



Stemming the colonial environmental tide



This report focuses on analysing eco-system based management through the incorporation of mātauranga and tikanga Māori and shared concurrent governance jurisdiction through Treaty of Waitangi partnerships over the marine and coastal seascape.

Stemming the colonial environmental tide: shared Māori governance jurisdiction and ecosystem-based management over the marine and coastal seascape in Aotearoa New Zealand – possible ways forward.

Dr Robert Joseph, Mylene Rakena, Mary Te Kuini Jones, Jenny Takuira, Mariana Te Tai and Celeste Rakena, 2017



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SUSTAINABLE SEAS

Ko ngā moana whakauka

Authentic Crown-Māori co-governance and EBM

Stemming the colonial environmental tide supports an Aotearoa New Zealand context that fundamentally acknowledges mātauranga and tikanga Māori law and shared co-governance and concurrent jurisdiction through 7 Aotearoa New Zealand EBM principles



1 A co-governance and co-design structure that recognises the Māori constitutional relationship and mana whenua at all levels (whānau, hapū, iwi), together with the guiding principles of mauri, whakapapa, kaitiakitanga, mātauranga-a-whānau, mātauranga-a-hapū, and mātauranga-a-iwi.

Māori mana whakahaere tōtika - governance jurisdiction - today could include the shared right, relationship and responsibility of Māori communities with local authorities to maintain a degree of law and order within their respective tribal rohe (territories) and to resolve disputes between tribal citizens and others which could include some type of adjudicatory power within the community for both criminal actions such as breach of rāhui, and civil disputes over marine resources such as poaching.

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2 Is place and time-specific, recognising/ understanding the ecosystem as a whole in all its ecological complexities and connectedness and addressing cumulative and multiple stressors.

Indigenous cultures themselves adhere to EBM sustainability principles such as:

- holistic connections and relationships within ecosystems;
- cumulative impacts affect marine welfare;
- the natural structure and function of ecosystems and their productivity;
- incorporate human use and values of ecosystems in managing the resource;
- recognise that ecosystems are dynamic and constantly changing;
- are based on a shared vision of all key participants; and
- are based on scientific Indigenous knowledge, adopted by continual learning and monitoring.

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3 Acknowledges humans as ecosystem components with multiple values.

Given that Māori consider themselves related to all living things through whakapapa,¹ they express whānau with their surrounding environment in the form of kaitiaki relationships.² Whakapapa creates an intimate link between relations, a link that extends to the mana of a person or a place.³ Any diminution in the mana of a place, will result in a diminution of an individual's mana through shared whakapapa.⁴

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4 Views long-term sustainability as a fundamental value, in particular maintaining values and uses for future generations.

Embedded in tikanga Māori is a concept, which transcends the right to use. It is the responsibility to use and to maintain to the fullest practicable extent, pure, clean coastal marine regimes. Responsibility is a concept that an incident of mana whakahaere tōtika that requires a balancing of the benefits of ownership with the responsibilities of ownership. It is a responsibility, which is owed to one's tūpuna (forebears) and one's mokopuna (descendants).

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5 Includes collaborative and participatory management throughout the whole process, considering all values and involving all interested parties from agencies and iwi to industries, whānau, hapū and local communities.

When we change the dial from a top-down approach to engagement with First Nations and fisheries access, to a focus on the co-development, co-design, and co-delivery of resource management, the result is a move toward self-determination, and real, sustainable prosperity for Canada's First Nations.⁵

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6 Has clear goals and objectives based on knowledge.

A 'taonga test' ... for 'stewardship jurisdiction' for this report over the coastal and marine areas: In assessing whether a waterway was a taonga to any particular group, the [Waitangi] Tribunal took into account the intensity of the Māori association with the waterway including originating ancestral relationship and an ongoing cultural and spiritual relationship with the waterway; the exercising of control and authority [jurisdiction] over the resources, and the fulfilment of obligations to conserve, nurture and protect the waterway.⁶

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7 Includes adaptive management, appropriate monitoring and acknowledgement of uncertainty.

The ability to adjust while maintaining the group's cultural uniqueness, values and customary norms is crucial for appropriately acknowledging and reconciling traditional Māori mana whakahaere tōtika jurisdiction in the 21st century.

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¹ Jones, C, 'Tino Rangatiratanga and Sustainable Development: Principles for Developing a Just and Effective Resource Management Regime in Aotearoa/New Zealand,' (Masters Dissertation, York University, Toronto, Ontario, 2003) at 41-42.

² Williams, N and Broadley, ME, 'Ngā Taonga Whakaako - Underlying Theoretical Principles of Tikanga,' (Ako Aotearoa, Open Polytechnic Kuratini Tuwhera and Te Tari Puna Ora o Aotearoa, 2012) at 20.

³ Royal, C, 'Kaitiakitanga - Guardianship and Conservation - Understanding Kaitiakitanga,' (22 September 2012) Te Ara - The Encyclopedia of New Zealand online at www.teara.govt.nz (Accessed 01-2020).

⁴ Above.

⁵ 'Government of Canada signs historic reconciliation agreement with B.C Coastal First Nations' in CFN-GBI website online at: <https://coastalfirstnations.ca/government-of-canada-signs-historic-reconciliation-agreement-with-b-c-coastal-first-nations/> (Accessed 05-2020).

⁶ Waitangi Tribunal, *The Stage 1 Report on the National Freshwater and Geothermal Resources Claim (Wai 2358, 2012)* at 51.