



Me Tū ā-Uru

AN ACTION PLAN FOR A FLOURISHING
AND ABUNDANT ENVIRONMENT

NEW ZEALAND'S
BIOLOGICAL
HERITAGE

.....

Ngā Koiora
Tuku Iho

National
SCIENCE
Challenges

The te reo name of this Action Plan 'Me Tū ā -Uru' relates to the whakatāuki 'Me Uru Kahikatea' which symbolises the strength of unity. Dr Vincent Olsen-Reeder provided guidance on this name, to acknowledge the broader vision of our action plan – of being united in right relationships to each other and the environment.

Ariki design rationale

The report design as a whole symbolises the different values and aspects of the action plan Me Tū ā-Uru.

The right-middle design features characteristics of whanaungatanga. The manaia forms with multiple eyes represent the interconnectedness and intimate nature of relationships and how they shape and carve our local and national environment.

The left-middle design symbolises aspects of the taiao. This design ties into the genesis story of Māoridom, where Tāne the God of forests, birds, people and knowledge split his father Ranginui (the heavens), from his mother Papatūānuku (the earth). Thus, ushering in light and life itself. Which is why it's represented by a Tui.

The Raukura (feather) design around the top right of the design symbolises mana and rangatiratanga. The raukura (feather) in Māoridom, worn atop the head symbolises one's importance to his or her iwi (tribe).

The design around the bottom left symbolises poutama. Poutama reflects another story within Māori beliefs around Tāne Mahuta retrieving the baskets of knowledge by ascending the heavens, and then gifting said knowledge to humankind.

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Vision

A flourishing and abundant taiao that sustains and nurtures all people of Aotearoa. Tangata whenua¹ and tangata Tiriti valuing, being informed by, and in good relationships with Papatūānuku, and each other.

Wero

Aotearoa's environmental and social relationships are out of balance. We are facing multiple, inter-related crises including climate change, biodiversity decline, poverty, and homelessness.

To solve these crises, and for the benefit of present and future generations in Aotearoa, and the environment that sustains us, we must work together to reconnect our relationships to the environment and to reconnect relationships between tangata whenua, tangata Tiriti, and the Crown.

1 | Note on terminology: When we use the term 'mana whenua' we are referencing the iwi, hapū and whānau communities of a specific geographical area in Aotearoa. When we use 'tangata whenua' we are referencing Māori communities collectively and more generally, *including* mana whenua groups and other Māori. 'Tangata Tiriti' is used to refer to all those who live in Aotearoa on the basis of Te Tiriti o Waitangi and who are not tangata whenua.

Contents

06 | INTRODUCTION

A new approach

09 | THE CHALLENGE

Environmental governance before Te Tiriti

Environmental governance after Te Tiriti

Treaty claims and te taiao

Environmental governance since the 1970s

What's still not working?

Examples of harm

Case studies

25 | THE VISION

A relational, Tiriti-based approach

Themes

A caring and connected approach

30 | THEME 1: WHANAUNGATANGA – RELATIONSHIPS

Whanaungatanga and the environment

Whanaungatanga and the climate crisis

Current state

Future state

Kaitiakitanga, whanaungatanga and the conservation estate

The 'preservationst ethic'

Case studies: when tangata whenua lead

Tentative steps: when the Crown responds

What can I do?

44 | THEME 2: UTU – BALANCE AND RECIPROCITY

The environment in balance

Current state

Future state

Case studies: when tangata whenua lead

Tentative steps: when the Crown responds

What can I do?

58 | THEME 3: MĀTAURANGA – KNOWLEDGE AND WAYS OF SEEING

Mātauranga and the environment

Current state

Future state

Cultural care labour

Case studies: when tangata whenua lead

Tentative steps: when the Crown responds

What can I do?

72 | THEME 4: MANA AND RANGATIRATANGA – AUTHORITY WITH CARE

Mana, rangatiratanga and the environment

Current state

Future state

Environmental tikanga in the law of Aotearoa New Zealand

Partnership: two spheres, many relationships

Case studies: when tangata whenua lead

Tentative steps: when the Crown responds

What can I do?

89 | CONCLUSION

90 | APPENDIX

Introduction

This report presents a vision for a healthier natural environment, and for healthier long-term human and environmental relationships.

In te ao Māori, the environment is understood in terms of whakapapa. Whenua, maunga, awa and so on are not property or commodities, but ancestors with whom we are intimately connected, and resources of cultural and spiritual significance. Maintaining environmental relationships in healthy balance is a fundamental responsibility within tikanga Māori.

Many New Zealanders of all cultures share a sense of personal connection with, and aroha for, the environment; and New Zealand's laws and policies increasingly reflect a shared commitment to protect the environment from harm.

Yet, despite progress in recent decades, Aotearoa's systems for environmental governance still do not fully prioritise

balance and reciprocity in human and environmental relationships. These systems were founded on and carry the legacy of imported ideas of individualism and ownership, in which humanity is not seen as part of an interconnected natural world, but as having dominion over that world.²

As a result, environmental governance does not sustain the environment in balance or in a flourishing state; and nor does it fully support healthy long-term relationships among people. Power and influence are concentrated among owners, government regulators and policy-makers.³ Central and local government engagement with tangata whenua still too often centres on short-term, fragmented and transactional approaches such as one-off 'consultation'.

These approaches have contributed to ongoing degradation of taonga, and damage to relationships among people and te taiao, to the detriment of Aotearoa's environment and all of its people.

2 | Ani Mikaere, *The Balance Destroyed* (Ōtaki: Te Wānanga o Raukawa, 2017).

3 | Max Rashbrooke, Geoff, Rashbrooke, and Albert Chin. *Wealth Inequality in New Zealand An analysis of the 2014-15 and 2017-18 net worth modules in the Household Economic Survey* (2021) https://www.wgtn.ac.nz/_data/assets/pdf_file/0007/1935430/WP-21-10-wealth-inequality-in-New-Zealand.pdf, accessed 25 November 2022.

A new approach

This report proposes a new approach which prioritises balanced and healthy relationships between people and te taiao – an approach infused with the values of whanaungatanga, utu, mātauranga, mana and rangatiratanga; an approach that strengthens relationships among people, including tangata whenua, tangata Tiriti, and the Crown; an approach that builds on the good will and common ground that already exists at community and national levels; and an approach that sustains the environment in balance to the benefit of all New Zealanders, now and into future generations.

Achieving this vision for a flourishing and abundant taiao will require change. There are barriers to overcome, which include acknowledging past harms, addressing structural imbalances in decision-making, and viewing human-environment relationships in relational and intergenerational terms.

Yet change is possible. Throughout this report you'll find numerous examples of partnerships and hapū-led projects already emerging even within the current framework. Those projects have brought together western science and ecological values, mātauranga Māori, and immense commitment and dedication from hapū and others to deliver tangible benefits to te taiao and to communities.

Using a relational framework based on Te Tiriti and on New Zealanders' shared aroha for te taiao, this plan aims to address the remaining barriers, and to build on and deepen existing partnerships, allowing them to operate with increasing scope and vision. It outlines a pathway towards a future that supports a flourishing environment and reflects the mana of tangata whenua, tangata Tiriti, and Papatūānuku.

About this report

This report was prepared by New Zealand's Biological Heritage National Science Challenge | Ngā Koiora Tuku Iho, Adaptive Governance and Policy Working Group. This working group comprises Maria Bargh, Carwyn Jones, Erin Matariki Carr, Carly O'Connor, Tasman Gillies, Oliver McMillan, and Ellen Tapsell. It was established to consider ways in which governance and policy need to change to better protect te taiao.

The challenge

Aotearoa's environmental and social relationships are out of balance. We are facing multiple, inter-related crises including climate change, biodiversity decline, poverty, homelessness, and much more.⁴

To solve these crises for the benefit of present and future generations in Aotearoa, and the environment that sustains us, we must work together to reconnect and restore relationships between tangata whenua, tangata Tiriti, the Crown, and Papatūānuku.

4 | Lisa Marriott and Nazila Alinaghi. "Closing the Gaps: An Update on Indicators of Inequality for Māori and Pacific People." *The Journal of New Zealand Studies*, no. NS32 (June 30, 2021). <https://doi.org/10.26686/jnzs.iNS32.6863>.

Environmental governance before Te Tiriti

For many hundreds of years, since long before European settlement of Aotearoa, Māori have exercised sophisticated systems for understanding and relating to the natural world.⁵

Reflecting Polynesian origins, those systems are based on ideas of kinship and connection among all things – including people, plants, animals, water, and earth.

Shaped by the environment of Aotearoa – and in particular by environmental catastrophes such as deforestation and the extinction of large fauna – those systems also emphasise the importance of managing resources responsibly and for collective benefit, now and into future generations.

Each hapū and iwi possesses a deep body of knowledge about the natural world within their rohe, built

up through generations of experience and close observation. This knowledge or environmental science is expressed through whakapapa, karakia, mōteatea and other traditional narratives; and enforced through tapu and rāhui (injunctions against unsustainable or inappropriate use).⁶

Environmental interests are collective. They derive from whakapapa; belong to hapū or communities; encompass rights to occupy, responsibly use, and share, but not to exclusively own and exploit; and are imbued with responsibilities to care for the resource and for people.⁷

Together, this combination of rights, responsibilities, knowledge and regulation amounts to a system of environmental law, which binds people and the natural world together in relationships of reciprocal obligation, balance, and mutual benefit.

Environmental governance after Te Tiriti

Te Tiriti o Waitangi provided for Māori and non-Māori to share Aotearoa in a relationship of mutual benefit – each with their own spheres of occupation and influence.⁸

Tangata whenua retained full and undisturbed tino rangatiratanga over their lands, homes, forests, fisheries and other taonga – including a right to sustain and manage those resources, and to maintain environmental relationships in accordance with tikanga.⁹

5 | Garth Harmsworth and Shaun Awatere, 'Indigenous Māori Knowledge and Perspectives of Ecosystems', in John Dymond (ed.) *Ecosystem services in New Zealand – conditions and trends* (Lincoln: Manaaki Whenua Press, 2013).

6 | McCully Matiu and Margaret Mutu, *Te Whanau Moana: Customs and Protocols* (New Zealand: Raupo Publishing NZ Ltd, 2003).

7 | Hirini Moko Mead, *Tikanga Māori: Living by Māori Values, New Edition* (Wellington: Huia Publishers, 2016).

8 | Waitangi Tribunal, *Te Whanau o Waipareira No.414* (Wellington: GP Publications, 1998); New Zealand Māori Council v Attorney General 1987 (Lands Case 1 NZLR 641); Options Development Group, *Partial reviews of the Conservation General Policy and General Policy for National Parks regarding Te Tiriti o Waitangi / the Treaty of Waitangi Report* (Wellington: Department of Conservation, 2022).

9 | Margaret Mutu, 'Constitutional Intentions: The Treaty of Waitangi Texts' in Malcolm Mulholland and Veronica Tawhai (eds.), *Weeping Waters: The Treaty of Waitangi and Constitutional Change* (Wellington: Huia Publishers, 2011) pp. 13–40.

Notwithstanding Te Tiriti guarantees, after 1840 the Crown progressively asserted its authority over Aotearoa's people and environment through its laws and regulations, land confiscations and acquisitions, and numerous other means. Over time, Māori communities, values, and environmental relationships were marginalised.¹⁰

The British system of environmental governance differed markedly from that of Māori. It emphasised private property, individual rights, and market economics over communal responsibilities and reciprocal relationships.

Te taiao was not viewed as an interconnected system or systems, but a series of segmented parts – individual parcels of land, mountains, rivers, lakes, wetlands and so on – each divided by boundaries, each in distinct ownership, and each subject to different and sometimes conflicting legal regimes.

Land, oceans, rivers, forests, and flora and fauna were no longer kin to be sustained and nurtured in a relationship of mutual benefit. Rather, they became property to be owned; resources to be used, sometimes for sustenance but often for profit; and landscapes which were sometimes preserved but often polluted or fundamentally reshaped.

Environmental regulation was reserved for governments (central and local) that were dominated by landed male settlers to the exclusion of women, Māori, and other peoples.¹¹

This imported system of environmental governance fundamentally altered and impeded relationships between tangata whenua and te taiao, and caused profound environmental, social and economic harm.

Land passed from Māori possession; forests and wetlands were destroyed; rivers and other waterways were degraded; many taonga species were lost forever; and, among people, inequalities were created and entrenched, and opportunities for shared prosperity lost or denied.¹²

Even where environments were protected, the British 'preservationist ethic' often focused on retention of scenery or wilderness values under government or council control, to the exclusion of valuable mātauranga and kaitiaki relationships.

10 | Margaret Mutu. 'Environmental Ideas in Aotearoa,' in Maria Bargh and Julie L MacArthur (eds.) *Environmental Politics and Policy in Aotearoa New Zealand*. (Auckland: Auckland University Press, 2022) pp 49-66; Mike Ross, 'The throat of Parata', in Bianca Elkington, Moana Jackson, Rebecca Kiddle, Ocean Ripeka Mercier, Mike Ross, Jennie Smeaton and Amanda Thomas (eds,) *Imagining Decolonisation* (Wellington: Bridget Williams Books, 2020) pp. 21-39.

11 | Ellen Tapsell, *Transitioning Environmental Governance in Aotearoa: Tikanga Māori and a Political Ethic of Care*. Unpublished Masters Thesis. (Victoria University of Wellington, 2022).

12 | Mason Durie, *Te Mana, Te Kāwanatanga: The Politics of Māori Self-Determination*. (Auckland: Oxford University Press, 1998).

“ Whānau and hapū watched with growing concern and increasing powerlessness as their centuries-old forests were felled, their waterways and seas-polluted and their food sources destroyed. As they were driven off their ancestral lands to live in poverty, deprivation and marginalisation in the cities, most often in the territories of other iwi, their responsibilities of kaitiakitanga became increasingly difficult to uphold.”

– Margaret Mutu¹³



13 | Margaret Mutu. 'Environmental Ideas in Aotearoa,' in Maria Bargh and Julie L MacArthur (eds.) *Environmental Politics and Policy in Aotearoa New Zealand*. (Auckland: Auckland University Press, 2022) p 50.

Treaty claims and te taiao

Since the Waitangi Tribunal was established in 1975, many claims have focused on relationships with te taiao.

Early Tribunal reports considered claims about waste discharges into rivers and other waterways (for example Manukau Harbour, see **page 20**) and about access to and relationships with traditional resources such as fisheries (for example, Muriwhenua and Ngāi Tahu sea fisheries).

The environmental focus of these claims reflected claimants' deep concerns for the state of te taiao, their obligations to protect and sustain a healthy environment, and their rights under Te Tiriti to maintain environmental relationships.

Many of the Tribunal's historical inquiries have described intimate connections between tangata whenua and their lands, mountains, forests, waterways and other places – connections that were defined not by physical boundaries but by ancestral relationships (hence, neighbouring hapū could share resources and possess overlapping rights).¹⁴

The Tribunal has consistently found that tangata whenua have enduring rights to exercise tino rangatiratanga, to exercise tikanga, and to fulfil kaitiakitanga obligations with respect to their ancestral environments.

In 2011, Ko Aotearoa Tēnei described kaitiakitanga as an obligation on the whole community to care for and nurture the places and species under their protection, to 'act unselfishly, and with right mind and heart, using correct procedure'.¹⁵

In the Tribunal's view, the exercise of mana or authority was legitimate only to the extent that these obligations were met. The Tribunal also found that the exercise of kaitiakitanga is fundamental to the identity of tangata whenua and Māori.¹⁶

The Treaty settlements process has led to Te Urewera and Te Awa Tupua (formerly, the Whanganui River) being declared 'legal persons' with all the rights of a natural person; and to the establishment of partnership arrangements such as the Waikato River Authority. But these arrangements are not nationally consistent; for most parts of te taiao, legal protections for kaitiakitanga and tino rangatiratanga remain weak.

14 | For example, Waitangi Tribunal, *Muriwhenua Land Report* (Wellington: GP print 1997) p 14.

15 | Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity Te Taumata Tuarua, volume 2* (Wellington: Legislation Direct, 2011), pp 116-117.

16 | Waitangi Tribunal, *Ko Aotearoa Tēnei*, pp 116-117.

Environmental governance since the 1970s

In recent decades there have been significant changes in environmental governance, and human–environment relationships, in Aotearoa.

Conservation and environment laws have increasingly prioritised environmental sustainability, and have sought to balance environmental and economic concerns, or at least to impose limits on environmental harm.

Laws and policies have increasingly acknowledged, and sometimes provided for kaitiaki rights, at least to some degree. For example, some statutory provisions require decision-makers to consider Māori relationships with ancestral lands, and give effect to or take account of treaty principles; some government policies acknowledge te mana o te taiao; and some Treaty settlements have established partnership or co-governance arrangements and recognised awa and whenua as living entities.¹⁷

To a significant degree, these changes reflect the influence of Māori leaders who – particularly since the 1970s – have brought public attention to environmental concerns, and have influenced governments to strengthen environmental protections.

More broadly, Aotearoa’s system of government has become increasingly diverse, particularly at a national level –

the voices of Māori, women, Pacific, Asian, disabled and LGBTQI+ peoples are more often present at the decision-making table, though some of these groups remain under-represented.

Change has also reflected growing environmental concern and Tiriti awareness among non-Māori populations. Many non-Māori feel a sense of intimate spiritual connection with and respect for te taiao, reflecting generations of occupation and close engagement with nature, as well as population diversity and generational change.

And protection of te taiao is viewed by many – Māori and non-Māori alike – as an increasingly urgent concern, due to pressing issues such as species decline, pollution of waterways, and climate change.¹⁸

While these changes are significant, they have evolved from an imported system that prioritises individual over community benefit, usage rights over healthy relationships, and growth over sustainability. Healthy, sustainable, and balanced relationships inevitably become secondary considerations or matters to be balanced alongside others, in ways that perpetuate the structural imbalances and inequalities that have harmed human and environmental relationships.

17 | Jacinta Ruru, Phil B O’Lyver, Nigel Scott, Deborah Edmunds, ‘Reversing the decline in New Zealand’s biodiversity: empowering Māori within reformed conservation law’, *Policy Quarterly* 13/2 (2017)pp. 67-71, <https://doi.org/10.26686/pq.v13i2.4657>.

18 | Helen Clark (ed.) *Climate Aotearoa: What’s Happening and What We Can Do about it* (Sydney: Allen & Unwin, 2021); Tom Doig (ed.), *Living with the Climate Crisis Voices from Aotearoa* (Wellington: Bridget Williams Books Ltd, 2020).

What's still not working?

Notwithstanding the significant changes that have occurred in recent decades, Aotearoa's current system for environmental governance still...

- lacks an overall framework for understanding human-environment relationships
- creates tension between individual and community benefit, and between usage rights and environmental health
- fails to recognise and value the interconnectedness of all parts of te taiao
- fails to recognise and value the interconnectedness between te taiao and human well-being
- creates incentives to transfer environmental and human costs onto the wider community
- enables unsustainable and exploitative use of resources
- enables and exacerbates entrenched wealth inequalities
- severs relationships between kaitiaki and taonga
- marginalises Māori environmental science
- limits the rights, marginalises the voices, and undermines the identities of tangata whenua
- encourages short-term thinking while paying limited attention to intergenerational effects
- is inconsistent with the values of many New Zealanders, Māori and non-Māori.

Whereas the values of mana, rangatiratanga and kaitiakitanga provide for authority to always be exercised in a manner that nurtures people and te taiao, existing systems lack this in-built protection. The system relies on owners' good intentions, and otherwise protects the environment only to the extent that regulations are comprehensive and robustly enforced (which is often not the case) or that landscapes are 'preserved' from human occupation and use.

The current system of environmental governance is incapable of addressing the most pressing issues facing Aotearoa's environment or its people – issues such as pollution of waterways, ecosystem decline, climate change, and structural inequalities in areas such as housing and intergenerational wealth. We cannot address environmental or human harm within a framework that has hitherto enabled harm.

“ When we mistreat our environment, we mistreat ourselves.”

– Dr Selai Letica¹⁹

19 | Selai Letica. 'Integrating Māori Values with Environmental Solutions.' *Our Land & Water - Toitū te Whenua, Toiora te Wai [Webpage]* (26 August 2020), <https://ourlandandwater.nz/news/integrating-maori-values-with-environmental-solutions/>, para. 4, accessed 25 November 2022.

Examples of harm

Aotearoa's system of environmental governance has caused immeasurable harm to kaitiaki relationships, to human wellbeing, and to the mauri of te taiao.

Harm to tangata whenua

For Māori, the environment is an essential source of identity. Tangata whenua belong to and are defined by the land, and have enduring relationships with mountains, land, water, forests, and flora and fauna within their rohe. To possess mana is also to have obligations to protect, nurture and sustain healthy relationships with people and the natural world.

Yet Aotearoa's system of environmental governance has impeded these ancestral relationships. The vast majority of land is now in private or state ownership. Forests and wetlands have been destroyed, waterways polluted, and taonga species have become extinct or threatened. Māori voices, knowledge and values are marginalised in environment and conservation decision-making.²⁰

For tangata whenua, this places barriers in the way of ancestral relationships, and in turn impacts mana and hapū or tribal identity.²¹

Harm to people

Aotearoa's environmental governance system treats people as if we are in competition with the environment, and with each other.

In colonial times, human costs arose from the transfer of land and resource rights from tangata whenua to the state and settlers, undermining Māori economic self-determination and causing impoverishment and inequality. The legacy of those events is still with us.²²

In modern times, the privileging of individual benefit over other values continues to cause harm. Land and resources are primarily used for private benefit, including profit and capital gain – an approach that creates 'winners and losers' and entrenches inequalities.

The impacts of this system are evident in Aotearoa's housing crisis – the property market has produced record levels of homelessness; it makes both renting and home ownership unaffordable for many people; it systematically benefits those who are already wealthy; and it exacerbates and entrenches intergenerational inequality.²³

Aotearoa's current environmental governance systems are incapable of effectively addressing this and other issues. Those systems are not founded on a principle that whenua and other resources are used for the collective benefit for the whole community.

20 | Malcolm Mulholland, Rachael Selby and Pātaka Moore (eds.), *Māori and the Environment: Kaitiaki* (Wellington: Huia Publishers 2010).

21 | Mason Durie, *Te Mana, Te Kāwanatanga: The Politics of Māori Self-Determination*. (Auckland: Oxford University Press, 1998).

22 | Helen Moewaka Barnes and Tim McCreanore, 'Colonisation hauora and whenua in Aotearoa', *Journal of the Royal Society of New Zealand*, 49/1 (2019) <https://doi.org/10.1080/03036758.2019.1668439> accessed 2 February 2023.

23 | Lisa Marriott and Nazila Alinaghi, "Closing the Gaps: An Update on Indicators of Inequality for Māori and Pacific People." *The Journal of New Zealand Studies*, no. NS32 (2021), pp 2-39, accessed 25 November 2022 <https://doi.org/10.26686/jnzs.iNS32.6863>.

Impacts of land confiscations

In 1840, almost all of Aotearoa's land was in Māori possession. By 1910, only 27% of North Island land remained, and almost none in the South Island; the rest had been transferred into Crown or private hands, mainly due to Crown actions such as purchasing, confiscation, public works takings, and court processes that broke down collective land rights to encourage sales.

For tangata whenua, these land transfers affected access to food and traditional medicines, water sources, transport routes, and other resources; as well as sacred sites such as urupā – with direct impacts on health, wellbeing, and hapū and tribal identities.

More than a century later the impacts of these land transfers are still being felt. The Crown has acknowledged this in successive treaty settlements. For example, in 1995 the Crown acknowledged that its 19th century Waikato land confiscations had 'a crippling impact' on the welfare and economy of Waikato-Tainui, excluding them from the benefits of development.²⁴

Recent research has highlighted the importance of whenua for Māori health and cultural wellbeing, and the harmful intergenerational impacts from confiscation and other forms of land transfer.²⁵

Researchers Rowan Ropata Macgregor Thom (Ngāti Rakaipaaka, Ngāti Kanungunu and Ngāi Tūhoe) and Arthur Grimes found that 'iwi landholdings are a significant predictor of current cultural wellbeing outcomes', including proficiency in te reo Māori, connections with marae, and interest in and support with Māori culture. Significantly, land holdings in 1910 were a strong predictor of current outcomes: that is, nineteenth century land transfers still have measurable impacts on wellbeing more than a century later.

The researchers also found that smoking rates are significantly higher among iwi that experienced raupatu during the nineteenth century – an effect that is 'consistent with the lingering effects of historical trauma resulting from the Raupatu'.

The researchers conclude: 'The evidence is consistent with historical trauma having significant effects on the cultural wellbeing and health outcomes of Aotearoa New Zealand's Indigenous population over a century later.'²⁶

24 | Waikato Raupatu Claims Settlement Act 1995 (No 58) s6.

25 | Rowan Ropata Macgregor Thom and Arthur Grimes. 'Land Loss and the Intergenerational Transmission of Wellbeing: The Experience of Iwi in Aotearoa New Zealand.' *Social Science & Medicine* 296 (2022): 114804. <https://doi.org/10.1016/j.socscimed.2022.114804>, accessed 25 November 2022.

26 | Thom and Grimes, Land Loss and the Intergenerational Transmission of Wellbeing, 2022. *Social Science & Medicine* 296 (2022), 114804. <https://doi.org/10.1016/j.socscimed.2022.114804>, accessed 25 November 2022.

Harm to the mauri of te taiao

In spite of Aotearoa's branding as clean, green and pure, human activities have caused immense harm to te taiao. Since 1840, many of Aotearoa's indigenous forests have been converted to farming and other uses; wetlands and other habitats have been destroyed or compromised; and numerous birds, bats and other species have become extinct.

Environmental harm continues in modern times. Human activities are degrading and polluting Aotearoa's rivers, lakes, and other waterways – threatening food sources, recreational activities, and ecosystems.

Many of Aotearoa's species of birds, reptiles, plants, fish and marine mammal species remain threatened or at risk of extinction. Pollution, sedimentation and overfishing are all threatening the health of te moana. Land and soil are being lost to erosion and development – potentially

affecting the long-term sustainability of Aotearoa's food production.

The heating of the atmosphere is changing climate patterns – raising sea levels; threatening coastal areas; increasing the frequency and intensity of floods, storms and droughts; and causing harm to human and environmental health.²⁷

Harm to te taiao reflects the cumulative impacts of human activities over many generations, enabled by economic and legal systems that do not prioritise environmental protection.²⁸

Environmental damage undermines the mauri and mana of te taiao – whenua, awa, moana, species of flora and fauna, and tangata can no longer play their fullest roles as part of an interconnected and mutually sustaining ecosystem.



27 | Ministry for the Environment, *Environment Aotearoa* 2019 (Wellington: New Zealand Parliament, 2019).

28 | Max Liboiron, *Pollution is Colonialism* (United States: Duke University Press 2021).



Threats of extinction

Nearly 4000 native species in Aotearoa are now threatened or at risk of extinction. The number has been increasing since colonisation and particularly since the 1900s, in spite of legislation aimed at protecting and conserving

the environment. At least 75 species have already become extinct, including many birds. Among the species at risk of extinction, some are globally unique such as the Māui dolphin.²⁹

29 | Ministry for the Environment, *Environment Aotearoa 2019* (Wellington: New Zealand Parliament, 2019); Rod A. Hitchmough. *Summary of changes to the conservation status of taxa in the 2008–11. New Zealand Threat Classification System listing cycle.* (Wellington, 2013).

Case studies: harm to te taiao

The case studies over the next few pages illustrate impacts on the environment of Aotearoa from increased population, agricultural and industrial development, carried out under imported systems of environmental governance which regard te taiao as a resource to be used and exploited.

The Manukau Harbour: ‘garden of the sea’

The Manukau Harbour was for hundreds of years a source of kai, resources, mana and identity for iwi. It was a vital transport route, first traversed by the Tainui waka; and a ‘garden of the sea’, its abundant bird, marine and plant life sustaining numerous communities along its shores.³⁰

Each of those communities had distinct rights to occupy the harbour’s lands, traverse its waters, and harvest its resources; and each had corresponding responsibilities to sustain and care for the environment at sea and on land.³¹

Tikanga provided that people should disturb the environment as little as possible, and should take only what was needed. Ritenga prescribed where and how species could be harvested, and specified where activities such as cooking, eating, bathing, and lighting fires were permitted.³²

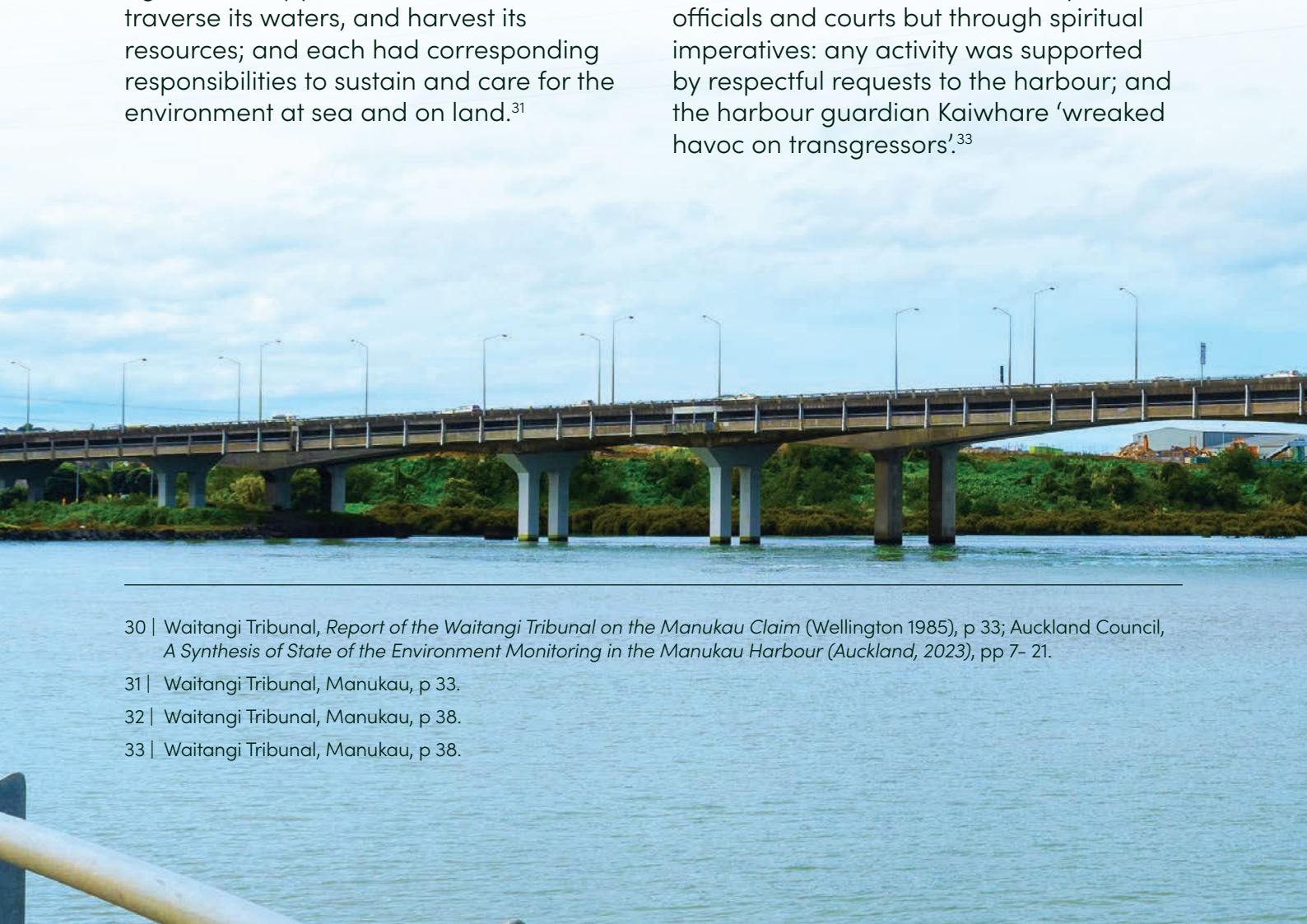
These rules were enforced not by officials and courts but through spiritual imperatives: any activity was supported by respectful requests to the harbour; and the harbour guardian Kaiwhare ‘wreaked havoc on transgressors’.³³

30 | Waitangi Tribunal, *Report of the Waitangi Tribunal on the Manukau Claim* (Wellington 1985), p 33; Auckland Council, *A Synthesis of State of the Environment Monitoring in the Manukau Harbour* (Auckland, 2023), pp 7- 21.

31 | Waitangi Tribunal, Manukau, p 33.

32 | Waitangi Tribunal, Manukau, p 38.

33 | Waitangi Tribunal, Manukau, p 38.



Environmental management was supported by a detailed system of knowledge based on careful observation of plant, bird and marine life, and on 'reading signs' such as changes in wave patterns or species' migrations and movements.³⁴

From the 1840s, the Crown asserted authority over the Manukau and other harbours, including ownership of tidal lands and the sea bed.³⁵ Gradually, the Crown also asserted control over fish, shellfish, birds and other parts of the environment, while local authorities controlled land use.

In the decades since, the harbour and its surrounds have been heavily modified. Land once covered by lush forests has been reshaped by urban development, industry, and agriculture. Wastewater and other pollutants have flowed into the harbour, affecting water quality and aquatic life, and limiting or undermining opportunities for recreation and safe harvesting of kai moana.³⁶

Nonetheless, for generations iwi sought to sustain their guardianship roles, working in voluntary and unofficial capacities to clean up the environment.³⁷

Leaders such as Dame Nganeko Minhinnick influenced government and local authorities to strengthen environmental protections, for example by introducing the Resource Management Act 1991.

In recent decades there has been some progress in reducing pollution of the harbour – though water quality remains poor and contaminants such as fertilisers and plastics continue to affect the harbour.³⁸ The harbour's modified state means that ongoing environmental protections are less robust than if it had been maintained in a balanced state.

Despite changes in environmental laws and governance arrangements, iwi and hapū are still not equal partners with the Crown and therefore cannot fulfil their obligations to care for and nurture the harbour: final decisions still rest with government and local authorities.

34 | Waitangi Tribunal, Report of the Waitangi Tribunal on the Manukau Claim (Wellington 1985), p 38.

35 | Waitangi Tribunal, Manukau, pp 33–34.

36 | Auckland Council, *A Synthesis of State of the Environment Monitoring in the Manukau Harbour* (Auckland, 2023), p 4.

37 | *Waikato-Tainui: Annual Report* (Waikato 2022), <https://waikatotainui.com/wp-content/uploads/2022/08/Waikato-Tainui-Annual-Report-2022.pdf>, p 61 accessed 25 November 2022.

38 | Auckland Council, *Synthesis of State of the Environment Monitoring*, pp iv–v, 4, 19, 38–39.

Aotearoa's wetlands: precious and threatened ecosystems

Wairepo (wetlands) are essential ecosystems that support precious species, play significant roles in the water cycle, and are vital for protection against weather events such as flooding.³⁹

For Māori communities, wairepo were also resources for food, flax, dyes, and other tradeable resources that contributed to the economic and political mana of iwi, hapū and whānau.

Since colonisation, nearly 90% of all wairepo in Aotearoa have been drained. While restoration projects are taking place around the country, precious wairepo continue to be drained for agriculture or urban development.⁴⁰ Indeed, the pace at which wairepo have been drained has accelerated since the Resource Management Act 1991 recognised wetland preservation as a matter of national importance.⁴¹

The National Wetland Trust, a non-profit organisation established in 1999 to increase wetland appreciation, noted that some of the largest removals of

wairepo took place during the years 2008–2012; while some were consented by councils, others occurred without the required consents.⁴² The Wetland Trust recommended stronger rules, prosecution, and transparency on consenting issues.⁴³

Nonetheless, in 2018 a significant wairepo was drained, with consent, for the extension of a ski slope on the Remarkables, despite evidence from Department of Conservation and local authority scientists that the area was of high ecological value.⁴⁴ In other words, even when government institutions and scientists seek protection of specific environments, Aotearoa's environmental governance system continues to privilege economic or other considerations.

The Wetland Trust has also highlighted many owners' non-compliance with consenting rules – actions which reflect the western idea of land as a resource that owners can use and control as they wish, without reciprocal obligations.

39 | John Dymond, Marmar Sabetizade, Peter Newsome, Garth Harmsworth, and Anne-Gaelle Ausseil. 'Revised Extent of Wetlands in New Zealand.' *New Zealand Journal of Ecology*, 45/2 (2021), <https://doi.org/10.20417/nzj ecol.45.32> accessed 25 November 2022.

40 | Karen Denyer and Monica Peters, *The Root Causes of Wetland Loss in New Zealand* (The Wetland Trust, 2020) wetlandtrust.org.nz accessed 29 November 2022; Moari Bailey, *Riri A Te Hori 2 Wetland Development (Te Wai Māori: 2014)* <https://waimaori.maori.nz/wp-content/uploads/2019/04/Riri-A-Te-Hori-2-Wetland-Development-Report-final.pdf> accessed 29 November 2022.

41 | Hugh Robertson, Anne-Gaelle Ausseil, Brian Rance, Harley Betts, and Eva Pomeroy. 'Loss of Wetlands since 1990 in Southland, New Zealand.' *New Zealand Journal of Ecology* 43/1(2018) <https://doi.org/10.20417/nzj ecol.43.3>, pp. 1–9.

42 | Karen Denyer and Monica Peters, *The Root Causes of Wetland Loss in New Zealand* (The Wetland Trust, 2020) wetlandtrust.org.nz accessed 29 November 2022, pp 12–13.

43 | Karen Denyer and Monica Peters, *Wetland Trust*, 2020, p 20.

44 | Debbie Jamieson, 'Forest and Bird ditches legal action over ski field's destruction of wetlands.' *Stuff*, May 24 2019 <https://www.stuff.co.nz/environment/112985880/forest-and-bird-ditches-legal-action-over-ski-fields-destruction-of-wetlands>, accessed 26 April 2022.; David Williams, 'Wetlands battle heads to court'. *Newsroom*, 7 September 2018, <https://www.newsroom.co.nz/do-not-publish-skifield-draft>. Accessed 9 May 2022.

Waipā River: pollution and health impacts

The Waipā River is the largest tributary of the Waikato River. It flows north through Ōtorohanga and Pirongia to enter the Waikato River at Ngāruawāhia.

The Waipā and its surrounding wetlands were once important sources of food, transport and other resources – both highly contested and a source of spiritual and political significance among mana whenua.

In tikanga Māori, pollution of waterways is almost always avoided.⁴⁵ Under the Crown's system of national and local government, however, pollution of waterways has not always been seen as an issue.

For much of the twentieth century, untreated sewage and pollution was pumped into the river. Among Māori communities, which continued to harvest food and other resources from the Waipā's waters, incidence of diseases such as typhoid increased early in the century, as did mortality rates.

The Health Department responded by blaming Māori communal living arrangements, and prior to the 1940s took no steps to protect Māori from the impacts of pollution.

To the researchers Meg Parsons (Ngāpuhi), Karen Fisher (Ngāti Maniapoto, Waikato Tainui) and Roa Petra Crease (Ngāti Maniapoto), the pollution of the Waipā 'offers a particularly compelling case of the significance of recognising Māori iwi rangatiratanga, worldview, and values as part of environmental governance and management decision-making processes'.⁴⁶

Those authors viewed pollution of the river as an example of systematic and environmental racism, in which colonial governments believed that settlers' needs and actions were more important and 'civilized' than Māori health and harvesting practices.

Untreated sewage and pollution continued to flow into the Waipā until well into the 1970s, and the views of mana whenua have largely been ignored on the issue of waste disposal into the awa.

Today, iwi governance processes have evolved as a result of law changes and a 2010 Treaty settlement; and public awareness of waterway pollution and Māori rights has grown.

Nonetheless, there is a long way to go. Currently Waipā river water quality is deemed exceedingly poor, and issues surrounding the waste treatment plants and mana whenua rights continue.

45 | Craig Pauling and James Ataria, *Tiaki Para A Study of Ngai Tahu Values and Issues Regarding Waste* (Canterbury 2010) http://www.mwpress.co.nz/_data/assets/pdf_file/0016/70513/LRSS_39_Tiaki_Para.pdf accessed 25 November 2022.

46 | Meg Parsons, Karen Fisher and Roa Petra Crease, *Decolonising Blue Spaces in the Anthropocene Freshwater management in Aotearoa New Zealand* (Auckland: Palgrave Macmillan Cham 2021) p. 181.

“ We have an opportunity, now, to move into right relationship or whanaungatanga with our ancestors, our mokopuna and with one another — to restore a way of being that sits in alignment with the patterns and symmetry of our woven universe.”

– Haylee Koroi⁴⁷



47 | Haylee Koroi, ' In Right Relationship- Whanaungatanga' in Helen Clark (ed.) Climate Aotearoa: What's Happening and What We Can Do about it (Sydney: Allen & Unwin, 2021) p 18.

The vision

A flourishing and abundant taiao that sustains and nurtures all people of Aotearoa.

Tangata whenua and tangata Tiriti valuing, being informed by, and in good relationships with Papatūānuku, and each other.

A relational, Tiriti-based approach

This report proposes an approach to environmental governance based on healthy and balanced long-term relationships:

- among people
- between people and te taiao
- between tangata whenua, tangata Tiriti, and the Crown.

It proposes an approach that reflects the Tiriti promises of partnership and mutual benefit; enshrines the values of whanaungatanga, mana, rangatiratanga, utu, and mātauranga; is consistent with modern Aotearoa values; reflects the best of western and Māori science; is fair and equitable; appropriately prioritises human and environmental wellbeing; and sustains te taiao in a flourishing and abundant state for future generations.

Adopting a relational approach is no small challenge. It will require change for all organisations involved in environmental governance – central and local government, hapū and iwi, and the wider community. To be most effective, it will require changes in statute, governance, policy and practice.

But above all it will require a mindset shift away from current, transactional approaches to environmental governance. It will require central and local government, tangata whenua, businesses, property owners, and wider communities to commit to healthy long-term relationships with each other and with te taiao.

Themes

We group our recommendations under four themes.



Theme 1: Whanaungatanga – *relationships*

Whanaungatanga refers to kinship between all people and things – their connections through lines of whakapapa, and their interdependence with each other. Whanaungatanga binds people and te taiao in relationships of reciprocal obligation and mutual benefit. Just as land, water, air, flora and fauna sustain humanity, so we sustain them for now and for future generations.

For environmental governance, this means that the interdependence of people and te taiao is placed at the centre of decision-making; that environmental governance is not focused on short-term transactions but on building healthy long-term relationships among people and te taiao; that kaitiaki relationships are fully expressed; and that barriers to collective human and environmental well-being are removed.



Theme 2: Utu – *balance and reciprocity*

Utu acknowledges the reciprocal nature of all relationships, and the obligation to sustain them in appropriate balance. Tika refers to rightness of action – that is, action that acknowledges and enhances mana, and sustains and enhances the well-being of all.

For environmental governance, this means that people do not exploit te taiao; rather, we maintain environmental

relationships in a state of balance. As we receive sustenance, we also give back and sustain. Environmental decision-making reflects the mana of oceans, rivers, lands and species. We acknowledge past imbalances, and provide time and resources for rebalancing and restoration. We also sustain balanced relationships among people, reflecting their mana.



Theme 3: Mātauranga – *knowledge and ways of seeing*

Mātauranga refers to knowledge and understanding – to a way of seeing the world through a lens of kinship, of recognising the reciprocal responsibilities that arise from human–environment relationships.

Mātauranga also refers to the deep well of environmental knowledge built by tangata whenua through generations of interaction with and observation of te taiao – knowledge expressed through whakapapa, karakia, and other kōrero tuku iho.

Māramatanga is clarity of thought and action – including understanding of te taiao and pursuit of action that sustains and supports environmental taonga.

For environmental governance, acknowledging mātauranga and māramatanga will mean that Māori knowledge is valued and resourced; the sharing of knowledge is mana-enhancing for the communities it comes from; and the connection between whenua and knowledge are restored.



Theme 4: Mana and rangatiratanga – *authority with care*

Mana refers to authority, handed down through generations, to take action in the world. This is an authority infused with responsibility – to protect and care for people and communities (manaakitanga), and to protect and care for the environment and its taonga (kaitiakitanga).

In te ao Māori, mana whenua (mana in relation to places) belongs to the hapū or community – they collectively possess authority and corresponding obligations.

Rangatiratanga is chiefly authority. It is the expression of the community's mana, through community leadership

and guidance. It includes economic, social, political and environmental leadership, and carries with it obligations to secure the community's interests, to care for its people, and to sustain and nurture collectively held lands and the wider environment.

In environmental governance, recognising mana and rangatiratanga mean providing for tangata whenua to exercise their rights as decision-makers over ancestral lands and taonga; and providing for political processes, governance arrangements, and policies that are mana-enhancing for all concerned.

A caring and connected approach

The approaches we advocate are consistent with Aotearoa New Zealand values. A large proportion of New Zealanders are concerned about environmental issues such as water quality, waste reduction, climate change, and housing inequality.

Many New Zealanders have great affection and aroha for the natural environment. Although environmental governance systems treat te taiao as a resource to be managed and used, many New Zealanders view the environment in broader terms – as important for physical and mental health, and as a source of connection, identity, and spiritual sustenance. A significant proportion do not view Aotearoa as ‘clean and green’,

and are not satisfied with the nation’s current approaches to environmental management and protection.

Our proposals are also consistent with a care ethics approach, which recognises the interdependence of people and their environment, prioritises caring relationships over use and exploitation, and emphasises the importance of empowering communities to provide that care.⁴⁸

Our proposals are also aligned with modern western science which increasingly recognises te taiao as a series of interconnected ecosystems, and environmental wellbeing as therefore requiring a holistic approach.

48 | Amohia Boulton and Tula Brannelly, ‘Care Ethics and Indigenous Values: Political, Tribal and Personal’ In Tula Brannelly, Marian Barnes, Lizzie Ward, and Nicki Ward (eds.), *Ethics of care: Critical advances in international perspective* 1st ed, (Bristol University Press, 2015) pp 69–82 <https://doi.org/10.2307/j.ctt1t89d95.10> accessed 20 February 2023; Tula Brannelly and Amohia Boulton, ‘The Ethics of care and transformational research practices in Aotearoa New Zealand’, *Qualitative Research*, 17/3 (2017) pp 340–350 <https://doi.org/10.1177/1468794117698916> accessed 20 February 2023.



Case studies:

why partnership benefits us all

Throughout the ‘themes’ section of this plan you’ll find case studies describing the impacts of Māori-led or partnership-based environmental projects.

Throughout Aotearoa, these projects are restoring environments, bringing people together, feeding hapū and whānau, increasing knowledge, and providing facilities and natural spaces that engage and benefit the whole community.

These examples reflect the determination of tangata whenua to fulfil their responsibilities as kaitiaki, even within a system that is only partially supportive. We highlight only a few of the

many environmental and social projects led by tikanga and Māori communities across Aotearoa.

You will also find examples of central and local government showing increasing openness to Māori-led or partnership approaches, as the benefits become apparent and as Tiriti obligations and taonga relationships are better understood.

These examples are a fraction of what might be possible for the environment of Aotearoa if whanaungatanga, utu, mātauranga, mana and rangatiratanga were to be restored as central elements of the country’s environmental law and governance.



Theme 1

Whanaungatanga

Relationships

Whanaungatanga and the environment

In te ao Māori, te taiao is not merely property or a set of resources to be valued for economic or scenery purposes; it is a community of living entities, which like all communities provide both sustenance and a sense of belonging.

Land, mountains, oceans and waterways, forests, birds, plants, animals, insects and people all evolve from the same essential source; all share common if distant ancestry; all, in a balanced system, provide mutual support and sustenance in accordance with values and guidelines that have been handed down through generations.

This view of te taiao reflects ways of seeing that are common throughout the Pacific, and indeed much of the world: every element in creation emerges from the same source, and is imbued with a common essence – wairua in te ao Māori or vā in Samoa and other Pacific cultures.

This way of seeing also reflects deep ancestral connections with the environment of Aotearoa, gathered through dozens of generations of intimate connection with land, forests, oceans, waterways and other parts of the natural world.

The kōrero that are handed down describe the relationships between human and environmental tūpuna; and the expression of these relationships is a fundamental source of belonging and identity.

Hence:

- People can identify themselves through pepeha which establish their place in relation to maunga, awa and whenua; and through whakapapa which connect them to ancestors, communities, and land.
- ‘Whenua’ stands both for land and for the placenta – it is the source of human sustenance throughout the life cycle.
- Identity depends on having a tūrangawaewae, a place to stand, both in the land and in the community.

Kōrero tuku iho provide guidance about present-day relationships. Relationships among atua provide guidance on how people should act towards each other and the natural world, and relationships among tūpuna provide guidance on relationships with places and species, including rights and kaitiaki obligations.

This provides a rich lens through which to view te taiao – one that prioritises belonging and balance even as landscapes are reshaped.

“ People shape landscapes, and landscapes shape people... you are a person of a particular place. [This] is at the heart of tūrangawaewae, identity and whakapapa” – Rōpata Taylor⁴⁹

49 | Rōpata Taylor quoted in, Sandy Morrison and Aimee Kaio, Te Tai Uka a Pia: Iwi relationships with the Southern and Antarctic [Webpage](October 2021) <https://storymaps.arcgis.com/stories/1f5579b66f354dfdb14c84e713ebaddc>, para. 53, accessed 25 November 2022.

Whanaungatanga and the climate crisis

Of all environmental issues, climate change presents the most pressing challenge to te oranga o te taiao, and to human wellbeing.

Climate change affects us all, and its impacts are already being felt – for example through the devastating impacts of floods, storms and droughts throughout Aotearoa. Left unchecked, rising global temperatures will have major and ongoing impacts on human health and wellbeing for decades to come.⁵⁰

There are also specific impacts for Māori – for example through threats to marae and urupā on coastal lands; to vulnerable taonga species; to Māori businesses which are concentrated in the primary sector; and through impacts on health, housing and food security, all of which will be felt particularly by less wealthy communities.

Together, these changes will affect Māori well-being at every level – social, cultural, economic, and spiritual. A changing climate means a changing relationship between tangata and Papatūānuku.

According to the authors of the 2021 report *He huringa āhuarangi, he huringa*, by 2100 many aspects of Māori wellbeing are likely to be compromised: “Climate change not only threatens the tangible components of Māori well-being, but also the spiritual components and, most important, the well-being of future generations.”⁵¹

Yet mātauranga Māori concepts and values – such as whanaungatanga – also offer potential solutions:

- By viewing te taiao as an indivisible whole,
- by recognising the human–environment relationship as interdependent,
- by caring for and nurturing te taiao instead of treating it as a set of resources for exploitation,
- by viewing te taiao through an intergenerational lens,
- and by committing to balance and reciprocity in all relationships, people and governments may be able to more effectively understand and respond to the crisis facing humanity.

The New Zealand governments first emissions reduction plan proposes to support Māori-led, kaupapa Māori and partnership responses to emissions reduction and climate change mitigation. This will include creation of a Māori climate strategy and action plan, and resourcing for community action.⁵²

It remains to be seen how effective or comprehensive these initiatives will be in practice. An effective response will require more than plans – it will require a fundamental re-set in the human–environment relationship, an infusion of whanaungatanga into environmental law, policy and practice.

50 | Shaun Awatere, John Reid, Bridgette Masters-Awatere, Kevin Eastwood, Pauline Harris, Anne-Marie Jackson, Rhys Jones, Darren Ngaru King, Natasha Tassell-Matamua, John Pirker and Lewis Williams. *He huringa ahuarangi, he huringa ao: a changing climate, a changing world*. (Ngā Pae o Te Māramatanga 2020) <https://www.landcareresearch.co.nz/assets/researchpubs/He-huringa-ahuarangi-he-huringa-ao-a-changing-climate-a-changing-world.pdf> accessed 25 November 2022.

51 | Suezett Howe. *Release of Te Ao Māori Climate Change Report [Webpage]* (2021), <https://www.landcareresearch.co.nz/news/release-of-te-ao-maori-climate-change-report/> accessed 2 October 2022.

52 | Ministry for the Environment, *Te hau mārohi ki anamata- Towards a productive, sustainable and inclusive economy: New Zealand's First Emissions Reduction Plan* (Wellington, 2022).

Current state

Current systems for environmental governance do not prioritise meaningful long-term relationships among people, or between people and te taiao. Nor do they support a healthy and flourishing environment.

Rather, te taiao is viewed as a collection of resources to be owned, controlled or regulated. People are seen as separate from and having dominion over the environment.

Care for the environment is not built into existing relationships, but instead is added on through regulatory mechanisms that allow harm up to prescribed limits.

With some exceptions, ancestral kaitiaki relationships are either marginalised or given limited expression. The power dynamics arising from colonisation have severed relationships between tangata whenua and their ancestral homes.

Most of Aotearoa's environment statutes do not yet acknowledge the inherent mana and mauri of lands, forests, oceans, rivers, lakes, and species; nor adequately reflect the importance of sustaining the environment in a flourishing state for future generations.

Nor do current environmental governance frameworks take adequate account of the range of tangata whenua, Māori and wider community interests in the environment, or ensure that all interests and values are effectively represented at the decision-making table.⁵³

Government agencies and local authorities do not always have the cultural knowledge necessary to pursue meaningful long-term relationships with tangata whenua, and, even when they do, final decision-making authority remains with officials or elected decision-makers.

While progress has been made in recent decades, relationships are still too often transactional – for example, government and local authorities 'consult' or 'engage with' tangata whenua and the wider community on specific issues or policies, without necessarily building relationships based on common visions for environmental care.

Most existing policies and practices do not adequately reflect the depth of relationships between tangata whenua and environmental taonga; nor provide for those relationships to be sustained according to tikanga. Rather, taonga relationships, and rights under Te Tiriti, are frequently 'balanced' alongside other considerations.

53 | Maria Bargh and Estair Van Wagner, 'Participation as exclusion: Māori engagement with the Crown Minerals Act 1991 Block Offer process', *Journal of Human Rights and the Environment*, 10/1(2019) <https://doi.org/10.4337/jhre.2019.01.06> accessed 2 February 2023; Maria Bargh, 'Challenges on the path to Treaty-based Local Government relationships', *Kōtuitui: New Zealand Journal of Social Sciences Online*, 16/1(2021) <https://doi.org/10.1080/1177083X.2020.1754246> accessed 20 February 2023.

Future state

To support a flourishing and abundant environment, and healthy relationships among people, a new approach is needed – an approach based on whanaungatanga and whakapapa, and on aroha – healthy and balanced relationships.

A relationship-based approach involving tangata whenua and communities can support closer connections among people and a healthier environment, consistent with the values of all New Zealanders; and can also support more positive long term healthy and mutually beneficial relationships among people with kaitiaki and environmental stewardship responsibilities.

This approach would mean:

- Acknowledging the interconnectedness and interdependence of people and te taiao, and placing this interconnectedness at the centre of decision-making
- Prioritising the intergenerational wellbeing of the environment and communities over concepts of ownership and exploitation of resources
- Basing environmental governance on healthy long-term relationships among tangata whenua, tangata Tiriti (including government and communities) and te taiao – not on short-term consultation and other transactional approaches
- Basing environmental governance on tikanga Māori concepts such as whanaungatanga, mana and utu, and on care ethics frameworks
- Recognising the rights of tangata whenua to make decisions about environmental taonga in accordance with their tikanga, and ensuring that kaitiaki relationships and environmental tikanga are fully expressed
- Acknowledging the interests of the whole community in healthy environments, and removing barriers to collective human and environmental wellbeing
- Acknowledging obligations to provide for human and environmental wellbeing into future generations.

“ The current conservation crisis is too big for any of us to address on our own. Genuine partnership with tangata whenua and collaboration with others is the only viable solution ”

– Options Development Group⁵³

54 | Options Development Group, *Partial reviews of the Conservation General Policy and General Policy for National Parks regarding Te Tiriti o Waitangi / the Treaty of Waitangi Report* (Wellington: Department of Conservation, 2022)p 19.

Kaitiakitanga, whanaungatanga and the conservation estate

The conservation estate comprises nearly one third of Aotearoa’s land mass, as well as lakes, rivers, wetlands, coastal areas and thousands of endangered or at risk species.

Many of the places and species under conservation management are of special significance to Māori—yet Māori have limited opportunities to maintain these ancestral relationships.

In 2020, the Department of Conservation established an Options Development Group to assess the department’s compliance with Tiriti obligations. The group described deep and enduring relationships between tangata whenua and the conservation estate, which are ‘central to the cultural, spiritual, social and economic wellbeing of tangata whenua’.⁵⁵

While the Conservation Act contains powerful Tiriti provisions, the group found that the department was not operating in true partnership with tangata whenua.⁵⁶ In practice, outside of Tiriti settlements in places such as Te Urewera (see **page 83**) ‘tangata whenua have had very limited visibility, and little material input and

influence within the conservation system’.⁵⁷

The Crown retained ownership of conservation lands, waterways and species; and a lack of provision for tikanga and mātauranga meant that ‘tangata whenua do not see themselves as part of the conservation system’.⁵⁸

The western, ‘preservationist’ approach to conservation side-lined the Māori values of kaitiakitanga and reciprocity, and prevented or controlled sustainable customary use.⁵⁹

The group identified an opportunity to create ‘a unique Aotearoa New Zealand approach to conservation’, reflecting the strong connections that many New Zealanders feel for te taiao, and our ‘collective responsibility to safeguard our biodiversity for present and future generations’.⁶⁰

The group recommended fundamental reform to the conservation system, based on ‘a unique ethic and practice of conservation that is apt and effective for Aotearoa New Zealand’.⁶¹

55 | Options Development Group, *Partial reviews of the Conservation General Policy and General Policy for National Parks regarding Te Tiriti o Waitangi / the Treaty of Waitangi Report* (Wellington: Department of Conservation, 2022) p 4.

56 | Options Development Group, Report, p 4.

57 | Options Development Group, Report, p 24.

58 | Options Development Group, Report, p 32.

59 | Options Development Group, Report, pp 31–32.

60 | Options Development Group, Report, pp 4–5.

61 | Options Development Group, Report, pp 18.

The reformed system should among other things:

- reframe the purpose of conservation so it is ‘specific to Aotearoa New Zealand’ and ‘reflects both the tangata whenua and tangata Tiriti perspectives.’⁶²
- centre kawa, tikanga and mātauranga within the system;
- recast the legal status of lands, waters, resources, indigenous species and other taonga – from a Crown ownership model to one that recognises tangata whenua relationships;

- provide for Tiriti partnership to ‘infuse the infrastructure of the entire conservation system’;
- enable devolution of power and decision-making to provide for the exercise of rangatiratanga; and
- be resourced so DOC and tangata whenua have capacity to build the Tiriti partnership.

A reformed system, in the group’s view, has potential to bring together mātauranga Māori and western conservation values to create a shared and Tiriti-led vision for conservation and environmental restoration.⁶³

The ‘preservationist ethic’

Aotearoa’s conservation estate has its origins in nineteenth century attempts to protect and preserve iconic landscapes, often for scenery and tourism purposes.

This ‘preservationist ethic’ regarded some areas of land as so important that they should be maintained in a pristine, unaltered state – while almost all other land was available for use and exploitation with few controls.

This binary approach differs markedly from a kaitiaki ethic in which all parts of te taiao deserve respect and nurturing – but all parts can also contribute to human sustenance and wellbeing as part of a balanced and mutually beneficial relationship.

Until well into the twentieth century, ‘preservation’ meant government or sometimes local authority control; tangata whenua were excluded from access to and decision-making over highly significant

taonga landscapes, species, foods, medicines and other resources.

As the Waitangi Tribunal found in 2011, the irony of this approach is that the kaitiaki interest is likely to be most significant in relation to national parks and other conservation spaces.⁶⁴

In recent decades, through Tiriti settlements and changing Department of Conservation practices, kaitiaki have become more involved in management of taonga places and species. In particular, settlements such as Te Urewera and Te Awa Tupua have provided for shared authority of precious places, which have been recognised as ‘legal persons’ with their own mana.

However, these approaches have relied on the Tiriti settlement process and are not nationally consistent.

62 | Options Development Group, *Partial reviews of the Conservation General Policy and General Policy for National Parks regarding Te Tiriti o Waitangi / the Treaty of Waitangi Report* (Wellington: Department of Conservation, 2022)p 66.

63 | Options Development Group, Report, p 67.

64 | Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity Te Taumata Tuarua*, volume 2 (Wellington: Legislation Direct, 2011), p 363.

Case studies: when tangata whenua lead

The case studies over the next few pages illustrate the positive impacts that can arise when tangata whenua are empowered to take the lead in environmental restoration and to build genuine long-term partnerships with government, councils and the wider community.

Te Hoiere: a study in partnership

The Hoiere / Pelorus River catchment at the top of the South Island is home to many important plants and animals including 14 native fish species, several freshwater invertebrates and wetland birds, long-tailed bats, giant land snails, the Pygmy Button Daisy, and large areas of native seagrass habitat.

Since 2019, Ngāti Kuia has partnered with the Marlborough District Council, the Department of Conservation and the community (with support from other government agencies) to restore and improve the catchment, both on land and in the water.

The project involves fencing, planting and weed control surveying, water testing, including educational water quality testing to connect rangatahi with their awa, mapping, and recording of environmental data, including cultural mapping.⁶⁵ Titiraukawa – a Ngāti Kuia nursery is now up and running to grow native plants for the project, and community planting days have occurred already.⁶⁶ The Marlborough

District Council has also organised the release of dung beetles onto surrounding farmlands to help break down animal waste and stop it from entering the river.

According to Aubrey Tai, the catchment care co-ordinator, the project is based on a “collaborative approach, supporting communities and landowners towards wise use of natural resources”.⁶⁷

Te Hoiere is the first project initiated by Kotahitanga mō te taiao, an alliance of nine iwi and six councils from Te Tau Ihu (top of the South Island), with the Department of Conservation.⁶⁸

The Alliance was formed in 2017 to collaborate on landscape-scale conservation projects that have environmental, social, economic, and cultural benefits. It aims, according to co-chairs Dave Johnston (Ngāti Kuia General Manager) and Martin Rodd (Department of Conservation), to “work by consensus to achieve outcomes that no one entity can do alone”.⁶⁹

65 | Te Hoiere community and Te Hoiere / Pelorus Restoration Project Steering and Governance Group. Te Hoiere Catchment Enhancement Plan [Webpage] (October 2021) <https://storymaps.arcgis.com/stories> accessed 25 November 2022.; Heli Wade and Ursula Passl, *Te Hoiere Project Indicative Business Case*. (Kotahitanga Mō Te Taiao Alliance Marlborough District Council, Ngāti Kuia and Department of Conservation 2020) <https://www.marlborough.govt.nz/repository/IBC> accessed 28 November 2022. ; Marlborough District Council, *Te Hoiere Annual Report 2022, (2022)*, <https://marlboroughdistrictcouncil.sharefile.com/share/view/s289fd1b0cf424fc983398303e4145210>, accessed 11 December 2023.

66 | Ministry for the Environment, ‘Cleaning up Te Hoiere catchment’, *Ministry for the Environment [Webpage]*, (22 December 2022), <https://environment.govt.nz/what-you-can-do/stories/jobs-for-nature-funding-cleaning-up-te-hoiere-catchment-project/>, accessed 11 December 2023.

67 | Stuff. ‘Embracing a Community Approach to Conservation’, Stuff 10 January 2022, <https://www.stuff.co.nz/pou-tiaki/300485948/embracing-a-community-approach-to-conservation>. accessed 25 November 2022.

68 | Kotahitanga mō te taiao, *Kotahitanga mō te Taiao Alliance Annual Impact Report 2022 (2022)* https://issuu.com/kotahitangamotetaiao/docs/annual_report_2022_final, 6. accessed 11 January 2023.

69 | Kotahitanga mō te taiao, *Kotahitanga mō te Taiao Te Pūrongorongo a Tau Annual Report 2021, (2021)* p 4; Kotahitanga mō te taiao, *Kotahitanga mō te Taiao Strategy*, (Department of Conservation 2019).

The Alliance's work is guided by tikanga concepts including manaakitanga, kaitiakitanga, mātauranga Māori, kōtahitanga, rangatiratanga, mauri, and arohatia – which they translate as “Duty of care and responsibility to this Kaupapa, each other, and Iwi”.⁷⁰

The Nature Conservancy, a global environmental charity, has also become a partner and supporter, providing coaching, guidance, research alignment and project management support.

Te Hoiere is one of a number of projects Kotahitanga mō te taiao is working on within a 2.5 million hectare area which includes both the Department of

Conservation land, iwi/Māori land and land in private ownership. The Alliance requires considerable collective effort and the managing of multiple relationships.

Another project is the development of ‘ecosystem health scorecards’ to understand the health of the landscapes Kōtahitanga mō te taiao is working with. Currently the scorecards do not incorporate iwi or cultural measurements, but pilot projects have begun to develop these.

Other projects focus on education and training of rangatahi Māori in conservation practices (Project Moturoa), and on pest plant and animal management, catchment health, and restoration projects.

Pūniu River Care Inc: relationships between whenua, kaitiakitanga and community

The Pūniu River flows from within the Pureora Forest alongside Mangatoatoa Pā, Rāwhitiroa, Aotearoa and Whakamārama marae into the Waikato River.

Pūniu River Care Inc (PRC) is a marae-based incorporated society and a New Zealand registered charity. The river care group involves collaboration between marae, Ngāti Maniapoto, Waikato-Tainui, local authorities, the Department of Conservation, other government agencies, and community organisations Sustainable Coastlines and Momentum Waikato.

Pūniu River Care was formed in 2015 so that local hapū could be involved in improving water quality and replenishing taonga within the river's catchment. The group is driven by a number of core

values including kohā, rangatiratanga, māramatanga, whanaungatanga, kaitiakitanga, mauri, and responsibility to the marae along the river including their distinct tikanga and kawa.

Through its nursery at Mangatoatoa Pā, Pūniu River Care has propagated and planted well over half a million trees since 2016/2017.⁷¹

Many of the relationships supporting Pūniu River Care, such as those between the different marae, have long-standing histories and whakapapa ties. Pūniu River Care has also forged strong relationships and funding partnerships with government and non-government agencies, and is building relationships with surrounding landowners and farmers.

70 | Kotahitanga mō te Taiao, *Kotahitanga mō te Taiao Strategy*, (Department of Conservation 2019) p 6.

71 | Pūniu River Care Inc, ‘Nau Mai Safe places, Healthy waters, healthy people’, *Pūniu River Care Inc. [Webpage]*, (2022), <https://puniuinc.org/> accessed 28 November 2022; Te Awamutu Courier, ‘Marae-based river care organisation a success’. *NZ Herald*, 27 February 2020, <https://www.nzherald.co.nz/te-awamutu-courier/news/success> accessed 29 November 2022.

Pūniu River Care is committed to engaging, teaching, and upskilling rangatahi in the community including via cadet leadership courses and pre-employment training services. Its work has created numerous jobs for the community, improved the ecology and diversity of tree species in the Pūniu catchment area, and provided space for many to connect with their whenua and act as kaitiaki for the water and wider ecosystems.⁷²

The research report *He Oranga Wai, He Oranga Whakapapa* found that Pūniu River Care's unique governance

processes contributed to positive social and environmental outcomes including meaningful employment, cultural connections and strengthened community relationships. More than 90% of research participants indicated that their work with Pūniu River Care was culturally fulfilling and contributing to their cultural confidence.⁷³

The report also found that there is "an urgent need for kaupapa Māori led and designed organisations" such as Pūniu River Care to support Aotearoa's environmental restoration.⁷⁴

Tentative steps: when the Crown responds

In recent decades the Crown has taken steps towards acknowledgement of Māori rights and values in te taiao. The following are examples. While progress has been made, further work will be needed for the value of whanaungatanga or kinship to be truly represented in Aotearoa's system of environmental governance.

Ngā Whenua Rāhui: conservation on Māori land

Ngā Whenua Rāhui is a contestable Ministerial fund that exists to support the protection of indigenous biodiversity on Māori land.

Administered by the Department of Conservation, the fund provides formal protection over the whenua through 25-year renewable kawenata (covenants). It also provides support so owners can successfully manage their lands – for example by managing pests, conserving

indigenous forests, and building partnerships with others. The land remains in Māori ownership while the environment is nurtured and restored.

The original idea came from then Director of Māori Affairs, Tom Parore, who proposed that the Crown pay a "rental" to Māori land owners so they could keep their last remnants of indigenous forest alive and available for public enjoyment.⁷⁵

72 | Pūniu River Care Inc, *Pūniu River Care Strategic Plan* (2022) [PRCstrategicplan](#) accessed 29 November 2022.

73 | Awanui Te Huia, Mania Maniapoto-Ngaia and Ririwai Fox, *He Oranga Wai, He Oranga Whakapapa A Case Study of Pūniu River Care*, (Bioheritage National Science Challenge: 2022).

74 | Te Huia et.al, *He Oranga Wai, He Oranga Whakapapa*, p 23.

75 | Kevin Prime, 'Pest problems: The view of Nga Whenua Rahui, New Zealand', *Journal of Zoology*, 20/4 (1993), p 247 DOI: 10.1080/03014223.1993.10420338 accessed 10 November 2022.

While Ngā Whenua Rāhui is well intended, much of the decision-making authority rests with the Department of Conservation; it determines, for example, what qualifies as culturally, spiritually, and environmentally significant land.

Furthermore, the kawenata agreements apply for a minimum of 25 years and do not provide funding for administrative overheads, while requiring the land to be administered by an active legal entity.

Possible improvements could include flexibility so the department can support the establishment and operation of legal entities, and ongoing administration costs; support for wānanga; shorter agreements where needed; and greater decision-making authority in the hands of owners so they can follow their own kawa and tikanga about the land's significance.

Te Mana o te Wai: the interconnected environment

The National Policy Statement on Freshwater Management 2020 strengthened requirements for local government to partner and engage with tangata whenua when making resource management decisions.

The statement: recognises te mana o te wai as a fundamental principle underpinning environmental decision-making; recognises the importance of protecting te mauri o te wai; and recognises the rights of tangata whenua to exercise kaitiakitanga, manaakitanga and mana whakahaere (decision-making authority) over freshwater and the related environment.

The statement also focuses on integrated management of the environment and requires local government to “recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea”.⁷⁶

These are highly significant and promising changes. However, it will take considerable time to build relationships and capacity among both local authorities and tangata whenua.

On one hand, tangata whenua should not be expected to sustain relationships, or contribute mātauranga and governing capabilities, on an entirely voluntary basis. Local and central government must be able to fund or support the capacity of tangata whenua to work within this policy. This could include direct funding as well as creative options such as secondments, scholarships, or policy training and upskilling.

On the other hand, recognising te mana o te wai will require cultural change for local authority decision-makers – for example in genuinely understanding the cultural and spiritual significance of tangata whenua relationships with te taiao, and being genuinely willing to share or devolve decision-making in relation to special bodies of water.

76 | Ministry for the Environment, *National Policy Statement for Freshwater Management 2020 - Te Mana o te Wai* (Wellington: 2020), p 14.

What can I do?

The Crown

Whole of government

1. In partnership with tangata whenua, comprehensively review and amend environmental legislation and regulation to:
 - 1.1 acknowledge the interdependence and interconnection between people and te taiao; acknowledge interdependence within te taiao's ecosystems; and acknowledge and enhance the mana of te taiao and of special places and species
 - 1.2 recognise and protect relationships between tangata whenua and ancestral places / species, acknowledging these relationships as essential to the identity and wellbeing of tangata whenua
 - 1.3 reconsider the legal status of significant mountains, lakes, rivers, wetlands, forests, oceans and other parts of te taiao – providing for them to be recognised as legal persons if requested by tangata whenua
 - 1.4 provide for Tiriti-based partnership at all levels
 - 1.5 recognise the rights of tangata whenua to care for and sustain their ancestral environments according to tikanga
 - 1.6 recognise ownership as one interest in te taiao, alongside other interests including those of kaitiaki, the wider community – including interests in the health of the environment and in human wellbeing
 - 1.7 create legally binding obligations upon owners to nurture and care for te taiao – to maintain and enhance te mana or te taiao – now and into future generations.
2. Commit resources to build capacity and capability within government agencies so they can build long-term relationships with tangata whenua; and appropriately support and resource tangata whenua to build and maintain those relationships.
3. Commit resources to support iwi, hapū and whānau so they can build and maintain relationships with their special places and species.

Government agencies and local authorities

4. Commit to building long-term relationships with tangata whenua aimed at supporting shared goals for the overall health of te taiao now and into future generations; prioritise relationships over 'transactional' approaches such as one-off consultation.
5. Engage with tangata whenua over existing strategies, policies, plans, governance structures and funding arrangements, with a view to recognising the special relationships of tangata whenua with the places and species within their rohe; and recognising the rights of tangata whenua to make decisions about and manage those taonga in accordance with tikanga.
6. Where desired by tangata whenua, establish comprehensive co-governance arrangements for environmental taonga and places, based on partnership at all levels between tangata whenua and tangata Tiriti (including government, local authorities and the wider community).
7. Provide for all environmental and resource management decision-making to be centred on whanaungatanga and associated values – with particular emphasis on collective wellbeing, intergenerational sustainability and care ethics approaches.
8. Commit to restoring environmental and human relationships that have been severed or damaged by the process of colonisation.

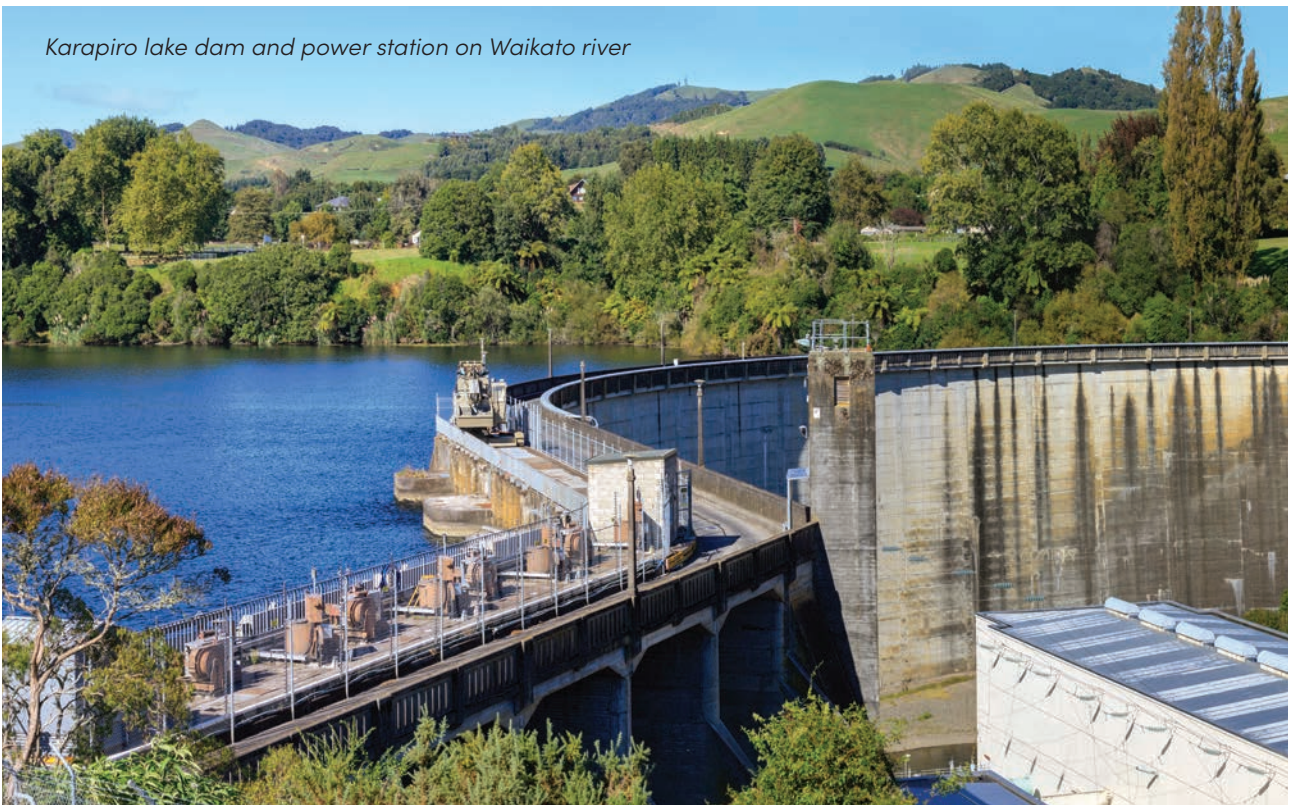
Tangata whenua

- Reflecting on your (whānau, hapū, iwi) relationships with people and te taiao:
 - How might you want to connect or reconnect with whakapapa, iwi, hapū and whenua?
 - How might you want to support your iwi, hapū and whānau to prioritise a healthy taiao and healthy, flourishing relationships among people? How might you support the healing of whenua and tangata together?
 - Which environmental relationships are important to you (whānau, hapū, iwi)? How do you want to build or support those relationships? What rights do you want to exercise as kaitiaki?
 - If living away from your ancestral lands, how might you (whānau, hapū, iwi) want to build relationships with the local environment, and with mana whenua? How might you want to support the aspirations and mana of mana whenua?
 - How might you use tikanga-based processes to guide your relationships with people and te taiao – including, for example, relationships with whānau, hapū and other iwi? How might relationships be mana enhancing?
 - How might your actions now reflect the mana of past generations, and benefit or impact on future generations?

Tangata Tiriti

- Consider your own relationship with te taiao – how does te taiao sustain and nurture you, and how do you in turn sustain and nurture te taiao? What places and species matter to you? How do those places and species enrich your life?
- Take time to read and learn about tangata whenua and their connections with te taiao – including places of occupation and use, and other special places and species. Who are the mana whenua where you live and what specific relationships do they have? How have kaitiaki relationships changed over time? What has affected those relationships? How might those relationships be supported and restored?
- Consider the place of whanaungatanga in your life, including your relationships with people and the environment; and consider how applying a whanaungatanga lens to environmental governance might benefit human and environmental relationships.
- Speak to others about what you discover. Acknowledge that everyone has their own life experiences and perspectives – and that in Aotearoa some perspectives dominate others.
- Ask decision-makers to prioritise a healthy taiao and healthy, flourishing relationships among people – reflecting the importance and value of whanaungatanga.
- Consider how past actions have shaped Aotearoa's current environmental relationships, and how present day actions will impact on future generations.

Karapiro lake dam and power station on Waikato river





Theme 2

Utu

Balance and reciprocity

The environment in balance

‘Utu’ refers to the obligation to maintain relationships in balance, or bring about restoration when imbalances arise.

The principle of utu reflects whanaungatanga – every person and every element of the natural world descends from the same source; our mana (authority and dignity) derives from the same source, as does our mauri (life force), our roles in the world, and our obligations to others.

Imbalances arise when mana and mauri are disrespected or diminished – when a waterway is contaminated, a habitat is destroyed, a species is in decline, or a community loses the capacity to sustain itself or its human and environmental relationships.

In turn, mana (see **page 27**) depends on the maintenance of balance, and is diminished when a community is unable to fulfil its obligations to other groups or the natural world.

Utu is a fundamental principle of tikanga – this system of Māori law and norms requires that relationships are maintained in balance, and provides mechanisms for protection and restoration of balance.

Ritenga, for example, can provide guidance on correct use of a resource in order to maintain balance; and rāhui can be used to restrict use while balance is restored, for example while stocks recover or contaminants disperse.

Current state

Current environmental relationships are characterised by imbalance and inequity.

Environmental laws and governance frameworks regard people as having power over the environment – as having rights to control, dominate and exploit nature’s resources – instead of acknowledging people as part of nature and as having obligations to act in ways that respect the environment and maintain environmental relationships in healthy balance.

This imbalance is reflected in the legacy of harm to the environment – for example in destruction of habitats and species, in pollution of waterways, and in catastrophic human effects on the climate.

It has costs to human health and wellbeing – for example from polluted

waterways, inequitable property and housing outcomes, and climate-related storms and droughts.

It also has costs to human-environment relationships.

For tangata whenua, maintaining environmental relationships in balance is a matter of identity and is fundamental to wellbeing.

Unbalanced environmental outcomes reflect imbalances in environmental decision-making. During colonial times, the Crown progressively asserted control over the environment, usurping the authority of tangata whenua, undermining kaitiaki relationships, and marginalising the tikanga that sustained relationships in balance.

In modern times, environmental decision-making remains – with few exceptions – the preserve of central and local government, and property owners; tangata whenua are treated as having limited interests which must be balanced alongside others, even when their identity and wellbeing are at stake. The law provides only limited protection for kaitiaki relationships or for the exercise of environmental tikanga and ritenga.

Even in conservation and environmental protection, authority is often exercised in ways that are unbalanced – tangata

whenua and sections of the community have limited say as consultees, and decisions prioritise specific habitats or species without adequately addressing the full breadth, depth and impacts of human-environment relationships.

Even when partnerships have emerged and tikanga is used to restore balance, these often demand considerable time and resources from tangata whenua, and the Crown still holds the purse strings and final decision-making authority. Tikanga (right decisions and actions) and utu (balance) remain elusive.

Future state

It is essential that balance be restored, both in human-environment relations and in relationships among people. This means:

- rebalancing human-environment relationships so they are sustained in a state of balance, not based on exploitation
- restoring relationships between tangata whenua and environmental taonga
- addressing power imbalances between tangata whenua and tangata Tiriti – especially central and local government
- ensuring that environmental decision-making restores and enhances the mana of lands, oceans, rivers, habitats and species; and restores and enhances the mana of people
- ensuring that environmental laws support balance and equity among people and communities, instead of privileging existing power and wealth.

“ The Earth, Papatūānuku, will do what she has always done and seek to maintain her mauri. However, humanity’s ongoing inclusion in her recalibration is now up for question. A global -wide reversal of colonisation- by bringing tangata = whenua back into balance – might just save us from being ejected back into the timeless embrace of the universe, the great ātea of Ranginui.”

– Paul Tapsell⁷⁷



77 | Paul Tapsell, *People, Land, Belonging* (Wellington: Bridget Williams Books Ltd, 2021) p 176.

Case studies: when tangata whenua lead

These case studies illustrate the benefits that can arise when tangata whenua are able to fulfil their roles as kaitiaki, acting in accordance with tikanga and restoring balance to precious environments with support from the wider community.

Maitai Bay rāhui – supporting recovery of taonga species

Te Whānau Moana me Te Rorohuri, a hapū of Ngāti Kahu, are the mana whenua of Maitai Bay in the Karikari Peninsula. While the bay is regarded as one of Aotearoa's top holiday and recreation beaches, its aquatic life has not been sustained in balance.⁷⁸

The hapū, as kaitiaki for many generations, noticed the depleted number of their taonga species such as tāmure and kōura, and an imbalance between seaweed populations and kina. In 2017 Te Whānau Moana me Te Rorohuri established a rāhui at Maitai Bay to restore marine life.⁷⁹

The hapū decided to use their traditional authority, not temporary closure regulations under Fisheries or Marine Reserves Acts, nor associated partnership arrangements with the Crown and Government departments.⁸⁰

Research has acknowledged that those Crown processes, while significant, can take undue time, be inflexible, and reduce the

role of mana whenua to that of an 'advisory body' while leaving ultimate power in the hands of the Ministry for Primary Industries.⁸¹

The use of the rāhui means there is flexibility and adaptability of enforcement, based on the health and well-being of the moana.

Te Whānau Moana me Te Rorohuri publicly defined their aims as: bringing balance back to the moana, restoring depleted areas, restoring tapu, restoring mana, and implementing a sustainability plan for future generations.⁸²

The hapū sought voluntary compliance with the rāhui by sharing information with whānau, hapū and the wider community. A sign erected on the beach declared that the hapū was taking action against unsustainable management of the resource, and that the entire beach was a no take zone – which meant 'no taking of any shellfish, fish, kaimoana, seaweed, etc'.

78 | Tourism New Zealand, 'New Zealand's Best Beaches', *100% Pure New Zealand* [Webpage], 2022, <https://www.newzealand.com/sg/feature/new-zealands-best-beaches> accessed 29 November 2022.

79 | 1News, 'Iwi impose ban on fishing seafood at popular Northland Beach: 'The barren-ness is very real'', *1News* [Webpage], (13 December 2017) <https://www.1news.co.nz/2017/12/12/iwi-impose-ban-on-fishing-seafood-at-popular-northland-beach-the-barren-ness-is-very-real> accessed 29 November 2022.

80 | Vince Kerr, Whetu Rutene and Oliver Bone, *Rāhui Monitoring Report, Maitai Bay, Cape Karikari* (Kerr Associates: 2019) <https://kerrandassociates.co.nz/Maitai> accessed 29 November 2022.

81 | Gaya Gnanalingam and Chris Hepburn. 'Flexibility in Temporary Fisheries Closure Legislation Is Required to Maximise Success.' *Marine Policy* 61 (2015), pp 39 45. <https://doi.org/10.1016/j.marpol.2015.06.033>; Lisa van Halderen, *Investigating Rāhui as a Customary Fisheries Management Tool*, Unpublished Master's Thesis, (Otago University, 2019).

82 | Vincent Kerr, Whetu Rutene, Oliver Bone, *Marine habitats of Maitai Bay and the exposed coast of the Karikari Peninsula*. A report prepared for Te Whānau Moana/Te Rorohuri, Maitai Bay, Karikari Peninsula, Northland and the Mountains to Sea Conservation Trust. (Kerr and Associates, 2020 p 6. <https://kerrandassociates.co.nz/component>, accessed 12 December 2022.

‘If we don’t act fast to curb the current rate that kaimoana is being pillaged, our tamariki and mokopuna will not have the satisfaction of being able to enjoy this natural taonga for the future.’

Rāhui coordinator Whetu Rūtene asked the public: “how can you whakamana our whānau around the rohe that are trying to exercise rangatiratanga by means of traditional practices?” When the government doesn’t support those practices, Whetu says, “we will do it ourselves... until the central government catch up”.⁸³

The hapū, with marine ecology consultants Kerr & Associates, began monitoring the rāhui area to see its effects on the

balance of fish species and size. The 2020 monitoring report acknowledged that “positive changes are beginning to occur... with regards to the restoration of fish populations”.⁸⁴ While more time is needed to determine cause and effect, the fish recovery was consistent with the time period the rāhui has been in place.

Rāhui are becoming more prominent in public discussions around environmental management. Sometimes they can lack support from local government and this can limit their effectiveness.⁸⁵ However, increasingly local governments are working with mana whenua to support and encourage respect for rāhui.

Bay Cove, Maitai Bay on Karikari Peninsula



83 | Sustainable Seas, ‘Protecting Land and Sea through EBM.’ *Sustainable Seas National Science Challenge* [Webpage] (2022), <https://www.sustainableseaschallenge.co.nz/tools-and-resources/protecting-land-and-sea-through-ebm/>. Accessed 29 November 2022.

84 | Oliver Bone, Whetu Rutene, Isabel Krauss and Vince Kerr, *Maitai Bay Monitoring Report – Summer 2019–2020*. A report prepared for Te Whānau Moana/Te Rorohuri, Maitai Bay, Karikari Peninsula, Northland and the Mountains to Sea Conservation Trust (Kerr and Associates, 2020) p 21, <https://kerrandassociates.co.nz/component/easyfolderlistingpro> accessed 29 November 2022.

85 | Maria Bargh and Ellen Tapsell, ‘For a Tika Transition: Strengthen Rangatiratanga.’ *Policy Quarterly* 17/3 (2021), pp 13–22 <https://doi.org/10.26686/pq.v17i3.7126>.

Otama Marere – economic development and wetlands recovery

Otama Marere is a trust that manages a 45-hectare site at Rangiiwaho at Paengaroa in the Bay of Plenty. The trust’s vision “is to grow the trust assets to provide a sustainable and fruitful future for our people and the land”, and align with values of mōhiotanga, kaitiakitanga, whanaungatanga, wairuatanga, and rangatiratanga.⁸⁶

The whenua has 632 owners and was once a papakāinga for the Rangiiwaho whānau and a resting point for many people moving between Rotorua and Maketū. The wetland surrounding Rangiiwaho pā was known for its abundant tuna and watercress.

However, in the 1920s the site was drained and occupied by the Te Puke Golf Course, which paid rent of 2 shillings per week on a 60-year lease. After 60 years of being a golf course and the trust receiving minimal rent there was an environmental and governance imbalance on the whenua.

However, during the 1980s, the trust received funding from Māori Affairs to develop the whenua. The trust now has a very successful organic kiwifruit and avocado orchard, and strong relationships with industry leaders such as Zespri and Seeka.⁸⁷

The trust aims to care for their land and people, providing education and kaumātua grants to their owners, as well as hiring whānau to work on the orchard. Alongside the 7 hectares of organic farming, the trust also has other sustainable operations including the planting of mānuka and kauri where there was once pinus radiata and the restoration of a wetland, which has included the planting of more than 7600 native plants (including kāmahi kānuka, māhoe, nīkau, mānuka, kahikatea, and tōtara among others).⁸⁸

The wetland is able to catch the leaching from Otama Marere’s orchard and neighbouring orchards before it reaches the Kaituna River. The trustees have noted an increase in water clarity and bird life on the whenua, they hope to introduce crayfish to their wetland in the future.⁸⁹

By continuing environmentally focused projects the trust hopes to enhance and protect the whenua’s ecosystems for years to come.

86 | Otama Marere Trust, *Annual Report 2020 (2020)*; Otama Marere, ‘Otama Marere Trust History’ Otama Marere [Webpage], (2022), <http://www.otamamarere.com/otama-marere-history.html> accessed 29 November 2022.

87 | Mackenzie Dryer, ‘Organic Māori orchard along the Kaituna’, *Coast & Country News [online] 28 May 2020* [Coast & Country - Organic Maori orchard along the Kaituna](https://www.coastandcountrynews.co.nz/coast-and-country-organic-maori-orchard-along-the-kaituna) (coastandcountrynews.co.nz) accessed 29 November 2022.

88 | Otama Marere Trust, *Annual Report 2022: Owners meeting January 2022 (2022)* [agm_booklet.pdf \(otamamarere.com\)](https://www.otamamarere.com/agm-booklet.pdf) accessed 29 November 2022, p 15.

89 | Mackenzie Dryer, ‘Organic Māori orchard along the Kaituna’, *Coast & Country News [online] 28 May 2020* [Coast & Country - Organic Maori orchard along the Kaituna](https://www.coastandcountrynews.co.nz/coast-and-country-organic-maori-orchard-along-the-kaituna) (coastandcountrynews.co.nz) accessed 29 November 2022, para 12.

Parininihi – ecological restoration

Parininihi is the name given to around 2000 hectares of forest and whenua that sprawls from moana (Whitecliffs) to maunga (Mt Messenger). The whenua is home to many unique species, and many public walking tracks.

In 2003 the land was returned to Ngāti Tama as part of their Treaty settlement.⁹⁰ The unique forest was at that time heavily infested with pest species creating unbalanced and unstable ecosystems for native birds such as kōkako. The iwi soon began pest management operations under the leadership of Conrad O’Carroll.⁹¹

In 2012, Tiaki Te Mauri O Parininihi Trust was formed to guide and support predator and restoration work. The trust includes members from Ngāti Tama, the Department of Conservation, and the wider community.⁹²

Its aim is to restore and protect the values of Parininihi, by undertaking a major long-term ecological management project that includes pest control, and species recovery and translocations. The work of the iwi, trust, and wider community has seen a dramatic decrease of pest species. In 2017, twelve kōkako were released back into their home forest after being removed for a captive breeding program over 18 years prior. It is hoped that with continued work the kōkako and many more unique species will once again be thriving in Parininihi.

Other key species include kiwi, scarab beetle, king fern, diving petrels and the banded kōkopu.⁹³

90 | Ngati Tama Claims Settlement Act 2003.

91 | Brittany Baker, ‘Trust hopeful of kōkako survival as more baby birds are found’ *Stuff*, 5 January 2018, <https://www.stuff.co.nz/environment/100345561/trust-hopeful-of-kkako-survival-as-more-baby-birds-are-found> accessed 29 November 2022.

92 | Tiaki Te Mauri O Parininihi Trust, ‘Kōkako Back Home in Taranaki’, *Tiaki Te Mauri O Parininihi Trust* [Webpage](2017) <http://parininihi.co.nz/kokako-back-home-taranaki/> accessed 29 November 2022; Ngāti Tama ki Taranaki, ‘Tiaki Te Mauri O Parininihi’, Ngāti Tama o Taranaki [Webpage](2022), <https://ngatitamootaranaki.iwi.nz/tiaki-te-mauri-o-parininihi/> accessed 29 November 2022.

93 | Tiaki Te Mauri O Parininihi Trust, 2017.

Tentative steps: when the Crown responds

In recent decades the Crown has taken steps towards acknowledgement of Māori rights and values in te taiao. The following are examples. While progress has been made, further work will be needed for the value of utu or balance to be truly represented in Aotearoa's system of environmental governance.

The Ngāi Tai case: giving effect to Te Tiriti

In December 2018, the Supreme Court released its decision on the Ngāi Tai ki Tāmaki case, which challenged the Department of Conservation's application of Treaty principles to decisions about commercial tour operations on Rangitoto and Motutapu Islands.

The Court found that the department is required to give a degree of preference to tangata whenua when making decisions about commercial operations on conservation land. The Court also noted that there were potential economic benefits in doing so.

The Court held that the Department's statutory objectives must be achieved in a manner that gives effect to the principles of the Treaty of Waitangi, as required by section 4 of the Conservation Act 1986. The department naturally had to take account of other factors such as public enjoyment of conservation land:

"But [section] 4 should not be seen as being trumped by other considerations Nor should s 4 merely be part of an exercise balancing it against the other relevant considerations. What is required is a process under which the meeting of other statutory or non-statutory objectives is achieved, to the extent that this can be done consistently with s 4, in a way that best gives effect to the relevant Treaty principles."⁹⁴

How that might occur would depend on which Treaty principles applied, and on what other statutory and non-statutory objectives were affected.

In effect, the judgment means that the department cannot regard Treaty principles as optional extras to be weighed alongside other considerations. Rather, the department must in all of its operations and decisions give effect to the principles of the Treaty, and must therefore give reasonable preference to the rights of tangata whenua exercising tino rangatiratanga.

94 | Ngai Tai Ki Tāmaki Tribal Trust v Minister of Conservation (2018) NZSC122 p 42.

This, in the court's view, was the correct legal framework for the department's consideration of decisions. Previously, the department (and courts) had 'side-lined' the requirement to give effect to Treaty principles.

The judgment opens the way towards further recognition of tikanga and tino rangatiratanga within Aotearoa's system of law. As explained in the *Māori Law Review* by Rhianna Morar, under current legal arrangements tikanga is recognised only as a "relevant consideration", whereas giving effect to Treaty principles "necessarily requires a recognition, by the courts, of the validity of tikanga as a system of law" in its own right.⁹⁵

We note that the Waitangi Tribunal in *Ko Aotearoa Tēnei* referred to a 'balancing' exercise, in which decision-making authority might sometimes rest with tangata whenua or kaitiaki, sometimes with the Crown, and sometimes with partnership.

The Tribunal was not suggesting that government agencies should weigh tino rangatiratanga, an absolute right under Te Tiriti, against other statutory considerations. That approach would elevate kāwanatanga over tino rangatiratanga.

Rather, the Tribunal was describing a framework in which article two Tiriti rights reflect the taonga relationships at stake: where a place or species is of great importance to Māori culture and identity, decision-making rights properly rest with the kaitiaki; where there are also other significant interests at play, decision-making might take place in partnership, with kaitiaki and Crown representatives both having a say; and on the (potentially rare) occasions where a place or species is not important to tangata whenua, decision-making might rest with the Crown.⁹⁶

This is analogous to the 'spheres of influence' model for the Tiriti relationship, which we describe on **page 79** and which provides for distinct rangatiratanga and kāwanatanga spheres of influence within Aotearoa, as well as a joint or 'relational' sphere where Crown and Māori interests intersect. The Tribunal was clear that all decision-making about environmental taonga should take place within this overall partnership framework.

The Crown and its agencies have often interpreted the Tribunal's findings to mean that it alone can balance kaitiaki rights against other considerations; the Court in its *Ngāi Tai* judgment has corrected that error.

95 | Rhianna Morar, *Sir Edward Durie Taihakurei Durie student essay competition 2019 – Ngā Tai ki Tāmaki Tribal Trust and beyond the balancing exercise* *Māori Law Review* [Webpage] (2019), <https://maorilawreview.co.nz/2020/02/sir-edward-taihakurei-durie> accessed 29 November 2022.

96 | Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity. Te Taumata Tuarua, volume 1*, (Wellington: Legislation Direct 2011) pp 272, 285–286.

Auckland Council: auditing Te Tiriti responsibilities

Every three years Auckland's Independent Māori Statutory Board conducts a Te Tiriti o Waitangi Audit on Auckland Council.

The Audit assesses the Council's performance against its statutory responsibilities regarding Te Tiriti o Waitangi, and its responsibilities to Māori in Tāmaki Makaurau. The audit process provides guidance on what is required of the Council and council organisations, and how to achieve those requirements. Four audits have been undertaken to date, the last in 2021.⁹⁷

In the 2015 Audit report, very few recommendations had been completed, but the 2018 report notes increased effort by the Council including implementation of numerous objectives and recommendations.⁹⁸

In addition to Te Tiriti audits the Board has also commissioned reports to assess

the effectiveness of Auckland Council systems for planning and running projects to improve Māori outcomes.

The 2017 assessment found significant issues surrounding underspending on Māori-related outcomes, as well as inaccuracies in reporting. The report produced a range of recommendations to increase the effectiveness of the Council's spending on Māori outcomes.⁹⁹

Auckland Council has numerous mechanisms for engaging with mana whenua and Māori in its area, including legally binding partnerships, formal iwi partnerships, mana whenua membership of council committees, resource co-management arrangements, joint planning committees, engagement strategies, and a Director of Māori Outcomes on the executive team. The Council does not currently have Māori Wards.



97 | Independent Māori Statutory Board, 'What we do – Te Tiriti o Waitangi', *Independent Māori Statutory Board* [Webpage], (2022) <https://www.imsb.maori.nz/what-we-do/te-tiriti-o-waitangi-audit/> accessed 29 November 2022.

98 | Independent Māori Statutory Board, *Te Tiriti o Waitangi Audit on Auckland Council 2015 Summary Report* (PricewaterhouseCoopers: Auckland, 2015) 32; Independent Māori Statutory Board, *Te Tiriti o Waitangi Audit on Auckland Council 2018 Report* (PricewaterhouseCoopers: Auckland, 2018) 57.

99 | Independent Māori Statutory Board, *Assessment of expenditure incurred by Auckland Council on projects to deliver Māori outcomes* (PricewaterhouseCoopers: Auckland, 2017) 43.

What can I do?

The Crown

Whole of government

1. In partnership with tangata whenua, review and amend environmental legislation and governance structures to:
 - 1.1. prioritise the restoration of balance in human-environment relationships; and within te taiao's ecosystems, and in environmental governance – particularly with respect to the sharing of authority between government, kaitiaki and the wider community
 - 1.2. acknowledge that tikanga exists as a system of law, values and norms that sustain balance in human and environmental relationships;
 - 1.3. provide for environmental decisions at all levels to be consistent with tikanga (including the values of whanaungatanga, mana, utu, kaitiakitanga and manaakitanga); and provide legal protection for the exercise of tikanga (for example through declarations of rāhui by tangata whenua)
 - 1.4. recognise and respect the rights of kaitiaki to manage and make decisions about environmental taonga in accordance with tikanga and ritenga
 - 1.5. support all decision-makers to sustain and nurture te taiao in a manner that preserves environmental and ecological balance now and into future generations.
2. Commit funding (for example grants, scholarships, salaries etc) to support tangata whenua to build relationships and work in partnership with the Crown at multiple levels (for example government agencies, local government, universities etc).
3. Ensure information, research and data on the environment is transparently shared with tangata whenua particularly about their special places.
4. Develop, in relationship with tangata whenua, accountability measures to ensure balance between Te Tiriti partners. This might include, for example, a Te Tiriti auditing process across government, involving close examination for Tiriti compliance of policies, plans, procedures, expenditure, results and outcomes.

Government agencies and local authorities

5. In partnership with tangata whenua:
 - 5.1 review existing strategies, policies, plans, and funding mechanisms to reflect the importance of balance in human–environment relationships, and within te taiao’s ecosystems – recognising the interconnections within those relationships
 - 5.2 review governance structures and decision–making processes to ensure appropriate balance in relationships between tangata whenua and tangata Tiriti, and to provide for the exercise of kaitiakitanga, tikanga and ritenga in environmental relationships
 - 5.3 commit to restoring environmental and human relationships that have been severed or damaged by the process of colonisation
 - 5.4 develop, in relationship with tangata whenua, accountability measures to ensure balance between Te Tiriti partners.

Tangata whenua

- Reflecting on your experiences of te taiao in your rohe and throughout Aotearoa:
 - How has balance been maintained or disrupted within te taiao? What changes might be needed to restore balance?
 - How has balance between maintained or disrupted between tangata whenua and environmental decision–makers? How might balance be restored?
 - Do current systems appropriately balance the needs of people and te taiao? And the needs of present and future generations? How might balance be improved or restored?
 - How can the mana of all genders and identities be recognised and respected in environmental decision making? Acknowledging the diverse and balancing roles of ira wāhine, ira tāne and ira tangata. How might these be better balanced?
 - How might tikanga Māori legal traditions (such as rāhui) contribute to better balance within te taiao? How might those traditions be better supported?
 - Are there ways in which you and your community provide additional unpaid environmental care work or support? Keep a record of how and where this occurs. How might those contributions be acknowledged and recognised in a fairer and more balanced way?

Tangata Tiriti

- Consider your own relationship with te taiao – in what ways is it balanced, or out of balance? Is the relationship mutually sustaining? How might balance be increased or restored?
- Consider how your community relates to te taiao – is it in balance? If not, how might balance be increased or restored?
- Learn about the methods used by tangata whenua to sustain balance in relationships among people and the environment – including tikanga and ritenga, and values such as kaitiakitanga and manaakitanga.
- Consider the ways tikanga Māori processes provide benefit to your community? How can you and your community reciprocate?
- Speak to others about what you discover. Acknowledge that everyone has their own life experiences and perspectives – and that in Aotearoa some perspectives dominate others.
- Ask decision makers to prioritise the restoration of balance within te taiao, and in environmental decision-making.





Theme 3

Mātauranga

Knowledge and ways of seeing

Mātauranga and the environment

Mātauranga can be translated as ‘knowledge’, but encompasses far more than information. The Waitangi Tribunal has described mātauranga as ‘the Māori way of knowing’,¹⁰⁰ and Hirini Moko Mead defines it as ‘Māori philosophy as well as Māori knowledge’.¹⁰¹

Mātauranga reflects a view of the world based on whanaungatanga and whakapapa – that is, on relationships sustained in balance through generations.

Mātauranga defines the nature of those relationships – describing, for example, the essential roles of taonga species in hapū identity: such as whales for some east coast iwi, and tuatara for Ngāti Koata at the top of the South Island.

Mātauranga also includes the information and guidance handed down through generations about the workings of those relationships – knowledge stored in various forms (whakapapa, pūrakau, waiata, whakataukī, maramataka, and more) which carefully record observations and guidelines about the natural world’s cycles and relationships, and about the practicalities of caring for resources and using them for food, medicine or other purposes.

Dan Hikuroa (Ngāti Maniapoto, Waikato-Tainui) refers to these forms as codified knowledge about te taiao, including empirical techniques for investigating and testing understanding. In this way, mātauranga provides a body of science that can be used to gather information and guide decision-making based on real world experience. Where mātauranga exists, tikanga brings that knowledge into action.¹⁰²

Witnesses in Waitangi Tribunal hearings have described how this occurs. For example, in relation to harvesting of harakeke: mātauranga handed down from parents to children explained which areas a whānau had rights to harvest in and which they did not; which plants produced the strongest flax; the process and correct time of day for cutting, in order to protect the plant and ensure sustainability; the karakia required to seek permission for the harvest; and the process for disposing of any offcuts. Similar mātauranga exist for other resources such as timber and shellfish.¹⁰³

Researchers Garth Harmsworth (Te Arawa, Ngāti Tūwharetoa, Ngāti Raukawa) and Shaun Awatere (Ngāti Porou) have described the intricate interconnections among all parts of the environment. As they explain, shifts in the mauri of any part of the environment cause shifts in all related parts.

“As a result, the whole system is eventually affected. All activities and relationships were bound up and governed by mythology, tapu, and an elaborate system of ritenga or rules. The process used by Māori to guide resource use reflects this belief in the interrelationship of all parts of the environment.”¹⁰⁴

In this way, mātauranga Māori provides an ecosystem perspective that western science gradually adopted during the twentieth century.


100 | Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity. Te Taumata Tuatahi* (Wellington: Legislation Direct, 2011), p 22.

101 | Hirini Moko Mead, *Tikanga Māori: Living by Māori Values – revised edition* (Wellington: Huia Publishers, 2016), p 8.

102 | Dan Hikuroa, ‘Mātauranga Māori: The Ūkaipō of Knowledge in New Zealand’, *Journal of the Royal Society of New Zealand* 47/1 (2016), pp 5-10, DOI: 10.1080/03036758.2016.1252407.

103 | Waitangi Tribunal, *Ko Aotearoa Tēnei, Te Taumata Tuarua, vol 1*, pp 244-245; also see pp 35-36, 118-119.

104 | Garth Harmsworth and Shaun Awatere, ‘Indigenous Māori Knowledge and Perspectives of Ecosystems’, in John Dymond (ed.) *Ecosystem services in New Zealand – conditions and trends* (Lincoln: Manaaki Whenua Press, 2013), p 276.



“ To create a truly collective iwi and hapū response to climate change, whānau kōrero and kōrero tuku iho must frame decision-making.

– Sandy Morrison and Aimee Kaio¹⁰⁵



105 | Sandy Morrison and Aimee Kaio, Te Tai Uka a Pia: Iwi relationships with the Southern and Antarctic [Webpage](October 2021) <https://storymaps.arcgis.com/stories/1f5579b66f354dfdb14c84e713ebaddc>, accessed 25 November 2022.

Current state

Current systems for environmental governance make limited provision for mātauranga Māori.

Environmental law and policy do not explicitly acknowledge the whanaungatanga-based Māori world view, or provide for full expression of human-environment relationships through the exercise of tikanga and kaitiakitanga. Rather, current frameworks privilege Pākehā values and concepts over those of Māori, or at best seek to balance the two.

Nor do current policies and practices provide full recognition for the depth, breadth and value of Māori environmental knowledge.¹⁰⁶

Retention of mātauranga is neither well supported nor adequately resourced.

Mātauranga acquired through generations of observation and experience is alternately ignored, sidelined, or co-opted to suit the needs of the Crown or private interests. Decisions about mātauranga are often made without reference to the knowledge-holders. At times, traditional knowledge is co-opted and exploited for commercial gain, without reference to tangata whenua let alone royalties.

Mātauranga is viewed as separate from science or technology, and subject to different funding streams. Those working at the interface of Māori and western science are often doing additional labour while also encountering attitudes that are dismissive or unsafe. Further, they are consistently required to ‘prove’ the validity of their mātauranga through a western lens before it is considered to be of value. This process often requires sharing of sacred and intergenerational knowledge to outsiders.¹⁰⁷

In many parts of Aotearoa, tangata whenua no longer have free access to te taiao, so can no longer express or build on ancestral knowledge that has been passed down through generations. This impedes the retention and transmission of mātauranga, and the expression of hapū and tribal identity.

As a result, highly valuable knowledge that could support environmental sustainability is instead too frequently marginalised and neglected, at a cost to people and te taiao.

106 | Debbie Broughton and Kim McBreen, ‘Mātauranga Māori, tino rangatiratanga and the future of New Zealand science’, *Journal of the Royal Society of New Zealand*, 45/2(2015) <https://doi.org/10.1080/03036758.2015.1011171> accessed 20 February 2023.

107 | Maria Amoamo, Merata Kawharu and Katharina Ruckstuhl (eds.), *He Pou Hiringa – Grounding Science and Technology in Te Ao Māori*, (Wellington: Bridget Williams Books, 2021).

Future state

Mātauranga Māori has a critical role to play in supporting a healthy and balanced environment.

Māori environmental values support long-term sustainability – an environment that thrives and supports the wellbeing of people and communities. Māori environmental science can support the maintenance of healthy ecosystems and species.

For this to occur:

- Māori environmental values must be recognised and given priority in environmental decision-making
- The value of mātauranga Māori must be recognised, and mātauranga Māori must be adequately supported and resourced
- Māori communities must be able to retain and develop mātauranga by sustaining environmental relationships
- Māori communities must retain decision-making authority over their mātauranga – who it is shared with, how it is used, and for what purposes

- Tangata whenua must have access to environmental taonga, and to information about the state of environmental taonga, sufficient to fulfil their kaitiaki responsibilities, to retain and build on environmental knowledge, and to exercise and further develop tikanga for environmental management.

A mātauranga framework would provide a more comprehensive and balanced way of understanding te taiao – one that can sit alongside western science and other knowledge systems to support healthy environmental relationships.¹⁰⁸

“**Mātauranga Māori is what makes us distinctive in the world and indigenous knowledge and wisdom is needed now more than ever.**”

– Māui Solomon¹⁰⁹

Cultural care labour

Mātauranga Māori and tikanga Māori are increasingly being recognised, at least as principles, in environmental governance in Aotearoa. In this context they are often used to guide care-based narratives about relationships between people and special places, as highlighted by the term ‘kaitiaki’ or ‘hungatiaki’.

However, as we have discussed throughout this report, Aotearoa’s environmental governance systems are not currently equipped to adequately care for the environment or tangata whenua.¹¹⁰

108 | Ocean Ripeka Mercier, ‘Mātauranga and Science’, *New Zealand Science Review*, 74/4 (2018) pp 83–90.

109 | Māui Solomon, quoted in Helen Potter and Rauika Māngai, *A WAI 262 Best Practice Guide for Science Partnerships for Research Involving Taonga* (Dunedin: Rauika Māngai, 2022).

110 | Ellen Tapsell, *Transitioning Environmental Governance in Aotearoa: Tikanga Māori and a Political Ethic of Care*. Unpublished Masters Thesis. (Victoria University of Wellington, 2022).

Māori communities guided by tikanga, regularly step up and work together to care for their own and other communities in times of crisis, without the help of the Crown.¹¹¹

When government does attempt to recognise and use mātauranga and tikanga in governance systems it can create extra cultural care labour for kaitiaki and for the communities who possess the relevant mātauranga and tikanga.¹¹²

Cultural care labour can include; providing Māori cultural knowledge to non-Māori; working against racism and cultural bias; undergoing extra unpaid work to support Māori communities; performing cultural roles such as karakia or waiata for a majority non-Māori environment; and being accountable to non-Māori systems and workplaces as well as to Māori communities and tikanga.¹¹³

In He aronga takirua: Cultural double-shift of Māori scientists, Jarod Haar (Ngāti Maniapoto, Ngāti Mahuta) and William John Martin (Ngāti Wai, Ngāti Whātua, Ngāti Tamaterā, Ngāti Porou) explore what they describe as the “aronga takirua” or the cultural double-shift in which “Māori scientists grapple with this additional kaitiaki (caretaker) dimension to their work that other NZ scientists do not have to consider”.¹¹⁴

The authors argue this is particularly relevant to the growing positive attention to Māori culture and the need for Māori engagement in the New Zealand science system.

A master’s thesis by Courtney Bennett, Ngā Kōrero a ngā Poupou o te Whare, also explores the huge demands facing kaitiaki representatives on local government, as well as the culturally unsafe work environments they face.

Kaitiaki representatives reported often feeling that their mātauranga was tokenized or romanticised and not genuinely implemented in local government plans and projects. Instead, councils treated their work as a ‘tick box’ approach, or used mātauranga because it sounded “beautiful” without understanding what it really meant.¹¹⁵

111 | Maria Bargh and Luke Fitzmaurice, *Stepping Up: Covid-19 Checkpoints and Rangatiratanga*, (Wellington: Huia Publishers, 2022); Fiona Cram, ‘Mahi Aroha: Work in Times of Trouble and Disaster as an Expression of Love for the People’, *Kōtuitui: New Zealand Journal of Social Sciences*, 16/ 2 (2021)pp 356–70. <https://doi.org/10.1080/1177083X.2021.1879181>. accessed 20 February 2023.

112 | Ellen Tapsell, *Transitioning Environmental Governance*, pp. 46–47.

113 | Bradford Haami, *Bringing Culture into Care: A Biography of Amohaere Tangitu*. (Wellington, Huia Publishers, 2019); Ellen Tapsell, *Transitioning Environmental Governance*, pp. 46–47; Courtney Bennett. *Ngā Kōrero a Ngā Poupou o te Whare: How to improve Crown and Local Authority- initiated environmental planning engagement, from the perspectives of Ngāi Tahu environmental kaitiaki*. Unpublished Master’s thesis. (University of Canterbury, 2020), pp 61–76.

114 | Jarod Haar and William John Martin, ‘He aronga takirua: Cultural double-shift of Māori scientists’ *Human Relations* 75/6 (2021), p 12.

115 | Courtney Bennett. *Ngā Kōrero a Ngā Poupou o te Whare: How to improve Crown and Local Authority- initiated environmental planning engagement, from the perspectives of Ngāi Tahu environmental kaitiaki*. Unpublished Master’s thesis. (University of Canterbury, 2020), p 76.

Case studies: when tangata whenua lead

These case studies illustrate the positive impacts that can arise when tangata whenua are able to nurture kaitiaki relationships and develop and share mātauranga.

Taranaki Community Kaitiakitanga

Te Whenua Tōmuri is a charitable trust founded in 2013 and based in the Taranaki region.¹¹⁶ The trust is run and managed by a group of mana whenua and whānau.¹¹⁷

The trust's kaupapa is to promote kaitiakitanga by empowering hapū, marae and whānau to protect the natural environment through sustainable practices. It is concerned not just about caring for the environment but also for community well-being.

A key project led by Te Whenua Tōmuri was Maru Wai Matara- Kaitiaki Taiao, which focuses on training, resourcing, and mentoring Taranaki hapū, marae and whānau to monitor and manage their waterways and mahinga kai sources.

The project provided free wānanga in both English and te reo on how to collect data using various water monitoring kits and methods. The data was then stored by the trust on an environmental monitoring database for the Taranaki community.

To date, numerous water monitoring projects have been established and continued by hapū and marae, often in partnership with local schools.

Riparian planting and fencing have also been coordinated by the trust and they have developed catchment plans for marae, hapū and iwi. Another focus of the trust has been helping these groups to develop māra kai.

The trust also aims to empower their wider community by helping to fund and run social events that strengthen mātauranga and whanaungatanga. These have included after school programmes, healthy kai and sports nights, and celebrations of Matariki.

The trust is committed to assisting schools, hapū, marae and whānau into kaitiaki activities.¹¹⁸

116 | Te Whenua Tōmuri Trust, 'Te Whenua Tōmuri Trust', www.tewhenuatomuri.org accessed 29 November 2022.

117 | Emily Tuhi-Ao Bailey, Marie Gregory-Hunt, Hinenui Wano-Bryant, Sera Gibson, Hoani Eriwata and Urs Signer.

118 | Alison Cole, *Report on Taranaki Kaitiaki Practises*. Unpublished Research Report (Bioheritage National Science Challenge, 2022).

Te Ohu Mō Papatūānuku Kopeopeo Bioremediation Trials Project

Te Ohu Mō Papatūānuku Kopeopeo Bioremediation Trials Project (TOMP Trials Project), carried out between 2009 and 2011, was an effort to bio-remediate the contaminated Kopeopeo Canal. The project was led by Ngāti Awa kaumātua Joe Harawira and his group Sawmill Workers Against Poisons (SWAP) in collaboration with Te Rūnanga o Ngāti Awa.¹¹⁹

SWAP was an advocacy group formed out of necessity in 1988 by Whakatāne sawmill workers and their families who had been poisoned by prolonged exposure to the prolific use of dioxins, furans and other hazardous substances used in the timber industry.¹²⁰

After tireless campaigning for the rights of the workers and their families, SWAP turned its attention to the land and the 36 identified sites around Ngāti Awa rohe that had been contaminated by toxic pentachlorophenol (PCP) waste.¹²¹ These dioxins are of particular concern because of their highly toxic potential and ability to persist and bio-accumulate in soil and sediment and to pass through the food chain by attaching to the fatty cells of animals, including humans.¹²²

The TOMP Trials Project was grounded in the mātauranga ā Ngāti Awa. Tangata whenua rejected a proposal to remediate

the Kopeopeo Canal through a 'dig and dump' approach which would remove the contamination to be stored like a waste product. This approach contravened tikanga and mātauranga because it treated the land as if it were dead and proposed fixing a Ngāti Awa problem by transporting it to the rohe of another iwi.

Instead, SWAP and Te Rūnanga o Ngāti Awa were inspired by mātauranga that Papatūānuku can heal herself, that she is a living ancestor and should not be treated as a waste product, and that there is a duty as kaitiaki to help her heal. The project was also centred by the belief that if the land could heal the people would heal too, because our whakapapa connects us all: we are the land, and she is us.¹²³

After experimentation with natural remedies, the science of myco-remediation (using white rot fungi to break down contaminants in the land) and phyto-remediation (the use of poplar trees to remove contaminants from the land) were chosen as the best options to trial. Kaumātua Joe Harawira assembled a team of scientists and interested parties who were inspired to join SWAP and the TOMP Trials Project began.

119 | Tracey Godfery and Lilliana Clarke, Te Ohu Mō Papatūānuku: Kopeopeo Bioremediation Trials Project – Mātauranga Report (New Zealand: Prepared for Te Rūnanga o Ngāti Awa, 2012).

120 | The Green Chain/ Three-part series, NZ On Air, 2011 [Television Programme]. Watch here: <https://www.nzonscreen.com/title/the-green-chain-2011>.

121 | Rich Lamar, Chris Anderson, Joanne Kelly, Roberta Farrell, Te Ohu Mō Papatūānuku Scientific Plan – Assessment of fungal and plant-based remediation of PCDD/PCDF contaminated sediment from the Kopeopeo Canal (2010).

122 | Gordan Jackman, The Deadly Legacy: A Report on the Toxic Contamination of New Zealand by the Indiscriminate Use of Pentachlorophenol (PCP) (New Zealand: Greenpeace New Zealand Inc., 1992).

123 | Te Rēinga Chase, Te Ohu Mō Papatūānuku: A Collective Response for the Health of the People and the Environment. Unpublished Masters Thesis, (Te Whare Wānanga o Awanuiarangi, 2022).

Two groups were established: an Operational Group responsible for establishing, managing, collecting samples and monitoring the bio-cells; and an Advisory Group responsible for ensuring safe practice, disciplined methodology and behaviour consistent with the tikanga and kawa of Ngāti Awa. Both groups included Ngāti Awa and non-Māori working together and learning from each other.

With support from the Bay of Plenty Regional Council, Whakatāne Mill, Sawmill Workers Against Poisons, Waikato University, Massey University and Te Runanga o Ngāti Awa, the project extracted and transported 20 cubic metres of contaminated sediment from

the Kopeopeo Canal to a secure site at Whakatāne Mill where it was placed in wooden crates (bio-cells), with soils either inoculated with white rot fungi or planted with poplars. One bio-cell had both white rot fungi and poplar trees, on the basis of whakapapa; that all nature is connected. After two years, a result of 85% reduction in dioxins was demonstrated in the bio-cell containing both fungi and popular trees. This was a highly positive result.¹²⁴

The TOMP Trials Project is an example of the better environmental outcomes achieved through caring leadership, respect, trust, co-operation and communication between te ao Māori science and western science.¹²⁵

The past guides the present: Tamarereti and the climate crisis

Ngāi Tahu traditions tell of Tamarereti, who travelled across the Southern Ocean in search of the southern lights. He and his crew sailed for several weeks until they reached a giant cliff of ice. There, as the sun set, they saw a halo of light, which they named Ngā Kahukura o Hine Nui Te Pō (the rainbow of Hine Nui Te Pō).

On the return journey, the waka was tossed around on the heavy seas,

eventually crashing onto rocks. Only Tamarereti survived – only to die when he was eating a meal and a small fish caught in his throat.

According to Sandy Morrison and Aimee Kaio, who retell this narrative in the story map Te Tai Uka a Pia, the story is “a starting point in any discussion about climate change”.¹²⁶

124 | Chris Anderson, Te Ohu Mō Papatūānuku – Scientific Project Documents – Assessment of Fungal and Plant Based Remediation of PCDD/PCDF contaminated sediment from the Kopeopeo Canal (2012).

125 | Dannielle Moewai Jaram, 'Joe Harawira: The emergence of a mātauranga Māori environmentalist' MAI Review, 1/ Intern Research Report 3 (2009).

126 | Sandy Morrison and Aimee Kaio, Te Tai Uka a Pia: Iwi relationships with the Southern and Antarctic [Webpage](October 2021) <https://storymaps.arcgis.com/stories/1f5579b66f354dfdb14c84e713ebaddc>, accessed 25 November 2022.

By speaking to the deep connections between Ngāi Tahu and the changing sub-Antarctic environment, it empowers hapū and whānau to act; by describing the vulnerability of tangata against the might of te taiao, it describes the importance of respecting the environment and treating it with care; and by referring to Tamarereti's death, it shows that the smallest actions can have large effects – an essential message in the face of a climate emergency that can otherwise seem overwhelming.

Furthermore, by describing the curiosity and courage of Tamarereti and his crew, it reminds us that the future remains unknown, and that solutions remain to be explored and discovered.

As Morrison and Kaio explain: “The whakataukī ‘Ka mua, ka muri’, which translates as ‘walking into the past to the future’, encapsulates how kōrero tuku iho are the starting point for present decisions, including around climate action.’

Therefore, Ngāi Tahu “look first to where we have come from, how our tīpuna behaved and what they achieved, and use this to determine how to move forward.”¹²⁷



127 | Sandy Morrison and Aimee Kaio, *Te Tai Uka a Pīa: Iwi relationships with the Southern and Antarctic* [Webpage](October 2021) <https://storymaps.arcgis.com/stories/1f5579b66f354dfdb14c84e713ebaddc>, accessed 25 November 2022.

Tentative steps: when the Crown responds

In recent decades the Crown has taken steps towards acknowledgement of Māori rights and values in te taiao. The following are examples. While progress has been made, further work will be needed for the value of mātauranga Māori to be truly recognised, protected and honoured within Aotearoa's system of environmental governance.

Te Mana o te Taiao : vision and implementation

In 2020, the government released Te Mana o te Taiao, its biodiversity strategy for Aotearoa New Zealand over the next 30 years.

The document acknowledged that Aotearoa, and the globe, face interlinked biodiversity crises.

Te Mana o te Taiao also leaned heavily on mātauranga Māori and tikanga Māori for potential solutions.

Its central vision is Te Mauri Hikahika o te Taiao – that the life force of te taiao be vibrant and vigorous – that is, the health of Aotearoa's natural world cannot only be measured, but also seen, heard and felt.

The strategy specifically acknowledged the mātauranga of iwi, hapū and whānau – including the damage caused by colonisation, and the importance of:

- sustaining and regenerating mātauranga Māori alongside ecological regeneration;
- making mātauranga integral to biodiversity research and management; and
- protecting Māori cultural and intellectual property.

It furthermore provided that a 'whole of land and seascape' approach should be taken to environmental management, acknowledging the interconnectedness of every part of the environment, and of people; and that environmental values should be prioritised in economic decision-making; and that a te ao Māori perspective should be 'embedded throughout the biodiversity system'.¹²⁸

Te Mana o te Taiao also promised to place Te Tiriti at the centre of biodiversity work, providing for iwi, hapū and whānau to exercise rangatiratanga and kaitiakitanga, and to sustain customary uses of environmental taonga.

Overall, it defined success as being achieved when, among other things, the mauri of ecosystems is thriving, and the mana of taonga species is restored.

Overall, Te Mana o te Taiao presents a highly promising vision for environmental restoration based on genuine partnership involving tangata whenua, the Crown and all sectors of the community.

In 2022, the government released an implementation plan outlining steps to be taken towards achievement of this vision.¹²⁹

128 | Department of Conservation, *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020*, (Wellington: Department of Conservation, 2020).

129 | Department of Conservation, *Te Mana o Taiao - Implementation plan 2022* (Wellington: Department of Conservation, 2022).

While the implementation plan contains several promising initiatives for mātauranga to be integrated into conservation policies, plans, research and monitoring, it is less clear how mātauranga might become central to Aotearoa's overall system of environmental governance.

Likewise, the plan describes how Tiriti partnerships might be developed or already developing within specific policies or projects at national, regional and local levels, but it does not provide for Aotearoa's overall system of environmental governance to be based on Tiriti partnership, or to deliver rangatiratanga.

Overall, the plan focuses on the efforts of government agencies and local authorities, with limited focus on the roles of tangata whenua. This may reflect the

complexity and fragmentation within Aotearoa's environmental governance systems, in which no single authority (other than Parliament or the Executive) is responsible for setting a direction.

The plan provides for an 'interim oversight group' to advise on possible governance structures, and for those governance structures to provide 'leadership, accountability, and inclusive and transparent decision-making', without specific mention of Te Tiriti or rangatiratanga.

Fulfilling the vision of Te Mana o te Taiao will require genuine partnership at all levels. Using te reo, tikanga and mātauranga within strategies and plans is a good first step – but does not in itself equate to equal sharing of power or giving effect to rights under Te Tiriti.



What can I do?

The Crown

Whole of government

1. In partnership with tangata whenua, review legislative protections for mātauranga Māori – ensuring:
 - 1.1 that tangata whenua retain decision-making authority over their mātauranga, including uses for public benefit and commercial purposes; and that other actors are accountable for unauthorised uses of mātauranga;
 - 1.2 that tangata whenua can sustain environmental relationships that are important for the retention and ongoing development of mātauranga;
 - 1.3 that mātauranga Māori and tikanga Māori – including values such as whanaungatanga – appropriately guides environmental decision-making;
 - 1.4 that appropriate recognition is given to mātauranga Māori as a science within Aotearoa’s scientific communities and funding streams.
2. Support tangata whenua to maintain and transmit mātauranga Māori, both with adequate resourcing and by ensuring that tangata whenua have access to and authority over environmental taonga.
3. Explore creative funding arrangements and processes for supporting mātauranga Māori.

Government agencies and local authorities

4. Recognise, support and resource mātauranga Māori as a science, and as a source of knowledge and guidance for environmental monitoring and decision-making.
5. Recognise the right of tangata whenua to retain and control mātauranga, and to sustain relationships that are important for the retention of mātauranga.
6. Ensure funding for mātauranga experts is consistent with that provided to other scientists and expert consultants.

Tangata whenua

- Reflecting on mātauranga Māori in relation to the environment:
 - What steps might be needed to foster, develop and support mātauranga within iwi, hapū and whānau collectives in accordance with tikanga?
 - Which taonga are important to mātauranga in your hapū/iwi and rohe, and how might taonga relationships be sustained and nurtured?
 - How might opportunities be provided for rangatahi and whānau to connect with and continue learning mātauranga ā iwi?
 - What steps are needed to protect mātauranga and ensure it is used in a manner that is tika? Where external parties wish to use mātauranga, how might that occur in a manner that protects the taonga concerned, ensures that hapū and iwi retain rangatiratanga over the taonga and mātauranga, and ensures that relationships are ongoing and reciprocal?
 - In what ways might the diversity of Māori identity and knowledge bases be best supported? How might knowledge be stored and (where appropriate) shared?
 - If you live outside your rohe, how you can stay connected with the mātauranga of your iwi/hapū/whānau? How can you support the same for mana whenua?

Tangata Tiriti

- Consider your knowledge and understanding of te taiao – what do you know about Aotearoa’s species, habitats and ecosystems, and those in your community? Where do you get information from?
- Take time to learn about mātauranga Māori – what information is available about taonga places and species, and about human–environment relationships? How do values such as whanaungatanga and kaitiakitanga support or challenge your ways of viewing and relating to te taiao?
- Consider the place of mātauranga Māori in Aotearoa’s systems of science and environmental governance – what could be done to nurture and sustain mātauranga? How might mātauranga Māori and western viewpoints work together to produce the best outcomes for te taiao?
- Consider your use of mātauranga Māori – does it support the mana and rangatiratanga of Māori communities from which it came?
- Speak to others about what you discover – while acknowledging that you are not an expert on mātauranga Māori.
- Ask decision makers to prioritise mātauranga Māori as a science and as a source of knowledge and guidance for environmental decision-making.
- What are some ways that you can enhance/restore mana whenua in engaging with their mātauranga Māori? If you own private land, how might your land contribute (or have contributed to) this knowledge?



Theme 4

Mana and rangatiratanga

Authority with care

Mana, rangatiratanga and the environment

The word ‘rangatira’ literally means ‘weavers of people’. Rangatira are leaders, guides and mediators for their communities – their role is to bring people together in collective action that advances the mana and supports the wellbeing of the whole.

Mana over the environment rests with the entire community, and in particular with hapū through their ancestral connections to the land. While rangatira can provide leadership and direction, mana whenua (the mana of the land) remains with the land and the people.¹³⁰

Rangatiratanga is therefore about the fulfilment of responsibilities – including obligations to:

- provide for the individual and collective wellbeing of the community;
- support healthy and mutually beneficial relationships within the community and with others;
- act as kaitiaki or guardians, protecting and looking after the lands, waterways and species under the community’s care
- act in accordance with tikanga.

The kaitiaki responsibility acknowledges the deep ancestral relationships between tangata whenua and their lands – relationships that are described in traditional narratives and sustained by living in and caring for the environment in accordance with tikanga and ritenga.

Rangatiratanga is based in trust, respect, skills and mana. Leaders must be able to hold the respect of their communities by fulfilling their obligations to people and te taiao.¹³¹ While rangatiratanga is an authority, kaitiakitanga is the expression of this authority. Kaitiakitanga cannot be truly expressed without the rangatiratanga to do so and consequently kaitiakitanga is an expression of rangatiratanga.¹³²

“ Rangatiratanga came with responsibilities to do this for the benefit of present and future generations, and to ensure that waterways were protected for the health of people and the natural environment. Compare that with the “first come, first served” system of the present...”

– Lisa Tumahai¹³³

130 | Māori Marsden, *The Woven Universe: selected writings of Rev. Māori Marsden*. (Ōtaki, Estate of Rev. Māori Marsden, 2003).

131 | Carwyn Jones, *New Treaty New Tradition: Reconciling New Zealand and Māori Law*. (Wellington: Victoria University Press, 2016).

132 | Merata Kawharu, *Dimensions of Kaitiakitanga: An investigation of a customary Māori*. Unpublished PhD Thesis. (Oxford University, 1998), p 58.

133 | Lisa Tumahai, ‘Enough is Enough: Why Ngāi Tahu is suing the Crown over its waterways’, *Te Karaka*, 87 (summer 2020/21), p 8.

Current state

Te Tiriti provided a basis for Māori and non-Māori to share power in Aotearoa, in ways that would benefit both.

Yet, from 1840, the Crown progressively asserted its kāwanatanga over Māori communities and their ancestral territories, over-riding the rights of Māori to exercise tino rangatiratanga and to live according to their tikanga. Tino rangatiratanga was sidelined through the establishment of institutions of government (central and local), and the enactment of laws asserting control over Māori lands, fisheries, and other resources.

This process progressively strained or severed relationships between tangata whenua and their ancestral whenua – denying opportunities to fulfil obligations as kaitiaki, to exercise rangatiratanga and tikanga, and to sustain hapū and tribal identities.

Although there have been significant changes in the past 30 years – through Tiriti settlements, statutory recognition of Tiriti rights, and the establishment of partnership or co-governance arrangements for some resources – a fundamental power imbalance remains.

In terms of te taiao, this is reflected in laws, policies and practices that provide only partial recognition for Māori values and rights, regarding rangatiratanga as a subordinate authority beneath the Crown, and discounting tikanga as a system of law.

As a result, decision-making authority remains mainly with government agencies, local authorities, and the private sector. Instead of setting the agenda, tangata whenua are typically required to adapt to these institutions' agendas, responding to time-consuming and resource-intensive consultation or engagement processes. True partnership is still rare.

Māori are therefore denied opportunities to maintain relationships with their ancestral environments, to fulfil environmental responsibilities, to exercise decision-making authority, and to sustain mātauranga.

The result is a legacy of harm: to the environment, and to communities and relationships.

The right to exercise rangatiratanga over ancestral environments is guaranteed in Te Tiriti, and is essential to Māori identity.



Waitekuri river estuary on Coromandel peninsula.

Future state

Under a Tiriti-based relational framework, the rights of Māori to exercise tino rangatiratanga would be restored. This means:

- recognising the rangatiratanga and kāwanatanga spheres as representing equal authority and as providing a basis for partnership and shared decision-making over the environment as a whole
- recognising the rights of tangata whenua to maintain environmental relationships, exercise decision-making authority in relation to taonga, and restore the health of their ancestral environments
- adequately resourcing the exercise of tino rangatiratanga (and co-governance where appropriate) in relation to the environment
- providing for Māori values such as whanaungatanga (kinship), utu (balance) and kaitiakitanga (guardianship or trusteeship) to be at the centre of environmental decision-making, and in particular recognising the mana (status) of the natural world.

Re-establishing an appropriate relationship between the rangatiratanga and kāwanatanga spheres is important at all levels of decision making – including the constitutional level, in the legislative process, in the executive and in decision-making by government departments and agencies.



“ Our Vision 2040 is one where rangatiratanga is realised, where Māori and the Crown enjoy a harmonious and constructive relationship, and work in partnership to restore and uphold the wellbeing of Papatūānuku, tāngata and the natural environment.”

– He Puapua, 2019.¹³⁴



134 | Claire Charters, Kayla Kingdon-Bebb, Tāmāti Olsen, Waimirangi Ormsby, Emily Owen, Judith Pryor, Jacinta Ruru, Naomi Solomon and Gary, Williams, *He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand*, (Te Puni Kōkiri 2019) 123.

Environmental tikanga in the law of Aotearoa

Te ao Māori has an extensive body of tikanga, ritenga and mātauranga concerning environmental protection and sustenance.¹³⁵ Yet this body of knowledge and law has very little protection in Aotearoa's legal system.

Some environmental statutes make provision for kaitiaki rights. The Conservation Act 1987, for example, requires the Department of Conservation to 'give effect' to the principles of the Treaty of Waitangi, and the Resource Management Act 1991 requires that decision makers take those principles into account.

Other laws (such as the Climate Change Response Act 2020) make specific provisions aimed at recognising the Crown's Treaty responsibilities. Treaty settlements have often provided for the return of special places to iwi, and sometimes for partnership arrangements to oversee and protect rivers, lakes, forests and other parts of te taiao.

The common law also provides some protections for kaitiaki rights, but these are very limited. In some circumstances, tangata whenua may be able to claim customary rights over specific places or taonga that have ancestral connections. In very limited circumstances, the Crown has fiduciary duties to protect tangata whenua in possession of land or other resources.

There is, however, no general provision in the law of Aotearoa creating enforceable rights for tangata whenua to exercise tino rangatiratanga or kaitiakitanga over taonga places and species.

On the contrary, the existing statutory provisions provide limited protection.

Final decisions rest with government agencies or local councils, not kaitiaki or partnership bodies; and the law provides very little recognition for mātauranga and tikanga.

Furthermore, central and local government have often treated tangata whenua rights as secondary to other interests, or as considerations to be balanced alongside other interests. Tangata whenua are frequently asked to advise or respond to government and council proposals, instead of having a seat at the decision-making table.¹³⁶

The Supreme Court in 2018 called this approach into question, finding that Tiriti rights should not be 'trumped by' or merely balanced alongside other considerations, but rather should be fulfilled to the greatest extent possible (see **page 52**).

In some proposed legislation, the government is also considering stronger protection for Tiriti rights and tikanga.

The proposed Natural and Built Environments Bill, for example, provides for 'Te Oranga o te Taiao' to be upheld – including the health of the natural environment, intrinsic relationships between iwi and hapū and te taiao, the interconnectedness of all parts of te taiao, and the capacity of te taiao to sustain life.

The bill also requires decision-makers to 'give effect' to the principles of Te Tiriti o Waitangi, a stronger provision than is found in the current Act.¹³⁷

How these provisions will work in operation remains to be seen.

135 | Carwyn Jones, 'Tino Rangatiratanga and Sustainable Development: Principles For Developing a Just and Effective System of Environmental Law in Aotearoa', *Journal of Māori Legal Writing*, 3 (2010) pp 59-74.

136 | Maria Bargh and Estair Van Wagner, 'Participation as exclusion: Māori engagement with the Crown Minerals Act 1991 Block Offer process', *Journal of Human Rights and the Environment*, 10/1(2019) <https://doi.org/10.4337/jhre.2019.01.06> accessed 2 February 2023.

137 | Resource Mangement Act 1991.

Partnership: two spheres, many relationships

Te Tiriti is often characterised as a partnership between Māori and the Crown, or between tangata whenua and tangata Tiriti.

That partnership is based on recognition that Te Tiriti provided a place in Aotearoa for Māori and non-Māori – each with their own rights, interests, authority, and spheres of influence.

Māori understood that their existing authority – their mana and rangatiratanga in relation to all areas of life – would continue, and indeed be reinforced by their alliance with the Crown; in turn, they accepted kāwanatanga as a new authority with influence over non-Māori, and with responsibilities to protect Māori from foreign harms and non-Māori.

Inevitably, the rangatiratanga and kāwanatanga spheres intersect, which requires negotiation in good faith – creating a ‘joint’ or ‘relational’ sphere where Māori and non-Māori meet to negotiate areas of common or overlapping interest.

True partnership therefore requires recognition that the rangatiratanga sphere is not subordinate to kāwanatanga; the two exist side by side as formal equals.

This ‘spheres of influence’ model has been described in several Waitangi Tribunal reports, in the constitutional report *Matike Mai Aotearoa*, and more recently in *He Puapua*.¹³⁸ *He Puapua* is the 2019 report of the working group established to advise on how the UN Declaration on the Rights of Indigenous Peoples can be realised in Aotearoa.

In order to realise the UN declaration, *He Puapua* recommends a series of steps be taken by 2040 – in terms of recognising rangatiratanga; providing for Māori participation in government; protecting Māori relationships with lands, territories and resources; protecting Māori culture and identity; and fostering equity.

Drawing on *Matike Mai Aotearoa*, the working group describes the rangatiratanga sphere as reflecting Māori governance over people and places; the kāwanatanga sphere as representing Crown governance; and the ‘joint’ or ‘relational’ sphere as being where “Māori and the Crown share governance over issues of mutual concern” – and where they build and maintain strong, long-term relationships.¹³⁹

138 | Claire Charters, Kayla Kingdon-Bebb, Tāmami Olsen, Waimirangi Ormsby, Emily Owen, Judith Pryor, Jacinta Ruru, Naomi Solomon and Gary, Williams, *He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand*, (Te Puni Kōkiri 2019) 123.; The Independent working Group on Constitutional Transformation, *He Whakaaro Here Whakaumu mō Aotearoa: The Report of Matike Mai Aotearoa*, (2016).

139 | Claire Charters, Kayla Kingdon-Bebb, Tāmami Olsen, Waimirangi Ormsby, Emily Owen, Judith Pryor, Jacinta Ruru, Naomi Solomon and Gary, Williams, *He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand*, (Te Puni Kōkiri 2019) p 11.

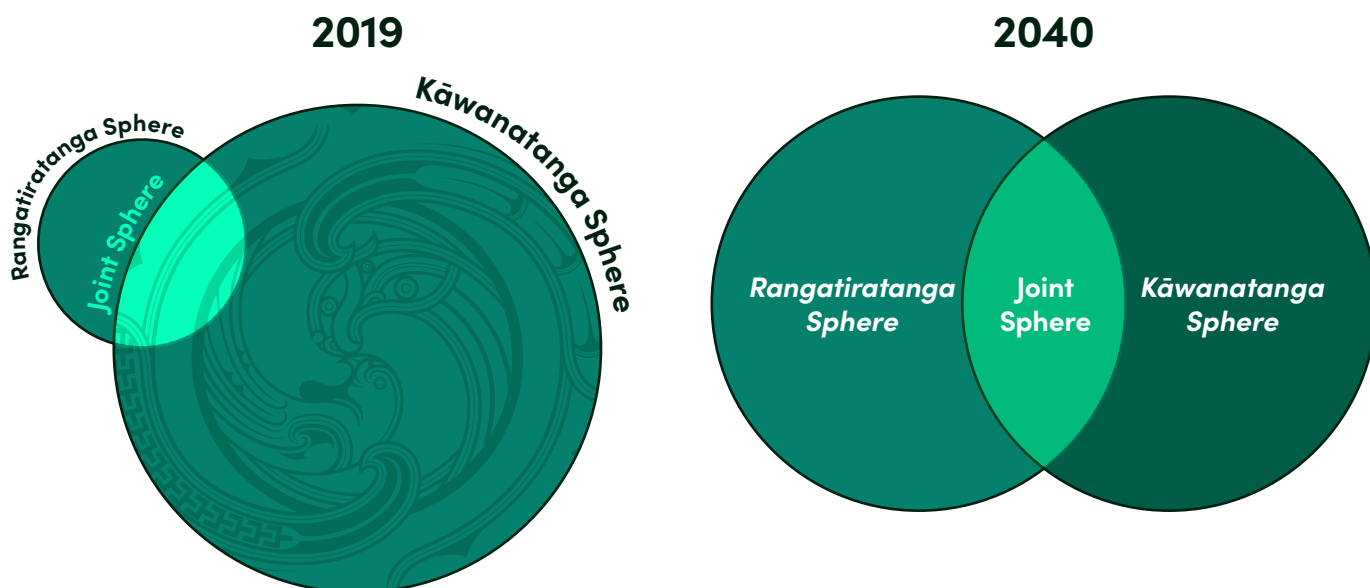
This diagram (Figure 1) from He Puapua highlights the current imbalance between rangatiratanga and kāwanatanga, and its vision for a future based on balanced spheres of authority.

Within this overall framework for the Crown-Māori partnership, there of course exist many individual and group relationships. Within the rangatiratanga sphere there are iwi, hapū, whānau, marae, Māori land trusts and incorporations, post-settlement entities, community organisations, and more. Within the kāwanatanga sphere there is Parliament, Cabinet, government departments and agencies,

local government, and tangata Tiriti organisations. Within those relationships the balance of authority might vary, provided that tino rangatiratanga can be exercised – either directly or in partnership – wherever tangata whenua and Māori have relationships with te taiao.

Therefore, while Te Tiriti represents a partnership between Māori and the Crown, this is not a binary or static partnership. Rather, it involves multiple, ongoing relationships which, if the partnership is functioning as it should, will be sustained in a healthy state both now and into future generations.

Figure 1 He Puapua Diagram 1: Rangatira/Joint/Kāwanatanga Spheres¹⁴⁰



140 | He Puapua, 2019, p vii.

Case studies: when tangata whenua lead

These case studies illustrate how the exercise of rangatiratanga can bring benefits to te taiao, tangata whenua and the wider community.

Ngāi Tūhoe: Aotearoa's first sustainable road

In 2016, Ngāi Tūhoe set out to find a sustainable way to re-seal a section of State Highway 38 in Te Urewera, which had become dangerous due to dust and potholes.¹⁴¹

As kaitiaki and mana whenua of Te Urewera, the iwi understood the importance of caring for people and te taiao. Ngāi Tūhoe, through their post-settlement entity, made the decision to commission engineering consultants WSP to investigate environmentally friendly and sustainable options in keeping with the iwi's values and the principles, which include Papatūānuku, mauri, tapu, āhua (character), tatai (heritage), and whānau (including both tangata whenua and manuhiri).¹⁴²

WSP, working alongside Ngāi Tūhoe, were able to create 'New Zealand's first sustainable road' using natural resources readily available in New Zealand.

Specifically, a sticky and durable natural resin, which is produced as a by-product of the wood pulp industry, was used as an alternative to bitumen. After lab and on-site testing in Te Urewera, the non-bituminous resin was found to be a successful long-term solution as a road binder alternative, and was also non-hazardous to the environment.

In February 2022, Tūhoe Charitable Trust won the Association of Consulting and Engineering New Zealand (ACE) Client Award for their project, named "The Road to Nature".¹⁴³

Ngāi Tūhoe were able to effectively uphold their kaitiaki responsibilities by investing settlement funds to create natural solutions for an issue in their rohe, thereby also expressing their rangatiratanga.

141 | John Boynton, 'Te Urewera roading trail taking natural route', *Radio New Zealand* [Online] 4 February 2018 <https://www.rnz.co.nz/news/te-manu-korihi/349631/te-urewera-roading-trail-taking-natural-route> accessed 29 November 2022; Ngāi Tūhoe, 'The Road to Nature', *Ngāi Tūhoe* [Webpage] (2019) <https://www.ngaituhoe.iwi.nz/The-Road-to-Nature> accessed 29 November 2022.

142 | Te Uru Taumatua, *Te Kawa o te Urewera* (n.d.) <https://www.ngaituhoe.iwi.nz/te-kawa-o-te-urewera>, p 23, accessed 29 November 2022.

143 | Suzie Hart, 'Tūhoe wins Client Award for environmentally friendly road surface', ACE New Zealand [Webpage](2022) https://www.acenz.org.nz/tuhoe_wins_client_award_for_environmentally_friendly_road_surface accessed 29 November 2022.

Whenua Rangatira & Pourewa: whenua and community

As part of their Treaty settlement, Ngāti Whātua Ōrākei were returned the lands now called Whenua Rangatira (located between Ōkāhu and Mission Bays) and the Pourewa Creek Recreation Reserve (located in the Tāmaki Basin).¹⁴⁴

These reserves, part of the original 700-acre Ōrākei papakāinga, are now managed by Ngāti Whātua Ōrākei Reserves Board, a co-governance entity between the iwi and Auckland Council.

The Reserves Board aims to manage the land for the benefit of the hapū and the people of Auckland.¹⁴⁵ Reserve management is funded from commercial income and Auckland Council.¹⁴⁶

Pourewa, which for many years was used for a pony club, is now part of a 'Living Laboratory' project in conjunction with Auckland University of Technology and Farming & Nature Conservation.¹⁴⁷ This co-designed project aims to restore native bush, sequester carbon, and

foster learning about how native forest regeneration occurs.¹⁴⁸

Planting at Pourewa in June 2020 has created a seed bank of Tāmaki tree species, which are used for annual community planting days at both Pourewa and Whenua Rangatira.¹⁴⁹ Māra kai and māra rongoā are also being nurtured at Pourewa, with the kai being distributed to whānau of Ngāti Whātua Ōrākei.

These developments are steps towards a long term vision for the lands, encompassing land protection, education, celebration, culture, community, entrepreneurship, and engagement with hapū and the wider community.¹⁵⁰

The management and governance of these whenua by the Ngāti Whātua Ōrākei Reserves Trust reflects a dedication to mana enhancing leadership that benefits community, culture, and environmental sustainability.

144 | Ngāti Whātua Ōrākei Claims Settlement Act 2012.

145 | Auckland Council, *Ngāti Whātua Ōrākei Reserves Board*, Auckland Council [Webpage] (2021) [Ngāti Whātua Ōrākei Reserves Board \(aucklandcouncil.govt.nz\)](https://www.aucklandcouncil.govt.nz) accessed 29 November 2022.

146 | Ngāti Whātua Ōrākei Claims Settlement Act 2012, Sec 69(1) & 46(7).

147 | Farming Nature Conservation, 'Living Laboratory Project', Farming Nature Conservation [Webpage] (2022). <https://www.farmingnatureconservation.org/living-laboratory-project> accessed 29 November 2022.

148 | Farming Nature Conservation, 'Living Laboratory Project'.

149 | Ngāti Whātua Ōrākei, 'Pourewa/ Whenua Rangatira', *Ngāti Whātua Ōrākei* [Webpage] (2022) [Pourewa – Ngāti Whātua Ōrākei \(ngatiwhatuaorakei.com\)](https://www.ngatiwhatuaorakei.com) accessed 29 November 2022.

150 | Xanthe White Design, *Ōrākei Visual Framework (2018)* <https://ngatiwhatuaorakei.com/wp-content/> accessed 29 November 2022.

Pūtiki reserve –restoration of wairepo

The Riri A Te Hori 2 A Whenua Trust holds and manages a 27 hectare reserve southeast of Pūtiki in Whanganui.

This Māori Freehold Land has been passed down to the community from their ancestors, and for a period during the early 2000s was leased by an external administrator at a rental of just \$46 dollars a week.¹⁵¹

When the land was returned in poor condition, trust members were determined to restore it and treat it with the mana it deserved. Since 2014, the trust has restored wairepo (wetlands), which connect to Te Awa Tupua, the Whanganui River through the Awarua Stream.¹⁵²

The wetland not only brings ecological and biodiversity gains – such as increased bird life, tuna, and native bush – but social and cultural gains too. The landowners and wider community, including kura kaupapa students, council, Department of Conservation, and Fish and Game

from the area have all engaged and shown enthusiasm for this project and its successes.¹⁵³

The protection of biodiversity and the sustainable management of forests and wairepo assists with climate change mitigation by supporting carbon sinks, and with adaptation by creating resilience of local economies and ecologies.¹⁵⁴

A community garden or māra kai has also been created, alongside a māra rongoā for medicinal native plants. In 2021, an Eco-house was completed to provide a base for trust and community activities.

The house is called ‘Mama’s House’ in memory of Maori Bailey, who was a leading figure in establishing the trust and restoring the wetland. This case study, like many others shared highlight how tangata whenua leadership and governance over the environment provides dual benefits to te taiao and communities.

151 | Moari Bailey, *Riri A Te Hori 2 Wetland Development (Te Wai Māori: 2014)* <https://waimaori.maori.nz/wp-content/uploads/2019/04/Riri-A-Te-Hori-2-Wetland-Development-Report-final.pdf> accessed 29 November 2022.

152 | Bailey, *Riri A Te Hori 2*, p 3.

153 | Bailey, *Riri A Te Hori 2*, p 3.

154 | Terri-Lynn, Williams-Davidson and Jani Sarra, *Haida law of gina ‘waadluxan gud ad kwaagiida and Indigenous rights in conservation finance*, (Canada: The Canada Climate Law Initiative, 2021).

Tentative steps: when the Crown responds

In recent decades the Crown has taken steps towards acknowledgement of Māori rights and values in te taiao. The following are some examples. While progress has been made, further work will be needed before the mana and tino rangatiratanga of Aotearoa's whānau, hapū and iwi are truly recognised within the country's system of environmental governance.

Towards partnership: central and local government acknowledgement of rangatiratanga

In recent decades, the various branches of government have acknowledged Tiriti rights to exercise tino rangatiratanga, tikanga and kaitiakitanga.

Those rights have been acknowledged (at least to a limited degree) in some Acts of Parliament, some judgments, in government strategies and policies, in political structures such as local authority partnerships with tangata whenua; and in on-the-ground relationships.

Statutory and policy changes have very often arisen from Tiriti settlements or claims, or from lobbying or protest by kaitiaki groups. Throughout this report we have mentioned several examples – such as acknowledgement of Tiriti rights in the Ngāi Tai case (**page 52**) and in policies such as Te Mana o te Wai (**page 40**), and proposed resource management reforms; as well as practical initiatives such as the return of special places to tangata whenua, and the establishment of co-governance arrangements for places such as the Waipā River (**page 23**).

Perhaps the most prominent examples of shared authority (or co-governance) have

occurred through Tiriti settlements in Te Urewera and Te Awa Tupua, where special places were returned to mana whenua. These arrangements were established to provide for ongoing kaitiakitanga over special places, and those special places were recognised as natural persons entitled to their own legal protection.

Overall, there has been a clear trend towards greater Crown recognition of Te Tiriti's article two promises, and the significance of mātauranga Māori and kaitiaki rights. Initially spurred by the settlement process, that trend has accelerated in the last decade or so, with the result that Tiriti rights are routinely acknowledged, partnership is increasingly seen as a normal and preferable way to do things, and closer relationships are being formed at local as well as central government levels.

In recent years there have been several examples of local authorities establishing co-governance arrangements, providing for mana whenua representation in environmental decision-making, and returning special places.

In 2020, for example, the Waikato Regional Council transferred its Lake Taupō water management responsibilities to the Tūwharetoa Māori Trust Board. This was the first ever transfer of powers under section 33 of the Resource Management Act 1991, which provides that local authorities can transfer their powers and duties to iwi authorities or other public bodies.¹⁵⁵

In 2021, Ngāi Tūāhuriri and the Christchurch City Council agreed to co-govern the city's riverside red zone, known as the Ōtākaro Avon River Corridor. Under the agreement, a co-governance body will be established with equal numbers of hapū and council appointees – with the council's appointees including community representatives.¹⁵⁶ In 2022, Ngāti Tūrakitekua and the Taupō District Council signed a co-governance agreement over Tūrangi township.¹⁵⁷

The return of special places to hapū and iwi can be a transformative and healing process, for both government (central and local) and Māori. That process not only returns taonga to iwi and hapū, but forges stronger relationships between the bodies involved.

As one example: Ngāti Kea Ngāti Tuara, the traditional owners of the Karamu–Takina Spring at Tihiotonga, were forced many decades ago to sell the lands around the spring to the Crown, and further areas were subsequently taken under the Public Works Act to provide water for Rotorua city.

In 2022, the Rotorua Lakes Council agreed to return the spring to hapū ownership and establish a new partnership approach to managing Karamu–Takina Spring.¹⁵⁸

In Taranaki, similarly significant land was returned to iwi Ngāruahine in 2022 at the cost of \$1. The South Taranaki District Council believed the land was being returned to its rightful owners and was a good step towards reconciliation.¹⁵⁹

Overall, then, the direction of travel is significant and positive – and increasingly is providing for the possibility of genuine partnership and closer relationships between tangata whenua and tangata Tiriti.

155 | Tuwharetoa Māori Trust Board, 'Section 33 Transfer with Waikato Regional Council' *Tūwharetoa* [Webpage] July 30, 2020 <https://www.tuwharetoa.co.nz/ngati-tuwharetoa-set-to-become-first-iwi-to-utilise-a-section-33-transfer> accessed 29 November 2022.

156 | Liz McDonald, 'City Council and hapū will co-govern city's riverside red zone', *Stuff*, 15 December 2021, <https://www.stuff.co.nz/national/127263900/city-council-and-hap-will-cogovern-christchurchs-riverside-red-zone> accessed 22 November 2022.

157 | 1News, 'Local hapū, Taupō District Council sign co-governance agreement', 1 News [online] June 14, 2022, <https://www.1news.co.nz/2022/06/14/local-hapu-taupo-district-council-sign-co-governance-agreement> accessed 29 November 2022.

158 | Rotorua Daily Post, 'Rotorua Lakes Council returns land to Ngāti Kea Ngāti Tuara in new agreement', *NZ Herald* [Web], 18 September 2022, <https://www.nzherald.co.nz/rotorua-daily-post/news/rotorua-lakes-council> accessed 29 November 2022; Robyn Bargh, 'The long road to #LandBack', *E-Tangata*, 9 October 2022, 'The long road to #LandBack - E-Tangata' accessed 28 March 2023.

159 | Catherine Groenestein, 'Council votes unanimously to return South Taranaki land to iwi for \$1', *Stuff* [online] 1 February 2022, <https://www.stuff.co.nz/pou-tiaki/300507624/council-votes-unanimously-to-return-south-taranaki-land-to-iwi-for-1> accessed 29 November.

While these developments are encouraging, they continue to occur within an overall environmental governance system that is dominated by the Crown and private owners; and moreover is highly fragmented, with numerous central and local government agencies all pursuing different and overlapping agendas.

Aotearoa's environmental governance system continues to treat rangatiratanga as a value that the Crown and its agencies can either grant or withhold, whereas rangatiratanga is a right inherent to Māori

and protected by Te Tiriti.

We have also, in numerous case studies throughout this report (for example Otama Marere, Te Riri a Hori, and Maitai Rāhui) highlighted how Māori continue to assert their rangatiratanga and kaitiakitanga for the benefit of the environment and the wider community irrespective of Crown support.

These projects highlight the potential benefits to te taiao and the community from further sharing and devolution of power.



What can I do?

The Crown

Whole of government

1. Enter negotiations with tangata whenua over the constitutional relationship between the kāwanatanga and rangatiratanga spheres, with a view to ensuring that the tino rangatiratanga of hapū and iwi in relation to their ancestral rohe are reflected in New Zealand's constitutional arrangements, and in legislation and political decision-making.
2. In partnership with tangata whenua, review and amend environmental and local government legislation to:
 - 2.1. recognise the ancestral relationships, kaitiaki responsibilities, mana and tino rangatiratanga (decision-making authority) of tangata whenua in relation to their territories, environments, including special places and species;
 - 2.2. provide legal protection for the mana of te taiao, including the mana of whenua, awa, moana, ngāhere, species, the atmosphere, and all other tāonga;
 - 2.3. ensure that governance structures at all levels appropriately reflect the rights of tangata whenua to exercise mana and tino rangatiratanga in relation to their ancestral environments;
 - 2.4. consider the relationship between local governance structures and powers, and those of tangata whenua;
 - 2.5. provide for appropriate representation of tangata whenua and Māori on all bodies with environmental responsibilities;
 - 2.6. direct government departments and agencies to provide for the exercise of tino rangatiratanga and fulfilment of kaitiaki obligations through their policies and practices.

Government agencies and local authorities

3. Acknowledge the mana of tangata whenua and te taiao;
4. Acknowledge that mana whenua exercised local and environmental governance for many centuries before current systems of governance were established, and that the governance rights of mana whenua endure.
5. In consultation with tangata whenua, review existing strategies, policies, plans, governance structures and funding arrangements to ensure that all environmental decision-making:
 - 5.1. is mana-enhancing for people and te taiao;
 - 5.2. is based on values of manaakitanga and kaitiakitanga;
 - 5.3. provides for the exercise of tino rangatiratanga at all levels;
 - 5.4. is consistent with tikanga and ritenga.
6. Where desired by mana whenua, establish comprehensive co-governance arrangements for all environmental taonga and places, based on partnership at all levels between tangata whenua and tangata Tiriti (including government, local authorities and the wider community);
7. Commit to restoring mana wherever it has been harmed by the process of colonisation.

Tangata whenua

- Reflecting on mana and rangatiratanga:
 - How might they be enhanced and strengthened in your relationships; in relationships among your iwi and hapū; and in relationships with mana whenua where you live?
 - How can leadership in your communities most effectively enhance mana among people and te taiao? Does leadership reflect a spirit of service to community and to the diversity of tangata whenua experiences?
 - How can government and other decision-makers more effectively support mana and tino rangatiratanga in decision-making about environmental relationships? How can those decision-makers more effectively acknowledge and respect tikanga as a system of law?
 - How can the kāwanatanga, rangatiratanga and relational spheres most effectively operate together? In particular, how should the relational sphere operate in order to genuinely provide for tino rangatiratanga and give effect to Te Tiriti? What is the appropriate balance between recognition of the rangatiratanga sphere, and recognition of tino rangatiratanga and tikanga within the Crown's systems of law and governance?
 - How might mahi aroha be more effectively recognised, documented, supported and valued? While mahi aroha is a core foundation of Māori leadership and community it should not be taken advantage of in support of Crown or tangata Tiriti processes.

Tangata Tiriti

- Consider what ‘mana’ means to you, and to your community and environment. How do your actions strengthen your own mana, the mana of people and te taiao?
- Consider how your community relates to the environment – what can be done to enhance the mana of te taiao, and of people?
- Learn about mana whenua and their connections with te taiao in your area – how is the mana of te taiao sustained? What is the tikanga and ritenga for managing environmental relationships? How has the exercise of rangatiratanga and kaitiakitanga changed over time? How might kaitiaki relationships be supported and restored? Consider how you can respect and support the mana of mana whenua where you live.
- Speak with others about what you discover. Acknowledge that everyone has their own life experiences, perspectives and preconceptions.
- Ask decision makers to prioritise the mana of people and te taiao, and to prioritise the restoration of kaitiaki relationships.

“ Casting our minds back to the decision that our tūpuna made to set out for Aotearoa, it is now our time to make decisions for those who will come from us long after we are gone.”

– Tamatha Paul¹⁶⁰

160 | Tamatha Paul, ‘Be a good Tupuna: Climate Action Today for our Uri Tomorrow’ in Tom Doig (ed.), *Living with the Climate Crisis Voices from Aotearoa* (Wellington: Bridget Williams Books Ltd, 2020) p 151.

Conclusion

This report sets out a vision for a flourishing and abundant environment in Aotearoa, in which all people – tangata whenua and tangata Tiriti – are sustained and nurtured, and all experience healthy and balanced relationships with each other and with Papatūānuku.

It proposes an approach that:

- prioritises balanced and healthy relationships between people and te taiao
- reflects the values of whanaungatanga, whakapapa, utu, mātauranga, mana, rangatiratanga, and tikanga
- strengthens relationships among people, including tangata whenua, tangata Tiriti, and the Crown; and
- sustains the environment in balance to the benefit of all New Zealanders, now and into future generations.

The approach we propose builds on progress that has been made over several decades, through growing environmental awareness and aroha; increasing recognition of the depth and importance of kaitiaki relationships; and development of partnerships and Māori-led projects which are already delivering tangible environmental benefits.

While much has been done, there is still some way to go. Aotearoa's environment faces significant challenges – some of which will deeply affect environmental and human wellbeing. Yet, with continued good will and a commitment to working together, across differences and difficulties, in just and equitable relationships, those challenges can be faced.



*Manaaki Whenua
Manaaki Tangata
Haere Whakamua.*



Appendix

Previous Recommendations for Crown agencies
& legislation relevant to our framework

There have been numerous previous reports from the Waitangi Tribunal, independent working groups, and the government sector making recommendations for stronger protection of te taiao based on tikanga and te ao Māori values.

The Government has adopted or is considering some of these recommendations. However, many others remain to be considered, and it is not uncommon for similar issues to be raised time and again.

In this section we briefly describe some of the key reports and recommendations. A full database of recommendations is available at this [link](#).

Waitangi Tribunal

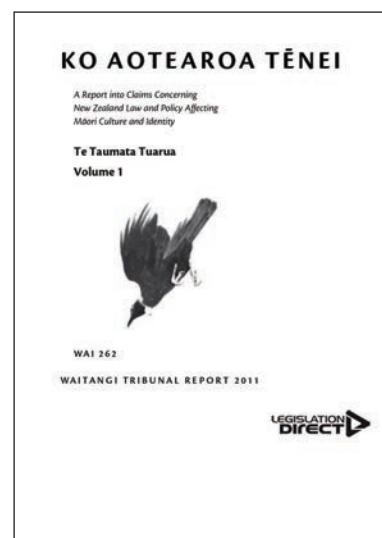
Most of the Waitangi Tribunal's historical inquiries have focused on relationships between tangata whenua and their ancestral environments, including lands, fisheries and other resources. Many contemporary kaupapa inquiries have also concerned environmental relationships.

2011: Ko Aotearoa Tēnei

The Waitangi Tribunal's Māori Culture and Identity claim (Wai 262) recognised that environmental relationships are critical to Māori culture and identity and must therefore be prioritised as part of the Tiriti partnership. The Tribunal made extensive recommendations about protection of kaitiaki relationships. In particular, it recommended that:

- intellectual property laws be amended to protect Mātauranga Māori and kaitiaki relationships with taonga species;¹⁶¹
- that resource management laws be amended to provide for increased kaitiaki control and shared decision-making over taonga places and species – including by local authorities transferring or delegating decision-making powers, and by strengthening tangata whenua involvement in environmental planning;¹⁶² and
- that conservation laws and policies be amended to (among other things) require partnership and shared decision-making at all levels over conservation lands, national parks and protected taonga species; ensure that the Department of Conservation's mission is wherever possible carried out in a manner that gives effect to Te Tiriti; and reconcile the differing approaches to conservation represented by mātauranga Māori and te ao Pākehā.¹⁶³

[Read the report](#)



161 | Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity Te Taumata Tuarua*, volume 2 (Wellington: Legislation Direct, 2011), pp 211-213.

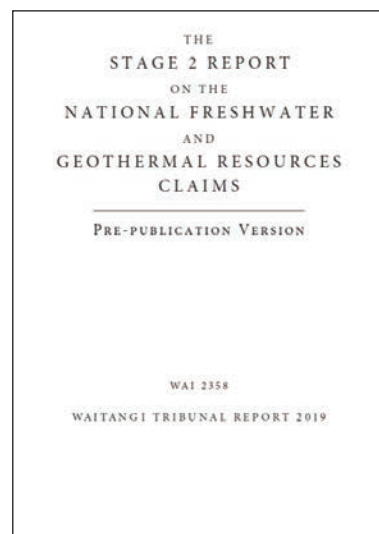
162 | Waitangi Tribunal, *Ko Aotearoa Tēnei*, Te Taumata Tuarua, vol 1, pp 285-286.

163 | Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity Te Taumata Tuarua*, vol 1, (Wellington: Legislation Direct, 2011), p 372-373.

The Freshwater management claim (Wai 2358) 2019

The Tribunal's 2019 freshwater management report made numerous recommendations for shared management of Aotearoa's freshwater resources. These included: providing for te mana o te wai in all resource management decision-making; providing for co-governance and co-management over Aotearoa's freshwater resources, including through a national co-governance body; strengthening requirements for local authorities to share or transfer decision-making powers to iwi and hapū, and to provide for iwi and hapū involvement in developing, applying and monitoring freshwater standards; requiring that Māori values, rights and interests are provided for in all freshwater decision-making; and providing that te mana o te wai have priority in environmental decision-making.¹⁶⁴

[Read the report](#)



Government and Ministerial reviews

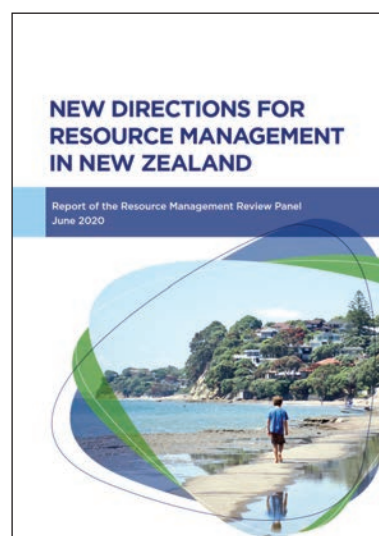
Resource Management Review Panel (2020)

The Resource Management Review Panel's report *New Directions for Resource Management in New Zealand* made 11 recommendations to improve Tiriti compliance in Aotearoa's resource management regime.

The recommendations included: recognising 'te mana o te taiao' as a key purpose of resource management law; providing that resource management decision-makers must 'give effect to' the principles of Te Tiriti o Waitangi; providing legal recognition for tikanga Māori and for tangata whenua relationships with special landscapes; providing tangata whenua with a more effective and strategic role in resource management planning and decision-making, including representation on key planning committees; requiring local authorities to actively consider transferring or delegating powers to tangata whenua; and strengthening national guidance, tools and oversight to strengthen relationships and ensure local authorities are complying with Tiriti obligations; providing funding and support for tangata whenua who are carrying out resource management duties.¹⁶⁵

[Read the report](#)

[Read Rauika Māngai summaries](#)



164 | Waitangi Tribunal, *The Stage 2 Report on the National Freshwater and Geothermal Resources Claims* (Wellington: Legislation Direct, 2019), pp 559-562.

165 | Resource Management Review Panel, *New Directions for Resource Management in New Zealand* (Ministry for the Environment, 2020), pp 116-117.

Options Development Group (2020)

The Options Development Group was established after the Supreme Court's *Ngāi Tai* decision (**page 55**) to consider the Department of Conservation's compliance with its obligation to give effect to the principles of the Treaty of Waitangi. In its 2020 report, the group made numerous recommendations for strengthened Tiriti compliance, under seven broad themes. More particularly, it recommended: fundamental reform of the conservation system to honour Te Tiriti, and provide for the meaningful exercise of rangatiratanga and kaitiakitanga; reframe the purpose of conservation to ensure reflects the perspectives of both tangata whenua and tangata Tiriti; centre kawa, tikanga and mātauranga within the conservation system; recast the legal status of conservation lands, waters, resources, species and other taonga, moving from an 'ownership' model to a model that reflects kaitiaki relationships; reform conservation governance and management to reflect Te Tiriti partnership at all levels; enable the devolution of powers and functions including decision making to meaningfully recognise the role and exercise of rangatiratanga; and build capability and capacity within DOC and tangata whenua to give effect to Te Tiriti.¹⁶⁶

[Read the report](#)



166 | Options Development Group, *Partial reviews of the Conservation General Policy and General Policy for National Parks regarding Te Tiriti o Waitangi / The Treaty of Waitangi: Report of the Options Development Group* (Wellington: Department of Conservation, 2020), pp 58, 61, 64–65.

Independent reviews

Environmental Defence Society

The Environmental Defence Society has produced several issues papers that address – at least to some degree – the roles of Te Tiriti and tikanga in te taiao.

A series of papers in 2019 and 2020 addressed Aotearoa’s resource management system, recommending (among other things) that the law be strengthened to require decision-makers to give effect to Treaty principles, strengthen Māori involvement in strategic spatial planning, require councils to work with iwi and hapū on regional planning, improve implementation of Treaty settlement legislation, create a Future Generations Act to guide environmental decision-making, establish an independent Futures Commission and an independent Tikanga Commission to provide oversight of the system and its legislation.¹⁶⁷

While it did not make explicit recommendations, the Society’s 2022 issues paper *Conserving Nature* identified numerous issues with Aotearoa’s legal framework for conservation. In particular, it found that conservation laws are ad hoc and fragmented, mostly pre-date the era of Tiriti settlements, do not reflect a Te Ao Māori world view, and do not provide adequate mechanisms or processes to give effect to Treaty principles (as required by section 4 of the Conservation Act). Nor do general policies adequately set out how section 4 will be implemented. Furthermore, ad hoc Tiriti settlement legislation had changed the Department of Conservation’s relationships with iwi and added significant legal complexity to the conservation system.¹⁶⁸

The society has also addressed Tiriti and tikanga issues in other papers concerning, for example, landscape protection and oceans policy.

[View Environmental Defence Society reports](#)

167 | Greg Severinson, *Reform of the Resource Management System – A Model for the Future: Synthesis Report* (Auckland: Environmental Defence Society, 2019), pp 2-4.

168 | Deidre Koolen-Burke and Raewyn Peart, *Conserving Nature: Conservation Reform Issues Paper* (Auckland: Environmental Defence Society, 2021), p 148.

Te Pūtahitanga (2021)

Te Pūtahitanga: A Tiriti-led Science Policy Approach for Aotearoa New Zealand is a 2021 policy paper produced for Ngā Pae o te Māramatanga (the University of Auckland's Māori Centre of Research Excellence). It outlined five priority recommendations for developing Tiriti-led science policy.

These included, over a 1–2 year timeframe: developing Tiriti-based guidelines for science and research funding, to help decision-makers understand their obligations and opportunities; appointing Māori chief science advisors in key government departments; and strengthening monitoring of Māori scientific research investment and activity across government.

Over a 3–5 year timeframe, the paper recommended establishment of an independent Mātauranga Māori Commission or entity to provide leadership over mātauranga Māori; and developing a plan for regional Te Ao Māori policy hubs aimed at identifying communities' policy priorities and needs, providing strategic thought leadership into the future, and connecting Māori researchers, policy-makers, and community-based pūkenga (experts).¹⁶⁹

[Read the report](#)



169 | Tahu Kukutai, Tracey McIntosh, Amohia Boulton, Meihana Durie, Meika Foster, Jessica Hutchings, Melanie Mark-Shadbolt, Helen Moewaka Barnes, Te Taiawatea Moko-Mead, Sarah-Jane Paine, Suzanne Pitama, and Jacinta Ruru, *Te Pūtahitanga: A Tiriti-led Science Policy Approach for Aotearoa New Zealand* (Auckland: Ngā Pae o te Māramatanga: 2021), p 6.

Rauika Māngai (2022)

Rauika Māngai¹⁷⁰ has developed several guides on environmental decision-making, mātauranga Māori, and the implications of the Waitangi Tribunal's 2011 report *Ko Aotearoa Tēnei* (the Wai 262 claim). Rauika Māngai's 2022 guide to science partnerships can also be applied to other sectors.

As a first step, it recommends becoming informed about issues relating to working with taonga – for example by understanding Te Tiriti, the Tribunal's report, and other indigenous rights obligations such as the UN Declaration on the Rights of Indigenous Peoples; seeking out research and materials produced by Māori; and creating opportunities to encounter and learn from mātauranga Māori.

Other recommendations include: developing respectful relationships with kaitiaki; providing for kaitiaki to lead the taonga aspects of science projects; providing for co-leadership across all other aspects of science projects; providing for co-design of projects with kaitiaki; ensuring reciprocity and benefit-sharing with kaitiaki; building the research capacity and capability of kaitiaki; respecting and caring for the people you work with; respecting use of te reo Māori; and providing ongoing learning, upskilling and policy development to build best practice.¹⁷¹

The report provides further guidance on building respectful relationships – for example establishing relationships early in any project, being aware of any values or positions you might bring to the relationship, respecting boundaries, and not claiming expertise in mātauranga Māori.

[Read the report](#)

170 | Rauika Māngai brings together Māori scientists, research leaders and programme managers involved in the National Science Challenge and Ngā Pae o te Māramatanga: <http://www.rauikamangai.co.nz/about/>.

171 | Helen Potter and Rauika Māngai, *A WAI 262 Best Practice Guide for Science Partnerships with Kaitiaki for Research Involving Taonga – lessons from Māori voices in the New Zealand Science Sector*. (Dunedin: Rauika Māngai, 2022), pp 10-11.

He Puapua (2019)

He Puapua is the 2019 report of a working group established to determine how Aotearoa might implement the United Nations Declaration on the Rights of Indigenous Peoples. It sets out a broad vision for the declaration to be realised by 2040, through a combination of constitutional, political, legal and other reforms that bring Tiriti promises to fruition. Among other things, it recommends that Māori exercise authority over Māori matters including lands, territories, resources, taonga and culture; that Māori governance structures are established and recognised; that tikanga Māori be functioning and applicable across Aotearoa, within Māori and also (when appropriate) Crown spheres; that Māori have strong and secure participation in central and local government; that the kāwanatanga sphere be bicultural; and that there be strong protection for Te Tiriti and human rights in law and policy.¹⁷²

With respect to te taiao, *He Puapua* envisages an enlarged hapū estate with lands, waters and the foreshore returned to tangata whenua possession; and tangata whenua exercising mana whakahaere within their territories, supported by law and policy and in accordance with tikanga and mātauranga Māori.

Other more specific suggestions include developing a new form of kaitiaki title for conservation lands, prioritising tangata whenua access to Crown and conservation lands, establishing funds to support acquisition of private lands for return to tangata whenua, and amending legislation to support return of Crown lands such as those taken for public works and not used for their original purpose.

He Puapua also suggested that priority be given to determining the effects of climate change on Māori, ensuring that climate change legislation is consistent with Te Tiriti and the UN Declaration, and working with Māori to identify and protect significant sites that are at risk from climate change.¹⁷³

[Read the report](#)



172 | Claire Charters, Kayla Kingdon-Bebb, Tāmami Olsen, Waimirirangi Ormsby, Mily Owen, Judith Pryor, Jacinta Ruru, Naomi Solomon, and Gary Williams, *He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand* (Te Puni Kōkiri 2019), pp iv–v.

173 | Charters et al, *He Puapua*, p 61.







Me Tū ā-Uru

AN ACTION PLAN FOR A FLOURISHING
AND ABUNDANT ENVIRONMENT