on central Government for more direction with iwi engagement, especially in terms of water management and its enforcement. Reasons for this appear to be politically motivated; a number of participants indicated that regimes are not strongly enforced on key polluters such as dairy farmers because they comprise a large proportion of the constituents that elect the council members. For this reason, decision making regarding water management is more economically driven, and only ‘particular regard’ is paid to tangata whenua values under the RMA. Unequal

positions of power and iwi exclusion in the decision making of water resources reinforces Western complacent attitudes of water management which have not only been detrimental to tangata whenua but to the water itself.

Participant G: Water management nationally is inconsistent and ad-hoc to be honest. In the past it has been reactive and is only just changing into paradigms of being proactive, such the allocation of water rights – news has started to be better managed due to Treaty settlements etc.

The latest audit on water management shows that we have not got there yet with water management because we are not meeting our outcomes.

(Individual interview 08/11/2011).

Iwi efforts for more environmental protection and greater engagement with authorities have caused a slight paradigm shift towards sustainability. However, the shift only marginally reduces environmental degradation so the focus remains centred on economic profits.

Participant G: I'm comfortable with the idea of trading off amongst the values of water, the agriculture might say for an example "we generate economic opportunity and x to the GDP therefore has more value than some of the other environmental or cultural values, you have a trade-off, you can't have a wealthy Waikato and have high water values everywhere.

Protect the very best and let the worst wither – locals might not agree with this but we only have a certain amount of money.  
(Individual interview 08/11/2011).

Stephanie O’Sullivan asserts that the main reason for the RMA’s inability to recognise tangata whenua as katiaki is due to the Crown’s failure to honour its obligations as a Treaty partner. The Crown has not enabled or empowered iwi to build their capacity to manage these rights and responsibilities but instead maintains its mono-cultural and capitalistic approach to environmental management. “An equal partnership certainly has not come to fruition; it’s not in a space that Māori have expected it to be” (Individual interview 19/10/2011). The failure to implement the RMA is not only reflective of the legislation itself but also of the regional and local authorities who are charged to abide by its rules. Therefore, the inequality of iwi inclusion in the decision making and sustainable water management is reflective of Western hegemonic ignorance and assumptions of resource management as trickled down from central Government to its agencies.

### **The National Policy Statement for water: good but not good enough**

Dominant themes about water management arose from the interviews; the following statements convey these ideas:

Stephanie O’Sullivan:            There has been a lack of direction by central government; they delegate to regional councils and district councils which results in ad hoc undertakings, i.e. varying impacts on water management (due to the setup of the RMA).

It lacks integration – between soil and water; between land use activities; between surface and ground water; between mātauranga Māori and Western science.

Although water management is improving – we’re not there yet.

(Individual interview 19/10/2011).

The Sustainable Water Programme of Action (SWPA) was developed in 2003 by the NZ Government to consider how freshwater resources could be managed sustainably into the future. Linda Te Aho was involved in the SWPA facilitation process and Waiora report. She noted that some key concerns from iwi were:

Linda Te Aho: Central Government has been asked for more leadership and more consistent guidelines. Common concerns regarded regional councils not doing the job they were set out to do in terms of managing the catchments because the councils weren't able to cope with the different ways that land was being used, e.g. land use intensification, particularly dairy farming. Also, they didn't have a strategic long term vision for allocation; the first in first served approach doesn't allow for assessment of applications by substantive merits.

(Individual interview 05/10/2011).

In 2010 the Land and Water Forum produced the report: A fresh start for freshwater (Freshwater report) which made recommendations for the National Policy Statement (NPS). The report acknowledged that while our freshwater is good by international standards, its quality and availability has been deteriorating. Reasons for this have been narrowed down to:

- a) Not acknowledging or managing limits
- b) Lack of engagement with stakeholders and iwi
- c) Policy, planning and regulation are inconsistent
- d) Unsatisfactory governance
- e) Poor use of science and knowledge
- f) Water services management is disjointed and suffers from underinvestment

(Land and Water Forum. 2010 12).

Managing water effectively requires the regulators and users to understand the effects and limitations of the quantity and quality of water. It is possible to set limits under the RMA; however, this was rarely done as central Government did not provide any standards, limits or direction for water management until 2011. As a result, regional authorities had the ability to determine management practices, but most did not.

Furthermore, the Freshwater Report summarised iwi experiences of water management and their involvement with local and regional authorities; these align with the arguments expressed by participants of this study. The report noted that while iwi see economic development as being a vital part of New Zealand's future, water is still a limited resource that must be protected; environmental footprints can be reduced and its mauri protected by utilising technologies and innovation. Iwi have proposed a longer planning timescale that looks at intergenerational planning and resource sustainability. The report also supports comments from this research that the RMA has been inadequate in recognising the roles and responsibilities of tangata whenua. The report displayed the key outcomes that iwi seek for land and water use:

- I. Sustain or restore healthy mauri within waterways (a matter of first principle)
- II. Retain sufficient water to ensure their continuation of customary in stream values (indigenous ecology) and uses
- III. Retain the capability to satisfy iwi development aspirations, by ensuring future access to water for commercial businesses (Land and Water Forum. 2010 16).

The NPS for freshwater management was discussed in many of the interviews. All of the participants said that there had been a need for stronger and greater direction of water management prior to the 2011 NPS. Participant A remarked that the NPS is crucial for the enforcement of stricter environmental baselines and communication amongst key stakeholders, especially iwi, as it is the overarching ruling for water management standards. All planning documents must be consistent with this NPS; it is therefore important that it has strong wording to encourage best practice, efficiency and sustainability. Iwi engagement is going to be vital to the success of the NPS as tangata whenua have been one of the

proponents for stronger environmental standards (Participant A, individual interview 30/09/2011).

The participants expressed feelings of dissatisfaction about the vague and ambiguous wording of the NPS. Participant G agreed with the lack of direction of the wording, and placed emphasis and responsibility for the NPS implementation on central Government.

Participant G:           The goals set in the NPS are good; they didn't go far enough but are more firmer than before. It's up to the Government to ensure the effective implementation of the NPS.

(Individual interview 08/11/2011).

The NPS gives direction to regional councils; policy A1 establishes freshwater objectives and quality limits for all bodies of freshwater. These objectives must have regard to the reasonably foreseeable impacts of climate change, the connection between water bodies, and methods and rules must be established to avoid over-allocation. Regional councils are also required to specify targets and implementation methods within a defined timeframe. All regional plans must be consistent with the policies and objectives of the NPS. However, the vague and therefore weak wording of the NPS, as well as the hesitation by regional councils to determine the degree of these policies does not promote the drastic changes needed to remedy and mitigate the damage to our freshwater resources.

Tina Porou:           NPS for freshwater – Gave no new leadership to councils to make a change, it was really gradual. It's written in a way that you can probably still degrade through the NPS, environmental groups are right it doesn't do anything for the state of the rivers.

Water is over-allocated but in the Waikato River the water is so bad. We can't keep doing the same thing for another 25 years.

Councillors are like politicians, they are worried about getting on again next year. That is why central Government needs to take more of a stance in the NPS and water management. We want wording that does not allow further degradation of water, rather allowing the action to continue but show reductions.

(Individual interview 03/11/2011).

This point was further emphasised by Stephanie and Participant E; the former commented that a lack of guidance about the NPS's objective could mean that "the 14 different regional councils will probably implement the NPS in 14 different ways, which highlights the problem of integration (or lack of)" (Stephanie O'Sullivan, individual interview 19/10/2011). Participant E believes that the NPS provides an avenue for iwi and hapū to become involved in the management of freshwater as "it clearly identifies who should be involved; this hasn't been specified previously at a national level". However, the issue remains as to how the objectives of the NPS are implemented on a 'day to day ground level', as well as their extent. Participant C believes the Waikato Regional Council "are doing it on the ground level; talking to iwi, altering policies to better reflect the aspirations of Māori and have discussions at governance level with iwi" (Participant E, individual interview 31/10/2011). But as Participant C points out, the Council's improved engagement levels ensued from the Waikato River co-management agreement and the strong leadership from Peter Buckley – the chairman of the WRC. Through "his leadership and openness and the assistance of the Tai Ranga Whenua unit" the Council independently decided to open two seats for Māori representation on the Council (Participant C, individual interview 31/10/2011). This is one example of a council that has worked beyond their means to ensure iwi engagement under the NPS. There is no obligation for other councils to go to the same length to engage with iwi, reflecting the inequality of environmental legislation.

With regard to the role and interests of Māori under the NPS, Julian Williams agrees that local authorities should be engaging with iwi. However, he cautions

that the NPS should not go further than this as it may restrict iwi if only one framework for engagement were suggested. This would be an issue of authority as it would dictate how iwi should engage rather than allowing each iwi to determine their own position.

Julian Williams: We (iwi) didn't want a NPS that directed how iwi should be involved and what should happen locally with iwi because that is a mana whakahaere issue for iwi. NPS should be telling council to deal directly with iwi, not how to do it.

(Individual interview 04/11/2011).

In addition to this issue is the encroachment of other agencies and bodies; they could influence the manner in which local authorities act in forming relationships with iwi and implementing the objectives of the NPS. This is again attributed to the wording of the NPS lacking specific direction which could allow iwi engagement to merely reflect communication with stakeholders rather than a Treaty partner.

Julian Williams: National bodies such as the Environmental Defence Society – want specific direction for council and iwi and then state when, what and how things should be done. I agree there is room for that, but those bodies do not have a presence within Waikato's rohe. So don't tell iwi how things should happen, focus should be placed on directing council and what comes from that is up to the regional bodies. Council engaging with iwi to determine local issues is more beneficial.

(Individual interview 04/11/2011).

The NPS intends to address tangata whenua values and interests, and while it gives more direction to councils, many of the participants believe it only outlines tokenistic objectives and policies for Māori. This may be reflected by the list of

the national values of freshwater; cultural and traditional relationships of Māori with freshwater is placed third from the bottom. Participant A contends that the NPS “hasn’t got enough teeth where it talks of national values of water”.

Participant A reiterates the concerns that come from a having a weakly worded NPS for water. If councils are loosely empowered to set regulations and form relationships with iwi in the interest of managing water, poor relationships may result as many councils have little understanding of Māori values and engagement. While the Waikato Regional Council provides a positive example of effective iwi engagement and representation on the Council, it was in their best interests to do so as they are heavily involved in the Waikato River co-management agreement. Other councils may not be obliged to go as far in terms of iwi engagement, as well as setting and enforcing stricter water environmental standards. The Wai 262 report further comments that in the 20 years of the RMA, no NPS has made specific reference to kaitiaki involvement in decision-making. This applies to the 2011 NPS for freshwater management as well. The wording of the NPS supports the current water allocation methods; the market mechanism used effectively grants ownership rights to water and this will be discussed next.

### **Water and ownership – bequeathed or possessed**

Customary (pre-European) ideas of ownership were anchored in Māori cosmological beliefs, and centred on whakapapa, atua and taha wairua – as discussed in Chapter 2. Through these values and beliefs, tikanga provided a legal system which acknowledged that land is permanent and human life is transient. This created an ethic of belonging to the land rather than owning it; tikanga provided the lore and law with how humans were to interact with the natural environment (Kingi 2007 134). The idea of individual ownership was a foreign term within a traditional Māori consciousness. However, under a neoliberal paradigm of resource management, the term ‘ownership’ imports its own meanings and set of values that are enforced by a Western legal system. This presents concerns and challenges for Māori perspectives of water and tikanga Māori; any assertion to enact cultural obligations such as kaitiakitanga will inevitably encounter Western conceptions of water ownership (Wikaira 2010).

### *Water allocation*

Pursuant to section 14 of the RMA, the taking of water from rivers, lakes and aquifers must either be authorised by consent or be a permitted activity in a plan. Section 14 also prohibits unauthorised taking, damming and diversion. Section 30 clarifies the functions of regional councils; they include the establishment of rules in a regional plan to allocate natural resources including water. Section 104A requires consent authorities to value existing investments when determining applications for new consents. Sections 124A – 124C gives existing consent holders priority over new applications when an existing consent holder applies for a replacement consent (Snelder *et al.* 2006). These rules allow regional councils to determine who purchases the consent to a water allocation, and they allow the purchaser to retain this allocation upon its expiry. Applicants are selected on a ‘first in first served’ basis which has been established by case law under the RMA. This process does not allow a comparative assessment of competing claims to the same resource.

Water allocation raises a number of issues for Māori; Linda Te Aho highlighted the precedent established by the case of Aoraki Water Trust v Meridian:

Linda Te Aho:                    the Aoraki v Meridian case basically states that if you were lucky enough to get across the line first, you have almost an **exclusive property right in the water** for which you have a permit for; Maori could foresee the dangers with this in terms of water quality and allocation (emphasis added).

(Individual interview 05/10/2011).

In this case the court found that Meridian’s water permit “provided an exclusive right in property”. As a result, confusion has arisen between ‘allocation’ and ‘privatisation’; the consent process has become a resource allocation process that acts as a mechanism of prioritisation between private users. (Milne and Grierson 2005 151). While the Government maintains the position that “water is a public resource which the Government will manage”, Treaty settlement policy does not permit the idea of iwi ownership of natural resources, although the RMA allows

allocation and potential privatisation (Gibbs *et al.* n.d. 2). “The Government has the view that no one owns the water, but having access to water is akin to semi-ownership of water because once it’s in your pipe – it’s yours and no one else’s”(Participant B, individual interview 27/10/2011). Furthermore, once a water consent is granted the holder receives preferential treatment in being offered the first right of renewal, this creates an un-level playing field (Participant E, individual interview 31/10/2011). As a result, Māori are being drawn into the economics of privatisation and ownership:

Linda Te Aho: Ownership gives you a lot more rights and a say in decision making; and I believe that for a lot of Maori, ownership isn’t about making money (like companies) but being part of the process and having power (and leverage) in those decisions, so that Government can’t continue to ignore us.

(Individual interview 05/10/2011).

Iwi assertions for ownership are attempts to be consulted and included in the decision making process, and this highlights the unequal power relationship between tangata whenua and the Crown. Another example is that all water allocation plans and catchments that are fully allocated do not have a cultural allocation for Māori. Such actions only degrade the credibility of an equal partnership under the Treaty. Consequently, Māori are left to either seek ownership or forfeit their rights as tangata whenua – rendering them another minority group in this country.

### ***Variation 6 – Waikato River fully allocated***

The Waikato Regional Council introduced Variation 6 as a plan change to establish rules for managing water allocation of the Waikato River. The river is currently over allocated, those allocations have been made on the ‘first in, first served’ basis, and the variation makes no provision for any type of iwi allocation. Subsequently, a number of submissions were received which opposed the variation. It also raised concerns over whether the RMA adequately allows for

tangata whenua rights, and whether the cultural and spiritual significance of water should be taken into account.

Variation 6 is another example where river iwi ‘were not at the table’. It was intended to encourage better water management; however, it has also resulted in preferential treatment where some can exclusively own water to the detriment of others.

Participant E: When Variation 6 first came out, the WRC said it was an equal playing field; but some of the industries and municipals soaked up all the allocations leaving none for new applications or iwi creating an un-level playing field.

People who have permits and do not use their entire allocated water take or permit can sell the left over to be purchased outside of the policy legislation. Iwi are not happy with this and want the policy to be changed **because the money exchanged does not return to the river but to the profit of the holder.** (Emphasis added).

(Individual interview 31/10/2011).

Raukawa opposed the variation and appeared in the Environment Court. They argued a clause in their deed of settlement which states that the Crown cannot set up any systems relating to tradable water rights or privatisation of water without iwi consultation. However, it was the Regional Council, not the Crown who brought in the variation; this raises “high level governance and sovereignty issues” (Stephanie O’Sullivan, individual interview 19/10/2011). Timing was a significant factor; the variation occurred around the same time as the co-management agreement, but instead of waiting for the agreement to be completed, the council continued with the variation process. This resulted in the ‘retro-fitting’ of the vision and strategy of the co-management agreement into the Variation 6 policy process (Stephanie O’Sullivan, individual interview 19/10/2011). As a chapter of the regional plan the water allocation cannot be inconsistent with the vision and strategy of the co-management agreement. Raukawa argued that if they were not

given particular recognition in terms of water allocation as an economic resource then how will the council be giving effect to the vision and strategy of the co-management agreement? The response that Raukawa received was alarming as the Crown and other non-iwi parties involved in the appeals process were not aware that a Treaty settlement had been reached which required changes in the RMA environment. “I was alarmed at the lack of understanding” (Stephanie O’Sullivan, individual interview 19/10/2011).

Ngati Tūwharetoa also opposed Variation 6; they appealed for an auction system rather than the ‘first in, first served’ approach. They also pushed for cultural allocation for iwi on the grounds that:

Tina Porou: Culture for me means living and to live I need to be able to grow my own sheep and beef. Cultural for us means everything not just washing our dead in the river as one councillor thought.

(Individual interview 03/11/2011).

A lack of cultural understanding from non-Māori parties involved in the processing of variation 6 was commonly experienced by all river iwi:

Julian Williams: We have had to learn the legislation, RMA and all other legislative processes in order to communicate and participate; you would expect councils would at least learn our tikanga. They could learn more from this process than what we could from them.

(Individual interview 04/11/2011).

A common theme communicated by participants was the lack of understanding of Māori cultural values within local and regional authorities. Many iwi find this very disappointing. This lack of understanding was illustrated by a councillor’s comment:

Participant G: we are hearing more from iwi now, iwi are not happy to trade off their cultural and

spiritual values of water. This iwi concern is relatively new don't you think?

(Individual interview 08/11/2011).

Issues around water allocation reflect anthropocentric imperialism and neoliberalism; these dictate the management of natural resources in this country, and further depict the unequal power and Treaty relationship between Māori and the Crown.

### *The use of language to get around ownership*

The Crown is hesitant to sell assets or resources to Māori, and so methods are being devised to get around the issue of ownership. Participant A commented that “this country is not mature enough to give ownership of anything to Māori, so we are looking at how is it easier for the Crown to sell it to the public” (Participant A, individual interview 30/09/2011). An example of these alternative methods is the Waikato River co-management agreement; it was pursued instead of ownership as “ownership would have been a long drawn out process and there was a real risk that river iwi would continue to be side-lined by the council decision making process” (Rama Ormsby, individual interview 04/11/2011). Language was used to overcome the ownership issues by employing the notions of co-management and co-governance to increase Māori inclusion. Other indigenous peoples have also encountered these kinds of issues. Gannin Ormsby discussed how the word entitlement was substituted for ownership in Australia; he noted that it could be transferred into customary, traditional or public entitlement to water (Gannin Ormsby, individual interview 31/10/2011).

Marama Muru-Lanning (2007) also makes reference to the importance of the use of language; she discussed how it has been used to transform identities and power relationships around the Waikato River. Sir Robert Mahuta and Princess Te Puea established a discourse for the Waikato River using the idiom of ‘tupuna awa’ that defined the Waikato River as an important ‘tribal ancestor’. In contrast, this idiom has been re-shaped by Waikato River negotiators and Crown officials into ‘ancestral river’, redefining Waikato-Māori understandings of the river. Other interests groups such as power companies use language such as ‘sustainable resource’ to describe the Waikato River; however, they also invoke neo-liberal

discourses inviting commercialisation and privatisation. Language plays a critical role in shaping how people understand the world, and as a result it is used as a mechanism to facilitate the commodification of the Waikato River due to the emergence of a contemporary language to describe the River (Muru-Lanning 2007 2).

*The bigger issue for Māori and ownership*

Linda Te Aho: I've always believed in the mantra of Sir Robert Mahuta and his legacy, he often said "we don't need anyone to say that we own the river, we know that we do." Our immediate and urgent focus is to look at the way in which we can restore the health and wellbeing of the water – we don't need to own the river to do that.

(Individual interview 05/10/2011).

As discussed in previous chapters and sections, the idea of ownership greatly conflicts with tangata whenua cultural values and beliefs. It has raised a number of issues for Māori; these were outlined in some of the interviews:

Participant D: Maori shouldn't own it in the Pākehā sense of the concept; we need to be careful when using this term because we never owned it, we were kaitiaki which is a very different concept, but we don't want to exclude ourselves from that ownership discussion; it should be used strategically, or should re-conceptualise what ownership means so we can sit at the table.

(Individual interview 21/10/2011).

Sean Ellision: Te whakahihi o te ao Pākehā ki te tai ao whanui tonu, pērā hoki anō ō rātou

whakaaro ki te whenua ki te moana, ka riro i a Helen Clark te takutai moan aka timata atu te tuwhera atu ki ngā iwi o Haina me ērā atu kia haere mai ki te kerī.

(Individual interview 16/11/2011).

The incompatibility is shown by the absence of an equivalent word within the Maori language. When referring to ‘ownership’ of water within te reo Māori, matua Tame Roa cautioned against the use of rangatiratanga:

Tame Roa: Taiho koa te kōrero mo te rangatiratanga. Ko taua kupu rā he mea ka pā mai ki te tangata e te rangatiratanga o Pōtatau te Wherowhero. Engari kōre pea taua kupu e pā ana ki te wai. **Ko te mana kē o te wai.** Nō reirā i ētehi wā he mana no te tangata i runga i te wai, kainga ai te wai i te tangata. Nō reirā he mana anō nō te tangata ki runga i te wai. I ētehi wa he mana anō nō te wai i runga i te tangata. Whakaritea ana te tangata i a ia te wai. Whakatapuhia ana e te tangata tētahi mea ki te wai.

Kei roto i te Tiriti o Waitangi tēnei kupu te ‘**tino rangatiratanga**’, ā, kei roto i a au o Waikato-Manaiapoto kaore ērā kupu i e kōrero nuitia ki a au e tamariki ana. I te kōrero kē ngā matua, ngā tupuna i te **mana**. Nō reiā taku whakapono (he whakapae anō ki ētehi o ngā kōrero) nā te hiahia o te Pākehā ki te kōrero ki te rangatira kua mō etahi atu. He tangata kōtahi kei i a ia ko ia te tino rangatira, ki a au koira te tino rangatiratanga mai aua kōrero (emphasis added). (Individual interview 14/11/2011).

The creation and use of the word rangatiratanga was employed to individualise the decision making of iwi which was traditionally made by the collective. In terms of having the ability to make decisions, ‘mana’ (prestige, authority) was used to mean authority. The word ‘owner’ in English translates into rangatira in Māori; however, when rangatira is translated into English it translates into chief, noble, revered, or a person with mana. While these Māori words attribute to what is known as ‘ownership’ in the Western world, they “do not necessarily involve the idea of a sovereign individual with exclusive rights of possession but rather a chief who is empowered to speak on behalf of the tribe” (Muru-Lanning 2010 54). The words of mana and rangatira evoke the obligation and responsibility to act in the best interests of the people and environment, stimulating collective efficiency and sustainability. Thus, this ownership of water is kaitiakitanga:

Tame Roa:

A, ki tērā anō he **mana whakahāere anō nā te tangata ki runga i te wai**. Kei reira te kōrero ‘Waikato taniwha rau he piko, he taniwha, he piko, he taniwha’. Ko taua taniwha, ka tika he mea wairua, engari ko taua taniwha anō he mea e whakaritea te tangata ki te rangatira. Nō reirā he rangatiratanga kei reira rā. Ko taua taniwha nei, ko taua **rangatira** nei, he **mana whakahaere** anō mōnā ki taua kokonā o te wai, ki tōna piko, ki tōna rohe. Engari ko taua mana te kaitiakitanga (Emphasis added).

(Individual interview 14/11/2011).

Assertions for Māori ownership of water have been in reaction to their exclusion in decision making.

Rama Ormsby:

My personal view of ownership is that it is a good thing as Māori ownership ensures the resources are protected and that it remains in Aotearoa because Maori are not going anywhere. However, it is the power and

control aspect of the resources that seems to make non-Māori uncomfortable.

Ownership of water may be contrary to our values of kaitiakitanga but if we don't own it, the Crown will say they do which can allow for it to be sold off. If someone else's mana prevents us from being kaitiaki what does that say for our mana?

(Individual interview 04/11/2011).

Māori have been engaged in a subordinate relationship with the Crown; the right to control or purchase resources are granted to others without iwi consent. Additionally, the actions that are guaranteed with ownership are those that bring detriment to the environment, its mauri, mana and wairua; and as a result it causes detriment to the consciousness of tangata whenua. Māori assertions for water ownership have been met with resistance; and while it appears to be the only guaranteed avenue that can lead to meaningful kaitiakitanga, this path has barriers and issues of identity that will need to be crossed in order for Māori to achieve true self-determination.

## The threats to te tai ao Māori

Tina Porou: I hope that once we get control we don't forget that we are using the word ownership to get control and not become disconnected from the taonga and over exploit it like it was previously.

(Individual Interview 03/11/2011).

A number of participants alluded to the associated risks that entering into capitalist and neoliberal forms of dialogue and management can have for Māori. Māori have had to adapt and conform in order to compete and be recognised as a Treaty partner; but as a result, many values such as mana and kaitiakitanga are being transformed and defined by economic status, privatisation and globalisation. It is these latter factors which become the main drivers for some Māori organisations.

Tina Porou: The view of Māori-dom needs to shift; we now place too much emphasis on economics. It's easy to talk about farming water or exchanging water rights for money or other commodities because that is easy to deal with, but what is really important is how we connect as Māori to water and treat it is by our values or are we just another stake holder that uses and abuses it.

(Individual interview 03/11/2011).

Western system of economics and management has trapped many Māori in a space where individual gain is placed over collective and environmental benefit. This has fundamentally altered Māori consciousness, challenged the credibility of Māori culture and identity, and fractionalised the land and value base.

Tina Wilson: For us land and is bequeathed from our ancestors intended to sustain us all and as a result we too are obliged to protect it. However, we have been trapped into a system that puts a dollar value on our land and portions it into shares and sections. Now we are in a situation where hapū and iwi are fighting over our individual blocks and where smaller shareholders are selling up to other owners, or externally. Now we are just repeating what happened to us when we were colonised, either we end up losing fractionalised land all together to local councils, private developers and banks, or only a select few individuals end up owning the land and exclude the rest.

(Individual interview 30/12/2011).

While the majority of water pollution is caused by urban areas, industry and dairy farms, Māori also contribute to this. A number of dairy farms and industries are Māori owned and operated, but fail to set environmental base lines or protection mechanisms that would align with Māori values.

Tina Porou: It is a tough fact that Māori are in every industry and will always be in primary production, so there needs to be more discussion on how we operate not as another Western commercial business, but as Māori.

While some of our farms are good, the majority are not. Because of colonisation, capitalisation and even globalisation **Māori are being more money driven than by our values.** Some Māori farms are ridiculous, they don't fence their fields, their effluent

management is rubbish, they don't uptake technology fast enough, resulting in water management and ownership being driven by priorities of a company rather than our values.

(Individual interview 03/11/2011).

Many iwi lack the capacity to operate in both worlds. It can be difficult to effectively engage with relevant authorities, and drive Māori trusts and organisations in ways that not only align with cultural values but also empower the collective.

Tina Porou: Water management is currently an inequitable process and those who are inefficient and the loudest are being rewarded. We as Māori need to organise ourselves and start recognising the need for systems that ensure efficiencies are reached for freshwater.

We need to get people that know what they are doing and put them on these boards, the popularity vote doesn't work. This relates directly to water management because you get people making the decisions that do not really understand the issues and language making massive decisions over water.

(Individual interview 03/11/2011).

Contemporary Māoridom continues to face difficulties in terms of 'walking in two worlds'. Māori culture has been uprooted from its traditions and suspended in a space where the path to self-determination is dependent on a balance between cultural values and economic wealth. This balance could either assert policy changes based on cultural values and sustainability, or continue to act as a manifestation of our colonial suppressors. "Because we are walking in two worlds

it makes it difficult to balance the two aspirations: economic income vs. environment protection” (Tina Porou, individual interview 30/11/2011). To find balance is to take a unified stance while still retaining local identities and authority; it is to look to the teachings and traditions of our ancestors in order to look forward and endeavour to restore the natural flow physically, emotionally and spiritually.

## **The threat to water**

### *New Zealand’s complacent attitude towards water*

Resource management in New Zealand is based on the coloniser’s ‘conquer and exploit’ attitude. Environmental policies are short-sighted as they are founded on imperialistic assumptions, and these beliefs regard natural resources as infinite sources that should be exploited for human prosperity. All of the participants commented that this assumption of abundance and the complacent attitude has been a major cause of water degradation. As already stated by Linda Te Aho, water law was “based on the wants and needs of the settler population of the time” (Individual interview 05/10/2011), but this has continued to be the basis for water management in the twenty first century. Another participant added that “the problem in NZ is that we think we have plenty of water and we can just use and abuse it” (Participant F, individual interview 28/10/2011). This attitude is reflected by the inefficient and unsustainable management of consents for water takes and discharges (Participant E, individual interview 31/10/2011).

### *Power companies, dams and dairy farms*

Hydropower dams and dairy farms play a vital part of the economic success of New Zealand, but they are also major contributors to the degradation and pollution of the environment and waterways. A balance must be found between environmental protection and economic gain. “Best practice doesn’t mean using new technology, but doing things smarter” (Paula Southgate, individual interview 08/11/2011).

Julian Williams:

We don’t expect to remove the dams; we don’t expect to stop farming because our people do exactly those things. So it is about

being the best of what we can do. So if that is through policy change, rule direction and enforcement then so be it. For example, at the moment Genesis Energy is running at 2% efficiency, we should be still aiming for 100%. If you can't get better then what are you going to do for the River to heal her?

(Individual interview 04/11/2011).

The majority of people that engage with regional councils are dairy farmers, electricity generation companies, people wanting water permits or consents, and iwi. As a result, the majority of councillors throughout the country are wealthy Pāhekā dairy farm owners (Paula Southgate, individual interview 08/11/2011). This again raises questions of whether our country is based on an equal partnership and it also challenges our 'clean and green' image, illustrating the need for greater epistemological changes.

### **Case study: The Waikato River Co-management Agreement**

#### *Co-management*

Co-management is a mechanism which attempts to produce better and fairer institutions of environmental management by incorporating more collaborative and inclusive consultation, negotiation and decision-making (Conley and Moote 2003 371). It broadly refers to a continuum of arrangements involving various degrees of power and responsibility sharing between the Government, its agencies and other groups. According to (Moller *et al.*) 'strong-co-management', as hinted in its definition, is based on an equitable cooperative arrangement between two or more parties that share power and decision making equally. Any arrangement that does less than this – such as offering mere 'consultation', an 'advisory role' or unequal decision making – should not be considered co-management (Moller *et al.* 2000 156). However, tokenistic and subordinate power relationships can still arise. A positive example is the Kakadu national park in Australia; co-management is employed for equal governance, representation and management between the

aboriginal people and the Government. Over a successive amount of years, governance and representation of the Government will decrease and be replaced by aboriginal iwi as their capacity grows. The overall intention is to build the ability of the aboriginal iwi to effectively manage and own the park (Participant A, individual interview 30/09/2011). Influential factors that can affect the validity of such arrangements include the planning paradigm of the country, historical land grievances – inclusive of cultural suppression and continued discrimination, and the relationship between the Crown and indigenous people (Coombes 2005 3). For the purpose of this study, equal co-management should aim to achieve an equal partnership between the Crown and tangata whenua as intended by the Treaty of Waitangi.

### *Waikato te awa and co-management*

Like many Treaty settlements, the Waikato River co-management agreement was born of conflict and collision. Sir Robert Mahuta led the surge for redress; he lodged appeals against the granting of water rights and disputed actions to privatise the Waikato River. Successive efforts led to the Waikato Raupatu Claims Settlement Act 1995; it included an apology from the Government and discussed the grounds for returning land. Claims for the Waikato River were excluded for future consideration until the 2008 Deed of Settlement. The Crown and Waikato-Tainui reached a settlement based on restoring and protecting the health and wellbeing of the river. This Deed of Settlement opened a new error of co-management; the Crown accepted responsibility for failing to protect the special relationship that Waikato-Tainui have with the river as their ancestor, and they recognised that the degradation of the river has occurred due to the ineffective management by their authority. The co-management arrangements were streamlined with the Deed's revision in 2009, and the settlement was completed with the 2010 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act (Te Aho 2010 290). For a Māori perspective on co-management see appendix four.

### *The 'pros' of the Waikato River Co-management Agreement*

This agreement has been described as 'ground breaking'; it has fundamentally changed how river iwi participate at the governance level as well as monitoring and basic operations (Stephanie O'Sullivan, individual interview 19/10/2011). Linda Te Aho commented that it is "the most sophisticated model of co-

management in the country, and more recent settlements show that the Government is reluctant to even go that far again” (Individual interview 05/10/2011). This co-management process recognised the Waikato River as an entire entity: “she is an ancestor” (Julian Williams, individual interview 04/11/2011). In light of this, the Guardians Establishment Committee developed the following vision and strategy for the Waikato River:

*Tooku awa koiora me oona pikonga he kura tangahia o te maataamuri  
(The river of life, each curve more beautiful than the last)*

*Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River and all it embraces, for generations to come*

(Guardians Establishment Committee 2010).

The significance of this vision and strategy is that its inclusion within the Waikato River Deed of Settlement elevates its status equal to that of a NPS. As a result, this vision and strategy must be integrated in its entirety within the Waikato Regional Policy Statement, and this requires all other planning documents, such as the Regional Plan (RP), not to be inconsistent with this vision and strategy. This provides the necessary legislative requirements for authorities to consider the health and quality of the river in their decision making.

Twelve strategies were created to achieve the vision and strategy; the first few are to:

*Ensure that the highest level of recognition is given to the restoration and protection of the Waikato River*

*Establish what the current health status of the Waikato River is by utilising Mātauranga Māori and the latest available scientific methods*

(Guardians Establishment Committee 2010)

The Waikato River Council and Clean-up Trust were created to achieve these strategies; their purpose is to restore and protect the health and wellbeing of the Waikato River and its catchments for future generations. The legislation places

strong emphasis on co-governance and co-management; this is shown by the composition of both entities consisting of five Crown appointees and five Waikato River iwi appointees.

The legislation guarantees a seat for Māori representation on boards and panels regarding resource consents for activities concerning water, and this allows for more meaningful iwi participation (Te Aho 2010). The Waikato River Authority (WRA) is a separate entity from the Waikato Regional Council and therefore is not subordinate or answerable to regional Government.

Linda Te Aho: It's hoped the WRA will make changes that the Regional Council hasn't, for example moving for stricter environmental base lines which the Regional Council would not in the fear that they would upset their constituents. The Regional Council would implement changes if the Government made an order, because then they can blame the Government.

(Individual interview 05/10/2011).

The Waikato River Independent Scoping study is being conducted by NIWA to achieve the second strategy; it is currently in its second of four stages.

This co-management process used a powhiri model to involve the other river iwi. The iwi were invited to agree on the purpose and vision of the original settlement, but could still retain their own mana whakahaere in their rohe by determining their own Joint Management Agreements (JMAs).

The Waikato River co-management agreement has opened the door for more effective iwi engagement, and has created more awareness of the significance of the River and the need for greater protection mechanisms. The importance of this agreement is the presence of iwi within environmental decisions; they have advocated for greater environmental protection and have pressured regional authorities to be more engaging and acknowledging of iwi values.

This co-management agreement has also been beneficial for the regional council in understanding tangata whenua environmental values and gaining assistance with the RPS. “Having all the main [river] tribes involved in the development of the RPS workshops [Regional Policy Statement] was invaluable” (Paula Southgate, individual interview 08/11/2011). The benefits of co-management have been instrumental in initiating a paradigm towards greater efficiency in environment management. New avenues for sustainable technologies are being explored, and mātauranga Māori has advanced to better assist environmental management. This situation demonstrated that sharing the decision making with the Crown has been more beneficial than seeking outright ownership; it holds the Crown accountable and pressures them to act in an equal partnership (Julian Williams, individual interview 04/11/2011). The ‘pros’ of the Waikato co-management agreement can be encapsulated by the following comments:

Participant E: It’s about adding to the RMA what it was lacking before; clear direction and planning about the involvement of tangata whenua in the management of resources, in this particular instance the Waikato River.

(Individual interview 31/10/2011).

Participant B: Co-management framework allows the ability to put in place and advocate for regional policy changes, targets and instruments that will ultimately affect the river and its uses.

(Individual interview 27/10/2011).

Participant C: RC previously only made decisions based on keeping continuants happy, co-management legislation is opening more doors.

(Individual interview 31/10/2011).

### *The 'cons' of the Waikato River co-management agreement*

While the Waikato co-management agreement has shifted perceptions of environmental management and tangata whenua engagement, there are also shortcomings which question the power relationship between tangata whenua and the Crown. One example was highlighted by a number of participants who queried why the Government and its agencies did not effectively engage with iwi prior to the legislation. This illustrates cultural hegemony and a subordinate partnership. Prior to the legislation it appears that most regional authorities were ignorant of the Māori culture – in particular their values about the environment – and they resisted meaningful engagement on the premise that they maintained absolute power and authority over resource management decision-making. Furthermore, the co-management agreement was constructed within the parameters of the existing planning regime of the RMA; this may imply that the failure to meaningfully consult and engage was more than accidental ignorance, but deliberate moves to exclude tangata whenua altogether.

Julian Williams:                   What is hoha is that the Government and council already had the ability to provide fairer and more meaningful consultation and iwi participation, but they just didn't do it. They didn't have the will power or willingness to give us a JMA or transfer powers, they could have done this already under section 33 of the RMA like Tūwharetoa did, but they didn't want to involve us in decision making, only consultation.

(Individual interview 04/11/2011).

Under the Waikato co-management agreement Tina Porou comments that it:

“is ground breaking for Maori in the respect that it allowed Māori to be engaged formally...what it has done is highlighted the importance of

Māori and the status of the water to the wider community – that’s invaluable.”

(Individual interview 03/11/2011).

However, Tina believes that the Tūwharetoa and Taupo District Council JMA places more importance on the Māori relationship with the Lake, allowing more equal decision making power than the current legislation does for the Waikato River. While JMAs under the co-management agreement are beneficial in that they engage with iwi, other participants were also of the opinion that the Tūwharetoa JMA goes further, even though it only utilized the tools of the RMA.

Another fundamental issue is the power of the Government to unilaterally decide who is and isn’t a river iwi (Linda Te Aho, Individual interview 05/10/2011). As the co-management agreement was determined by the Treaty claims process, iwi who were excluded from the settlement were also excluded from the Waikato River Council. This indicates an unequal power relationship; the extent of co-management and the terms of iwi involvement are determined by the Government. Participant D also noted that the co-management agreement only deals with the clean-up and protection of the River, but the allocation of water rights is outside its scope. Ultimately, iwi are only involved in the protection and wellbeing of the River, but the Regional Council can still sell rights to water – which can equate to property rights – without consulting or engaging with iwi. While the agreement is meant to be a shared partnership, the Crown merely invites iwi to participate, while deciding the extent of their participation and the parameters of sale, effectively controlling the whole process and management of the River. A more equal process of achieving co-management would involve both parties having equal decision making power and influence so that the management rules and policies were based on both sets of opinions. At present, “we are still a stakeholder rather than a Treaty partner” (Tina Porou, individual interview 30/11/2011 & Participant D, individual interview 21/10/2011). This portrays an unequal power relationship that has been perpetuated from the time of colonisation and re-manifests itself within current legislation, re-enforcing assimilation and subordinate relationships.

Tina Porou: Co-management is important...it is creating the foundations to engage, but does not go far enough in making the decisions and that is why I'm having discussions with councils – telling them we are not the enemy, and what is good for Māori is good for the river and environment. It is not a political choice but a kaitiaki choice. Māori are farmers and have geothermal interests as well, so we have got the same challenges that they face but someone has to act.

(Individual interview 03/11/2011).

Regardless of the 'cons', the Waikato River co-management remains to be the "most sophisticated model of co-management in the country", enabling greater iwi consultation and engagement than ever allowed before. Statements such as this reflect the past intent of the Government, as well as the struggles that tangata whenua have endured to get to this point. There are a number of issues with the co-management agreement; however, all of the participants maintained that its full potential is still yet to be seen. It can be summed up in the following statement:

Tina Porou: It will take years to perfect because it's a huge shift in philosophy, intent and relationships; there's a long way to go

(Individual interview 03/11/2011).

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## Chapter Review

This chapter describes the main themes highlighted from the interviews, and it analysed how the natural flow of water and its associated traditional values and practices have been disrupted and are in need of healing. The disruption of the natural flow created an imbalance in the management of the environment, as well as destabilising its relationship with tangata whenua. This has been created by the power imbalance between the Crown and tangata whenua which ultimately effects the environment and water negatively.

Before European contact, water was a sacred resource to Māori; it had its own spiritual qualities, and when using a Western lens, its importance could be placed above land. Cosmological beliefs heavily influenced Māori consciousness, determining how water was treated and managed sustainably. Māori, like every other race on this earth, harvested and exploited from the environment; however, the fundamental difference is the overarching values that dictated tikanga and mātauranga Māori or traditional ecological knowledge. It was this that achieved a balance and managed resources sustainably. These values still exist; many Māori remain emotionally, spiritually and physically connected to their natural water sources and continue practices based on traditional mātauranga Māori.

However, since the arrival of Pāhekeā and the subsequent colonisation of Aotearoa, the environment is no longer managed by traditional tangata whenua values, but those of the Western world. This effectively displaced tangata whenua from their authority to protect and manage natural resources. Māori have been assimilated into a system where our values are subordinate to the motives of the Crown, forcing Māori in a reactive position to assert iwi rights and values within environmental management. Exclusion of iwi from environmental management has been a deliberate move of the Crown to assert their anthropocentric dominance. The use of legislation has created what is essentially environmental racism in the name of modernisation.

Within the contemporary 21st century, successive Governments continue to assert their ownership and control over natural resources by vesting ownership in the Crown, despite maintaining that it is publically owned. While there are provisions for Māori inclusion and engagement within the current planning regime, these are

tokenistic and superficial. Although Māori values are ‘taken into account’ the Government and its agencies still approve actions that privilege their own motives to the disagreement and detriment of tangata whenua.

Legislation pertaining to water is no exception. The current planning regime has failed to deliver an equal partnership in environmental planning, and has not set adequate environmental base lines. As a result, iwi have resorted to seeking environmental engagement via the Treaty of Waitangi settlement process. The RMA lacks specific direction; this has allowed authorities to set loose regulations which has resulted in the over exploitation and the degradation of water sources. It was anticipated that the 2011NPS for freshwater management would set stricter guidelines for regional councils to enforce; however, although goals for water management were set, the lack of collaboration between councils means fragmented management can continue.

The chapter discusses the challenges that tangata whenua face over the notion of ownership. The notion conflicts with traditional Māori views; however, to have any meaningful influence in water management under the current legislation and planning regime, Māori must purchase and own rights to water. This means that Māori must assimilate their own values into a neoliberal system that does not accommodate their own perspectives. An important issue associated with ownership is that many water catchments are already fully allocated, but iwi have been excluded from having an influence in the allocation process. This is despite the provisions within the RMA and Waikato River co-management agreement which require iwi engagement. These issues highlight the unequal power relationship that still exists between the coloniser and the colonised. Māori are forced into a subordinate partnership and have to conform to Western ways of operating and thinking in order to pursue their ancestral right and practise.

An important point stressed by participants is the effect that Western systems of management and values such as neoliberalism, capitalism and privatisation have had on te taiao Māori. The conflict of environmental protection is not just between Māori and the Crown, but is also with Māori owned farms and organisations that are driven by the motives of the Western world. The accumulative effects of colonisation are noticed within Māori organisations and they highlight the difficulties of retaining a tangata whenua identity while walking in two worlds.

A main reason for the falling amount and quality of water in New Zealand can be attributed to the public's complacent attitude toward natural resources. This mindset originates from a past of anthropocentric institutionalisation through Western management. The result is that regional councils have failed to effectively implement sustainable water practices and regulations; their motives for re-election and economic gain supersede the desires for environmental protection. This extremely relaxed approach is also exercised by hydropower dams and dairy farms which are the biggest contributors to water pollution.

Finally, the Waikato co-management agreement was discussed as a case study. It described the settlement process, as well as the objective to seek better engagement for the protection of the Waikato River. The pros and cons of the co-management agreement were discussed; it highlighted that all the joint management agreements achieved under the co-management agreement could have been pursued under the RMA. The Waikato River co-management agreement has fundamentally changed the level of iwi engagement in terms of the protection and well-being of the Waikato River; however, its true value is yet to be seen as water allocation and subsequent ownership continues to exclude Māori involvement. While the agreement is a great step forward for iwi engagement, it continues to reflect a subordinate partnership as both parties do not have equal decision making power. The process of co-management and general water management remains under the control of the Crown. Although iwi are invited to participate in the clean-up and protection of the health of the River, the Crown determines the extent of that involvement, and still retains the ability to sell 'water rights' – which grants effective ownership – without consulting iwi. This again illustrates an unequal partnership which has been the overarching issue for tangata whenua and environmental management since the signing of the Treaty of Waitangi in 1840.

## Chapter Six

### Restoring the flow: te ānga whakamua<sup>17</sup>

*Me hoki whakamuri kia kitea ai me pēhea te haere  
whakamua*

*Look to the past to determine the future<sup>18</sup>*

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The power imbalance created by colonisation disrupted both the natural flow of water and the Māori values which sought human and environmental harmony. The attempts by Government to mitigate environmental damage and increase Māori participation have resulted in token legislation; instead of considering Māori values and perspectives, neoliberal values such as privatisation are privileged so that the balance sought is between resource management, exploitation and economic profit. In the previous chapters various respondents expressed their views and ideas about the difficulty of empowering mātauranga Māori in resource management in general, and with water management in particular. I build on these comments to find the way forward; this chapter looks at the way forward to ‘restore the flow’. The way forward refers to achieving sound environmental management based on sound values and practices that acknowledge water for more than its physical properties and seeks to protect it for future generations. While many of these recommendations may seem aspirational, the respondents clearly believe that they are achievable, although there will be many obstacles and challenges along the way.

### **Mātauranga Māori**

Utilisation of mātauranga Māori was commonly identified in the interviews as a way to achieve better water and environmental management. Mātauranga Māori encompasses particular values and practices that individual iwi, hapū and whānau

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<sup>17</sup> The way forward

<sup>18</sup> Tuhoe Education Authority. 2007: Te Reo Hikareia. Retrieved 19th February from <http://www.tea.tuhoe.com/reohikareia.html>

have developed and transmitted through time for their specific rohe or region. Incorporating such knowledge into current practices or constructing a new process of management based on mātauranga Māori could be hugely beneficial in generating more holistic management practices. These practices have been tested throughout time and in our environments rather than derived solely from English Common Law.

Stephanie O’Sullivan: It’s about using our worldview, our knowledge, our traditional history and our ancestral knowledge to inform the whole art of resource management – to show that there is another worldview about this and it could really help and assist.

(Individual interview 19/10/2011).

Mātauranga Māori provides a more inter-connected approach; it does not separate or categorise parts of a water body for individual management but rather views it as a distinct and continuous entity. This encourages greater collaboration and more integrated management over specified time frames. The most significant benefits from mātauranga Māori is that it is local knowledge and practices, and natural and customary indicators based on cultural values, free from the constraints of capitalism and neoliberal values. This allows decision making to be based on what is most beneficial and sustainable for the resource, rather than maintaining revenue flows. The Western legislation based approach is derived from English common law that is nationally focused, whereas the depth of Māori lore and knowledge is local. Local and regional geographies are diverse and local knowledge could empower effective management of broad national policy statements, so long as they are driven by the appropriate values to enable mātauranga Māori.

While mātauranga Māori and Western science may oppose each other in terms of ideological foundations, I believe that better understanding and cooperation is possible. Rama Ormsby comments that a ‘middle ground’ between cultural and customary monitoring of water and Western science can be found; cultural

monitoring can be used to identify matters to address in order to meet the expectation of river protection, and this can be complemented by scientific methods to achieve this (Rama Ormsby, individual interview 04/11/2011). Julian Williams commented that Tainui has 23 – 28 marae around river and water bodies, each with their own specific mātauranga Māori and obligation as kaitiaki to protect and enhance the water. If the Regional Council teamed up with iwi to establish a programme driven by mātauranga Māori and accompanied by Western science, it could essentially mean that there would be another 28 groups to monitor the river (Julian Williams, individual interview 04/11/2011).

There are a number of mātauranga Māori practices which have already been proven as legitimate monitoring techniques such as ‘rama tuna’<sup>19</sup> and ‘tau koura’<sup>20</sup>, and “the same can be done with other mātauranga Māori techniques which would just need to incorporate a modern day write up to combine with science” (Participant F, individual interview 28/10/2011). However, initiatives such as this are confronted with barriers not of the scientific world but by a neoliberal policy approach that has prevailed since the restructuring of the political landscape since 1986 (Ruru 2010a 221 para .2).

Rama Ormsby: The progress of this type of initiative will be dependent on leadership in regional council, particularly at the governance level because if there is no willingness at the governance level to accept a new way of doing things, no desire to integrate evidenced based tangata whenua ecological knowledge/data validated by tikanga-a-iwi qualitative measuring frameworks, then all the work done at an operational technical level will not be able to progress.

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<sup>19</sup> Māori technique to catch eels by torchlight; has been also utilized by science to catch and monitor eels.

<sup>20</sup> Traditional Māori technique for harvesting Lake Koura used by Te Arawa and Ngāti Tūwharetoa tangata whenua. The method involved resting bundles of fern fronds on the lake bed for koura to take refuge in and then retrieving the bundles into a canoe to harvest the koura.



The risk of defining kaitiakitanga in the Raukawa Environmental Management Plan (EMP) is that it could be interpreted as the only focus and definition for Raukawa. This could be used as a reason for councils to no longer consult with us. It's not about putting our perspective out there in isolation, it is about sharing our perspective to educate all so that they need to come pursue it more and come to engage with us. This is why the partnering around water management is so important because if we are all educated (iwi & hapū up skilled in scientific knowledge and Council with M/M) then both parties gain, but what they do with the information is the risk. This is why the relationship is so important.

(Individual interview 21/10/2011).

Tina Porou:

Mātauranga Māori is important but it's at a point where it has been boxed and labelled as just traditional knowledge. But it is really inclusive of all the knowledge that Māori create whether its traditional or contemporary. When it comes to water, iwi are asked to do a cultural health index but nothing else. What we really need to do is create bodies of thought of how we can harmonise economics and Western science with

mātauranga Māori. We need to create ways in which to utilise these things through a mātauranga Māori lens.

(Individual interview 03/11/2011).

These kinds of perspectives describe the type of partnership I believe should exist between iwi and the Crown – one that empowers the prospect of environmental sustainability. “Take the tikanga and principles of the past from mātauranga Māori and use that as the basis to create new ideas using mātauranga as the lens” (Tina Porou, individual interview 03/11/2011). It would require the Crown to relinquish decision making power and enable Māori, via mātauranga Māori, to have more influence.

Tina Porou: Mātauranga Māori needs to find solutions, not just monitoring. We need to work on the traditional ways to reduce pollution e.g. letting fluid run over land not discharge it into the water; it is those traditional concepts that need to be used and adapted with Western science to further that concept through a Māori lens.

(Individual interview 03/11/2011).

Julian Williams commented on the varying states and statuses of water bodies:

*Water has different states; there is no such thing in Waikato’s mind that water is dead; which means water can be used for what we (humans) want because it’s dead. Tauwiwi have that view that some of our water bodies are at a state that it should only be working water bodies, we (Māori/iwi-Tainui) are happy for them to be working but they are not dead water which means we still need to contribute back to them and continue to strive to protect them rather than merely leaving them be polluted.*

(Individual interview 04/11/2011).

This sentiment is also noted by Participant B in the remark “you would have thought that more effort would be into cleaning the already paru ones [water bodies] rather than just cleaning the relatively clean or iconic ones” (Individual interview 27/10/2011). This reiterates the point that mātauranga Māori is more than a practice, but a set of values and principles that determine governance and environmental decision making. However, this is dependent on the power relationship between the Crown and Māori. The Waikato co-management legislation provides a foundation with the potential to work towards such outcomes. This supports the literature on mātauranga Māori discussed in Chapter 3.

### **United we stand**

As already discussed, environmental decision making could benefit greatly from mātauranga Māori; however, there remains the risk of its appropriation and exploitation. The participants were clear that each iwi needs a united position; each iwi and hapū must decide their stance on environmental issues and define the use of their mātauranga Māori. The division among our people will only further the deteriorating state of our environment and water bodies. Unity and clear definitions for contemporary applications of mātauranga Māori will provide a foundation to lessen the individualistic and short term drivers of a neoliberal approach driven by individual ownership and exploitation.

Participant D: Hapū and iwi must ask themselves what is mātauranga Māori, and they need to look at the intent behind our practices and tikanga and how we can use it to move forward spiritually, culturally and economically, or to inform policy and decision making.

(Individual interview 21/10/2011).

Tina Porou: I think the best way forward is for Māori and iwi to come together and choose the things to agree on and

advocate for those clearly. We cannot be average, we cannot aspire to be mediocre and we can't go into battles and be average, we have done this for a long time, we have fallen back into the cultural because we know that no one will argue with that. We can't do that anymore, we need to be sharp. That's why I think the best way is to think of the best outcomes we can and articulate these really well. And it's up to each iwi to decide what those are; in fact it is up to each trust and incorporation to decide. That's the scary thing. We need to get people that know what they are doing and put them on these boards, the popularity vote doesn't work. This relates directly to water management because you get people making the decisions that do not really understand the (traditional and contemporary) issues and language, making massive decisions over water.

(Individual interview 03/11/2011).

A united iwi position and clearer definitions can better assist iwi in advocating for a mātauranga Māori approach to water management, and they would also help determine more effective relationships and engagement with local and regional authorities.

Tina Porou:

We need to be more articulated about what mātauranga Māori is, because councils are keen to use it, but don't

know what it is. But, mātauranga Māori is more than just a technology that can merely be applied; it is a worldview and values that govern practice.

(Individual interview 03/11/2011).

Julian Williams:

We (iwi) need to get our side sorted first. We can relate our classes of water to science etc. We need to be better directed so we can better direct others like the regional council and other bodies that are willing to assist environmental protection.

It would still be through legislation; but it comes down to unity – everyone can participate at the national level; we all need to get to a position we all agree on but go about this in our own way. We need common principles so the Crown can't divide us and conquer us. Iwi have to make this happen and take leadership at regional levels; the Crown won't act first.

(Individual interview 04/11/2011).

I believe that once a position and definitions have been decided by the relevant iwi and hapū, an acceptable water standard can be determined so that an adequate level of economic operation can be maintained, as long as it is efficient and sustainable and aligns with the ethic of kaitiakitanga.

Participant B:

Tūwharetoa took a pragmatic approach – we decided our

‘acceptable’ level was that as at 1990 and wanted it to remain at this level in perpetuity.

Tūwharetoa are the environmental stewards; we have cultural, social and commercial obligations; it’s not the environment **OR** the economy; it’s the environment **AND** economy (emphasis added).

(Individual interview 27/10/2011).

Julian Williams:

If it will create benefits for the river, we should look at it. We shouldn’t be scared of water being market-driven because it’s a way to regulate it; just need to make sure we use the tribe’s principles about governing water, treating it as an ancestor and recognising that it has different states and its mauri should be put into our policies and decision making.

(Individual interview 04/11/2011).

By standing united and having clear definitions and articulations of the aspirations and values of iwi – through a mātauranga Māori lens – an adequate balance between traditional values and contemporary management can be found and communicated with other organisations. This united position would better inform water management and environmental decision making, and also provide the basis for constructing good relationships with Government authorities – iwi could then be more engaged in the water ownership debate. Multiple and opposing Māori views of ownership fragments a Māori stance, and this allows the Government to avoid engagement. Ownership of water produces outcomes that challenge Māori

values, rendering the pursuit of ownership as merely a means of securing the management of the resource.

Stephanie O’Sullivan: We need a forum to find the common purpose; Māori want recognition of the Treaty partnership in all management and governance of water – because we want to restore the mauri of the water.

Rangatiratanga – is a shared position between the Crown and iwi that recognises that economic relationship as a Treaty partner.

The economic argument of water is definitely an important debate but first the Crown and iwi need to talk about **first principles – what makes a Māori worldview do what we really want.**

We need to identify that (common purpose) rather than turning it into an adversarial environment; it has to be a collaborative, focussed discussion with Crown and iwi.

Iwi should come together (have a shared purpose) and then talk to the Crown, because dealing with the Crown individually takes too long.

(Individual interview 19/10/2011).

The need for tangata whenua to stand united in their beliefs and traditional knowledges of water extends beyond Aotearoa to all indigenous people

worldwide. Such a stance needs be made globally and is intergenerational; indigenous peoples everywhere have witnessed the destruction and desperation of the natural environment since the industrial revolution and the rapacity of colonisation. Justice Joe Williams of the High Court of New Zealand made the following comment while opening the international indigenous legal Water Forum:

*[I]t is hard to think of a more difficult, strategic, problematic and exciting subject going into the next generation than the subject of water and it is hard to think of a sharper test within that than the subject of the rights of indigenous peoples water*

(Ruru 2010a 221).

Many indigenous peoples entered into written agreements with European explorers which recognised certain legal rights; however, transporting these rights into reality proves to be problematic. This has become clear when considering the implications of indigenous peoples' rights to potentially own, govern and manage freshwater resources. If indigenous people are successful in securing legislative rights, these rights remain vulnerable in countries where there are no constitutional indigenous protection mechanisms (Ruru 2010a). Furthermore, the limited distribution of water resources infers greater conflict rather than resolution as law and policy making contributes to the trend of privileging private sector mechanisms (Boelens *et al.* 2010).

I believe that indigenous peoples have spiritual, cultural and historical associations with water that strikes a balance between water protection and use. This connection seeks sustainable management for the health and wellbeing of the water for future generations, while also seeking the economic benefits of water to nourish their communities. Many countries fail to acknowledge this. Establishing the unity of indigenous people is a 'bottom up' approach and a sensible way to combat and influence what has always been a 'top down dictatorship'.



2. Economic
3. Social
4. Environment

Once an indicator is chosen, one of five measurements may be given: very bad, bad, natural, good or very good, as displayed in the following diagram:

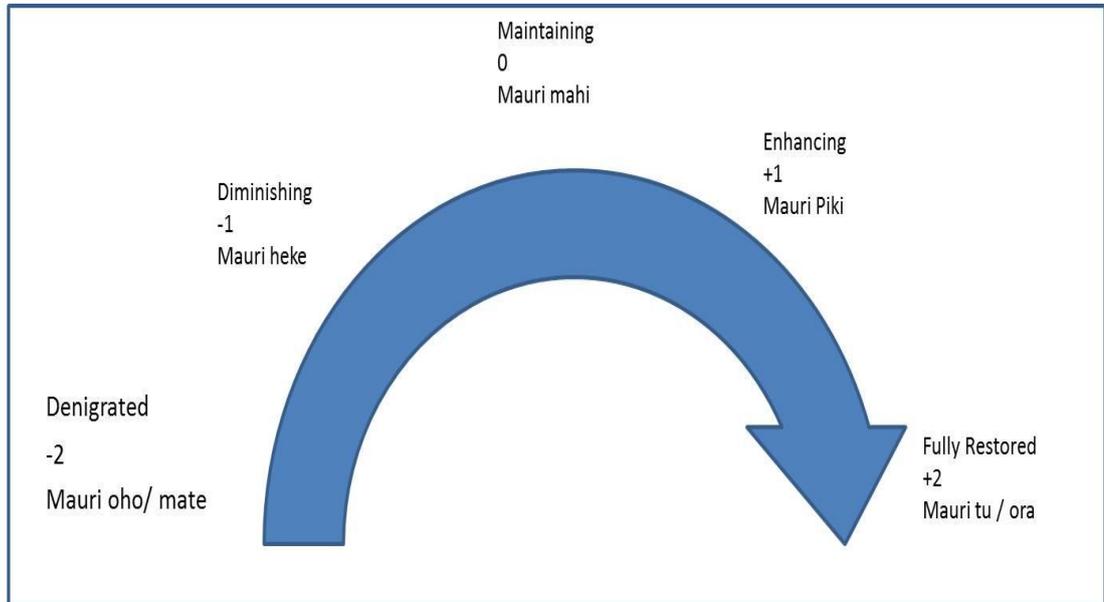


Figure 5: The Mauri Meter, (Diagram adapted from Keepa 2010)

The benefit of this mauri meter is that it quantifies the qualitative, and allows for the inclusion of cultural values in decision making. It also complements customary indicators and inventories of cultural knowledge as they can be quantified and mapped by this meter.

I believe this type of thinking and decision making can be used to create more diverse types of sustainable resource use. While it seems idealistic, it needs to be applied to resource management to encourage sustainable markets for the survival and protection of the environment and its integrity for future generations.

The values and ethics of kaitiakitanga that Morgan articulated within the mauri meter match the criteria set by the World Commission on Environment and Development's (WCED) 1983 'Brundtland Commission'. The primary objective of the Commission was to unite countries to pursue sustainable development by using 'innovative, concrete and realistic' proposals (McCormick 1987 para. 1).

The Brundtland Commission identified three main criteria of sustainable development that should be included in policies worldwide. These are:

1. Economic growth
2. Environmental protection
3. Social Equality

(UN Department of Economic and Social Affairs. 2009 para .23).

The Brundtland Commission produced a report that identified an overwhelming number of countries that privilege economic growth over sustainable development; this has placed many environments in an unhealthy state (McCormick 1987). In 1992 a meeting was initiated by the Commission which produced a plan of action known as Agenda 21. Agenda 21 is the most thorough and ambitious attempt, internationally, to specify what actions are necessary if development is to be reconciled with environmental concerns. However, Agenda 21 has no legal status in international law and is non-binding (Smith 2002).

### **Space and time**

The moves of the United Nations via the Brundtland Commission and Agenda 21 highlighted that in terms of ‘space’ the whole world is being suffocated by an ever tightening neoliberal stranglehold. This thesis has primarily focused on the inequality of environmental management from a postcolonial lens; however, the issue extends beyond this to how humans operate and the values that drive each individual’s everyday choices. Indigenous cultures have the necessary spiritual and cultural principles to evoke meaningful sustainability, and innovations such as the mauri meter could provide the missing cultural component from the Brundtland Commission’s criteria.

In Aotearoa, a mātauranga Māori approach applies area specific local knowledges for greater regional sustainability, but it must be complemented by the enforcement of the same overarching values at a national level. This could be in the form of a NPS or the RMA which enforces the values and ethics which invoke kaitiakitanga. However, it must not be in token provisions that privilege neoliberal values – which is how it currently stands. Governance at the local level would

benefit from local knowledge and understanding the principles behind it, this could then influence national management systems. A balance between sustainability and economic gain can be established by grounding decision making in the values and measures used in Keepa Morgan's mauri meter. As displayed by the innovation of the mauri meter, mātauranga Māori has the necessary values and practices to achieve a sustainable balance that can be utilized and understood by all in New Zealand. It is this type of cultural based decision making that is required to 'restore the flow' of environmental management in both local and national geographies of Aotearoa.

The issue of 'space and time' is universal as finite resources continue to become depleted. The values and principles that exist within Māori culture are also within all indigenous cultures that face the same barriers for recognition and sustainable environmental management.

Sean Ellision:

Ko tātou te iwi Māori e whakamahi ana i te wai hei pure i a tātou, i o tātou wairua, i o tātou whatumanawa, i o tātou whakaaro, o tātou hinengaro. Ka horoi anō i o tātou tinana. He tikanga anō, he kawenga anō tō ngā iwi taketake o Kanara, o Amerika. Ko tā rātou, tā ngā tohunga o reira, he whakamahi i te auahi. Engari ki a tātou i te nuinga o te wa, ko te wai me te karakia

(Individual interview 16/11/2011).

As water sources become depleted and polluted worldwide, the question of 'timing' becomes increasingly important as it must be asked, when will change happen? Regionally, the Waikato River co-management agreement has begun to expose the value that the river has for tanagata whenua to local authorities and the public, and it has started to generate thought about protecting the health and wellbeing of the river. However, this has not been matched by national legislation. One of participants commented that "we will have to wait a generation" before Māori can become meaningfully involved in environmental management and for it to be driven by mātauranga Māori (Tina Porou, individual interview 03/11/2011). The participant is hopeful that initiatives such as the co-management

agreement will allow non-Māori to understand tangata whenua cultural values with the environment, and help them be more open to embracing a more complete Māori perspective of environmental management which is mātauranga driven. A mind-set shift is required so that each individual acknowledges the values that drive them and heeds the signs of the spiritual world. This is so that we may seek to be in harmony with Papatūānuku rather than attempt to commodify and conquer her.

I think that the longer that countries and societies take to move towards a sustainable environmental balance, the quicker that water sources will become polluted and depleted. A change is required in how humans operate, think and value the environment. If a change is not made and we continue as we are, then the time for our environment will run out (Brierley 2005). Part of the indigenous knowledge of the Hopi Indians of America includes a prophecy which reflects their traditional way of life; the prophecy describes how man's exploitation and inability to live on Earth in a spiritual way will lead to a crossroads of great problems (Braden 2000). Prior to the arrival of Europeans to America the Hopi Indians could drink from any river. They maintained that if Europeans followed their customs of living, people would still be able to drink from all water sources. The Hopi state that when the earth, water and atmosphere are corrupted it will generate a reaction in the form of these indicators:

- widespread starvation
- increases of crime and violence
- loss of clean abundant water sources
- unprecedented breach and expansion of the ozone layer
- loss of rain forest, depletion

(Braden 2000 108).

The prophecy states that:

*the earth will shake three times: first the great war, then the second one, when swastika rose above the battlefields of Europe, to end the Rising Sun sinking in a sea of blood. The third shaking will depend on which path*

*humankind will walk: the greed, the comfort and the profit, or the path of love, strength, balance*

(Braden 2000 108).

This prophecy reinforces the need for a mind-set shift so that we start operating more sustainably; otherwise we risk destruction in the ‘third shaking’. The Hopi Indians believe that we need to return back to spiritual ways of thinking as our individual responses to life’s challenges create the collective outcome. As natural resources continue to deplete, this metaphorical ‘third shaking’ looks likely to come in the form of war and poverty.

### **Changing the paradigm to restore the flow**

The recommendations of utilizing mātauranga Māori, having a united iwi stance and pursuing sustainable industries are at this point, aspirational. This is due to the fact that they all depend on the relationship with the Crown. To achieve these goals, and the bigger objective of an equal Treaty partnership, I think a paradigm shift is needed. This shift needs to change the way that people think; the validity of mātauranga Māori must be acknowledged, and its values should be at the centre of environmental decision making and relationship building. Changing the awareness of non-Māori poses the biggest challenge in moving towards greater sustainable management. This challenge also faces all countries around the world; the mind-set of modern society must be changed as identified in the Brundtland report. Indigenous cultures all possess the necessary traditional ecological knowledge, values, and principles for sustainable management, but we must first recognise post-colonial approaches and adapt strategies like mātauranga Māori to work towards sustainable futures before that knowledge can be meaningfully recognised and implemented. This is concerning as the deteriorating state of the environment will continue until this change happens. Pavan Sukhdev from the United Nations Environment Programme (UNEP) Green Economy Initiative states:

“We are the first generation of leaders who have the chance to take decisive action and probably the last generation who have the option to do so”

(Sukhdev 2011 para .1)

The UNEP is urging Governments to replace GDP as a measure of wealth as an attempt to transform systems of governance. This is to set humanity on a new path to a better future based on sustainable decision making; otherwise we risk climate change, biodiversity and poverty crises that will spawn greater problems worldwide (United Nations Environmental Programme. 2012). This reiterates the point that environmental destruction is a product of how we operate day to day and a reflection of our decision making. Environmental degradation is brought upon the by the neoliberal values of the Western world. Like the Treaty of Waitangi – I believe in order to meaningfully seek an equal partnership and sustainable balance – the Western world will need to detach itself from these values and accept a more holistic view to move towards sustainability.

In Aotearoa, the Waikato River co-management agreement has allowed for a slight shift in the balance; pursuant to legislation, regional and local authorities are being exposed to more tangata whenua dialog regarding the Waikato River. This has led to more stakeholders recognising that it is in their best interests to work with iwi (Participant C, individual interview 31/10/2011).

Julian Williams: relationships are the key – we need to get out of grievance mode and into opportunity looking forward mode. Our gains have been through relationships which have been kicked off by legislation.

(Individual interview 04/11/2011).

As it stands, Western values and beliefs dictate our society, our Government, and the form and extent of iwi relationships with the Crown. Mātauranga Māori could provide Aotearoa with the language to profitably explore sustainable development. If Aotearoa were built on an equal relationship where everyone was informed by both Western and Māori knowledge bases, then the benefits of mātauranga Māori and sustainability could easily be understood and utilized.

However, a neoliberal dominated system continues to hinder this development. The Waikato River co-management agreement has the potential to start shifting mind-sets to better embrace Māori perspectives of water. Stephanie O’Sullivan

believes this can happen, so long as it is driven by the right leadership: “In ten years’ time people will see the fruits of this co-management agreement placing greater focus on protecting water, driven by Māori” (Individual interview 19/10/2011).

To achieve greater sustainability, the Crown and the local Government agencies it empowers must be willing to relinquish decision making power and empower tangata whenua, acknowledging the partnership that was forged in the Treaty of Waitangi. If a paradigm change is to occur, it will be only by decolonising our nation’s notion of power to move away from neo-liberal models of operation (Hutchings 2006 101). Once the mana of tangata whenua are restored and an equal partnership between the Crown and iwi is established, then the door will open to restore the flow of freshwater resources, as based on mātauranga Māori values.

A Tūwharetoa perspective about restoring the flow states:

*We believe that the traditional concept of water kaitiakitanga, if properly understood, will not be a wedge between us (Māori and Government). Rather it will be a bridge and provide New Zealanders with a language to profitably debate issues of sustainable development. Water is too dynamic for us to set up a scheme and parameters that will allow individual players to act in legislation while still maximising benefits for all. On-going, transparent and effective governance will be required. We need it right, and we are committed to helping the country get it right.*

(Lake Rotoaira Forest Trust and Lake Taupo Forest Trust 2011 14)

Although this is a Ngāti Tūwharetoa perspective, the issue is the same for all Māori: to be better engaged as an equal partner and manage resources by our own values. This statement acknowledges our drive and determination as kaitiaki to shift the way current resource management is perceived, and it strives to seek greater sustainability.

Although Māori are not yet empowered to influence decision making and mātauranga Māori is still not properly acknowledged, we will continue to live by our values and endeavour to protect our tai ao (environment). A lot of ground has

been gained from the years of contesting and fighting for our rights, and while it is a step forward we are not yet at our final destination.

We are more than a minority race, we are tangata whenua and as tangata whenua we have the right to protect our whenua for our future generations.

## Chapter Seven

### Ngā korero whakakapi: Conclusion

*Toitū te whenua, whatungarongaro te tangata*

*People pass on, the land remains*

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Chapter 6 used the term ‘restoring the flow’ as a basis for interpreting the respondents’ views about contemporary water management in Aotearoa. This chapter moves away from the core concerns of the thesis to consider how these interpretive comments serve the purpose of the project. The review looks at the cultural context, the geographical spaces and the historical processes that frame the discussions of this project.

To ‘restore the flow’, the first challenge is to address the processes that disrupted the original balance. The next step is to question why the dominant system which caused the disruption has failed to restore the balance that once existed. Historically, tangata whenua lived and managed resources using their own practices, derived from traditional values and experiences with the natural and spiritual world. These practices and values were developed into a knowledge base which is specific to each iwi and hapū and geographically attuned to the local region.

British colonisation imposed Western values, knowledge and science, and these became the basis of resource management in New Zealand. These *anthropocentric* values remain at the centre of all legislation governing environmental management; they favour exploitation of the environment, generally in a framework where privatisation of land, capitalism and global systems are important characteristics. These values contrast strongly with *mātauranga Māori* and sustainable management where *mātauranga Māori* is described in detail in Chapters 2 and 3 and the contrasts with Western values is clearly described. Legislation has excluded and discriminated against Māori, reinforcing the unequal power relationship that exists between tangata whenua and the Crown. While the Waikato River co-management agreement is a step in the right direction

(discussed in Chapter 5), the Crown still controls the process and extent of iwi participation. Government agencies also retain the ability to manage water in the form of allocation and privatisation of water rights. The notion of ownership conflicts with a mātauranga Māori worldview, and highlights not only the cultural differences, but also the subordination of tangata whenua rights.

Ownership of water is the important point at which the Western value system must meet mātauranga Māori and concede power. In the structure described in the next section, I show how I have developed and sustained this position.



Figure 6: Tōku tūrangawaewae – find the balance by keeping hold of the cultural imperatives that identifies this landscape, and does not diminish its ancestry.

## **From the beginning to the end**

The thesis interweaves my personal experiences as a young Māori male with a strong essence and commitment to kaitiakitanga; these life experiences range from individual ‘playground discrimination’ from school peers at college, to a larger scale of challenges and conflict about resource management relating to the foreshore and seabed. These experiences set me on a path to understand how alienation of Māori from the resource management process continues into the 21<sup>st</sup> century, and what might be done to redress the balance in the interest of working towards sustainable management of water.

To support and investigate the themes, I embarked on a journey starting with my ancestral mountain Tongariro, and the formation of the waters of Taupō moana and Waikato te awa; a story that extends beyond a primal myth to the spiritual, emotional and physical dimension in which these waters identify people and place. I began Chapter 1 with this kōrero of the formation of my ancestral landscape as the basis of my whakapapa to water and therefore to the case study of this research. This principle of whakapapa transcends generations and is fundamental to a Māori worldview, kaitiakitanga and the identity of the individual and collective. These principles are discussed in Chapter 2 where a strong sense of identity within the individual iwi and hapū and provide an overarching values system, that through years of occupation and environmental adaptation, allowed the development of local sustainable resource use. A complex set of overarching values and locally specific practices allowed an environmental balance to be established; each individual acted by these values, as tangata whenua law and lore are value orientated – not rule oriented. A number of examples of the incompatibility between the Māori and Western worldviews are discussed, and I explain how the Māori view continues to face marginalisation and subordination within current legislation and operations of the Government. In Chapter 3 I introduce the post-colonial theoretical basis and explain how Edward Said’s line of thinking about colonial relations had opened up analytical methods that allowed me to look at power relations between Māori and the Government in water management. It highlights the colonial rule over the indigenous ‘other’ and how these ideologies of domination, neoliberalism and modernism are implanted into our contemporary reality of existence, motivating the actions that the

Government and its agencies choose to take when addressing environmental and tangata whenua 'issues'. Chapter 4 combines my personal experiences and theorisation of the Māori worldview and introduces the kaupapa Māori methodological perspective that I considered appropriate for this research. This perspective influenced my position as a young Māori male of Ngāti Tūwharetoa and Te Arawa descent, writing about experiences with water and environmental management along the Waikato River catchment. I established the structure of dialogue that would call on the participant's knowledge and experiences. These were attained through semi-structured interviews that allowed me to relate personal experiences with participants, and allowed them to speak as they wished about the research topic.

Chapter 5 discusses the issues facing water management and tangata whenua rights; these emerged from the kōrero with the participants. The main issues affecting water management were identified by reading through and grouping common elements; many participants approached the same issue from a different starting point. The issues revealed themes that emphasize how colonialism and neoliberalism has diminished and continues to diminish the legitimacy of Māori identity and knowledge. This was reflected in the discussion with the participants that centred on the Māori worldview and its exclusion, the RMA and its failure in implementation, the NPS for freshwater and its weak wording, water allocation and ownership, the threats to water and the environment, as well as the case study of the Waikato River co-management agreement. The actions of successive Governments have deliberately confiscated resources to disadvantage and segregate tangata whenua, while simultaneously creating their own discourses of domination that legitimate the hegemony of colonial interests. Western ideologies manifest most predominantly within environmental management, and like tangata whenua, the environment (in particular, water) feels the direct impact of these ideologies.

The intersections between indigenous and environmental oppression in Aotearoa continually change local, regional and national geographies and place tangata whenua in controversial and demeaning spaces. This occurs because the full extent of these issues remains largely unexamined or deliberately manipulated to reinforce the dominant ideology. "You can't see it unless your eyes are open to it" (Participant A, individual interview 30/09/2011). Neoliberal values imposed by

colonialism determine the reality of how we live in this contemporary age, based on the alienation and exclusion of the environment and tangata whenua.

Chapter 6 provides my interpretation of the perspectives revealed by the participants. This is to establish the way forward, to 'restore the flow' that has been disrupted by years of colonial and neoliberal dominance. This domination is not specific to Aotearoa but is a common experience of all indigenous peoples and countries as water supplies continue to diminish. The privileging of economic development cannot take place at the cost of environmental, social and cultural characteristics of places. The environmental damage caused by the current systems of management needs to be acknowledged as the human race continues to scar Papatūānuku and ourselves. As expressed in the interviews, tangata whenua via mātauranga Māori, have the necessary values and principles to protect our environment for future generations and 'restore the flow'. To achieve such sustainable management requires a shift in the way people think and operate; this is needed to overcome barriers of environmental discrimination and to accommodate different worldviews.

An epistemological shift is needed to move away from the clutches of neoliberalism which continue to tighten its stranglehold over Papatūānuku. There needs to be a greater balance and harmony between human use of natural resources such as water and environmental health. The potential of mātauranga Māori management and consciousness is great; this has been shown through the development of sustainable practices and harmony for our tūpuna and it can adapt to current technologies to direct sustainable management. However, for this to be possible the 'flow must be restored' in terms of the relationship between the Crown and tangata whenua. True and meaningful kaitiakitanga will not take place until iwi are enabled and empowered with the mana that was stripped from them. Only when this ideological shift takes place will the difference between ownership and kaitiakitanga be embraced and employed.

The purpose of this research is not to seek a singular view of water but to expose the vastness and depth of the issues that contribute to tangata whenua and the environmental geographies of this country. At times I felt disheartened and drained as the weight of the 'issues' far outweighed the 'solutions' for tangata whenua; there are many barriers to cross to make a meaningful difference, and the

challenge seems constantly met with overwhelming resistance from colonial and neoliberal motivated agencies and legislation. I asked myself, what's the point? Why keep fighting when so many of my own people can no longer feel for and see our tai ao as I do? Then I reflect on the feats of my tūpuna, particularly of Tūkekeru (discussed in Chapter 2) who convinced those who doubted the significance of water; I reflect on those tūpuna who continued to fight and make a difference – despite being out numbered and out gunned, and those who drew strength from their whakapapa, values and identity, and despite the odds still strove to uplift and enlighten others. All of the participants of this research contributed to this inspiration and it was clear that I was not alone in this fight, but had to find the right people in the rights places to draw strength from.

The intention of this research is to install the desire to challenge the truths of dominant colonial discourses that continue to hinder tangata whenua rights and environmental sustainability. Despite all the barriers, changes to environmental management and social realities can happen – it will not occur over night, but by the efforts of more tangata whenua and kaitiaki actively changing perceptions of environmental management. This change needs to be initiated now, as we could be the last generation to have the ability to determine a sustainable environment for future generations. It will be with the next generation where meaningful sustainable change can happen; our mission in the present is to ensure the barriers that prevent 'restoring the flow' are removed so that a universal dialogue can emerge and be understood, that fully endorses kaitiakitanga. The epistemology change starts now, we must convince our generation to be the change! My hope is that this thesis is a contribution to not only geographical literature, but also to the paradigm change that will see the rise of kaitiaki on a similar journey, seeking to protect our taiao.

## **Limitations of the research**

Of course, my project has been limited by time and resources. I would have liked a broader range of iwi participants to gain a wider tangata whenua perspective of water and kaitiakitanga. For the purposes of this research, participants were selected on criteria that were localised in Waikato, Taupō, and Rotorua regions. It would have been preferable to gain perspectives of participants from iwi and hapū along the whole catchment of the waters of the Waikato River from Turangi to Te Pūaha o Waikato (Port Waikato). This would allow for a greater explanation of local, regional and national contrasts of management and the values that mātauranga Māori can bring at each of these levels.

The geographies of both the water and people were local, but the impact of the thesis may well be wider as concerns from native peoples about the desolation of resources have started to be heard on the global stage. From this, I would like to have done a case study comparison with other indigenous peoples internationally, and the prospect of working with First Nation peoples in Canada remains of great interest.

I would also have liked to explore the traditional tangata whenua perspectives of water further, and kōrero with more kaumātua. I feel as if this aspect of the research did not receive as much attention as it deserved based on its target audience, specific goals and outcomes. The traditional kōrero that was used within the thesis is but a taste of the vastness and depth of cultural knowledge, ethics, morals and practices that the Māori world provides as teachings for sustainability. I was left in awe of the richness of the kōrero provided by Sean Ellision and Tame Roa and wished that I could have used their contributions in their entirety within this research.

## **Future research**

The interviewees expressed the opinion that the Waikato River co-management agreement has the potential to lead to the paradigm shift recommended throughout my thesis. Further research should be conducted in ten years' time to assess the extent of this progression. During this time it would be valuable to observe the development of the co-management agreement as a national leader in innovative strategies for water restoration. Aspects to be evaluated include iwi and regional authority engagement, the extent to which mātauranga Māori and cultural monitoring have been integrated into water management practices, as well as the legitimacy of mātauranga Māori in influencing policy and planning. A major indicator of this will be the health and wellbeing of our water bodies.

This research has highlighted the power imbalance between tangata whenua and the Crown; although this study focussed on the use of water and other environmental resources, the obvious power disparity occurs in all social, economic and political domains in New Zealand. To further explore the expansiveness of the issue, future research would benefit by doing a comparative project with indigenous people in other post-colonial societies, as the issues of sustainability are universal. Encountered within the literature were specific examples of indigenous rights and water management in Hawaii and Canada.

I believe that this research is an original and timely contribution to the scholarship of indigenous geography as it not only uncovers the issues with the most current water management regimes in New Zealand, but more importantly it recommends ways forward from a kaupapa Māori perspective. Kaitiakitanga is deliberately emphasised within this thesis as it is not only a fundamental part of the Māori worldview, but is also heavily mentioned in legislation and planning documents. It is also the current basis of discussion between iwi and the Crown over water arrangements. Any further research to explore this relationship in terms of sustainable environmental management will be complemented by embracing a similar approach that analyses past events and how they contributed to the present.

## Concluding remarks

*Regardless of where you come from and who you are, what's happening at the moment isn't working for our waterways. There needs to be radical and drastic changes if we are really genuine about wanting to improve the water quality and improving the allocation systems of freshwater.*

(Linda Te Aho, individual interview 05/10/2011).

To achieve unity, environmental harmony and paradigm change, requires strong leadership, inspiration and a depth of insight into the central issues. This inspiration can be found only by looking deep within oneself, drawing from the physical, emotional and spiritual levels of your whakapapa. This determines what you believe, and what you believe drives how you behave, and how you behave determines your character, reputation and legacy.

Thank you to all my whanau, in particular my father for the leadership, lessons and dedication that you taught me, and to my tuakana, Temuera, for installing within me the vision to become more. To conclude, I refer to the words of my whanaunga, whose reo and knowledge has always been uplifting. This extract was part of the evidence given in a court case challenging a waste water consent in (2004):

*When power, influence and vested authority is retained intact and utilised appropriately,*

*the sanctity and divine influence of all is maintained with respect and honoured*

*and the life essence, the ethos and absolute uniqueness of every species is nurtured and protected.*

*It is the essence of life, the ethos, the spark, the life force of divine origin.*

*It is the essence of life, the ethos, the spark, the life force reflected in our human condition.*

*Behold and take heed! I announce my presence! The life force and divine spark burns strongly within me!*

## Glossary

Source: (Maori dictionary online 2003-2012)

Aotearoa	Land of the long white cloud, North Island - now used as the Māori name for New Zealand
Atua	gods, guardians, supernatural being, deity
Awa	River, stream, creek
Hapū	Kinship group, clan, tribe, subtribe - section of a large kinship group
Haukāinga	home
Kaimoana	Food of the sea
Kaitiaki	Guard, minder, guardian, keeper
Kaitiakitanga	Guardianship
Karakia	To recite ritual chants, say grace, pray, recite a prayer, chant
Kaumātua	Adult, elder, elderly man, elderly woman
Kaupapa Māori	Māori principle
Kuia	Elderly women
Kawa	Custom, protocol
Mahinga kai	Places where food and other resources are traditionally gathered, and the gathering and management of those resources
Marae	Meeting place, area in front of meeting house
Maramataka	almanac, calendar - a planting and fishing monthly almanac
Mana	Prestige, authority, control, power, influence, status, spiritual power, charisma - mana is a supernatural force in a person, place or object
Mātauranga Māori	Māori knowledge base,
Mauri	Life principle, special nature, a material symbol of a life principle, source of emotions
Moana	Sea, harbour
Nga atua Māori	Māori gods, guardians, supernatural being, deity, ghost
Pā	fortified village
Papatūānuku	Earth mother
Pepeha	Tribal saying, proverb, set form of words, formulaic expression
Rāhui	To put in place a temporary ritual

	prohibition, closed season, ban, and reserve
Rangatira	chief (male or female)
Rangiratanga	Sovereignty, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, ownership, leadership of a social group, domain of the rangatira, noble birth.
Ranginui	Sky farther
Rohe	District, region
Taiao	Earth, environment, nature
Taiapa	Fence
Tangata whenua	Local people, hosts, indigenous people of the land - people born of the whenua, i.e. of the placenta and of the land where the people's ancestors have lived and where their placentas are buried.
Taonga	Property, goods, possessions, effects, treasure, something prized.
Tapu	Be sacred, prohibited
Te taha wairua	The spiritual world
Te ao kōkōkiko	The physical world
Te Ika a Maui	The fish of Maui, the North Island of Aotearoa/ New Zealand
Te reo Māori	The Māori language
Tikanga	Correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, plan, practice, convention
Tuakana	Older brother
Tūpuna	Ancestors
Tūrangawaewae	Domicile, place where one has rights of residence and belonging through kinship and whakapapa
Wairua	Spirit, soul, quintessence - spirit of a person which exists beyond death. To some, the wairua resides in the heart or mind of someone while others believe it is part of the whole person and is not located at any particular part of the body
Whakapapa	Genealogy, genealogical table, lineage, descent
Whenua	Ground, Land, Country, placenta, afterbirth

## Appendices

### Appendix one: Participant information sheet

#### *Participant Information Sheet*



#### Project Title (Tentative)

*Restoring the flow: Challenging the existing management frameworks to integrate Mātauranga Māori*

#### Overview

My name is Tredegar Hall, a fifth year Māori Masters Geography student at the University of Waikato. The research project I am undertaking in 2011/12 is conducted to meet the requirement for a Masters of Social Science.

The proposed research endeavors to determine what ownership rights to water are available to Māori within the current planning paradigm and Treaty of Waitangi settlements. It then intends to compare these rights and associated issues to those of other indigenous people particularly in Canada. Finally the study intends to recommend how the allowance of indigenous ownership rights to water and the incorporation of traditional ecological knowledge can lead to better efficiency and sustainability of the freshwater resource.

#### What will you have to do and how long will it take?

I am asking if you would like to participate in this research by consenting to an interview of up to 45mins in length at a time and place suitable to you. I would like to record this interview, and will seek your consent to do this.

#### What will happen to the information collected?

The research and results from the interviews will be used in the thesis. The thesis will appear online which will be accessible for viewing; copies will also be provided to the University of Waikato library and Geography department. The research may also be used in further journal articles or conference papers. Only I will have access to the information you provide me in the interview, notes, digital recordings and any record paper. Afterwards, all questionnaires and notes will be destroyed and digital recordings erased no longer than five years after the conclusion of the project. I will keep a copy of the paper on file in locked storage and will treat it with the strictest confidence.

#### Declaration to participants

If you take part in the study, you have the right to:

- Refuse to answer any particular question, and to withdraw from the study anytime during the interview and after, but no later than 2 weeks after receiving transcripts.
- Have the option to remain anonymous in the publication of the research.
- Ask any further questions about the study that occurs to you during your participation.
- Be given access to a summary of the findings from the study when it is completed.

If you have any questions about this research project you can contact me on 027 324 1344. My email address is [trdh1@students.waikato.ac.nz](mailto:trdh1@students.waikato.ac.nz). My project is being supervised by Associate Professor Lex Chalmers; he can be contacted at [geog7061@waikato.ac.nz](mailto:geog7061@waikato.ac.nz).

Any further questions about the ethical conduct of this research may be sent to the Secretary of the Faculty of Arts and Social Sciences Human Research Ethics Committee, email [fass-ethics@waikato.ac.nz](mailto:fass-ethics@waikato.ac.nz), postal address, Faculty of Arts and Social Sciences, Te Kura Kete Aronui, University of Waikato, Te Whare Wānanga o Waikato, Private Bag 3105, Hamilton 3240.



### **Appendix three: The deliberate colonisation of the traditional Māori world and economy**

Prior to the signing of the Treaty of Waitangi, Māori were the undisputed managers, carer and protectors of the natural environment in Aotearoa. Through a network of whakapapa Māori saw themselves as spiritually, physically and emotionally connected to the environment, and this determined management practices. Ancestral land is our tūrangawaewae (place to stand). Bennett (1979) recorded that:

*...the essence of tūrangawaewae is that the land is an outward and visible sign of something that is deeply spiritual and it is a source of nourishment to the inner man rather than to his physical needs. His identity belongs there, his sense of self-awareness begins there and his sense of mana and importance belongs there*

(Harris and Tipene 2006 67).

Māori had their own techniques of harvesting cultivations and raising agriculture, and they are also an adaptable and pragmatic people. When the Europeans arrived Māori adopted many of the settlers' systems, concepts and tools, further enhancing their own growing processes.

Māori were quick to recognise the advantages of growing other introduced foods; this quickly established a strong Māori economy as they were the dominant producers (Harris and Tipene 2006). From the later 1700s, Māori experienced great economic wealth, growth and prosperity. While maintaining traditional values, Māori adapted and implemented a market based system which benefitted and also sustained the influx of new immigrants who consisted mainly of traders, sealers and whalers (Davis 2006b).

*The ease with which the Maori was able to enter into trade with the European appears to be extraordinary. In a short time the Maori became effective international traders providing products: grain, potatoes, timber, flax, fish, meat and skins, and the provisioning of ships*

(Easton 1994).

During this time there was little threat from the immigrating population as they were a minority population. Māori progressed while European settlers struggled to establish themselves and became reliant on Māori produce to survive; however, there were early proponents of the dangers that lay ahead for Māori (Walker 2004). The 1800s, known as the 'contact period' saw the rise of a number of feats that would greatly affect Māori affairs and future. Introduced disease and the arrival of missionaries saw the Māori people face a time of peril never experienced before. Māori were fiercely stricken by the introduction of European diseases which greatly altered the Māori population and psyche. In 1840 the Māori population was estimated to be around 200, 000; in the space of forty years this number dropped approximately to 46, 141 by 1881 to then reach its lowest point estimated at 42,000 in 1896 (Taylor *et al.* 1998-2010 para. 35). The promise of health and salvation from missionaries within this time saw a large number of Māori convert to Christianity and move away from traditional beliefs and practices. Subsequently, large portions of land were gifted and sold to missionaries (Davis 2006b 61).

In 1840 the Treaty of Waitangi was signed between Māori and the British Crown. According to Walker (2004 98), Māori were still the dominant population during this time, out-numbering Pākehā thirty to one, and all maintained that substantive sovereignty had not been ceded with the signing of the Treaty. Initially, Māori continued to live prosperously as the economy for their produce expanded and gained further momentum. However, competition between Māori and Pākehā over economic resources was a major contributor to what led to the land wars of the 1860s (Harris and Tipene 2006 72). Organised settlement by the New Zealand Company made Māori and Pākehā competitors for land, creating a situation where Māori owned it and Pākehā wanted it (Walker 2004 101). Waikato iwi insisted on the protection of their rights under the Treaty of Waitangi and would not allow the sale of their fertile lands. Governor Grey led the invasion of Waikato in 1863 which saw the beginning of conflicts spreading throughout the country (Harris and Tipene 2006).

One of the most detrimental effects on the Māori people was their loss of land and relationship to the environment. This also resulted in the destruction of mana and led to the loss of associated environmental values and practices. Māori settlements were severely disrupted by the wars, and the Māori agricultural economy was

considerably affected by the inability to periodically shift cultivations to new ground as had been the practice. New boundaries, restrictions and low grade seed led to a decline in yield for many crops, and the increase of Pākehā suppliers led to the subsequent collapse of markets for Māori-grown produce (Hargreaves 1959).

Racist legislation enabled successive Governments to continue to confiscate from iwi through statutes such as the 1863 Suppression of Rebellion Act and the Land Settlement Act 1863. The Māori Land Court was established in 1865; its objective was to individualise land titles to facilitate sales to settlers. Disease, Christianity, Crown initiated civil war and land confiscation left Māori displaced and disillusioned as their mana and sense of tūrangawaewae was stripped away from them. Due to land alienation, Māori were forced to migrate into European settlements and work for wages; the work was primarily bush felling, shearing, flax cutting, kauri gum digging, and other public works projects. “Acquisition, control and, ultimately, expropriation of land were the key factors in the colonisation of sovereignty” (Walker 2004 98).

Māori become systematically dependent on European markets and no longer grew their own crops. By the end of 1862 it was reported that Māori agriculture had collapsed, and in 1868 it was estimated that Māori cultivations were less than one eighth of their former extent (Harris and Tipene 2006 73). Māori were displaced in a foreign environment and were expected to participate. Government policies saw the creation of a welfare state; many Māori who were now homeless had become assimilated. As a result, the shape of the economy in Aotearoa was determined by a global European market and national reforms (Davis 2006b 62). “Colonisation was already a well-oiled global machine, able to disenfranchise any person or system that got in its way. Legislation enabled successive Governments to enforce systems that would change the lives of our tūpuna for ever” (Davis 2006b 61).

*As we consider such issues, we might ponder whether post-classical Maori society could have been sustainable, and if so how it might have evolved. Alas it did not. Disease, war, land alienation, and the loss of rangatiratanga meant that by the second half of the nineteenth century the Maori tectonic plate was being pushed aside by – subducted below – the*

*arriving European one... Maori also moved to the margins of New Zealand society as the tectonic plates of the European political economies shifted in. On those geographical and economic margins most Maori just survived, until in the second half of the twentieth century, when they began their migration into the cities. The second Maori renaissance commenced soon after in the 1970s... The distinctive Maori political economy, which had dominated for nine tenths of New Zealand's human history, was marginalized and almost extinct by the late nineteenth century*

(Easton 1994 para. 16).

The Crown's failure to honour the Treaty of Waitangi was communicated or referred to by nearly all participants as the origin for the legacies of resource degradation by the exclusion and dissatisfaction of tangata whenua with environmental management. This same exclusion and dissatisfaction continues to exist to this present day as the Government continues to act in a mono-cultural capacity and only creates systems of engagement based on their own values and measure of which iwi are to be included. This is far from an equal partnership.

## **Appendix four: Te Mahinga ngātahi mō te awa o Waikato: Waikato River Co-management – extract from Tom Roa interview transcript**

Ko te mahinga ngātahi, ko taua mahi tahi i te awa o Waikato. He tikanga Māori tūturu tērā nō ngā rā o mua noa atu. Tērā tētehi wāhanga, tētehi rohe me kī ko Ngāti Tūwharetoa tērā. Ko ngā hoa noho tata he mārama nō Ngāti Tūwharetoa tērā. Ehara i te mea karekau ana he pānga o Ngāti Maniapoto ki taua wāhi. He whakaae nō ngā iwi, nō ngā hoa noho tata ko taua wāhanga rā ka kōrero te rangatira ki te rangatira, ko taua rangatiratanga i kōrero nei. “E hoa māu tērā rohe e tiaki me aku pānga ki reira. E hoa māku tēnei wāhi (te Rohe Pōtae pea) me o pānga o roto.” Ki te kore taua mea e noho tūturu kātahi ka kōrero tētehi ki tētehi “e hoa kua hē koe, tō (patua)”. Ka whawhai, ka kaiponu tētehi, ka matapiko ka haere ki te hī ka nui rawa o āna ika. Ka kī mai te tangata o reira “A taihoa koe, kaiponu koe! tō (patua)”. Ko aua negotiations kia pērā anō mō te mana whakahaere nō runga o te wai. Nō reira ko taua Co-management principle e whakahaeretia nei e Te Arawa, Ngāti Tūwharetoa, Waikato, Maniapoto, Raukawa ki mua o te wai o Waikato nō ngā rā no mua. Kei a koe tētehi wāhi “e hoa kua paru tō wai, whakatikahia! Ko tō paru me tō paranga ka tukuna mai ki a au. Kua raruraru au i a koe whakatikahia”. Ko taua kōrero a tētehi ki tētehi, ki te kore tētehi e whakarongo mai, tō(patua), nō reira ko taua co-managment principle he mea nō mai noa atu.

He pērā anō kei roto i te mea mō te awa o Waipā. Kei reira tētehi wāhanga o te ture e meangia ana ‘The Waiwaia Accord’. Kei roto o te mea o Waikato ko te ‘Kingitanga Accord’. Ko taua Waiwaia Accord he mea nā te Pākehā i whakaae i tā te Māori whakaaro he rua anō kei reira. Ko taua wairua i mea nei au ko Waiwaia te taniwha koirā e meangia ai te Waiwaia accord. Ko te mahi ā te taniwha e tiaki i te wai e tiaki i ngā āhuatanga katoa. Kei roto pea i aua ture taua kupu Pākehā te ‘metaphysical’. Nō reira nō te whakamanatanga pea i te Tiriti o Waitangi kua whakaaro mai ngā kaihanganga ture o te pāremata o te Pākehā ki ngā tikanga Māori me te kite mai ‘oh te mea kei reira’ nō te whakatika i te wai. A taihoa koa tātou e whakapono ko te whakatikatanga o te wai he mea ngāwari he mea uaua rawa atu. Ko te take ehara i te mea ko te tangata noa iho e paruparu ana i te wai ngā mahi rū, ko ngā mahi hū he mea e whakaparu ana i te wai. Ngā korikori o Ruaukoko i ētehi wā ka hē ia te wai. Ko Ruapehu tērā ko Ngāuruhoē

tērā e hū tonu ana ko Ruaumoko anō tērā e whakaparu ana i te wai. Nō reira kia kua rā tātou e whakapono ko te mahi tahi o te tangata noa iho nā reira te wai e mā ai.

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