

Maori Perspectives Of The Environment

A Review of Resource Use Consent Submissions Made by Iwi to Environment Waikato

Technical Report No. 4

November 2003

Prepared by:

Laura Whangapirita¹, Shaun Awatere², Linda Nikora¹

Maori and Psychology Research Unit

¹The University of Waikato

Private Bag 3105

Hamilton

New Zealand

²Manaaki Whenua Landcare Research

Private Bag 3127

Hamilton

New Zealand

WRC Project Code: 41 51 02A

For:

Community & Economy Programme

Environment Waikato

PO Box 4010

HAMILTON EAST



THE UNIVERSITY OF
WAIKATO
Te Whare Wānanga o Waikato

Environment
Waikato

REGIONAL COUNCIL

List of technical reports

Technical Report 1: Maori perspectives of the environment - A review of Environment Waikato information sources

Technical Report 2: Maori perspectives of the environment - A review of iwi environmental management plans

Technical Report 3: Maori perspectives of the environment - A review of policy submissions made by iwi to Environment Waikato

Technical Report 4: Maori perspectives of the environment - A review of resource use consent submissions made by iwi to Environment Waikato

Technical Report 5: Maori perspectives of the environment - A review of spatial databases

Technical Report 6: Overview report

Technical Report 7: Action Plan

Table of Contents

TABLE OF CONTENTS.....	V
1 INTRODUCTION.....	1
1.1 PROJECT SCOPE.....	2
1.2 METHOD.....	2
2 MAORI ENVIRONMENTAL PERSPECTIVES.....	3
2.1 TAONGA	3
2.2 MAURI	4
2.3 TIKANGA.....	5
2.4 WAAHI TAPU.....	5
2.5 KAITIAKITANGA.....	6
2.6 RANGATIRATANGA	7
3 DISCUSSION	7
REFERENCE LIST.....	9
APPENDIX 1 : MAORI VALUES FRAMEWORK	10

1 Introduction

The Resource Management Act 1991, Waikato Regional Plan and Regional Coastal Plan all contain rules and guidelines to manage the natural and physical resources of the Waikato Region. These rules say that some resource use activities are not allowed without resource use consent from Environment Waikato. Resource use consents protect the natural features and physical resources of the Waikato Region. Environment Waikato processes consent applications for the use of water, air, coast and land resources. They also permit the discharge of water or wastes into air, water or on to land.

During the consent application process, EW staff will assess the likely and possible effects of a proposed activity on the surrounding environment and on other people. If EW staff think that affects to the environment may occur, a consent application may need to be notified. When a resource use consent application is advertised in the public notices sections of the local newspaper, or by formal notification from EW, anybody, person or party, can make a submission on the application. The general public (iwi inclusive) have 20 working days to make submissions on notified consents.

EW also takes into account the principles of the Treaty of Waitangi and the special relationship Maori have with the land, when considering consent applications and invites Maori to make submissions. Iwi consent submissions are written statements that describe their relationship with the environment and stipulate their position regarding the proposed activity. Iwi submissions may either be in support of the proposed activity, in opposition, or may just be an expression of iwi environmental perspectives (neutral submission). Submissions allow iwi, hapu and whanau to participate in decision-making processes that may impact on their responsibility as kaitiaki of their tribal rohe.

Once EW receives these submissions, they are scanned into PowerDoc's (EW's electronic filing system). Hard copies of these submissions are reviewed by the assigned resource use officer and stored in the relevant resource use consent file. EW staff then determines what measures need to be taken to avoid, mitigate or remedy any adverse effects. At the end of this decision-making process, EW can either grant or decline the application¹.

¹ Refer <http://www.ew.govt.nz/resourceconsents/consentprocess/images/consentprocess1.gif> for diagram of the resource use consent process.

1.1 Project Scope

As part of our broader brief to gather, summarise, analyse and distribute information held by Environment Waikato (EW) on Maori and the environment, we reviewed and summarised iwi consent submissions made on various resource use consent applications. This report has been prepared to contribute towards developing a resource for Environment Waikato's Strategic Plan Review Teams. The report itself refers to values and beliefs sourced from iwi submissions held by EW and are presented using a Maori values framework providing the reader with an introduction to the environmental perspectives of tangata whenua in the Waikato region.

The scope of the review is limited to iwi information held by Environment Waikato; no further information was gathered from stakeholders internally or externally of the organisation. The Maori values presented in this report are of traditional and contemporary relevance to Maori environmental perspectives. The extent to which issues and concerns outlined in the iwi consent submissions reviewed was not in our project brief.

1.2 Method

A sample of 337 resource use consent submissions from Maori organisations between 30/04/99 – 09/06/03 was selected from the Resource Use Consent Submissions Database. This database does not have an iwi\hapu\Maori organisation identifier. Using a database query with keywords including: trust, runanga, whanau, marae and iwi, a sample of 535 submissions from Maori organisations was determined. This sample was further reduced by determining whether a submission was part of a 'group' of submissions on the same consent application. "Group" is defined as more than two submissions. Our final sample of 337 submissions was exported into a Microsoft Access database.

Having determined our sample, we then searched for and extracted the hard copy of the submission for analysis. This was difficult and extremely time consuming due to a fragmented filing system, environmental hearings in progress and resource use consent files being used by resource use officers within EW.

While reading each submission, we identified and recorded Maori values information. The framework we used for identifying Maori values information can be found in Appendix 1. If a submission did not state a Maori value, then the code for “Not Stated” or “Resource Management Related” which identified iwi submissions that had made direct reference to various sections of the RMA was recorded beside that submission.

2 Maori Environmental Perspectives

Submissions from iwi reviewed for this report showed that iwi were clear about their relationship with the natural and physical resources within their tribal rohe. Table 1 presents an overview of Maori values that were identified in each submission. Note that each submission can refer to more than one Maori value. Hence the number of results presented in Table 1 is larger than the sample size.

Table 1: Proportion of Resource Consent Submissions stating Maori Values

Maori Value	Proportion %
Ahi Kaa	14%
Kaitiakitanga	17%
Mauri	2%
Tikanga	5%
Rangatiratanga	10%
Taonga\Waahi Tapu	10%
Resource Management Related	28%
Not Stated	13%

n=802

The following sections present a more detailed analysis of information obtained from the iwi consent submissions. Furthermore it describes the practical implementation of iwi, hapu and whanau environmental perspectives.

2.1 Taonga

Iwi submissions reviewed were consistent in their concerns regarding the impact that

various resource use consent applications would have on the cultural character of landscape that is of traditional and contemporary significance to their tribal rohe (Hauraki Trust Board, 510961, 5110961; Te Ruunanga a Iwi o Ngati Tamatera, 511537, 555038, 604418; Oturu Whanau Charitable Trust, 735762; Ngati Tamaoho Trust, 747843).

Accordingly, iwi submissions opposed the approval of various consent applications, because they felt that modification to the landscape would have adverse effects on their relationship with their tribal taonga, such as waahi tapu, waters, food gathering sources and the like (Hauraki Trust Board, 510961, 5110961; Te Ruunanga a Iwi o Ngati Tamatera, 511537, 555038, 604418, 831676; Oturu Whanau Charitable Trust, 735762, 759314; Ngati Tamaoho Trust, 747843; Ngati Naho CoOperative Society Ltd, 761965; Waikato Raupatu Trustee Company, 796265; Te Ruunanga o Ngati Pu Environmental Committee, 798326).

Furthermore, Hauraki Maori Trust Board (510961, 511187) stipulated that resource use consent applications were inconsistent with section 6(e) of the RMA 1991 as the proposed activities would affect the relationship of Maori and their culture and traditions with their natural lands, waters, waahi tapu and other taonga. Nga Ture ki Waikato Community (756688) stated that cultural matters involving Maori being kaitiaki over their taonga should be carefully considered under part 2 of the RMA, and specifically section 6e: *“recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga”*, section 7: *“have particular regard to kaitiakitanga (stewardship or guardianship)”*, and section 8: *“take into the account the principles of the Treaty of Waitangi”*.

2.2 Mauri

Iwi submissions reviewed expressed further concerns about how development will desecrate the mauri of tribal taonga, destroy access and may violate Maori archaeological sites in the area. Iwi submissions were clear about their relationship with the natural and physical environment. They also described how their tribal taonga represented the mana and mauri of the iwi and are regarded as being central to their tribal identity as well as their spiritual and physical wellbeing (Te Ruunanga a Iwi o Ngati Tamatera, 731251; Ngati Hei Charitable Trust, 759314; Ngati Naho Co operative Society Ltd, 761965).

2.3 Tikanga

Although iwi are aware of their environment, of technology and the economic constraints of the world we live, submissions reviewed specified that they are not willing to compromise tribal tikanga as it is of traditional and contemporary relevance to the iwi. Iwi also mentioned that too many resource use consent applications would cause conflict between tribal tikanga and future developments. (Ngati Hei Charitable Trust, 719222, 722155; Turangawaewae Board of Trustees, 787161; Ngati Whanaunga Environment Unit, 820938). More specifically, iwi concerns were that failure to recognise that iwi has established processes (tikanga) that assist the monitoring of natural and physical resources in their tribal rohe would diminish their status as kaitiaki of the area.

2.4 Waahi Tapu

A number of iwi described how waahi tapu, archaeological sites and food gathering, were integral components of the travels and history of tribal ancestors. Accordingly, these iwi that had made submissions to various resource use consent applications were explicit about the affects the proposed activities would have on waahi tapu in their tribal rohe. Waahi tapu, amongst other views, are considered to be sites of great historical significance to iwi (Nga Tai Erua Marae, 786782; Nga Marae Toopu, 786980; Waahi Pa Marae Committee, 791563; Ngato Paoa Management Committee, 512361; Ngati Hei Charitable Trust, 719222; Oturu Whanau Charitable Trust, 735762; Ngati Tamaoho Trust, 747843; Waikato Raupatu Trustee Company, 786741).

As a result of this view, iwi often opposed resource use consent applications as they believed that the proposed activities would desecrate and severely impact on the historical, spiritual and physical importance of these sites. Submitters also stated that these sites were still a very intricate part of tribal history, traditions and identity. In addition, iwi were also concerned that proposed activities restrict if not eliminate iwi, hapu and whanau access to waahi tapu sites (Te Ruunanga a Iwi o Ngati Tamatera, 818462, 500211, 713251; Rereahu Trust Board Marae, 797646; Nga Tai Erua Marae, 786782; Nga Marae Toopu, 786980; Waahi Pa Marae Committee, 791563; Ngato Paoa Management Committee, 512361; Ngati

Hei Charitable Trust, 719222; Oturu Whanau Charitable Trust, 735762; Ngati Tamaoho Trust, 747843; Waikato Raupatu Trustee Company, 786741).

Hauraki Maori Trust Board (510961, 511187) further reiterated that resource use consents applications were often inconsistent with section 6 (e) of the RMA 1991 as it will affect the relationship of Maori and their culture and traditions with their natural lands, waters, waahi tapu and other taonga.

2.5 Kaitiakitanga

Submitters documented their concerns regarding the affects that proposed activities from various resource use consent application would have on their relationship with the environment. They expressed their right to exercise kaitiakitanga over their tribal lands and waters and felt that various proposed activities would strongly impact on their role as kaitiaki. Historically iwi have an extensive record of maintaining kaitiakitanga over their tribal rohe and submitters considered their duty to protect, enhance and ensure the mauri of natural and physical resources in their tribal rohe is maintained to be of utmost importance (Hauraki Maori Trust Board, 646890, 647511; Ngati Hei Charitable Trust Board, 719222, 722155, 730611, 759314; Ngati Whanaunga Environment Unit, 722123; Ngati Tamaoho Trust, 747843; Nga Ture Kaitiaki ki Waikato, 756688; Waikato Raupatu Lands Trust, 758637).

The relationship tangata whenua have with the environment has extended over many years. It is a unique relationship in that the natural resources are often regarded as a tipuna. Such resources represent the mana and mauri of iwi, hapu and whanau, and are central to their tribal identity as well as their spiritual and physical wellbeing. Accordingly, the desecration of the natural and physical resources and the impact that this might have on the iwi was a major concern (Hauraki Maori Trust Board, 646890, 647511; Ngati Hei Charitable Trust Board, 719222, 722155, 730611, 759314; Ngati Whanaunga Environment Unit, 722123, 820938; Ngati Tamaoho Trust, 747843; Nga Ture Kaitiaki ki Waikato, 756688; Waikato Raupatu Lands Trust, 758637; Ngati Naho Co operative Society Ltd, 761965; Turangawaewae Board of Trustees, 787161; Waiakto Raupatu Trustee Company, 789306; Te Ruunanga a Iwi o Ngati Tamatera, 818462).

Some iwi submissions also argued that the resource use consent application process did not have regard to kaitiakitanga under section 7(a) of the RMA Act 1991 (Te Ruunanga a Iwi o Ngati Tamatera, 500211; Hauraki Maori Trust Board, 510961, 511187).

2.6 Rangatiratanga

As kaitiaki of their tribal rohe, some iwi asserted that various consent applications do not recognise iwi, hapu and whanau rights under the Treaty of Waitangi. Submitters also believed that resource use consent applications would have adverse effects on their status as tangata whenua (Hauraki Maori Trust Board, 646890, 647511; Oturu Whanau Charitable Trust, 735759, 735774; Waikato Raupatu Trustee Company, 786741, 789306; Ngati Hei Charitable Trust, 789967; Nga Marae Toopu, 786980; Ngati Whanaunga Environment Unit, 820938). Furthermore Hauraki Maori Trust Board (510961, 511187) and Ngati Hei Charitable Trust (722155) argued that resource use consent applications often do not take into account section 8 of the RMA (1991), which acknowledges the principles of the Treaty of Waitangi.

3 Discussion

The sample of iwi submissions (337) reviewed for the purpose of this report was sourced from a diverse range of resource use consent applications. Despite the dissimilarity of resource use consent applications, iwi submissions were consistent in their views regarding the protection of their natural and physical environment. Overall, iwi submissions were clear about their relationship with the environment as kaitiaki stipulating the importance of various Maori values as they relate to environmental issues, concerns and aspirations. Iwi submissions also expressed numerous concerns regarding inconsistencies with the Resource Management Act (1991) and the inability of resource consent applicants to consult with various iwi groups.

The Resource Management Act (1991) also acknowledges the status of Maori as tangata whenua of Aotearoa/New Zealand and recognises the principles of the Treaty of Waitangi. Similarly the Local Government Act (2002) promotes increased participation of Maori in Local Government decision-making processes. In compliance to these acts, EW has

processes and procedures in place that encourages consultation with Maori communities of their region. Iwi from within the region are invited to express their views on resource use consents applications as part of this consultative process. Many iwi and hapu accept this opportunity. However, iwi submissions reviewed showed that time constraints and the process of submitting on resource use consents applicants result in limited feedback.

The major issues apparent in our review of resource use consents submissions made by iwi to Environment Waikato are:

- Resource use consent submissions cannot be sourced electronically; this causes limitations to the accessibility of this information. Furthermore, the current filing system used for submissions is fragmented. Environmental hearings in progress and resource use files being issued out to various resource use officers within EW also hindered the progress of this review. We suggest that improving the accessibility of the resource use consents submission would allow EW to gain a better understanding of the extent to which iwi participate in local government decision-making processes.
- EW's resource use consents submissions process need to recognise the tikanga and kawa pertaining to iwi in the Waikato, practical orientations of kaitiaki, and the need for appropriate and timely consultation. The dissemination of information that would increase resource use consents applicants understanding of iwi responsibility as kaitiaki and status as tangata whenua. This process would minimise the applicant's failure to consult with iwi groups that are relevant to their proposed activities.
- Iwi continue to maintain a relationship and sense of rangatiratanga over the environmental resources in their tribal rohe. Despite this, submissions reviewed for this report did not always make mention of the impact that various proposed activities would have on Maori values. We suggest that further research identify how iwi submissions are made, used, and the impact they have in the resource use applications process.

- The extent to which iwi submissions assist in EW's decision to grant resource use consent applications to the public is unclear. As a result EW is limited in their knowledge of current iwi environmental perspectives. Iwi have also argued that many of the proposed activities would be inconsistent with the Resource Management Act. This argument appears to have been ignored. We would suggest that EW re-develop or establish policies and processes that acknowledge the tikanga and kawa pertaining to iwi; iwi and hapu as kaitiaki, and the need for appropriate and timely consultation.

Our findings suggest that while EW has systems in place to attend to the needs of their constituents, a greater understanding of the needs of tangata whenua is required. EW is responsible for monitoring resource use consent applications and activities. Therefore, we strongly suggest that increased attention to tangata whenua environmental perspectives regarding the use of natural and physical resources within their tribal rohe is required to promote and encourage improved relationships with iwi, hapu and whanau of the region.

Reference List

New Zealand Government. (2002). Local Government Act. Wellington, New Zealand.

New Zealand Government. (1991). Resource Management Act. Wellington, New Zealand.

Appendix 1 : Maori Values Framework

Maori Values Framework

Traditional Maori beliefs, custom, and values are derived from a mixture of cosmogony, cosmology, mythology, and anthropology. Maori values are instruments through which Maori make sense, experience and interpret the modern world. These values are based on a mixture of the traditional and contemporary, and form the basis for explaining a Maori world-view.

Some important Maori values relevant to environmental resource management include:

- **Rangatiratanga:** Rangatiratanga is often referred to as leadership yet ‘leadership’ does not quite capture the real essence of the concept. Rangatiratanga carries with it a large dose of authority, respect and the will of a people. Rangatira and rangatiratanga provide a pivot point for a people to protect themselves, their customary practices and taonga, and to ensure that future generations inherit a better world.
- **Kaitiakitanga:** Kaitiaki and the recently introduced term kaitiakitanga refer to the responsibility that certain entities, not exclusively people, have to protect and guard the mauri of particular people, groups, objects, resources, traditions, practices and places. A practical philosophy, the kaitiaki role is a process that is locally defined and owned. The kaitiaki role is not a process of ownership but an individual and collective role to safeguard nga taonga tuku iho (those treasures that have been passed down) for the present and future generations.
- **Tikanga:** Tikanga can be described as lore, custom, practice and commonsense thoughts that are based on the Maori belief system. Tikanga is taught and learnt within an appropriate context. In other words, rituals pertaining to “fishing ground A” may not necessarily apply to “fishing ground B.” From a resource management perspective, Tikanga provides a framework for rules that govern harvesting, the care and respect for customary resources and the environment.
- **Ritenga:** Ritenga are the inherent laws, rules, regulations, protocols, and obligations that include tapu, noa, and rahui. They determine responsibilities and relationships between people, and regulate the use of natural resources. Maori resource management endeavours to achieve a balance between people and the environment through the recognition of ritenga such as tapu, rahui and noa.
- **Mauri:** The management of taonga is based on a set of principles and values inherent in the Maori belief system. Mauri is the fundamental anchor stone of this belief system.

It refers to the life principle instilled in all objects by the Atua. Mauri is also the life principle that gives being and form to all things in the universe.

- **Taonga:** Taonga is a broad concept and include physical and meta-physical assets such as, te reo, intellectual property rights, traditional knowledge and use, social organisation and the arts. Objects can become taonga through the formal attention paid to them by tikanga Maori, and may include any material or non-material object having cultural or spiritual significance for a given iwi or hapu.
- **Tapu:** Tapu for Maori signifies the sacred, dedicated, protected, or that which is not ordinary or everyday. Tapu is the state or condition of a person or objects, placed under the patronage of the Atua. It is directly related to the mauri of a person or object and recognises an appreciation of and a respect for another life force and other life in general.
- **Rahui:** Rahui is a tool used by kaitiaki to manage natural resources. Rahui were declared by kaitiaki to restrict access to and use of natural resources, for various reasons. Rahui is a form of temporary restriction relating to the condition of a resource and the nature of the tapu in or around a specific area. Indeed, rahui are not unlike prohibitions on the taking of shellfish, the fishing for trout or other species, or swimming in contaminated or toxic water ways.
- **Waahi Tapu:** When tapu is applied to places of significance to iwi, hapu, or whanau, they are deemed waahi tapu. The literal translation of waahi tapu is sacred place. Waahi tapu are areas that provide physical and metaphoric links to tribal ancestors. In some instances they signify ahi kaa, and are sources of identity.
- **Noa:** Noa is the opposite of tapu. The term reflects the status of people, places or objects free from the restrictions of tapu. Noa is that which is ordinary, everyday, and safe to be in contact with. Indeed, noa is a much more healthier condition than tapu. With regard to resource growth (for example, kumara, kereru) reached a sustainable level for harvesting, restrictions on the access and use of natural resources such as rahui were relaxed and replaced with noa. Tapu and noa are complementary; one cannot exist without the other.