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Te Mātāpuna o Te Waihou:

When the River Speaks

Te Waihou River Rights and Power-sharing in  
the Currents of Cultural Inequality

A thesis

submitted in partial fulfilment

of the requirements for the degree

of

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at

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by

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THE UNIVERSITY OF  
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## Abstract

National fresh water management in Aotearoa New Zealand is a subject of political contention for hapū that claim customary rights over natural water resources. Waterways continue to deteriorate at an alarming rate under the Resource Management Act (RMA) and regional policies that prioritise economic development and industrial intensification over sustainable resource management. This thesis embodies a collection of unique perspectives and knowledges from Te Waihou river marae. The primary focus of this thesis is to examine hapū values in relation to an ancestral river and significant freshwater source. Hapū geographies are enduring remnants of oral tradition and tikanga practices (cultural traditions and values). These geographies are examined in the context of contemporary water management to contrast strands and values of indigenous knowledge that has guided the health, growth and longevity of hapū for millennia. Such traditional knowledge is an integral part of discerning the future cultural protection and sustainability of a tribal water resource.

Hapū narratives are juxtaposed with resource management and reconciliation discourse to consider firstly, bicultural world-views of the natural environment, and secondly, the influence of Western resource management frameworks and mechanisms on tikanga practices. This study is framed by a Kaupapa Māori theoretical framework that creates a site of resistance to dominant colonial theory. Such a space is used to decolonise and decentralise the Eurocentric ideologies in national water frameworks and acknowledge an indigenous approach to environmental protection and sustainable management.

With a particular focus on mana whenua customary rights, and Crown and iwi Treaty settlements, commentary on a collaborative management regime for Te Waihou examines power-sharing and the location of power within processes of the co-management mechanism. The review of key resource management literature considers bicultural definitions of water rights and ownership, and the implications of a rights-to-culture model within the contexts of tikanga Māori. River health and sustainability is synonymous with tribal health and the health of communities. This research examines the implications of this statement within the natural resource frameworks of national, regional and district municipalities.

## Te Tauparapara o Tūkorehe

*Ko Tūkorehe te tangata, te whenua o tōku tupuna  
E rere ana te awa o Waihou ki āna uri whānui tonu  
Mai I tōna putang I ahu mai I Kokako, He wāhi motuhake mō Wawau.  
Rere tika te haere ki Maungatautari me Opuaru, Ki Pūnoke whenua.  
Heke iho ana ki Mangapouri, mā Hinewai rāua ko Ihuwera.  
Rere tonu ki Paiakamangaoatua, i ūhia te mana o Panewaikato  
ki tana tamaiti nui a Manu  
Tatu atu ki Rangitānuku, nā Tūrora  
Auē, he itiiti noa iho tēnei pito whenua o Tūkorehe,  
Ko te Kaokaoroa-o-Pātetere, tōna mana whenua kē  
Tau ana!*

The land of our ancestor, Tūkorehe  
Where the Waihou flows over the divided portions of his progeny  
From its beginnings near Kokako, a sheltering place for Wawau.  
Flowing past Mangatautari and Opuaru, the land of Pūnoke  
Down onto Mangapouri, shared by Hinewai and Ihuwera  
Flowing still to Paiakamangaoatua, where Paniwaikato's  
mana passed to his son Manu  
Onto Rangitānuku, Tūrora's parcel  
Auē, this is but a small portion of Tūkorehe,  
His land, his mana is Te Kaokaoroa-o-Pātetere  
Tau ana!

(Skipper, 2007).

## Pepeha

*Tēnā koutou katoa. No Raukawa ki Te Kaokaoroa-o-Pātetere āhau. I ahū mai āhau i te pou o Tūwhakarara no te whenua ko Te Rae o Tāpapa. Ko Tūkorehe, Ko Kapu-Manawa-Whiti, Ko Ngāti Te Rangitāwhia ōku hapū. Ko Hautere, ko Maungatautari ōku Maunga. Ko Te Waihou, ko Waimakariri, ōku awa e haehae ana i ngā whenua tapu o ōku mātua tupuna hei whāngaia hoki ki a tātou, 'ko te kai te awa, ko te awa te kai'. Tū tonu tōku whare ko Te Rangimarie o te marae o Ruapeka i tāwharautia ngā hapū, ngā uri o Te Rae o Tāpapa, hei manāki atu ngā manuwhiri, te tini me te mano.*

*Ko Clifton Kelly tōku ingoa,*

*Tihei mauri ora!*

I will begin by acknowledging, however brief, my hapū, iwi, ancestors, ancestral lands, mountains and rivers. I acknowledge the tribal courtyards and ancestral meeting houses of our Raukawa marae that embrace our people and nurture the many visitors that come from afar. These taonga are a testament to the longevity of our hapū and the memory of tribal elders that have left a legacy for the living to uphold our whakapapa and tikanga that is unique to our ancestral lands, waters and people. I am a strong advocate for kaitiakitanga (the care and protection of natural resources). Despite the privilege to have this responsibility among other tribal members; to fulfill the unrestricted tradition of kaitiakitanga in an ever-changing world has become a responsibility that is impossible to achieve. Whether or not cultural restrictions to fulfill kaitiakitanga over natural resources is a consequence of contemporary resource management frameworks and legislation, one thing rings true. Our waterways are subject to devastating impacts caused from human activity. The continuance of these human impacts without mitigation will have serious consequences for our natural world and our future generations.

The thesis title '*Te Mātāpuna o Te Waihou*', refers to the source of Te Waihou river and an origin of tribal knowledge. '*When the river speaks*' is a metaphor for the resonant voice of hapū through narratives and interpretations of river impacts caused by contemporary river exploitation. Key topics in this study were initiated by progressive environmental impacts on Te Waihou caused by neoliberal resource management practices, and consequently the failure of authorities to fully acknowledge customary rights to culture, natural resources and sacred

sites. Such issues are matters of urgency for hapū who have first-hand experience of the realities of haphazard environment mitigation in the wake of economic development, and the ineffectiveness of resource legislation in the protection and conservation of our natural environs.

## He Mihi: Acknowledgements

*Ko tēnei te mihi maioha ki te Kaihanga o ngā mea katoa nana nei i hanga, i to tātou whaea a Papatūānuku e manāki nei e tiaki nei i a tātou katoa. Me tuku i ngā mihi ki o tātou tupuna kua wehe atu ki po uriuri ki te po tangotango okioki atu ra. Huri noa ngā mihi ki a tātou ngā kanohi ora, me te hunga kaitiaki ka whai wāhi i roto i ngā ahuatanga o to tātou taiao ko te ao tūroa kia mau tonu tona toitutanga i roto i ngā rā e haere ake nei.*

*Kei warearetia te hunga manawa kahukura i tauawhi mai i āwhina mai hoki i āhau. Kua ea te kaupapa whakahirahira e takoto nei i ngā rerenga kōrero o te pukapuka nei o koutou. Ehara i te mea ka tutuki tēnei mahi nui mehemea kaore a koutou tautokotanga mai. Ki ngā uri o Raukawa ngā hapū e tūhonohono nei ki tērā wāhi o tērā piringa. Kia mau ki o tātou taonga, kia mau tonu hoki ki to koutou manamotuhake. Tū tonu, tū tonu o tātou taonga tuku iho, ngā maunga, ngā awa, ngā whenua tapu, ngā tangata ka tū i te aroha, ko te tika, ko te pono, ko te māramatanga i raro i te korowai o te rangimarie mo ake tonu atu.*

My acknowledgements to the creator of all things and to our earth mother that nurtures all life. Acknowledgments to our ancestors who have past and bestowed the knowledge and guidance that we the living embrace to carry us into the future. I would like to give my deepest regards to the tribal elders and experts that agreed to take part in this research for the love of their culture, taonga, and whānau. Humble and unassuming, your support, guidance and wisdom brought a clarity and calmness to the contentious issues that hapū face in an ever-changing world. For that I thank you. I pay homage to interview participant Kaumatua E Pā, who unfortunately passed before the completion of this thesis, your words, cultural knowledge and unique character has left a lasting impression. “Moe mai rā e te Koroheke”.<sup>1</sup>

I would like to thank Raukawa Charitable Trust for the valuable financial assistance and providing information and support to assist in this research project. Many thanks also to the University of Waikato in supporting the timeframes for my research and providing the additional funding required to reach the completion of this thesis. Thank you to my research supervisors Dr. Naomi Simmonds, for your support in the early stages of my research. Dr. Colin McLeay, for your admirable knowledge, tenacity and motivation to take on the supervision of this project when it was in a tumultuous state. Thank you for coaching and

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<sup>1</sup> English translation: “Sleep well elder”.

supporting me through those challenging moments.

Acknowledgements to my whānau; without your love and support I would not have completed this work. And to all those that supported some aspect in my journey to completion I thank you.

This work is dedicated to our youth, the future leaders. I can only hope that in handling this content I have created a spark for questioning and innovative thought, that will push boundaries and pursue the protection of our natural taonga and the longevity of our hapū, iwi and culture.

## Table of Contents

<b>TITLE PAGE: Te Mātāpuna o Te Waihou:</b> .....	i
<b>When the River Speaks</b> .....	i
<b>Abstract</b> .....	ii
<b>Te Tauparapara o Tūkorehe</b> .....	iii
<b>Pepeha</b> .....	iv
<b>He Mihi: Acknowledgements</b> .....	vi
<b>Table of Figures</b> .....	xi
<b>Glossary</b> .....	xii
<b>List of Abbreviations</b> .....	xv
<b>CHAPTER ONE</b> .....	1
<b>Introduction</b> .....	1
Research Development .....	1
<i>Research Objectives:</i> .....	5
<i>Research Themes</i> .....	6
<b>CHAPTER TWO</b> .....	9
<b>Water Rights &amp; Water Ownership:</b> .....	9
<b>Literature Review</b> .....	9
Comparative World-views .....	10
Water Rights & Ownership.....	13
Reconciliation Mechanisms .....	16
Co-management Defined .....	19
Chapter Review .....	21
<b>CHAPTER THREE</b> .....	24
<b>Theory</b> .....	24
The Ambivalence of Colonial Theory .....	24
Kaupapa Māori Theory: A Site of Resistance.....	29
Conceptual Framework.....	30
<i>Tikanga Engagement: Cultural Concepts and Concept Variables</i> .....	33

Chapter Review .....	36
<b>CHAPTER FOUR.....</b>	<b>38</b>
<b>Methodology .....</b>	<b>38</b>
KMR a Qualitative Research Paradigm .....	38
Narrative Research Design.....	41
Data Collection Methods .....	43
<i>Recruiting Research Participants.....</i>	<i>44</i>
<i>Framing Research &amp; Interview Questions.....</i>	<i>47</i>
Ethical Considerations .....	49
<i>Positionality in Research.....</i>	<i>50</i>
<i>Validity &amp; Trustworthiness.....</i>	<i>52</i>
Data Coding .....	54
Chapter Review .....	55
<b>CHAPTER FIVE .....</b>	<b>58</b>
<b>Data Findings &amp; Analysis:.....</b>	<b>58</b>
<b>The Political Currents of Cultural Inequality.....</b>	<b>58</b>
Hapū Impacts .....	59
Power-Sharing.....	67
Integrative Resource Management .....	72
Chapter Review .....	77
<b>CHAPTER SIX.....</b>	<b>82</b>
<b>Discussion: .....</b>	<b>82</b>
<b>Bridging the Cultural Divide.....</b>	<b>82</b>
Rights-to-Culture.....	83
<i>The RMA.....</i>	<i>83</i>
<i>Resource Policy, Rights &amp; Ownership .....</i>	<i>84</i>
<i>Reconciliation Paradigm.....</i>	<i>85</i>
<i>On the Horizon: Co-Management Developments &amp; Implications .....</i>	<i>89</i>
<i>Ethnocentrism .....</i>	<i>91</i>

<i>Culture &amp; Tikanga</i> .....	92
<i>Constitutional Reform</i> .....	94
Research Claims & Summary .....	95
<b>CHAPTER SEVEN</b> .....	<b>100</b>
<b>Conclusion</b> .....	<b>100</b>
Research Evaluation & Summary.....	100
<i>Limitations</i> .....	102
<i>Conflicting Results</i> .....	103
<i>Bridging Gaps</i> .....	105
<i>Further Research</i> .....	105
<i>Concluding Comments</i> .....	108
<b>Appendices</b> .....	<b>111</b>
Appendix 1: Interview Information Sheet.....	111
Appendix 2: Interview Consent Form.....	115
Appendix 3: Evidence Given by Karanama Te Whakaheke. Māori Land Court Sitting 1880.....	119
<b>References</b> .....	<b>120</b>

## Table of Figures

Figure 1.1: Historical Map of the Mangapouri Land Block.....	2
Figure 1.2: Te Waihou River.....	4
Figure 1.3: Te Waihou River.....	4
Figure 3.1: Ngā Mana o Ngā Atua Conceptual Framework.....	32
Figure 3.2: Translations for Raukawa Tikanga Conceptions.....	34
Figure 3.3: Tikanga Engagement Diagram.....	35
Figure 5.1: Hierarchy Chart of Industry factors causing Impact .....	60
Figure 6.1: Map of Te Waihou Marginal Strip.....	88
Figure 6.2: Summary Diagram of Research Claims.....	98

## Glossary

Aotearoa	Land of the long white cloud, North Island - now used as the Māori name for New Zealand.
Awa	River, stream, creek.
Hapū	Kinship group, clan, tribe, subtribe - section of a large kinship group and the primary political unit in a traditional Māori society.
Haukāinga	Home, true home, local people of a marae, home people.
Hautere	An ancestral mountain of Raukawa people.
Hītori	History.
Iwi	Extended kinship group, tribe, nation, often refers to a large group of people descended from a common ancestor and associated with a distinct territory.
Kaitiaki	Guard, custodian, 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, topic, agenda, ideology- a philosophical doctrine, incorporating the knowledge, skills, attitudes and values of Māori society.
Kawa	Protocol, custom.
Kāwanatanga	Government, dominion.
Kotahitanga	Unity, togetherness, solidarity, collective action.
Kuia	Elderly woman.
Kōrero	Narrative, speech, story, account, discussion, to tell, say, speak, talk, address.
Mahi tahi	To work together, collaborate, cooperate.
Mana	Prestige, authority, control, power, influence, status, spiritual power, charisma - mana is a supernatural force in a person, place or object.
Mana whakahaere	Governance, authority, jurisdiction, management, mandate, power.
Mana whenua	Territorial rights, power from the land, authority over land or territory, jurisdiction over land or territory – power associated with possession and occupation of tribal land.
Māngai	Spokesperson, speaker, representative.
Marae	Meeting place, area in front of meeting house.

Mātauranga Māori	Māori knowledge – the body of knowledge originating from Māori ancestors, including the Māori world view and perspectives, Māori creativity and cultural practices.
Mate	Be sick, ill, ailing, unwell, deceased.
Mauri	Life principle, life force, vital essence, special nature, a material symbol of a life principle, source of emotions – the essential quality and vitality of a being or entity.
Pākehā	English, foreign, European descent, exotic-introduced from or originating in a foreign country.
Papa kāinga	Original home, home base, village.
Papatūānuku	Earth Mother.
Paru	Be dirty, muddy, soiled, sewage.
Pono	Be true, valid, honest, genuine.
Puna	Spring (of water), well, pool.
Pakiwaitara	Legend, story, fiction, folklore, narrative, yarn.
Pūrākau	Myth, ancient legend, story.
Putaruru	Township in the south Waikato region.
Pūtea	Fund, finance, sum of money.
Raukawa	Tribal group from the Mangatautari-Tokoroa area.
Rohe	Boundary, district, region, territory.
Taiao	Earth, natural world, environment, nature.
Tangata Whenua	Local people, hosts, indigenous people - 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.
Taniwha	Water spirit, monster, dangerous water creature, chief, powerful leader.
Taonga	Property, goods, possessions, effects, object, treasure, anything prized, resources, phenomenon, ideas and techniques.
Taonga Tuku Iho	Heirloom, something handed down, cultural property, heritage.
Tapu	Be sacred, prohibited, restricted.
Tauparapara	Incantation to begin a speech, type of karakia.
Te Ao Mārama	World of life and light, Earth, physical world.
Te Reo Māori	The Māori language.
Tika	To be correct, true, just, fair, accurate, appropriate, valid.
Tikanga	Correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, plan, practice, convention.

Tino Rangatiratanga	Self-determination, sovereignty, autonomy, self-government.
Tūheihei	Traditional Māori name for the Blue Spring of Te Waihou.
Tūkorehe	A tribe in the south Waikato district.
Ture	Law, rule, statute, justice system.
Uri	Offspring, descendant, relative, kin, progeny, blood connection, successor.
Wai	Water.
Waimakariri	Ancestral river of the Tūkorehe people, Cold water.
Wai Māori	Freshwater, mineral water, spring water.
Wairua	Spirit, soul – spirit of a person which exists beyond death. It is the non-physical spirit, distinct from the body and the mauri. Attitude, quintessence, feel, mood, feeling, nature, essence, atmosphere.
Wānaunga	Relative, relation, kin, blood relation.
Whakanoa	To remove <i>tapu</i> – to free things that have the extensions of <i>tapu</i> , but it does not affect intrinsic <i>tapu</i> .
Whakapapa	Genealogy, genealogical table, lineage, descent.
Whakāro	To think, plan, consider, decide, idea, understanding, intention, gift, conscience.
Whakatau	To decide, settle, prepare, determine.
Whakatauki	Proverb, significant saying, formulaic saying, cryptic saying, aphorism.
Whānau	Family group, extended family, a familiar term of address to a number of people.
Whānaungatanga	Relationship, kinship, sense of family connection, a relationship through shared experiences and working together which provides people with a sense of belonging.
Whānui	Be broad, wide, extensive.
Whenua	Ground, land, country, nation, state, territory, domain, placenta, afterbirth.

Source (Māori Dictionary online, 2005).

## List of Abbreviations

EBM	Ecosystem Based Management
GNS	The Institute of Geological and Nuclear Sciences
ICCPR	International Covenant on Civil and Political Rights
IPA	Iwi Participation Agreement
JMA	Joint Management Agreement
KMR	Kaupapa Māori Research
KMT	Kaupapa Māori Theory
REMP	Raukawa Environmental Management Plan
RMA	Resource Management Act
SSI	Semi-structured Interviews
TED	Tikanga Engagement Diagram
TEK	Traditional Ecological Knowledge
WCED	The World Commission on Environment and Development

# CHAPTER ONE

## Introduction

*“Ko ngā awa e toru ērā, e timata kē mai i kona i te Hautere, ka rere whakāraro mai ki konei. Ki raro i ā mātou kawa, ki roto i a mātou anake, engari arā kē ngā piringa a te Waihou rārā, tērā awa, timata mai i konei, ka puta atu ki roto i a Hauraki mai i Tarapipipi, ki Tarapāpaka”<sup>2</sup>*

*(Emerson Rikiriki, 2018).*

## Research Development

The geographic space from where this research project begins is the Hautere Plains<sup>3</sup> in the South Waikato region of the North Island, Aotearoa/New Zealand. Hidden deep in the Mamaku valleys lies Te Maunga Hautere<sup>4</sup>, the female ancestral mountain of Te Waihou river hapū of Raukawa iwi. Beyond Hautere, at the foot of the Pae Pae Whakarei Hills, flows Te Mātāpuna o Waihou (Waihou Springs). Kaumatua Haki Thompson recalled that,

[t]he main spring of Waihou here is quite a large one about 30 feet across in a round ring, quite deep and one can see the bottom very clearly . . . This Waihou is one river that is of very clear beautiful green colour . . . The river from here finds its way down country through the redwood forests, down to Okoroire Hotel which has some springs in its property then onto Okauia hot springs, Te Aroha and to Paeroa then out to the gulf of Hauraki (Thompson, 1950: 20).

According to Māori custom, in an introductory phrase Te Waihou hapū often say, “Ko Te Waihou tōku awa”, which simply translates as, “Te Waihou is my river”. The phrase emphasises that the river belongs to us and we belong to the river. Therefore, the phrase implies a responsibility to the river in the lands, and customary boundaries where hapū

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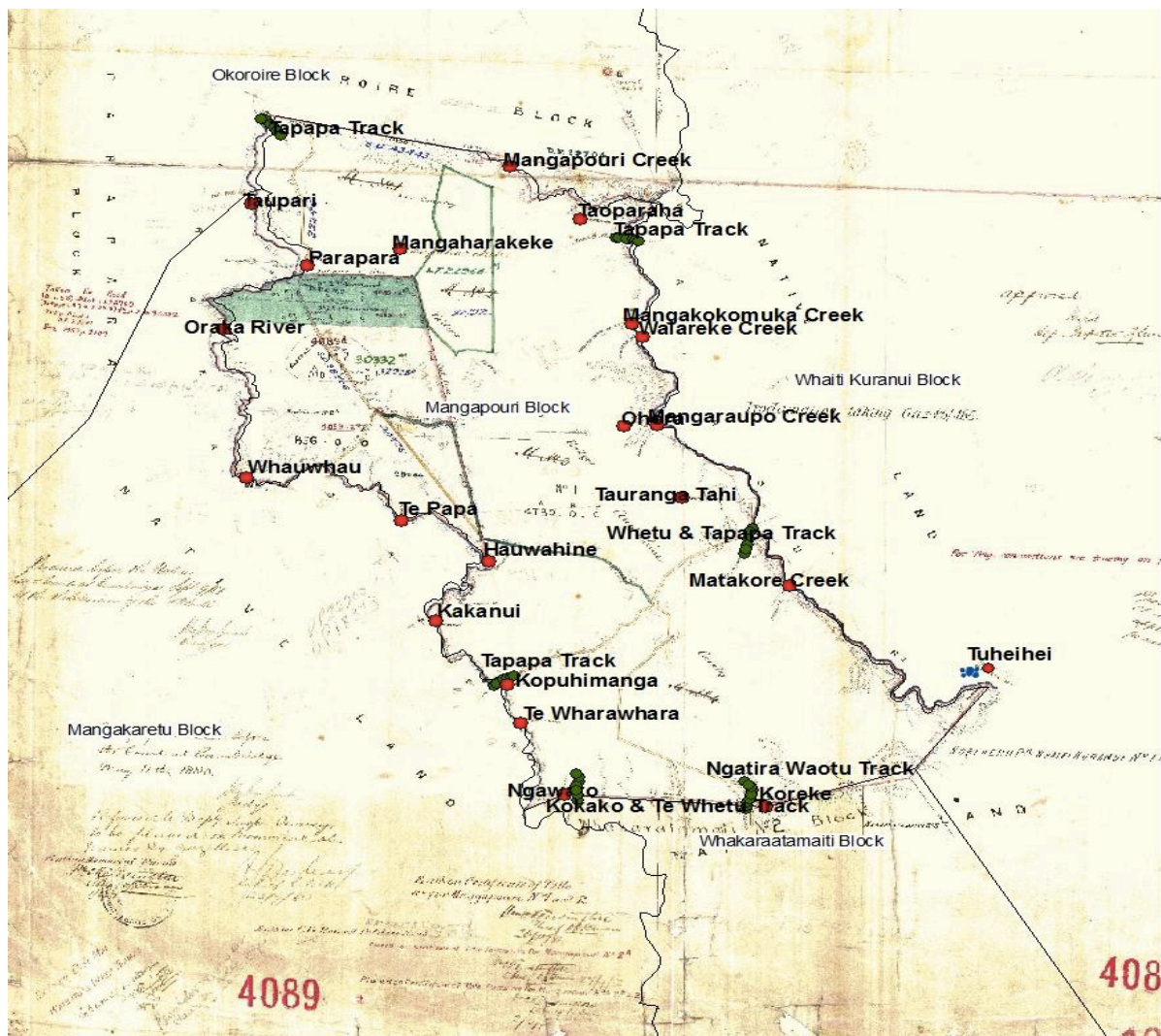
<sup>2</sup> English translation: There are three rivers that actually flow from Hautere and connect to our protocols. The pathway of Waihou starts from here and then to Ngāti Haua and out to Ngāti Maru, Paeroa/Hauraki.

<sup>3</sup> The ‘Hautere Plains’ is considered by Raukawa hapū of Te Waihou as the original name of what is now commonly known as the Mamaku Ranges.

<sup>4</sup> English translation: Hautere Mountain.

ancestors roamed and now lay at rest. Progressive colonial laws that have alienated land and merged tribal boundaries has caused significant conflict as tikanga does not fragment land and resources in separation from hapū. Exogenous colonial law stipulates water cannot be owned. This view is arbitrary among Raukawa descendants of Te Waihou as it is arguable that the river belongs to Te Waihou hapū by way of tikanga Māori law that came long before colonial arrival.

Te Waihou river is a source of history and tikanga for Raukawa mana whenua who have maintained “[a] long and uninterrupted association with the Waihou river, its tributaries, Te puna (commonly referred to as the blue spring) and the surrounding area” (*South Waikato District Council*, 2016: 191). Below in Figure 1.1, is a historical map of the Mangapouri land block indicating, at the bottom right, the Tūheihei puna, a tributary of Te Waihou river. Tūheihei is the traditional hapū name for the Blue Spring.



*Figure 1.1 Historical Map of the Mangapouri Land Block (Te Hiko 2016).*

Raukawa association with Te Waihou river and its tributaries predates European contact and is epitomised in ancient traditions, pakiwaitara and whakatauki, that define the interconnections between Raukawa and the river through history, mātauranga and whakapapa. For many generations Te Waihou and surrounding tributaries have sustained Raukawa marae and agriculture for the local farming community. My introduction to this research developed from my whakapapa connections to Te Waihou river and involvement in proposed water resource consents that brought into question ethical and legal implications behind the human impacts of commercialisation. Particularly the inconsistent mitigative processes for tourism and lucrative extraction of wai Māori that impacts a site of tribal significance, previously mentioned, Tūheihei. Images of Tūheihei puna before and after the impacts of public swimming during a tourist peak season, in the summer months of 2016, are pictured below (see figures 1.2 and 1.3). Tūheihei is positioned in the upper Waihou river catchment. The spring is a taonga for the surrounding marae, hapū and community and renowned for its natural amenity features and water quality (South Waikato District Council, 2019b). My research interests and continued engagement in hapū environmental work revealed the lack of hapū engagement in river management strategies, post Crown and iwi Treaty settlement. Furthermore, there was a lack of recorded hapū narratives and mātauranga of Te Waihou. Tribal narratives are important in contemporary management contexts, as cultural representative texts to be considered in resource consent processes. I had personally heard important kōrero from kaumatua at various tribal gatherings pertaining to Te Waihou. This kōrero was never captured or documented for the progeny of Raukawa and many of the diverse narratives are rapidly becoming lost when kaumatua and kuia, do not pass on these taonga. Therefore, this project was an opportunity to engage hapū members that hold a close affinity to Te Waihou and document their stories, as well as their perspectives of rivers and local river management.

I began this study with ambition to bring resolution to some of the river and water issues that have plagued marae in our district for many years. My initial approach included collecting historical and contemporary narratives of Te Waihou river from respective marae to illuminate the issues. The historical narratives on the upper Waihou catchment from research participants was extensive. Despite the wealth of historical knowledge discussed at the interviews, I felt a necessary obligation, with the support of research participants, to reflect on an overarching theme of river rights that was a consistent topic in all the participant narratives. The use of this theme was intended to add to the body of knowledge



*Figure 1.2 Tūheihei prior to Public Swimming. Retrieved from (Stuff, 2016)*



*Figure 1.3 Tūheihei Post Public Swimming. Retrieved from (Stuff, 2016)*

around Māori rights and raise awareness on the contemporary waterway issues in the district and region. River rights, which permeates through mana whenua traditions, is vital to the future health and well-being of Raukawa hapū, iwi, communities and future generations who are culturally and economically reliant on the Te Waihou river resource. I therefore acknowledge the invaluable historical narratives that resulted from the interviews. This kōrero will now rest in the Raukawa archives for future enthused tribal researchers to take up the challenge and delve into such invaluable tribal taonga.

This work is a kaupapa Māori project, based on a kaupapa Māori research approach that legitimises hapū rights to advocate for a traditional resource. The research includes working with hapū representatives in a tikanga Māori context to achieve the research objectives listed below. The overarching purpose of this research is to compile distinctly hapū world-views and re-assert mātauranga ā hapū<sup>5</sup> in the management of Te waihou river and Tūheihei, both sites of cultural significance and traditional resources of Te Waihou hapū of Raukawa ki te Kaokaoroa-o-Pātetere<sup>6</sup> in the South Waikato district.

#### Research Objectives:

1. Identify Raukawa hapū perspectives and priorities for Te Waihou and Tūheihei through historic kōrero and contemporary views of water use and management.
2. Understand the environmental, social, cultural, economic and political impacts for hapū from river use and freshwater extraction at Tūheihei spring of Te Waihou, under the current water management regime.
3. Consider the status of hapū/marae knowledges and aspirations within the current district water management regime.

These objectives aimed to raise commentary on hapū perspectives of rivers using a Raukawa taonga tuku iho the Te Waihou river, to understand the realities for hapū, in relation to river management, customary water rights, and kaitiakitanga engagement, within Western resource management frameworks. The intended outcome was to collate this information into a collective context and identify key hapū priorities and concerns that could be conveyed to the iwi. The analysis of tribal kōrero will aim to illuminate some of the contemporary water

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<sup>5</sup> English Translation: Cultural knowledge inherently from hapū

<sup>6</sup> English Translation: A tribal district and division of the Raukawa iwi.

issues for hapū. These issues will be examined in contrast with resource management mechanisms in order to articulate the importance of including a tikanga Māori values-based approach in modern management initiatives for the protection and health of district waterways and surrounding lands.

### Research Themes

Economic activities at Tūheihei puna in recent years have become a matter of cultural importance for local hapū in relation to district water policy standards, and current water resource consents for commercial industries. In the initial stages of council's urban water management and infrastructure at Te Waihou, on the basis of water purity, water was extracted from the spring for the local Putaruru town water supply. The abundance of spring water from the Tuheihei aquifer made way for further commercial water prospects. Regional, national and international water beverage companies that operate in the district have now secured allocation rights to water; rights that were easily accessible through district resource consent policy. Councils non-consultation policy means that local hapū and the community are generally uninformed of resource consent allocations and the economic and environmental outcomes from allocation processes.

The impacts from commercial activities are considered diverse for local Marae and will be discussed further in chapter five. Hapū separation from their traditional resources is instigated through the confinements of colonial ideologies in the Resource Management Act (RMA), and resource policies that determine a small window of opportunity for hapū to practice kaitiakitanga. Hapū inability to be effective kaitiaki debases hapū identification with core tikanga values and principles that define a distinctive tribal group. This division dilutes and often transforms tradition, knowledge and identity on a profound level. The misrepresentation and exploitative use of Tūheihei highlights certain inadequacies in resource management infrastructure and strategies to engage hapū. This aspect is analysed with the review of key literature in chapter two to examine water rights and water ownership in the dichotomy of colonial legislative environmental governance and tikanga Māori law in Aotearoa/New Zealand. A focus on bicultural world-views within environmental legislation policy and planning frameworks examines the reconciliation mechanisms that allow for power-sharing between iwi and government.

The establishment of iwi authority as a key negotiating entity for a hapū collective was a Crown precondition for settlement negotiations and prerequisite for reconciliation agreements in deeds of settlement. The imposition of this process on the tribal structure, to conform to Western management constitutions and a market economy in the midst of reconciliation, will be a focus of discussion in the following chapters. From this quasi tribal platform, this study considers hapū positioning within management structures for waterways by analysing dominant resource management legislation and settlement mechanisms in contrast with some of the collective tribal values and aspirations highlighted in research narratives. This aims to highlight the lack of cohesion between cultural world-views and Western policies and practices within operative district, regional and national water management regimes. In analysis of tribal narratives this study will also outline the ways in which hapū operate within the schema of district management processes to determine the functions and limitations of hapū engagement.

A Western theoretical paradigm is dominant throughout resource governance strategies and discourse. Chapter three analyses this paradigm through a kaupapa Māori theoretical lens and discursive analysis of postcolonial theory. The theoretical approach highlights Western hegemony and mechanisms of assimilation that have restricted social, cultural, economic and political development for Māori. Kaupapa Māori theory is a site of resistance to hegemony within resource management legislation and mechanisms that support neoliberal agendas for natural resources. Engagement processes between hapū and local authorities in theory, aim to create culturally equitable relationships and collaborative systems, yet in practice provide no economic or political equity for hapū in the exclusion of power in decision-making. Identifying and deconstructing sites of political and legislative power in bicultural collaborative management contexts and also within a contemporary tribal structure, provides an insight into governmental systems and mechanisms that constitute power and guide power relations in resource management among hapū, iwi, and government representatives.

For Raukawa people, water and rivers have inherent cultural qualities that sustain life and embody important tribal kōrero and whakapapa connections. As a study based on a significant tribal taonga, Raukawa mātauranga and tikanga was integral in the research methodology and data collection processes, that included working with hapū elders and experts in tribal knowledge. The initial perspectives of water within this project are gathered from collaborative oral histories and tikanga world-views of water and environs in the Raukawa Environmental Management Plan (REMP) (Raukawa, 2015). This information was

considered in the construction of research questions that aimed to seek further understanding of the relationships hapū have with Te Waihou and identify key priorities and aspirations for Te Waihou in the future. The results of hapū narratives will be analysed in conjunction with resource management literature and the current provisions of iwi settlement to determine the status and purpose of cultural ideologies and provisions for hapū to actively engage in resource management processes and collaborative decision-making.

A resurgence of media coverage in recent years headlined Tūheihei as a subject of local iwi and council contention through economic development initiatives and lucrative water resource consents. This study raises commentary on the commodification of water, evasive waterway monitoring and the deeper implications of neoliberal water policies that govern waterbodies nationally. This project dissects the branches of resource governance and management operations for Te Waihou in a specific case study that aims to clarify the reasons that restrict the integration of tikanga Māori in the management of a wai Māori source. The current management systems compromise the sustainability of this resource and deny meaningful hapū engagement with government entities. Research outcomes intend to raise tribal and community awareness around significant water management issues for communities in the Raukawa region and enhance tribal knowledge in contemporary river management. This research contributes to the growing body of literature around kaupapa Māori research, Māori geographies and indigenous water rights. More importantly this research undertaking has provided an avenue for Raukawa mana whenua to engage in important resource issues and share narratives that will build on existing traditional knowledge. The process of knowledge building strengthens hapū relationships with their natural environs and their tribal communities.

## CHAPTER TWO

### Water Rights & Water Ownership:

#### Literature Review

*“In our rohe I think we should have rights from its beginnings down to where ever our boundary ends. I think we should have all rights to water, especially Te Waihou and the Waimakariri”<sup>7</sup>*

*(Te Hapuku Munro Rikiriki, 2018).*

This chapter is a review of key literature based on water rights and water ownership within the dichotomy of colonial legislative environmental governance and tikanga Māori law in Aotearoa/New Zealand. Literature demonstrates the interactive relations, challenges and outcomes among dominant authorities, the British Crown, New Zealand Government and iwi, and aims to illuminate the implications of environment infrastructural tools that currently constitute management priorities for New Zealand’s fresh waterways. From this body of literature, the following topics will be presented and discussed in progression. Firstly, the nature and function of Māori world-views in environmental policy and planning frameworks will be discussed to consider the value of implementing Māori terminologies and tikanga practices in contemporary resource management. Secondly, bicultural ideologies of water rights and ownership will be examined through Māori perspectives and colonial redress examples. Freshwater ownership is dominantly viewed through the environmental statutes of English common law and challenges Māori claims to indigenous rights and interests in freshwater. Thirdly, in conjunction with Crown strategies and commitment to engage in a meaningful reconciliation, reconciliation mechanisms that allow for power-sharing between colonial authorities and iwi, will be examined. To conclude, the co-management model will be examined in contrast with post Treaty settlement examples to consider whether this model enhances Māori engagement and self-determination. The outcomes of this review will be

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<sup>7</sup> The *Waimakariri* is a sister river that flows in the same vicinity as Te Waihou.

employed in subsequent examination of hapū specific ideologies of water management. The literature favors kaupapa Māori as an indigenous approach to highlight significant Māori issues in resource management. Literature in this specific field of study is limited and therefore an in-depth review of the chosen academic material will be undertaken. The scope of literature is composed of secondary sources, peer-reviewed journals, books and digital resources that are publicly available.

## Comparative World-views

The following literature discusses the environmental world-views that exist between Māori and resource government authorities. A proposed transformation in contemporary environmental frameworks and resource management policies that reflect Māori world-views can produce sustainable outcomes and could provide for a more holistic bicultural approach to resource protection and sustainability. Williams (2006) explains that a Māori world-view of water involves unique traditional concepts and practices that work as protective mechanisms to support river life and river management. Williams (2006) asserts that the key to Māori views of environmental issues lies in the importance of not disturbing the mauri of an area to the degree that it is unrecognisable. The preservation of mauri therefore regulates the sustainability of resources and ensures that a resource is treated with respect.

Williams (2006) claims statutory acknowledgement, a post-settlement protective mechanism that recognises contemporary Māori values, acknowledges a special relationship with place, and allows iwi to challenge applications under the RMA and the Historic Places Act.

Further, by using treaty settlements in innovative ways tribes are able to create a separate ‘statutory overlay’ to identify and acknowledge the special cultural, spiritual, historic or traditional values of a given area. Iwi is able to define the types of action that could diminish or harm those values and the Crown will be required to control such behaviors. Williams (2006) asserts that a Māori approach to waterway management, focused on water quality and quantity, respect for ancestral knowledge and values, is an approach that for centuries ensured the survival of vital resources. For this reason, Māori concepts and practices are imperative to the development of resource management, law and decisions in New Zealand.

The inclusion of Māori conceptual knowledge in colonial resource management discourse is a key component for a culturally holistic approach to resource governance. Roberts (1995) discusses the concept of kaitiakitanga and the need for Māori conservation perspectives to be

included in scientific literature. This need stems from the considerable problems that arise from the methodology of western science, an approach that disregards anything other than objective and testable explanations on natural phenomena. An insensitivity for other cultural perspectives, leads to communication challenges between cultural groups. Roberts (1995) translates kaitiakitanga (the act of guardianship), as incommensurable, existing in a cultural context that demands an in-depth understanding of cultural history, deities, tribal law and religion, respect and reciprocity. Put simply, one must know the Māori world to know the meaning of kaitiaki and understand that the term implies caring for everything that comes from Papatūānku. Roberts (1995) explains that in the RMA, kaitiakitanga is defined as ‘stewardship’, a term that implies guarding someone else’s property and holds master-servant relationship connotations; a concept foreign to Māori. In contrast kaitiakitanga requires that hapū are entrusted with maintaining and protecting the mauri of the resource or, if compromised, restoring mauri to its original state. Roberts (1995) indicates that kaitiakitanga is an inherent component in the exercise of rangatiratanga and without formal recognition of the latter, kaitiakitanga is almost impossible to put into effect.

Essential historic practices of kaitiakitanga as indigenous knowledge is outlined by Kahui (2014) who discusses the environmental benefits of Ecosystem Based Management (EBM); a communal form of environmental management. Kahui (2014) presents a historic example from South Island iwi (Ngai Tahu), that proved the successful practice of EBM through a system of communal ownership over a water resource. Communal ownership implied that the resource was in the ownership and interests of a social group and therefore resource sustainability was at the forefront. Kahui (2016) asserts that this social group was representative of a contemporary common property regime as it managed the exploitation and sustainability of a Common Pool Resource. Their success was dependent on a common property regimen as opposed to private property rights which are favored by contemporary Western resource management frameworks. Kahui (2014) utilised Elinor Ostrom’s (1990) eight -principle framework for common property rights and management firstly, to analyse how iwi historically managed to sustain resources while exploiting their environment and secondly, examine how this indigenous system could be applied to modern governance structures. Kahui (2014) explains Ostrom’s framework clearly proved a defined form of adaptive management. This was represented by the tribes’ customary laws, practices and policies, codified into tribal ethics and terminologies that made for their effective management and sustainability of resources. Kahui (2014) argues that kaitiakitanga fits a

common property paradigm, being an integrated normative concept of knowledge and interaction between societies and ecology, as opposed to a reductionist world-view of science and property rights based on intellectual classification and possession. Integrated with the application of a common property regimen, kaitiakitanga is a system that can bridge ecological and social boundaries as the term incorporates intricate belief systems that were group focused ensuring survival. Kahui (2014) believes that studying a people that practiced EBM successfully, suggests that EBM may provide a sustainable model through which to govern ecosystems as commons.

In considering the cultural influences of sustainable management ideologies in Aotearoa Michaels (1999) examines the tensions between Māori and colonial New Zealand conceptions of sustainable management within the RMA. Michaels (1999) considers the influences of exogenous dimensions of policy developed abroad and imported to shape New Zealand resource management policy, and autochthonous aspects of policy that originate from indigenous association with place. The World Commission on Environment and Development (WCED) is discussed as an example of an exogenous organisation that has had a tremendous impact in shaping ideas around sustainable development and shaping the policy formulation process in New Zealand resource management. Within WCED discourse, Māori are positioned to be valuable in policy formation due to their long association with place. These attributes do not however, align with how the RMA engages with sustainable management and as such, are only partially accepted by the state. Michaels (1999) emphasises that for Māori sustainable management was a temporal and spatial adaptation that evolved over centuries. Sustainable management was based on a conservation ethos and the establishment of a reciprocal and empirical relationship of respect between humans and nature. Michaels (1999) interprets sustainable management in the RMA as indicating tension between two “global epistemic communities” that has fashioned environmental reform in Aotearoa. These are a property rights market perspective, supporting free market capitalism, and a citizen participation perspective that advocates for global environmentalism, supporting sustainable development. Michaels (1999) claims that it is the exogenous policy influence that favors the market economy and assumes a reductionist stance on resource management. In support of a holistic approach to reform in resource management legislation, Ruru (2018) discussed how the RMA could be practically enhanced to provide for tikanga Māori (Māori law). Despite decision-makers awareness of Māori law terminologies that are embedded in the RMA, Ruru (2018) questions whether those who formulated the RMA engaged with

tangata whenua on a level sufficient to embrace and understand how Māori law concepts function at the center of Māori legal system. Ruru (2018) acknowledges developments to recognise Māori law in the current RMA and district and regional planning documents; and goes further to state that “[t]ikanga Maori must become a foundational part of the education and practice of all those in professions who spend their careers making decisions for the use of our land, air and water” (p: 26). Ruru (2018) suggests that uncovering the state’s smothering’ of Aotearoa’s First Laws, Māori law (see Kupe’s Law: 26), in a collective endeavor with local authorities, is an opportunity to work towards better solutions from what is currently evident, and a national well-being for the future. Despite the positive changes in the legal landscape, Ruru (2018) expresses the need for additional developments to facilitate and appreciate a holistic approach that supports tangata whenua engagement and considers the possibilities of RMA reform that has tikanga Māori as the central guiding force.

## **Water Rights & Ownership**

The following literature explores perspectives of water rights and ownership in the context of government resource management frameworks that Māori have navigated in order to claim ownership based on customary rights to water. Hall (2012) argues that “Māori claim ownership to water based on two arguments; by asserting claims to customary or aboriginal rights to water bodies and by claiming that water is a taonga and therefore protected under Article two of the Treaty of Waitangi” (p: 33). Customary rights to water resources are limited for Māori and consequently according to English freehold title rights under common law, these rights can be extinguished (Hall, 2012). Hall (2012) states that the New Zealand Government assert that water cannot be owned, “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” (p: 110).

Māori claims to the ownership of water is explored by van Meijl (2015), who examines the changing conceptions of the Waikato River in response to shifts in government policy that have transformed the status of the river from an iwi ancestor into that of a property object to be alienated and traded. Van Meijl (2015) argues that neoliberal policies that commodify water, and a shift in state policy that accommodated the New Zealand governments move to sell 49% of state owned, electrical power generating enterprises, triggered Waikato iwi to submit claims of ownership to secure rangatiratanga authority over water. Van Meijl (2015) argues that the Waikato River was excluded from the Waikato settlement agreement between Crown and iwi due to conflicting views of ownership and the precise legal status of the river.

Consequently, the Crown extinguished Māori titles and claimed ownership on the basis of ‘academic interpretations’ within government Acts. Van Meijl (2015) asserts that Waikato iwi’s claim of ownership was triggered by the inference that government had changed the conceptual properties of water. The conversion of water into shares implied the conversion of a common pool resource, into an object of property that could be alienated and traded. Van Meijl (2015) concludes that the underlying conceptual differences in ownership is a complex property construct based on a contest for rangatiratanga and power. The dichotomy of cultural and colonial property regimes and ownership practices in conjunction with the paradox and underlying ideology that water cannot be owned, is not only an incoherent conception of water but it transforms the properties of the river. Under these conditions, for Māori to retain their rangatiratanga over the river, they are forced to claim full ownership.

Erueti (2016) employs three models when considering Māori claims to fresh water: a right-to-culture, property and political authority models. These models conceptualise indigenous rights in New Zealand. Erueti (2016) asserts that government instruments to address Māori interests and claims to freshwater - the RMA and co-management agreements - fit a right-to-culture model that translates as protecting a traditional way of life, rights to engage in procedures that allow for participation in decision-making, and tribal self-management of property. Erueti (2016) asserts that the RMA does not grant political authority but focuses on stewardship, Māori relationship to their natural environment and participation in decision-making. Erueti (2016) argues that these are not the interests of Māori and have not empowered iwi. Amendments in the RMA introduced the Iwi Participation Agreement (IPA) in 2017 (renamed Mana Whakahono a-Rohe), that enhanced iwi engagement to some degree by creating a statutory obligation for local authorities to engage iwi and strengthen iwi management plans. Erueti (2016) argues that co-management agreements promote tribal engagement in RMA regulatory processes yet remain directed at a right-to-culture model because iwi are limited in their ability to participate. Iwi are not granted rights to give informed consent in river use, cannot stop the issuing of resource consents, nor can iwi gain any benefits economic or other, from resource use.

In a further examination of Māori rights, ownership and commercial access to fresh water, Sullivan (2017) asserts that political tensions between Māori and Pākehā in regard to customary rights to natural resources is based on differing political understandings and ideological perspectives, and the failure of government and the Crown to uphold the values and principles of the Treaty of Waitangi. Sullivan (2017) argues that despite Māori’s

argument for the dispossession of existing property and resource rights guaranteed by the Crown in the Treaty of Waitangi, the New Zealand government placed the foreshore and seabed in public ownership, which allowed the taking and use of freshwater for commercial activities without reparation for Māori. Sullivan (2017) explains that there are few restrictions to prevent the public resource being abused for private profit. Indeed, despite depleting and polluting water systems commercial interests and “extractive resource consents override Māori customary rights” (Sullivan 2017: 54). The government refuses to consider any form of redress because of its stance on ownership rights and therefore does not consider any grounds for reparations. Sullivan (2017) highlights that Māori did not relinquish their customary title to fisheries, foreshore and freshwater. However, the Crown used the court system to legislate to deny Māori rights to determine their customary title to these resources through the court system. This legislation received robust criticism and disapproval from New Zealand citizens and the representatives of the United Nations. Māori argued that government legislation was racist as it denied Māori rights to go to court and determine their customary title to the foreshore and seabed. On the global stage, the United Nations Committee on the Elimination of Racial Discrimination addressed the Crown’s extinguishing of Māori customary title, discrimination and failure to provide redress. Sullivan (2017) asserts that government’s refusal to address recommendations of the United Nations is an “act overt racial discrimination against Māori that dishonors all New Zealanders” (p: 55).

Further to the obligations of the Crown to recognise Māori interests in water, Johnston (2018) considers the three main sources for Māori rights and interests in freshwater. Firstly, the Treaty of Waitangi that based Māori relationship with the natural world under tikanga that is indicative to customary ownership. Secondly, the Doctrine of Customary Title which is independent of the Treaty, gives Māori possessory interest in water and recognises that customary laws existed to distribute rights and responsibilities. Finally, International law, the United Nations development of indigenous rights. Particularly, the International Covenant on Civil and Political Rights (ICCPR) protects minority rights to culture. New Zealand’s commitment to this covenant through the New Zealand Bill of Rights has impacted on Crown’s obligations to recognise Māori rights and interests in natural resources. Johnston (2018) refers to instruments that address Māori interests in water and the legal implications therein. Co-management strategies, legal personality (The Te Awa Tupua Act 2017) and the Resource Management Act (RMA) all provide for Māori kaitiaki interests in water by advancing frameworks, allowing for improved co-governing relationships for sustainable

management, and facilitating Māori inclusion in planning and customary practice. On the contrary, Johnston (2018) asserts that the strategies are Western legal concepts and consequently, Māori legal traditions rather than being recognised in shaping law are adopted to the closest legal equivalent from Western tradition; positioned through the Western default lens rather than being equally positioned with tikanga.

Johnston (2018) suggests a way forward is to reconcile tikanga and common law frameworks by creating statutory customary title grounded on tikanga principles to reflect a relationship between Māori and water resources that is holistic. Statutory title creates a legal interest in water allowing Māori to exercise authority and customary rights. An approach to improve recognition of tino rangatiratanga (the exercise of chieftainship or authority), over lands and taonga, requires a more equal Māori and Crown constitutional relationship than is currently in place. Such a relationship may be forged by accommodating additional tikanga principles in the creation of a tikanga based legal framework for water bodies. Johnston (2018) argues that the government can grant Māori forms of statutory customary title, while treaty settlements can vest ownership of water bodies. Unless there is a re-negotiation of the comprehensive constitutional position of tikanga as an operative law in Aotearoa, however, Māori exercising their rights to freshwater will always be compromised by a Western legal framework that positions the Crown as the sole executor of political authority.

## **Reconciliation Mechanisms**

The following literature considers reconciliatory justice for Māori and contemporary redress mechanisms that allow for co-governance solutions and reciprocal relationships in resource management processes. According to Fodder (2014), the term reconciliatory justice may be defined as an “effort to reframe conflict and grievances so that parties are no longer preoccupied with that which divides them” (p: 61). Fodder (2014) asserts that under a reconciliatory framework restitution requires the state to make a sincere effort despite there being no guaranteed outcome.

A significant example of power-sharing in reconciliation is highlighted by Muru-Lanning (2012) in the examination of negotiation processes between the Crown and Waikato-Tainui in the 2009 deed of settlement for the Waikato River. Muru-Lanning (2012) analysed the orchestration of power relations between Crown and Waikato Māori, asserting that: “What is vital in the process of Māori claim-making is the restoration of mana” (p: 135). Muru-

Lanning (2012) concluded that in negotiations, full and final settlement is not the end game; “on-going negotiations and gatherings in the name of the river allow for relationship building and the mobilising of people from which mana and power can be attained” (p: 135).

Government approaches for reconciliation, Ruru (2013) argues, are cultural redress solutions concentrated on management opportunities for Māori. Any possibility of commercial or proprietary redress for water is rejected. Ruru (2013) considers indigenous leader Alfred, Taiaiake’s premise that reconciliation is a pacifying colonial discourse, and restitution must be the first step towards a moral society and decolonisation. Ruru (2013) explains that treaty settlements recognise the importance of freshwater in Māori cultural interests and provide an additional avenue, other than the RMA, for Māori to advance their interests and connection to water. Ruru (2013) explains settlement statutes embrace reconciliation and partial restitution within the confines of existing resource management legislation. In particular the Te Awa Tupua Act 2017 is an example of how legislation can be used creatively to find redress solutions.

Ruru (2013) argues that commercial redress has not occurred because the Crown refuses to negotiate on the notion that water cannot be owned. The Crown asserts that because no one owns water, the logical way forward is to strengthen Māori roles and authority in resource management processes rather than develop a framework for Māori proprietary rights. Ruru (2013) challenges this assertion of non-ownership by highlighting findings in the Waitangi Tribunal interim report on the sale of Mighty River Power shares by the government, which is akin to water ownership. Ruru (2013) asserts that “despite the existence of several notable cultural redress water settlements, real reconciliation in a decolonized context will remain elusive until fair, complete and holistic restitution for water grievances is offered” (p: 343). Ruru concludes that the power over water remains with government. Furthermore, because redress solutions have been cultural, the failure of the Crown to recognise commercial and proprietary redress is the underlying issue that has caused the escalation into a national crisis over water.

Sullivan (2016) considers the benefits of reconciliation for iwi, asserting that state-led processes for the redress and reparation of grievances from breaches of the Treaty of Waitangi has caused settlement iwi to shift out of a mode of grievance into one of reconciliation and rangatiratanga, (Māori self-determination). Sullivan (2016) argues reconciliation from a pro-economic basis; believing that reconciliation as an integration policy has limited overt Māori conflict with the state and has allowed for Treaty settlement

iwi and hapū to operate economically, culturally and politically in integration with the mainstream New Zealand economy. Sullivan (2016) reiterates the argument that settlement iwi who have reached reconciliation through negotiated settlement have become assimilated into mainstream society. This assimilation is an outcome of integrating with the governing economic framework to increase their assets. However, Sullivan (2016) supports the view that their increased asset base provides iwi with the autonomy to exercise tino rangatiratanga culturally, economically and politically. The answer to the enduring question of whether reconciliation is a modern component of state assimilation policies, or a process of resolution for forward momentum in partnership, Sullivan (2016) believes, sits in the rhetoric of iwi that have reconciled through settlement and those who have not.

Instruments of reconciliation are explored by Morris (2010), who considers that according legal personality<sup>8</sup> to rivers provides a useful reconciliation tool employed by governments, to develop positive reciprocal relationships with indigenous peoples. Morris (2010) suggests that the legal personality model creates a unique link between the Māori and State legal systems because of alignment between the personality concept and the Māori legal concept of the personified natural world. Morris (2010) highlights that the notion of legal standing enacts an environmental protection that places river health and well-being at the forefront of decision-making. Legal standing also recognises the mana and mauri of a river that is holistic; a move away from the common law notion of fragmentation. An important feature of the legal personality model in creating positive reciprocal relationships is that the model provides government an avenue through which to recognise Māori values, and understand the practice of tikanga. Morris (2010) explains that applying this model in legal and policy developments forces decision-makers to give weight to the importance of preserving river health and well-being. The model does not seek to undermine the economic activities from water that are crucial for modern day survival; rather, the point of this model is to give the river a voice. According to Morris (2010), affording legal personality to rivers “goes further than existing mechanisms designed to balance decision-making” (p: 57). It is one way that legislative development can provide a lasting commitment to reconciling with Maori (Morris, 2010).

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<sup>8</sup> This model was advocated first From a United States of America Law Professor Christopher Stone in 1972 that advocated legal personality for the protection of natural resources. See (Morris, 2010)

Against the political backdrop of Te Urewera National Park and Wanganui river iwi settlements, Sanders (2018) argues that the legal personality legislation functions to regulate human relationships in relation to a natural resource and is a means to reach compromise between the state and an indigenous group, both of which claim political authority. By using this model as a facilitation mechanism for government to transfer ownership rights, the resource becomes a forum for relationships between opposing groups. Sanders (2018) explains that the significance of legal personality legislation is the centralisation of tikanga Māori principles. In particular, the legal personality incorporates recognition of the metaphysical relationship Māori have with the natural world and the inherent connection between the spiritual and physical realms centered around the concept of whakapapa. Sanders (2018) asserts that this ‘non-ownership model’ may stand as a symbol of resistance to the Western property concept and Crown’s authority to allocate. The model allows for the communication of claims to status and power over natural resources by Māori and the Crown and publicly affirms Crown and Iwi relationships with resources under tikanga Māori. Sanders (2018) concludes that the frameworks created from legal personality are best viewed as constitutions that structure the relationships in a bicultural group, highlight the role of the law in debates over foundational values, and address the power structures in regard to particular peoples and place. For these reasons, it is appropriate to regard the legal personality model as constitutionally significant, as the model continues intercultural negotiations, creates a forum for both disagreement and compromise and provides a process to reframe relationships, authority and obligations in relation to natural resources.

### **Co-management Defined**

The following literature considers the collaborative management model as a mechanism of treaty settlements and the benefits, limitations and challenges that arise for Māori from the legislative instruments that govern co-management processes. Te Aho (2010) describes the co-management model as a strategy that recognises indigenous interests in the environment and acknowledges differing world-views. A ‘paradigm of exclusion’ for Māori - Te Aho (2010) emphasises - is fundamentally based on a contest for control over rivers by successive governments who have secured rights through common law in opposition to Māori conceptions, knowledges, values and powerful tribal identities that inherently connected to rivers. Te Aho (2010) claims the inception and purpose to envision a collaborative management of environmental resources, was a means to forge relationships, foster positive

Māori development and adopt politics of inclusion; as opposed to the continuing exclusion of Māori from the Nation's wealth. Te Aho's (2010) examines iwi co-management examples to highlight the benefits of the Joint Management Agreement (JMA). As a development in the RMA, this agreement allocates powers, identifies the scope of duties and creates guidelines for decision-making. Te Aho (2010) highlights the success of operative JMA models where titles to resources, such as the foreshore and lake beds, are vested in iwi. This provides an opportunity to bring an end to a paradigm of exclusion.

Taiepa (1999) considers co-management process requirements to seek proactive ways of enhancing Māori participation in resource management, and achieve successful co-management agreements that reconcile and sustain long-term commitments for involved parties. Through a transcultural lens Taiepa (1999) suggests seven process requirements for Māori to effectively participate in collaborative management. The first requirement is the need for an identifiable group, iwi authority or hapū structure with the time and capacity to advocate for the resource. Second, is the requirement of active legal frameworks for shared decision-making processes, to maintain power-sharing. Third, is the requirement for Western based science and management to recognise mātauranga Māori as a valid basis for decision-making. Fourth, co-management arrangements must be negotiated to acknowledge diverse interests, and ensure commitment and expectations for all those involved is clear. Fifth, in order to facilitate Māori participation, capacity building is a key factor to support and develop a skill and knowledge base and provide accessibility to information in areas of importance. Sixth, Māori knowledge and research should actively involve the community to create shared knowledge and platforms to enable a collective growth. Finally, is the requirement of support and commitment throughout negotiation processes from willing political partners who are open to new arrangements in sharing power and responsibilities. Taiepa (1999) asserts that local leadership is imperative, however, clearer directives and operational guidance for co-management engagement needs to come from central government.

In relation to contemporary innovations in co-management, Memon (2012) examines a hybrid governance institution<sup>9</sup> created through a treaty settlement that vested property rights and lake bed ownership in Ngai Tahu iwi.<sup>10</sup> Following the settlement, a Joint Management

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<sup>9</sup> Hybrid governance institutions are becoming increasingly evident in post-colonial societies as a means to settle long-standing land grievances (see Memon, 2012).

<sup>10</sup> English translation: Ngai Tahu iwi is the name of an indigenous Māori tribe that is situated in the South Island of New Zealand.

Plan was established between iwi and the Department of Conservation that reflected a values-based approach to the coordinated management of Te Waihora Lake (Lake Ellesmere). The plan provided for meaningful joint participation in resource management and was one way for iwi to practice Rangatiratanga. Memon (2012) highlights the importance of regulatory environment for management in shaping and defining Māori roles in water regulation development. This was illustrated in the power of lake bed ownership to set its own endogenous regulation through the co-management body enacting charges to commercial eel fishers for environmental protection measures. Memon (2012) explains that indigenous freshwater management becomes meaningful and Māori acquire agency in tribal waterways if specific sites, territories, and water bodies have been set aside vested or returned for indigenous ownership, title or management through a co-management role in a locally important water body.

In consideration of complexities in different co-management regimens, Wevers (2013) examines how power is shared with Māori in regard to managing natural resources. Using the Waikato River settlement as a backdrop, Wevers (2013) adopts the Treaty and its principles as an evaluative paradigm to assess co-management as a 'site' for tangata whenua and indigenous authority within the New Zealand constitutional order. Wevers (2013) explains that co-management is an agreement to regulate power-sharing and responsibility in the management of natural resources between government and local communities. Co-management functions within a government-established legal framework that gains legitimacy from two sources; constitutional power and self-regulation. Within the statutory frame of the RMA, decision-making power over natural resources is devolved to the local level. However, to move forward requires a Treaty-compliant RMA in which iwi engagement is compulsory. Wevers (2013) asserts that co-management recognises rangatiratanga in the sharing of governmental power and improves the constitutional relationship between Māori and Crown.

## Chapter Review

The literature review indicates that Māori world views and perspectives of freshwater work as protective mechanisms to support resource management and sustainability. A holistic approach to management demands a transformation within Eurocentric scientific literature for the environment, to become inclusive of tikanga Māori terminologies and values. Māori terms are incommensurable, and efforts must be made to ensure that terms are not

misunderstood and misrepresented in resource frameworks and legislation. Literature highlighted that Maori claims for customary rights to water under the Treaty of Waitangi have been denied by common law legislation, colonial property regimens and ownership rights in the paradox of a non-ownership of water. This creates an incoherent conception of water, transforming properties of water from a common pool resource to an object of property to be alienated and traded for private profit. The right for Māori to determine customary title through legislation was denied by the Crown in an act that has been criticised on the indigenous world stage as racially discriminating, questioning the integrity of Crown and iwi relationships. Political tension from unresolved claims is caused by differing political understandings, ideological perspectives and failure to uphold Treaty of Waitangi values and principles.

Crown and government instruments to address Māori claims to fresh water fit a 'right-to-culture' model. This is particularly evident in the RMA, which does not focus on political authority for Māori; rather, the RMA focuses on 'stewardship', a bias that diverts from political authority and property models and therefore excludes iwi from any decision-making power or economic benefits. Treaty settlements recognise the importance of freshwater for Māori cultural interests and provide an avenue for reconciliation. Literature suggested reconciliation is a state-led and state determined process for redress that has caused settlement iwi to shift from a mode of grievance to that of reconciliation and rangatiratanga. An increased asset base for settlement iwi can provide the economic, cultural, and political autonomy to integrate with the mainstream economy and place iwi in an economic position to exercise rangatiratanga. On the contrary, whether this shift is a modern assimilation to state policies remains in the rhetoric of those iwi who have settled with the Crown and those who have not. Reconciliation can be a pacifying endeavor for iwi as the Crown refuses to negotiate commercial or property rights to water, instead focusing on cultural redress solutions. Real reconciliation in a decolonising context will not occur unless a complete restitution for water is offered.

The development of hybrid forms of government institution through settlements that vested rights in iwi, such as developments in JMA's and the legal personality status of rivers, have been instrumental for Māori to exercise rangatiratanga. If water bodies and significant sites are returned for indigenous ownership title or set aside for co-management, Indigenous freshwater management becomes meaningful and Māori acquire agency in waterway management. Redress instruments that seek to address Māori rights and interests in water,

such as the RMA and co-management, are a means to share government power and end Māori exclusion from decision-making. The frames are potential sites for indigenous authority within New Zealand's constitutional order and have the potential to improve the constitutional relationship between Māori and the Crown. The issue for Māori is that these Western legal constructs do not recognise Māori legal traditions in shaping law, but rather adapt to the closest legal equivalent from Western tradition. Literature suggests an innovative way forward is to create a statutory customary title grounded in tikanga Māori principles. This framework could reflect a holistic relationship for Māori with resources in the exercise of rights and develop the Crown and Māori constitutional relationship using a tikanga based legal framework for water bodies. Māori proactively seek ways to enhance Māori participation and achieve successful co-management agreements that reconcile and sustain long-term commitments for involved parties. The success of such initiatives requires leadership at a local level, but more importantly, clearer directives and operational guidance for engagement needs to come from central government. Unless there is re-negotiation of the comprehensive constitutional position of tikanga as an operative law in Aotearoa New Zealand, Māori exercising rights to freshwater will always be compromised by Western legal frameworks positioning the Crown as the sole political authority.

## CHAPTER THREE

### Theory

*“Just as the oppressor, in order to oppress, needs a theory of oppressive action, so the oppressed, in order to become free, also need a theory of action”*

*(Freire, 1986).*

#### **The Ambivalence of Colonial Theory**

An exhaustive analysis of Western epistemologies will not be undertaken in the following paragraphs. The fundamental themes and ideas of this research which have stemmed from kaupapa Māori and hapū experiences within colonial resource governance structures will not fare well against the confines of Eurocentric theoretical paradigms “which claims theory as thoroughly Western, and which has constructed all the rules by which the indigenous world has been theorized” (Smith, 2012: 30). Instead the theoretical approach uses a discursive analysis of postcolonial theoretical ideologies to contrast experiences of oppressive colonial theory within the contexts of indigenous colonisation and cultural assimilation for Māori. This approach is used to provide a more robust temporal and lineal understanding of imperialist thought to contrast with the relatively new albeit developing experiences of colonisation in Aotearoa/New Zealand, that has spanned within the last two centuries. The overarching theoretical framework for this research is a kaupapa Māori framework and iwi conceptual model. Kaupapa Māori theory validates mātauranga Māori as an important component of resource management within Western governance archetypes, allowing for equitable analysis of hapū kaupapa under the umbrella of Māori cultural knowledges and tikanga. A kaupapa Māori theoretical approach complements tikanga Māori geographies, resists assimilative Western hegemonic theory, and questions Western frameworks and values in the management of natural resources. The methodological approach to analyse postcolonial theoretical perspectives of colonisation, aims to illuminate the origins of early assimilation theories and the influence of such theories in the permeation of hybrid culture. Postcolonial perspectives will be examined in contrast with the now hybrid cultural frameworks of environmental governance and reconciliation mechanisms for Māori in Aotearoa/New Zealand.

Imperial culture induced early Western theories of the indigenous ‘Other’. Through the imagery of the uncivilised savage in canon law, and doctrines of the thirteenth century medieval church, the biblical idea of the ‘wild man’ was constructed to concede pagan rights as human beings and “justify an unconditional and unprovoked war on pagans” (Williams, 2012). Notions of the savage were materialised in pre and postcolonial New Zealand art and scholarly literature. A ubiquitous movement of romanticised invention formulated multiple, at times, seemingly conflicting views of Māori people, culture and history; “presenting Māori as people on the fringes of savagery existing at a primitive stage of social development” (Bell, 1992: 4). The inception of this socio-cultural stigma imposed on indigenous peoples according to postcolonial theorists, is an existential component of imperialism and the imperial formula for systematic expansion, control and indigenous dispossession of resources and culture. Edward Said’s theory of ‘Orientalism’ “is a created body of theory and practice . . . [A] distribution of geopolitical awareness into aesthetic, scholarly, economic, sociological, historical, and philological texts” (Said, 1978). Orientalism deconstructs Western classical discourse to analyse raw and exotic western constructs of the indigenous ‘Other’. Said (1978) suggests that the invention of a mystical and savage Orient created distinct differences between the Occident and Orient and the cultural, intellectual, social and political inferiority of the latter. The imperial exploitation of indigenous culture and lands by a highly developed West, an acclaimed formidability, embodied a paternalistic relationship with one objective; to conform and control the inferior. According to Said (1978), “[k]nowledge of subject races is what makes their management easy and profitable: knowledge gives power, more power requires more knowledge, and so on in an increasingly profitable dialect of information and control”.

Colonialism created a forced state of utter helplessness, for indigenous people who were “colonized by imperialist powers more or less resistant to human needs for self-determination and self-governance” (Trask, 1999). As an ideology impartial to a colonial assent to paternalist, colonialism was championed on a glorified necessity of Western intervention that Baker (2013) suggests “saved a savage race from extinction”. As a consequence, the native consciousness was positioned on the cusp of a negative sociocultural paradox. “The feeling of inferiority of the colonized is the correlative to the European’s feeling of superiority” (Fanon, 1968: 93). Built on the military might of the Empire, the strategic psychological dominance of this formidable power infiltrated and controlled what Ngugi wa Thiong’o

(1986) termed the mental universe; a notion of how indigenous peoples define themselves in accordance with how they are portrayed by their controllers.

Colonialism imposed its control of the social production of wealth through military conquest and subsequent political dictatorship. But its most important area of domination was the mental universe of the colonized, the control, through culture, of how people perceived themselves in their relationship to the world. Economic and political control can never be complete or effective without mental control . . . To control a peoples' culture is to control their tools of self-definition in relationship to others (Thiong'o, 1986).

Postcolonial theories highlight the cultural transformative nature of colonialism, through a systematic hegemonic movement of assimilative agendas that intersects with colonisation narratives for Māori. This movement permeates in “the power of definition that lies with the political culture and historiography that continues to divide Māori into good and (if almost parenthetically) bad” (Sharp, 2001). Antonio Gramsci theorised hegemony as a higher stage within the political moment in the development of class consciousness, and the boarder implications of the social formation of an intellectual mass dialectic and its capacity for creating history (Adamson, 1980). Gramsci suggested an ‘historical bloc’ based on common culture of economic, common intellectual and moral awareness, was a colonial effort,

to infuse hegemony throughout society . . . An historical bloc can be understood on a vertical dimension as a relatively stable (“organic”) relationship between structure and superstructure, between the productive, economic life of a society and its political and cultural awareness, between its being and its consciousness (Adamson, 1980: 171,176).

In comparison, the similarity between hegemony as a cultural assimilative theory in postcolonial theoretical examples, and concepts of Māori culture transformation through colonialism, is highlighted by a systemic psychological shift in cultural consciousness in the relationship between a subjugated minority and dominant majority:

This colonial system induces the colonized through socio-economic and psychological rewards and punishments . . . Submission under colonialism is usually unconscious . . . Particularly strong is the inner resistance to recognizing the ultimate violence which colonialism does to its victims, namely that it creates a culture in which the ruled are constantly tempered by their rulers within the psychological limits set by the later (Nandy, 1988).

Theories of cultural hybridity as represented by postcolonial theorists is the production of imperial society by the Western consciousness that homogenises the primitive ‘Other’ into the imperialist framework of culture, a culture of another time and space (Said, 1993). The influence of this consciousness in the national symbols of a colonial nation and the “mother tongue which permits social communication” (Memmi, 1991), is emphasised by Fanon (1968) who states, “[e]very colonized people, those whose soul an inferiority complex has been created by the death and burial of its local cultural originality- finds itself face to face with the language of the civilizing nation; that is, with the culture of the mother country” (p: 18).

In contrast with cultural transformative theories and notions of hybridity, Homi Bhabha’s hybridity theory distinguishes the ‘Third Space of enunciation’ as a space that interprets meaning from the place of cultural utterance, and the structural symbolisation of that culture. The third space introduces an ambivalence in the act of interpretation that remains a spatial relation within the schemata and strategies of the dominant discourse (Bhabha, 1994).

It is only when we understand that all cultural statements and systems are constructed in this contradictory and ambivalent space of enunciation, that we begin to understand why hierarchical claims to the inherent originality or ‘purity’ of cultures are untenable, even before we resort to empirical historical instances that demonstrate their hybridity (Bhabha, 1994: 37).

As a theory of resistance to the cultural assimilation of indigenous people, hybridity theory intersects with the problematic of the ‘colonial induced’ sociocultural status and cultural positioning of Māori within resource management legislation and frameworks in Aotearoa/New Zealand. Hybridity theory illuminates the colonial constructed social-consciousness and cultural influence that advances the deconstruction and transformation of Māori culture. Hybridity theory is, therefore, a decolonisation tool to deconstruct colonial Eurocentricity in dominant discourse and re-claim and empower indigenous knowledge. Bhabha (1994) states: “Hybridity is a problematic of colonial representation and individuation that reverses the effects of the colonialist disavowal, so that other ‘denied’ knowledges enter upon the dominant discourse and estrange the basis of its authority – its rules of recognition” (p: 114).

Despite postcolonial theories being predominantly leftist in efforts to raise social and cultural consciousness; right-wing theologians have discredited anti oppressive postcolonial theory as irrelevant, outdated and communist ideologies drawn from classical theoretical derivatives

and applied in a modern context to contend with elitist corporate interests that govern and influence our society. Noam Chomsky argued the elitist downplay of this type of revolutionary theory, as nothing more than a scapegoat in avoidance of the “clear and present danger” this body of work encompasses. Elitist right-wing groups intentionally suppress - with the ostensible disregard of such discourse- in “systems of indoctrination” to create a “culture of submission”, in fear of the fact that liberated and informed subordinate interest groups will “symbolically go for the throats of those in power” when the truth is unveiled (Harvad, 2013).

Based on the premise, “Theory for an oppressed group potentially becomes an instrument of power” (G. Smith, 2002: 456), the examination of theory as a form of power and control, is a method to dissect Western Eurocentric power paradigms apparent in indigenous rights and resource management discourse and bicultural relations within co-management frameworks. As a means to respond to dominant theory and articulate effective representation of indigenous Māori knowledge through self-determination, Smith (2012) suggests that “[t]heory enables us to deal with contradictions and uncertainties . . . it gives us space to plan, to strategize, to take greater control over our resistances” (p: 40). In contrast with Māori resistance discourse, Freirean concepts Conscientization and praxis align with the practical applications of kaupapa Māori theory “not merely as theoretical positions but rather revolutionary notions of resistance, an action and reflection that underpins human transformation, self-determination and liberation movements” (Freire, 1986: 27). For kaupapa Maori theorists these concepts are key in the development and application of Māori theories in contemporary sociocultural contexts; contrasting the “scheme of a human perceptibility to raise awareness of social and cultural realities that shape the lives of oppressed groups and an in-depth realization of the personal capacity to transform these realities” (Freire, 1986: 27). In support of indigenous approaches to theory Graham Smith highlights the dialectical interrogational relationship of theory and praxis explaining how “organic praxis both produces and reproduces theory”, and the necessity of praxis to achieve “aspirations and collective vision” (G. Smith, 2002: 485,482). Praxis as action and reflection is essential in the analysis of research data and the validation of research outcomes in indigenous methodological approaches. This process will be discussed further in the following chapter.

## Kaupapa Māori Theory: A Site of Resistance

Kaupapa Māori theory (KMT) is the theoretical framework upon which this research is examined. An intrinsic Māori framework is both theoretical and methodical in practice, providing a cultural platform, a culturally defined “theoretical space” (Pihama, 2015: 7; G. Smith, 2002: 458), from which to analyse indigenous issues within the contexts of tikanga Māori, and kaitiakitanga. Grounded on mātauranga Māori, as an ancient knowledge system, KMT is centralised on rights for Māori to be culturally active and expressive by their own terms and to draw on their own knowledge base to provide understandings and explanations of the world (Pihama, 2015). Tribal knowledge evolves through dialogue among hapū and despite diverse tribal nuances, in generic terms, is created from a Māori world-view “entitled ‘Te Ao Mārama’, and by the employment of methodologies derived from this world view to explain the Māori experience of the world” (Royal 1998: 83) cited in (Pihama, 2015: 8). Oral tradition is a corollary of mātauranga Māori, a cultural imperative for theorising the world, indicative of many indigenous world creation narratives. Taking for granted the cultural positioning of whakapapa, tikanga and te reo; mātauranga Māori is quite simply ‘being’ Māori according to cultural practices and oral tradition. In a contemporary context KMT is the underpinning of all cultural motivations for liberated change in an organic and evolving movement that considers theory and method as a unified and fluid process; and as such KMT continues to be developmental within academia with no distinct definitions or formulaic applications (Pihama, 2015). Pihama (2015) provides a reminder that KMT exists as a multitude of cultural expressions from Māori perspectives and influenced by historic and contemporary Māori practices that constitute positive developments and transformations.

In response to colonialism and Western theory, the backdrop of postcolonial theory provides a conduit for KMT as a site of resistance where Māori are positioned to resist the cultural oppressive mechanisms of colonial domination. KMT has perpetuated from those indigenous postcolonial theories that significantly “disturb the center” (Mahuika, 2015: 67), of Western theory. Through the development of counter-hegemonic practice and understandings of the cultural constraints of Western theory (G. Smith, 2002), Māori scholars’ position KMT alongside cross-cultural indigenous liberation movements as a form of literary resistance and a response discourse to the British colonial regime of power and control. The struggle of research theory and method for Māori is prominent in the Western academy that claims theory as thoroughly Western, constructing all the rules by which the indigenous world has been theorised and overwhelmingly silencing indigenous voices (Smith, 2012). KMT as a

research mechanism to create equity for Māori in relation to contemporary Māori research issues has an emancipatory element (Pihama, 2015; Smith, 2012), “that is transformational and may be viewed as a decolonization process” (Pihama, 2015:13). Therefore, as a vehicle that decolonises Western theory and addresses colonial mechanisms that hybridize indigenous culture, KMT intersects with Bhabha’s motivations for indigenous theory, as “[t]heories that unsettle the mimetic of narcissistic demands of colonial power and reimplicate identifications in strategies of subversion that turn the gaze of the discriminated back upon the eye of power” (Bhabha, 1994: 112).

In contrast, Graham Smith asserts the necessary to include postcolonial theoretical inquiry in future development and transformation of KMT. KMT then becomes politically angled to reclaim self-determination or ‘tino rangatiratanga’, accordingly reconsidering the Pākehā dominant interpretation of the ‘common sense’ notion of theory (G. Smith, 2002). KMT articulates an essentially Māori world-view based on te reo Māori, mātauranga and tikanga. As an approach that is innovative and ‘takes what is useful’ for positive and meaningful tribal development, KMT does not undermine the need for theory but calls on effective theories that complement Māori resistance movements and transformative activities. To draw on such theories means to illuminate insights creating space for a generative and organic Māori theory from Māori (G. Smith, 2002). Privileging KMT in this respect as a catalyst and counter response to the Western theoretical archetype demands the decolonisation of existing dominant theoretical frames to recentralise unique Māori theoretical developments and conceptual frameworks as a valid theoretical base to support the research aspirations of Māori communities.

## Conceptual Framework

The conceptual framework for this project is based on a Raukawa iwi environmental management model *Ngā Mana O Ngā Atua* (see figure 3.1), as featured in the REMP. A mātauranga ā Raukawa<sup>11</sup> which refers to “[t]he body of knowledge originating from ancestors, including the Māori world-view and perspectives, Māori creativity and cultural practices” . . . that guides contemporary Raukawa environmental and resource management (Raukawa, 2015: 39,42). Aligning with the research objective to gather hapū perspectives of

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<sup>11</sup> English translation: Raukawa iwi Framework.

a freshwater resource, the model supports tribal understandings of tikanga in the natural environment and is derived from hapū ancestral knowledge that promotes resource sustainability in a contemporary environmental context. It is important to note that for some tribal groups the need for customary research in the contemporary context of environmental management is negated, (Dick, 2012) as tikanga itself, is a complete suite of rules, principles, self-evident ancestral knowledge, that has existed for millennia. Hall (2012) defines this form of ancient mātauranga ā hapū, ā iwi,<sup>12</sup> as local knowledge, described by the Western scientific community in the mid twentieth century as Tradition Ecological knowledge (TEK), a knowledge that has been acquired by indigenous local cultures, explaining their interaction with their surrounding environment and cultural practices based on this knowledge. Hall (2012) emphasises that “mātauranga may evolve to adapt to Western scientific techniques and practices so long as it is consistent with its core principles” (p: 47-48). Despite the acknowledgment of tikanga -to some degree - in contemporary resource management contexts, it is imperative that hapū tikanga and world-views are not skewed or deconstructed by colonial authorities or frameworks in order to validate the integration of tikanga ideologies within modern resource management contexts. According to Mahuika (2015) Māori believe in the resounding possibility of Pākehā bridging the gap between their world views and ours, but perhaps the more important question at hand is whether “Pākehā are conscious of or determined enough to relinquish their positions of power in order to learn, grow and adapt” (p: 68).

As a tikanga based approach to contemporary environmental management, the conceptual frame encapsulates a tikanga view as a basis for extended cultural terminologies that guide the decisions and environmental aspirations of Raukawa whānau and whānui. This mātauranga upholds Raukawa hapū perspectives that are essential for the protection and sustainability of natural environs and the preservation of Raukawa culture and traditions. The fundamental concept of the model is based on the term ‘mana’.

Mana is attributed in the Raukawa view within three spheres, Nga mana o Ngā Atua is bestowed from the gods or the Spiritual realm, Ngā mana o te Whenua comes from the earth or Papa-tū-ā-nuku, the earthly realm; and Ngā mana o Ngā Tāngata comes from belonging to an extended family . . . In this

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<sup>12</sup> English translation: Ancient hapū and iwi specific knowledge.

way Raukawa uri understand that all realms, of the spiritual, the land and the people are inherently interconnected (Raukawa, 2015: 39).

The interconnectedness of land, people and spirituality is relative to the holistic and reciprocal health of the taiao and local Raukawa communities and is embodied in the model as a foundation from which to appropriate management practices that benefit the environment.

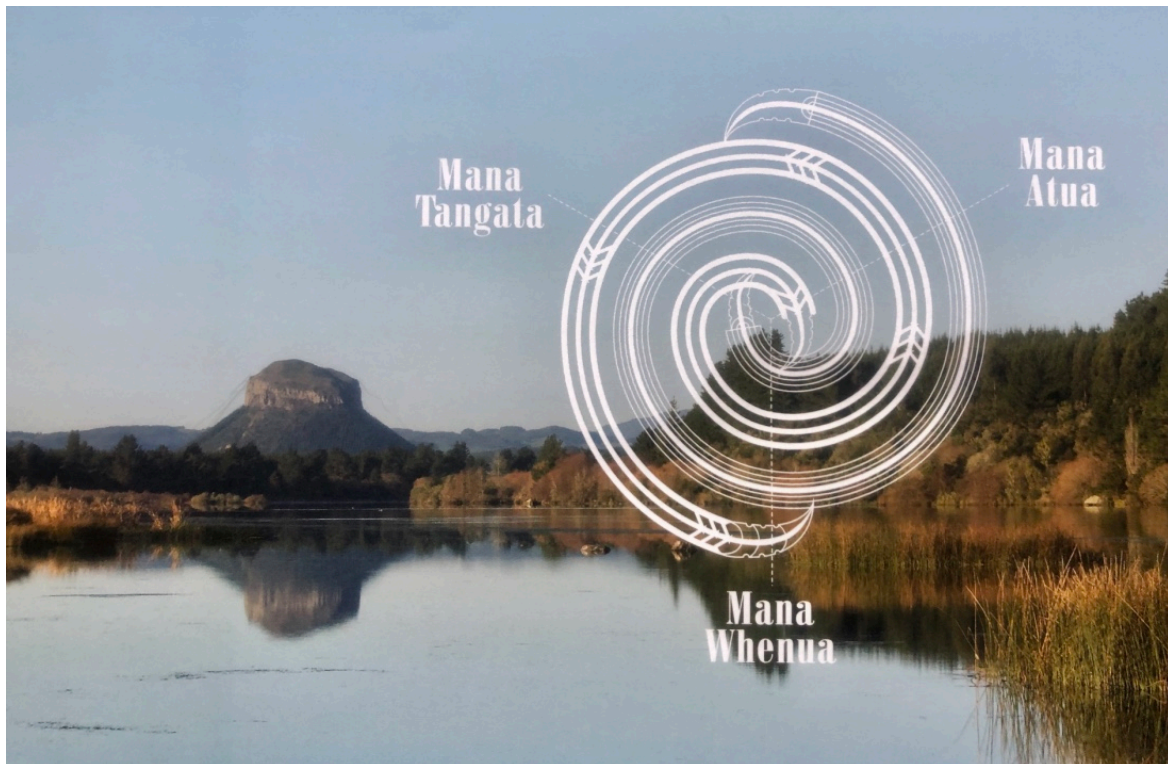


Figure 3.1 Ngā Mana o Ngā Atua, Ngā Mana o te Whenua, Ngā Mana o Ngā Tāngata Model. Source (Raukawa, 2015: 40).

Within the parameters of kaupapa Māori theory this conceptual frame further guides engagement in kaupapa Māori research within the kawa of Raukawa whānau, hapū and marae. The frame validates Māori research processes that support and include tikanga Māori within tribal engagement processes and resource management strategies. Raukawa tikanga terminologies relative to traditional resource management, were used as a *'suite of guiding principles'* to assist in the analysis of hapū perspectives. Extending from this, tikanga terminologies that constitute a collaborative Raukawa world-view of resource management were incorporated in a tikanga diagram to indicate the appropriate use and representation of

tikanga (see *Tikanga Engagement Diagram*, Figure 3.3). The use of concept variables in the diagram indicate the factors that facilitate tikanga outputs in collaborative management strategies. Terminologies and concept variables accommodate tikanga practice within the parameters and validations of Raukawa environmental world-views. Considering that there are other tikanga concepts that are essential for a holistic kaupapa Māori approach to resource management processes, the fundamental ‘*suite of guiding principles*’ is intended to provide a snapshot of the overarching theoretical implications of indigenous vernacular and highlight bicultural differences in world-views. The primary intention of using the conceptual framework and descriptive tikanga diagram is not to suggest a strategy to achieve tikanga objectives in resource management collaborations, rather, highlight the factors of primary importance that constitute mana whenua representation and the practical application of kaitiakitanga.

#### Tikanga Engagement: Cultural Concepts and Concept Variables

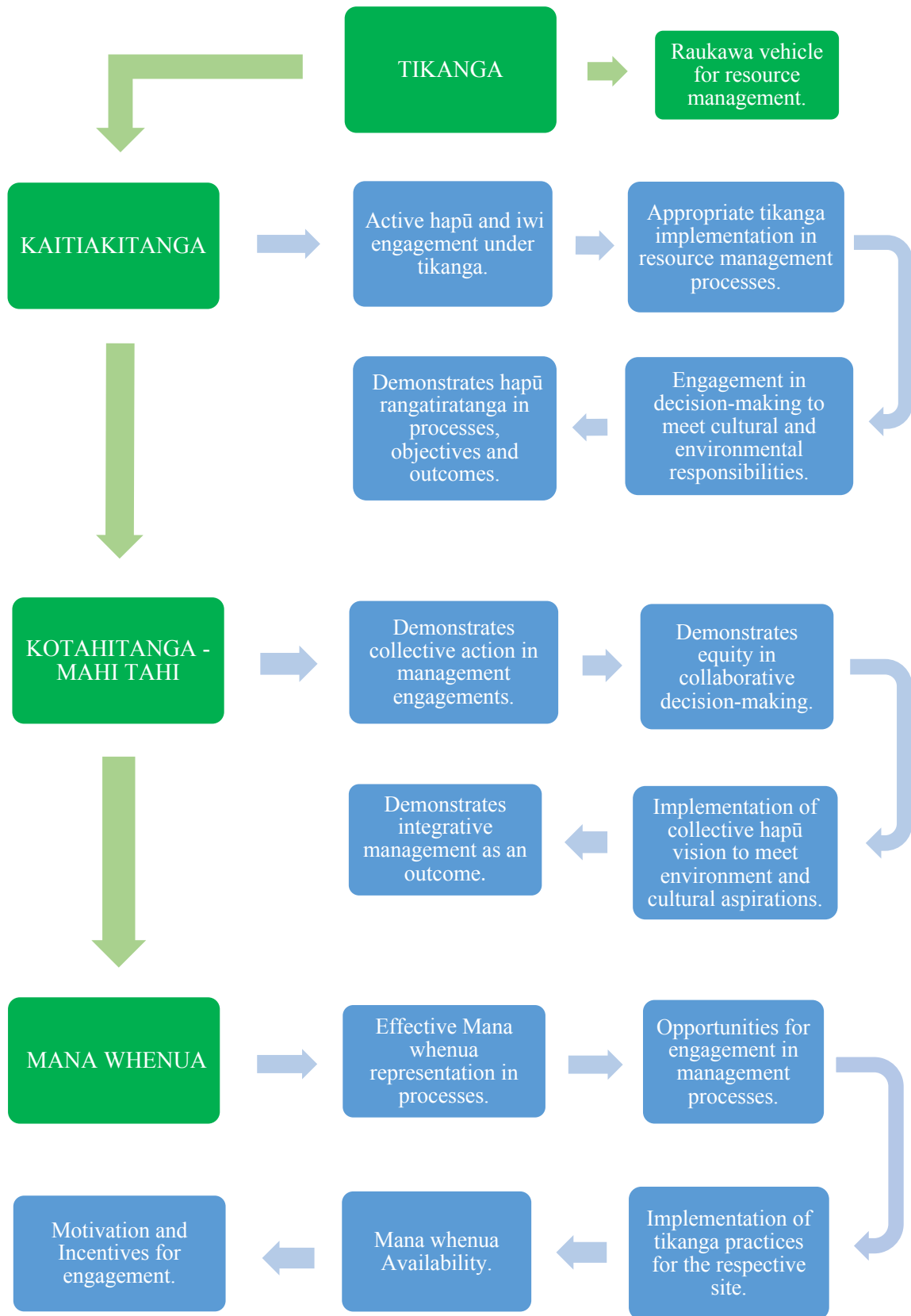
The ‘*Tikanga Engagement Diagram*’ (TED) shown in Figure 3.3 was constructed to demonstrate key components in the practice of kaitiakitanga from a Raukawa world-view. ‘*Tikanga*’ is the overarching terminology used in the diagram that encapsulates an extended suite of tribal terms. The chosen terms as an extension of tikanga, in reference to the REMP are, kaitiakitanga, kotahitanga and mana whenua. The terms mana whenua and kotahitanga are compartmental factors of kaitiakitanga practice and interpreted by hapū as essential components for a holistic tikanga approach to integrative resource management. Therefore, the collective suite of terms is representative of iwi values and beliefs in an environmental context. The effective output of tikanga practice requires that concept variables are implemented and considered to facilitate the actioning of values, beliefs and processes in environment forums and strategies. Concept variables in the diagram are constructed from research literature examples and narrative accounts in adherence to a generic iwi understanding of Raukawa tikanga. The conceptions outlined in the diagram may be elaborated on further however, in order to adhere to the conceptual framework and demonstrate the primary functions of tikanga for iwi, a fundamental suite of concepts and concept variables were adopted. Concept variables also double as tikanga indicators that can be used to evaluate the integration of tikanga concepts within a co-management context and indicate the output of tikanga practice. Therefore, tikanga indicators determine the level in which kaitiakitanga is demonstrated. The TED aligns with the REMP strategy as a collaborative tikanga tool, and contrasts Raukawa terminologies with the reviewed literature

and resource legislation to consider the effective application of tikanga in resource management processes. To understand the Raukawa world-view and tikanga conceptions used in resource management the following definitions are provided below in Figure 3.2.

<p><i>Tikanga:</i></p>	<p><i>Tikanga is established customs, obligations and conditions of an iwi . . . Within the environmental context these particularly relate to an established suite of practices of moderation, conservation, regulation, and prohibition (tapu, noa, rāhui) . . . Tikanga is the vehicle of management that is built into Raukawa customs, traditions, rituals and karakia (Raukawa, 2015: 43).</i></p>
<p><i>Kaitiakitanga:</i></p>	<p><i>Kaitiakitanga means the guardianship, protection, preservation or sheltering . . . it is a way of managing the environment, based on the traditional Māori world view . . . By implementing kaitiakitanga we protect the natural environment for our descendants which also allows us to meet our responsibilities and hopes of our ancestors (Raukawa, 2015: 44).</i></p>
<p><i>Kotahitanga/Mahi tahi:</i></p>	<p><i>Kotahitanga is unity of purpose, direction, and avoiding division . . . Within the context of the Plan, it requires oneness of mind in a Raukawa vision for the environment (Raukawa, 2015: 45).</i></p>
<p><i>Mana whenua:</i></p>	<p><i>The person or the community belonging to the land, or takiwā holds the mana whenua of that land. Mana whenua is like a delegation of power from the gods to the community belonging to a land. To honour this divine duty, the tangata whenua are obligated to continue the role in perpetuity (Raukawa, 2015: 42).</i></p>

Figure 3.2 Translations for Raukawa Tikanga Conceptions used in Resource Management. Source (Raukawa, 2015).

*Figure 3.3 Tikanga Engagement Diagram (TED).*



Terminologies and cultural indicators as presented in the above diagram, constitute the fundamental provisions for the practice of kaitiakitanga by mana whenua. For these provisions to encompass tikanga at a management level, will depend on local authority plans and strategies to actively engage hapū in co-management initiatives. The inclusion of tikanga provisions is, by and large, dependent on resource legislature, settlement agreements and local council policies. All of which, frame the rules and guidelines for hapū engagement and determine the integration of tikanga perspectives. The intended outcome of the TED is to articulate a process that constitutes meaningful hapū participation through the consideration of cultural indicators and outputs that measure mana whenua and tikanga integration in co-management processes. The use of an iwi conceptual framework facilitates the tikanga process for Raukawa people in undertaking kaitiakitanga practice and underpins the potential of Māori world-views to create equity in management relationships and promote sound strategies for environment sustainability. In support of distinctly hapū perspectives of freshwater, a kaupapa Māori framework and additional iwi conceptual frame, guides the research methodology, analysis in the processes of qualitative fieldwork, and the overall synthesis of this study. Hence the theoretical approach follows the protocols and ethics of iwi and kaupapa Māori research that is essentially developed “for Māori, with Māori and by Māori” (Smith 1999, cited in Rewi, 2014: 246).

## Chapter Review

Western theory has historically dominated and stigmatised views of the indigenous world. As a tool of self-definition, imperial hegemony aimed to control indigenous culture by infusing a common cultural, social, economic and political awareness that orchestrated relationships between subjugated minority and dominant majority groups. Born of resistance to imperial dominance, postcolonial theory has been a conduit for the development of KMT. Postcolonial theories intersect with kaupapa Māori theoretical motivations to raise social-consciousness and cultural awareness around experiences of colonisation and cultural hybridity caused through colonial mechanisms of power and control. According to Māori scholars, KMT aligns with indigenous liberation movements as a form of literary resistance to the gaze of imperialism that has silenced the indigenous voice. As such, KMT has become politically angled to reclaim self-determination and re-assert rangatiratanga by integrating with theories that support Māori resistance to Western theoretical paradigms and raise awareness of indigenous realities and initiatives that regain control of Māori resistances and

aspirations. Therefore, as a theoretical platform and research tool based on mātauranga Māori knowledge, KMT has an emancipatory element that contextualises Māori epistemologies, validates Māori tikanga and rationalises a course of action based on tikanga practice. KMT is therefore, a vessel that facilitates and appropriates hapū experiences and world-views in an indigenous research project by indigenous terms.

The inclusion of an iwi conceptual framework and collective Raukawa environment strategy, outlines the values of iwi mātauranga in resource management, and constitutes tikanga practice as a holistic cultural approach. Founded on an iwi ideology, a tribal unified understanding of reciprocal health between people environment and spirituality guides iwi decisions and aspirations and promotes resource sustainability in a holistic approach to the health of the environment and communities. Under the overarching concept ‘tikanga’ as a tribal management tool, a suite of inclusive tikanga concepts and culture indicators suggested provisions for the practice of kaitiakitanga in environmental management essentially by mana whenua. These indicators are incorporated as a tool to indicate and measure effective cultural outputs in stages and processes of resource management; in terms of the degree that tikanga is represented and complementary to hapū and iwi development. In this respect the ‘*Tikanga Indicator Diagram*’ is reflexive of a kaupapa Māori theoretical approach and supports optimal outcomes in research methods, goals and objectives by acknowledging and allowing for unique hapū tikanga world-views as valid indigenous theory. Adhering to this theoretical approach within an indigenous project aligns with and supports the aspirations of hapū to reclaim essential tikanga values through self-determination and rangatiratanga, in order to protect, sustain and manage natural resources in resistance to the elitist, neoliberal influences in resource management practices that exploit our natural resources.

## CHAPTER FOUR

### Methodology

*“The masters tools will not dismantle the masters house”*

*(Linda Tuhiwai Smith, 2012).*

Designed specifically for Raukawa hapū, this project draws on hapū knowledge, stories and perspectives of Te Waihou river to seek a collaborative view of sustainability and river restoration priorities. An important objective of this research is to examine river priorities through a tribal lens in order to understand what weight these priorities hold, firstly, within a neo-tribal post settlement iwi structure and, secondly, in contrast to the external functions of water policy and regional water management entities that govern waterways. This chapter discusses the rationale for using a kaupapa Māori methodological approach and examines the components of qualitative data collection. A qualitative research paradigm was adopted as the most appropriate way of working with people in a cultural context and aligns with a kaupapa Māori narrative research design that focuses on the value and importance of narrative, recognising how narratives operate and are conveyed in a Māori dialogical environment. Using semi-structured interviews as a research method, I will discuss the processes and implications involved in data collection including ethical considerations when dealing with whānau and the implications of research bias for insider researchers. Following this discussion, I will consider the overall validity of the methodological approach used in this project and how the methodology aligns with the research objectives and purpose of this study. The chosen approach will be discussed in relation to a participant driven research which ensures that the research process is beneficial to all research participants involved.

#### **KMR a Qualitative Research Paradigm**

A kaupapa Māori research (KMR) approach is the most suitable for indigenous Māori based research, being positioned within the locus of a qualitative research paradigm. Indigenous methodologies are a viable framework that embody characteristics corresponding to existing qualitative research approaches in the social sciences such as, feminist methodologies and

participatory action research. Thus, indigenous methodologies and social sciences approaches place similar compositional values on procedure and content in the research design (Kovach, 2009). The indigenous paradigm is inherently focused on an indigenous values system and therefore takes on an organic, fluid character in the reciprocation of knowledge. Fundamentally this approach is coined on the understanding that “reality is transformative and transactional” (Castellano, 2000, cited in Loppie, 2007: 276). As a developmental phenomenon, KMR is unbiased towards sources of knowledge production and seeks the benefits of a collective knowledge base. In support Rata (2010) asserts Māori recognise that there is room for both Māori and Western research approaches to co-exist, and ultimately be used for the pursuit of knowledge and understanding (cited in Mark, 2015).

Although KMR fits into a qualitative methodology, indigenous researchers claim the interchanging nature of KMR within research and cultural boundaries is not limited to a qualitative paradigm alone. In commenting on the relationship between indigenous and qualitative methodologies, Kovach (2009), recognises the nature of indigenous and methodologies, as being within a qualitative paradigm. Kovach (2009) also positions these methodologies as an organic concept in terms of cultural freedom and being guided by tribal epistemologies. Similarly, Smith (2012) negates the necessity to define KMR in a categorical context. In what may be regarded as being a decolonising approach to conventional forms of conceptual research rubrics, Smith (2012) raises questions as to whether kaupapa Māori research should be classed as its own paradigm. Despite KMR aligning with qualitative research paradigms, as a social project contrary to Western social, cultural and political research contexts, values and practices, KMR should not be confined within a generic research paradigm alone. Smith (2012) explains that:

kaupapa Māori research is both less than and more than a paradigm. By enabling a process of selection, defining what needs to be studied, what questions ought to be asked . . . Building on a set of assumptions, taken-for-granted values and knowledge; it can fit onto some of the ways a paradigm is defined. . . It is also more than the sum of those parts. Kaupapa Māori research is a social project; It weaves in and out of cultural beliefs and values, western ways of knowing, Māori histories and experiences under colonialism, Western forms of education, Māori aspirations and socio-economic needs, and Western economics and global politics (p: 192-193).

As a qualitative paradigm, KMR is a tool to reclaim indigenous knowledge within the dominant colonial research landscape and seeks to deconstruct the hegemonic limitations of positivist and neo-positivist traditions. In this sense, “Kaupapa Māori can be seen as the

deconstruction of those hegemonies which have disempowered Māori from controlling and defining their own knowledge within the context of unequal power relations in New Zealand” (Bishop, 1996). As discussed by Smith (2012), the positivist research community is dominant based by its connection with modern society and is unsympathetic with regard to Māori research. As a result, kaupapa Māori research which is concerned with social justice takes a strong anti-positivist stance (Smith 2012).

Aligning with the theme of power dynamics in this thesis, qualitative methodology focuses on a collaborative approach to power-sharing. By insisting that the research participants are actively involved in the research, qualitative approaches ensure participants retain ownership of their stories and experience positive outcomes from their contributions. KMR is therefore more accurately described as “participant driven research” (Bishop, 1996: 227). “Such an approach challenges the locus of power and control over the research issues of initiation, benefits, representation, legitimization and accountability” (Bishop, 1999: 2). Accordingly, in relation to power sharing within the data collection process between researchers and research participants, the power shift to a kaupapa Māori approach suggest that the researcher now supports the “operationalization of self-determination (tino rangatiratanga)”, for research participants (Powick, 2003: 13). This shift calls for developments in the inclusion of Māori research and conceptual tools that support and improve Māori research methodologies.

An important Māori conceptual tool in this study, and one that plays an essential part in research methodology processes and is a cultural imperative in decision-making for Māori, is the concept of whānau. Māori researchers Linda Tuhiwai Smith and Russell Bishop both identify the principle of whānau as an important component in KMR approaches. According to Bishop (1996: 216), “[e]mbedded in the concept of whānau are values (cultural aspirations) and social processes (cultural practices)”. While Smith (2012) asserts that:

[t]he whanau is a way of distributing tasks, of incorporating people with particular expertise and of keeping Māori values central to the project . . . A way of ‘giving voice’ to the different sections of Māori communities . . . Whānau is one of the several aspects of Māori philosophy, values and practices which are brought to the center in Kaupapa Māori research (p: 189).

This practical concept was incorporated at various levels during the research so as to ensure the development of KMR within a qualitative landscape. Concepts such as whānau, whakatauki and kōrero hītori are part of the methodological tools included in the narrative design and data analysis. This will now be discussed in more detail.

## Narrative Research Design

Narrative design as part of the research methodology will be considered as a frame of inquiry into the ways in which subjective information is produced, analysed and presented by researchers and research participants. “Narrative inquiry allows for reflexivity and co-construction of narratives which aligns with the subjective nature of Māori research” (Ware, 2018: 47). A narrative approach based on an oral tradition addresses research concerns and hapū aspirations that reaffirm and re-enforce notions of identity, belonging and self-determination. Such affirmation occurs in the context of indigenous research, cultural development, human relationships and the environment. Bishop (1996) and Munford (2003) agree that the use of narrative inquiry or storytelling in research is an approach that addresses Māori concerns about research in their lives. The use of narratives validates Māori experience and allows those involved in the research process to be active participants (Bishop 1996, cited in Munford, 2003). In particular, this model of inquiry supports and affirms cultural practice and identity within contemporary research initiatives. Māori academics have honoured the uniqueness rather than the generalisability of the indigenous voice through narrative inquiry “[M]āori voices and experiences are often missing from the research archive or marginalised by the research process . . . The intent of narrative inquiry is to use research to empower Māori on the margins to “tell their story” (Wirihana, 2012, cited in Ware, 2018: 47).

The value of storytelling in this research methodology is reflected in the premise that “narrative analysis, is concerned with the subjective, experience of participants” (Crossley, 2007, cited in Mark, 2015: 63). Values and emotions are paramount in the analysis of participants stories and are necessary in a social research project that aims to record and accurately convey issues of culture and the environment. In the context of this qualitative research project, emphasis falls on the ways in which knowledge is validly communicated, analysed and presented to represent a participant perspective. Narrative in this instance is a polarization of researcher hegemony; a notion of researcher bias that predetermines the analysis and outcomes of the research data.

Storytelling allows the research participant to select, recollect and reflect on stories within their own cultural context and language rather than in the cultural context and language chosen by the researcher . . . In this sense, stories are able to address the potential for hegemony by the researcher . . . Researcher hegemony is seen in researchers’ beliefs that their interpretations

and assumptions are more ‘common sensical’ or more ‘natural’ than those of the participants (Bishop, 1996: 24).

To further address researcher bias, it is beneficial for researchers to consider indicators that comprise a ‘relational approach’. Such an approach facilitates assessment of the processes of personal preparational factors undertaken by the researcher that provide for holistic epistemology and reflexivity in research. In support of this approach Kovach (2009) asserts:

Another way to assess process is to see the inclusion of story and narrative by both researcher and research participant . . . In an indigenous context, story is methodologically congruent with tribal knowledges . . . A product resulting from research using a tribal-centered indigenous methodology ought to have a strong narrative component as part of the method and presentation of findings (p: 35).

Lavallée (2009) and Josselson (2011, cited in Mark, 2015: 66), explain, the collation of personal stories in narrative research aims to capture and explore the “lived experience” of people according to their own meaning-making processes, and to theorise this process. Narrative research involves creating a constructed account of the participant’s experiences rather than presenting a factual record (Josselson, 2011, cited in Mark, 2015). A cultural form of lived experience, *whakatauki*, is instrumental as a narrative tool in the research design and was a way in which participants demonstrated oral traditions and identified key historic information about whakapapa and relationship to place. Associated with metaphor, *whakatauki* embodies different levels of knowing and understanding natural phenomena from a cultural perspective. *Whakatauki* is an important tool in helping to distinguish the polarity between western conceptual knowledge and *mātauranga Māori*. In the interviews conducted for this research *whakatauki* was communicated at different levels to affirm hapū values, beliefs and ancestral knowledge for the individual. Whānga (2018) expresses the multi layering of this form of *mātauranga* and the traditional aspects of *whakatauki* as knowledge transfer. Whānga (2018) concludes that the unpacking of *whakatauki* is to “demonstrate the transposition/transformation of knowledge to human realms, acting to embed humankind into a worldview where human whakapapa is inside not outside nature” (p: 3).

As outlined in chapter two, cultural knowledge is invaluable to environmental planning and management strategies, generating an increased interest from non-Māori environmental specialists around incorporating Māori values in the planning of integrated environmental projects. A narrative design is compatible with an indigenous research framework that aims

to decolonise and reclaim Māori ways of knowing and transferring knowledge. Lee (2015), asserts that, “[s]torytelling has always been one of the key ways knowledge was sustained and protected within indigenous communities . . . Reclaiming story-telling and retelling our traditional stories is to engage in one form of decolonization” (p: 98). Indigenous knowledge in context, therefore, reflects “transformative cosmologies” or “a culture’s guiding story” and, as such exists as the indigenous architecture of self-understanding in relation to the natural environment and world-views (Cajete, 2008, cited in Michele, 2011: 317).

## Data Collection Methods

The cultural environment, logistical factors and intended outcomes in the research objectives were determining factors in the consideration and selection of effective data collection methods for working with hapū. An awareness of appropriate behaviour when working in a Māori research context with hapū, whānau and community was also paramount in structuring the approach. When engaging with hapū in conversations about significant tribal issues, Munford (2003) and Kana (2006) assert that, one of the most appropriate ways of working with hapū and whānau or community, in a kaupapa Māori research processes that deals with important issues; is actually fronting up “kanohi ki te kanohi (face to face)” with the people where the research is being conducted (Kana, 2006: 15). This in person interaction ensures that respect and integrity is reciprocal, and trust is upheld.

Semi-structured interviews (SSI) were the most suitable primary data collection method to employ within a hapū based research project that collects narrative data. As a nation built on research New Zealand may be considered to be an ‘interview society’; “interviewing is one of the most common and powerful ways in which we try to understand our fellow humans” (Fontanna, 2005: 697-698). The SSI method provides an effective thematic approach that provides appropriate structure in order to code data for analysis. In support of this method, McIntosh (2015) asserts, that:

SSI research is epistemologically versatile and compatible with a qualitative approach . . . Analytically, the SSI is characterized by comparing participants responses by item . . . Because all participants are asked the same questions in the same order, data collected are comparable, and may be numerically transformed and quantified” (p: 1,10).

Although essentially a Western qualitative research approach, SSI’s align with kaupapa Māori practice and tribal epistemology. According to Walsh-Tapiata (2003), open-ended

questions provide flexibility for participants not only to answer questions but to “engage in dialogue by telling their traditional stories”. As such, interviews were conducted under tikanga and kawa, processes pertaining to respective hapū in order to validate the research operation under a broader indigenous frame of kaupapa Māori and Raukawa oral tradition. Not all scholars accept that structured and group interviews align with tribal epistemology; rather, it is argued that interviews are, synonymous with researcher bias and dominance in the research interview. Kovach (2009), for example, states that “highly structured interviews are not congruent with assessing knowledges that imbue both the fluidity and regulation of the storyteller’s role within oral tradition, or that respond to the relational nature of indigenous research” (p: 123). According to Fontanna (2005), the structured interview setting is rigid and lacks the flexibility needed to ensure a low margin of error in questions and responses. “This kind of interview often elicits rational responses, but it overlooks or inadequately assesses the emotional dimension” (Fontana, 2005: 703). This form of interview is, therefore, problematic in indigenous research contexts that require the consideration of emotion central to tikanga practices with Māori subjects.

In terms of tikanga practice, Walsh-Tapiata (2003) comments that, “[a] one-to-one interviewing process is not always seen as culturally appropriate” (p: 59). Focus groups or group interviews are advantageous from a collaborative perspective base (see Fontanna 2005: 705). However, group dynamics can compromise important individual perspectives. In reference to group interviews, Fontanna (2005) observes that the “results cannot be generalized, the emerging group and culture may interfere with individual expression (a group can be dominated by one person) and “groupthink” is a possible outcome” (p: 705). Therefore, an open-ended structural approach, as apparent in SSI’s, was preferential in this study and congruent with tribal epistemology. In addition to interviews, discourse in the form of personal manuscripts, iwi archives, and other forms of personal tribal literature made up the core of hapū research data.

### Recruiting Research Participants

Participants or ‘research whānau’ were selected on the basis of their hereditary connections to Raukawa iwi in the upper Te Waihou river catchment. For logistical reasons, it was important to recruit whānau that belonged to statutory acknowledged marae affiliated to Te Waihou river. Particular interest was in hapū elders and experts who had an in-depth understanding of the tikanga, history, whakapapa and geography of the area, and were

respective marae and hapū leaders with experience in environmental and other tribal affairs. The importance of selection and social definitions are important in shaping research. Johnson (1990) states “[c]onditions under which initial entry is negotiated will have important consequences for how the research is socially defined by the members of the setting” (cited in Munford, 2003: 68). Participants had their own mana. The kōrero they spoke was reflective of exposure to hapū traditions and teachings from their forbears. Knowledge was legitimised through story and validated by participant whakapapa connections to Raukawa hapū. Whakapapa is fundamental in participant selection for Māori kaupapa in accordance with the Māori methodological principles of Te reo, tikanga Māori, rangatiratanga and whānau (see Powick, 2003). My use of primary knowledge as collected through interviewing elders, as opposed to seeking through other means of data collection, draws on Smith’s (2017) argument that “[t]raditional knowledge resides with elders, with Hapū with Māori, and within contemporary research epistemologies. . . It is political and deals with power and power relations” (Te Kotahi Research Institute, 2017).

The data collection process was initiated by verbal or written notification to prospective participants. This began with seeking interest from my own marae elders via phone or email. This created a snowball effect as I was directed to other key knowledge holders within the iwi. Building capacity through a research whānau base, I was able to seek guidance on the content of the study and seek potential participants that complement and enhance the kōrero and objectives of research. As this research was aimed at gathering hapū perspectives from marae in proximity to the upper reaches of Te Waihou, seeking tribal expertise or examples away from the marae directly affiliated to the Te Waihou catchment was contrary to research objectives. By focusing on Te Waihou marae, I avoided expanding the scope of the project to the point where it became unmanageable. That is not to say that knowledges did not exist outside of these hapū. For the purpose of keeping the stories within the grouping of hapū whom hold mana whakahaere to a section of the river, it was necessary to condense the study into ‘a component’ of inquiry from a cluster of identified Te Waihou hapū.

While I focused on marae relevant to the upper reaches of Te Waihou, participants expressed the need to acknowledge the networks of people that were connected through whakapapa to Te Waihou. Accordingly, Te Waihou was viewed in more ways than what I had initially perceived. Within the cultural understandings of this taonga existed a plethora of tradition, spirituality, whakapapa and intertribal connections, stories, history and tribal longevity. As an example, kuia Gloria Koia speaks of the deeper significance of Te Waihou:

There is a deeper connection to the river rather than saying that one just affiliates to the river. There is a network of whakapapa, histories and Pūrakau . . . The river branches out to other lineages not just our hapū. We all have a common link to the awa through tikanga and prayer, we are not different, it is a special place and had a special purpose. Te Waihou was an awa that was respected in our younger days (Individual interview 2018).

Because of the influences that it has had on the people Te Waihou is a taonga tuku iho. This is evident in the following expressions of the unique features of Te Waihou puna Tūheihei: “Te Puna is one of several sacred moments in Waihou’s flow to the ocean, where the exquisite beckons one to pause and bathe in the renewing and regenerative energy of that place” (Tapapa Marae, 2016). Kaumatua Mita O’Brien recalls the kōrero of how the Te Waihou spring came to be known by local hapū as Tūheihei:

Ah, Tūheihei. There’s a lovely little story about Tūheihei . . . Tūheihei was ah, Tūkorehe and they named this block, certain part of the block - the Blue Springs - after her because they used to have eel weirs there . . . and she looked after that for the old fella that was living there at the same time . . . The reason it was named Tūheihei is because she had a topknot in her hair . . . It used to go right up and quite fuzzy, you know, oh, Tūheihei . . . I think there was something about it, in those days, it was regarded as quite tapu the Blue Springs, yeah<sup>13</sup> (Mita O’Brien, Individual interview 2018).

Eight semi-structured interviews were held with ten participants identifying within the hapū as elders or tribal knowledge holders. Interviews were held at a place suitable for participants, usually in the comfort of their own homes or at their respective marae. Depending on the venue participants initiated the interview in a way that was appropriate for them. Bishop (1996) asserts that “Kaupapa Maori research is based on a growing consensus that research involving Māori knowledge and people needs to be conducted in culturally appropriate ways, ways that fit Māori cultural preferences, practices and aspirations”. Tikanga was adhered to through karakia occurring at the beginning and ending of interviews. These karakia acted as a whakatau or spiritual settling before continuing with the interview and whanaungatanga established whānau relationship and connectedness (see Bishop 1996, cited in Cram, 2001). The initiation process was dependent on the wishes of the participants and, if comfortable, participant led. Whānau were given the option to have support people present at the interview if they so chose. When interviews were held at marae, the haukainga

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<sup>13</sup> See Appendix 3 for reference information.

took the lead to initiate and conclude the process within the tikanga principles of their respective marae. This meant that speakers conducted a formal whakatau process which included reciting the whakapapa and history of the marae and, on conclusion of the interview, kai was provided to whakanoa the process. The importance of tikanga Māori in data collection is that processes are carried out under the appropriation of Māori protocols in a culturally interactive process and space. All embracing Māori concepts and practices that are not restricted, but rather are operational in, a commonly accepted spiritual and metaphysical realm of cultural awareness. Thus, Irwin (1994), characterises:

Kaupapa Māori research as research which is ‘culturally safe’, which involves the guidance or ‘mentorship’ of kaumatua, which is culturally relevant and appropriate while satisfying the rigor of research, and which is undertaken by a Māori researcher, not just a researcher that happens to be Māori (cited in Powick, 2003: 12).

Prior to the commencement of interviews, any questions or concerns were addressed from the information sheets and formal consent documents. Emphasis was given to participant rights to refuse audio recording and refuse to answer any questions or enter into sensitive discussion. Ethical considerations will be covered in-depth later in this chapter. Research whānau were encouraged to lead initial discussion and then answer the questions provided. All whānau were aware of the research purpose and expressed willingness to contribute. At times an expressed apprehension from whānau was evident during the interview. This was initially perceived to be attributed to the conception of what Fiona Cram (2001) deems a general conception of hierarchy between researcher and participant. Cram argues that “[t]his space between must be mediated by the researcher and the power that rests with the researcher must be removed” (p: 42). Therefore, researcher assurance was given throughout the interviews where necessary to ensure the participant felt ‘safe’ and comfortable in the interview space. The outcomes and findings from the interviews will be discussed later in the findings chapter. Preliminary discussion will now briefly focus toward the implications of framing interview questions.

### Framing Research & Interview Questions

Kaupapa Māori practice and environmental, cultural and community health were the foundational components for framing research questions. Smith (2017) explains that in constructing questions it is important to consider what the questions are saying about the research. Framing defines what is in the frame and what lies outside. Therefore, what

belongs in the frame of tradition is essentially Māori focused (Te Kotahi Research Institute, 2017). As the topic of research was predominantly culture focused, the questions were constructed on the notion that participants had some degree of knowledge of the current management and environmental issues at Te Waihou. Questions focused, firstly, on determining environmental, and consequently hapū, impacts and issues that stemmed from water governance strategies. Secondly, questions sought to gather historic and contemporary kōrero that reveals the relationship of a people to their ancestral river Te Waihou, and what significance this kōrero has in relation to resource use and sustainability for uri. Finally, research questions focused on what ways information is shared among internal and external stakeholders, identifying to what extent hapū are involved in water management according to current water management policy and regimes. The research questions are as follows:

1. What are the impacts for hapū and a tribal freshwater source, caused through regional and district resource policies and economic activities that are part of the districts' current water management regimen?
2. In what ways are hapū/marae knowledges and aspirations for the environment shared and developed within the collective iwi and freshwater management frameworks, and what status is given to hapū and hapū mātauranga a hapū in relation to their tribal resource?
3. What are some of the historic and contemporary views of freshwater from Raukawa hapū particularly relating to Te Waihou river and Tūheihei (the Blue Spring)? What is the significance of these perspectives relative to freshwater use and sustainability for uri?

The above research questions were endorsed by the iwi authority and the study was supported as a project that would enhance tribal kōrero around the Te Waihou catchment and augment the mātauranga base for Raukawa people. Research questions were generally based around the contemporary Western governance and management structures within the environmental realm of resource management and the implications of these structures within the Raukawa deed of settlement. A refined direction for participant perspectives is encapsulated in the interview questions that focused on social, cultural, economic, political and environmental issues. Further details of the interview questions will be discussed in chapter six. On completion of interviews with hapū elders and leaders, data was analysed in order to gather a representative understanding of significant issues pertaining to a tribal freshwater resource.

## Ethical Considerations

The following paragraphs will discuss ethical considerations and Māori protocols apparent throughout the data collection process. In particular, attention will focus on researcher responsibilities in terms of the ways in which a researcher conducts research to ensure that participants are fully aware of the risks, their rights and roles, and the use of their contributions. A potential risk anticipated was the exposure of identity due to the nature of a collaborative hapū based project. Reiteration of the risk to participants was emphasised by clarifying that anonymity could not be guaranteed. Participants were fully informed before participation and accordingly given the choice whether or not to be named in the research. Interviews were transcribed verbatim and whānau were sent transcriptions of those parts of their kōrero that were relevant to the thesis. Informed consent for data use in academic outputs was an issue during interviews. Most of the knowledge holders were tribal elders and, in most cases, tikanga Māori on the marae maintains that cultural practices take precedence over non-Māori systems. Some participants did not see the need to give written consent, trusting researcher disposition. Therefore, participants who were not comfortable giving written consent were reassured that they could provide verbal consent, either to be confirmed by the researcher or to be stored on a recording device.

For Māori contextual environments, Smith (2015) outlines that ethical protocols “is as much about informed consent and rights as it is about the conduct of a researcher and research project” (p: 54). This position holds importance to the subject of ‘power’; researchers’ must be mindful of the misuse of power in what Smith (2015) terms ‘devices’. For Smith (2015) ‘devices’ refer to the misrepresentation of conceptual ideas in the presentation of research findings; such misrepresentation is contrary to the participants values, reasoning and the reasons for their involvement in the research. “Power in itself is always present in relationships and power is not necessarily a negative force . . . The ethical question for Māori people is related to the masking of power relationships through other devices” (Smith, 2015: 54). In the publication of research findings, all active participants were informed that research outcomes would be used for a masters thesis, that the thesis would be available for viewing through a research database, and findings may be used in other academic literature, conferences, presentations and online educational resources. Prior to completion of the thesis, I consulted with the research community from which information was gathered. Where necessary I endeavored to disclose to participants the ways in which I would be

analysing their research data to be presented in my research findings; such disclosure provided participants with an understanding as to what capacities their data would be used.

As a guideline for appropriate protocols in a kaupapa Māori project, Linda Smith (2012) explains the list of ethical guidelines that “emphasise critical values that are as much about personal integrity as they are about collective responsibility” (p: 125). Smith (2012) refers to an established list of rights for participants being studied, that is based on anthropological codes of conduct but expresses kaupapa Māori ideologies therein. This list is as follows:

- 1 Aroha ki te tangata (a respect for people)
- 2 Kanohi kitea (the seen face, that is present yourself to people face to face)
- 3 Titiro, whakarongo...korero (look, listen...speak)
- 4 Manaaki ki te tangata (share and host people, be generous)
- 5 Kia tupato (be cautious)
- 6 Kaua e takahia te mana o te tangata (do not trample over the mana of people)
- 7 Kia mahaki (don't flaunt your knowledge)

(Smith, 2012: 124).

The above interpretive principles were at the forefront of ideas when approaching potential participants. These principles were also used as a way to guide personal conduct during and on completion of interviews. Accordingly, these principles indicate that the indigenous research setting is value based and reflective of the standards set by the researcher. Providing clarity around the research process is paramount; ensuring that participants are treated respectfully and aware of the implications of their involvement in the research. This requires that information is conveyed with honest and ethical intent so the margin for ethical error remains minimal. Discussing ethics in research Johnson (2001) claims that “[r]egardless of what criteria we wish to adopt for interviewing, the most important ethical imperative is to tell the truth” (cited in Fontanna, 2005: 716). The positionality of the researcher also raises some significant ethical considerations, namely those of bias especially around the researcher influence on data outputs.

### Positionality in Research

My position as a Raukawa descendant means I am an insider closely connected to the research topic and research community from which information was gathered. Having the status of an ‘insider’ was advantageous to the acquisition of in-depth information. This

information would likely have been significantly less in quantity and quality had I been an outsider to the research community (Munford, 2003). Insider status, and having an existing connection to research participants, meant they were comfortable with sharing their knowledge and tribal kōrero. I was regarded as someone who was trustworthy, and who may be considered a Māngai, capturing stories and voices and relaying these to the wider iwi and community. The importance of acknowledging and capturing our insider position in reporting on Māori communities is discussed by Cram (2001):

As Māori it is important to capture our position as ‘insiders’ . . . That is, we are part of the community we seek to study; we are not ‘outsiders’ looking in . . . By acknowledging this we are refusing to reduce either ourselves or our research participants to ‘Other’ (p: 47).

Capturing the positive outcomes of insider research is synonymous with Māori efforts toward self-determination; to rely on an outsider researcher in a kaupapa Māori focused project is to create a situation whereby whānau may be reluctant to participate (see Munford, 2003). Thus, whānau may have concerns about the integrity of an outsider and whether their work processes are tika, complementary to the development of those engaged. Powick (2003) highlights this by asserting that:

It is vital that the researcher has a high degree of cultural consciousness and understanding, an area that an ‘outsider’ or a non-Māori researcher is unable to fully appreciate . . . The researcher needs to know what is the right (tika/pono) way to do something in a culturally constructed environment and to be able to contribute in a culturally conscious manner to the whānau of interest (p: 20).

Insider status offers some advantages to research, but it is also the case that there is the possibility of inherent insider bias, a balance which may be expressed as a failure to ask the critical questions (see Bishop, 2005). I was aware of this bias through the cultural roles that I assumed in environmental forums and restorative collaborations I have engaged in within different capacities I have engaged in for my respective Iwi. All these activities related to a collaborative approach to environmental restoration. Insider complacency is often a consequence from a fear of disturbing views, values, relationships and knowledges. Smith (2012) explains that “one of the difficult risks insider researchers take is to ‘test’ their own taken-for-granted views about their community” (p: 140). Therefore, my role and responsibility as an insider researcher was to recognise my status and convey collaborative

themes arising from accounts that are reflective of the needs and priorities of the Iwi hapū and whānau. To do this implied the that data function was participant focused and driven. Powick (2003) explains:

Kaupapa Māori research fulfils the regulations of a participant-driven approach, as its very purpose is to reduce researcher imposition to ensure that the research meets and works within and for the interests and concerns of the research participants and within their own definitions of self-determination (p: 19).

Rather than defining the parameters of insider-outsider status, the focus of my cultural engagement rested with “critical reflexivity” whereby I engaged in critical reflection of myself as the research instrument (Guba & Lincoln, 2005: 210). Narayan (1993) explains that:

What we must focus our attention on is the quality of relations with the people we seek to represent in our texts: are they viewed as mere fodder for professionally self-serving statements about generalized other, or are they accepted as subjects with voice, views, and dilemmas- people to whom we are bounded through ties of reciprocity”? (cited in Bishop, 2005).

Being a Māori researcher belonging to a research community implies a deep responsibility that continues long after the research is completed. Such authors as Smith (2012), Walsh-Tapiata (2003) and Rewi (2014) agree that, the insider researcher has to live with the consequences of their processes along with their whānau and communities; it is therefore a lifelong commitment. This itself guides the researcher ethically to move with caution and reflexivity to ensure that research is participant driven.

### Validity & Trustworthiness

As mentioned previously, research whānau were chosen on their standing within their respective hapū and their tribal knowledge in relation to the subject. Content validation for interviews involved recording with an audio device and subsequent verbatim transcription of the sessions. Once I had completed transcribing, interviewees were given the opportunity to confirm the transcriptions to provide an accurate account of what was discussed in the interviews. Either a paper copy or a digital version of completed transcripts were sent to whānau participants to check and confirm the information was correct, and they were comfortable with the themes suggested by the researcher. Audio copies of the interview were

also given to participants for their personal record or to be held in iwi archives. Some whānau chose to speak in te reo at the interview, a choice which meant there were transcription nuances related to different whānau in the delivery of their speech. At times this was difficult to decipher what was being said or the nature of intent in their statements. Member checks were therefore critical to ensure that concepts and content were agreed to by interviewees and the researcher.

Cultural concepts, values and practices played a significant role in the verification of appropriate information. Bishop (2005) discusses kaupapa Māori as a unique world-view, subject to a distinct set of rules around knowledge and praxis:

Such an approach validly locates the power within Māori cultural practices, where what are acceptable and what are not acceptable research, text, and/or processes is determined and defined by the research community itself in reference to the cultural context within which it operates (p: 128).

This allows participants to use traditional practice as a tool to reflect and give feedback on their kōrero. In addition to the cultural validation of indigenous methods that include research metaphors, Kovach (2009) discusses the “association of reflexivity with validity as a means of identifying bias within research” (p: 33). One strategy to demonstrate the validity of research is to,

clarify bias and create a transparency that readers will appreciate . . .  
Evidence of self-reflexivity is an acknowledgement by the researcher that his or her subjectivity may influence the research finding . . . For varied reasons, reflexivity attests to the relational aspect of research that is incorporated within numerous qualitative approaches (Creswell, 2003, cited in Kovach, 2009: 33).

‘Critical reflexivity’ refers to the action of reflecting critically on the self as a researcher. In contrast to this position Reinharz (1997) argues that the researcher must consider the personal act of creating the self in the field. Reinharz (1997) identifies three categories of the self that brought to the field of research; “research-based selves, brought selves (the selves that historically, socially, and personally create our standpoints), and situationally created selves” (cited in Guba, 2005).

The Inclusion of kaumatua and kuia in project guidance and analysis contributed to research validation, with interviewees being available to check the integrity of transcriptions and the relevance of the themes that surfaced from the interviews. As mentioned earlier, researchers

and whānau live with the consequences of research and as such, the role of kaumatua and kuia in tikanga guidance and mentoring becomes critical to the researcher in the research process (Tiakiwai, 2015). Native American researcher Lavallée (2009) expresses the importance of elders in traditionally based research: “Elders carry the traditional teachings, the ceremonies, and the stories of all our relations . . . For research to be based on traditional knowledge, elders need to be included” (p: 27).

## Data Coding

A mixed method approach was adopted to analyse and code data. A mixed method approach was employed because, in comparison to other analysing and coding tools, it provided the most appropriate tools for inquiry. Personal narratives that arose in interviews addressed relative water issues and highlighted comparative ideas in information and key themes. Themes were identified and then coded and filed under headings that aligned with research objectives and the existing knowledge base of this particular research topic. Themes were closely related to tradition and tribal practices which demonstrated legitimacy of hapū values in the sustainability of the environment and waterways. The construction of research themes presented in this thesis aligned with collaborative narrative themes that resulted from the interviews. However, care was taken to ensure that the themes remained harmonious with the original contexts of individual accounts. Kovach (2009) comments on the importance of contextualising independent accounts:

For indigenous researchers, there is a propensity to present findings in story form. Thus, the stories are introduced, often condensed . . . As with most qualitative research they go through a member check . . . The stories stand, with the researcher reflecting upon the stories . . . Working with the story as a means of making meaning requires that the research be presented in its contextualized form (p: 131).

The research data was organised as oral history accounts, whakapapa and personal perspectives pertaining to interview content and questions. The data was then interpreted from the researcher’s perspective into identifiable themes. In order to retain the cohesiveness of story and taking care not to fragment or decontextualise the account, Kovach (2009) states that, “[i]ndigenous researchers incorporate a mixed-method approach to analyze data, this offers both interpretive meaning-making and some form of thematic analysis” (p: 131). This approach comprised of thematic components of “story, self-in-relation interpretations and

integrated thematic groupings” (Kovach, 2009: 131). The process of extracting themes from data required repetitive reading of interview transcripts and listening to audio recordings of interviews and then coding the thematic sections in relation to their respective category. The interview responses were then screened for concept similarities in addition to any prominent statements and knowledge that related to research questions and objectives. This information was then transferred to specific categorical files and aligned to meet the key objectives of the research and compare against theoretical concepts from the literature review. The category headings were relative to the themes that came out of the interviews.

As mentioned earlier, the researcher constructed questions to understand a collective hapū view. It is important to note that the themes were considered collective views of some of the key knowledge holders belonging to Raukawa hapū, in as much as being a fragmented yet a significant collective view that responds or addresses a certain environmental kaupapa; not the overarching views of the Raukawa iwi collective. Therefore, this research is representative of a Raukawa mana whenua perspective on Te Waihou, Te Waihou tributaries and freshwater. In the following chapters common themes will be discussed alongside the rationale for categorisation which will provide an overview of the important components that surfaced throughout the interviews.

## Chapter Review

This chapter outlined that a kaupapa Māori methodological approach is counter-hegemonic towards positivist and neo-positivist tradition and is positioned within the locus of a qualitative research paradigm. KMR is fluid in character and is not limited to a qualitative research paradigm alone. A kaupapa Māori approach in this project is more accurately described as ‘participant driven’ and as such, the researcher supports the self-determination and tino rangatiratanga of research participants. Using a narrative research design, KMR encapsulates the unique importance of the indigenous voice in the oral traditions of storytelling and allows participants to become empowered, retain ownership of their stories, experiences and tikanga practices to reaffirm and re-enforce notions of identity, belonging and self-determination. In this respect narrative inquiry is congruent with an indigenous research framework that aims to decolonise research methodologies and reclaim Māori world-views, ways of knowing and transferring indigenous knowledge.

An awareness of appropriate tikanga engagement protocols in a KMR context was at the forefront of research data collection at all times, to validly communicate, analyse and present participant perspectives. Participant guided accounts, hapū values and emotion are paramount in qualitative research and necessary in a social research project that aims to record and accurately express personal narratives. Narrative inquiry reflects a polarisation between participant views and researcher bias that can influence the outcomes from research data. This power binary intersects with the notion of colonial hegemony apparent in Western theory and research methods. Therefore, the use of oral tradition in this study was an important tool to distinguish the polarity between Western methodologies and a mātauranga Māori narrative design that aligned with research objectives and supported indigenous methods of data collection.

To ensure research data validation, research whānau were selected on their hereditary connections to Raukawa iwi in the upper Te Waihou river catchment. My interest was to recruit experts in tribal knowledge and particularly hapū elders “who’s experience and tikanga guidance becomes critical in research” (Tiakiwai, 2015: 85). Participants had an in-depth understanding of tikanga, history, whakapapa and geography of the area, and were respective marae and hapū leaders with experience in environmental and other tribal affairs. The most effective data collection method working with hapū was determined by the cultural environment, logistical implications and kaupapa. Data collection comprised of SSI’s using open-ended questions in a dialogical and ‘culturally safe’ environment. This approach was preferential in terms of project limitations yet remained congruent with tribal epistemology. Compatible with SSI’s, a mixed method approach was adopted as a tool to codify data into prominent themes for analysis. The thematic findings remained cohesive with original contexts to retain the integrity of individual narrative accounts.

Ethical Considerations in research ensured that participants were clearly informed and completely aware of the risks, their rights, roles and contributions in the research. Particularly important is reflexivity of the researcher to ensure there is no misrepresentation of conceptual ideas presented by interviewees contrary to their initial values reasoning and purpose for involvement in the research. In this context consultation and ‘member checks’ are important for content understanding, validation and locating the power of traditional practice with the research whānau (Bishop, 2005). Member checks confirmed the transcriptions were accurate and thematic identification by the researcher was compatible with collaborative whānau perspectives. This process maintains the ethical guideline and

collective responsibility under tikanga values that is to ensure under all circumstances of the research that the mana of research whānau remains intact.

Ethics extended to research positionality as an insider which insisted on reducing researcher imposition (Powick, 2003). This is done by taking an unbiased approach to convey collaborative themes that are reflective of the needs and priorities of the iwi, hapū and whānau. Insider status in a hapū project is important as we are embedded in and committed to the research whānau and kaupapa. Positive outcomes of insider research are synonymous with Māori efforts toward self-determination and is a notion with which participants can align with; an area of cultural understanding that outsider research is unable to appreciate. A focus of cultural engagement should rest with ‘critical reflexivity’ in research, in terms of the researcher reflecting critically on the self as the human instrument of research. This ensures a reciprocal knowledge exchange in participant research and an unbiased representation of participant knowledge, to ensure the methodical approach is ethically validated (Narayan 1993, cited in Powick, 2003).

## CHAPTER FIVE

### Data Findings & Analysis:

#### The Political Currents of Cultural Inequality.

*“E hoki atu tātou mokopuna kia whakamau ana te kōrero neherā. Tāku tino tumanako. Ko wai te awa? No whea te awa? Kia marama ake ki a rātou ngā mokopuna o tātou i ngā ingoa tūturu . . . Ko rātou ngā karu āpōpō, ko rātou e noho ana te ao hurihuri, ko rātou hei whakapaipai ana tātou awa, ko rātou hei whangai atu te manuwhiri, te tini, no te kai o te awa, Ko te awa, ko te kai”<sup>14</sup>*

*(E Pā 2018).*

Narratives collected from interviews will now be analysed under themes that presented as collective perspectives of resource management at Te Waihou. This chapter provides insight into hapū experiences of power-sharing and views of mana whenua rights over a significant tribal freshwater resource within a Western resource management regime. Hapū perspectives on the types and causes of impact for Marae are examined in the context of resource management legislation and practice that guides industry water use and determines river health and sustainability. Subsequent themes ‘*Hapū Impacts*’, ‘*Power-sharing*’ and ‘*Integrative Resource Management*’ provide an insight into hapū knowledge and vision. The themes also provide for considerations of the application of post settlement views on resource protection and sustainability within the context of tikanga values and practice. Due to the extensive accounts gathered from interviews, the selected narratives provide a representative view of interview responses. Each participant has mana in their own right as a representative voice for their marae; a composite to the collective hapū of Te Waihou. Therefore, responses are individual perspectives validated on participants mana whenua and whakapapa connection to hapū territories.

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<sup>14</sup> English translation: My desire is that our Grandchildren learn the stories of old; that is my deepest desire; for them to know the river and its origins. For our grandchildren to know the ancient names of our significant sites . . . For they are the eyes of tomorrow, they are the future, they will restore and protect our rivers, they will care for the many visitors with the food from our rivers. For the rivers provide.

The conceptual themes align with the research questions as outlined in chapter four and are used to structure the sequence in presenting data. The format of the data presentation will begin with the conceptual theme as the sub-heading to contextualise the collaborative outcomes of narratives, followed by interview responses and analysis. This format provides clarity and a logical procession to demonstrate the progressive stages that determined the narrative findings. With the Raukawa and Crown treaty settlement complete, the views presented are intended to suggest prospective avenues for collaborative management in light of pending co-management agreements between hapū, iwi and council.

In support of research participant knowledge, perspectives, expressions and cultural values presented in this chapter, I will refer to the ‘*United Nations Declaration on the Rights of Indigenous Peoples*’, that has been endorsed in Aotearoa/New Zealand. The importance of this document is that it “recognizes respect for indigenous knowledge, cultures and traditional practices that contributes to sustainable and equitable development and proper management of the environment” (*Human Rights Quarterly*, 2011: 910). And as such the Declaration welcomes “. . . the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement in order to bring to an end all forms of discrimination and oppression wherever they occur” (*Human Rights Quarterly*, 2011: 910). The articles of particular significance are:

*Article 31*

*1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures.*

*Article 32*

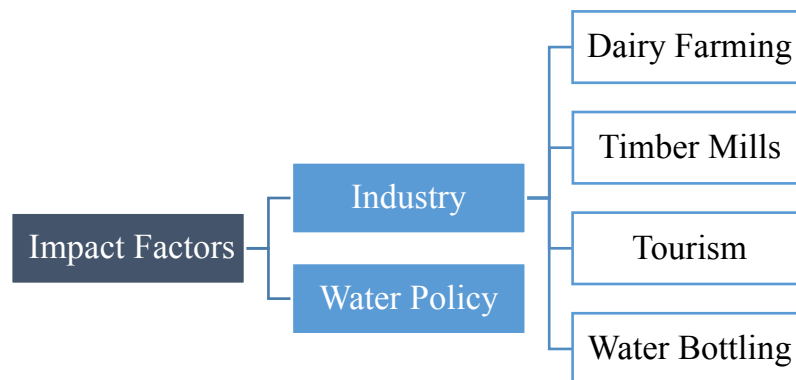
*1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.*

(*Human Rights Quarterly*, 2011: 918)

## **Hapū Impacts**

This theme presents and examines Te Waihou hapū perspectives on the ways in which economic growth and development, through commercial industries and resource management initiatives, has negatively impacted on the Te Waihou river, river tributaries and affiliated

Marae. The sources of impact identified by interviewees were itemised into common themes. Identified in the hierarchy chart, *'Industry Factors Causing Impact'*, shown in Figure 5.1, the themes are discussed in the contexts of cultural, social, economic and environmental impacts for hapū. These impacts are examined further against the backdrop of the national water regime, regional water policy and iwi settlement discourse, all of which determine the extent to which hapū are likely to engage in resource decision-making processes.



*Figure 5.1: Industry Factors Causing Impact.*

### Dairy Farming

In reference to dairy farming in the South Waikato District, Belgrave (2009) asserts that Environment Waikato have expressed serious concern for the cumulative effects of surface water discharge. This discharge stems, in the main from the large volume of nearly untreated dairy effluent that flows into waterways, having been released from ineffective oxidation ponds or barrier systems. Dairy effluent discharge was identified by the following kaumatua as impacting on river health and water quality for Te Waihou hapū.

Unfortunately, with industries and that, you know, you got to make sure they don't ah especially ngā kau aye, (the cows) . . . [t]hey drop all their paru in the water. Farmers, some of the farmers are, pretty environmentally minded they try to keep it tidy as best they can; a lot of them don't (Johnathan Tai. Individual interview 2018).

## Timber Mills

The discharge of waste from dairy farms and timber mills has caused significant impacts on a Te Waihou river tributary as emphasised by the following kuia. Environmental research on the chemical discharges from local timber mills has found the presence of arsenic, chromium and borates in samples taken from effluent drains running through southern parts of Putaruru township in the vicinity of proximate marae and rivers. These chemicals impact water quality and biodiversity (Belgrave, 2009).

We used to be able to drink from the Oraka<sup>15</sup> now it's no longer safe to drink, but safe enough to swim. Hapū have to get the water tested due to the mills, cows and farming (Mereana Brown. Individual interview 2018).

The South Waikato District Councils' long-term commitment to sustainable management, as required under Section 5 of the RMA, is "to promote the sustainable management of the district's natural and physical resources" (South Waikato District Council, 2019a). Section 5 of the Act defines sustainable management as "managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing" (Government, 1991; Vince, 2006: 297). The environmental impacts for marae that hold statutory acknowledgement to Te Waihou through Treaty settlement, remain unresolved as hapū engagement is limited in negation of a co-management agreement between the district council, iwi and hapū in the Te Waihou catchment. Consequently, a holistic view of river health for hapū, through mitigating declining water quality and the ability to harvest traditional food from ancestral rivers that provide for the social, economic and cultural wellbeing of hapū, is not being met through current resource management legislation.

Challenges persist for hapū that face a political agender to "streamline' the RMA and strip out essential clauses guaranteeing protection" (Joy, 2015: 40). Michaels (1999) asserts that New Zealand's environmental policies are influenced by foreign conceptions of sustainable management. Exogenous forces have influenced policy developments that largely favour the market and economic indicators and retain a reductionist approach to resource management (Michaels, 1999). In consideration of this premise, post settlement iwi are hindered in the

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<sup>15</sup> The Oraka river is a tributary of Te Waihou river.

articulation of a holistic cultural approach to sustainable management within exogenous influenced resource legislation that prioritises economic development through non-sustainable resource management practices.

## Tourism

The promotion of tourism at Te Waihou Walkway and Tūheihei (see South Waikato District Council, 2019b), in recent years raises additional environmental concerns for hapū. Ineffective efforts to manage excess rubbish, human waste and swimming as tourist numbers have increased, has severely degraded amenity features and biological elements of the Tūheihei spring site (refer to Figure 1.2 & 1.3). The following perspective highlights that efforts to capitalise on tourism, and associated economic growth, further intensifies environmental degradation.

[W]e've had photos of Tūheihei in the old days and how it is today, and you can see the vast difference of its state. The Pākehā want to benefit from it. They want to build a new restaurant in that area . . . and maybe a B & B trampers lodge. So that's tourism, that's what they're looking at. They're not looking at the affects that it can do to the wai, to our Waihou you know . . . All they're thinking about is making money off the Waihou. We would want to make sure that tourism doesn't get a real big hold in places like that. You can see how much tourism does affect areas (Mita O'Brien. Individual Interview 2018).

The fear of negative environmental outputs from tourism and local tourist ventures extinguishing the cultural and traditional integrity of the Te Waihou and Tūheihei, is expressed in the following response From Emerson Rikiriki. Emphasis on human waste and extraction pipes for drinking water in proximity to the spring in cultural terms compromises hapū tikanga, mana and mauri of the land and river. Additionally, respect for the river is lost in visitor ignorance and lack of education towards tikanga, beliefs and practices pertaining to a site of tribal significance.

Mataku ana au i te whakāro, i te huri o tātou whakāro ki tēnā ahua o te mahi pakihi, turuhi nei, ka mate te mana, ka mate te ahua o kawa o tēnā wāhi o te awa o Te Waihou. Ka ngaro i te ahua o ngā para, o ngā paru o te kore o ēnei hunga onāiane e whai whakāro ana ki a Papatuānuku ki a Ranginui. Kua

pērā kua huri tuara . . . Engari me te mea nei kare au e, whakae ana ki tērā ahua o te mahi turuhi<sup>16</sup> (Emerson Rikiriki. Individual interview 2018).

The environmental and cultural impacts of tourism in this case are the outcome of neo-liberalist resource development within local resource governance structures. This type of development differentiates indigenous and non-indigenous views of relationship to a natural resource. Van Meijl (2015). asserts this development type expresses a transition from small-scale interactions with resource to more intensive forms of engagement building on a vision of human dominance over nature that necessitates the promotion of economic growth.

The colonial concept of property rights in resource governance is another contributing factor to the cultural and environmental degradation of this taonga. Sullivan (2017) asserts that property rights have been created for commercial interests and despite the impacts affecting the viability and utility of ecosystems, allow such landscapes as the foreshore to be exploited by economic based initiatives such as tourism. The Te Waihou river co-management agreement between Raukawa iwi authority and the Crown remains in the very early stages post iwi settlement (New Zealand Government, 2012). Until co-management has been determined, hapū will remain limited in their capacities to participate in river negotiations at a management level, and unable to practice kaitiakitanga to confidently mitigate the effects of tourism on their tribal taonga.

### Water Bottling

The biggest issue is the current bottling company Amatil . . . I'm concerned that one day it's going to run dry. You know one day we might turn on the tap and there's nothing. That's my biggest concern. Will we run out? Will the spring run dry? But the biggest question was if marae run out of water, what's going to happen? We're going to have to get water trucked in and we're going to have to pay a water company. They're not going to give it for free . . . We have to think ahead . . . CCA is drawing from the same spring

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<sup>16</sup> English translation: I fear the ideas around tourism here will impact the integrity, the protocols around Te Waihou and the surrounding area. Destroyed by the rubbish and unsanitary behaviour. The people of today do not pursue the traditional ideas and care for our earth mother and sky father. In regard to those ideas they have turned their backs . . . Therefore, pertaining to the impacts of tourism, I do not agree to tourism at Te Waihou.

source as Ngātira community marae papakainga (Te Hapuku Munro Rikiriki. Individual interview 2018).

The above interviewee anticipated the depletion of a marae water source from water takes by water bottling companies in Putaruru. One of which is Coca-Cola Amatil,<sup>17</sup> which has a consented daily water take of up to 200,000 liters (Waikato Regional Council, 2011). This amount is acceptable in regard to council estimates of water flow from Tūheihei spring yet is only one of the freshwater consents allocated to water bottling companies. The above perspective is validated in consideration of New Zealanders rising concerns for the unpredictability of water supply in catchments. Concerns over water quality and quantity are associated with climate change and the declining quality and quantity of freshwater resources as a consequence of increased competition for water and over-allocation (Belgrave, 2009). Geological research in the Te Waihou catchment shows that there are significant limitations in the monitoring of aquifers. Despite the efforts of staff from the Institute of Geological and Nuclear Sciences (GNS) to collect local hydrology field data, monitor water levels and quality, and measure river flow, the water volumes for this North Island ignimbrite aquifer, (see Waikato Regional Council, 2011) are only estimates; the size and characteristics of the aquifer are based on estimates (Waikato Regional Council, 2011). Hapū exclusion from council's scientific research agendas for the sustainability and management of aquifers for water allocation, presents a significant social impact leaving hapū uninformed and unable to engage in critical water management processes. The following kaumātua stated:

I think we should stop an international company coming in, number one. And we should always have a say in whether we allow it (commercial water takes) or not for a start but they're not doing that, they bypass us. Down the road they've taken a side step, gone to the council and the council deals with it, not the government (Mita O'Brien, Individual Interview 2018).

Both before and after iwi settlement, resource consents for water allocation from Tūheihei for local Putaruru town supply and water bottling companies were processed by council without notification nor consultation with hapū prior. The council has a non-notified application

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<sup>17</sup> Coca-Cola Amatil operates in six countries as one of the world's major Coca-Cola bottlers. Amatil has a long-standing partnership with The Coca-Cola Company, which is both shareholder and brand partner. Locally, Amatil manufactures distributes and sells an unrivalled range of iconic ready-to-drink non-alcoholic and alcoholic beverages (Coca-Cola Amatil, 2018).

processes that consequently excludes Māori participation in resource management decision-making (Te Aho, 2010). Erueti (2016) asserts that local authorities lack of consideration for iwi management plans when granting resource consents and the statutory statement s 36A of the RMA that explicitly states that it is not the local authorities duty to consult with Māori, leaves iwi and hapū feeling powerless (Erueti, 2016). A non-consultation policy denies hapū recognition as an affected party in resource consents, is contrary to building social relations within co-governing entities, and is debilitating for hapū social, cultural and political development. Vince (2006) highlights that consultation should be undertaken in order to recognise the rights of Māori under the Treaty of Waitangi. Thus, Māori gains recognition as a party which has a right to be consulted and have the opportunity to obtain accurate and appropriate information from authorities in order to express their views on the potential effects for Māori (Vince, 2006).

## Water Policy

The following perspectives suggest a realignment of colonial resource policy with tikanga Māori and ancestral knowledge. Such a realignment would reflect a cultural values-based strategy for the health and protection of rivers and hapū development. To address the removal of water rights as interviewees perceive, hapū must have the opportunity to advocate for their taonga, thus reaffirming tribal tikanga and mana that has been denied through colonial resource management processes.

Tuatahi māku, ā, kawa, ā tikanga, me whakahoki mai wērā o ngā kaupapa o tātou mātua tupuna, ko te kawa me te tikanga. He tikanga Māori, Kawa should align, the Pākehā should align to us, shouldn't be us aligning to them. That's how I feel. Yeah, because they're using research. Ko te rangahau kē kei te arahi ia rātou, karekau e mohio ki o tātou tupuna. Noreira, me hoki ano ki nga tikanga me nga kawa o tātou mātua tupuna. Kei te ora tonu wētehi<sup>18</sup> (Takarihi Temarama. Individual interview 2018).

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<sup>18</sup> English Translation: The first thing for me is the protocols and laws of our ancestors should be restored . . . It's actually their (English) research not the knowledge of our ancestors, therefore we should return to the laws and customs of our ancestors to sustain us.

Koina te mea o Te Waihou, it's make our voices heard . . . Don't let them take the water rights from us . . . But, koina, kei a ia ano tōna nei mana.<sup>19</sup> But let our voices be heard because kei te takahia te Pākehā. That's where we come into the awa. Make our voices heard. Bring back our mana, which they've taken away (Koro Hori Dean. Individual interview 2018).

Ethnocentrism in the social fabric of European societies and colonial resource policy remains an underlying factor in the acknowledgement of Māori world-views in resource management. Roberts (1995) asserts that this underlying belief in a superior Western paradigm above all others is embodied in the unwillingness of Western conservationists to consider indigenous paradigms on indigenous terms. This lack of engagement often manifests as an overt hostility if indigenous ways conflict with Western paradigms (Roberts, 1995). Colonial resource management policy acknowledges, but does not practically enact, tikanga Māori principles that were once a foundational and interactive law between Māori and their natural environment. Māori tikanga concepts and practices are imperative in the development of resource management as the Māori approach focused on water quality and quantity, and respect for ancestral knowledge and values, all of which ensured for centuries that resources vital for survival thrived (Williams, 2006).

The following perspective indicates significant economic impacts for those marae subject to council water rates policy and excluded from the benefits of lucrative water takes. Paid water takes are legitimised through a district policy framework that allows the local council to determine costs for water and receive financial dividends from companies accessing council consented water takes from such sites as Tūheihei (see South Waikato District Council, 2019b).

For our marae back at Paparamu it's knowing that the farmers got the water rights and we have to pay water rates with that as well so, we have to pay a share of his bill through our marae because the waters on his land, and we're sharing the water . . . The government says, "no one owns the water", but they're the ones who are selling the water off. So, where's the benefit that comes back to Māori? You know, especially for our hapū . . . And then who gave the right for the council to put pūtea<sup>20</sup> on the water while we can't even

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<sup>19</sup> English translation: That is the matter of importance for Te Waihou . . . Te Waihou river has its own mana . . . The English/authorities disregard our voice.

<sup>20</sup> English translation: Sum of money.

claim it? How come they're getting all the pūtea and it never comes back to the iwi or the hapū? . . . In the Treaty of Waitangi it says that we have ownership of all our Taonga (Laurence Moeke, Individual interview 2018).

There is currently no water allocated for marae nor compensation for the extraction and sale of a tribal taonga. These conditions have sparked a growing public concern (Johnston, 2018). The interviewee makes references to customary water rights based on the argument that “water is a taonga and therefore protected under Article two of the Treaty of Waitangi” (Hall, 2012: 33). According to governments position on property rights to water under common law, freshwater as incapable of ownership through *publici juris* (rights common to all people). However, statutory water permits in the RMA make water allocations commodified, fungible and transferrable for a market-based economy. Such permits grant exclusive use, excluding others from taking water, which is characteristic of property rights (Johnston, 2018). According to van Meijl (2015) the bicultural clash of interpretations over rights and ownership “indicates that underlying different conceptions of ownership is a contest about *rangatiratanga*, prestige and power” (p: 235-236). Consequently, the unresolved issue of customary water rights and ownership for Māori imposes on the relationships of internal and external water resource stakeholders, impacting cultural, social, political and economic development for hapū.

## Power-Sharing

In the context of a pending co-management agreement between Raukawa hapū and local district council the theme ‘*power-sharing*’, examines hapū representative knowledge and perspectives on current decision-making processes in resource management for Te Waihou and Tūheihei. The data presented reflects nuanced views of power-sharing among internal and external stakeholder groups. Perspectives are demonstrative of hapū vision and aspirations for future engagement and development in the contemporary aspects of collaborative resource management. Based on the premise that “[e]ach co-management regimen contains a basket of power-sharing provisions” (Wevers, 2013: 694). This section considers the effectiveness of current power-sharing provisions, internally between hapū and the tribal authority and externally in dynamics between iwi and Crown authorities. The

following comments reflect culturally definitive considerations of internal *power-sharing* in decision-making within the tribal collective.

I think now where decisions used to always go to certain people. Now it is about doing it all together and helping each other in decision-making . . . I do believe in the fact that we have to go together. We have to go entirely together to go forward, which is the fact that power-sharing should eventually be what it's all about (Mita O'Brien. Individual interview 2018).

But the main thing is to get together . . . Kotahi ano te kōhao o te ngira koina . . . [k]i te kōrero a te Kingitanga. Te miro ma, te miro pango me te miro whero . . . Me haere kotahi tātou I raro I te Kotahi o tahi<sup>21</sup> (Koro Hori Dean. Individual interview 2018).

Kotahitanga, as expressed in the above quotes, implies a unity of purpose and direction (Raukawa, 2015). Despite the longstanding adoption of this conceptual term in the indigenous socio-political milieu of hapū and marae, the implications of 'tribal unity' through a "government stipulated legal framework for Treaty settlement negotiations" (Van Meijl, 2012: 185) and the inception of the tribal authority has transformed hapū standing within contemporary notions of a collective tribal unit. Van Meijl (2003) asserts that a "central feature of the government's preconditions is that only tribal organisations with legal status would be transferred compensation implying that hapū, the core groups of Māori society in the 19<sup>th</sup> century, become legally subordinated to iwi and waka" (p: 276). The outcome of this blanket tribal strategy by Crown and central government continues to raise dispute in the central structure of control within the tribe, headed by a monarchy (van Meijl, 2012). Governments devolution policy in settlement processes, according to Mika (2019) "carried the potential for colonial divide-and-rule tactics, which had been used a century and a half earlier to alienate Māori from their lands" (Mika, 2019: 300), and effectively extinguished all hapū claims to lands and natural resources (van Meijl, 2003). Despite government mechanisms that have deprived hapū of independent legal acknowledgement (van Meijl 2003), hapū remain proactive advocates for taonga within the neo-tribal governance structures. The following comment considers a move to develop tribal resource management

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<sup>21</sup> English Translation: There is but one eye of the needle, exact are the words of the Kingitanga . . . The white thread, the black thread and the red thread . . . We should all combine and move as one.

advocacy in collective hapū collaborations, a framework that would help determine and affirm an appropriate course for the management of Te Waihou in the future.

Are we strong as a hapū or are we strong as one iwi? You know Ngāti Raukawa. Are we? We have to look at, you know, whether we can take it to the next level with working collectively with all the hapū involved; that this is the mauri of that river and this is how we're going to maintain it (Te hapuku Munro Rikirik. Individual interview 2018).

The notion of collective hapū engagement to affirm overarching traditional rights as mana whenua demonstrates the importance of hapū relationships to taonga and underlying limitations for hapū in the exercise of kaitiakitanga over resources. According to Te Aho (2005) “[m]any Māori feel that the problems of declining water quality and over-abstraction are a result of the Crown’s failure in its duty of kāwanatanga and that Māori have been prohibited from exercising their obligations of kaitiakitanga, or guardianship” (p: 159). In the context of external stakeholder engagement between iwi and the district council, interviewees below affirm hapū rights to regain their voice and advocacy for taonga.

Te tuatahi, ko wai te mana whenua; te tino rangatira o tērā”? “And they (the council) need to actually stipulate a ture that they need to work with Raukawa. Not Raukawa working with them. That’s my point, it comes back to mana whenua having the first and the last say<sup>22</sup> (E Pā. Individual interview 2018).

Me te mea hoki, whawhai ano mātou kia hoki mai wētehi o tātou taonga, ngā mea riro i te Pākehā. Ana, i konei nā, tēnei whenua i konei, to mātou mana whenua i konei. No mātou te mana whenua ki tēnei wāhanga o te awa o Waikato. Ko tātou tonu ngā kaitiaki o te Puna<sup>23</sup> (Takarihi Temarama, Individual interview 2018).

All the hapū and iwi that are connected to these rivers. We should be maintaining them you know, doing everything. I don’t think we should leave it up to the Papa Atawhai<sup>24</sup> or the local council. We should take it off their hands. And then that way, we ka whai tikanga tatou. I think they should give

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<sup>22</sup> English Translation: Firstly, who is the overarching authority of the river?

<sup>23</sup> English translation: And indeed again we have to fight for the return of our tribal heirlooms that have been lost, taken by the Pākehā. We have the territorial rights of these lands here we are the protectors of this division of Waikato river, and we indeed are the guardians of the spring.

<sup>24</sup> English Translation: The Department of Conservation . . . Pursue our customary protocols.

the mana back.<sup>25</sup> We can do the job, I'm sure we can. We can manage our rivers (Te Hapuku Monro Rikiriki. Individual interview 2018).

Perspectives from mana whenua in the above comments articulate the importance of hapū control over a natural resource in order to advance its restoration (Dick, 2012). Recent government initiatives in the development of resource legislation has created a pathway to enhance iwi engagement under a rights-to-culture model. An amendment in RMA legislation extended existing joint management plans JMP's, introducing iwi participation agreements (IPA's) later renamed Mana Whakahono a Rohe (MWaR), to reflect the inclusion of iwi in co-management decision-making around iwi strategies and aspirations. The purpose of this programme was,

to provide a mechanism for iwi authorities and local authorities to discuss, agree and record ways in which tangata whenua may, through their iwi authorities, participate in resource management and decision-making processes under the Act . . . It is therefore possible under the MWaR programme for iwi to negotiate agreements that are akin to those negotiated by iwi in treaty settlements (Erueti, 2016: 78).

Despite the Crown denying Māori the ability to legally determine customary rights to water (Sullivan, 2017), in the event that a co-management agreement for Te Waihou is determined between iwi and government authorities; statutory acknowledgement and IPA's can provide a way for hapū to regain and exercise mana whenua rights over rivers. The capacity in which hapū exercise mana whenua is limited as a right-to-culture model excludes proprietary and political Iwi rights to engage in resource consent decisions or gain any economic or other benefits from resource use (Erueti, 2016).

According to Sullivan (2017), political tension around customary rights, and ownership to natural resources between Māori and Pākehā is based on differing political understandings, ideological perspectives and the failure of government and the Crown to uphold the values and principles of the Treaty of Waitangi. Understanding the differing cultural perspectives of resource terminology highlights the conflicts over conceptions of ownership and customary rights to natural resources. Roberts (1995) asserts that in the RMA, kaitiakitanga is defined

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<sup>25</sup> Mana covers both ownership (the right to use and possess against all others), and the over-riding political authority to control the use and management . . . In custom, the hapū had the mana over their territorial lands and waters (see Durie, 2017: 30).

as ‘stewardship’ which is a term that implies guarding someone else’s property and holds master-servant relationship connotations; a concept foreign to Māori. In contrast, the Māori concept of kaitiakitanga (the act of guardianship), is incommensurable, existing in a tikanga context. Put simply, one must know the Māori world to know the meaning of kaitiaki (Roberts, 1995). The following example perceives the ownership of water and the inherent historic affiliation and kaitiaki connection hapū hold with rivers and land through occupation.

Ko rongō ahau ētehi e kōrero ana karekau ana he rangatira o te wai. Engari me pēnei tāku kōrero. Ko roa nei a Ngāti Mahana, a Ngāti Tūkorehe a Ngāti Ahuru tahi e noho ana i te whenua e inu ana te wai . . . Arā, no wai te wai? . . . [K]arekau tātou i te rangatira, engari ngā kaitiaki ko mōhio kē te whenua, te mauri o te whenua. Anā takahi o waewae i te whenua, ko mōhio te whenua, a, koia tonu koe, koia <sup>26</sup> (Takarihi Temarama. Individual interview 2018).

The question as to whether internal and external power-sharing between iwi and council through co-management engagement will provide a forum to create morally structured processes around equity in resource decision-making, will be determined by the role and extent to which tikanga will be active in the collaborative process. Tikanga for each respective hapū sets the terms and guidelines upon which hapū engage, as the following comments highlight.

I don’t like to use that word, that kupu power-sharing. To me it’s whakāro ko tahi, one idea for everyone . . . To me, na tahi ki te na tahi, or whakāro tahi is a very humbling word, better than power-sharing or rangatiratanga; yeah because a lot of our hapū are very humble and you don’t want them to be disrespected . . . If we all talk together amongst hapū and get the same whakāro he pai tonu, he mauri tonu, he mauri ake i ngā wā katoa<sup>27</sup> (Laurence Moeke. Individual interview 2018).

Me te mea ko te mahi tahi te mea nui, ne. Kaore mātou e mea ana, e kore rawa pea, e pērā te noho tahi, me mahi tahi ka tika. Me noho tahi. Engari ko te mea kē ki a au, me noho tahi me mahi tahi i raro i ngā tikanga a te Māori, ne . . . Me haramai i runga i te whakāro o te mahi tahi, engari me whakāro

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<sup>26</sup> English translation: I heard one view, that no one owns water. However, I will say this . . . For a long time, Ngāti Mahana, Ngāti Tūkorehe and Ngāti Ahuru as a collective, have occupied these lands, drunk the water, so whose is the water? There is no chief of the water, however, as the guardians we actually know the land, the mauri of the land. You see, you traverse the land, you understand the land. That is the point.

<sup>27</sup> English translation: One vision . . . By one way, a collective vision . . . It is better to have one vision to be completely united.

pea ki ngā tikanga ake i o te iwi o te kainga. Kia kua rawa e haere ki te kaupapa me o ake tikanga<sup>28</sup> (Emerson Rikiriki. Individual interview 2018).

The above statements situate power-sharing in the context of mahi tahi and under the mantle of a collective hapū tikanga, both of which facilitate collaborative aspirational constructs and collective vision for the iwi as a whole. Many iwi in Aotearoa advocate for the tikanga of tangata whenua to be acknowledged as an integral and substantial factor in resource management, and to be consistent with the tikanga and kawa of the tribal rohe (Whangapirita, 2003). According to Toki (2014), tikanga should be included as a matter of constitutional right. Relative to constitutions guaranteeing certain rights and freedoms, Toki (2014) asserts that tikanga Māori was the first law of New Zealand and reflected a form of constitutionalism as a system of principles and values that guided interactions among hapu and iwi. Māori rights to their own legal system, premised on tikanga Māori, and tino rangatiratanga as guaranteed in the Treaty of Waitangi, implies that New Zealand cannot historically, legally or morally claim to be built upon European law alone. Therefore, the implementation of tikanga Maori is a constitutional right for Māori. (Toki, 2014).

### **Integrative Resource Management**

Hapū perspectives on integrated river management priorities are focused on notions of kotahitanga and kaitiakitanga in river restoration and protection initiatives. The following comments highlight an initiative for hapū to restore the mauri of the river and reclaim tribal mana over the awa as a holistic approach to tribal health through kaitiakitanga. Mika (2019) explains that kaitiakitanga outlines Māori values relating to environmental protection and management as “part of a holistic schema that incorporates both development, sustainability and has implications for Māori health and wellbeing” (p: 624-625). For hapū, restoring the health of rivers is a reciprocal process that involves using the practice of kaitiakitanga to reclaim tribal integrity and achieve a holistic tribal health.

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<sup>28</sup> English translation: In fact, working together is of prime importance. We do not, perhaps never, really work together. We should come together. Albeit I think we should come together and work under the mantle of our Māori customs . . . We should come under the vision of a united goal. However, we should perhaps focus on instructing the traditions of the collective home tribe. Not move towards elements of other traditions.

I'd like to see ourselves putting native trees in . . . To put our own mana back beside our river (Koro Hori Dean. Individual interview 2018).

Get back the native plants aye. Bring back our native plants that were here, yeah . . . You bring in the native plants, our tōtara and that, you bring back the manu. You bring back the manu you bring back the ngāngara . . . He manāki te whenua, he āwhina te whenua, mo te aha? Kei te ora tonu i ngā wā katoa<sup>29</sup> (Laurence Moeke. Individual interview 2018).

The exercise of kaitiakitanga and ability to actively engage in restoring and protecting the life and health of Te Waihou, is a notion that is viewed as an inherent right by hapū who exist on the fringes of resource management structures. In Memon's (2012) views of meaningful indigenous freshwater management, Māori acquire agency in tribal waterways if specific sites, territories, and water bodies have been set aside vested or returned for indigenous ownership, title or management through a co-management role in a locally important water body. In the case of Te Waihou, co-management is a vehicle that is viable for iwi to negotiate hapū rights and processes to actively practice kaitiakitanga through river management by their own terms, values and knowledges and in doing so, create future opportunities for their progeny as the following comments highlight.

Things like that (Tūheihei), I would like to see it protected, I'd like to see that Māori has a lot of say in the rights, cause that's part of us you know (Johnathan Tai: Individual interview 2018).

Me whakahoki mai te mana ki te iwi. Te kaitiakitanga ki a tātou, a, kia noho pai ai te mauri o tērā awa . . . Ko te kaitiakitanga me hoki mai ki a tātou. Ki a au, mo a tātou ngā tamariki, ngā uri whakaheke . . . Ko te awa tonu te kai whāngai i a tātou, ērā mea katoa . . . Me whakāra tātou i ngā mahi a ngā tupuna kia hou atu ai ngā tikanga, kia pai ai tā tāotu tiaki i o tātou taonga<sup>30</sup> (Takarihi Temarama. Individual interview 2018).

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<sup>29</sup> English translation: Birds and Insects . . . To care for and nurture the lands, for what? For the complete health and longevity of all.

<sup>30</sup> English translation: The authority should be returned to the iwi. The guardianship is for our people to maintain the unique life essence of the river . . . The guardianship should be returned to our people in my opinion and for the children and descendants to come . . . The river remains the complete sustenance for us all . . . We should return our thinking to the work of our ancestors, to the essence of our traditions for the appropriate care and protection of our treasures.

Key environment objectives for Raukawa iwi focus on building hapū and marae capacity in environmental projects to develop understanding and increase engagement opportunities in key environmental issues and resource management processes (Raukawa, 2015). Raukawa environmental objectives arise in conjunction with South Waikato District Council's targets for water. These targets include the mitigation of potential negative impacts on rivers through analysis of potential environmental impacts, and consideration of economically viable and environmentally prudent options (South Waikato District Council, 2019a). The National Water Policy Statement for freshwater provides a progressive outline to engage in effective collaborative engagement. The policy incorporates tangata whenua values and acknowledges a framework that considers and recognises 'Te Mana o te Wai' as an integral part of fresh water management. The policy emphasises

protecting the mauri of water in the requirement that in using water you must also provide for, Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people) . . . The engagement promoted by Te Mana o te Wai will help the community, including tangata whenua, and regional councils develop tailored responses to freshwater management that work within their region (Ministry for the Environment, 2014: 7).

At a local level, key river priorities and forward thinking from hapū reflect a focus towards an iwi- initiated mātauranga Māori Te Waihou river strategy. A strategy initiated in collaboration with key internal and external stakeholders so as to collectively strategise for environment sustainability and protection. These views are highlighted in the following comments.

[I] think the priority for us is making sure that the puna up here at Te Waihou and also the Waimakariri, that they're protected against pollution. The day that puna gets polluted, that's it (Te Hapuku Munro Rikiriki, Individual interview 2018).

Ko te mea ki a au. Me, te upoko e whakahaere nei i tēnei iwi o tātou i a Raukawa. Kei reira pea tētehi oranga mo tātou. Ko te mea, me hanga rautaki, me mātauranga Māori te hanga o te rautaki . . . Me Māori ngā karu, me Māori ngā taringa, me Māori hoki te titiro . . . Me te mea nei, i te pērā, ka ngāwari ki a rātou i te whakatū hui, hei kohikohi i ngā mea toenga kaumatua, ngā mea kaiako kātoa, Māori mai Pākehā mai, o te takiwā nei. Ki ngā

wānanga, ki te whakatū, ki te whakarite ki te whakatau, i tētehi rautaki mātauranga Māori nei, mo te ahua o te tiaki<sup>31</sup> (Emerson Rikiriki: Individual interview 2018).

Raukawa hapū affirm, under tikanga principles, the protection of Te Waihou as an ancestral body of water. The river's inherent characteristics and life generating principles for hapū, legitimate the river as a significant tribal taonga that has wairua and mana as the following kaumatua express.

Ko te taniwha o te awa, ko te wairua, te mana. . . Kei Te Waihou no tōna nei mana . . . She's the Waihou - nana ano te kōrero - all the way<sup>32</sup> (Koro Hori Dean. Individual interview 2018).

Te Waihou has mana, and in the sense of that mana, we can swim in it, we can drink it, and you know there's kai in that river. That's what they term as mana aye . . . That's where the mana is, it's in the water itself, it's in the bed itself (Te Hapuku Munro Rikiriki. Individual interview 2018).

Local authorities are reluctant to fully acknowledge Māori perspectives and attributes of association that have protective and sustainable mechanisms for rivers. Michaels (1999) reports that if Māori attributes do not align with state legislative philosophy and ideology about sustainable management, they are only partially accepted by the state. As a consequence of this imbalance, iwi customary rights to freshwater and the ability to protect the resource from unsustainable exploitation is overridden by commercialism. This bias is apparent in Sullivan's (2017) assertion that the governments move to vest the foreshore and seabed in public ownership allowed for the taking of freshwater for commercial interests. Extractive commercial activities have been shown to deplete and pollute water systems, affecting the ecosystem, and override Maori customary rights (Sullivan, 2017).

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<sup>31</sup> English translation: It is apparent to me, in the governance of our iwi Raukawa perhaps resides the health of our tribe. Construct a strategy with Māori knowledge as the foundation of the strategy, with Māori eyes, Māori ears, and indeed a Māori view . . . And in this approach, it will be appropriate to hold hui and gather the remaining kaumatua teachers - Māori and Pākehā - of the area here, to establish, discuss, prepare and affirm Māori knowledge strategies around values of guardianship and conservation.

<sup>32</sup> English translation: The guardian of the river is spirit of quintessence, and supernatural force. Te Waihou has its own power . . . She's the Waihou and speaks for herself.

The following kaumatua gives a perspective on the contrasting views of water use between iwi and local authorities.

The council were the hardest ones to deal with because they're not looking at it (Te Waihou), as a Māori entity. They're looking at it as a resource for whoever wants it. And they don't want us to have that entity and have that right (Mita O'Brien. Individual interview 2018).

Through the RMA and Treaty settlement developments such as the Te Awa Tupua Act 2017, Ruru (2013), Johnson (2018), Sanders (2018) and Morris (2010), agree that Māori have been able to advance their kaitiaki interests and connection to water, and allow for improved regulation, compromise and reciprocation in co-governance relationships. In contrast to this position, Johnson (2018) emphasises that despite these strategies having components that align with tikanga world views that acknowledge the cultural and spiritual identification of rivers, the strategies are Western legal concepts. Given the nature of these concepts, "Māori legal traditions rather than being recognised in shaping law are adopted to the closest legal equivalent from western tradition; positioned through the Western default lens rather than being equally positioned with tikanga" (Johnston, 2018: 57). The following interviewees commented on the concept of legal personality for rivers as a means of protection and to acknowledge the significance and independent status of Te Waihou as a taonga.

A, kei te whakāe ahau kia pērā ki te awa, o, Whanganui, ngā awa katoa. I te mea, he tinana hoki ngā awa. A, ko tātou te awa, ko te awa hoki tātou, kare he wehewehetanga. Ki a au e whakāe ana kia whakatinanangia kia whakatangatanga ngā awa<sup>33</sup> (Takarihi Temarama. Individual interview 2018).

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<sup>33</sup> English translation: I agree to that status of the river, I desire for all rivers to be like Whanganui, a personified river. We are the river and the river is us, there is no separation. For me, I agree to the rivers being personified as living entities.

Me te mea hoki, me motuhake te mana o te awa o Te Waihou. Me motuhake te tino rangatiratanga o te awa o Te Waihou. Me te mea he taonga a te Waihou. Kaua ki a mātou e nohonoho nei ki a tātou me ki me ngā uri whakaheke e haere mai nei, me motuhake ērā mea. I runga ano i te mea kia kaua rawa e pōhēhē he taonga noa iho. He taonga tuku iho tēnei, me te mea ano ka hoki au ki te whakapapa he taonga tuku iho. Mai ano i te timatanga o te oroko timatanga o te ao, heke mai ki a tātou i tēnei ra. Noreira ko ta mātou mahi me tiaki i tērā whakapapa. Manākingia tērā whakapapa<sup>34</sup> (Emerson Rikiriki Individual interview 2018).

In contrast to hapū views on the cultural embodiment of rivers as taonga, the legal personality model exemplifies development in the application of Māori world-views in resource management. As a model that is centered on tikanga and whakapapa (Sanders, 2018), legal standing gives the river a voice, enacts an environmental protection that places river health and well-being at the forefront of decision-making, and recognises the mana and mauri of a river in a holistic approach to river management. These tikanga-based characteristics represent a move away from the common law notion of fragmentation (Morris, 2010). Despite the subjection of co-management initiatives to the practical and theoretical limitations contained within iwi and Crown settlements, co-management initiatives of this nature have provided innovative developments in relations between iwi and local authorities. The value of these relationships is evident in the practical implementation of negotiated concessions to protect and sustain significant tribal rivers. Hapū aspirations to reaffirm mana whenua rights and actively restore, sustain and protect river health within the tikanga protocols of the iwi remains a collective vision of lasting kaitiakitanga to be upheld by future leaders.

## Chapter Review

In this chapter hapū representative views of Te Waihou river management were presented under the conceptual themes *Hapu Impacts, Power-Sharing and Hapū Vision in Integrated*

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<sup>34</sup> Translation: The thing indeed is the inherent power of Te Waihou should be independent. The Te Waihou should have the overarching autonomy of independence. The reason is, Te Waihou is a treasure. We, and our descendants should ensure the river has independence. And accordingly, do not confuse the river as merely a treasure. This treasure is a very significant heirloom as is whakapapa a significant heirloom. From the beginning of the world to our generations of this day. Therefore, our work should be to look after that whakapapa. Nurture that whakapapa.

*Resource Management*; in contrast to Māori focused discourse on resource management. The analysis of research narratives pertaining to hapū impacts, highlighted concerns on the diverse effects of local farming, forestry, tourism, water bottling, and district resource management policy. Through a cultural lens, participants identified the impacts that these factors have on waterways and local marae communities. Narratives highlighted the inadequacies of resource management systems to address negative impacts. The discharge from local farming and timber mills to local waterways and the ineffective mitigation of tourism impacts that have severely degraded amenity features and water biology of Tūheihei, remain unresolved issues for Te Waihou marae. Rising concerns about the depletion of aquifers from water takes by local water bottling companies is a concern validated in the unpredictability of water supply in catchments. This unpredictability is accounted for by climate change, declining quality and quantity of freshwater resources, and limitations in the monitoring of aquifers. Research participants identified that without effective management of environs inclusive of cultural approaches and meaningful engagement, economic growth through commercial industries will lead to further environmental degradation and continue to compromise the cultural integrity of land and waterways.

The RMA, established for the sustainable management and protection of New Zealand's natural resources, was influenced in the policy stages by exogenous forces that favor a market-based economy and takes a reductionist approach to sustainable management. Despite the RMA allowing for the consideration of Māori values in resource management, the Act legislation does not align with indigenous approaches to sustainable management. Indeed, the Act explicitly states that local authorities are not required to consult with Māori. The South Waikato District Council pledge a commitment to a sustainable management development and protection that will enable hapū and communities to provide for their social, economic and cultural well-being (Vince 2006), yet the exclusion from meaningful engagement is debilitating for hapū who are denied the ability to partake in critical resource management and decision-making processes. This impacts on social, economic and cultural development, leaving hapū with diminished power.

Regional and district water policy based on colonial conceptions of water use and management presents significant cultural and economic impacts for marae. Without water

allocation, marae associated with local waterways are forced to pay water rates and are denied any direct benefits from lucrative water takes. Under resource legislation and council policy framework, local authorities have commodified water for bottling companies that access council consented water takes from Tūheihei. The sale of a tribal taonga through legislation based on the governments' position on property rights and ownership over freshwater has sparked growing public concern. Therein is a legislative paradox as the government enforced the non-ownership status of freshwater under common law, yet RMA statutory water permits commodify water allocations, making them fungible for a market-based economy and enabling the granting of exclusive use (Johnston, 2018). Hapū affirm customary rights to water based on the argument that water is a taonga and therefore protected under Article two of the Treaty of Waitangi. The bicultural difference in conceptions over water rights and ownership, and the failure of the Crown to honor and uphold the values and principles of the Treaty indicates an underlying contest for rangatiratanga and power (van Meijl, 2015). Interviewees advocated for a shift in colonial resource legislation, policy and practice, to align with mātauranga Māori and tikanga values, thus reaffirming mana whenua rights to practice kaitiakitanga. Research indicated that indigenous values are challenged by an underlying ethnocentrism in the social fabric of society that is embodied in the unwillingness of Western conservationists to consider indigenous paradigms by indigenous terms (Roberts, 1995). Unless customary rights are valued and provided for in resource management systems, the bicultural conflict of ethnocentrism will continue to taint collaborative relationships between internal and external stakeholders.

The theme '*Power-sharing*' considered co-management provisions that allow for power-sharing within external operative dynamics between hapū, iwi, and local authorities under a Western resource management regime. External iwi examples highlighted that settlement developments have allowed for advanced co-management frameworks, however, due to a pending co-management agreement between Raukawa iwi and local authorities, co-management is currently inactive. The concepts Kotahitanga and mahi tahi were expressed by interviewees as traditional notions of power-sharing under tribal unity and important ideologies in resource governance among hapū. Research highlighted that hapū claims to

lands and natural resources were extinguished, and the once core groups of Māori society became legally subordinated to iwi. This subordination occurred as a consequence of governments devolution policy and a Crown stipulated framework for Treaty negotiations. Therefore, the forced inception of tribal authorities to settle long-standing grievances has transformed hapū standing in a hybrid collective tribal structure and continues to raise significant contention among tribal members who dispute a central structure of control headed by a colonial monarchy. Hapū remain proactive advocates for taonga within a neo-tribal governance structure and seek ways to reaffirm overarching rights as mana whenua over tribal resources, restore inherent relationships to rivers, and reconcile with authorities to address the limitations enacted by government and local resource policy that prohibits hapū from their obligations to exercise kaitiakitanga.

Recent developments in RMA legislation have provided a mechanism to enhance negotiations between iwi and local authorities under IPA's. These agreements provide ways for hapū to participate in resource management and decision-making processes under the Act. However, the capacity in which hapū engage is limited to a model that denies any political and proprietary rights to engage in resource consent decisions or gain any economic benefits from resource use. For interviewees, the question as to whether power-sharing between iwi and council will create equity in resource decision-making will be determined by the extent to which tikanga will actively govern co-management processes. Research suggested that tikanga Māori should be implemented as a matter of constitutional right for Māori as the first law of New Zealand and a right premised on tino rangatiratanga as guaranteed in the Treaty of Waitangi.

Hapū priorities and vision for integrated river management focused on river restoration and protection initiatives to restore the mauri of the river and reaffirm mana whenua in such a way as to facilitate the practice of kaitiakitanga as a holistic approach to tribal health and well-being. The notion held by hapū to engage in kaitiakitanga is one of inherent rights for iwi, groups that currently exist on the fringes of resource management structures. Research claims that Māori acquire agency in the management of waterways if sites have been set aside, vested or returned for hapū co-management. Such a vehicle to negotiate and reaffirm hapū rights to exercise kaitiakitanga and build marae capacities in resource management

processes is a key objective in Raukawa environmental development strategies. Forward thinking from hapū reflect a focus towards an iwi initiated mātauranga Māori Te Waihou river strategy in collaboration with key internal and external stakeholders to collectively strategise for environment sustainability and protection. Hapū affirm that Te Waihou is a taonga, and should be identified by local authorities as such, acknowledged and protected as an ancestral body of water that has wairua, mana and other inherent characteristics based on life generating principles. Local authorities are reluctant to fully acknowledge Hapū perspectives if they do not align with state resource legislation, philosophy and ideology about sustainable management. Consequently, iwi customary rights and ideologies that work to sustain waterways are overridden.

Participants articulated the benefits of embodying Te Waihou as a living entity through tikanga and co-management developments. The Te Awa Tipua Act 2017 and RMA reform have provided an opportunity for Māori to advance their kaitiaki interests in rivers and allow for better regulation and compromise in co-management relationships. Despite claims that these initiatives are Western legal concepts that appropriate tikanga practices through a Western default lens, the initiatives place river health and well-being at the forefront of decision-making and demonstrate how Māori world-views in resource management can enhance Māori advocacy over rivers. Participants prioritised the importance of establishing collaborative strategies through stakeholder engagement, however, a finalised co-management agreement remains an obstacle and significant concerns persist for hapū. Firstly, are concerns on the ways in which hapū aspirations will be actively implemented, how political standing will be determined for hapū in a co-management forum, and to what extent will authorities uphold treaty principles and meaningful reciprocal relationships. Secondly are debates about what mechanisms might be implemented for co-management partners to proceed in addressing tikanga terminologies in resource management processes, to alleviate the continual reduction of Māori world-views and values. Finally, are considerations as to how might an even playing field among internal and external stakeholders be maintained without further compromising the status of mana whenua. These concerns will be examined further in the following chapter.

## CHAPTER SIX

### Discussion:

#### Bridging the Cultural Divide.

*“Yeah it’s just to make our voice heard about our water. At least the Waihou is ours. But we mustn’t take away the rights of the other Māori too. We have to go as one, ki te kotahi . . . Koina ano te kōrero a te arikinui. Ko tahi ano a te kōhao o te ngira, i uru ai i te miro mā, te miro pango me te miro whero . . . Me haere kotahi tātou i raro i te kotahi o tahi”<sup>35</sup>*

*(Koro Hori Dean: 2018).*

Summary and interpretation of the results from the interview findings and analysis will now be discussed in reference to the studies research questions. A summary of results for each research question will be compared with the literature to examine relative implications and define where the results are positioned in Māori rights and reconciliation theory and practice. A synthesis of the findings determined the boarder patterns, principles and relationships that this research had with the review literature, where the research fills existing gaps, and adds to the existing body of knowledge. Hapū perspectives on waterways in the district reflected the on-going debates around Māori rights and ownership over fresh water, highlighting the inadequacies of colonial resource management instruments that are in place to mitigate environmental impacts and reconcile with iwi through settlement. Under a rights-to-culture theme, research questions will be reviewed in synthesis with data results and literature to argue that colonial government instruments put in place to address Māori customary interests and claims to fresh water. The RMA, government and council resource policy and practice, Treaty Settlement frames, co-management and New Zealand's legal framework - all of which this research claims are based on Ethnocentric ideologies - have significantly advanced the

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<sup>35</sup> English translation: As one . . . In the words of the Māori king, there is but one eye of the needle from which the white, black and red strands pass through. We should all be united and moving together as one.

deconstruction of tikanga and a rights-to-culture model. As a consequence of the governments' denial of proprietary and political rights models for Māori claims to freshwater; a rights-to-culture model is the only tool provided for Māori to operate and negotiate within resource management legislation and collaborative management processes.

## Rights-to-Culture

Research question one focused on gathering hapū views of factors that cause significant impacts for waterways and statutory acknowledged marae of Te Waihou. Impacts caused through resource legislation, regional and national resource management policies and practice, and economic activities that are factors inclusive to the district's current water management regime and operative plan.

### **Research Question #1**

*What are the impacts for hapū and a tribal fresh water source, caused through regional and district resource policies and economic activities that are part of the districts' current water management regime?*

Narrative findings identified that hapū impacts were environmental, cultural, social, economic and political, as a consequence of local industry in addition to district resource management policies and practice that take a minimalist approach to hapū engagement in resource management. Participants predominantly identified industry impacts on waterways as a cultural through the loss of tikanga, practices and the relationship marae historically maintained with their rivers. Findings highlighted that environment mitigation by local authorities to reduce environmental impacts and protect significant tribal water bodies was ineffective in adhering to tribal tikanga and failed to meet district environmental standards. Hapū perspectives on impacts in relation to Te Waihou and other waterways in the district brought into question the integrity of colonial resource management instruments to sustain waterways and reduce environmental and cultural impacts.

### The RMA

Eruetis' (2016) study on indigenous rights conceptual models explains that, Crown and government instruments to address Māori interests and claims to fresh water - the RMA and

co-management agreements - fit a right-to-culture model, which protects a traditional way of life and provides rights to engage in procedures that allow for participation in decision-making and tribal self-management of property. Findings showed that in relation to Te Waihou and other local waterways, district policy guided by the RMA, as the only existing mechanisms for mitigation, are ineffective in providing practical resource protection for taonga and fail to demonstrate measurable developmental outputs from a rights-to-culture model as outlined by Erueti (2016).

Analysis indicated that as a guide for district policy, the RMA significantly impacts a right-to-culture. The influence of exogenous policies in the Act's inception interprets sustainable management through a lens of market-based economy and assumes a reductionist stance on resource management (Michaels, 1999). The RMA's failure to stipulate processes for Māori to secure arrangements, relying instead on national policy and council plans to provide guidance and clarity has proven a substantial barrier for Māori to realise tangible opportunities for kaitiaki empowerment (Kennedy, 2017). The Act includes provisions that councils are obliged to recognise and provide for including, Maori rights, cultural interests and relationships that Māori maintain with the environment and other taonga. These provisions are paradoxical in practice as highlighted in narratives that express the loss of hapū rights to effectively practice kaitiakitanga; weakening the connection hapū have formally maintained with rivers. In reality, any interests and mechanisms in the Act to empower kaitiaki are contested and widely rejected by decision-makers who construct and enforce rules which inequitably affect Māori relationships with their taonga (Greensill, 2010; Kennedy, 2017).

### Resource Policy, Rights & Ownership

Literature demonstrated that local resource policy is incongruent with national resource legislation in providing for Māori interests. Data analysis affirmed the outcome that kaitiakitanga over rivers is re-defined in a colonial quasi cultural model and provisions that are contrary to the customary capacities of tikanga and rangatiratanga in political decisions and proprietary authority. Participants highlighted council processes that diminish mana whenua authority by denying hapū engagement opportunities and decision-making power over tribal freshwater resources. Despite Māori legally being able to engage in council

planning processes, councils non-notified application policy for resource consents means there is no legal obligation for council to consult with Māori (Te Aho, 2005).

Further policy impacts on Māori customary rights and interests in water is highlighted In Burkhardt's study on iwi fresh water allocation. In contrasts with hapū experiences, district water policy does not provide entitlement rights for marae water allocation and in particular cases, requires that marae pay water rates on their customary lands. Burkhardt (2016) confirms that despite Māori provisions of customary use in part two of the RMA that provides a statutory basis to argue for an allocation; councils competitive 'first in first serve' policy for allocation coupled with section 30 of the RMA legislation enforces that under case law regional council cannot give preference of allocation to a particular section of the community (Burkhardt, 2016). Restrictive water allocation policy that fails to provide a water quantum for marae presents significant cultural impacts and limits hapū economic growth and development. In the sphere of political tensions over ownership rights to water, the prospects of hapū resource provisions for economic development is constrained by legislation which vests full ownership and control of resources in the Crown, and regional councils have the power by virtue of the 'RMA' to refuse rights to use natural resource for development purposes (Tutua-Nathan, 1992). Johnsons study on Māori rights to freshwater, outlines the paradox between legal classifications and lucrative water policy. This was demonstrated in governments response to Māori interests in freshwater by classifying water as 'incapable of ownership' under common law, only to later support water permits that commodified water allocations; characteristic of property rights which is akin to ownership (Johnston, 2018). The study sits in juxtaposition with the lucrative policy mechanisms used by council in the fiscal management of consented water allocation from Te Waihou (see '*Water Policy*' section, chapter five) and the denial of any direct economic benefits for hapū from lucrative freshwater management.

### Reconciliation Paradigm

The aim of research question two was to determine the current role of mana whenua in internal and external resource management processes. As an extension to this question, the term power-sharing was introduced in analysis of narratives, and reconciliation literature and initiatives. Power-sharing was adopted for a dual purpose. Firstly, to understand the ways in

which hapū mātauranga and environment aspirations are applied and developed in existing river management frameworks and mechanisms. Secondly, power-sharing was used as a backdrop to consider the nature of stakeholder relationships in collaborative resource management, and equity in the application of reconciliation initiatives for hapū development.

### **Research question #2**

*In what ways are hapū/marae knowledges and aspirations for the environment shared and developed within the collective iwi and freshwater management frameworks, and what status is given to hapū and hapū mātauranga in relation to their tribal resource?*

This question raised significant implications relating to collaborative tribal engagement. In particular collating a complete and comprehensive representation of hapū knowledge and aspirational views is no easy feat. How iwi proceed within internal and external engagement processes comes into question when hapū representation is limited. Hapū diaspora is a major factor that hinders robust tribal representation and collaborative contributions. Consequently, post 2014 iwi settlement, the ability for hapū to work collectively has been constrained. Te Waihou marae engagement with external stakeholders and authorities has been a rarity and internal engagement is somewhat sporadic; devoid of a co-management strategy to determine how effective engagement will proceed. In relation to this issue academics raised concerns that in collaborative engagements, councils are only required to deal through iwi authorities (Te Aho, 2005). This form of hapū disempowerment as outlined by van Meijl (2012) and Mika (2019), is a consequence of Crown devolution processes that carried the potential for tribal divide-and-rule tactics, legally subordinating hapū to that of a collective iwi and waka and transforming tribal structures through a government stipulated framework and precondition for treaty settlement negotiations.

The examination of reconciliation mechanism ‘statutory acknowledgement’, revealed a significant difference in Māori and non-Māori world-views of power-sharing and the ethnocentric characteristics of colonial settlement frames that influence quasi cultural conceptions, and notions of tribal authority. Participant narratives confirmed that power-sharing is collectively identified through the traditional concepts kotahitanga and mahi tahi. Expressed as terms that hold inherent values and functions that allow for power-sharing

provisions under hapū unity, these conceptions are essential for collaboration processes and decision-making among hapū. Narratives indicated that equity in resource decision-making through power-sharing between iwi and council, is reliant on the acceptance and inclusion of tikanga in collaborative management strategies, processes and mechanisms in waterway management. In comparison, ‘*statutory acknowledgement*’ is a devolution of power through acknowledgement made by the Crown in respect of statutory areas of interest outlined in a deed of settlement. In regard to this study, the statutory area of interest is the Waihou river marginal strip shown below in Figure 6.1.

This reconciliation tool recognises the ‘cultural’ association that mana whenua maintains with place and attempts to provide an avenue for hapū to engage in resource consent decisions. Despite the obligation of authorities to provide consent development information to iwi and hapū, the only general obligation in statutory acknowledgement is the obligation for relevant consent authorities to have regard to statutory acknowledgement in resource consent applications; “to decide under section 95E of the RMA whether the trustees are affected persons in relation to the activity and if the activity’s adverse effects on the persons are minor or more than minor” (Government, 1991: 198). Therefore, statutory acknowledgement marginally addresses matters of tikanga nor devolves authoritative power to mana whenua in resource consent decisions.

Findings confirm that government reconciliation solutions are cultural redress solutions, confined to resource legislation and concentrated on management opportunities for Māori. Consequently power over water remains with the government as the Crown rejects commercial and proprietary redress for water (Ruru, 2013). Equity in resource governance through statutory acknowledgement, and on the basis of quasi cultural solutions for hapū, is negated through colonial misconceptions of tikanga practice and principles around the management of natural resources; thereby impeding development for iwi and hapū self-determination in areas of economic, social and political development (Erueti, 2016). On the contrary, assimilation policy narratives in the literature review suggested that reconciliation for treaty settlement iwi is a means to become key players in the national economy, with an increased asset base that provides iwi the autonomy to exercise tino rangatiratanga, politically and economically. However, there are concerns that settlement iwi who have reached

reconciliation have become assimilated into mainstream society by integrating with the governing economic framework to increase their assets (Sullivan, 2016).



RAUKAWA DEED OF SETTLEMENT ATTACHMENTS 2.3: AREAS THAT ARE BOTH STATUTORY ACKNOWLEDGEMENT AREAS AND DEED OF RECOGNITION AREAS.

*Figure 6.1 Map of Te Waihou Marginal Strip. Source (New Zealand Government, 2012: 21).*

Findings indicated that in settlement the exercise of rangatiratanga for mana whenua which extends to their equitable engagement in governance and protection of taonga as outlined in the Treaty of Waitangi, is not being met. In examination of reconciliation literature, important factors for Raukawa hapū and iwi to consider are firstly, the ways in which the settlement deed provides for the interests of Raukawa to be recognised in future agreements reached regarding the river in the Raukawa area of interest (Te Kawanatanga o Aotearoa, 2014). Secondly, full and final settlement is not the end game, a vital aspect of reconciliation is the restoration of mana through on-going negotiations and gatherings to allow for relationship building and the mobilising of people from which mana and power can be attained (Muru-Lanning, 2012). Reconciliation will continue to be an evolving discourse. The ways in which reconciliation initiatives develop for Te Waihou hapū in the future will depend on the strategies local authorities employ to engage mana whenua until a co-management agreement has been reached among Te Waihou river hapū, iwi and local authorities.

### On the Horizon: Co-Management Developments & Implications

The purpose of research question three was to collate and examine historical and contemporary perspectives on the importance of freshwater to understand and reflect on the importance of cultural standards in contemporary freshwater use, management and sustainability, in contrast to resource legislation and co-management developments. By examining these views in the context of contemporary freshwater management, the goal was to affirm what Te Waihou marae view as priorities for significant freshwater sources and how marae envision their participation in these priorities in the future.

#### **Research Question # 3**

*What are some of the historic and contemporary views of freshwater from Raukawa hapū, particularly relating to Te Waihou River and Tūheihei (the Blue Spring)? What is the significance of these perspectives relative to freshwater use and sustainability for uri?*

Research narratives indicated that hapū require equity in engagement processes with stakeholders and prioritise an integrated river management strategy that aligns with hapū

values - mātauranga and tikanga Māori - engages marae, sustains the mauri of Te Waihou and ensures an enduring river protection. At a district level, Interviewees advocated for a shift in current resource policy and practice in order to provide for mātauranga and tikanga Māori values. Hapū are determined that such a shift will reaffirm the rights of mana whenua to engage in kaitiakitanga practice over the river and embrace a holistic approach to tribal health and well-being. The co-management mechanism is one avenue for hapū to address kaitiakitanga rights and practices over resources. As an integrative mechanism, co-management agreements enhance Māori participation and development in resource management (Taiepa, 1999; Te Aho, 2010), and is a means to regulate power-sharing and responsibility in the management of natural resources between government and local communities (Wevers, 2013). In regard to cultural equity, for co-management to be effective in the “system of tikanga Māori values . . . the balance of power that is negotiated must recognize the mana (influence, prestige, power, authority and control) of iwi and give effect to their status as a Treaty partner” (Taiepa, 1997: 237).

Research participants identified the independent status of Te Waihou as a taonga and as such Te Waihou requires the identification, acknowledgment and protection as an ancestral body of water that has the inherent characteristics of mana and mauri, including life generating principles. Government settlement developments to acknowledge cultural world-views were highlighted in improved co-management mechanisms and resource legislation reform. Literature indicated that recent developments in co-management strategies, the reconciliation tool legal personality (The Te Awa Tupua Act 2017) and RMA reform - namely IPA’s provide for Māori kaitiaki interests in freshwater by advancing frameworks that allow for the development and regulation of co-governing relationships, and continue intercultural negotiations under the concept of tikanga Māori (Johnston, 2018; Morris, 2010; Sanders, 2018; Linda. Te Aho, 2010). Although post settlement developments and provisions for Māori interests were clearly outlined in literature, analysis showed that despite Western legal concepts providing a more holistic approach and enhanced recognition of Māori tikanga values, the capacity for Māori engagement remains restricted to a cultural model (Erueti 2016; Ruru, 2013). Such a model excludes political and proprietary rights that literature highlighted were traditional components of kaitiakitanga in the determination of resource

management decisions and benefits from resource use (see Roberts, 1995). Literature demonstrated that ‘blanket strategies’ arise from Western Legal concepts and consequently, in the shaping of new resource legislation, tikanga Māori legal traditions -however unique - are adopted to the closest legal equivalent from western tradition; positioned through a Western hegemonic default lens (Johnston, 2018).

### Ethnocentrism

The influence of ethnocentrism within resource management legislation and co-management discourse is a consistent theme and predominant factor in the deconstruction of indigenous rights-to-culture. This view is supported by the emancipatory theoretical frameworks used in this study that affirm the Eurocentric mechanisms of power and control in colonialism; in particular an infused hegemony in history that has shaped Māori as the subaltern (Coombes 2007, cited in Memon, 2012). Further outlined in the repudiation of indigenous knowledge and practices demonstrated in the Crowns’ failure to honor and uphold the values and principles in the Treaty of Waitangi (Sullivan, 2017; Van Meijl, 2015), and the unwillingness of Western conservationists to consider indigenous paradigms by indigenous terms (Roberts, 1995). According to Taiepa (1997) in the contemporary magnitude of ecological problems, a common view by many Pākehā, is that Māori world-views are marginally relevant; primitive obsolete safeguards for conservation. Concepts are not fully understood by the majority of European culture nor given the opportunity and mechanisms to fully develop and demonstrate potential applications (Taiepa, 1997).

The ethnocentric misrepresentation of Māori culture and terminologies intersects with postcolonial hybridity theory, which explains the third space of enunciation that is controlled by the dominant cultural discourse (see Bhabha, 1994). Evident in the definition of kaitiakitanga in the RMA, Roberts (1995) explained that the RMA, defines kaitiakitanga as ‘stewardship’, a concept foreign to Māori as it implies guarding someone else’s property and holds master servant relationship connotations. Contrary to this, Raukawa define kaitiakitanga as the guardianship, protection, preservation or sheltering in the management of the environment . . . By implementing kaitiakitanga ensures Raukawa protects the natural environment for descendants and ensures Raukawa meet the responsibilities and hopes of iwi ancestors (Raukawa, 2015). It is imperative that mana whenua hold a degree of

rangatiratanga over the respective resource in order to effectively practice kaitiakitanga. This statement is supported by Roberts (1995) who explains that, kaitiakitanga is an inherent component in the exercise of rangatiratanga and without formal recognition of the latter, kaitiakitanga is almost impossible to put into effect.

Developments in Crown and iwi settlement agreements to enhance settlement relations, kaitiakitanga and address ownership interests in a river was highlighted in the Whanganui River settlement (Te Awa Tipua Act). An agreement that has returned the river to an ancestor status through the legal personality concept, see (Morris, 2010). Strack (2017) argues that while the new tenure arrangements superficially appear to be quite generous in recognising Māori interests and vision,

[t]he Crown continues to demonstrate colonial-type dominance by offering symbolic concessions while retaining the effective rights and control over the land and river for the Crown and the public . . . [A]ny riparian rights of ownership to take or use the water are severely curtailed to the extent that ownership of the river is merely symbolic (p: 13-14).

Undoubtedly power remains with the Crown. In the determination of iwi ownership rights over waterways and the operation of rangatiratanga in political and economic development, the Crown influences a hybrid form of tikanga Māori and an immobilisation of tribal practice and mana. According to Salmond (2014), “Hapu inaction or the ability to act on any level is deteriorating mana and the status of mana whenua, regardless of the implications of actions to liberate iwi from the current social, political and economic situation that Māori face” (p: 302).

### Culture & Tikanga

The liberation of ethnocentrism and cultural hybridity in resource management literature and practice calls for the determination of culture by the very people who possess it, in accordance with their own standards, values and beliefs. Goldsmith (2009) expresses this notion in the term ‘possessive collectivism’ to capture the idea that groups possess one thing above all others, their culture. Goldsmith (2009) states:

The group is the culture, the origins of which are presumed to be ancient and the existence of which is treated as timeless - an ideological convenience within what has come to be known in anthropological circles as the politics of tradition (p: 331).

To expand on Goldsmith's hypothesis and drawing from the literature previously discussed, the term 'culture' and attached nomenclature in reference to an indigenous group, has become ethnocentrically loaded within Western epistemologies. Therefore, in a kaupapa Māori research context it is more appropriate to utilise the incommensurable concept 'tikanga' as a generic term that characterises Māori, defined ways of living and being through customs, traditions, ritual and karakia (Raukawa, 2015). In terms of including tikanga Māori in waterway management, literary examples commonly expressed the benefits of kaitiakitanga as a Māori world-view that adheres to a communal type ownership (a contemporary common property regimen), historically proving that the exploitation of a common pool resource can be sustained (Kahui, 2014). This is opposed to Exogenous world-views of science and the current common law property rights regime, prominent in the construction of environmental law and policy, that academics Kahui (2014) and Michaels (1999) agree are reductionist toward resource management. Williams (2006) argued that indigenous approaches to waterway management that focuses on water quality, quantity and respect for ancestral knowledge and values ensured resources thrived for centuries. Māori concepts and practices are, therefore, imperative in the development of resource management, law and decisions in Aotearoa New Zealand (Williams, 2006). Providing for tikanga Māori terminologies and values within scientific, legislative and management discourse for the environment requires a reformation in legislation. In such a reform, it is essential that Māori conceptions such as kaitiakitanga are deemed 'incommensurable, requiring an in-depth understanding of the Māori world' (Roberts, 1995). In negation of current generic ethnocentric, misunderstandings and misrepresentations of Māori terms within environmental discourse and the RMA.

Literature suggested enhancing the RMA by imbedding tikanga Māori values as an engagement tool within the Act for colonial authorities and tangata whenua to collectively create better solutions in sustainable management and National well-being models for the future (Ruru, 2018). Ruru (2018) suggested uncovering the states 'smothering' of

Aotearoa's' First Laws, Maori law, to adopt tikanga Māori as a central guiding force. A meaningful reform that prioritises the integration of indigenous tikanga alongside Western management initiatives to benefit the environment holistically, remains an aspiration yet to be accomplished for hapū. Te Aho (2005) emphasises that:

Too often, decisions about water have not prioritized Maori spiritual or cultural values . . . For too long pakeha values and systems have dominated those decisions – detrimentally . . . It is time to embrace Maori wisdom - ancient wisdom that treasures water, and that sees waterways as being connected - requiring, in turn restoration, protection and integrated management (p: 158-159).

Research narratives favoured hapū tikanga practice in resource management processes including an integrative management strategy based on the conceptions kotahitanga and mahi tahi. The challenges for hapū on a macro level are within the overarching dominant legal constitutions of national resource governance that sets the legal parameters for iwi customary rights over natural resources. On a micro level, difficulties arise for hapū in the navigation of biased local policies that set the rules of engagement for hapū in collaborative processes with external stakeholders and determines the ways in which integrative management proceeds.

### Constitutional Reform

A move toward a lasting equity for Māori may require a constitutional transformation to allow for tikanga law and values to influence and guide our political and legislative systems. Aotearoa has no formal written constitutional document instead relying on the 1986 Constitution Act that defines the relationship between the legislative, executive, and judicial branches of government (Kahn, 1999). The existing political constitution is autochthonous, imported colonial institutions and their accompanying doctrines (Godfery, 2016). A constitutional shift would exceed past reconciliation measures to constitute a restitution of past social, cultural, political and economic injustices that continue to deny Māori all-inclusive customary rights natural resources and tikanga practices and continues to impact the relationships between Treaty partners. In support of constitutional reform Godfrey (2016) highlights that the first constitutional system in this country is the Māori constitutional system, which like the Māori legal system, is based on tikanga . . . The first constitutional

document (the Treaty of Waitangi) promises Māori their tino rangatiratanga. According to Taiepa (1997) and Te Aho (2007), the Treaty has always been recognised as an instrument that affirms Māori rights. The problem for Māori is unless constitutionally ratified as law the Treaty has no legal standing in support of Māori rights. Kahn (1999) stipulates that,

[t]reaties by English constitutional law have no legal effect - they merely contain the moral obligations of the parties . . . Without a constitutional enforcement mechanism requiring adherence to treaties, there is no absolute guarantee that a treaty will be honored in New Zealand (p: 311, 313).

As a consequence of legislature on treaties, “[n]either aboriginal rights nor customary rights have received formal constitutional recognition or protection in any entrenched statute” (Te Aho, 2007: 13). An equitable solution to allow for the provisions of the Treaty in a collective constitutional document is discussed in Godfreys’ (2016) analysis on the development and implementation of a constitutional model in an inclusive New Zealand constitutional transformation. This analysis revealed that our current constitution by nature is evolving in relation to the statutory changes that cater for the populous and societal changes. In what Godfrey (2016) expresses as a ‘process of becoming’:

It is possible for the reshaping of our constitution and power sharing in the democratic relationships between Māori and the Crown . . . Under the Māori constitutional system, it is possible to provide rangatiratanga and kāwanatanga spheres, and so it is under the country’s Westminster-derived political constitution, where it is possible for constitutional settings to continually evolve into a unique form of Aotearoa/New Zealand constitutionalism (p: 208-209).

## **Research Claims & Summary**

In undertaking the necessary analysis of research data and chosen resource literature in reference to Māori rights-to-culture and equitable strategies in resource management, the conclusions of this research will now be summarised in research claims listed below and accompanied with a summary diagram shown in Figure 6.2. The research claims that respond to the projects research questions, clearly indicate that Crown and colonial government frameworks and mechanisms to reconcile Māori interests and claims to

freshwater, in fact fail to provide for a rights-to-culture model, rather, creating a hybrid notion of tikanga for Māori that systematically deconstructs traditional hapū tikanga values and practices. Research conclusions are presented as follows.

### ***Claim #1***

New Zealand's legal framework for the environment the RMA, government and council resource policies and practice and treaty settlement developments - all of which are colonial influenced mechanisms influenced by a market-based model and ethnocentric ideologies of indigenous culture - have significant cultural, social, political and economic impacts for hapū. These mechanisms deconstruct a rights-to-culture model and influence the assimilation of traditional hapū tikanga ideologies in resource management to assume a hybrid form of culture.

### ***Claim #2***

District resource policy that allows lucrative water allocation in local management aspirations for economic growth, is currently in effect at Tūheihei (Blue Spring), Te Waihou. This type of policy uses legislation for the lucrative use of a freshwater resource and also denies rights for mana whenua to use a tribal freshwater resource for development purposes.

### ***Claim #3***

The acknowledgement of hapū mātauranga within resource legislation and policy, district strategies and settlement mechanisms are culturally symbolic in application. This symbolism fragments traditional hapū tikanga practice that ensures hapū are active in collaborative resource management and decision-making.

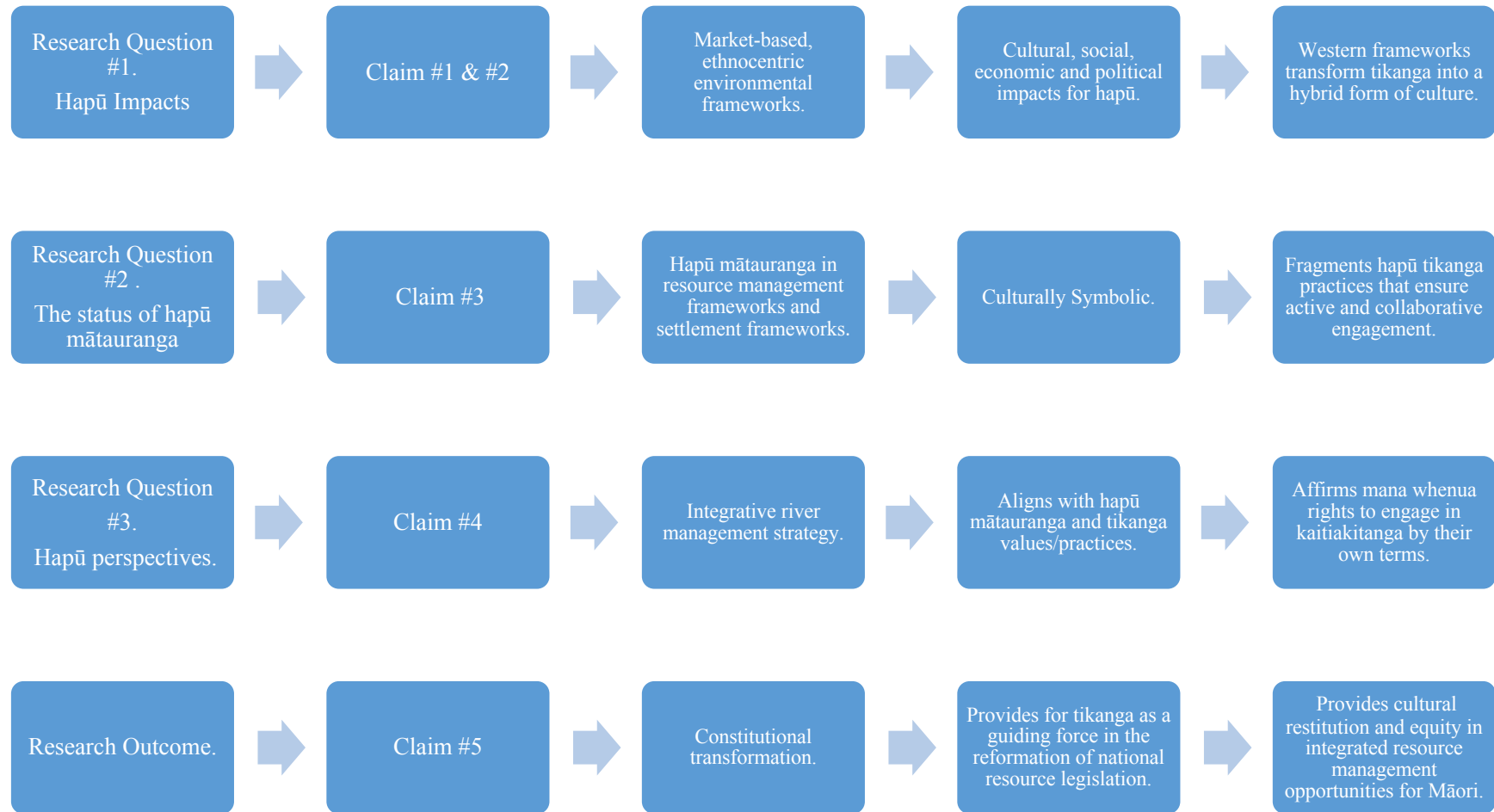
***Claim #4***

For an enduring protection of rivers and a holistic approach to tribal and community development, health and well-being, key stakeholders must create an integrative river management strategy that aligns with hapū mātauranga and tikanga values and reaffirms the rights of mana whenua to engage in kaitiakitanga by their own cultural terms.

***Claim #5***

A constitutional transformation to provide for tikanga practice as a major component and guiding force in the reformation of national resource legislation would holistically constitute cultural restitution and a meaningful reconciliation process to create equitable, integrated resource management opportunities for Māori.

*Figure 6.2 Summary Diagram of Research Claims.*



Subject to iwi securing Crown and iwi settlement, a finalised co-management agreement for Te Waihou is the outstanding obstacle at hand. In the interim, significant river management concerns persist for hapū and iwi in absence of integrative strategies to protect and sustain waterways and advance tribal development through engagement. These concerns are validated through research that has demonstrated the ways in which colonial resource mechanisms maintain power and control over resources in an exploitative economic expansion. Governments neoliberal management frameworks will not provide for tikanga ideologies and integrative strategies that compromise lucrative water management. This notion is supported by the examples of settlement developments that remain culturally focused within the confines of national legislation and district policies for water.

In reference to hegemonic mechanisms of colonialism outlined in this study's theoretical examples, ethnocentrism within resource management legislation, frameworks and strategies is a consistent theme of power imbalance and continues to be a prominent factor in the deconstruction of an indigenous rights-to-culture model. Ethnocentric ideologies in the representation of indigenous culture throughout environmental discourse creates a hybrid notion of tikanga and is a 'systematic' move for government, regional and district authorities to ensure that overarching power resides within Western paradigms of governance in favour of neoliberal approaches to resource management. As a consequence, political and economic equity for hapū through rangatiratanga in a holistic approach to hapū and iwi development, is yet to be determined.

Until efforts are made toward a reformation of our legal constitution, that provides for tikanga in legislation and customary rights to natural resources for Māori, reconciliation efforts through settlement initiatives will continue to be superficial in relation to resource and cultural sustainability. Colonial forms of reconciliation cannot be considered impartial from further enhancement of cultural hybridity and assimilation unless the frameworks of reconciliation are established from an indigenous site of resistance; the indigenous 'space' of a tikanga conceptual framework. Hapū continue to engage in platforms and seek ways to affirm rights to advocate for taonga. As a way to engage indigenous voice and tikanga approaches the hapū narratives used in this study provided unique indigenous perspectives to affirm tribal authority over resources and articulate rights to exercise culture by indigenous terms and methods. Kaitiakitanga over a tribal river has been severed and therefore, Te Waihou hapū proceed to seek engagement opportunities and initiatives to re-affirm mana whenua rights to customary practices and re-connect with their taonga.

## CHAPTER SEVEN

### Conclusion

*“When I was growing up all those years, te wai was ah, to me, it was a cleansing. Water was a cleansing for everything you know. That thing what the Christians do now, well Māori did that years and years ago because it was their belief . . . When we used to get into any strife or anything that was mate with the family they always went and got some water . . . It was always water they used and that to bring that strength for whatever it is that happened to you”*

*(Johnathan Tai, 2018).*

### Research Evaluation & Summary

The conclusions of this project in response to the proposed research problems around customary freshwater rights in resource management and the effective protection and sustainability of freshwater taonga, Te Waihou and Tūheihei, was achieved using a kaupapa Māori research approach. This approach provided for the legitimacy of hapū ‘voice’ and world-views that strive for cultural autonomy in the practice of kaitiakitanga over waterways. An important research outcome for iwi was the collection of unique participant narratives that contribute to Raukawa mātauranga through knowledge sharing and providing distinctive views of contemporary environmental issues. These narratives highlighted the value of qualitative research through presenting personal accounts and perspectives that raise tribal awareness around resource management practices and tribal priorities for district waterway issues. The long-term goal of these collective narratives is to initiate and strengthen collaborative hapū relationships within their communities and reconnect hapū with their sacred sites.

A narrative research design aligned with oral tradition, using a tribal taonga (Te Waihou river), to initiate discussion on water management issues for Te Waihou marae of Raukawa. By including mana whenua voice, this project aimed to empower participants through

ownership of their stories and re-affirm tribal identity and belonging. Narrative analysis presented a vision of equitable hapū customary rights and integrated management as consistent themes in the interviews. The use of tribal narrative and its positioning in contrast to Western resource frameworks was useful as a method to analyse the polarity between Western conceptual knowledge and mātauranga Māori. Sharing appropriate tribal narratives on natural resources and the environment is one way to bridge the cultural divide between iwi and local authorities and is a means to pursue further avenues for reconciliation through cultural, social, political and economic opportunities. The effective implementation of hapū tikanga in the management of freshwater resources requires an appropriate strategy that is collaboratively constructed by hapū and authorities to effectively plan and execute objectives and measure outcomes that ensure a holistic, integrative hapū development. Without a co-management strategy as a progressive step towards meaningful solutions and development, hapū engagement is likely to remain limited and representation will be superficial.

As a platform for resistance to dominant Western hegemonic theory, the use of kaupapa Māori theoretical frameworks in this project resists neoliberal management agendas, creating a space to address the associated impacts of colonial resource management mechanisms and articulate the importance of tikanga Māori environmental values and functions. The use of a Māori theoretical approach with a discursive analysis of postcolonial theory, aligned the emancipatory element of indigenous rights discourse with Māori liberation efforts. According to kaupapa Māori research scholars Māori approaches are self-evident, self-determined, fluid and constitute tribal development and positive transformation, see (Te Kotahi Research Institute, 2015). The theoretical framework, methodology, and review literature aligned with kaupapa Māori research motivations to legitimise hapū narratives and resistances to culturally transformative resource management mechanisms, in support of the conclusions of research presented as ‘research claims’ in a contemporary resource management project.

An ethical consideration that arose during research was the polarisation between participant perspectives and insider researcher bias that can influence research outcomes. Removing researcher imposition was a priority when the researcher is emotionally connected to the research topic and whānau involved in the study. To address researcher imposition in research outcomes a key priority was to “be mindful of how the research is presented to the

iwi . . . the outcomes have to be useful and comprehensive so that the research may be used to address and act on important hapū and iwi issues” (Powick, 2003: 21). Therefore, care was taken in the construction of themes and conveying ideas to reflect the needs and priorities of hapū and iwi. The commitment to research whānau is on-going and guides the researcher ethically to move with caution and reflexivity to ensure the research is participant driven. An important aspect of participant driven research in the minimisation of research bias, is that power is located with the research participant and tikanga ensures that under all circumstances of research mana remains intact. In this respect, insider research is advantageous in the acquisition of in-depth information and synonymous with Māori efforts toward self-determination.

### Limitations

Time restrictions and interview procedures presented significant limitations in this project. Restrictions in interview timeframes and participant availability meant only a limited number of interviews took place. The narrative results are therefore positioned as a component of a broader Te Waihou mana whenua collective view yet constitute a unique collaboration of cultural perspectives on Te Waihou river and local waterway issues. Semi-structured individual interviews were not a customary approach to tribal information sharing which usually consists of group wānanga to discuss significant topics. In terms of logistics, interviews were a necessary approach to achieve the desired outcomes of research within the scope and timeframes of this project. As a consolation interview processes remained congruent with tikanga epistemologies and practice.

An unresolved co-management strategy between iwi and local authorities was a significant obstacle in the examination of engagement strategies, processes and outcomes. Hapū collectively identified the value of tribal collaborations with stakeholders however, a strategy for engagement and processes to record and convey hapū priorities and aspirations is non-existent. The examination of co-management literature needed to understand the collaborative functions of a post settlement reconciliation mechanism, was a review of external iwi examples. Despite being extensive research on co-management, the research examples were settlement frameworks and negotiations of external Crown and iwi settlements and, therefore, subject to specific terms and conditions. However, relative,

external hapū and iwi examples were to this study's research goals and outcomes, caution was taken to avoid generalisations in the discussions of pan-tribal co-management experiences. Instead particular emphasis on the diverse co-management cases provided insight into different external tribal studies and experiences. The juxtaposition of external co-management examples and hapū perspectives of collaborative engagement was adopted to provide a contrast only. The prospect of a co-management agreement in relation to Te Waihou and other Marae waterways, will likely produce differing experiences and outcomes. Academic literature on hapū experiences of tribal structural transformation and reconciliation developments post iwi and Crown settlement is limited. Therefore, this study based on a unique iwi constituent, contributes to the growing body of knowledge around indigenous rights and reconciliation. In hindsight the shortcomings of the chosen literature, is the lack of diverse reconciliatory comparisons. A more extensive examination of cross-cultural water issues and reconciliation mechanisms would provide a more in-depth understanding and awareness of cross-cultural water issues and provide more innovative solutions to waterway protection and sustainability. As a ground-breaking development in river management that is recognised on a global scale, the legal personality concept for rivers is an indigenous integrative tool that has the potential to create the necessary impetus in sustainable development to resolve river and freshwater degradation issues in Aotearoa. To enable the holistic benefits of this co-management mechanism for rivers nationwide, requires a reformation in resource legislation and policy that positions Māori on a macro governance level and recognises tikanga Māori as a critical component in sustainable river management. Tikanga Māori must be a guiding principle in legal environmental frameworks if there is to be any significant resource developments for Māori.

### Conflicting Results

Research data outcomes produced conflicting views in conceptual understandings of resource governance. A research interview question around power-sharing among key stakeholders of Te Waihou produced differing responses from research participants. Some participants acknowledged the significance of the term in collaborative management practice. Others preferred the use of tikanga ideologies kotahitanga and mahi tahi as culturally appropriate terminologies for inter-tribal and external collaborative engagements. Review literature

highlighted that Māori terminologies and practices are imperative for a holistic approach to resource management and development yet are subject to the ethnocentric influences of Western legislation and policy based on Western science and economic growth. Such platforms research indicated, are the sites of power that hapū navigate to address cultural priorities, aspirations and development. The determination of a tikanga framework for collaborative engagement processes is a critical component in the interrelationships between hapū iwi and local authorities and is one aspect of integrative resource management the requires further research and analysis.

A conflicting notion that arose through literature analysis is the emphasis on economic growth and development in justification for resource exploitation that is unsustainable. Economic growth by any standard should not be at the expense of sustainable resource management. The government payoff between the environment and economic development is a false dichotomy. Joy (2015) states:

The dichotomy claimed by government between the economy and the environment must be exposed as false . . . because degradation of the environment comes at a cost for the future economy . . . We can have both a strong economy and a healthy environment, and there are many examples globally to prove it (p: 10,48,57).

Without effective mitigation for the economic development of natural resources, the impacts of neoliberal management systems outlined in this study will continue to compromise spheres of tribal and community health and development. The denial of collaborative tribal engagement in critical resource management issues that determine the health of Te Waihou, therefore, raises important questions around equitable partnerships among stakeholders. In particular, how is confidence in meaningful relationships maintained with authorities when authority agendas are clearly biased through the implementation of Eurocentric policies? Further, in resource forums, how are mana whenua able to contribute with confidence and authority in relation to their taonga if they are subject to cultural transgressions denying interaction and decision-making on a political level? It is essential that local authorities address these questions in consideration of restoring cultural balance and reconciling mana whenua status in collaborative partnerships.

## Bridging Gaps

This research has highlighted that Crown instruments to address Māori interests and claims to fresh water the RMA and co-management agreements per se, are focused on ‘cultural’ interests for Māori. Review literature supported the research claim that Crown mechanisms deconstruct culture, as iwi and hapū are marginalised in protecting traditional way of life, engaging in procedures that allow for participation in decision-making and the self-management of property (Erueti 2016). Given this outcome in relation to a hapū based research project, a rights-to-culture model is ambiguous. Despite the inclusion of Māori provisions outlined in resource management discourse, hapū are in fact denied the ability to exercise culture holistically, by their own terms, within the current systems.

This work contributes to the body of iwi reconciliation literature through providing an example of hapū specific outcomes post Crown and iwi settlement that demonstrates the implications of reconciliation processes and mechanisms for hapū. As a hapū tikanga based analysis of environmental issues post settlement, this study differs from previous research on iwi reconciliation. At a local level this study has filled a significant gap in indigenous knowledge and perspectives on Te Waihou river that were formally overlooked through Western frames and priorities for river management. Therefore, this study provides a unique hapū world-view, and tikanga approach to resource management that can accommodate collaborations in future processes between hapū, iwi and local authorities. Albeit favouring Māori customary rights and indigenous liberation initiatives, this study initiates an opportunity for further iwi and hapū collaborative discussions on critical resource issues and encourages cultural platforms for hapū and uri to connect and engage in the wealth of knowledge held by respective marae.

## Further Research

Further Inquiry into legislative mechanisms that can accommodate hapū strategies for self-determination and autonomy in resource management will complement tribal development. In particular, information on New Zealand’s commitment to the International Covenant on Civil and Political Rights (ICCPR) through New Zealand’s ‘NZ Bill of Rights’ obligations, can provide further understandings of minority group rights to culture (Johnston 2018). Evaluative research on post settlement reconciliation outcomes for hapū and iwi, that

demonstrates the economic, cultural, social and political outcomes from Crown reconciliation settlement packages, could be beneficial in future tribal development strategies. This study demonstrated that there has been minimal consultation and collaborative hapū engagement in freshwater management processes. Hapū diaspora as a significant indicator in the challenge of collaborative hapū engagement, may be remedied in seeking alternative methods of communication and data collection in order to enhance the attainment of collective iwi views. Despite the implications these innovations have for tikanaga practice, such modern innovations may be the only viable solution to enhance relationships and allow iwi to overcome the contemporary structural challenges of collaborative engagement in the future.

As outlined in chapter five the monitoring of aquifers and ground water is an under developed technology nationally. Given the impacts of lucrative water takes from Tūheihei aquifer, research into more readily available technical data and information on aquifers, ground water and municipal waste discharge for iwi and the public, would provide for a comprehensive view on waterbody conditions and raise public awareness of sustainable water use. If a common pool resource is to be used as a commodity, local authorities should develop technologies, strategies and processes to provide iwi and the public with justifications for such activities; to ensure activities are sustainable for the environment and community health and well-being. It is evident through this research that exceptions are made to allow for the lucrative exploitation of resources. The dominant view held by government is one of community development through the economic use of freshwater resources. Unfortunately, this is a “myopic economic view” (Joy, 2015: 10). In regard to the escalating national freshwater crises, we have much to lose and little to gain from Eurocentric resource management and decision-making that is contrary to a holistic health and development of our communities.

Undertaking further research into mātauranga and tikanga Māori strategies for the environment and ways in which tikanga may be implemented to advance resource mitigation and sustainability, would be beneficial in future collaborative management processes. The value of hapū mātauranga was demonstrated in review literature and interview narratives; inherent in the ways whānau use tikanga components in narrative forms to regenerate traditional knowledge and achieve cultural outcomes that ensure the survival of natural environs and traditions. The value of tradition and cultural autonomy was demonstrated by

those whānau who hold fast to their traditions, choosing only to speak in their ancestral tongue during interviews.

Kaupapa Maori research was used as a vessel to highlight tribal impacts and justify the need for change. In the sense of a positive cultural approach to change, kaitiakitanga as a term that can bridge ecological and social boundaries, a notion that incorporates the intricate belief system of an indigenous group and collectively focuses on ensuring survival (Kahui, 2014). According to Strack (2017),

[i]t is better to have an engaged and active party managing the river to promote its health and well-being and applying the ethic of kaitiakitanga for the land and rivers than being owned by everyone and looked after by no-one (p: 14).

An enduring problem for Māori has been the ethnocentric interpretations of cultural terminologies in resource management discourse by resource legislation and policy architects. In the future development of collaborative resource management strategies and reformation of environmental law, it is imperative that authorities do not mistake the hybridity of tikanga through Māori conceptual applications in Western resource frameworks, as a positive move towards cultural development for Māori. Therefore, the decolonisation of cultural terminologies and tikanga in resource discourse should be an essential focus to avoid cultural misinterpretation and validate the use and implications of Māori tikanga concepts.

The research claims outlined in the previous chapter have addressed research questions to a certain degree however, further avenues to pursue in order to provide more clarity and understanding of the research topics presented in this thesis are, further in-depth studies of Crown and iwi settlement developments, internal tribal engagement initiatives and a broader examination of legal mechanisms that either enhance or prevent the protection and sustainability of waterways. The interrelationship of this kaupapa Māori research project with international indigenous literary efforts towards cultural emancipation from oppressive colonial governance mechanisms, positions this research within the global sphere of indigenous rights and equality discourse.

## Concluding Comments

This research aimed to bridge cultural gaps in the understanding of sustainable river management between Māori tikanga perspectives that exist on a micro level of resource management with Te Waihou hapū of Raukawa, and regional policies, legislation and settlement frameworks that exists on a macro level of resource governance nationally. Discussions that arose from research findings positioned hapū narratives and collective perspectives around district river issues within the broader macro context of engagement frameworks and mechanisms for collaborative management constructed by government authorities. This contrast highlighted a clear difference in bicultural world-views of freshwater and ideologies of sustainable resource management; making clear connections to ethnocentrism in legislation, neoliberal resource management agendas and unresolved customary water rights for Māori. All being key factors that prevent equity for Māori in collaborative river management.

A rights-to-culture theme focused on equitable representation and inclusion of tikanga in the governance of natural resources. Hapū and the iwi collective are the only viable entities that are able to advocate for their tikanga practices and culture. Through past engagement experiences with Crown and government authorities, iwi are only too familiar with the use and limitations of cultural models within Western resource frameworks and mechanisms. The position and exercise of power within these systems that provide for equity through inclusion, must be located and shared with Māori to address iwi and community concerns over water collectively. To achieve equity for Māori in resource management requires a constitutional reformation that includes tikanga Māori as a guiding principle. The inclusion of tikanga allows for the sharing of power to retain hapū mana through kotahitanga in critical resource decision-making and determines the health of our waterways and environs for future generations.

The solutions to tribal resource issues rest with hapū and their generations that have an inherent connection to those resources. It is imperative that these solutions are acknowledged in engagement platforms with local authorities and warranted as significant tikanga components to be actioned in waterway restoration strategies. These solutions should not be tainted by ethnocentrism that classifies and articulates hapū and iwi development, through cultural concessions in strategic objectives and colonial economic agendas for water; but

rather, adhere to the tikanga values and principles of kaitiakitanga inherent to the hapū concerned. Natural law is indigenous law and positions first, the preservation and survival of the environment, synonymous with the preservation of culture and community health.

The reconciliation of Māori customary rights to water is essential in providing Māori the opportunity to compete on an even playing field. In the midst of political uncertainty around Māori customary rights to natural resources and the unforeseen hardships in the years ahead, hapū retain mana through the accomplishments and unwavering tenacity of their ancestors that rings true in the words “ka whawhai tonu mātou, ake, ake, ake”<sup>36</sup> (Walker, 1990: 126). Hapū and iwi continue to pursue the restitution of customary rights to resources and are often met with further legislative obstacles and challenges that hinders progress towards the goal. The struggle continues yet does not thwart the resilience of the iwi collective to reach the pinnacle of their aspirations.

I will conclude with a narrative from a kaumatua research participant that articulates the tikanga of mauri; a vital essence of life in wai Māori and all living things. This passage has particular significance to our ancestral river Te Waihou, a river that speaks through our own words and stories.

*“Ko Te Mauri Te Tapu o nā mea katoa*

*Koia Te Wairua o nā mea katoa*

*Ko Te Wairua e kohingia, ia Tatau e noho āna i runga ia Papatuānuku*

*Ko te tangi e whākanekene nei ia tātou ki mua.*

*He mea nui te Mauri mē ōna āhuetanga katoa*

*Kāre e taea a te tātana te rāweke i te Mauri*

*Kai te ao katoa te Mauri e haere āna*

*Kāre e taea te whāwha i te mauri,*

*Kā noho te Mauri ki roto i te wai mai i tōna timata pūtā ake ki te whai ao, ki te ao mārama.*

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<sup>36</sup> An influential phrase by Ngāti Maniapoto leader, Rewi Maniapoto: Translates as, “We will fight on forever”.

*He mana nui tō te mauri.  
He Tapu te Mauri, He Mauri te Tapu  
Ma te Mauri te taiao e tiaki mō ake tonu atu”.*

“Mauri is the nature of things  
It is the soul of things  
It is the wisdom collected during our time on earth  
The echo that moves us forward  
Mauri is the potency of things in life  
Mauri is internal, something that we can sense rather than something we can touch  
Mauri can occupy and live in water and its surroundings  
Mauri is sensual and has emotional intelligence and presence  
There is nothing greater than “Mauri”  
He Tapu te Mauri, He Mauri te Tapu  
An awe of how nature accomplishes everything”  
  
(Te Hapuku Monro Rikiriki, 2018).

# Appendices

## Appendix 1: Interview Information Sheet

Marae: (Name) Clifton Kelly  
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Hamilton 3210  
0273593986

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UNIVERSITY OF WAIKATO  
FACULTY OF ARTS AND SOCIAL SCIENCES

### RESEARCH INFORMATION SHEET

**Research title:** *‘Te Mātāpuna’ From the Source: Raukawa Hapū Perspectives on the Significance of Water, and contemporary issues in water governance at Te Waihou and Te Puna o Tūheihei (The Blue Spring).*

**Kai Rangahou Researcher:** Clifton Kelly

The aim of this research is to recover Raukawa hapū perspectives on water, water rights, management and relationship to water; and in doing so outline Raukawa marae water issues and key priorities for Te Waihou and Te Puna o Tūheihei (Blue Spring).

A kaupapa Māori approach will inform the overarching frame work of this research grounded in mātauranga Māori and tikanga a hapū ā iwi hoki. The two main components of this

research are firstly wānanga, with hapū and interviews with key knowledge holders within the iwi and externally.

### **Semi structured Interviews**

I aim to conduct four to five semi structured interviews with one kaumatua or kuia from five marae affiliated to Te Waihou. I will also hold interviews with historical and environmental experts within the iwi. Interviews will be held at a place that is suitable for the participant, ideally in the home or at their respective marae. Participants will be given the opportunity to have whanau present at the interview if they wish. Interviews will be duration of one to two hours and ideally video or audio recorded with participant's consent and willingness with this procedure. Topics of discussion will include; personal recollections of historic information pertaining to Te Waihou river and Tūheihei (Blue Spring), the historic and cotemporary relationship participants have with the Te Waihou river, and their perspectives of water use and water management in relation to restoration, protection, and sustainability. Interview participants have the option to speak in te reo, English or both depending on their personal preference.

The original transcripts and audio/visual material from interviews will be returned to interview participants and if requested in consent forms, will be lodged in the Raukawa Iwi archives.

### **Marae Uri**

You have been identified as an affiliated member of a Raukawa marae to take part in an interview. Your time and contributions would be greatly appreciated. You are welcome to bring whānau along to support and where applicable contribute to the korero. Interviews will be non-intrusive and participant focused. You have the choice whether to speak in te reo Māori, English or both.

### **Anonymity in the research**

Due to the nature of this project being a collaborative study on Raukawa marae based kōrero, it may be difficult to guarantee anonymity to participants. Therefore, if you agree to participate, there is the potential for you to be identified within the thesis and any research

publications. If applicable I will work in collaboration with participants and establish protocols to determine if, and how any sensitive information may be use in the research.

### **Research storage**

All audio/video recordings and written transcripts from interviews will be stored under lock and key at the University of Waikato. I will be the only person who is able to access this research data. Electronic data will be stored on computer databases that are only accessible by a password that is regularly changed. Personal interview transcripts, photographs and audio/visual recordings will be returned to interviewees for storage in whanau archives. All original research material will be securely stored for five years and after that time will be securely destroyed by shredding and incineration or returned to the participants for storage in whanau or Iwi archives. ‘If you would like your audio/visual recording and transcript at the completion of this research to be archived for your whanau, hapū, or iwi; you are able to indicate this on the information sheet.

### **Ōu tika. Your rights as a participant**

By agreeing to participate in this research you have the right to:

- Decline to answer any question.
- Withdraw from the research within one month after our kōrero
- Decline to be audio-recorded/video recorded or both
- Ask for the recording device to be turned off at any time
- Ask for the erasure of any materials you do not wish to be used in any reports of the research within one month after our kōrero
- Ask any questions regarding the research at any time during your participation
- Participate in our discussions using te reo Māori, English or bilingually

### **Research Outcomes and Outputs**

‘The findings from this research will primarily be used for:’

- ❖ My Master of Social Science thesis

The Masters' thesis will be available online through the University of Waikato data base (Research Commons). Further outputs from this thesis may be used in other publications, academic literature, conferences, presentations in addition to being accessible online.' You the participant own the copyright of your kōrero and your contributions in this research for ever. By signing the consent form you allow me the right to use your discussion in my master's thesis. The copyright of the thesis any other publications related to this research will be held solely by me.

❖ Documentary

The documentary will be available for public viewing and may be used in conferences, presentations in addition to being accessible on line. The documentary will include historic and current key information on Te Waihou and Tūheihei the Blue Spring. This will be a collaborative project that will include video footage and pictures of participants from interviews, wānanga and other key information holders. All participants have the right to choose whether to be included or not via the consent forms. I will also explain the documentary process before wānanga and interviews.

This research project has been approved by the Human Research Ethics Committee Of the Faculty of Arts and Social Sciences of the University of Waikato. Any questions regarding the ethical conduct of this research may be sent to the Secretary of the 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.

Ngā mihi

Regards,

*Clifton Kelly.*

Supervisor: DR Colin McLeay

## Appendix 2: Interview Consent Form

Marae: (Name)

Clifton Kelly

(Address)

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Hamilton 3210

0273593986

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UNIVERSITY OF WAIKATO

FACULTY OF ARTS AND SOCIAL SCIENCES

*'Te Mātāpuna' From the Source: Raukawa Hapū Perspectives of Water and Governance of Te Waihou and Te Puna o Tūheihei (The Blue Spring).*

### Interview Consent Form

Name of participant: \_\_\_\_\_

Please tick as appropriate:

- I have received a copy of the 'Information Sheet' describing the research project.
- Any questions that I have, relating to the research, have been answered to my satisfaction.

- I understand that I can ask further questions about the research at any time during my participation, and that I can withdraw my involvement at any time up to one month after the interview.
- My rights have been clearly outlined and therefore I understand my rights as an Interview participant as outlined in the information sheet.
- During the discussion, I understand that I do not have to answer questions or participate in specific discussions within the interview.
- I understand the Interview findings will be accessed by the researcher to identify marae korero and priorities for specific water resources, and be used in the Masters Thesis. The researcher's findings may be presented to the Raukawa Environment Team or Iwi/hapū hui periodically.
- I understand I have the option to participate in te reo Māori or English.
- I can ask to have the recording device turned off at any time during my contributions.
- I understand I do not have to give consent to be photographed and that I can work with the researchers to choose which photos I give permission to be used.
- I understand that This is a hapū based project and will potentially be viewed by the extended Iwi; as such anonymity cannot be guaranteed.
- If there is any sensitive information discussed in the interview I can request that this information be left out of the research publications or negotiate how it is used.
- I understand that in the group discussions it is expected that individual contributions will remain confidential and that the ethics of respect and support should be adhered to by all participants, including myself.
- When I sign this consent form, I will retain ownership of my contribution, but I give consent for the researcher to use the contribution for the purposes of the research outlined in the 'Information Sheet.
- Photos/videos taken during the interview will be included in research reporting and the documentary. I can decline the use of my images in the research project (see below)
  - I agree to the use of my images and kōrero in the Documentary
  - I do not agree to the use of my images and kōrero in the Documentary
  - I agree to the use of my images in the research reporting process
  - I do not agree to the use of my images in the research reporting process.

- I agree to my images and audio recordings being stored in iwi archives.
- I do not agree to my images and audio recordings being stored in iwi archives.
  
- I have discussed the representation of my identity in the research, and (choose one):
  - I would like to be named in the research
  - I would like the researcher to use a pseudonym (fake name)
- I would like to receive a copy of the interview summary findings.
- I would like to be involved in developing the next stages of the research and am happy for the researchers to contact me for this.

Name:	I consent to my photo/ video being taken at this interview Please indicate by writing (Yes) or (No)	Contact Details: Email address/ Mobile phone number.

Researcher signature: \_\_\_\_\_ Date:

*I agree to abide by the conditions outlined in the information sheet and consent form and I will ensure that participants integrity remains intact and no harm will come to any participant as a result of this research.*

### Appendix 3: Evidence Given by Karanama Te Whakaheke. Māori Land Court Sitting 1880.

Ngāti Kahuroro, Ngāti Huia, Ngāti Kapu-Manawa-Whiti, Ngāti Hinewai

From Karanama Te Whakaheke's Sworn Statement.

Block name: Mangapouri Map No 4089

Date: 15<sup>th</sup> May 1880

“Te Papa is a small stream close to Te Whareana. Mangakokomuka is a swamp in the center of this stream which flows into the Waihou river. Tūheihei is the name of all the land around Mangakokomuka. I myself gave that name on account of an old woman, relative of mine. Her hair stood upright like a cock's comb. Tūheihei was a descriptive name given to the land and waterways before the migration to Kapiti and the name stuck”.

Note: Also, in this same statement Karanama was asked, “where did Tūkorehe die”? Karanama replied, “In those days our ancestors wished to be returned to their original whenua (birthplace). Thus, Tūkorehe died at Kaawa near Kakepuku Waipa district”.

The “old fella” referred to in the interview text was Korouaputa.

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