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Hei Whenua Papatipu: Kaitiakitanga and the Politics of Enhancing the Mauri of Wetlands

A Thesis Presented for the Degree of
Doctor of Philosophy

Māori Studies

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HE MIHI

*Ka papia mai ngā wai o Tukuaha
Ka rere atu ki Te Whakaki-ki-Runga
Ka rere atu ki te Whakaki-ki-Raro
Ka huihui ka wānanga ngā wai e rua
Ka puhake ngā wai o Whakaki-nui-a-Rua*

Ka mihi ake ki aku tīpuna mō koutou i tiaki i ēnei wāhi, nā koutou i whāngai tonu te wairua, te ngākau, te tinana o mātou ngā waihotanga o koutou mā e hikoi tonu ana i runga i te mata o te whenua. Nō reira rātou te hunga kua menemene ki te pō, kua whāia te ara a Tāne, moe mai, okioki mai.

Nei ngā kupu whakamihi ki aku whanaunga i ārahi mai, i whakaatu mai i ngā tini māramatanga o te noho a ō tāua tīpuna me ā rātou kōrero tuku iho mō te whenua me ōna hua. Ko ngā whakatūtukitanga o te rangahau nei nō tō koutou ngākau mākohakoha me te ngākau atawhai ki tēnei mokopuna o Iwitea.

Kāti, e rere hoki ana ngā mihi ki ngā piringa karanga maha i whai wāhi mai ki tēnei kaupapa rangahau. Kai ora mai tātou.

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*Ma te tokomaha ka ka te ahi:
By the many the fire will be kept burning*

ABSTRACT

The intent of this doctoral study is to develop a better understanding of the dynamics and complexities of the contemporary practice of kaitiakitanga. There are two specific foci: Māori relationships with whenua, and; Māori-state resource management relations. Together these foci provide a platform to identify implications for the future development and practice of kaitiakitanga.

Two interrelated research questions were developed to explore the contemporary practice of kaitiakitanga: what factors shape kaitiakitanga of wetland ecosystems, and; what are the affects of legislating for culture on the practice of kaitiakitanga? A case study of kaitiakitanga of Whakaki Lake, qualitative interviews with active kaitiaki and an evaluation of state environmental policies and laws were used to address these questions and theorise the dynamics and complexities of contemporary kaitiakitanga.

This study begins by arguing that customary relationships between hapū and whenua and the ability of hapū to practice kaitiakitanga have been significantly influenced by the introduction of European notions of land tenure and land use. Although the ancestral landscape has changed considerably since annexation of Aotearoa New Zealand, landscapes generally and waterways specifically remain highly valued and continue to contribute significantly to the spiritual well-being and cultural identity of hapū. Transformation of the ancestral landscape, loss of native biodiversity and environmental degradation, however, continue to threaten customary relationships with whenua and the integrity of indigenous ecosystems. As a consequence, protecting the mauri of natural ecosystems has become a key priority for contemporary kaitiakitanga.

Protecting the mauri of natural ecosystems is an extension of social responsibilities that emerge from a customary understanding of the environment based on mauri and whakapapa. Therefore it is argued in this study that mauri tū: restoring the balance of fragmented and degraded ancestral landscapes is an imperative that has emerged from a whakapapa-based understanding of the environment and associated relationships with whenua. *In situ* real life experiences of active kaitiaki involved in this study confirmed the importance of mauri tū as a tribal imperative and provide exemplars of acts of kaitiaki that enhanced or restored wetlands, lakes, waterways and associated natural resources. This study demonstrates that hapū possess a strong sustainability

culture or *toitūtanga*, to ensure that the ancestral landscape continues to nurture the *hapū* and remains as a cultural and spiritual base for future generations.

Tikanga tiaki or guardianship customs that facilitated environmental protection were used by the participants in this study to realise *hapū* obligations and responsibilities to wetland ecosystems. This demonstrated that contemporary *kaitiakitanga* is fluid, adaptive and has evolved into highly organised and strategic activities. New derivations of *kaitiakitanga* such as ecological enhancement and restoration were able to contribute to improved environmental outcomes for fragmented and highly modified wetland and waterway ecosystems.

Exercising *kaitiakitanga* has become synonymous with participation in the state resource management system. Participation however, has only led to a limited range of opportunities for addressing Māori environmental interests. Therefore, this study argues that engagement with the state currently only provides for a limited expression of *tino rangatiratanga* and *kaitiakitanga*. The incorporation of the customary concept of *kaitiakitanga* into statute has resulted in the co-option of *kaitiakitanga* as state definitions and provisions for Māori relationships with *whenua* are inadequate for fully realising Māori environmental interests. Furthermore, the state controls the types of activities that can emerge, and by extension regulates Māori participation in resource management which includes the customary practice of *kaitiakitanga*. Therefore, by participating in the state resource management system, Māori energies are diverted away from *hapū* environmental priorities, obligations and responsibilities. Critical issues of ownership and addressing environmental degradation are subsumed by the state agenda.

The *hapū*-based restoration experiences explored in this doctorate indicate that it is possible to contest the limitations that exist within current local authority practice and transform the resource management system to provide for a fuller expression of *kaitiakitanga*. Engagement with the state, constant political pressure and critical reflection of the integrity of the practice of *kaitiakitanga* are vital if Māori are to transform existing practice. Change is essential if Māori environmental interests are to receive greater attention and to ensure that local authorities are more responsive to *hapū* understandings of what it means to be an active *kaitiaki*. Māori-state contests, therefore, are critical to transform state systems, processes and practices towards greater recognition and provisions for core Māori environmental interests and *kaitiakitanga*.

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GLOSSARY

This glossary provides definitions for the Māori words that are used throughout this doctorate. The meanings reflect the context in which the words have been used. Therefore caution must be exercised when using the words in a different context. Consult a Māori dictionary for a more comprehensive account of the multiple meanings that some words can have. Definitions of the Māori words have been sourced from Te Aka Māori-English, English-Māori Dictionary.¹

A definition of Māori words is provided the first time the word appears in the body of the thesis. When the definition is short it is provided in parentheses directly after the word. When the definition is long it is provided as a footnote so that the definition does not disrupt the flow of the sentence.

Kupu Māori	Definition
ahikā	Occupancy rights
aroha	Love
atua	Ancestor, gods, deity
aukati	In the context of rāhui refers to a border or boundary that marks a prohibited area.
awa	River
āwhina	Help, assistance
hāngī	Earth oven, food cooked in an earth oven.
hapū	Subtribe
haukāinga	Home base
Hineahuone	Earth maiden
inanga	Whitebait
ira atua	Supernatural being
ira tangata	Life principle, human element
iwi	Tribe
kai	Food
kaitiaki	Person, people, organisation or spiritual guardian (i.e. taniwha) responsible for exercising kaitiakitanga.
Kirituna	Eel skin tribe
Kurawaka	Place where female element was located by atua.
kaimoana	Seafood, shellfish
kāinga tipu	Ancestral home
kaitiakitanga	Customary practices associated with caring and looking after the environment.
kanohi-kitea	The face that is seen.
karakia	Prayer
karanga	Call
kauae raro	Exoteric knowledge or knowledge related to the physical world.
kauae runga	Esoteric knowledge or knowledge associated with the realms beyond this world.
kaumatua	Elder
kaupapa	Topic

¹ <http://maoridictionary.co.nz>.

kaupapa Māori	A research approach.
kaute	kitchen
kawa	Protocol
kete e toru	Three baskets of knowledge.
kōhanga	Māori preschool
mahinga kai	Garden, cultivations
mana	Prestige, authority, control, power, influence, status
mana tū	Maintaining tribal authority.
Manaaki/manaakitanga	To support, take care of, hospitality, kindness
mana whenua	Territorial rights, group that exercises authority over a specific area.
manuhiri	Visitor, guest
marae	Courtyard in front of the whareniui (meeting house).
māra kūmara	Kūmara garden
Mātauranga/ mātauranga Māori	Customary knowledge
mātua	Adult
maunga	Mountain
mauri	Life principle
mauri ora	A healthy state of mauri.
mauri tū	Restoring the balance
moana	Sea
ngākau	Heart
Ngāti Kahungunu	Tribe from lower East Coast of North Island.
noa	Free from tapu.
oha	Speech, last words
pā	Fortified village
pā tuna	Eel weir
Pākehā	Non-Māori, person of European descent.
papatipu	Ancestral land
Papatūānuku	Earth mother
pepeha	Tribal saying, proverb
pure	Ritual to remove or lift tapu.
rāhui	Temporary ritual prohibition.
Rangatiratanga/ tino rangatiratanga	Sovereignty, right to exercise authority.
Ranginui	Sky father
rohe	Area
rongo	Physical senses such as hearing, touch, smell and taste.
Rongomaiwahine	Tribe at Mahia Peninsula.
takiwā	District, area, territory
tamariki	Children
Tāne	God of forest.
tangata whenua	People of the land.
tangi	Funeral
taniwha	Water spirit
taonga tuku iho/taonga	Gifts handed down from the ancestors/treasures.
tapu	Sacred, restricted, set apart
taura	Rope
tautoko	Support
Tangaroa	God of sea and fish.
Tawhirimātea	God of wind and storms.
Te Aō Marama	Realm of being.
te ao wairua	Spiritual dimension
Te Arawa	Tribe from Rotorua region.
Te Kore	Realm of potential being
Te Pō	Realm of becoming

te reo Māori	Māori language
tiaki	To look after, care
tikanga	Correct procedure, custom, habit
tikanga tiaki	Guardianship customs
Tupuna	Ancestor
tohu	Signs
tohunga	Expert, priest
tohu mana	Signs of power from the spiritual dimension, te ao wairua.
tohumoana	Signs and manifestations through the sea.
tohuwhenua	Signs and manifestations through the land.
Tono	Request
tuakana	Elder
tuna	Eel
tūpāpaku	Corpse, deceased
tūrangawaewae	Place where one has rights of residence and belonging through kinship and whakapapa.
tū tangata	Stand together in solidarity.
uha	Female, femininity
ūkaipō	Mother
utu	Repay, pay, make a response, avenge
uri whakatipu	Future generations
waewaetakamiria	Footsteps that caress the land
wāhi tapu	Sacred site
waiata	Song
wairua	Spirit
waka	Canoe
wānanga	Debate, discussion
whaikairo	Carving
Whakatipuranga ruamano	Generation 2000. The Ngāti Raukawa tribal plan.
whānau	Family unit
whanaungatanga	Relationships, kinship, sense of family connection
whakapapa	Genealogy
whakatauki	Proverb, saying
whānau ora	Family health and wellbeing
whare wānanga	Higher school of learning
whenua	Land

ACRONYMS & ABBREVIATIONS

LGA	Local Government Act 2002
NIWA	National Institute of Water and Atmospheric Research
OECD	Organisation for Economic Co-operation and Development
PCE	Parliamentary Commissioner for the Environment
RMLR	Resource Management Law Reform
RMA	Resource Management Act 1991
The Treaty	Treaty of Waitangi 1840
The Trust	Whakaki Lake Trust

THE CHALLENGE AHEAD

When the concept of sustainability began to appear in Aotearoa New Zealand's environmental policy in the 1980s it signalled a new and revolutionary direction in resource management (Ali Memon, 1993; McClean & Smith, 2001a). The emphasis on sustainability also coincided with increased political recognition of indigenous rights at both the international and domestic level (McClean & Smith, 2001a; R. Walker, 1990). As a consequence the review of Aotearoa New Zealand's environmental policy during the 1980s resulted in several provisions within the Resource Management Act 1991 (RMA) to address Māori environmental interests. The RMA provisions required authorities responsible for the management of natural resources to recognise and provide for the principles of the Treaty of Waitangi² (the Treaty) and for Māori culture, traditions and relationships with the ancestral landscape.³ As a result the customary practice of kaitiakitanga⁴ became embedded within the state resource management system.

Māori communities were supportive and optimistic towards the new resource management regime that promoted an increased social responsibility towards sustaining the health of environment, particularly as this outcome could be achieved through the exercise of Māori notions of environmental management (Love, 2003). Although, "It would be fair to say... that there were many Māori who were cynical about what the real outcomes of the RMLR [Resource Management Law Reforms] might be" (Love, 2003, p. 30).

It has been twenty years since the RMA was first enacted. It will be argued that considerable effort has been expended towards understanding kaitiakitanga as it applies to the state resource management system. However, very little critique has emerged relating to the affects of legislating for kaitiakitanga. The intention, therefore, of this doctoral study is to develop a better understanding of the dynamics and complexities of the contemporary practice of kaitiakitanga. There is a specific focus on Māori-state relations and what happens to the practice of kaitiakitanga when it becomes part of state policy with the intent to identify implications for the future development and practice of kaitiakitanga.

THE RESEARCH

Hei whenua papatipu: Kaitiakitanga and the politics of enhancing the mauri of wetlands explores the complexities involved in exercising contemporary kaitiakitanga. This doctoral thesis examines the customary basis

² The Treaty of Waitangi is Aotearoa New Zealand's founding document. Refer to Chapters Three for an overview of the Treaty of Waitangi and Chapters Ten and Eleven for discussions of the principles and implications of the Treaty for governance in Aotearoa New Zealand.

³ The purpose of the RMA and Māori specific provisions can be found in Appendix One.

⁴ The meaning of kaitiakitanga will be explored throughout this doctorate. At this stage kaitiakitanga is translated as practices of caring for and use of the ancestral landscape.

of resource use, contemporary kaitiakitanga practices and the interaction between Māori and the state to make explicit the role of the state in shaping the contemporary practice of kaitiakitanga.

This thesis explores the nature of contemporary practices of kaitiakitanga through the experiences of active kaitiaki⁵ involved in the restoration of wetlands or waterways. Involvement of active kaitiaki in this research ensured that the participants were firstly practitioners, and secondly recognised by their respective hapū (subtribe) as kaitiaki. Therefore, each of the practitioners represented an authoritative voice on issues related to kaitiakitanga as practiced by their hapū.

Although there are some exceptions (Kahu & Wakefield, 2008; M. Kawharu, 2002; Selby, Moore, & Mulholland, 2010; S. M. Smith, 2007),⁶ the experiences and voices of active kaitiaki are largely absent in the written archive. One reason for this absence is that practitioners choose to share their knowledge through the oral medium and experiential learning.⁷ As a consequence, the literature is not a good reflection of the conceptual depth of kaitiakitanga. Therefore, one aim of this research is to address the relative ‘invisibility’ of the practitioner voice by facilitating access to active kaitiaki experiences and exemplars of kaitiakitanga so that others may learn from, and build on, these experiences. This research project does not document in detail kaitiakitanga practices, but rather draws on the experiences of active kaitiaki to accentuate the political and cultural importance of kaitiakitanga. The intent is to emphasise the contemporary relevance of the customary institution of kaitiakitanga and consider how to enhance the ability of hapū to execute their kaitiakitanga obligations and responsibilities to the ancestral landscape.

Two key research questions guide this doctorate: what factors shape the practice of contemporary kaitiakitanga of wetland ecosystems? and; what are the affects of legislating for culture on the practice of kaitiakitanga? To address these questions the following issues were explored: the customary relationship with whenua⁸; the cultural value and relevancy of the ancestral landscape for hapū; the contemporary relationship of hapū with wetlands; the capability and capacity of hapū to apply kaitiakitanga, and; the impact of state environmental law and policy on the ways that hapū practice kaitiakitanga. The intention of this research is to first, emphasise the importance of kaitiakitanga for contemporary resource management and second, to provide a platform to consider the role of the state in regulating the practice of kaitiakitanga.

⁵ The term active kaitiaki refers to a person or people responsible for and currently exercising kaitiakitanga on behalf of the tribal group. A kaitiaki may be an individual, a group of people or an organisation or a spiritual guardian such as a taniwha. The descriptor “active” is used to emphasis that these people are practitioners and therefore the views canvassed as part of this research are from people engaged in kaitiakitanga.

⁶ Active kaitiaki have also provided evidence to the Waitangi Tribunal as part of several claims (Waitangi Tribunal, 1982, 1983, 1984, 1985, 1988b) however this material has a tendency to focus on past practices and establishing the right to continue kaitiakitanga rather than focusing on contemporary kaitiakitanga practices.

⁷ Learning through direct experience; learn by doing.

⁸ Whenua refers to land. However in this context whenua is used to refer to all aspects of the ancestral landscape including the physical elements such as the lands, waters and natural resources and spiritual and cultural elements such as tūrangawaewae (place to stand, rights of residency) and mana whenua (tribal authority, power from the land).

CHAPTER OUTLINES

This thesis is divided into three parts. Each part begins with a outline of the content that follows. Part One is called *Kaitiakitanga* and provides an overview of the project, an introduction to the topic of kaitiakitanga and the methodological foundations of the research. Part Two is called *Hei Whenua Papatipu* and is an investigation of kaitiakitanga as it is understood and practiced by hapū. The research data is presented in this section. Part Three is called the *The Politics of Mauri* and explores the affects of legislating for culture in environmental policies and laws on the contemporary practice of kaitiakitanga. State regulation of kaitiakitanga is a specific focus of Part Three. The final chapter draws together the main themes and arguments developed throughout this study to consider the contemporary nature of kaitiakitanga and subsequently the role of the state in regulating the practice of kaitiakitanga.

NOTE ON STRUCTURE OF DOCTORAL THESIS

Several of the sections in this thesis have been published elsewhere. An early literature review that explored the impact of commerce, Christianity and the British colonising agenda on the transformation of Māori society and the physical landscape was published in *Mana Tangata* (Forster, 2011b). Sections from the *Mana Tangata* chapter have been dispersed throughout the doctorate in Chapters Two, Three and Ten. Parts of Chapter Four are from a resource on knowledge production prepared for a postgraduate course on Māori research methodologies.⁹ My experience in developing a research project for Whakaki Lake Trust outlined in Chapter Five and Appendix Two was published in *Kotuitui: New Zealand Journal of Social Sciences Online* (Forster, 2011a). Parts of Chapters Three and Six were published in *Recovering our ancestral landscapes: A wetland's story* (Forster, 2010b). Data related to the Whakaki Lake Trust case study was published in *Tikanga in the workplace* (2011), a paper co-authored with Associate Professor Huia Tomlins-Jahnke. This paper examined the policy and practices of the Trust to discuss strategies for embedding culture and identity into the operations of a contemporary tribal organisation.

Publishing during the course of the doctoral study was a deliberate decision. It provided an opportunity to develop my writing style and receive peer review of emerging ideas and arguments. However linking together papers that had been written for specific audiences and on topics relevant but sometimes not directly related to the doctoral research questions was a challenge at the compilation stage. One of the implications of using previously published material is the repetitious nature of some sections in the thesis. Sometimes this is a repetition of information. For example a quote from Huki Solomon opens Chapter Two as an exemplar of the bond between people and place. This same quote is used and critiqued in detail in Chapter Seven to demonstrate the socio-political context of the mana whenua relationship with the environment. Another example of repetition is associated with reporting of the Whakaki Lake Trust case study. The case study is referenced in many of the chapters and along with background material for contextualisation.

⁹ 150.714 Tā te Māori Rangahau Kōrero: Māori Research Methodologies, Te Pūtahi-a-Toi, School of Māori Studies, Massey University, Palmerston North.

Some cosmo-genealogical narratives and Māori historical experiences, events and legislation are revisited in several chapters. For example, cosmo-genealogical narratives are multi-layered allowing for multiple interpretations and messages. The separation of Papatūānuku (earth mother) and Ranginui (sky father) can be read as a creation narrative, a story and a basis for resource use (Chapter Two) or as a metaphor for knowledge production (Chapter Four). Māori historical experiences are also multi-layered and may be critiqued from several perspectives. The same experiences and events can be used to provide a critique of transformation of the landscape (Chapter Three) and transformation of Māori customary social and political order (Chapters Three, Ten and Eleven). This style of writing will no doubt invite criticism of its circuitous and repetitious structure. However, I would argue that the approach is necessary because the data is multi-layered and requires multiple reiterations to support or emphasise different points and arguments.

Part One: Kaitiakitanga

Part One: Kaitiakitanga provides an introduction to the topic and an overview of the thesis methodology and method. Chapter Two *Mauri tū: Restoring the balance* considers the bond between people and place to ascertain the customary relationship with whenua and the cultural value and relevancy of the ancestral landscape for hapū. It is argued that a core function of hapū was (and still is) to protect the mauri (life force) of whenua. This protective imperative has become even more acute in response to a loss of biodiversity and environmental degradation of the ancestral landscape (Waitangi Tribunal, 1983, 1984, 1985, 1988b). The customary institution of kaitiakitanga is the primary vehicle for asserting contemporary Māori interests in environmental protection and management. Chapter Two explores the re-emergence of kaitiakitanga for regulating relationships with whenua and the cultural basis of natural resource use to identify the motivations and drivers behind kaitiakitanga.

Chapter Three *Contact with the West* outlines affects of the colonising process and colonisation of the landscape in particularly on Māori relationships with whenua. This discussion is critical for understanding how Māori relationships have been transformed by the introduction of British norms and attitudes and systems of governance, commerce, economic development and land tenure.

Chapter Four *Research practice* acknowledges that research is a subjective activity shaped by the worldview of the researcher and the project intent. Western knowledge has been intricately linked to the British colonising agenda and the establishment of absolute authority. Therefore this chapter is focused on the politics of knowledge production. Chapter Four explores transformations of customary knowledge production as a result of contact with the West. Issues of power and domination are the focus of this chapter including the emergence of indigenous inquiry as a response to the colonial project and as a vehicle to privilege indigenous intellectual traditions. This discourse provides the political milieu for a methodological approach to research that is based on culture and tikanga.

The research design, methodology and ethical considerations are the focus of Chapter Five. In this chapter the use of culture and tikanga in the research process is made explicit. The research involved a series of literature reviews, a case study of a hapū-based wetland restoration and enhancement programme and interviews with active kaitiaki involved in hapū-based wetland and waterway enhancement programmes. The critique of the environmental policy formulation process, environmental statutes and resource management practices is also introduced and discussed in more depth in Chapter Nine.

MAURI TŪ: RESTORING THE BALANCE

He taonga tuku iho tēnei o ngā tupuna ki a tātau te hunga ora, mā tātou e manaaki e tiaki i tēnei wā e ora ana tātou. Mehemea ka ora te taonga nei, ka tū tangata ngā hapū o te Whakaki, mehemea kāore te hunga ora e manaaki e tiaki te taonga nei, ā ka mate. (Kaumatua Huki Solomon, Whakaki Lake Trust, 2008)

Whakaki Lake is a legacy to the present generation from our ancestors. We will look after and protect it while we are alive. If the lake is well, the mana and health of the hapū is maintained. If our ability to care and protect for the lake is compromised then the health and condition of the lake and the people will be diminished.¹⁰

These words from Whakaki kaumatua (elder) Huki Solomon remind us of the bond between people and place and the obligations and responsibilities tangata whenua¹¹ have towards the ancestral landscape. Tribal cultural identity and wellbeing is grounded in the whenua.¹² Papatūānuku is the spiritual and cultural base for the people and provides physical sustenance and material culture. Protecting the mauri of Papatūānuku, as the personification of the physical landscape and natural resources, was and remains a core function of hapū. Maintaining mauri was critical because the survival of the social unit was dependent on the life-sustaining capacity of the lands, waters and natural resources that were present within the territories over which hapū asserted authority. While contemporary tribal communities are increasingly urbanised and may no longer be dependent on the ancestral landscape for physical sustenance the spiritual and cultural connection between people and place is no less important.

Whakapapa, particularly the genealogical connections between whenua and people, established a cultural paradigm for understanding the world and regulating relationships and actions (Marsden, 2003a; Mead, 2003b; Royal, 1998; R. Walker, 1990). Thus, whenua as constituted through whakapapa, shaped human interactions with the environment and each other promoting social actions that recognised a cultural obligation and responsibility to care for the environment. Whakapapa connects people to a geographical space, to tupuna (ancestors) and to atua¹³ reinforcing these obligations and

¹⁰ This is not a literal translation. A literal translation does not do justice to the depth and breadth of the ideas and challenge that is conveyed within the words of our kaumatua. Rather I have provided a paraphrased translation that expresses the meaning and intent of his words.

¹¹ The literal definition of tangata whenua is people of the land. Tangata whenua is a term used to refer to the indigenous peoples of Aotearoa New Zealand. The term will be discussed in more detail later in this chapter.

¹² Whenua refers to land however in this context whenua is used to refer to all aspects of the ancestral landscape including the physical elements such as the lands, waters and natural resources and the spiritual and cultural elements such as tūrangawaewae (place to stand, rights of residency) and mana whenua (tribal authority, power from the land).

¹³ Spiritual ancestor, protector, deity.

responsibilities and in turn establishing a sense of place and belonging. This is the power of place and the power of the ancestral landscape.

Today the connection between Māori people and the ancestral landscape is not as strong as it was historically.¹⁴ Alienation and disconnection from the ancestral landscape as a result of the British colonising agenda¹⁵ has seen an increased dependency on whakapapa and social relationships as the basis of cultural identity (I. H. Kawharu, 1977; R. Walker, 1990). For many Māori,¹⁶ grounding in the ancestral landscape has become conceptual rather than concrete as connections to the physical markers of identity, the maunga (mountain), the awa (river) and the tūrangawaewae¹⁷ become diluted due to lack of physical contact and infrequent visits. It is not uncommon for a person to have knowledge of their connections and their pepeha (tribal saying, proverb) without an intimacy with the ancestral landscape that only walking the land can provide (I. H. Kawharu, 1977; Rangihau, 1975; D. Sinclair, 1975; R. Walker, 1990). Such a situation has important implications for the exercise of mana whenua (territorial rights) and tribal authority. Is it reasonable to expect that the few that remain at the haukāinga (home base) should be responsible for maintaining the mana¹⁸ and connection of the hapū to the ancestral landscape?

In this chapter there is a specific focus on the bond between people and place. Precepts that underpin the cultural basis of resource use will be explored to provide an understanding of this bond and the cultural value and relevancy of the ancestral landscape for hapū. A critique is then provided of the implications of this relationship for the contemporary practice of kaitiakitanga.

THE CUSTOMARY RELATIONSHIP WITH WHENUA

Reciprocity¹⁹ underpinned the relationship between Papatūānuku and tangata whenua. Thus, tangata whenua²⁰ in exchange for the fruits of the earth, were obligated and responsible for protecting the mauri of the environment.²¹ As a consequence of these protective actions the ancestral landscape could continue to nurture the community. Today this responsibility finds expression

¹⁴ It is relatively common for large proportions of iwi members to live outside the traditional tribal area. For example the 2006 Census data (Statistics New Zealand, 2006) based on regional council areas reports that 64% of Kahungunu descendents and 81% Tuhoë descendents live outside of the tribal area.

¹⁵ The colonising process will be discussed in Chapter Three *Contact with the West*.

¹⁶ In the 2006 Census (Statistics New Zealand, 2006) 15% of those describing themselves as of Māori descent indicated that they don't know their iwi. In addition, 38,814 did not name an iwi but instead indicated a waka or iwi confederation. If these two categories of responses are combined 21% of people describing themselves as of Māori ethnicity could not name the iwi that they belonged to. This indicates that 1 in 5 can not affiliate to a geographical tribal space. Also the ability to name your iwi does not provide any indication of the strength of the link between a person and their ancestral landscape. Rather, if you know your iwi you are more likely to know where your tūrangawaewae is and therefore have a greater ability to connect to your ancestral landscape.

¹⁷ Place where one has rights of residence and belonging through kinship and whakapapa.

¹⁸ Prestige, authority, control, power, influence, status.

¹⁹ The Cambridge Dictionaries Online (retrieved from <http://dictionary.cambridge.org/>) defines reciprocity as "...behaviour in which two people or groups of people give each other help and advantages." In this context reciprocity refers to the mutually beneficial relationship between people and the ancestral landscape.

²⁰ As people of the land and descendents of Papatūānuku.

²¹ In this context mauri refers to the life sustaining capacity of the environment.

within the concept of kaitiakitanga. Tangata whenua, therefore, possess a critical role as kaitiaki of the ancestral landscape. Knowledge of, and often, but not always, residency in the ancestral landscape, are critical pre-requisites for exercising this responsibility. Sustainable resource use is a key feature of kaitiakitanga and contemporary kaitiakitanga is characterised by a strong environmental protection ethic that has emerged in response to loss of biodiversity and environmental degradation of the ancestral landscape (Waitangi Tribunal, 1983, 1984, 1985, 1988b).

The term ancestral landscape is inadequate for capturing the expanse of the functionality of whenua. Landscape in the context of a physical space is inclusive of natural features and natural resources. Landscape is qualified by the word ancestral to denote a connection with the past and provide a referent to historical relationships and therefore a cultural and social dimension that is layered upon a geographical space. However the term ancestral landscape provides very little indication of the intent or purpose of whenua. From a Māori cultural perspective a key function of the ancestral landscape is to nurture people; hei whenua papatipu.

I use the word whenua papatipu to refer to those places and spaces within tribal territories that transcend the boundaries of time and keep our tupuna constantly present in our lives to embed living presence in the physical landscape and within the Māori psyche. According to this view the past, the present and the future form a continuum of connections and relationships that reinforce our obligations and responsibilities as tangata whenua to Papatūānuku, to natural resources, to built spaces and to each other. These connections are embedded within our ancestral landscape, culture, rituals and customs and manifested in our cosmo-genealogical orations and narratives,²² karakia,²³ mātauranga (knowledge), tribal histories, kawa (protocol), tikanga²⁴ and customary practices for example whakairo (carving) and waiata (song). Culture and people are inseparable from place and this is the essence of the concept of tangata whenua. Cultural identity is intricately woven into the fabric of the ancestral landscape. Whenua therefore is a cultural construct, a product of culture, custom and aroha (love) and as a consequence cultural identity grounded in the whenua is unique and sacred. The link between people, identity and land as constituted by whakapapa is “immutable and inseverable” (Tomas, July, 1994, p. 40).

The main way that the phrase whenua papatipu is used in this thesis is to encapsulate the core function of the ancestral landscape. In this context whenua is that base that nurtures the hapū. The word papa is derived from kaupapa meaning the ground or foundation and in the context of this study is taken to mean a base. This is qualified by the use of the word whenua that explicitly names and claims whenua as that base. The verb tipu (or tupu) is used to refer to the notion of growing and developing. Also, tupu can be used as an adjective referring to ancestral. For example, a translation of the word kāinga tipu is ancestral home. Used together, whenua, papa and tupu convey the idea of a base that supports, grows and nurtures hapū. Hapū is the acknowledged

²² This phrase is used by Robert Jahnke (2006) to refer to whakapapa sequences related to the creation of the universe and the narratives that have emerged from these as explanations of existence.

²³ Prayer, ritual incantations.

²⁴ Correct procedure, custom, habit.

social unit according to Māori custom that holds and exercises mana whenua over a given territory (I. H. Kawharu, 1977; New Zealand Law Commission, 2001). Indeed this pattern of 'ownership' is present in contemporary Māori land title. Māori freehold land is vested in collectives, individual owners or groups of owners (New Zealand Law Commission, 2001) that it could be argued is reflective of the whānau or hapū unit. These units exercise a contemporary form of tribal authority over specific tracts of land. However, it is important to note that with the settlement of Treaty claims increasingly tribal property is being vested in mandated iwi (tribal) authorities. This practice is a departure from tradition that has some implications for mana whenua status and function of smaller hapū groups. However while a mandated iwi authority can exercise kaitiakitanga it is more common for hapū to be responsible for kaitiakitanga at the local level. Kaitiakitanga responsibilities are often delegated to specific people and whānau groups within the hapū. Furthermore, ownership of the land in question is not a prerequisite for the exercise of kaitiakitanga. Today many tribal groups strongly assert an interest and a desire to exercise authority with regard to resource use and access over land not owned in a legal western sense.²⁵

The placement of the particle hei in front of whenua papatipu is important. Hei is a locative particle that indicates a "position in the future" (Biggs, 1998 [1969], p. 36). Therefore one way that it can be used is to infer function, purpose or utility by posing the question what is this space used for? Another meaning that has been given for hei is "as a" (Bauer, 1997, p. 202). Therefore hei whenua papatipu is used in this thesis to emphasise the function of whenua as the papatipu, the base that nurtures the hapū.

Hei whenua papatipu the title of the doctoral thesis conveys the notion that a core function of the whenua is to *continue to act* as the base that nurtures hapū. In this context the concept of whenua papatipu is action orientated denoting a series of activities and practices that contribute to protecting and enhancing the mauri of the ancestral landscape and consequently contributes towards the development and advancement of hapū. Whenua papatipu acknowledges the responsibilities inherent in the concept of tangata whenua and as a consequence the link between kaitiakitanga and tino rangatiratanga²⁶ as it relates to whenua.

The ability of whenua to nurture the hapū is closely linked to the concept of mauri. The mauri of an ecosystem refers to the life force or energy of the system. Mauri can exist across a spectrum of states. At one end of the spectrum are the healthy vibrant states where an ecosystem is capable of regeneration and sustenance of a range of life forms present in the system. At the other end of the spectrum are the lesser, compromised states that struggle to sustain a diversity of life. Environmental degradation is a major factor contributing to compromised states. *Mauri tū: Restoring the balance*, the title of this chapter serves to emphasise that a key imperative of contemporary kaitiakitanga is to enhance the mauri of compromised ecosystems.

²⁵ Support for this claim can be found in several Waitangi Tribunal reports (1982; 1983; 1984; 1985; 1988b; 2004b; 2011a; 2011b).

²⁶ Sovereignty, right to exercise authority.

RECOVERY OF THE CUSTOMARY INSTITUTION OF KAITIAKITANGA

The English title of the doctoral thesis *Kaitiakitanga and the politics of enhancing the mauri of wetlands* is not a translation of *Hei whenua papatipu*. The English title acknowledges that key foci of this study are kaitiakitanga and wetland ecosystems. Furthermore, a key imperative of contemporary kaitiakitanga is to protect and enhance the mauri of the ancestral landscape. The ancestral landscape has been transformed by settlement and agricultural development (Anderson, 2002; Taylor, 1997; Young, 2004). As a consequence hapū connections and relationships with whenua have undergone considerable change. Transformation of the landscape and hapū relationships with whenua will be explored extensively throughout this thesis, particularly in Chapter Three.

Opportunities to exercise a Māori customary environmental ethos that is commonly referred to today as kaitiakitanga, is part of the politics of indigenous rights. In Aotearoa New Zealand recognition of indigenous rights must provide for the ability of Māori to continue to assert authority over customary territories and practice culture according to custom. This assertion finds expression within the concept of tino rangatiratanga and is advanced through movements and processes that demand the recognition of Māori rights as framed by the Treaty (M. H. Durie, 2002; R. Walker, 1990).

Recognition and provisions for Māori environmental interests have been a focus of early Waitangi Tribunal claims (Waitangi Tribunal, 1983, 1984, 1985, 1988a, 1988b). Claimant evidence emphasised a Māori desire to be actively involved in the protection and management of the ancestral landscape according to tikanga-a-hapū.²⁷ Hapū repeatedly asserted to the Tribunal that mana whenua demands an inherent responsibility to care and act as a protector of the environment and that this was a tino rangatiratanga right as guaranteed by the second article of the Treaty. Therefore a key argument that emerged from Tribunal discourse confirmed that Māori perceptions of the environment and customary practices should be a part of the state's environmental policy and resource management system. Kaitiakitanga was increasingly used to encapsulate Māori interests in resource management. In the context of claimant evidence and Waitangi Tribunal recommendations assertion of kaitiakitanga was the exercise of what Linda Tuhiwai Smith (1999) refers to as naming and claiming, to secure customary rights to participate in the management of natural resources. To some extent this was realised when Māori environmental values were constituted into statute through the RMA. Whether this has translated into increased opportunities for hapū to practice kaitiakitanga will be discussed in Chapter Twelve *Environmental politics* and Chapter Thirteen *Environmental practice*.

The word kaitiaki was used prominently in the Manukau Harbour claim (Waitangi Tribunal, 1985). Te kaitiaki whānau o Manukau (The guardian families of Manukau) was used to refer to those whānau who had customary rights over the harbour and had continued to exercise a guardianship role and protect the natural resources of Manukau Harbour (Waitangi Tribunal, 1985). Claimants proposed a new management arrangement over the harbour that

²⁷ A term used to refer to hapū specific culture, customs and practices.

would recognise the authority of kaitiaki and provide for a continued and increased role for Māori in the protection and management of natural resources.

The word kaitiakitanga began to appear in the popular vernacular with more frequency at the end of the 1980s. Prior to this kaitiaki was used to refer to tribal or whānau guardians of a spiritual nature or a natural manifestation such as taniwha (water spirit) (Marsden, 2003a; Schwimmer, 1963) rather than to a person. If kaitiaki was used in reference to a person it was not restricted to actions towards the environment. Today the word kaitiaki is used quite extensively to refer to people acting in a guardianship or custodial manner. Two areas where the term is used quite broadly are in relation to the care of taonga tuku iho in museums or whānau based collections (Te Papa National Services, 2001) and with regard to those people who regulate customary activities towards the ancestral landscape on behalf of hapū (Waitangi Tribunal, 2011a, 2011b).

Kaitiakitanga has become synonymous with the English concepts of guardianship and stewardship, largely as a result of the way that kaitiakitanga has been defined within the RMA. Guardianship and stewardship are poor descriptors for kaitiakitanga and provide yet another example of the difficulties associated with defining Māori concepts in the language of another culture (Marsden, 2003b; Tomas, July, 1994; Mutu, 1994 as cited in Williams, 2001b).

There are of course much better descriptors of kaitiakitanga. The works of Māori Marsden (2003a; 2003b; 2003c; 2003d)²⁸ and the paper *Kaitiakitanga: Māori perspective on conservation* by Mere Roberts, Waerete Norman, Nganeko Minhinnick, Del Wihongi and Carmen Kirkwood (1995) go some way to capturing the conceptual breadth of kaitiakitanga. These authors are recognised authorities in Māori culture, tikanga and kaitiakitanga and several of the women have been key drivers behind a number of environmental claims to the Waitangi Tribunal and the courts. Merata Kawharu's doctoral thesis refers to kaitiakitanga as a socio-environmental ethic (1998). Socio-environmental ethic emphasises the essence of kaitiakitanga practice: regulating human activities towards the environment. This phrase manages to capture a dimension of kaitiakitanga that is absent from the concepts of guardianship and stewardship. The point is that in order to develop a more comprehensive understanding of kaitiakitanga it is necessary to go beyond the confines of statute and the resource management literature and consider the customary basis of resource use and the actual practice of kaitiakitanga.

Contemporary kaitiakitanga, therefore, is closely linked to a strong desire to exercise increased control and authority over the ancestral landscape. A renewed interest in the recovery and revitalisation of Māori customary environmental knowledge, ways of knowing and associated practices, as with the revitalisation of te reo Māori, has become synonymous with the politics of self-determination. Initiatives in this area address a history of exclusion and seek to reaffirm the position of Māori culture, counter-act alienation of Māori communities from tribal assets and culture and avert further knowledge loss. In relation to the environment Māori are seeking increased opportunities to

²⁸ Although the writings of Māori Marsden have been compiled into a single book (Royal, 2003) they are treated in this doctoral study as single stand alone pieces as they were written over a long period of time and for some quite specific purposes. For example the Kaitiakitanga paper was developed to assist in determining Māori environmental interests during the Resource Management Law Reform process.

participate in state environmental policy and resource management systems. Therefore, the title of this doctoral thesis *The politics of enhancing the mauri of wetlands* acknowledges that the contemporary practice of kaitiakitanga is itself a political act as it involves the assertion of mana whenua and the exercise of tino rangatiratanga.

Tino rangatiratanga in relation to kaitiakitanga is concerned with the ability of mana whenua²⁹ to regulate relationships, including human interactions, with whenua. Regulation of relationships with whenua first requires recognition of rights of mana whenua to act as environmental trustees and make decisions related to access and use of natural resources within the tribal territory. Regulation can take many forms and be exercised by a wide range of groups and individuals. For example, at Whakaki Lake³⁰ access to the lake property and harvesting of wildfowl and tuna resources is regulated by the local fish monitor. The fish monitor is appointed by the Whakaki Lake Trust. Whakaki Lake Trust, as owner of the lake property, has the right to make decisions over access and use of resources on the property. However, the trust order³¹ of the Whakaki Lake Trust (Māori Land Court, 2005) and operational policies (Whakaki Lake Trust, 2008) clearly articulate that kaitiakitanga is a key driver behind decisions related to access and use of natural resources on the lake property. Furthermore, this trusteeship responsibility is carried out by the Trust on behalf of the local hapū and all local people (Māori Land Court, 2005). Kaitiakitanga as practiced at Whakaki Lake is a service to people and recognises and reaffirms mana whenua status of local hapū.

The recognition of kaitiakitanga in environmental legislation, specifically the RMA, has necessitated the development of new relationships for dialogue and collaboration between Māori and government agencies. Although some "... productive relationships and exciting initiatives" (Hayward, 2003b) have emerged this is a highly contentious space as reports of contestation and frustration are common (Cooper, 2003; Hayward, 2003c; M. Kawharu, 2002; Parliamentary Commissioner for the Environment, 1998; Selby, Moore, & Mulholland, 2010; Tutua-Nathan, 2003). Furthermore, emerging from Māori-Crown engagements are new derivations of kaitiakitanga. What implications this has for the customary practice of kaitiakitanga is unclear and will be explored in Chapter Twelve *Environmental politics* and Chapter Thirteen *Environmental practice*.

Kaitiakitanga as applied to resource management is, therefore, a relatively modern term (New Zealand Law Commission, 2001, p. 40) used to describe Māori cultural institutions and systems (Minhinnick, 1989) for regulating what Māori Marsden refers to as "tikanga tiaki, guardianship customs" (Marsden, 2003b, p. 69).³² Kaitiakitanga draws on Māori cultural

²⁹ In this context the group/people/person exercising tribal authority over a specific area territory.

³⁰ Kaitiakitanga of Whakaki Lake is used as a case study in this doctoral thesis to explore the dynamics and complexities of contemporary kaitiakitanga. The case study is introduced in Chapter Five and referred to extensively in Parts Two and Three.

³¹ A Trust order for Ahu Whenua Trusts sets out the terms and conditions, or authority and responsibilities of the Trust on behalf of its beneficiaries.

³² This paper was first released in 1992. After Rev. Māori Marsden's death Te Ahukaramū Charles Royal was asked by the family to collate and publish his writings. This collection of works was entitled *The woven universe: selected writings of Rev. Māori Marsden* and was published in 2003.

institutions and systems to regulate land occupancy and resource management, use and protection. Kaitiakitanga can facilitate the development of "...appropriate cultural responses to [modern] environmental issues" (Roberts, Norman, Minhinnich, Wihongi, & Kirkwood, 1995, p. 7) such as resource depletion, environmental degradation and equitable allocation and use of natural resources. The successful application of kaitiakitanga is both a knowledge base and set of practices. Kaitiakitanga enables Māori to maintain a relationship with the land, waters and natural resources and involves an intimate knowledge of a physical space and the layers of events and relationships that have occurred in that area across time and space. It is about retaining those relationships and connections to natural resources that were forged by tupuna (ancestors). Therefore the concept of kaitiakitanga provides a contemporary Māori perspective on environmental protection and management. Conservation practices are part of the system of kaitiakitanga however sustainable development would be a better descriptor as protection is only part of the picture.

The philosophical basis of contemporary kaitiakitanga and associated tikanga are derived from Māori cosmo-genealogical orations and narratives. These orations and narratives established appropriate relationships and actions that regulate human activity based on cultural mores, norms and ethics. This customary base was applied to all human activity and by extension to interactions between people and whenua. Kaitiakitanga was an extension of the concept of whakapapa as applied to the protection and management of the ancestral landscape. The customary basis of kaitiakitanga will be discussed in detail in the next section of this chapter.

Kaitiakitanga promoted the sustainable use of natural resources (Waitangi Tribunal, 1985, pp. 69, 97) by emphasising a familial and interdependent relationship between hapū and the environment. As a consequence tribal authority and the spiritual, cultural and physical health of the hapū was inextricably connected to the condition of the environment. Principles of respect, harmony and reciprocity emerged to underpin hapū interactions with the ancestral landscape and ensure the retention of a healthy and life sustaining environment for future generations. Environmental customs are long established and embedded within customary Māori environmental philosophy and practice, albeit significantly fragmented and undermined by the process of colonisation and the transformation of whenua. In some areas the connection between the hapū and the local environment may have weakened and severely restricted the development of an intimate and reciprocal relationship with the ancestral landscape (Matunga, 2000; New Zealand Law Commission, 2001). However the desire to maintain a strong connection to the ancestral landscape remains a high priority for Māori communities. The potential to recover and develop new kaitiakitanga relationships and practices is high given legislative recognition of Māori environmental interests and as the capacity and capability of hapū to participate within the system increases.

Recovery and adaptation of the institution of kaitiakitanga is the key to strengthening the customary relationship with the fragmented and highly transformed ancestral landscape. Adaptation of the institution of kaitiakitanga has the potential to enhance the mauri of our highly modified ancestral landscapes and provides an opportunity for local communities to strengthen

their relationship or re-connection with natural resources in a manner consistent with custom and traditions (Waitangi Tribunal, 1983).

MĀORI ENVIRONMENTAL ETHOS

The cultural basis of natural resource use can be determined by identifying fundamental cultural principles that emerge from cosmo-genealogical narratives and tikanga associated with cultural harvesting and resource use. Cosmo-genealogical narratives are deliberate constructs designed to provide a cultural understanding of the environment (Marsden, 2003b). Coded within the narratives are key values and cultural precepts that form the basis of tikanga or culturally appropriate relationships and interactions with whenua (Marsden, 2003b; R. Walker, 1978). These principles and practices provide a theoretical framework that can be used to understand Māori relationships and interactions with the environment and determined culturally appropriate practices for resource use and development. This section explores customs for protecting mauri and the cultural basis of resource use to provide an understanding of the environment based on tikanga-a-hapū.

CUSTOMS FOR PROTECTING MAURI

From a Māori perspective a culturally appropriate relationship with the environment is shaped by a range of factors that seek to protect and maintain mauri³³ (Marsden, 2003a, 2003b, 2003d; Roberts, Norman, Minhinnich, Wihongi, & Kirkwood, 1995). Mauri is the life force or life principle of an object. According to Māori Marsden mauri "... acts as the bonding element creating unity in diversity" (2003d, p. 60). Therefore mauri links all life forms together in an interdependent and interconnected manner. From a cultural perspective the presence of a mauri and a link to the ira atua (supernatural life) means that natural resources have an intrinsic tapu³⁴ and should be treated with a great deal of respect³⁵ (Makereti, 1986 [1938]; Marsden, 2003d; Roberts, Norman, Minhinnich, Wihongi, & Kirkwood, 1995). In addition the presence of mauri creates an obligation and responsibility for resource use and development practices that are respectful and reciprocal such as symbiotic relations and sustainability.

Protecting the integrity of mauri or the health and vitality of a resource or specific area was paramount as survival of the hapū was dependent on the condition of mauri, "If the mauri of a forest were violated, the trees and plants would not be able to produce in abundance, but fruits would be scarce, and there would be very few birds" (Makereti, 1986 [1938], p. 180). As a consequence resource use was regulated to protect an exclusive tribal right to harvest. This regulatory system and associated practices were taught from infancy. Children accompanied adults as they engaged with the natural world and learnt by example the appropriate relationships and practices.

³³ The concept of mauri is first discussed on page 14.

³⁴ Sacred, restricted, set apart.

³⁵ Shirres (1997) makes the distinction between two forms of tapu. The intrinsic tapu refers to those things that are tapu. The extensions of tapu are those restrictions that emerged as a consequence of intrinsic tapu. For example the head of a person has an intrinsic tapu and avoidance of touching or walking over the head is an extension of the intrinsic or primary tapu.

He would be taught the different signs appearing in the sky or mountain, showing them when not to go to war, when not to go to sea, or when not to go to a certain place... He learnt the seasons for various work... when the season was open, and when it was closed for bird snaring and fishing. (Makereti, 1986 [1938], pp. 145-146)

Rāhui was a tikanga or custom used to regulate access to an area or resource (Mead, 2003b; Royal, 2003). A rāhui could be established by proclamation or by use of a mark or sign (Best, 1904; Makereti, 1986 [1938]; Mead, 2003a). Mead (2003a) identified three types of rāhui: rāhui associated with a death, conservation and a political rāhui. A rāhui associated with a death was proclaimed to mitigate the tapu of death. The purpose of a conservation rāhui was to protect the productivity of an ecosystem and a political rāhui related more to the assertion of tino rangatiratanga or tribal authority over an area. The consequences of ignoring a rāhui was dependent on the purpose of the rāhui and the mana of the proclaimer.

Makereti who produced an ethnographic account of Māori life around the 1900s based on her own experiences growing up in her tribal area of Te Arawa, provided an account of the use of rāhui to restrict entry to areas of cultivation particularly māra kūmara.³⁶ The purpose of the rāhui was to safeguard the area while the crop was growing (Makereti, 1986 [1938]). This is an example of the type of rāhui that Mead refers to as political. Makereti stresses that the use of rāhui in this instance was to delineate tribal territory. Rāhui was used to indicate that a specific area was under the authority of a particular hapū, “A rāhui, sign that the place was tapu and belonged only to those hapū, stood at Otamakari over these places” (Makereti, 1986 [1938], p. 208). Rāhui in this context was manifested as a physical marker, a knotted taura (rope), a bunch of grass tied to a tree, a stake (Makereti, 1986 [1938]) that rendered a defined area tapu and under the authority of a specific hapū. The purpose of the rāhui that Makereti referred to was to control entry and regulate access to resources by outsiders, “The cultivations would be used only by the hapū which owned the land and no outsider would dare to come on them” (Makereti, 1986 [1938], p. 204). Use was permitted but not by outsiders. Outsiders could only access resources in these areas with the permission of the tangata whenua (Makereti, 1986 [1938], p. 204). Tangata whenua in this context were the peoples that exercised mana whenua over the area and thus had the authority to declare a rāhui over a defined territory. The penalty for ignoring this type of rāhui was severe, “No outsider would think of poaching. Death would be the penalty for trespassing on any place which was a rāhui belonging to another” (Makereti, 1986 [1938], p. 245). Therefore rāhui was not just about setting areas aside but rather an important marker of hapū authority and exclusive resource use rights. Mead refers to this type of rāhui as an aukati and suggests that “... its frequent use became necessary in the culture-contact situation especially during the 1860s when the sale of land to Pākehā³⁷ buyers became a burning issue” (Mead,

³⁶ Māra kūmara were a special case as kūmara was a highly valued crop and much ritual was involved in the preparation of the cultivar and during planting and harvesting. As a consequence the māra kūmara was under extreme levels of tapu and rāhui was enacted to protect the associated tapu.

³⁷ non-Māori, person of European descent.

2003a, p. 198). In some respects land title and fences replaced this form of rāhui.

The practice of rāhui still continues today, often in association with a death at sea or in a waterway (Maxwell & Penetito, 2007). Rāhui over fishery resources are also a relatively common contemporary form of rāhui. For example there are four voluntary rāhui sites at Mahia Peninsula that prohibit commercial fishing (Miller & Ormond, 2007). These rāhui were enacted by the tangata whenua out of concern over the decline in kaimoana (seafood) resources. These types of practices are also used as statutory devices. Section 186A & B of the Fisheries Act 1996 allow tangata whenua to request temporary closures or restrictions to address depletion of fisheries resources.

Ani Mikaere referred to tikanga, of which rāhui is one example, as the first law of Aotearoa New Zealand (2005). In this context tikanga is a distinctly indigenous system of law and order that includes practices that facilitate appropriate relationships and interactions (ethical conduct) between peoples and with the environment. The ideas and beliefs associated with tikanga were developed from key cultural precepts and transmitted from generation to generation through daily participation within the social unit (Mead, 2003b).

THE CULTURAL BASIS OF RESOURCE USE

According to Māori cosmo-genealogical orations and narratives all life³⁸ in the physical realm is derived from the union of Papatūānuku and Ranginui (Buck, 1950).³⁹ Their offspring produced a wide array of natural resources.⁴⁰ This common lineage indicates that all life forms are interconnected and interdependent. All life forms possess a mauri. Association with ira atua meant that natural resources are imbued with an intrinsic tapu, mana and wairua (spirit). This cosmo-genealogical connection established a whanaungatanga⁴¹ or familial relationship between all life forms. As a consequence kinship rights and obligations and associated practices that accompany the institution of whānau shape Māori relationships and interactions with the environment.

The notion of interconnectedness established a natural order that is interdependent, holistic in nature and continuous. Relationships are important for regulating interactions with the ancestral landscape. One of the active kaitiaki⁴² that participated in this study described it thus:

they see Ranginui, perhaps not as a person. They connect him with the world, they see Papatūānuku, Tāwhirimātea [atua of wind and storms], all of those...

³⁸ Note that life in a Māori customary context includes both animate and inanimate life forms. Natural resources such as rocks and soil are considered life forms within this worldview.

³⁹ Māori cosmo-genealogical orations and narratives will be discussed again in Chapter Four. The focus however will be the implications of the narratives for knowledge production rather than resource use and development.

⁴⁰ Buck (1950) provides quite an extensive account of the origin of natural resources and so too do works that focus on cosmo-genealogical origins of the Māori universe (Best, 1924; Marsden, 2003a; S. P. Smith, 1913; R. Walker, 1990; J. White, 1887-1891). Mikaere (2003) provides an interesting account that privileges the role of women in cosmology, an aspect that is often invisible in the works of others.

⁴¹ Relationships, kinship, sense of family connection.

⁴² The term active kaitiaki (practitioner) is used to refer to those interviewed as part of this doctoral research. Active kaitiaki is used in the same way that interviewee or participant would be used.

and if something happens if someone throws rubbish on the ground or dig a hole these kids will say ka aroha ki a Papatūānuku [how sad for Mother Earth]. That connection, what they have. They connect with this world, they see it they feel it there is a whakapapa connection... they get that connection and the appreciation for that world. (CS04/30932)⁴³

Recognising the presence of atua and tupuna within the ancestral landscape creates a “reverence” (Whakaki Lake Trust, 2009) for the environment and facilitates respectful relations (CS04/49172).

Ranginui and Papatūānuku were separated by their offspring to create light and space and thus prepare the physical realm for the evolution of flora, fauna and people (P. Smith, 1913-1915). The decision to separate the parents was a response to the perpetual darkness that retarded growth and development. The world and opportunities in that world were confined by the loving and protective embrace of Papatūānuku and Ranginui. It is important to acknowledge that the embrace of Papatūānuku and Ranginui had a functionary purpose. In *The Lore of the Whare Wānanga* the world outside was described as intensely cold (P. Smith, 1913-1915) and by implication not suitable for habitation. Therefore the embrace was an act of manaaki and tiaki from the mātua (parents) to their tamariki (children). The notions of manaaki and tiaki are reoccurring themes threaded through the cosmo-genealogical narratives (Mead, 2003b; R. Walker, 1990). Manaaki and tiaki are key precepts of kaitiakitanga in that protection and care of natural resources are fundamental drivers of mana whenua interactions and responsibilities towards whenua.

Separating the parents was a violation of their individual rights as they did not wish to be parted. The justification of collective good did not change the ethicality of the act, rather it introduced the rationality that under certain circumstances unethical acts can be sanctioned or at least tolerated. This precept was reinforced by the principle of utu. Tawhirimātea (atua of war) opposed the act of separation and once it was achieved demanded utu from the perpetrators. In this context utu acknowledged that every act has a consequence and that actors must be accountable for all actions. Utu in this context is a regulatory principle that facilitated reciprocity, appropriate interrelationships and recompense.

Tāwhirimātea sought utu⁴⁴ by attacking the progeny of his siblings using them as food and common objects and in doing so changed the nature of their tapu. Through this action the progeny were made noa (free from tapu) or sanctioned for common usage. It is this act that allows people to use natural resources today.

Although natural resources were sanctioned for common usage resource use and development is conditional as the genealogical link, the interconnectedness and the kinship obligations and responsibilities, remain. According to whakapapa sequences natural resources were created before people and therefore possess tuakana status (Buck, 1950; Makereti, 1986 [1938]; D. Sinclair, 1975). In their search for the female element the offspring of

⁴³ The nomenclature used to report the qualitative data will be explained in Chapter Four and is provided here as this is the first time data has been used in the doctorate. CS04/30932 indicates that this quote was from interview number four and starts at the 30932 position in the transcript.

⁴⁴ Revenge, payment, reciprocity.

Ranginui and Papatūānuku procreated with a number of life forms producing a diverse range of natural resources including the various forms of water and waterways, rocks, soil and flora and fauna. Uha, the female element, was eventually found at Kurawaka, the pubic region of Papatūānuku.⁴⁵ The first woman was formed from the body of Papatūānuku, shaped by the atua and infused with the breath of life by Tāne (Buck, 1950; Mikaere, 2003). Humans, therefore, were formed by the atua and derived from the whenua. It is the notion of being derived from the earth, and by implication being an integral part of nature, that the concept of tangata whenua⁴⁶ originates. Its meaning also extends to people who have mana whenua over specific territories of land and waterways. Whakapapa locates people as an integral and inalienable part of whenua and the natural order.

Cosmo-genealogical orations and narrative teach us that resource use and development is conditional on the underlying imperative of maintaining the mauri or life sustaining capacity of the environment according to the concept of whakapapa. As a consequence the principles of respect, harmony and reciprocity underpin all interactions with, and use of, natural resources resulting in an ethic that promoted sustainable use of natural resources (Waitangi Tribunal, 1985). This system of relationships and interactions between tangata and whenua is referred to today as kaitiakitanga and is consistent with the environmental notion of sustainability promoting resource use and development that maintains the diversity and productivity of biological systems.

Mauri and whakapapa have been identified as the two key cultural precepts that underpin the cultural basis of resource use. The implications of these precepts for resource management practice are summarised in Table 1. The presence of mauri introduced an intrinsic tapu to all natural resources and linked all life forms together as in the realms beyond the physical world mauri is derived from a single source. As a consequence respectful and reciprocal resource use and development practices are expected. The condition of mauri is directly linked to the productivity of the ancestral landscape. To ensure the survival of the tribal unit it was therefore necessary to regulate access and use of natural resources.

Table 1 indicates the key values associated with whakapapa are coded in cosmo-genealogical narratives that emphasised a shared ancestry and the importance of the concept of whanaungatanga in determining a culturally appropriate relationship with the natural environment. Culturally appropriate relations with whenua promote practices that protect the mauri of all forms that emerged from the union of Papatūānuku and Ranginui. The purpose is to maintain the harmony and balance between life forms and ensure the continuity of all whakapapa. Māori are encouraged through cosmo-genealogical narratives to develop reciprocal and symbiotic relations with natural resources. The implication is that survival of the social unit was dependent on the whenua and natural resources.

⁴⁵ The search for the uha and the implications of this narrative for knowledge production will be revisited in the *Rediscovering and reviving Māori intellectual traditions* section of Chapter Four.

⁴⁶ The concept of tangata whenua is discussed further in the next section of this chapter.

Table 1: Summary of the cultural basis of resource use.

Cultural precept	Implication	Custom
Mauri	Presence of mauri means that: <ul style="list-style-type: none"> • all natural resources have a tapu quality • links all life forms together; are interdependent and interconnected Condition of mauri linked to productivity.	Advocates respectful and reciprocal resource use and development practices: <ul style="list-style-type: none"> • symbiotic relations • sustainability Necessitated regulation of access and use of natural resources to ensure survival of the tribal unit. <ul style="list-style-type: none"> • system taught by experiential learning • formal protective system known as rāhui
Whakapapa	Key values and precepts coded in cosmo-genealogical narratives <ul style="list-style-type: none"> • shared ancestry • Tuakana-teina relationship establishes rights, obligations and responsibilities and reinforced interdependence and interconnectedness • Process of sanctioning natural resources for common usage emphasised importance of acting for the common good and that there are consequences for all actions 	Resource use and development shaped by concept of whanaungatanga. Therefore: <ul style="list-style-type: none"> • practices must ensure continuity of whakapapa • practices must ensure health and vitality of whakapapa • Use must contribute to the collective good • Reciprocal practices preferred • Utu demanded for transgressions

TANGATA WHENUA: THE NOTION OF BEING FROM THE EARTH

The chapter began with a quote from kaumatua Huki Solomon that captured the essence of the bond between people and place. This bond is encapsulated within tangata whenua, the notion of being from the earth. As a concept tangata whenua is a reference to and a reminder that the first woman Hineahuone was moulded from the earth at Kurawaka. As a consequence humankind are "... of the earth" (Marsden, 2003b, p. 68), part of nature and woman have a critical and powerful role in facilitating this relationship (Mikaere,

2003). For example this cosmo-genealogical link between whenua and humankind is reinforced through the use of metaphors related to the female reproductive process. Atua is the term for menstrual blood and deity. A reminder that tangata have a divine origin as they were infused with the ira atua (divine essence or quality) of Tāne (atua of forest) and also have a celestial ancestry as progeny of Tāne. Whenua is the term used for the land and placenta. The function of both is to nurture. The placenta nurtures the unborn child and land nurtures all life forms. The Māori words for birth (whānau) and pregnancy (hapū) are also used to refer to Māori social units; the extended family unit and the sub-tribe respectively. These metaphors of female reproduction emphasise that whakapapa is a key factor for the formation and membership of customary social organisations. Whakapapa as explained in the previous section is also the basis for social action through the principle of whanaungatanga that regulates appropriate social action, including interactions with the environment.

Women play a critical role in the continuance and protection of whakapapa, *ko te wahine te kaitiaki o te whare tangata*: Women are the guardians of the past, present and future generations. Once a child was born the link between that child and Papatūānuku was reinforced through the practice of returning the afterbirth, also known as whenua to Papatūānuku. This practice established the child's tūrangawaewae⁴⁷ or right to stand and belong to a specific tribal area.⁴⁸ Death was another occasion when the connection to whenua is reaffirmed. The act of returning the tūpāpaku (corpse, deceased) to the bosom of Papatūānuku – *hokia atu koe ki te uma o Papatūānuku*, meant that tupuna literally became part of the whenua. This act also confirmed mana whenua of a people over a given territory as burial grounds were indicators of occupation and therefore authority over an area.

WHENUA IS THE BODY OF PAPATŪĀNUKU

Papatūānuku was the personification of whenua described as the earth-mother (Buck, 1950), mother earth and the primordial mother figure (Marsden, 2003b), the female element that continues to nurture humankind. Personification of whenua in this manner reinforced the bond between people and place as whakapapa emphasised the ancestral and spiritual interconnectedness between tangata and whenua. Interconnectedness is a critical aspect of establishing the philosophy, values and motivations associated with customary resource management practices. Whakapapa is a certain way of conceptualising distinctly Māori relationships with the environment. One of the active kaitiaki described it thus, "... it is about talking about the rivers as our providers, our homes, those bloodlines of Papatūānuku that will keep her living and in turn keep us living, and looking after that area" (CS04/27158). The relationship between people and place is symbiotic demanding acts of care and reciprocity from mana whenua.

Metaphors are a deliberate construct for conveying important cultural precepts and informing the development of associated principles, values and practices (Marsden, 2003b; R. Walker, 1978). Metaphor and symbol are used

⁴⁷ Place where one has rights of residency and belonging through kinship and whakapapa.

⁴⁸ In some areas it is the pito that is returned to the whenua.

extensively throughout Māori culture and language to emphasise the importance of whenua and establish the values and culturally appropriate relationships associated with whenua. In this respect imagery is used to reinforce the development of respectful relations and practices that support acts of tiaki and manaaki, the care and nurture in this context of whenua. The use of imagery and symbols that personifies whenua as the "... body of Papatūānuku" (Mikaere, 2003, p. 33) accentuates the fundamental role of whakapapa in determining tikanga. The notion of tangata whenua or being an integral part of nature is reinforced through common sayings and whakatauki (proverb, saying) where natural resources and personal pronouns are used interchangeable or identity is claimed via an association with natural resources. There are frequent references in te reo Māori (Māori language) to the link between water and identity. For example this Whanganui whakatauki clearly emphasises the centrality of the Whanganui River to tribal identity, *e rere kau mai te awa nui nei mai te kāhui maunga ki Tangaroa. ko au te awa. ko te awa ko au*. The river flows from the mountains to the sea. I am the river. The river is me. A more common example is the use of water to establish identity and turangawaewae, *ko/nō wai koe? Who are you?/Where are you from or more literally from what river do you belong?*

Water is also a central construct in Māori conceptualisations of the origin of life (in this context wai-ora). The potential for life originates in Te Kore. In the state of Te Kore wairua or the spiritual waters were "undivided but later separate... All life comes from these spiritual waters" (Kendall in Simmons, 1985, pp. 43, 45). The spiritual waters separate in the second state – Te Pō where duality emerges (Simmons, 2001). For example it is in the realm of Te Pō that Ranginui and Papatūānuku come into being; the female and male essence emerge. The concept of wairua as a person's spirit or soul therefore is part of this duality and is a reference to the joining of two waters/ivers, the female/male essence and maternal/paternal whakapapa (R. Pere, 1997).

HEI WHENUA PAPATIPU

Whenua papatipu as the base that nurtures the hapū is a clear articulation of the key function of whenua. Whenua is critical for physical nourishment and therefore survival. Whenua provides the cultural markers that inform identity and establish mana whenua, authority over a localised area (D. Sinclair, 1975). For example a pepeha records significant natural taonga (treasures) and tupuna (ancestors) of an area. In doing so the pepeha establishes mana whenua and connections to significant tupuna and relationships between hapū members and with other hapū and iwi. These connections are retained and passed on through the use of taonga tuku iho⁴⁹ such as narratives, waiata and carved objects that retain information related to significant relationships and events. So, it is through whenua that the collective memory of a people is accessed. In this regard whenua has the capacity to convey knowledge from tupuna that reaffirms Māori tribal identity. Therefore whenua remains an important legacy for future generations even though contemporary cultural identity tends to be maintained through culture and social relationships rather than through an intimate connection to the land.

⁴⁹ Gifts handed down from the ancestors.

Natural resources are a taonga tuku iho, inherited treasures and a valued resource, a legacy from the past that needs to be protected and nurtured to sustain the present and future generations. Māori are charged with the obligation and responsibility to protect and nurture, to act as the kaitiaki of taonga tuku iho, "... so man has an obligation to Mother Earth and her whānau to promote their welfare and good" (Marsden, 2003b, p. 66).

CONCLUSION

This chapter argues that a Māori understanding of the environment creates what Nin Tomas described as a bond that is "...immutable and inseverable" (Tomas, July, 1994, p. 40). This bond is achieved through the cultural precepts of mauri and whakapapa that established an interconnectedness and natural order in the world. All life forms both animate and inanimate are connected and interdependent and it is this bond that regulates the relationships and interactions of Māori with the environment. Harmony and balance are achieved through reciprocal and symbiotic relations. Māori play a key regulatory role in this system as kaitiaki and as such are charged with the obligation and responsibility to protect and nurture natural resources. Whenua was a taonga tuku iho and a collective resource, "The land was regarded as the sacred trust and asset of the people as a whole" (D. Sinclair, 1975, p. 87). Such a position endorses the environmental ethic of sustainability rather than unrestrained resource use and development.

Culturally appropriate relationships and interactions with the environment emerge from an understanding of the environment that positions tangata as part of, not separate from, the natural environment.⁵⁰ Coded into the moral framework and tikanga of hapū are the rights, responsibilities and obligations of tangata whenua to specific tracts of land over which the right of mana whenua can be exercised. Mana whenua refers to the rights of occupation including the ability to regulate resource access and use endorsed through ahikā (Firth, 1959; I. H. Kawharu, 1977; D. Sinclair, 1975). A literal translation of ahikā is *keeping the home fires burning* and this is a reference to customary rights that are established through continuous occupation and resource use. Recognition of continuous occupation by neighbouring hapū and iwi was a prerequisite for the exercise of mana whenua. Continuous occupation was confirmed by establishing an ancestral presence in the landscape. This was accomplished by establishing a genealogical link to ancestors associated with the whenua and providing evidence of occupancy such as settlements, burial sites, cultivars and cultural harvesting sites. The naming of places, recitation of events and burial of tupuna within the tribal territory assisted to establish a genealogical link to whenua.

The connection of tribes to whenua remains strong despite the ancestral landscape and the tribal unit experiencing considerable transformation. A consequence of the strong bond between people and place is that the customary institution of kaitiakitanga continues to possess a contemporary

⁵⁰ The separation of people from nature is a Judeo-Christian tradition that advocates the domination of nature by humankind (L. White, Jr, 1967). As a consequence until recently western civilisation has enjoyed relative minor regulation of access and use of natural resources. Large-scale developments in both the British colonies and the Americas have seen the emergence of a conservation ethic with a focus on preservation rather than resource use.

relevancy. Contemporary kaitiakitanga is concerned with retention of the bond between tangata whenua and the ancestral landscape and, is preoccupied with achieving mauri tū, restoring the balance of fragmented and degraded ancestral landscapes. This dimension of kaitiakitanga is revisited in Chapter Six *Recovering the ancestral landscape: A wetland's story* where the application of the customary institution of kaitiakitanga to restore the balance and recover culturally significant wetland ecosystems is discussed.

The next chapter explores the impact of colonisation first on Māori culture and social and political order and second on transformation of the physical environment. This discourse provides a background to later discussions on Aotearoa New Zealand power relations and Māori resource management aspirations that are explored in Parts II and III of the thesis.

CONTACT WITH THE WEST

Māori culture is dynamic and constantly evolving in response to a multitude of factors (M. H. Durie, 1998b; Mead, 2003b; Waitangi Tribunal, 1988b; R. Walker, 1990). Contact with the West⁵¹ is one such factor that led to widespread transformation of Māori culture and customary social and political order (R. Walker, 1990). The extent of that change and in particular the impact on Māori relationships with whenua is the focus of this chapter. Understanding the transformation of Māori culture is critical for understanding power relations in Aotearoa New Zealand and Māori political aspirations related to environmental management.

This chapter begins with a brief overview of early Māori-Pākehā relationships and instruments for formalising relations between Māori and the British. A discussion of the Treaty of Waitangi, 1840 as a founding document of Aotearoa New Zealand is then provided. This information is the basis for discussions of the significance of the Treaty for recognising Māori rights in relation to the environment in Chapters Ten to Fourteen.

Colonisation is a major focus of this chapter. The colonising process and affects on Māori social and political order is a key consideration. A second consideration is colonisation of the landscape. This discussion is critical for understanding how Māori relationships have been transformed by the introduction of British norms and attitudes and systems of governance, commerce, economic development and land tenure. These themes will be explored in more detail in Parts Two and Three.

EARLY MĀORI-PĀKEHĀ RELATIONSHIPS

In the late eighteenth century the area coming to be known as New Zealand has a Polynesian culture with distinct regional variations. During the next fifty years it was to feel the pressure of successive groups of Europeans, all of whom brought different kinds of influence: the explorers, mostly in the late eighteenth century; the sealers, whalers, and traders from the 1790s onwards; the missionaries, present from 1814 but effective only from the mid-1820s; and finally the more permanent settlers who began arriving in numbers in the late 1830s. These groups added to the variety of social developments not only because they differed in their nature and purpose but also because they were scattered around the country and thus overlaid the existing regional variations with new forms of difference. (Owens, 1992, p. 28)

Trade and later commerce⁵² between Māori and the new arrivals facilitated interaction and knowledge exchange between the races. Māori were quick to realise the advantages of positioning traders, missionaries and later

⁵¹ The West refers to an imaginary line “drawn in 1493 by a Papal Bull, [that] allowed for the political division of the world” (L. T. Smith, 1999, p. 60) into the West (European powers) and the East (countries that could be colonised and made part of the empire).

⁵² In this context the term commerce is associated with the more formal institutions and systems of trade such as banks, money and regulation.

settlers within their communities to facilitate access to new resources and knowledge, to secure access to goods and to contribute to tribal prosperity (M. D. Jackson, 1975; Owens, 1992; Sorrenson, 1992; Ward, 1995; Williams, 2001a). In this regard Māori promptly developed relationships with Pākehā to advance their own political and economic goals (Williams, 2001a). It is acknowledged that Māori have a long history of appropriating European technology, religion, knowledge and values to provide economic, social and cultural gains (Owens, 1992; Sorrenson, 1992). The Māori worldview was receptive to new knowledge. Tupuna seized the opportunity to engage with new ways of understanding the world. However, contact with the West⁵³ eventually undermined Māori knowledge systems, ways of knowing and associated practices and resulted in widespread modification of Māori culture, knowledge and practices (Sorrenson, 1975; Ward, 1995; Williams, 2001a).

Modification of Māori belief systems and social and political order was deliberate. 'Civilisation' and religious conversion required the adoption of a new value system and beliefs and the rejection of some aspects of Māori knowledge and custom (Williams, 2001a). Early Anglican missionaries engaged in trade and introduced new agricultural opportunities and new technologies (Sorrenson, 1975) to Māori communities. Such activities provided a useful platform for missionaries in spreading Christian beliefs and teachings. Whether or not conversion occurred is, according to Sorrenson (1975), unclear. Rather, demand for literacy, Western knowledge and technologies established the missions as important sites for Māori-Pākehā relationships. Nevertheless, commerce and Christianity were to have a significant impact on Māori knowledge, ways of knowing and associated practices by entrenching notions of British cultural superiority and facilitating the British colonising agenda in Aotearoa New Zealand (Sorrenson, 1975; Williams, 2001a). The missionaries were a main supporter of formalising relationships with Māori (Orange, 2004) to establish Aotearoa New Zealand as a British colony "...to 'protect' native races from the worst effects of uncontrolled European contact" (Orange, 2004, p. 2).

FOMALISING RELATIONSHIPS

Britain first recognised Māori sovereignty and Aotearoa New Zealand as an independent nation state through He Whakaputanga o te Rangatiratanga o Nu Tirene (He Whakaputanga), the Declaration of Independence 1835 (M. H. Durie, 1998b). He Whakaputanga was drafted by the British Resident, James Busby and was a declaration of rangatiratanga or the sovereign authority of the rangatira of Te Whakaminenga over Aotearoa New Zealand (Orange, 2004). Te Whakaminenga was a collective of Northern chiefs and tribes (hapū) also known as the Confederation of United Tribes, who had been meeting regularly to discuss issues related to contact with Pākehā (Mutu, 2010).

He Whakaputanga was a response to the issue of Pākehā lawlessness, the desire of hapū to engage in the global economy, which required either an acknowledged national flag or a British register and, the possible threat of French sovereignty over land at the Hokianga (Orange, 2004, p. 21). He

⁵³ The West is a concept used to refer to understandings and customs that were introduced to Aotearoa New Zealand from countries in the Western Hemisphere, mainly Britain (L. T. Smith, 1999). In the context of this chapter it is used to make a distinction between the systems and processes of tangata whenua and the British colonists.

Whakaputanga recognised the absolute sovereignty of the Northern chiefs and tribes, established provisions for an annual assembly where laws would be developed and requested that King William IV establish Aotearoa New Zealand as a British protectorate (Orange, 2004). An invitation was also extended to southern hapū to join Te Whakaminenga.⁵⁴

The Colonial Office acknowledgement of He Whakaputanga on behalf of King William IV, was an initial step in the process to establish Aotearoa New Zealand as a British colony (Orange, 2004). Acknowledgement of He Whakaputanga created a relationship between Māori and the British that Orange argued assisted in the emergence of a British dependency (2004). He Whakaputanga did not provide for British rule or facilitate British immigration and settlement. As a consequence and in response to sustained pressure from the British Resident and missionaries and the need to regulate British immigration and settlement,⁵⁵ instructions were dispatched for the drafting of a treaty of cession (Orange, 2004). It was the practice of that era to develop treaties with indigenous peoples in recognition of indigenous property rights, rather than annex or invade indigenous territories (M. H. Durie, 1998b; Orange, 2004). In 1840 a treaty was signed at Waitangi.

THE TREATY OF WAITANGI

The Treaty acknowledged and continued to recognise both Māori and Crown rights in the new colonial social order (Orange, 2004). The Treaty contained a preamble, three articles and a postscript.⁵⁶ The preamble outlined the intent of the Treaty as to introduce a form of government to protect the rights and property of Māori and establish law and order.

The objectives and intentions of the Treaty are outlined in the preamble. A British Government was to be established to protect Māori and settler interests and facilitate the peaceful colonisation of Aotearoa New Zealand by the British.

Article I provided for a form of Crown authority in Aotearoa New Zealand. It is the extent of that authority that continues to be a source of contention (Belgrave, Kawharu, & Williams, 2005; M. H. Durie, 1998b; Orange, 2004). There is general agreement that the English version of the Treaty ceded sovereignty of Aotearoa New Zealand to Britain (Orange, 2004). The Crown presumed that upon ratification of the Treaty absolute authority became vested in the Crown and with it the right to govern, make laws and set the direction of Aotearoa New Zealand policy. This was not the understanding of Māori (Belgrave, Kawharu, & Williams, 2005; Kelsey, 1990; Mikaere, 2005; Mutu, 2010). Since Māori sovereignty was not ceded to Britain in Te Tiriti, rather a

⁵⁴ Part 3 of He Whakaputanga. A copy of the Māori and English version of He Whakaputanga can be found in Appendix 1 of *Te Mana, Te Kāwanatanga* (M. H. Durie, 1998b).

⁵⁵ Actions of private colonisation schemes like that of the New Zealand Company (1825) and its predecessor the New Zealand Association (1837) were one factor that persuaded the Crown of the need for regulation of colonisation of Aotearoa New Zealand.

⁵⁶ On the day of the signing at Waitangi Pompallier who became the first Roman Catholic Bishop of Auckland argued that the Treaty needed to provide recognition of religion. As a result a new clause referred to as the Protocol and sometimes Article IV was drafted and read out on the day of the signing that recognised and protected the faiths of England and Māori custom (Orange, 2004). This clause was not inserted into the written documents or referred to at other signing events.

lesser right to govern (kāwanatanga) was conferred, questions arise as to whether sovereignty was actually acquired by the Crown (M. Jackson, 1992; Mikaere, 2005; Mutu, 2010).⁵⁷ Te Tiriti provided for a form of shared authority that was “...qualified by the retention of tino rangatiratanga” (section 11.5.1, Waitangi Tribunal, 1992). This type of arrangement was entirely consistent within Māori political arrangements. Tikanga and the customary concept of tino rangatiratanga provided for the recognition and exercise of authority and power-sharing of multiple tribal groups and therefore according to Māori tikanga cession of Māori sovereignty would not have been required. Furthermore, according to the doctrine of *contra proferentem* when ambiguity exists within contracts the interpretation should favour, in the case of the Treaty, Māori perspectives (Williams, 2005).

Article II in both the English and the Māori version provides for the continued recognition of Māori authority and protection of “o rātou taonga katoa” by the British. This article therefore, guaranteed the retention by hapū of rangatiratanga or authority over the tribal estate and peoples. Tino rangatiratanga also extended to the retention, continued use and development of culture and custom. There is contention between the two versions as to the extent of rangatiratanga authority. Is it tino rangatiratanga – full authority, or something less as suggested by the English version? Another point of contention surrounds the phrase “o rātou taonga katoa”. The English version refers to authority over property rights – “full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties.” However the meaning of the word taonga is much broader than this and can extend to social, economic and cultural ‘possessions’.

Article II also introduced a pre-emptive right for the Crown allowing the Crown exclusive rights to purchase tribal property. This is another area of the Treaty that is contentious. It has been argued that since it was not possible to permanently alienate land according to tikanga Māori it is unlikely that this provision was understood as sale by Māori at the time of signing (Waitangi Tribunal, 1990, 2004a). Margaret Mutu argued that Māori perceived this provision as the allocation of rights to use rather than permanent alienation (Mutu, 2010).

Article III extended British citizenship rights to Māori. One of the attractions of the Treaty for Māori was that the Treaty established a reciprocal relationship with the British and part of this relationship facilitated through Article III was access to European knowledge, religions and technology (Mutu, 2010). This article of the Treaty provided opportunities for cultural, social and economic development.

⁵⁷ Issues of interpretation will be revisited in Chapter Eleven.

The Treaty provisions as outlined in this section are summarised in the Table 2.

Table 2: A summary of the Treaty of Waitangi provisions.

Provisions	
Preamble	Protection of Māori and settler rights and interests Peaceful colonisation
Article I	Chiefs provide the Crown with a form of authority in Aotearoa New Zealand
Article II	Continuance of customary authority acknowledged and a Crown commitment made to protect those rights Pre-emption clause established a Māori-Crown relationship for buying and selling of land
Article III	Crown commitment to extend to Māori same citizenship rights as British subjects

The debate over the actual terms of the Treaty originates in part from the presence of multiple and different versions that generated a range of interpretations (Orange, 2004). There were two versions produced in 1840 and both are officially recognised by law.⁵⁸ Most of the Māori signatories signed the version written in Māori (Te Tiriti). Te Tiriti guaranteed rangatiratanga, Māori control over their own affairs. This version is favoured by Māori. The other version produced in 1840 was written in English and “ceded to Britain the sovereignty of New Zealand” (Orange, 2004, p. 1). Orange argues that British sovereignty was not conveyed in the Māori text and that “treaty negotiations did not clarify the difference” (Orange, 2004, p. 1). The two versions therefore, were not translations of one another and resulted in quite different expectations and interpretations of Treaty provisions (Orange, 2004).

Three other versions of the Treaty have been produced and used to promote specific agendas. In 1869 T.E. Young translated the 1840 English text into Māori. In 1922 Apirana Ngata also translated the 1840 English text into Māori to curb support for Māori arguments of separatism based on the Treaty (Orange, 2004). Finally in 1984 Hugh Kawharu produced a literal English translation of the 1840 Māori text for the New Zealand Māori Council Court of Appeal case that challenged the right of government to sell state-owned enterprises.⁵⁹

A second factor that contributed to multiple interpretations and applications of the Treaty is as Kawharu argued (1977), a divergence in Māori and British interests. There were a range of reasons for signing the Treaty. Acquisition of absolute sovereignty and colonisation were key motivations behind British efforts to formalise a treaty with the hapū representatives of Aotearoa New Zealand. These objectives and the implications of annexation were deliberately downplayed according to Orange (2004). The transfer of mana and rangatiratanga to the Queen was in Margaret Mutu words “...demanding the unthinkable in terms of tikanga.... No rangatira would entertain such a notion, as it is not possible for a rangatira to allow his or her

⁵⁸ Treaty of Waitangi Act, 1975, s5(2) In exercising any of its functions under this section the [Waitangi] Tribunal shall have regard to the 2 texts of the Treaty as set out in Schedule 1.

⁵⁹ Margaret Mutu also provides a translation and interpretation of the Māori text of the Treaty to discuss the conditions of settlement and the terms of peaceful co-existence (2010).

mana and rangatiratanga to be abused in this manner” (2010, p. 31). Rather than discuss the implications of annexation the British emphasised instead issues of importance to Māori particularly the ability of British authority to establish law and order (Orange, 2004) and the opportunities for continued access through Article III to European knowledge, religions and technologies (Mutu, 2010; Orange, 2004); “The treaty was presented in a manner calculated to secure Māori agreement” (Orange, 2004, p. 33).

THE COLONISING PROCESS

Signing of the Treaty by a large number of rangatira from throughout the country⁶⁰ was considered by the British as sufficient evidence of recognition by Māori of the right of Britain to exercise sovereignty over Aotearoa New Zealand (Orange, 2004). On May 21 1840 British sovereignty was proclaimed and systematic colonisation began (Sorrenson, 1975). Aotearoa New Zealand became a British dependency and the legitimacy of British rule was presumed. British rule introduced political systems, institutions and processes based on English common law⁶¹ and the Westminster-style of government⁶² that privileged British understandings of politics, society, land tenure⁶³ and property rights. Furthermore, British colonisation assumed that indigenous systems and processes would be replaced by those of the more modern civilised British state (Sorrenson, 1975; Ward, 1995; Williams, 2001a). Māori people would eventually become amalgamated or assimilated⁶⁴ into European society as it was assumed that this was in the best interest of Māori:

The ‘permanent welfare’ of the Māori included the abandonment by them as soon as possible of their own customs in favour of English law, and the adoption by them of such European skills as would command the respect and outweigh the prejudices of the incoming settlers. The saving of the Māori race involved the extinction of Māori culture. (Ward, 1995, p. 38)

Amalgamation as a policy was based on nineteenth century scientific and religious agendas that supported the “civilizing mission” (Sorrenson, 1975, p. 103). Human evolution was considered a linear process and races progress from primitive to advanced states. Different races occupy different states of

⁶⁰ It must be noted that the signatories to the Treaty were by no means representative of all tribes. Many tribes did refuse to sign. However the Colonial Office did not require Hobson to secure “unanimous Māori agreement” (Orange, 2004, p. 60).

⁶¹ Common law is developed by judges from decisions of courts and forms the basis of jurisprudence (the study of law and the principle on which law is based). English common law refers to law that has emerged from the legal system of England and Wales.

⁶² A parliamentary system of government named after the Palace of Westminster, London where the Parliament of the United Kingdom is based. Key features of this system are the legislature that has the power to formulate laws and the executive that is responsible for the daily administration of the state.

⁶³ Rules that determine rights to use, control and transfer land and associated natural resources.

⁶⁴ Amalgamation in the context of culture was a popular nineteenth century term (Sorrenson, 1975) used to refer rather generally to the mixing of ethnic or racial groups. Assimilation is another term associated with the mixing of races. However, it assumes that ethnic minorities will become assimilated into the dominant culture. In a New Zealand context this translated into an assumption that the indigenous people would abandon Māori culture and social organisations and adopt the cultural, economic and political ideologies of the coloniser (Sorrenson, 1975).

evolution dependent on local conditions. During the nineteenth century the British considered their own social structures and society to be the most advanced modernised form of human evolution. The status of other races and societies was measured in relation to this assumption and notions related to cultural difference and the superiority of Caucasian races emerged. According to these notions Māori society was considered primitive by missionaries and British colonisers. However, the ability of Māori to engage in agriculture and the skilled arts indicated that Māori were “capable, with proper guidance, of graduating to civilisation” (Sorrenson, 1975, p. 97).

Assimilation was a key policy direction of “early colonial law and policy to promote amalgamation of the races and to eliminate tikanga Māori as a source of law or a basis for governance principles” (Williams, 2001a, p. 20). For example, civilising the natives as a policy direction was present in the 1844 Native Trust Ordinance⁶⁵ and Native Exemption Ordinance.⁶⁶ The Education Ordinance 1847 was another “crucial legislative foundation for implementing the amalgamationist policies of the Crown” (Williams, 2001a, p. 22). It was this ordinance that established English as the only language of instruction in the colonial schooling system and this was to have a substantial and long lasting effects on the health of the Māori language.⁶⁷

Assimilation goals were also evident in settler government policy and the House of Representation debates (Williams, 2001a). For example, the position of English as the only language of instruction was continued in the Native Schools Act 1867 and, “advancement and civilization of the natives” (preamble to Native Land Act 1862) was an intent behind the Native Land Act 1862. Williams (2001a) argued that there was a “clear articulation in 1862 of amalgamation of the races as the ‘highest order’ of governance in New Zealand” (2001a, p. 27).

During the early twentieth century government policy still favoured assimilation. However use of the term itself had declined and adaptation and integration were used to promote the idea of Māori assimilation into the dominant culture (Williams, 2001a). In the education sector English as the only language of instruction continued to be promoted. Māori customs associated with healthcare and spirituality were outlawed by the Tohunga Suppression Act 1907 and Williams (2001a) argued that the Māori Council Act 1900:

read as a programme of amalgamation of the Maori population into the virtues of British civilisation. It was no doubt reasoned that this cultural revolution might perhaps be better received if it were implemented by Māori leadership, rather than directly imposed on Māori by settler politicians and their officials. (2001a, p. 33)

By mid twentieth century integration had become the key driver of government social policy. For example, the Māori Social and Economic Advancement Act 1945 was “designed to facilitate the full integration of the Māori race into the social and economic structure of the country” (Report of Department of Māori Affairs as cited in Williams, 2001a, p. 74). Government state housing policy discouraged the building of homes on Māori land

⁶⁵ Repealed in 1846.

⁶⁶ Was never gazetted so was not a law.

⁶⁷ Refer to the *Report of the Waitangi Tribunal on the te reo Māori claim* (Wai 11) (Waitangi Tribunal, 1989) for a more detailed discussion of the relationship of education policy and practice to amalgamation and loss of Māori language.

particularly in rural areas and promoted “sprinkling Maoris among the general community” (Delamere, 1966 as cited in Williams, 2001a, p. 84). Pepperpotting, as it became known, ensured the development of mixed communities in urban areas (Williams, 2001a).

Amalgamation, assimilation and integration policies facilitated the colonising process. These policies involved a deliberate attempt to reshape the way that indigenous people think and act. Agrawal (2005) refers to this process as colonisation of the imagination. Māori were encouraged to adopt and conform to British norms and ideals so that the British Empire could more readily exercise its power, authority and domination over Māori people and, more importantly, the natural resources located within the new British colony of Aotearoa New Zealand.

COLONISATION OF THE LANDSCAPE

The introduction of British political systems and a European concept of land tenure gradually changed the face of governance of natural resources in Aotearoa New Zealand. The European concept of land tenure introduced to Aotearoa New Zealand a private property right system.⁶⁸ This system facilitated the transfer of land from Māori to the Crown/settlers (Williams, 1999).

Permanent alienation of tribal land was not a common feature of the customary land tenure system (I. H. Kawharu, 1977; D. Sinclair, 1975). When alienation did occur consent was required at the tribal level (I. H. Kawharu, 1977, p. 62). An individual had the right to use land and natural resources however those rights did not extend towards alienation of the land base as tribal territory was the property of the entire tribal unit. Within the customary land tenure system it was not unusual for multiple tribal interests to exist over specific territories or resources. Agreements existed between neighbouring tribes to “...use land in common for food production” (I. H. Kawharu, 1977, p. 59) or for access to natural resources (I. H. Kawharu, 1977; Makereti, 1986 [1938]). Kawharu indicates that this practice could involve the transfer of title (1977). Therefore title to land or rights to resources within a tribal area could be held by multiple tribes.

Permanent alienation as defined within the European land tenure system was actively avoided by Māori communities (Williams, 2007). This does not mean that alienation did not occur. There are several customary practices that provided for the transfer of authority or rights associated with whenua. The most common form of transfer was based on descent (inheritance) and occupation known as ahikā. This practice provided for the retention of customary title and rights within the descent group. Transfer of authority outside the descent group could occur through conquest (take raupatu), gifting (take tuku, take ōhākī) or compensation (associated with the practice of muru and utu) (I. H. Kawharu, 1977). However, there were mechanisms within these arrangements to recognise and provide for the interests of those groups who had previously held mana whenua over the territory. For example conquest did not always result in a change in mana whenua. Resolutions such as strategic marriages could cement allegiances and resolve the issue at hand (I. H. Kawharu, 1977). In other cases mana whenua could be vested in a new tribal unit but the previous

⁶⁸ Private property rights are discussed in Chapter Ten.

group could continue to occupy the land although the extent of customary rights may be transformed (I. H. Kawharu, 1977).

Māori have argued that gifting of land to strangers was relatively rare although it was practiced during the early contact period (Ward, 1986). The intent was to attract trader, missionaries and settlers primarily for tribal prosperity; to access commerce and new technologies (Ballera, 1982). However the practice usually involved the integration of settlers into Māori society, sometimes through marriage, so that settlers became bound to the community and as a consequence would act in the interests of that community (Ward, 1986). There was also an expectation that gifted lands would revert back to the tribe through marriage or succession to heirs. The form of transfer that occurred under many of the arrangements discussed above did not equate to permanent alienation as understood within the European private land tenure system. Rights to continue to access and use natural resources on property remained (Ward, 1986).

TRANSFORMATION OF THE ENVIRONMENT

Pākehā demand for food and the introduction of new agricultural implements and technology⁶⁹ (Owens, 1992; Sorrenson, 1975) increased the ability of Māori to participate in the global and settler economy (western commerce) (Owens, 1992). To capitalise on these opportunities the physical environment was significantly transformed through extensive drainage, deforestation, agricultural conversion and new settlement patterns.

Swamp drainage, for settlement and agricultural activities, and the introduction of new and sometimes evasive species, significantly altered the indigenous wetland ecology. This is not to say that Māori communities did not alter their local environment. Transformation of the environment pre-contact was the prerogative of mana whenua and necessary for the survival and economic security of the tribal unit. Settlement and deforestation for horticultural purposes transformed the natural environment and, over time, some bird species disappeared as a direct result of Māori activity.⁷⁰ Māori also transformed wetland areas. For example, in the Whakaki Lake area settlements including palisade pa were constructed, large cultivations were regularly tended and permanent pa tuna where present at the lake edge (Coombes & Hill, 2005; Tomlins-Jahnke, 1993; Whaanga, 2004). These constructions and activities required clearing or modification of the natural environment.

Wetland ecosystems were highly valued and essential mahinga kai (garden, cultivations) sites. Human activity was regulated to protect the integrity of the system. Indeed, despite a long association with the tribal area through settlement and regular subsistent harvesting, the natural environment and associated resources were able to recover from the presence, of Māori communities (Pond, 1997a; Young, 2004). There was a wide range of indigenous biota and a considerable abundance of natural resources when

⁶⁹ Agricultural implements were introduced initially by the Reverend Samuel Marsden, member of the Church Missionary Society and the founder of the Anglican mission to New Zealand (Owens 1992; Sorrenson 1975). He also brought over blacksmiths and carpenters (Sorrenson 1975).

⁷⁰ For a detailed discussion of the impact of Pre-European Māori on New Zealand biota and the natural environment refer to Anderson (2002, pp. 19-34) and Young (2004, pp. 37-56).

Europeans began arriving and settling in Aotearoa New Zealand (Pond, 1997a; Young, 2004). However, European colonisation accelerated ecological transformation and native biodiversity loss (Pond, 1997a; Young, 2004) as the natural environment was once again transformed; transformed by land-use values and developments introduced not only by Europeans but also by Māori.

While Māori regarded wetlands and swamps as an important source of food and resources,⁷¹ the European position differed considerably. Wetlands, from a European perspective, were areas of wildness and waste,⁷² of little value except after drainage when the rich soil was exposed, ready for conversion⁷³ to pasture and cropland (Park, 2002). As settlers began to acquire large tracts of land, European interests, values and institutions of land use and management began to impinge on the use and development of Aotearoa New Zealand natural resources.

Before European settlement, hapū in the Wairoa region asserted rangatiratanga over approximately 315, 000 hectares (Hippolite, 1996). From 1864-1865 179, 370 hectares was alienated through the Native Land Court (Hippolite, 1996). Land was confiscated under the East Coast Land Titles Investigation Act 1866 and its 1867 amendment (Hippolite, 1996). The Crown also acquired land in the Wairoa district, although only a small area, through public works takings (Public Works Lands Act 1864) (Hippolite, 1996). Subsequent sale of whenua to the Crown or settlers has resulted, by 1996, with only 14, 900 hectares remaining in Māori ownership (Hippolite, 1996). This pattern of alienation from the ancestral landscape has been repeated throughout Aotearoa New Zealand.

The Whakaki area has a long history of agricultural and farming activities (Lambert, 1977 [1925]). Local Māori were growing wheat as early as 1850 and by 1867 the main export product was flax, although there were heavy crops of fruit and maize and corn available, mainly for the local market (Lambert, 1977 [1925]). Land was being cleared for pasture with sheep runs at Mahia, Nuhaka and around Clyde (early name for Wairoa) and the first dairy farm was built at Nuhaka in 1901 (Lambert, 1977 [1925]; Whaanga, 2004). Pastoral farming accelerated in 1915 with the introduction of refrigeration (Lambert, 1977 [1925]).

In the Whakaki region, flax export was a significant export earner from the 1860s through to 1925. Swamp areas were drained to facilitate commercial flax harvesting and the hill country was cleared for pastoral farming and to fuel the steam boilers of the Tuhara flax mill.⁷⁴ By the 1920s, the flax plantations were being replaced by pastures. Crown legislation and policy actively supported and accelerated the drainage and agricultural conversion programme. The 1876 Public Works Act, the Counties Act 1886 (section 272) and the Swamp Drainage Act 1915 provided for large-scale drainage operations and the acquisition of "...any land required for drainage purposes" (Park, 2002, p. 163) including Māori-owned land. In addition, the establishment of Ratepayer

⁷¹ For a comprehensive discussion of the importance of wetland ecosystems to Māori and the implications of drainage and agricultural conversion on native biodiversity refer to chapter 2 of *Concerning the Indigenous Flora and Fauna, 1912–1983* (Park, 2001).

⁷² The section titled *Property rights and influence of John Locke* in Chapter Ten discusses the legal implications for Māori of designation of areas as 'wildness' or 'waste'.

⁷³ Conversion is discussed in a later section of this chapter called *Transformation of the environment*.

⁷⁴ The Tuhara flaxmill was built in 1881. There were also flaxmills at Tahaenui, Nuhaka and in the 1920s a modern electrical plant at the mouth of the Awatere Stream (Lambert, 1977 [1925]).

boards under the Rivers Board Act 1884 and the Land Drainage Act 1893 enabled farmers' interests, especially drainage, to dominate the agenda. While drainage was in the main actively supported by the farming sector, there was evidence of support from some of the local Māori community. Records for 1946 indicate debate among local Māori in the Wairoa District as to the most appropriate use of the coastal lagoons – farming or fishing (Parliamentary Commissioner for the Environment, 1993b) – although “...total drainage of the lagoon was never contemplated” (Parliamentary Commissioner for the Environment, 1993b, p. 17).

The conversion of wetlands for farming and consequently, the participation of Māori in agricultural industry was coerced – a direct response to Crown policy and practices. As land passed out of Māori ownership settler interests began to dominate resource use and development. Enactment of a series of public works and swamp drainage acts⁷⁵ established drainage districts and drainage boards that promoted land improvement schemes, drainage of wetlands and conversion of what was considered by settlers as waste lands to productive agricultural areas. Settlement and agriculture began to emerge as the preferred land-use activities, and by the 1900s the demand for more land was high.

Land conversion for pastoralism cleared large tracts of land and traditional hunting and gathering areas were significantly reduced over time. Disappearance of mahinga kai sources and customary harvesting sites diminished not only the value of the ancestral landscape but the associated knowledge base and practices and with it the bond between communities and the land. In addition the capacity of the land to sustain the community diminished and required communities to establish new ways of interacting and relating to the environment. Sale of the tribal estate became attractive offering significant short-term benefits. Furthermore, as settlers began to outnumber Māori and as the tribal economic base declined, a change in the balance of power emerged. As settler ownership and control over land increased so too did the authority of the state to regulate land use and development. A new set of values based on European principles of land tenure gradually began to emerge and to be privileged above the customary system. Subsistence horticulture and customary harvesting were considered inconsequential in this new regime. The way that Māori thought about and acted towards the environment was slowly being transformed to align with British notions of land tenure and use.

Introduced species required modified landscapes, particularly agricultural products, and the release of species into the ‘wilderness’⁷⁶ often resulted in competition for habitat with the native biota (Young, 2004). Colonisation transformed the local ecology and accelerated loss of native biodiversity (Park,

⁷⁵ Including the Highways and Watercourse Diversion Act 1858, Public Works Act 1876, Land Drainage Act 1893, Drainage Act 1908, Native Land Amendment and Native Land Claims Adjustment Act 1928, Swamp Drainage Act 1915 and a series of local swamp drainage acts for example the Hauraki Plains Act 1908 and the Southland Land Drainage Act 1914.

⁷⁶ An introduced term that makes a distinction between land that was actively transformed through settlement and cultivation and areas undeveloped or wild.

2001; Pond, 1997a; Young, 2004)⁷⁷ and as a result a community's customary relationship with the ancestral landscape diminished. Consequently, the opportunities to exercise ahikā rights, mana whenua obligations and responsibilities, and practice subsistence horticulture and customary harvesting were significantly reduced. Colonisation of the environment transformed the way that Māori communities engaged with the ancestral landscape.

Modification of the ancestral landscape signalled a loss of control by Māori over the values and interests that regulated resource use and development. Māori were forced to develop new relationships with the ancestral landscape by laws and policies that facilitated agricultural activities and the introduction of new species. Adopting European land-use practices was actively encouraged, although it must be noted that the Crown's preference was for Māori to *transfer*⁷⁸ land ownership to settlers. Māori challenged the new order on a number of occasions,⁷⁹ unfortunately as the settler population grew and the institutions and structures of British rule became established it was more difficult to protect and realise Māori authority and environmental interests.

European norms and concepts of land ownership significantly modified traditional Māori land tenure and resource use (Williams, 2001a). Individualisation of property rights reduced, "...the tribal estate into a series of unrelated economic commodities" (New Zealand Law Commission, 2001, p. 26). This way of thinking undermined the relationship between communities and natural resources (New Zealand Law Commission, 2001), impeded the exercise of customary environmental rights and, alienated communities from the communal economic base and the physical markers of cultural identity. As a consequence Māori culture, knowledge and society became destabilised (Williams, 2001a) and the, "...broader spiritual, economic and cultural aspects of customary tenure were denied legal recognition and protection" (Belgrave, 1996 as cited in New Zealand Law Commission, 2001, p. 25). Traditional structures of authority and Māori custom law related to the tribal estate and natural resources became disrupted, including cultural management and protection processes.

As Māori struggled to retain the tribal land base a new set of environmental values introduced by the settlers based on European norms and interests emerged to dominate resource use and development. The new agricultural and pastoral developments focused primarily on management of introduced species and maximising productivity for economic gain. This position, that is still a fundamental driver of the sector today, was incompatible with the values and practices of kaitiakitanga. Kaitiakitanga valued native species, particularly mahinga kai resources, and whole system management.

⁷⁷ Pre-European Māori also engaged in substantive transformation of the ancestral landscape through activities such as deforestation by burning, settlement and horticultural activities. As a consequence over-exploitation of some bird and seal species did occur. For a detailed discussion of the impact of Pre-European Māori on New Zealand biota and the natural environment refer to Anderson (2002).

⁷⁸ The word transfer has been italicised as the Crown also passed legislative provisions, for example the Public Works Act 1876 and the Māori Land Settlement Act 1905, that provided for the compulsory acquisition of lands deemed as lying idle or waste areas or areas that were required for drainage.

⁷⁹ For example the 1843-1872 New Zealand Wars were a series of conflicts related to the loss of authority over land. These challenges will be discussed in more detail in a later section of this chapter called *Recognition of Treaty rights*.

Neither of these imperatives were a feature of the settler government⁸⁰ resource use system.

ECOLOGICAL DEGRADATION AND BIODIVERSITY LOSS

It has been estimated that 85–90% (Park, 2001; Taylor, 1997) of Aotearoa New Zealand's freshwater wetlands have been lost, mainly as a result of drainage for agricultural purposes (Taylor, 1997). This is a loss rate that ranks amongst the highest recorded in the world (Mitsch & Gosselink, 2000). Although swamp drainage significantly reduced the number of wetlands, drainage was not the only cause of decline in wetland biodiversity. For example, the introduction of commercial fishing of eels and inanga,⁸¹ and the introduction of new fish species significantly depleted native freshwater stocks (Pond, 1997a). Other significant factors include deforestation, deterioration in water quality, changes to waterway hydrology and riparian edge,⁸² vermin destruction campaigns,⁸³ overexploitation, and lack of knowledge (Pond, 1997b).

The remnant wetlands, particularly those located on the lowland plains, are fragmented and highly modified. Wetland biota has been replaced by agri-industry products, significantly transforming the natural landscape, in some cases beyond recognition. Today, for example, there are few physical indications that the Hauraki plains were anything other than the farmlands, stop banks and miles of canals and drains that criss-cross the plains (Park, 2002). It was once a vast area of kahikatea swamp forests that contained several Māori river pā (fortified village) (Park, 2002). However, in 1911 after just three short years of drainage work, 5200 acres of the plain had been drained and converted for settlement and agricultural use (Park, 2001).

Remnant wetlands are today highly valued ecosystems by Māori and several non-Māori groups such as bird watchers, recreational users, and environmentalists. The value associated with these ecosystems is in part related to the scarcity of these types of environments and the rich and diverse range of native flora and fauna that remain in these systems. Park points out that “Had large-scale draining of swamps not de-watered and de-vegetated most of the nation's low-lying country, a great many species of New Zealand's indigenous flora and fauna from trees to birds and from orchids to insects would be far more common than they are today” (Park, 2001, p. 27).

Wetlands⁸⁴ are the primary habitat for a fifth of Aotearoa New Zealand indigenous birds (Ministry for the Environment, 1997) and at least 8 of the 29 species of native freshwater fish (Ministry for the Environment, 1997). In addition, wetlands have an important role in the regulation of the water table, particularly in their ability to act as drainage and filtration areas and aid flood prevention (Commission for the Environment, 1986).

⁸⁰ I have used the word settler government here to indicate that these arguments refer to the early introduced resource management regimes rather than the more recent government resource management systems that promote a sustainability ethic.

⁸¹ Generic Māori term for the different varieties of whitebait.

⁸² The riparian edge refers to the area on the banks of a river or at the edge of a wetland or lake.

⁸³ Indigenous fauna were killed to protect introduced game and game fish (Pond, 1997a).

⁸⁴ It is estimated that since British settlement 670,000 hectares of wetlands have been reduced to 100,000 hectares through transformation to farmlands (Park, 2002).

Transformation of the surrounding catchment area also had a substantial effect on the health and functioning of wetland systems. For example, deforestation of the hill country for settlement and agricultural activity accelerated erosion, increasing silt loads in waterways. This affected water quality and resulted in flooding events in the downstream wetland ecosystem due to increased water levels entering the system from the upper catchment area during rainfall.

Land-use activities including farming, horticulture, earthworks, and gravel extraction (Wairoa District Council, 2004) in the wider catchment area of the Wairoa district introduced several environmental challenges for Whakaki Lake and lagoon system. Siltation of waterways,⁸⁵ eutrophication,⁸⁶ reduced water levels and periodic flooding have been continuous issues in the Whakaki area as a direct result of transformation of the hill country and coastal forests (Coombes & Hill, 2005; Lambert, 1977 [1925]; Parliamentary Commissioner for the Environment, 1993a, 1993b). Reduced water levels and poor water quality affects irrigation, watering of stock and maintenance of fish stocks, and periodic flooding threatened neighbouring settlements and farming activities. Therefore, the fragmented and highly modified wetland system struggles to mitigate the affects of surrounding land-use activities and the health and functioning of the lake continued to depend on regulation of upstream activities, a complex and politically contentious exercise.

THE SOCIAL COSTS OF TRANSFORMING WETLAND ECOSYSTEMS

When conceptualising the impact of wetland drainage, degradation of wetland ecosystems and loss of associated biodiversity are immediately apparent. The Aotearoa New Zealand discourse on wetlands is, for the most part, focused on this ecological and biodiversity loss and the requirement for active protection (Clarkson, Sorrell, Reeves, Champion, Partridge, & Clarkson, 2003; Commission for the Environment, 1986; Department of Conservation & Ministry for the Environment, 2000; Parliamentary Commissioner for the Environment, 2001; Taylor, 1997). This is a reflection of the global trend towards retention of biodiversity and sustainable use of natural resources. What is not so visible is the relationship between degraded natural landscapes and the hapū and whānau that once depended on these resources for physical, spiritual and cultural sustenance. This aspect of swamp ecology is captured, to some extent, by research commissioned as part of the Waitangi Tribunal's

⁸⁵ Siltation is the filling in of waterways.

⁸⁶ Eutrophication is the increase of nutrients in waterways often caused by the leaching of chemicals from the land due to farming and horticultural activities.

native flora and fauna inquiry⁸⁷ and some of the evidence presented at the inquiry hearings. The discourse emerging from the native flora and fauna inquiry is centred primarily on demands for recognition of customary use and management rights based on customary environmental management practices and customary relationships between hapū, the local environment, and valued taonga species.

The transformation of wetland ecosystems, as a consequence of drainage and conversion, is a narrative of ecological loss and disconnection that has contributed to the fragmentation and modification of Māori communities. Wetlands once dominated the lowland plains; however, drainage has resulted in a significant decline, and the remnant wetlands have been isolated and disconnected from the surrounding waterways and environs, compromising the functioning of wetlands and their life-supporting capacity. Today, as a direct result of this fragmentation, these highly modified wetland systems and the native flora and fauna that remain, struggle to mitigate the ongoing affects of extensive agri-industry activity and, in particular, the environmental degradation that is a result of deforestation and sediment (siltation) and nutrient (eutrophication) overloads.

Another outcome of ecological decline and reduced biodiversity was a dramatic change in the relationship between hapū and the natural environment. A reduction in customary harvesting practices, related primarily to the loss and degradation of mahinga kai sites and associated natural resources, disconnected Māori communities from the local environment. Māori knowledge transmission is typically transferred through practice. Therefore disconnection from the whenua and a reduction in customary harvesting weakened and disrupted transmission of customary and local ecological knowledge. Furthermore disconnection exacerbated the ability of hapū and whānau to assess the impact of ecological changes. In addition, hydrological changes and the introduction of new flora and fauna required the development of new relationships and interactions with the rapidly changing natural environment.

Māori communities could no longer rely on customary harvesting and became more dependent on the local settler economy and agri-industry. As early as the 1850s the ancestral landscape was transformed into a foreign, unrecognisable environment to which Māori communities struggled to relate. For example, Hine-i-Paketia, a Ngāti Kahungunu rangatira with mana whenua extending over Heretaunga, was forced to selling the tribal estate as it was no longer able to provide for her people, “She was determined to sell her land because it was now useless. The birds and other game – the fruits of the land – had been destroyed by introduced predators” (Ballara, 1990, pp. 190-191). Great importance had been placed on the ability of the land to sustain the hapū,

⁸⁷ Wai 262 research reports by James Feldman, Robin Hodge, Cathy Marr, Robert McClean, Geoff Park, Trecia Smith, Ben White and David Williams can be downloaded from the Waitangi Tribunal Website at <http://www.waitangi-tribunal.govt.nz/resources/researchreports/wai262/>. The *Effective Exclusion?* and *Mātauranga Māori and Taonga* reports have extensive sections on wetlands. The Rangahaua whānui national theme reports R *Inland waterways* by Ben White (http://www.waitangi-tribunal.govt.nz/resources/researchreports/rangahaua_whanui_reports/theme/whanui_themeq/t_hemeq_white.asp) and theme U *The land with All Woods and Water* by Wendy Pond (http://www.waitangi-tribunal.govt.nz/resources/researchreports/rangahaua_whanui_reports/theme/whanui_themeu.a_sp) also contain considerable material related to wetlands.

and the capacity to provide mahinga kai and other customary resources. But this was to become seriously diminished as the Crown, first in 1876 in the Public Works Act, passed legislation supporting drainage and agricultural conversion. This conversion was accelerated in 1915 with the Swamp Drainage Act. These legislative provisions resulted in farming interests dominating land use and management decision-making and several large-scale drainage projects were established. Once familiar landscapes of coastal forests, dunelands, freshwater wetlands, and extensive lagoon and estuary systems were deforested first by Māori and then altered more extensively by Māori and Europeans for agricultural activities and European settlement, culminating in the now familiar scene of open grassed spaces, cattle, sheep, and crops.

However, the greatest threat to hapū was the loss of authority that accompanied the inability to maintain a relationship with the ancestral landscape in ways that the hapū could completely determine. Transformation of the ancestral landscape resulted in a reduced capacity of the whenua to sustain Māori communities, both physically and spiritually. Where this resulted in alienation the ability of whenua to inform hapū identity and shape community values and practices were severely compromised. Hapū struggled to adequately exercise customary resource use and management practices and, as a consequence, to retain and develop associated environmental knowledge, history and harvesting practices. Today, hapū are still connected to the ancestral landscape. The extent of and ability to exercise mana whenua may have changed. However, the desire to retain a presence or re-establish a connection remains strong.

CONCLUSION

Minimising customary authority was critical to establishing the absolute sovereignty of the new colonial state and alienation of hapū from the ancestral landscape was an effective means of achieving this goal. The European land tenure system placed emphasis on individual ownership and Crown policy facilitated the transfer of Māori land to settlers (Williams, 1999). Alienation of the ancestral landscape weakened a community's customary connection with the ancestral landscape reducing the opportunities to exercise ahikā rights, mana whenua responsibilities and obligations, and practice subsistence horticulture and customary harvesting. Customary knowledge, ways of knowing and associated practices related to the environment were devalued by the settler regime of resource management and became fragmented as customary practices and interactions with the ancestral landscape lapsed. At the same time Māori were encouraged through Christianity and Crown policies to civilise the 'natives' to adopt the norms and values of the British Empire and to be transformed into ideal citizens of the new colony. This led to widespread modification of Māori culture and social and political order. Māori culture, identity and social arrangements had no place in the new colony.

Consolidation of the settler regime of resource management signalled a change in the balance of power in Aotearoa New Zealand and required Māori to develop new relationships with the ancestral landscape. The types of relationships that Māori could engage in were controlled by the Crown. Crown policies and laws were used to facilitate the adoption of European land-use practices, particularly agricultural activities.

RESEARCH PRACTICE

Critiques of the positivist tradition⁸⁸ have persuasively argued that this form of inquiry has made a significant contribution to the suppression of indigenous knowledge and interests resulting in the invisibility of indigeneity within the research archive.⁸⁹ In addition, the ability of the positivist tradition to contribute to social change and address issues of equity and social justice for Māori communities is severely limited (Denzin & Lincoln, 2000; Denzin, Lincoln, & Smith, 2008; L. T. Smith, 1999). As a consequence Māori communities are seeking control of the research process and using their own knowledge and ways of knowing to reaffirm cultural understandings and promote their own agendas (L. T. Smith, 1999); knowledge production has become a highly politicised activity.

This chapter briefly reviews the role of the positivist tradition in the construction of Māori culture and the privileging of western knowledge, ways of knowing and associated practices. Acknowledgement that the West has monopolised and controlled the construction of culture and global recognition of indigenous politics of self-determination has led to a critique of colonial styles of representation⁹⁰ and what Clifford (1988) has referred to as a dispersion of ethnographic authority. Indigenous peoples are challenging the fundamental epistemology and ontology that underpins knowledge production within the academy and its many disciplines and are engaged in the reconstruction of their own images in a deliberate attempt to control how they are portrayed to their own people and to others.

This chapter explores the privileging of indigenous intellectual traditions to address the invisibility of indigenous peoples in the mainstream literary archive. Indigenous people are engaged in the reframing of their worldviews and the reconstruction of their culture and society based on understandings and realities from within an indigenous framework to contribute to community well-

⁸⁸ In the social sciences the positivist tradition applies the methodological procedures of the natural sciences to the social sciences as it is assumed that the social world of human beings and human societies can be examined and understood in the same way as the natural world. The positivist tradition was considered to produce knowledge and scientific theories that were “derived in some rigorous way from the facts of experiences acquired by observation and experiment” (Chalmers, 1982, p. 1). In recent decades this assumption has been highly contested as:

Western research is more than just research that is located in a positivist tradition. It is research which brings to bear, on any study of indigenous peoples, a cultural orientation, a set of values, a different conceptualization of time, space and subjectivity, different and competing theories of knowledge, highly specialized forms of language and structures of power. (L. T. Smith, 1999, p. 42)

⁸⁹ Linda Smith’s *Decolonising Methodologies* (1999) provides a great critique of the use of the positivist tradition to support the colonising agenda and authority over Māori peoples and their customary knowledge, ways of knowing and associated practices. There has also been several critiques of the limitations of the positivist tradition in the social sciences however positivism remains entrenched across many of the disciplines in the social sciences (Greenwood & Levin, 2000).

⁹⁰ For examples related to Aotearoa New Zealand refer to Bishop (1994), Durie (1997), Glover (1997), Irwin (1994), G. Smith (1992) and L.T. Smith (1999).

being, development and advancement. In Aotearoa New Zealand a response to this movement has been the appearance of Māori styles of research such as kaupapa Māori. Kaupapa Māori establishes a place to stand and practice research that empowers communities and privileges Māori culture and intellectual traditions and tikanga. This doctoral thesis builds on the tradition of using culture and custom as the basis for conceptualising and organising the research enterprise.

INDIGENOUS INQUIRY: CULTURE MATTERS

Such inquiry should meet multiple criteria. It must be ethical, performative, healing, transformative, decolonizing, and participatory. It must be committed to dialogue, community, self-determination, and cultural autonomy. It must meet people's perceived needs. It must resist efforts to confine inquiry to a single paradigm or interpretive strategy. It must be unruly, disruptive, critical, and dedicated to the goals of justice and equity. (Denzin, Lincoln, & Smith, 2008, p. 2, reflecting on the nature of critical indigenous inquiry)

Culture matters. This is the essence and the central argument of indigenous inquiry; culture matters.⁹¹ It could equally be argued that in societies, that could loosely and very inadequately be described as the first world or Western societies, culture also matters. The problem for indigenous peoples is that in Western societies only one culture matters. Mainstream systems and institutions excel at privileging and normalising the interests of the dominant culture, establishing its own legitimacy and authority. However these same systems and institutions have a poor record for recognising, and are often dismissive of, other ways of knowing, other perspectives and other truths. As a consequence indigenous knowledge systems are marginalised, "...various indigenous knowledges... have been dismissed from academic curricula... because [under] the rules of evidence and the dominant epistemologies of Western knowledge production, such understandings are deemed irrelevant by the academic gatekeepers" (Kincheloe & Steinberg, 2008, p. 136).⁹² When confronted with other perspectives, such as indigenous knowledge, the Cartesian-Newtonian model seeks to control, understand and ultimately assimilate that knowledge into its own frame, actively subverting and undermining indigenous knowledge to maintain its own authority. Cartesian-Newtonian is a phrase used by Kincheloe & Steinberg (2008) and to some extent by Meyer (2008) (she refers to Newtonian). I prefer the use of the term Cartesian-Newtonian rather than Western science as it provides explicit reference to scientific concepts that are fundamental for establishing the legitimacy and authority of Western forms of knowledge and ways of knowing. The Cartesian edict 'cogito ergo sum' – I think, therefore I am, (Rene

⁹¹ This position was inspired by Christopher Dunbar Jr's assertion that, "My reality suggests that race matters" (2008, p.87). It concisely and succinctly articulates a position that underpins my understanding of knowledge production and in the context of this chapter the research process. It is a simple frame that allows the exploration of those factors that shape the characteristics of indigenous inquiry that I privilege through my teaching and practice of research.

⁹² Also refer to Linda Smith's *Decolonizing methodologies: Research and indigenous peoples* (1999) and the *Handbook of critical and indigenous methodologies* (Denzin, Lincoln, & Smith, 2008) for a detailed discussion of how Western knowledge production undermines and dismisses other knowledge, ways of knowing and associated practices.

Descartes) is a pivotal concept in establishing the separation of the mind from the body and the idea that knowledge is a product of the mind. From this concept emerges the notion of universal truth derived through experimentation based on objectivity and neutrality. Newtonian is a reference to the reductionist approach an understanding based on reducing a phenomena to its parts and, the popularity of empiricism or empirical forms of data.

From a Cartesian-Newtonian model perspective indigenous knowledge is labelled folklore, myth and located in the past as a relic, of little use in a contemporary and modern world. The intention of indigenous forms of inquiry is to create a space for indigenous ways of knowing; a space that values a multiplicity of perspectives⁹³ and research processes that are culturally framed to address the political agendas of the oppressed, the marginalised, the silenced and the invisible.

Indigenous inquiry contests the authority of the Cartesian-Newtonian way of knowing, rejecting notions of universal truth and essentialist ideals that conceal the dynamic nature and diversity that exists within Western constructions of race, ethnicity, class and gender (Denzin, Lincoln, & Smith, 2008; M. Roberts & Wills, 1998). I particularly like Kincheloe & Steinberg definition of essentialism. It is provided here as a context for my critique in the main text:

Essentialism is a complex concept that is commonly understood as the belief that a set of unchanging properties (essences) delineates the construction of a particular category — for example, indigenous people, African Americans, White people, and so on... While there is no problem examining indigenous people/knowledge as a *discrete category*, we must always be careful to avoid racial or ethnic designations that fail to discern the difference between people included in a specific category. (2008, p. 142)

As an example Kincheloe & Steinberg refer to the entrenched and difficult to challenge cultural anthropology notion of essentialist authenticity that, "...inscribes indigeneity as a historical artefact far removed from contemporary life" (2008, p. 142).

Indigenous inquiry does not argue for the complete rejection of the Cartesian-Newtonian approach⁹⁴ as indigenous inquiry recognises multiple perspectives and does not condone subjugation of intellectual freedom. Rather, indigenous inquiry acknowledges that research is a subjective exercise. The worldviews and ways of knowing of a culture inevitably shape knowledge production. Culture determines what counts as knowledge, what counts as a

⁹³ A multiplicity of perspectives is also derived from difference in class, race, gender and locality, noting of course the limitations of essentialism, particularly the assumption of homogeneity. Diversity is a feature within any given category. For example the ethnic category Māori creates a group of people connected to a specific locality (Aotearoa New Zealand). While there are commonalities in epistemology, ontology and cosmology there is also considerable divergence. Durie uses the phrase *ngā matatini Māori* (1995) to emphasis that while there are commonalities Māori people exist within a diverse range of realities. To address issues of equity and social justice stereotypes based on homogenous notions of race and ethnicity are of limited use. A multiplicity of perspectives essentially recognises a diverse range of knowledge and ways of knowing that are all distinct, valid and not necessarily mutually exclusive. This position does not promote one form of knowledge as more valid or superior to others rather that they are all valued.

⁹⁴ The Cartesian-Newtonian way of knowing is extremely powerful in facilitating the understanding of certain types of phenomena, particularly those phenomena that can be quantified.

legitimate process for generating and analysing information and the ethics and regulation of knowledge by defining what can and can not be done with knowledge (Denzin & Lincoln, 2000; Denzin, Lincoln, & Smith, 2008; L. T. Smith, 1999). The Cartesian-Newtonian way of knowing is also underpinned by a cultural perspective that shapes what is known and how it has become known.

An indigenous mode of inquiry advocates the use of both indigenous and Western practices that deconstructs dominant hegemony⁹⁵ and challenges mainstream apathy towards indigeneity and minority groups. Such actions contest the truths derived from the Cartesian-Newtonian tradition ensuring that indigenous peoples have a presence within the mainstream discourse in culturally meaningful and appropriate ways. These types of strategies involve creating spaces for indigenous histories, indigenous understandings and indigenous knowledge and in doing so privilege the experiences and interests of indigenous peoples. Indigenous inquiry encourages the academy and mainstream society to learn "...to listen to other peoples stories and finding ways to make them matter" (Bernal, 2002 as cited in Dunbar Jr, 2008, p. 93).⁹⁶ Challenging the dominant hegemony is all about beginning a dialogue towards equity and social justice for indigenous people. In Aotearoa New Zealand this means challenging the dominant systems and institutions that assert that being Māori only matters *sometimes*.

Being Māori matters. At the individual level we express this in a range of ways, through efforts to learn te reo, through commitments to whānau and to marae. In Māori communities being Māori is pivotal to collective identity, customary knowledge, ways of knowing and associated practices. But at the society level being Māori only matters *sometimes*. For example, there are legislative provisions that recognise Māori interests; te reo Māori is recognised as an official language, kaitiakitanga is a feature of the RMA and recognition of Māori modes of education have been instituted. However at the society level conforming to the dominant culture is what matters – and being Māori is not the dominant culture. Our mainstream systems and institutions are designed to promote the interests of the dominant culture and it is often a challenge for Māori interests to emerge in these environments. It is at this nexus where indigenous and mainstream collide that the transformative power of indigenous inquiry provides opportunities and what Manulani Meyer refers to as renewal, rebirth and reawareness (Meyer, 2008) to disrupt the continued domination and control of indigenous culture by others.

ADDRESSING INVISIBILITY OF THE INDIGENOUS NARRATIVE

The interaction between customary knowledge and Western knowledge is a narrative of contestation, reflecting a history of suppression and exclusion (Battiste, 2008; Moewaka Barnes, 2006; Williams, 2001c). Exclusion impedes active participation and the development of opportunities and mechanisms for dialogue and engagement between different knowledge systems and knowledge streams. Dialogue between knowledge systems is further hindered by a prevalent assumption, originating from the process of colonisation that

⁹⁵ In this context domination of mainstream culture over indigenous and marginalised people.

⁹⁶ While Bernal was referring specifically to critical race theory this statement is equally applicable to indigenous inquiry.

assumes that customary knowledge is only relevant for indigenous cultural institutions and systems and is of little or no value for contemporary mainstream society.

A reality for many indigenous peoples is that a lack of synergy between customary and Western value systems has led to a dysfunctional, meagre existence as citizens of modern nation states. In Aotearoa New Zealand while substantial improvements related to Māori well-being and socio-economic status have occurred Māori remain “...disproportionately represented in lower economic strata” (Ministry of Health & University of Otago, 2006); Māori are poorer, sicker, undereducated, and more likely to be incarcerated than other Aotearoa New Zealand citizens.

Cultural suppression and the absence or invisibility of indigeneity has contributed to marginalisation and negatively impacted on indigenous peoples’ well-being and communities.⁹⁷ It is argued that indigenous paradigms and practices have the potential to contribute to positive transformative change and address marginalisation of indigenous communities and nation states.⁹⁸

Māori have a long tradition of asserting that values and tikanga that inform cultural identity have a contemporary relevancy in both customary and mainstream environments. However application of culture to new situations and establishing a Māori presence must be controlled and regulated within a Māori framework. The application of culture must be based on a sound understanding of the challenges and risks associated with relocating and repackaging Māori culture, knowledge and language into foreign systems and institutions. This is critical as in the process of reshaping or creating new realities the integrity of Māori culture and knowledge must be retained. Nonetheless, these challenges should not prevent us from establishing a Māori presence, from contesting the dominant western discourse and promoting Māori realities. In this way Māori can assume control of their cultural destiny and begin to reframe hegemonic understandings and actions to reconstruct or create new circumstances that reflect their multiple and diverse cultural realities and developmental aspirations. Therefore, application of culture to new situations requires a comprehensive and conscious understanding of the cultural values and principles that inform actions. In some instances the customary knowledge base has become dislocated from the communities that it informs as a consequence of colonisation, and has become highly fragmented or distorted. This does not mean that customary knowledge is no longer relevant merely that some development may be required to challenge stereotypes and explore underlining assumptions before customary knowledge can be applied to contemporary situations and circumstances.

Part of the process of challenging the dominant hegemony is attaining an awareness and understanding of the multiple factors that shape knowledge production so as to contest imposed systems and frameworks that perpetuate suppression, exclusion and the restricted application of customary knowledge to

⁹⁷ Boni Robertson, Aboriginal Australia, Professor of Indigenous Policy, Griffith University, Australia. Keynote presentation to the inaugural Māori Association of Social Sciences conference *Building Critical MASS*, Victoria University, Wellington, 11-13th June, 2008.

⁹⁸ Linda Smith argues that equity and social justice should be a key focus of indigenous inquiry and that research should contribute to positive transformative change for Māori communities (L. T. Smith, 1999, 2000). This idea is widely accepted by scholars exploring issues of culture, race, class and gender (Denzin, Lincoln, & Smith, 2008).

our everyday activities. Critiques of colonial styles of representation and the promotion of indigenous positions, counter narratives and research approaches based on indigeneity are pivotal to countering dominant hegemony. Such challenges can address the suppression of indigenous positions and interests and strengthen indigenous knowledge bases.

Contestation facilitates the development of spaces and opportunities to be Māori in every aspect of Māori lives, if Māori choose. In recent decades social science research in Aotearoa New Zealand has witnessed the consideration and incorporation of Māori understandings and practices related to knowledge production. This dialogue has been assisted in part by political and legislative recognition of Māori culture, customs, knowledge and, principles of the Treaty. Despite the presence of these provisions transformative change has been slow⁹⁹ and there is considerable variation in responsiveness to Māori across mainstream systems and institutions. Nevertheless these efforts have contributed to the recovery and revitalisation agenda, re-establishing and re-validating a Māori worldview.

REFRAMING OUR UNDERSTANDINGS: A LOCAL RESPONSE

Indigenous peoples and marginalised communities worldwide are engaged in the activity of reframing. Reframing our understandings is part of the politics of self-determination and recovery of culture, customs and knowledge to address a history of exclusion and absence from the research archive. Reframing assumes that in our recent past culture and society were constructs determined predominantly by European knowledge frameworks. In Aotearoa New Zealand reframing involves reconstructing culture and society based on knowledge traditions and lived realities from within a Māori customary framework: the privileging of Māori socio-cultural realities. Reframing also seeks to make explicit those aspects of culture that shape Māori diverse realities and guide actions. In the study of history the activity of reframing is known as the Māori counter narrative (Binney, 1987; Keenan, 2010; King, 1978; O'Regan, 1992; Selby & Laurie, 2005; R. Walker, 1990) and involves addressing issues of cultural suppression and the absence of a Māori historical narrative. In the critique of research reframing is known as kaupapa Māori and Māori centred approaches to research.¹⁰⁰ These approaches to research promote the centring of Māori culture, knowledge and associated practices to provide a better understanding of the realities that exist within, and impact on Māori communities. In the sciences the activity of reframing is reflected by a comparative discourse exploring the relationship between mātauranga Māori and Western science, development of the Vision Mātauranga policy

⁹⁹ Bishop points out that despite the presence of some successful Māori language education initiatives, "Māori attempts to promote this indigenous people's understanding of self-determination has been limited to date" (Bishop, 2008, p. 441). In fact a recent Waitangi Tribunal report (2010) suggests that despite considerable efforts towards revitalisation te reo Māori remains in a state of decline. Substantial changes to the country's Māori language strategy are required to improve the situation.

¹⁰⁰ These approaches to research will be discussed in more detail in a later section of this chapter.

framework¹⁰¹ and creation of the Vision Mātauranga Capability Fund as one of the government's research, science and technology funding priorities.¹⁰²

Reframing is often focused on the sometimes dichotomous relationship between Māori and British values, norms and customs. Re-examination of the differences particularly interpretation of key concepts such as land tenure, society and customs promotes cross cultural communication. Furthermore a better understanding of cultural difference and potential development of strategies for acceptance or resolution of those differences can emerge. Therefore, reframing is a response to recognition that the process and affects of colonisation continue to exist, albeit in new and evolving forms, to suppress and undermine Māori culture, knowledge and practices. Reframing challenges the authority of the colonial agenda and seeks transformative change in both the minds and actions of Māori and non-Māori; it is essentially about improving Māori and Pākehā relationships and finding greater interconnectiveness.

CONSTRUCTING NEW REALITIES

Indigenous self-determination in Aotearoa New Zealand is focused on the recognition of tangata whenua status and associated responsibilities. In Aotearoa New Zealand indigenous rights are affirmed by international conventions of human rights, citizenship rights and Treaty provisions that provide for full and equal participation as a citizen of the New Zealand nation state.¹⁰³ Therefore, full participation in for example health, education, housing and justice is considered a social justice and equity issue and is given priority in current government policy objectives. The citizenship model prioritises individual rights. This position differs from customary patterns of Māori social order that prioritise collective rights. Current institutional and legislative frameworks struggle to recognise collective rights and by default prioritise individual rights ignoring or worst yet marginalising the collective position. In some cases this can be problematic for Māori. For example in a research project exploring Māori perspectives on genetically modified organisms Dr Mere Roberts reported on the complexities involved in determining a generic Māori position (Mila-Schaaf, 2008) when divergence emerges between the individual and collective position. An individual has the legal right to control the use of their own genetic material. However this right does not acknowledge that from a Māori perspective whakapapa is a shared inheritance and cannot be commodified or owned by an individual. When an individual exercises their individual right to trade genetic material collective interests of the whānau, hapū and iwi may be violated.

Full and equal participation in mainstream society is a goal of the citizenship model. Accordingly, government policy is focused on the marginalised and the development of strategies for increased participation within society. For the purposes of this thesis this raises an inevitable question: what implications does the participatory model contribute towards strengthening

¹⁰¹ For information related to this policy framework refer to <http://www.morst.govt.nz/current-work/vision-matauranga/>.

¹⁰² For a summary of the Government's new research, science and technology funding prioritised refer to <http://www.morst.govt.nz/current-work/New-RST-funding-priorities/>.

¹⁰³ The basis of indigenous rights in Aotearoa New Zealand will be discussed in detail in Chapters Three, Ten and Eleven.

Māori culture and the customary knowledge base when society is essentially mono-cultural in nature? The norms and goals of the dominant culture have not always reflected a Māori agenda. The colonial agenda of development and progress marginalised many minority groups and indigenous cultures in their own countries (L. T. Smith, 1999). The technologies of colonisation in many cases undermined customs and tradition. New agricultural technologies provided opportunities for entrepreneurial expansion but also led to widespread transformation of the ancestral landscape and customary interactions with the environment.¹⁰⁴ The introduction of literacy facilitated the acquisition of new knowledge and the recording of oral traditions which in turn undermined the authority of the oral tradition by elevating the written word. Indigenous people, their knowledge and customs were more likely to be pushed to the margins of society rather than integrated into the new social order. There is some suggestion that marginalisation facilitated cultural retention and development. For example communities geographically isolated from European incursion were able to resist the displacement of Māori culture and te reo Māori by colonisation. In these communities te reo Māori remained as "...the medium of social interaction in the home and in community discussion" (Waitangi Tribunal, 1986, p. 19). However, "It is now apparent that the expectation that the language would survive because of these villages is not realistic" (Waitangi Tribunal, 1986, p. 19). Today te reo Māori continues to be vulnerable (Waitangi Tribunal, 2010).

The concept of kōhanga reo emerged from a concern for the mauri and wairua by Māori for the health of Māori culture and language and a desire to avert further loss. Revitalisation was considered a useful strategy for language retention and development that would restore "...authority, dignity and spiritual power (mana) to a people" (Te Kōhanga Reo National Trust, 2003). The kōhanga reo movement was founded on the cultural institutions of whānau and marae to actively protect and develop Māori culture, tikanga and language to pass "...on the Māori way of life to future generations" (Te Kōhanga Reo National Trust, 2003). Therefore this very successful preschool total immersion programme was developed from the margins, from a cultural framework displaced by European systems and institutions. Kōhanga reo was a National Government initiative and a responsibility of the Ministry of Education. There is a requirement to meet legislative provisions particularly with regard to standard health and safety practices. The cultural foundation, this is, the indigenous style of education and whānau focus, remains, and is, integral to its success.

Marginalisation may protect some aspects of culture but the reality is that those in the margins are in a relatively powerless position and are least likely to have the capacity and resources to challenge the dominant hegemony and control their own social and cultural realities. That Māori have retained aspects of the culture and society is a credit to the resilience and tenacity of past generations. Recovery and revitalisation agendas require political support, strategic planning and resourcing. Alliances with mainstream structures and institutions demonstrated in the kōhanga reo example above, need not be associated with further disadvantage or conceding of cultural aspirations or control. Indeed, these relationships can promote the interests of Māori and lead

¹⁰⁴ The affect of the introduction of philosophy and systems associated with English land tenure is discussed in Chapter Three and Ten.

instead to community and cultural empowerment. Therefore, active consideration and full participation by indigenous peoples in nation states and global societies is required. However, full participation will depend on the ability of social agendas, among other things (for example law and policy), to reflect indigenous aspirations. Conformity to dominant culture is not an option.

MĀORI APPROACHES TO RESEARCH

The emergence of distinctly Māori approaches to research, such as kaupapa Māori (Bishop, 1994; Glover, 1997; Irwin, 1994; G. H. Smith, 1992; L. T. Smith, 1999) and Māori centred (M. H. Durie, 1997) research, were a response to the inadequacies of social science research approaches that struggled to understand and respond to the needs of Māori communities. Conventional social science practices privilege Western based knowledge, ways of knowing and associated practices and has a history of failing to address issues of relevance to Māori communities (Bishop, 2005). Development of kaupapa Māori and Māori centred methodologies are a deliberate attempt to create a space for Māori knowledge production traditions and consequently opportunities for Māori culture and knowledge in a contemporary and often non-customary context. Under the umbrella of kaupapa Māori or Māori centred methodologies are a range of strategies for producing research that is more applicable to Māori communities by addressing issues of equity, social justice and self-determination (Denzin, Lincoln, & Smith, 2008; L. T. Smith, 1999). Therefore, a major intention of these types of research approaches is positive social change (Denzin, Lincoln, & Smith, 2008; L. T. Smith, 1999, 2000).

Māori are concerned "...about the recreation and reconstruction of their past by others" (H. Walker, 1997, p. 3) and are focused on the validation, advancement and development of Māori people, resources and knowledge (M. H. Durie, 1997). Therefore kaupapa Māori and Māori-centred approaches to research explore the alienation and marginalisation of tribal communities from their tribal assets and culture and critique colonial styles of representation. Consequently, Māori are engaged in the reconstruction of their own images in a deliberate attempt to control how they are portrayed to their own people and to others.

The terms kaupapa Māori and Māori-centred as descriptors for approaches to research are relatively new. Recognition of kaupapa Māori and Māori centred approaches to research by the academy is also relatively new. However, it is important to note that as a research tradition both kaupapa Māori and Māori centred are based on a Māori worldview and mātauranga Māori that has been part of the Aotearoa New Zealand landscape for centuries.

A kaupapa Māori and Māori-centred approach to research makes use of a range of Māori and standard social science theory, methodology and methods to explore issues of interest to Māori and articulate Māori perspectives. Ironically this type of inquiry does tend to draw on, but not exclusively, qualitative research methods, a form of inquiry that has itself struggled to assert its validity in relation to quantitative research methods. Proponents of qualitative research have extended considerable effort to have this mode of inquiry accepted as a conventional social science practice (Denzin & Lincoln, 2000).

Both kaupapa Māori and Māori-centred approaches and qualitative research methodologies have attracted criticism from supporters of the positivist

and empirical research traditions for rejecting core Cartesian-Newtonian notions of universal truth, objectivity and detachment. Instead this type of research asserts that, "...all inquiry is both moral and political" (Denzin, Lincoln, & Smith, 2008, p. 2) and therefore subjective. This statement is equally applicable to *all* forms of inquiry. Rather than promoting objectivity and detachment, kaupapa Māori and Māori-centred approaches emphasise the importance of culture and, for example, insider status (that is, by Māori for Māori). This is demonstrated in research conceptualisation and design, in gaining access to communities for research, in facilitating a culture-specific interpretation of data and in incorporating culturally appropriate research practices and ethics. It is emphatically argued that kaupapa Māori, Māori-centred and qualitative approaches to research, as with other forms of research, also produce information and interpretations that are meaningful and reliable (Denzin & Lincoln, 2000; Denzin, Lincoln, & Smith, 2008; Greenwood & Levin, 2000; L. T. Smith, 1999).

Research, therefore, can be seen as a 'site' of resistance seeking to challenge the position of power of western knowledge and science. In this context, the research focus becomes the promotion of an indigenous understanding which is used to advance Māori agendas for Māori purposes (L. T. Smith, 1999). In this regard, kaupapa Māori and Māori-centred approaches to research contest the universality of western research discourse and seek positive transformations for Māori communities.¹⁰⁵

KAUPAPA MĀORI

Kaupapa Māori has been described as both a theory (Bishop, 2008, p. 439; Pihama, 2001; S. Walker, 1996) and a praxis (Bishop, 2008, p. 439; G. H. Smith, 1997) and has many forms with two key features: Māori culture and people are "...central to the process"; and a Māori worldview is foundational (Glover, 1997, p. 2). As a consequence, the research process becomes a negotiated exercise between Māori communities and the researcher (Glover, 1997) with a tendency towards applied research that can contribute to substantial transformative change.

Kaupapa Māori research has been associated with challenging the dominant hegemony and has established itself as a legitimate way to conduct Māori research. What is problematic is that Kaupapa Māori is increasingly viewed by both Māori and non-Māori as the only way to conduct Māori research. This assumption fails to recognise that there are several research approaches that conform to the 'by Māori for Māori' maxim and are able to reflect Māori aspirations for research or to be grounded in a Māori worldview or framework, "...not all research by Māori and not all Māori researchers claim to conduct Kaupapa Māori research" (L. T. Mead, 1996, p. 199). It does not automatically follow that research that is not grounded in a Kaupapa Māori ideology does not count as Māori research. When Kaupapa Māori is promoted as the only legitimate way to conduct Māori research it excludes some forms of knowledge generation and promotes complacency where the approach to methodology becomes prescriptive and narrow and avoids a critical reflection

¹⁰⁵ It must be noted that an exploration of this nature may provide a better understanding of the situation but will not always provide a resolution (L. T. Smith, 1999).

and understanding of the core principles and practices that guide the research process (Kukutai & Webber, 2010). It is necessary to acknowledge that ethnicity alone does not ensure that research is sound from a cultural perspective. Critical factors include the experience, skills and expertise of the researchers and the researcher's ability to engage with research participants (Bevan-Brown, 1999; L. T. Smith, 1999). The 'by Māori for Māori' maxim is only valid when the researcher has the capability to engage in culturally appropriate research practices.

Kaupapa Māori has been critical for establishing a space and a platform for Māori research and theorising and has facilitated the development of a Māori research evidence base. Its main contribution is a critical reflection of the motivations and implications of the research process for Māori communities so that Māori realities and aspirations become an integral part of Māori development.

POSITIONING THE CULTURAL SELF IN RESEARCH

Many researchers who are Māori seek to position their cultural self in the research process by making explicit those aspects of their worldview that shape the research practice. This includes negotiating a space in research for privileging Māori knowledge, ways of knowing and associated practices that, until recently, have been actively excluded from dominant discourse.

To privilege Māori knowledge, ways of knowing and associated practices it is necessary to understand the underlying cultural philosophies and values that guide research practice. Equally important, is consideration of historical factors and relationships that have created both an absence in the archive and unequal power relationships and inequalities. As a consequence Māori are vocal in contesting issues of ownership and control of Māori knowledge (Irwin, 1994; L. T. Smith, 1999) and the research process and advocate research that emphasises the development agenda of cultural survival and recovery. An enquiry of this nature addresses absence in the academic archive by reaffirming the validity and relevance of Māori knowledge, ways of knowing and associated practices and, providing a narrative that reflects a Māori position. In this way a space is created that reflects the multiple and diverse cultural realities and expectations of Māori communities. Research, therefore, has become a highly politicised activity where Māori communities are seeking control of the research process and social transformation through the use of their own knowledge and ways of knowing to reaffirm cultural understandings and promote their own agendas.

TŪRANGAWAEWAE: A PLACE TO STAND & PRACTICE RESEARCH

A Māori cultural understanding of the world is based on a contemporary interpretation of cosmo-genealogical and tribal narratives (Mead, 2003b; Royal, 2003; R. Walker, 1990). These knowledge traditions have also been influenced by the introduction of western ways of understanding and western attitudes towards knowledge production. Contemporary values and practices for customary knowledge production emerge from both a cultural foundation, and the interaction with other knowledge systems and ways of knowing to provide a

foundation for collective identity and cultural heritage. In this context knowledge has a whakapapa that is strongly associated with the ancestral landscape, our histories and our past, present and future. Customary knowledge production is linked to the British colonial agenda and historical issues of equity and social justice.

The introduction of western norms and understandings undermined the power and authority of customary knowledge resulting in fragmentation, disruption and displacement (L. T. Smith, 1999; Williams, 2001a, 2001c). Hirini Moko Mead uses the metaphor of Humpty Dumpty to describe this dynamic (Mead, 2003b). Western knowledge and ways of knowing were privileged in the new colonial order and as a result customary knowledge was excluded from the dominant discourse: colonisation caused Humpty to fall and shatter. Exclusion assumed that customary knowledge was of limited value to the new colonial state and was actively prohibited through the practice of gate-keeping. What counted as legitimate knowledge and therefore worthy for inclusion was determined by European norms and knowledge traditions. These attitudes restricted Māori from actively engaging in any political, legislative or academic dialogue (L. T. Smith, 1999; Williams, 2001a). From a western perspective, customary knowledge was considered, along with Māori culture and society, a relic of the past, of value to the academy of anthropology and ethnology, but for the most part irrelevant to a modern civilised society (Mead, 2003b; Williams, 2001a). The pieces from Humpty became scattered or were destroyed or hidden (Mead, 2003b). This facilitated the alienation of customary knowledge from Māori communities through destabilisation of Māori knowledge systems and institutions, knowledge loss, appropriation, misuse and exploitation. However, despite fragmentation, disruption and displacement, customary knowledge remains and plays a critical role in informing collective identity and cultural heritage of the present and for future generations. The importance of customary knowledge for Māori society is reflected in continued efforts of recovery and development including maintaining a contemporary relevance through application to contemporary issues and the negotiation of contemporary opportunities for expression:

It is true, however, that tikanga are linked to the past and that is one of the reasons why they are valued so highly by the people. They do link us to the ancestors, to their knowledge base and to their wisdom. What we have today is a rich heritage that requires nurturing, awakening sometimes, adapting to our world and developing further for the next generations. (Mead, 2003b, p. 21)

Exclusion of customary knowledge from the dominant discourse also undermined the confidence in Māori knowledge and ways of knowing as Māori were conditioned to believe in the superiority of western knowledge, ways of knowing and associated practices (M. Jackson, 1998). One of the responses of indigenous peoples to colonisation is contestation of the validity of western claims towards intellectual superiority (Denzin, Lincoln, & Smith, 2008; M. Jackson, 1998). There are increasing efforts to reassemble Humpty Dumpty. Māori knowledge, custom and tikanga are being revisited, reinterpreted and applied to new situations (Mead, 2003b). This is part of an indigenous movement to privilege indigenous knowledge and intellectual traditions. Aspects of culture and custom are being rediscovered and revived to empower and contribute to community development and advancement.

REDISCOVERING AND REVIVING MĀORI INTELLECTUAL TRADITIONS

Cosmo-genealogical orations¹⁰⁶ and narratives,¹⁰⁷ ritual incantations¹⁰⁸ and tribal histories from which a Māori understanding of the universe and Māori worldviews are derived (Jahnke, 2006; Marsden, 2003a; R. Walker, 1990), establish a customary framework for understanding the nature of knowledge and the process of knowledge production. Values, ethics and tikanga emerge from this cultural knowledge pool. Cosmological orations and narratives are based on whakapapa acting as an organising principle establishing order within the Māori world.¹⁰⁹ Whakapapa introduces sequential and continuous processes as the foundation of existence, being and knowing. For example, a whakapapa for the origin of thought which is also used as a referent for the emergence of knowledge and wisdom, denotes movement through stages of thought development that are critical for achieving enlightenment: te rapunga (seeking), te whāinga (pursuit, groping towards), te kukune (extension, stretching and elongation), te hihiri (elemental and pure energy), te mahara (primordial memory), te hinengaro (deep mind), te whakaaro (sub-conscious mind), te whē (seed word, sound), te wānanga (consciousness achieved wisdom, knowledge and wisdom), te hauora (breath of life) (Royal, 2003, p. 181).¹¹⁰ Te Rangihiroa Buck refers to this whakapapa as a “...sequence of mental development” (Buck, 1950, p. 435).

The stage te hauora is a marker that connects this sequence to another narrative related to the procurement of uha and the subsequent emergence of people.¹¹¹ Te hauora is a reference to the life principle or life essence known as mauri ora that Tāne imbued into Hineahuone the first woman to achieve the transition from inanimate to the animate.¹¹² Thought was one of the elements of any evolutionary sequence to achieve consciousness and create the ability to learn and attain wisdom (Jahnke, 2006).

A truncated version of the whakapapa for enlightenment that alludes to the transitory process of cognitive awareness is Te Kore, Te Pō, Te Ao Mārama. This whakapapa sequence signifies the movement from dark to light, from a state of potentiality to awareness towards enlightenment (R. Walker, 1990). The formation of the first thought beginning with the stage te rapunga is located within Te Kore and Te Pō; what Māori Marsden refers to as the realm of potential being and the realm of becoming (the spiritual realms)(2003a). The narrative of the procurement of the three baskets of knowledge by Tāne emphasises the sacred nature of knowledge through its location in a realm beyond the material physical world in the uppermost heaven of a stratified system of heavens (Marsden, 2003b). The association of knowledge with the

¹⁰⁶ Orations is a reference to recitation in this context of cosmo-genealogical whakapapa sequences.

¹⁰⁷ Narratives refers to the stories generated by the whakapapa sequences.

¹⁰⁸ Karakia or prayer is an example of ritual incantation.

¹⁰⁹ Cosmo-genealogical narratives are discussed in Chapter Two.

¹¹⁰ There are other versions of this whakapapa (Buck, 1950) but the basic elements are similar.

¹¹¹ It is important to note here that I am not suggesting that the creation of people occurred at this stage of the evolution of the universe. I am applying the principles within the whakapapa for narrative of consciousness to the development of consciousness within people.

¹¹² The transition was facilitated by karakia and this process will be discussed in more detail later on in this section.

realms beyond the physical world is critical for understanding knowledge production values and tikanga. Such an association imbues knowledge with the qualities of mauri, tapu, mana and wairua. Certain forms of knowledge are considered sacred, are highly valued, and as a consequence necessitate considerable regulation.

Additional cultural codes and tikanga for knowledge production can be derived from analysis of the cosmo-genealogical narratives. Knowledge production processes and practices related to collective activity, decision-making, ethics, accountability and experimentation are all present in the separation narrative. The process began with the search for possible solutions. The question of whether the parents should be separated or killed presented an ethical dilemma that required deliberation and debate. An accord could not be reached. One faction was in favour of separation on the basis of collective need and the potential for growth, development and evolution, the other faction was not (Jahnke, 2006; P. Smith, 1913-1915).¹¹³ Nevertheless Tāne and his siblings began the process of separation which required elements of planning and experimentation. Eventually Papatūānuku and Ranginui were parted:

Nā Tāne i toko, ka mawehe a Rangi rāua ko Papa, nāna i tauhehea ai, ka heuea to Pō, ka heuea te Ao. It is by the strength of Tāne that the Sky and Earth were separated and light was born. (Grace & Grace, 2003, p. 62)

The act of separation was a transgression of the rights of Papatūānuku and Ranginui who did not wish to be parted. As a consequence utu was extracted by Tawhirimātea emphasising the importance of reciprocity and accountability of actions.

The importance of external agency and guidance are additional themes present in cosmo-genealogical narratives related to the procurement of uha, the female essence, the search for knowledge and the Maui narratives. The Māori worldview recognised that female and male elements are essential for reproduction. In the Ngāti Kahungunu version (P. Smith, 1913-1915) the search for the uha is part of a collective decision to seek the female element so that the offspring of Papatūānuku and Ranginui could produce their own descendents. The realm of Te Ao Mārama was searched however a suitable female element was not found. In the process of searching, Tāne experimented or in Buck's words "...tested his procreating powers" (Buck, 1950, p. 450) on several of the female elements of the various inanimate objects and produced the natural resources, the forests, the birds and the waters that are present within the domains under his protection. Similarly his siblings also populated their domains.

According to the Ngāti Kahungunu version the siblings reassembled at Whare-kura to deliberate and plan the pathway ahead (S. P. Smith, 1997[1913]). During these deliberations Tāne was charged with the responsibility of procuring the uha. Tāne sought counsel with Papatūānuku (Mikaere, 2003) who directed him to Kurawaka, the earth at her pubic region (S. P. Smith, 1997[1913]). Tāne and his siblings moulded the red earth at Kurawaka into a body or supplied various elements to produce Hinehauone¹¹⁴ (S. P. Smith, 1913). In the Kahungunu version Tāne was responsible for

¹¹³ I am referring here to the objections of Tawhirimātea.

¹¹⁴ Also referred to as Hineahuone, women created from the earth.

providing the breath of life and causing the inanimate to become animate. Producing the first human child was also an act of experimentation in which ear wax, rheum, mucous, saliva, phlegm, perspiration and excreta were created (P. Smith, 1913-1915). It was the tuakana of Tāne that identified the correct orifice for reproduction and performed a ritual incantation to facilitate the act of procreation and produce Hinetītama, the first form that possessed ira tangata (the human element) (P. Smith, 1913-1915).

There are several versions of the uha narrative. Some tribal accounts identify the first human as tiki, a male (J. White, 1887-1891). There is also variation surrounding the location of the uha. One version references kurawaka (Buck, 1950; P. Smith, 1913-1915), another Hawaiki (J. White, 1887-1891) and others no place in particular (Jahnke, 2006). The simplified versions of the narratives have Tāne as the sole actor in the narrative. In this analysis events and actions have been selected that are important for discerning the values and tikanga associated with knowledge production. It is not a definitive discourse of the multiple versions.¹¹⁵ Also as a descendent of Kahungunu I have tended to privilege versions that are derived from Ngāti Kahungunu mātauranga.

The uha narrative describes an exercise motivated by the needs of the collective. The exercise involved collective activity, decision-making and experimentation. All of the siblings were involved in the initial search for the uha. When these attempts failed the collective reassembled to deliberate on the problem. A plan was formulated. Tāne was given the responsibility to ensure completion of the task. On the advice of his siblings he sought counsel with Papatūānuku who directed the siblings to the source of uha; external agency was required to complete the task. The first woman Hineahuone was formed from the earth. In the Ngāti Kahungunu narrative the use of the name Hineahuone (as opposed to Hinehauone) emphasises the importance of the uha for the manifestation of ira tangata. This was also a collective activity. Tāne who was responsible for completing the task rendered the inanimate animate by providing the breath of life, the hau; tihei mauri ora. Tāne was also given the responsibility to procreate with Hineahuone thus producing the first truly human form Hinetītama. This final task was only achieved through the assistance of ritual incantation, once again emphasising the importance of ritual or tikanga in attaining a successful outcome.

There are two other cosmo-genealogical narratives that are useful for providing an understanding of the knowledge production process. The baskets of knowledge narrative and the Maui narratives reinforce and expand on the characteristics of knowledge production that have already been mentioned. The baskets of knowledge narrative is related to the procurement of knowledge. Knowledge was located in the realm beyond the physical world as mentioned earlier in this section and is therefore tapu. In some traditions it was Tāne (P. Smith, 1913-1915) who was nominated or sanctioned by his tuakana with the responsibility to bring the baskets of knowledge to Te Ao Mārama. In other versions it was Tāwhaki (H. M. Mead, 1996). However the intention behind the act was the same. Knowledge was sacred and needed to be procured from beyond the material realm by a designated actor so that it could be used to improve the condition of people's (the collective's) existence.

¹¹⁵ Refer to Jahnke (2006) for a more comprehensive critique of the different cosmo-genealogical orations and narratives related to the evolution of humans.

An important dynamic within this narrative is the contest between Tāne and his tuakana Whiro to procure the baskets. The ascent of Tāne to Toi-o-ngā-rangi the space where knowledge resided, was fraught with difficulties and challenges set by Whiro. It was a battle over the mana associated with knowledge and its inherently sacerdotal nature. It also emphasises that access to knowledge is a privilege not a right and is protected through a process of selection or nomination as the younger sibling Tāne was nominated over his elder sibling Whiro with the task of recovering the baskets of knowledge for the future enlightenment of humankind. In simplified versions of the narrative this is often pitched as a contest between good and evil, right and wrong. However the purpose of this relationship in the narrative is to provide a commentary on access to knowledge. Whiro tested the skills and expertise of Tāne to ensure he was a worthy recipient and protector of the knowledge; access needed to be earned. This is a central precept within the traditional whare wānanga system (P. Smith, 1913-1915).

Knowledge was brought into Te Ao Mārama as a cultural legacy, a taonga tuku iho to be transferred from one generation to the next. Therefore knowledge transfer necessitated the development of appropriate institutions such as the whare wānanga¹¹⁶ to ensure accurate transmission and active protection and appropriate development of knowledge.

The Maui cosmo-genealogical narratives also provide useful commentaries on the characteristics of customary knowledge production. One of the important messages within the Maui narratives relates to the role of females as repositories and guardians or protectors of knowledge. The role of females as knowledge holders was first introduced in the uha narrative when Papatūānuku directed Tāne and his siblings to the source of uha at Kurawaka. In the Maui narratives his kuia, Mahuika, Muriranga-whenua and Hinenuitepō, played critical roles in his education (Mikaere, 2003) providing him with the necessary skills, knowledge, experience and resources to achieve his many tasks (Mikaere, 2003). In a popular version of Maui and the jawbone, Maui tricked his kuia Murirangawhenua into giving him her jawbone. However in the Ngai Tahu version the relationship between Maui and Murirangawhenua was very different. He was her caregiver and in return she educated him eventually gifting her jawbone to him (Brailsford, 2003 [1994]). The gift was conditional as he was expected to use it for the benefit of humankind (Mikaere, 2003).

The Maui narratives continue the notion of knowledge production as a process and identify testing and teaching of recipients of knowledge as key parts of that process. Females are clearly identified as important repositories and guardians of knowledge and the jawbone is introduced as a symbol of knowledge.¹¹⁷ Furthermore, each of Maui tasks, the slowing of the sun, the procurement of fire, the discovery of Te Ika a Maui and the introduction of mortality were executed for the collective good to enhance the condition of human existence.

¹¹⁶ For an overview of the whare wānanga system refer to the teachings of Te Matorohanga and Nepia Pohuhu (Buck, 1950; P. Smith, 1913-1915). Mead (2003b) provides some useful information related to contemporary whare wānanga forms.

¹¹⁷ Kauae is the word for jawbone. Kauae runga and kauae raro are forms of knowledge, the first related to knowledge associated with ritual and the realms beyond and the second to knowledge related to the physical world. These categories are not always distinct.

Table 3 provides a summary of the nature of knowledge as determined by whakapapa sequences and cosmo-genealogical narratives. Key characteristics of knowledge and the knowledge production process are listed in column 2. Column 3 indicates the implications of those characteristics for the knowledge production process and associated practices.

Table 3: A summary of the nature of knowledge and the process of knowledge production.

Cultural Precept	Characteristics	Practices
Whakapapa	<p>Knowledge production is a sequential and continuous process.</p> <p>Knowledge production has an intrinsic tapu and mana that required regulation.</p>	<p>Ritual and tikanga drive knowledge production practices.</p>
Cosmo-genealogical narratives	<p>Emphasis on ethicality, collective activity and problem solving.</p> <p>Knowledge is a collective resource.</p> <p>The role of women as repositories and guardians of knowledge.</p> <p>Knowledge holders are trained and sanctioned.</p>	<p>The concepts of manaaki and tiaki facilitate communal outcomes and accountability (utu) in the knowledge production process.</p> <p>External agency important to complete tasks.</p> <p>Access to some forms of knowledge heavily regulated.</p> <p>Key practices: collective activity, problem solving, deliberation, debate, consultation, experimentation and ritual.</p>

Whakapapa sequences that outline the origin of thought and mental development, and enlightenment indicate that knowledge production is a sequential and continuous process. The first thought evolved in Te Kore, the state of potentiality and the ability to process knowledge and achieve enlightenment were gifts from deity to people. Therefore the knowledge production process has an intrinsic tapu and mana through an association with atua and the realms beyond this world and this necessitates levels of regulation.

Cosmo-genealogical narratives associated with the origin of the physical world, the procurement of knowledge and the Maui narratives emphasise that ethicality, collaboration and problem solving are key characteristics of the customary knowledge production process. As a consequence the concepts of manaaki and tiaki emerge as important values that serve to facilitate collective outcomes and accountability, including utu in the knowledge production process.

Other key characteristics to emerge from the cosmo-genealogical narratives include knowledge as a collective resource, the role of women as repositories and guardians of knowledge and the notion that knowledge holders are expected to possess certain attributes to facilitate the ability to use

knowledge wisely. Key practices of knowledge production include problem solving, deliberation, debate, consultation and experimentation. Successful attainment of knowledge is reliant on guidance (which is inclusive of external agency), collective activity, capacity of the actors (skill and expertise) and ritual.

Traditions of knowledge production are clearly based on serving the interests of community. Therefore incorporating these precepts and practices into contemporary research practice ensures that the research process and outcomes will be responsive to Māori communities. As a result the centrality of culture, the relevancy of tribal social units, tūrangawaewae, language and tikanga are assumed; the entire process is orientated towards community control, development and advancement.

PATCHING UP HUMPTY

The customary knowledge that remains today is highly valued, in some cases as a direct result of scarcity and loss of knowledge. Customary knowledge is considered a taonga and can be referred to as taonga tuku iho. The phrase taonga tuku iho acknowledges an interconnection and interdependence between past and future generations. Use of customary knowledge therefore, builds on concepts developed by tupuna. This includes the imperatives of knowledge use that contributes to the wellbeing of the tribal groups and the affirmation of cultural identity. Thus, ownership of customary knowledge is a communal responsibility.

Labelling customary knowledge as taonga tuku iho is closely related to politics of self-determination and identity. First, it is an indication of the importance that Māori place on this resource and that Māori knowledge is still highly valued particularly by Māori communities. Second, taonga status links the loss of knowledge and lack of opportunities to apply Māori knowledge to new situations and modern issues, historically to the British colonising agenda.¹¹⁸ Māori argue through the Waitangi Tribunal that customary knowledge is a taonga tuku iho and essential for enhancing the well-being and mauri of tangata whenua and indigenous flora and fauna (M. Solomon, 2007; Waitangi Tribunal, 1986). Past actions of the Crown that undermined customary knowledge and the relationship of Māori people with their cultural resources have alienated Māori from their cultural assets and culture and prevented Māori from exercising their customary rights and responsibilities. Claims to the Tribunal¹¹⁹ call for the Crown to take responsibility for past actions that served to undermine Māori knowledge. Claimants advocate taking the necessary steps to actively protect this resource now and for the future. Taonga status, signifies the value of knowledge and emphasised the imperative to protect from further loss or misappropriation.

The intrinsic tapu of knowledge necessitated a regulatory aspect to knowledge production. Access and use was regulated to maintain the mana and tapu associated with knowledge and to prevent further loss, inappropriate use and damage as a direct consequence of fragmentation, disruption and displacement. In this way knowledge holders and users are held accountable to the community and a collective knowledge database is maintained.

¹¹⁸ The British colonising agenda is discussed in Chapter Three *Contact with the West*.

¹¹⁹ For example the te reo Māori claim (Wai 11) and the native flora and fauna claim (Wai 262).

The concept of tapu does not necessarily restrict access to knowledge. Some knowledge is considered tapu but accessible or open to the whole community such as some pepeha, waiata and certain karakia. For example, the pepeha used in the mihi at the beginning of this thesis identifies culturally significant water features at Whakaki. This pepeha is widely known by many descendents and is tapu as it defines the ancestral boundaries of local hapū and explains the connections between hapū located around the lake.

Other knowledge such as that associated with karanga and whaikorero is tapu and semi-open as it requires both a high level of competency in te reo and tikanga for understanding and access and authorisation from the collective to use in formal settings. Other knowledge is restricted or closed simply because knowledge holders regulate access. There is some indication that certain classes of knowledge, such as kauae runga,¹²⁰ were heavily regulated to mitigate that affects of misuse (Buck, 1950; P. Smith, 1913-1915). For example Irawhaki incorrectly performed a pure ritual (ritual to remove or lift tapu) over his son Maui and as a consequence when Maui set out to claim immortality from Hinenuitepō he was killed (Grey, 1885; Potae & Ruatapu, 1929)¹²¹ and humankind remains mortal. This example demonstrates that the penalty for inappropriate use or omission of certain classes of knowledge can be severe.

Regulation of access and use in theory protects the integrity of knowledge and ensures that it is used in a culturally appropriate manner and for the collective good. However the contemporary regulation of access to customary knowledge is often a response to the legacy of loss, loss of control over customary knowledge production and loss of customary knowledge itself.¹²² Whether regulation actually supports the agenda of recovery and retention is debatable. Regulation can preserve some forms of knowledge but also impede knowledge creation and development. The concepts of taonga and tapu can facilitate the removal of customary knowledge from the common domain, limiting opportunities for wānanga (debate and discussion), access, use and development thereby reducing the relevance of customary knowledge for Māori communities. In addition, with the introduction of western attitudes to knowledge, particularly the association of power with knowledge, criticisms have emerged that some knowledge-holders further restrict access to knowledge in order to maintain their own mana and standing.

TIKANGA TIAKI: GUARDIANSHIP CUSTOMS

Customary knowledge is, inherited, a taonga tuku iho, a treasure handed down from the atua to ancestors, from the ancestors to the present generation and destined for future generations (Williams, 2001c). As a consequence

¹²⁰ Kauae runga or esoteric knowledge, such as cosmo-genealogical orations and karakia and knowledge related to the realms beyond, is often restricted. Whereas kauae raro, exoteric or knowledge related to the physical world, is more likely to be readily available to all.

¹²¹ Like most narratives there are a range of versions. In some versions it was Maui who performed the incorrect karakia; in others Maui was not present in the narrative related to the mortality of humankind (Keelan, 2009).

¹²² Under the section *The research relationship* in Chapter Five examples of practices that have emerged to protect the use of local mātauranga Māori are provided.

customary knowledge requires active regulation or *tikanga tiaki*¹²³ and strategic development to maintain the integrity of, and strengthen the remnant customary knowledge base. Within this context ownership and possession of cultural knowledge is communal, belonging to the whole community. This is emphasised by statements in Waitangi Tribunal claims, such as “Ngāti Kahungunu cultural knowledge is and always has been a *taonga* of Ngāti Kahungunu in respect of which Ngāti Kahungunu are *kaitiaki*” (Waitangi Tribunal, 2006, p. 10). This establishes an expectation that customary knowledge be used in a manner that contributes to the collective good; the wellbeing of the community. As with Western knowledge Māori too have a long tradition of recognising the importance of knowledge, particularly for community development and benefit. For example the following *oha* (speech, parting words) emphasises that the pursuit and attainment of knowledge is challenging however the benefits can be substantial, *ko ngā pūtaka o te mātauranga he kawa engari anō ngā hua kei reira te mutunga mai te reka*¹²⁴ (The roots of knowledge are bitter but as for the fruit it is very very sweet).

The use of *kai* as a reference to knowledge is an interesting and deliberate metaphor. Metaphorically knowledge is *kai*, a food that is eaten and taken into the body. As a consequence knowing and wisdom emerges from the internalisation of knowledge,¹²⁵ *ko te manu e kai ana i te miro, nona te ngahere, ko te manu e kai ana i te mātauranga nona te ao* (the bird that feeds on the miro berry, its domain is the forest. The bird that feeds on knowledge, its domain is the world). In this context knowledge becomes part of the person and just like all parts of the body must be treated with dignity, honour and respect. However as Del Wihongi, Te Rarawa kaumatua and pioneering advocate of *kaitiakitanga*, reminds us that while the individual can act as the custodian of that knowledge, regulation of access, use and development of knowledge must occur within the customs and traditions of the collective:

Kaitiakitanga is the term that is often used incorrectly. When we speak of “*kai*” we speak of eating and hence taking into oneself. The act of taking the thing into oneself indicates how these things were viewed such as is part of you. “*Tiaki*” means to guard. When you speak about the things such as knowledge, Māori view the responsibilities of *kaitiaki* as including the ability to treat this knowledge as an integral part of themselves. This includes ensuring that those things are looked after in accordance with our customs and traditions. (Wihongi, 1997 as cited in M. Solomon, 2007, p. 10)¹²⁶

This statement reinforces the notion that while the individual is part of the collective it is the collective that allocates the functions and activities of individuals including the right to care for and protect the resources and

¹²³ This term has been borrowed from Māori Marsden (2003b, p. 69). Although Marsden used this term in reference to those practices that are used to protect and conserve natural resources it can be applied more broadly.

¹²⁴ This is an *oha* used by Waihoroi Shortland on an episode of *Te Tepu* that screened on Māori Television on Wednesday August 13, 2008.

¹²⁵ In the traditional *whare wānanga* system students swallowed pebbles at the end of each course to symbolise knowledge transmission and retention (Mead, 2003b; P. Smith, 1913-1915).

¹²⁶ The quote can be found in Hema-nui-a-tawhaki (Del) Wihongi’s transcript of evidence (tape 3, p. 3) to the Wai 262 claim on September 16, 1997.

knowledge that belongs to the collective (New Zealand Law Commission, 2001, p. 61). Some types of cultural information are vested in specific individuals or families. For example in the Whakaki area protection and dissemination of whakapapa and, kaitiakitanga responsibilities are delegated to specific whānau. These people are the guardians of that information and are responsible for maintaining knowledge integrity. Individual knowledge holders are part of the wider collective and must ensure that their actions are consistent with the values and norms of that collective. Any transgressions threaten the authority and right of the collective, not just the individual, to remain as guardians of cultural knowledge. Therefore collective responsibilities and obligations are socially regulated through whakapapa. Knowledge creation and application requires recognition of interconnections and interdependences (principle of whakapapa) and the mediation of multiple collective responsibilities and relationships (tikanga tiaki). In this context whakapapa is an important regulatory aspect in knowledge creation and use for maintaining knowledge integrity; the mana and tapu associated with that knowledge. Tikanga tiaki, guardianship customs have emerged from this collective guardianship approach to knowledge creation and application, to regulate the presence of tapu and actively protect knowledge integrity.

Knowledge sharing and peer review are features of customary learning and knowledge development processes. The ancestral saying or whakatauki *he pukenga wai, he noho ngā tangata, he noho ngā tangata he pukenga kōrero*; when waters converge and pool, people gather, conversation flows references “...the importance of dialogue and critical reflection (wānanga)... and the sharing of knowledge and visions for positive Māori advancement and development” (Forster, 2010a, p. 36). *Ko te kai a te rangatira te kōrero*, talk is the food of chiefs is another well known whakatauki that reminds us of the importance of dialogue and information sharing - that conversation is a common, very Māori way of sharing information. The key point here is that the notion of knowledge sharing is the anti-thesis of regulation and the practice of gate-keeping. While in the not so distant past regulation was critical for ensuring the retention of customary knowledge, the continued relevance of this gate-keeping tikanga is one that needs reassessing. Knowledge sharing, more so than ever, is critical for knowledge development and essential if customary knowledge is to inform our contemporary realities. Regulation needs to be balanced against other considerations. We cannot be so precious with our knowledge that it dies with our knowledge holders.

I have argued in the last two sections that tikanga tiaki or the active regulation of customary knowledge is a response to the association of knowledge with tupuna, the affects of colonisation and more recent engagement in the politics of self-determination and identity. Regulation of customary knowledge is a mechanism to protect knowledge integrity and to ensure that application of knowledge is consistent with cultural precepts and that customary knowledge continues to contribute to the well-being of communities. Table 4 provides a summary of the regulation of customary knowledge as a consequence of association with tupuna, affects of colonisation and the politics of self-determination and identity. The implications of each factors is outlined and a summary of the regulatory practices that have emerged in relation to that factor is provided.

Table 4: The regulation of customary knowledge.

	Implications	Tikanga Tiaki
Association with tupuna	Knowledge is a taonga tuku iho, tapu and highly valued.	Regulation required to protect knowledge integrity and ensure appropriate use. Communal ownership and regulation.
Affects of colonisation	Undermined indigenous knowledge systems leading to a loss of knowledge and fragmentation.	Remnant knowledge heavily regulated which can restrict access, use and development. Regulation necessary to mitigate the affects of power and authority contests with Western knowledge forms.
Politics of self-determination & identity	Customary knowledge is dynamic, evolving, has a contemporary relevancy and can contribute to community development.	Māori control over the application of knowledge to new situations and modern issues. Regulation through knowledge sharing and peer review.

CONCLUSION

Indigenous inquiry can be considered a response to colonial domination and is concerned with privileging our intellectual traditions to ensure that research is grounded in an indigenous understanding of the world and will make a substantial contribution to community development and advancement. Customary knowledge is the foundation of collective identity and cultural heritage. It is socially constructed and intricately connected to the ancestral landscape, tribal histories and historical issues of equity and social justice that have emerged from the British colonising agenda.

Māori knowledge traditions and knowledge production are based on contemporary interpretations of cosmo-genealogical orations and narratives, ritual incantations and tribal histories that establish a customary framework for a tikanga of knowledge. It is this framework that provides us with the tools to make sense of the world and our place in it:

Mātauranga Māori is not like an archive of information but rather is like a tool for thinking, organising information, considering the ethics of knowledge, the appropriateness of it all and informing us about our world and our place in it. (Mead, 2003b, p. 306)

The purpose of this chapter was to establish a series of political and cultural arguments for the use of cultural value systems and protocols and custom as the basis for conceptualising this research project. Māori cultural values and traditions of knowledge production provide the ontological and epistemological foundation for the research. As a consequence the methodology reflects Māori worldviews and community expectations and ethics

of knowledge production outlined in this chapter. Such a position determines the types of questions that are asked and the types of processes that are used in the research project. These aspects of the research will be discussed in detail in Chapter Five.

RESEARCH PROCESS

This chapter provides an overview of the methods, methodological and ethical considerations that were used during this research project. The chapter begins with a short statement that summarises the key research methods and project aims. Another short statement related to the ethics process is provided although it is important to note that ethical issues are also raised throughout the chapter in relation to specific research activities. The remainder of the chapter explains the research process and methodological underpinnings.

The research involved a case study of kaitiakitanga of Whakaki Lake and a series of qualitative interviews with active kaitiaki involved in wetlands or waterway restoration and enhancement projects. The data from these research activities was used to theorise the contemporary practice of kaitiakitanga.

THE DOCTORAL THESIS PROJECT

The aim of this research was to investigate the nature of kaitiakitanga based on the experiences of kaitiaki involved in the restoration of wetlands or waterways. Two key and interconnected research questions were developed to address the aim of this research: what factors shape the practice of contemporary kaitiakitanga of wetland ecosystems, and; what are the affects of legislating for culture on the practice of kaitiakitanga? The research questions were explored through use of: a series of literature reviews; a case study of a hapū-based wetland restoration and enhancement programme; individual interviews; and, a governmentality critique¹²⁷ of the environmental policy formulation process, environmental statutes and resource management practices. Together these modes of inquiry were used to determine:

- the customary relationship with whenua;
- the cultural value and relevance of the ancestral landscape to hapū;
- the contemporary relationship of hapū with wetlands;
- the capability and capacity of hapū to participate in kaitiakitanga, and;
- the impact of state environmental policy on the way that hapū practice kaitiakitanga.

The intent of this research is to develop a better understanding of the dynamics and complexities of the contemporary practice of kaitiakitanga and identify implications for its future development and practice.

¹²⁷ Chapter Nine: Analysing Māori-state relations introduces the concept of governmentality and how it is applied in this doctorate.

ETHICAL CONDUCT

Ethical considerations associated with gaining access for the purpose of research and data collection and dissemination issues emerge from methods associated with a qualitative case study approach and face-to-face interviews. To ensure an ethical approach the research process was consistent with Māori ethical understandings and universal codes of practice.

The Massey University code of ethical conduct is based on universal principles of respect for persons, minimisation of harm, informed and voluntary consent, respect for privacy and confidentiality, the avoidance of unnecessary deception, avoidance of conflict of interests, social and cultural sensitivity and justice (Massey University Human Ethics Committee, 2010). Ethics approval was gained on 17th September 2008 from the Massey University Human Ethics Committee (MUHEC): Southern A (Application 08/06) (Appendix Four) indicating that the research process was consistent with the Massey University code of ethical conduct.

The application of tikanga Māori to the research process was critical for ensuring that the doctoral project was consistent with Māori ethical expectations. Māori ethical practices are informed by tikanga, which are customary practices based on a Māori understanding of the world handed down through the generations that determine appropriate behaviours and ways of interacting (Marsden, 2003b; Mead, 2003b). Therefore the ethical practices employed in this project were underpinned by both the Massey University code of ethical conduct and tikanga Māori. The ethical conduct processes will be explained throughout this chapter in relation to each research activity.

CASE STUDY APPROACH

To understand the phenomenon of kaitiakitanga it was necessary to develop a strategy of inquiry that was capable of allowing an in-depth investigation of the nature of kaitiakitanga. Kaitiakitanga is a values-based concept that determines tribal obligation and responsibility towards the environment. Kaitiakitanga is concerned with influencing natural and social systems to maintain appropriate cultural relationships with the ancestral landscape and facilitate positive environmental outcomes. Kaitiakitanga is exercised by practitioners on behalf of the hapū at specific geographical locations in relation to certain natural resources. A key consideration when determining the strategy of inquiry for this research was the ability of the methods to capture first kaitiakitanga *in situ*, second the experiences of practitioners and finally the link between kaitiakitanga and mana whenua.¹²⁸ To access the experiences and practices of active kaitiaki a qualitative inquiry would be necessary. It was decided to use a qualitative case study approach to investigate the phenomenon of kaitiakitanga of wetland ecosystems. A case study approach is a useful strategy of inquiry when the focus of the research is a contemporary phenomenon in its natural state or "...within a real-life context" (Yin, 2009, p. 2) such as kaitiakitanga in practice (Stake, 2003; Yin, 2009). According to Yin (2009) the case study method provides a distinct advantage

¹²⁸ Mana whenua is used here to refer to the authority, obligations and responsibilities of local hapū in a defined tribal area.

when the context is not readily distinguishable from the phenomenon and therefore the context is a critical dimension of understanding the phenomenon.

The focus of the case study was kaitiakitanga of Whakaki Lake with specific reference to the activities of the Whakaki Lake Trust (the Trust). The Trust is a Māori land trust responsible for the management of the Whakaki Lake property on behalf of its beneficiaries and the local hapū (Māori Land Court, 2005). Kaitiakitanga, particularly of valued taonga species such as tuna, has been a core function of the Trust since it was first established in 1969 (Whakaki Lake Trust, 1993). As a case-study for this thesis the Trust provided an opportunity for me to explore how the local hapū continue to achieve kaitiakitanga obligations and responsibilities. Yin (2009) argues that a case study is more likely to be identified as a preferred method when the researcher is interested in how and why questions. With regard to this case study understanding the phenomenon of kaitiakitanga is dependent on *how* and *why* kaitiakitanga is practiced and conceptualised within hapū politics and in relation to natural resources associated with the lake.

A case is often referred to as a “bounded system” (Merriam, 1988; Stake, 2003; Yin, 2009) that is clearly defined. In this context Stake argues that the case “...is an integrated system” (2003, p. 135) containing parts that function in specific ways and interact to contribute to the entity in its entirety. The system approach to investigating a phenomenon is consistent with a Māori understanding of knowledge production. Whakapapa as an organising principle and as a way of understanding the world (Rangihau, 1975; Royal, 2003) supports a holistic or systems approach to research. For example three principles that guide research practice are identified in the Māori centred approach to research: Whakapiki tangata, enablement or enhancement or empowerment; Whakatuia, integration and; Mana Māori, Māori control (M. H. Durie, 1997). The whakatuia principle is an indication of “...the importance of a total environment to understandings of advancement” (M. H. Durie, 1997, p. 10). Therefore a systems approach is consistent with a Māori worldview and is a critical element for achieving an understanding of the concept of kaitiakitanga.

Stake (2003) identified three types of case studies: the intrinsic, the instrumental and the collective. Intrinsic case studies are exploratory in nature and seek to understand the case. Stake emphasises that this type of case is not necessarily chosen because it is representative of a phenomenon, but rather because it is of interest. Furthermore, the intent is not so much about understanding or theorising about the phenomenon but understanding the case. If a case is used to provide an understanding or theorise about a phenomenon this is known as an instrumental case study, “The case is of secondary interest, it plays a supportive role, and it facilitates our understanding of something else” (Stake, 2003, p. 137). The third type of case study is the collective. Multiple cases are the focus of this type of investigation. It is usually a form of instrumental case study as the intent is to generalise. Others have developed categories for defining case studies based on application or function (Stake, 2003). For example, Yin (2009) identifies four different applications: to explain; to describe; to illustrate; and, to enlighten. Each of these applications can be present within Stake’s three categories.

Using Stake’s terms, the research for this thesis may be categorised as an example of both intrinsic and instrument case study. I use the case of kaitiakitanga of Whakaki Lake, that is the activities that the Trust and other

active kaitiaki engage in, to access, use and protect the natural resources at the lake, to assist with understanding the contemporary practice of kaitiakitanga. However, understanding the case itself is critical for facilitating an understanding of the phenomenon of kaitiakitanga. In this context the case study is also instrumental as the case also allows theorising about the phenomenon of contemporary kaitiakitanga. It is an intrinsic case study as it is exploratory in nature and provides an understanding of kaitiakitanga at a specific site as practiced by a specific group of people.

Stake acknowledges that the separation between intrinsic and instrumental is not always definitive rather a "...zone of combined purpose separates them" (Stake, 2003, p. 137). Fitting a case study neatly into a category is not always possible but the categories are useful for delineating the purpose, intent and characteristics of the forms of case study research.

CASE STUDY SELECTION

As a case study kaitiakitanga of Whakaki Lake is an interesting, unique and generalised case. Kaitiakitanga at Whakaki Lake is an interesting example of a continuous tribal relationship with the ancestral landscape that has changed over time. The Whakaki region is also of high personal interest as my grandfather was born at the upper end of the lake at Iwitea. This case study is also unique in the sense that the practice of kaitiakitanga is tribally and geographically distinct. Finally kaitiakitanga at Whakaki Lake is generalisable in that many other hapū have a shared experience of the loss of culturally significant wetland ecosystems and are considering options to restore or enhance wetland areas in an attempt to recover and reconnect with the ancestral land.

According to Stake one of the strengths of the case study approach is that it draws "...attention to the question of what specially can be learned from the single case" (Stake, 2003, p. 135). One of the reasons that I have chosen to focus on kaitiakitanga of Whakaki Lake is that there is certainly much that can be learnt from this single case. First the local hapū and the Trust have a long history of kaitiakitanga of Whakaki Lake and its natural resources. In this role the Trust has accumulated considerable knowledge and experiences related to kaitiakitanga. Therefore the Whakaki Lake case study provides an opportunity to explore customary relationships with, and the importance of, the ancestral landscape.

Second, the case study allowed an exploration of the transformation and complexities of the practice of kaitiakitanga over time and in relation to a range of environmental pressures. Furthermore in exercising kaitiakitanga obligations and responsibilities the Trust has engaged with a range of external agencies including the state. For example, the Trust has actively lobbied local, regional and central government on behalf of the local hapū to address environmental degradation affecting the Whakaki Lake system since 1973 (Coombes, 2007; Forster, 2009b; Tomlins-Jahnke, 1993). This dimension of the Trust's operations allowed an investigation of the effect of state environmental policy on the way that kaitiakitanga was practiced.

Perhaps the most important reason for choosing kaitiakitanga of Whakaki Lake as a single case is that in 1996 the Trust initiated the first hapū-based wetland restoration and enhancement programme that is still in operation today.

This aspect of kaitiakitanga of Whakaki Lake makes the case study noteworthy. As a consequence of engaging in restoration and enhancement the Trust has developed a distinctively hapū-centric perspective towards recovery of wetland ecosystems. It is this dimension that was worthy of capture and a key reason why the Trust was selected as the focus of the case study. A more detailed description of case study is provided in Chapter Six.

CASE STUDY METHOD

A case study is not limited to one strategy of inquiry and can adopt qualitative, quantitative or mixed methods (Stake, 2003; Yin, 2009). The type of method that is used is dependent on the type of answers that are sought. Furthermore it is common for a case study approach to employ several methods thereby utilising multiple sources of evidence. Gillies argues that the case study approach facilitates "...the incorporation of Māori cultural representations such as oral testimonies, values, experiences, traditions, beliefs, and language throughout the process" (Gillies, 2006, p. 59). Incorporating Māori knowledge, ways of knowing and associated practices is critical for understanding the customary concept of kaitiakitanga.

The use of multiple sources of evidence is one of the strengths of the case study method as triangulation becomes an inherent feature. Triangulation is the use of multiple sources or methods to increase the reliability and validity of findings (Payne & Payne, 2004). The general idea is that a "...case study finding or conclusion is likely to be more convincing and accurate if it is based on several different sources of information" (Yin, 2009, p. 116).

To investigate kaitiakitanga a case study was developed from a review of a range of sources including documents, observation notes and minutes and field notes of hui. During the research process I attended hui with Whakaki Lake Trustees and employees and was given permission to access Trust minutes, management plans, policy documents and research reports. I was based at the Trust office at Whakaki Marae located across the road from Whakaki Lake. Situated in this location I was able to observe first hand kaitiakitanga in practice through the operations of the Trust. Furthermore opportunities emerged for several visits to wetlands in the local region. In 2008 I visited several culturally significant areas including lakes, wetlands and former wetlands on the Mahia Peninsula with local kaumatua. In 2009 I made several visits to the Whakaki Lake property accompanied by the Trust manager. Photographs were taken during site visits and field notes compiled at the conclusion of each trip. This data became one of the sources of evidence that was used to understand the contemporary nature of kaitiakitanga.

The reporting of this case study is interpretative. I am interpreting the experiences of the Trust as reflected in documented sources and the words of Trustees and Trust employees. I am conveying the messages learnt from my time with them. It is not a narrative written by the Trust, although this would have been the ideal. Writing their story was not a priority of the Trust when this project was being conducted. Their story is told at the lake, kanohi ki te kanohi¹²⁹ – an experience that I have had the privilege of sharing on a number of occasions. Therefore to avoid misrepresentation I have used their own

¹²⁹ Face to face.

words, their voice when possible.¹³⁰ The use of the voice of active kaitiaki is important in this context as the data therefore is authoritative and authentic as it is founded on a research practice that has been mandated by hapū.

THE WHAKAKI LAKE CASE STUDY

The case study of kaitiakitanga at Whakaki Lake was compiled from a range of documented sources, site visits, hui, interviews and a research project that was completed for the Trust during the doctoral thesis research. The research project was particularly important for understanding kaitiakitanga as it is practised *in situ* at Whakaki lake. The research project and outcomes are discussed in Appendix Two. Although the research was undertaken as part of the thesis study it sits beside and is slightly separate from the doctoral thesis. There are several reasons for this. Firstly the research project was part of the process of establishing a relationship with the Trust. As part of this relationship a commitment was made to produce research outputs directly relevant to the Trust directives. Secondly the Trust was interested in controlling the parameters of the research and information dissemination. As a result the research outputs from the project with the Trust are reported separately from this thesis.

WORKING WITH MĀORI COMMUNITIES

The Trust is regularly approached by external agencies interested in conducting research at the lake property. Given the opportunity the Trust has a preference to be actively involved in research to exercise a measure of control over the research process. Control over the research process ensures the relevancy of research aims, objectives, process and outcomes for the Trust. The Trust is particularly supportive of projects that contribute to the core functions of the Trust or can produce improved environmental outcomes at the lake (Forster, 2011a).

PROCESS FOR NEGOTIATING ACCESS

Working with Māori communities is a popular response to the negative affects of inadequate practices and outcomes of past research projects (L. T. Smith, 1999; Te Pūmanawa Hauora, 1998). By working with rather than researching Māori communities appropriate research processes are more likely to emerge. This helps to ensure that research will be relevant and make a positive contribution to the development and advancement of the communities involved in the research exercise. The notion of working with a Māori community as part of the doctoral research reflected this trend and was motivated in part from a desire to contribute to the development of the communities with which I am connected through whakapapa. The decision to develop a research project with the Trust was therefore a convergence of methodological conventions and cultural responsibility.

In this project access to the Trust was facilitated through whakapapa connections of both the supervisor and I to the tumuaki (Trust chairperson),

¹³⁰ Misrepresentation is also minimised in a conventional research sense through research design process and triangulation.

Trustees, Trust employees and local community. The existence of prior relationships where trust and respect had already been established served to engender confidence in the researchers and their motives. This was validated by the Trust's willingness to negotiate potential projects and to support and sponsor the doctoral research project.

Whakapapa is commonly exercised as a principle for gaining access to whānau, hapū or iwi, and for regulating research conduct that subscribe to kaupapa Māori and Māori centred approaches to research (J. Graham, 2009; L. T. Smith, 1999; Te Rito, 2007; Tomlins-Jahnke, 2005). Furthermore, as mentioned in the *Ethical conduct* section of this chapter, access was negotiated in accordance with University ethics requirements code of ethical conduct. MUHEC required evidence of consultation and permission from the Trust to conduct research.

Negotiating access based on tikanga was a lot more involved than the MUHEC requirements. A series of consultative hui were held (November 2006, February 2007, 2008, January 2009) where potential projects were discussed and the terms of research developed. Both the doctoral thesis and the research project for the Trust were discussed at these hui. Once the Trust had indicated a willingness to develop a research relationship a written request to access the Trust for the purpose of research was sent on 3rd December 2007. As a consequence I was invited to a general Trust meeting in April 2008 to formally request permission to undertake research related to kaitiakitanga of Whakaki Lake. The meeting was held at Whakaki marae and open to the whole community who were given the opportunity, in accordance with tikanga, to ask questions and endorse or reject the project. At this meeting Kemp Solomon, Whakaki Lake Trustee, indicated his willingness to support the project and was given the mandate to work with me to develop a proposal for final approval by the Trust. Although the process for developing the proposal was completed within a month it was not tabled until February 2009. The reason for the delay was due to a commercial fisher being caught illegally fishing tuna in Whakaki Lake soon after the general meeting. Commercial fishing is prohibited at Whakaki Lake. The local hapū consider their role as kaitiaki important and, therefore, the illegal fishing of tuna seriously undermined their kaitiakitanga obligations and responsibilities. The Trust decided to pursue a prosecution order for the illegal fishing incident. The resultant court case monopolised the community and Trustees' time and energy for the remainder of 2008 so the joint research exercise was postponed.¹³¹ The research proposal was finally tabled in February 2009 a month after the first court hearing. Permission was granted for the research project to begin in March 2009 and it concluded in December 2009 when the research outputs were presented at a hui with Trustees and Trust employers. Gaining access to the Trust for the purpose of research for a doctoral study was a lengthy process and commencement of the project was conditional on local community commitments. These are some of the challenges that researchers face when undertaking projects in whānau, hapū or iwi contexts.

¹³¹ The case went to court January 27 2009 and the fisher was prosecuted and fined May 21 2009.

THE RESEARCH RELATIONSHIP

In their role as a kaitiaki of Whakaki Lake on behalf of the local hapū, the Trust has formed numerous working relationships with a range of local authorities, non-governmental organisations and scientists. Many of these relationships constitute research partnerships designed specifically to progress the ecological and environmental protection and enhancement agenda (Forster, 2009a, 2009c). The Trust has worked with scientists from the Department of Conservation (M. Smith, 1997; M. Smith & Hobson, 2001) and the National Institute of Water and Atmospheric Research (de Winton & Champion, 2008), geographers (Coombes, 2005) and commissioned work from HortResearch (Northcott & Ponga, 2008) and resource management and environmental consultants (Palmer, 2004a, 2004b; Palmer & Whakaki Lake Trust, 2008a, 2008b; Wilson & Palmer, 2006). As a consequence of these relationships the Trust has developed very clear expectations and policy around working with others. This policy is not immediately obvious from an evaluation of the Trust operational practices. Rather it is seen through the actions and tikanga that Trustees and Trust employees use when they encounter an external agency.

The Trust has developed several practices to protect its interests including a research screening process, memoranda of understanding, research contracts, and confidentiality and intellectual property agreements. Furthermore there is an insistence that a Trustee or whānau member becomes part of the research team. Participating as part of the research team has several advantages. The Trust representative can facilitate access to the property, local mātauranga, Trustees and Trust employees. A local presence is also useful for conveying local knowledge related to the management of the lake and information related to the local flora and fauna. This includes determining whether that information should be shared. The representative can also assist if any cultural protocols are required. Working with an external agency can also build research capability and capacity within the Trust. External researchers have provided training in propagation, nursery development, ecological monitoring and pest management (Forster, 2009a). In relation to the doctoral study it was necessary to build the Trust's expectations of research practices into the doctoral thesis research design. As a consequence a separate research project was developed for the Trust (Appendix Two).

QUALITATIVE INTERVIEWS

It was decided to conduct a series of face-to-face interviews with active kaitiaki to complement the kaitiakitanga at Whakaki Lake case study. The interviews with active kaitiaki provided a much broader account of the contemporary practice of kaitiakitanga over wetlands. Furthermore, the interviews were an additional source of evidence to corroborate patterns that were emerging from the case study. Therefore this approach to research was useful for triangulation and testing the internal validity of emergent data themes.

Qualitative interviews are a valuable method for assisting with understanding the nature of contemporary kaitiakitanga. The interviews provided an opportunity to explore the practitioner dimension of kaitiakitanga through personal experiences, views and contemporary practices. This form of qualitative research was concerned with systems and relationships and

understanding phenomenon rather than making predictions or statistical generalisations.

Quotes from participants are italicised when used in this doctorate to emphasise their voice. Moreover participants are referred to as active kaitiaki as a reminder that these people are mandated by hapū and therefore provide an authoritative and authentic position on kaitiakitanga.

DESCRIPTION OF PARTICIPANTS

Thirteen participants who were active kaitiaki were interviewed for this study. Participants were selected, as with the case study, based on the principle of whakapapa. In the qualitative interview phase of this research project a kaupapa whakapapa was used to recruit participants. A kaupapa whakapapa is an extension of Metge's concept of kaupapa whānau (1995). Kaupapa whānau refers to a Māori collective that has been established around a specific kaupapa such as association with a school or players in a netball team. Kaupapa whānau membership can be based on genealogy or based on a connection to a kaupapa. In this doctoral thesis kaupapa whakapapa indicates that participants were selected based on their involvement in a specific kaupapa. In this case that kaupapa is involvement in hapū-based wetlands or waterway restoration programmes. The word whakapapa is used rather than whānau to maintain consistency with the recruitment strategy used in the case study which was based on the principle of whakapapa. A whakapapa approach is time consuming and establishes long term commitment and reciprocal relationships with whānau that continues well beyond the life of the research project. Whānau politics and, local issues and aspirations, can also impact on the research.

There are very few hapū-based wetland enhancement programmes nationwide. I was only able to identify two, the Whakaki Lake (Wairoa, Hawke's Bay) and Te Hakari Wetlands (Kuku Beach, Ohau, Horowhenua, south-west coast of North Island) projects. There are other hapū involved in wetland restoration projects however the governance of many of these projects, at for example Lake Rotorua and Lake Horowhenua, involve partnerships with community groups, non-governmental agencies and local and central government. These types of practitioners were excluded from this study as I was only interested in programmes where Māori have a high degree of control over the decision-making process and situations where custom, as opposed for example to science, was more likely to be a major driver of operations. In partnership arrangements decision-making is shared and negotiated in relation to multiple agendas and interests. In these situations it can be difficult to identify the customary basis of decisions or practices as there are potentially multiple factors that contribute to an outcome.

Involvement of active kaitiaki in hapū-based programmes ensured that the participants were firstly practitioners and secondly recognised by their respective hapū as kaitiaki. Each of the practitioners represented an authoritative voice on issues related to kaitiakitanga as practiced by their hapū.

The active kaitiaki interviewed for this doctoral research project were involved in the Whakaki Lake enhancement programme, the Hakari Wetlands restoration project, the Mangapouri Stream restoration and tuna management projects (Otaki, Kapiti Coast) and the Te Taumutu Rūnanga stream restoration project (Waihora, Banks Peninsula). The number of people interviewed

reflected the number of people that I could access associated within each of these projects. There is no statistical basis associated with the sample size.

RECRUITMENT AND INTERVIEW PROCESS

Active kaitiaki were contacted and invited to participate in the project. Many of the participants were known to me. Those that were not known were identified through use of a snowballing technique. Snowballing is a sampling technique where “you begin with a small number of respondents and ask them to recommend other people” (Davidson & Tolich, 2003, p. 119) to be involved in the study. This technique allows the researcher to draw on other people’s networks.

Once a potential participant was identified the person was contacted and a project information sheet and a copy of the interview schedule (Appendix Four) were sent to assist them with the decision to be involved. When a person agreed to be involved a time and venue for the interview was arranged.

Each interview began with a discussion of the participant’s rights. Once it was clear that the participant understood the implications of involvement in this research the consent form was signed. Interviews were typically at least two hours in duration and were conducted at a time and place chosen by the interviewee. In accordance with tikanga,¹³² which included providing kai¹³³ and koha¹³⁴ at each interview, customary expectations associated with social interactions were acknowledged and practiced. The interviews were based on open-ended questions in order to provide an overview of the restoration work in which active kaitiaki were involved, to discuss the relationship between the project and the hapū and to comment on engagement with external agencies including other hapū. Kaitiaki shared their experiences and challenges of being active kaitiaki and working within the existing resource management regime and of engaging with external agencies such as local authorities and scientific institutions. Transcripts were returned to interviewees with a summary that indicated how the data would be used in the study.

COMPUTER ASSISTED ANALYSIS OF DATA

HyperRESEARCH, a computer software programme was used to assist with the coding, retrieval and generation of themes from active kaitiaki interviews. During the processing of qualitative interview data 90 codes were generated. These codes were developed as each transcript was read. Some codes were renamed or collapsed together when better descriptors were developed. By the time the third transcript was being read very few new codes had emerged.

The intent of the codes assigned to each passage was initially to describe the topic (master codes) and then to clarify the nature of the topic. To

¹³² Tikanga in this context refers to Māori customs associated with the rituals of encounter and social exchange.

¹³³ Food.

¹³⁴ A koha is a token of appreciation for the experiences and knowledge that the participants shared with the researcher. Koha gifted during this research project included cards, petrol vouchers, biscuits, cakes, fruit, an external hard drive and support in kind to the projects that people were involved in.

assist this process some of the master codes were purely descriptive and identified passages that focused on issues related to a specific activity such as hapū based restoration or hapū-based research. Other master codes identified specific issues such as external relationships, best practice and knowledge acquisition. A series of secondary codes were available to explore the nature of these topics in more detail to uncover related issues, relationships, activities and practices, priorities and aspirations. Therefore many of the passages in the transcripts were assigned multiple codes to capture the full scope and depth of the ideas present. HyperRESEARCH provides an annotation window that allows notes to be attached to specific excerpts. I used this function extensively to record any trends or patterns observed.

Once all of the transcripts had been coded key themes and the relationship between codes were generated through use of the frequency function of HyperRESEARCH. The frequency function produces a frequency count and bar graph of use of each code. The graphs are not an indication of the importance of each code rather the frequency with which each code had been used. The frequency function is a useful starting point for identifying the foremost themes. I also used the code map function of HyperRESEARCH to map relationships between codes and assist with the identification of emerging themes. Mapping of the codes indicated that the data revolved around five key themes: the role of the whenua in nurturing the hapū; customary authority; the customary responsibility to maintain mauri of the ancestral landscape; kaitiaki activities and practices; and, Māori-State relations.

Transcripts were re-read to determine the applicability of these themes to the qualitative data set. Reports based on each theme that listed all of the source material and annotations were generated. A further analysis, coding and mapping exercise was performed on these reports to identify subthemes and to generate a draft structure for each of the key themes.

The themes were then triangulated against data from the Whakaki Lake case study and with literature related to kaitiakitanga to test for validity. Once I was satisfied with the reliability and applicability of the themes a customary frame for conceptualising the data was developed. Reporting of the data was organised around this customary framework. The customary framework is discussed in the final chapter.

Extracts from the qualitative interviews are reported using the following unique nomenclature CSxx/yyyy where CSxx is a reference to the individual interview, for example CS01 is case study number one, and yyyy is the reference number generated by HyperRESEARCH to indicate the starting position of the data thread in the transcript. The yyyy is a continuous character count number.

CONCLUSION

To summarise, this doctoral project involves a case study of kaitiakitanga at Whakaki Lake. The case study was compiled from a range of documented sources, site visits, hui, interviews and a research project that was completed for the Trust. A series of individual interviews were also undertaken with active kaitiaki involved in hapū-based wetland or waterway restoration or enhancement programmes in several sites throughout Aotearoa New Zealand.

Tikanga Māori underpinned engagement with Whakaki Lake Trust and those who participated in the individual interviews.

The data from these two research exercises is used in *Part Two: Hei whenua papatipu* to determine the characteristics of contemporary kaitiakitanga. *Part Three: The politics of mauri* provides a governmentality critique¹³⁵ of the environmental policy formulation process, environmental statutes and resource management practices. The final chapter *Kaitiakitanga* draws all of this information together to theorise the contemporary practice of kaitiakitanga.

¹³⁵ Chapter Nine: Analysing Māori-state relations introduces the concept of governmentality and how it is applied in this doctorate.

Part Two: Hei Whenua Papatipu

Part Two *Hei whenua papatipu* focuses on the experiences of active kaitiaki. The data from the case study and interviews with active kaitiaki are reported in this part of the thesis. Chapter Six *Recovering our ancestral landscapes: A wetland's story* explores the contemporary relationship of hapū with wetlands. This chapter provides a commentary of social and cultural impacts of drainage, ecological degradation and loss of wetland biodiversity. Wetland-related events and experiences of the Ngai Te Ipu, Ngāti Hinepua and Ngāti Hine hapū in the Wairoa-Mahia region are used to illustrate these issues.

Chapter Seven *Toitūtanga: Sustainability culture* establishes the importance of the ancestral landscape for hapū and the rationale for acting as kaitiaki. This chapter begins with a discussion of the transformation of the physical landscapes and modifications to culture as a consequence of contact with the West. The data from the case study and active kaitiaki (practitioners) are used in this chapter to explore the customary relationship and importance of whenua for hapū.

Chapter Eight, *Tikanga tiaki: Guardianship customs* explores the way the contemporary practice of kaitiakitanga is enacted by hapū. There is a specific focus on hapū-based activities and practices for the restoration and enhancement of wetlands and waterways. The experiences of active kaitiaki in ecological enhancement are used to demonstrate the contemporary relevance and flexibility of kaitiakitanga to address critical issues of environmental degradation and enhance the condition of fragmented and highly modified ecosystems and natural resources. A large focus of this chapter is the capability and capacity of hapū to participate in the contemporary practice of kaitiakitanga.

RECOVERING OUR ANCESTRAL LANDSCAPE: A WETLAND'S STORY

Chapter Two: *Mauri tū: Restoring the balance* argued that the obligations and responsibilities tangata whenua have towards the ancestral landscape can only be understood through an exploration of the bond between people and place. This chapter provides a case study of kaitiakitanga at Whakaki Lake that emphasises the significance of wetlands to hapū and the values, customs and practices that have emerged to sustain, and reflect the importance of this relationship.

The experiences of local hapū to manage and protect the natural resources associated with Whakaki Lake provide a platform for investigating the nature of kaitiakitanga *in situ* and the dynamics and complexities associated with the contemporary practice of kaitiakitanga. Such a focus links directly to the key research question of this doctoral study: what factors shape the practice of contemporary kaitiakitanga of wetland ecosystems? The data upon which this chapter is based was collected as part of the case study approach.

This chapter draws substantially on a previously published paper that bears the same title as this chapter in *Māori and the environment: Kaitiaki* a book edited by Rachael Selby, Pātaka Moore and Malcolm Mulholland (2010). The chapter explores efforts to retain the wetland ecosystem through an investigation of social and cultural relationships with the lake. Essentially this chapter builds on the discussion related to Māori and Pākehā relations and colonisation of the landscape first introduced in Chapter Three *Contact with the West*. The chapter ends with an exploration of the emergence of restoration as a new way of executing kaitiakitanga obligations and responsibilities to the ancestral landscape. Wetland-related events and experiences of the Ngai Te Ipu, Ngāti Hinepua and Ngāti Hine hapū in the Wairoa-Mahia region are used to illustrate these issues.

It is argued that despite extensive transformation, remnant wetlands remain highly valued ecosystems and, for local hapū, wetlands continue to make a significant contribution to the spiritual well-being and identity of local hapū. As a consequence, hapū continue to seek new ways to strengthen connections and develop new relationships with the transformed and highly modified ancestral landscape.

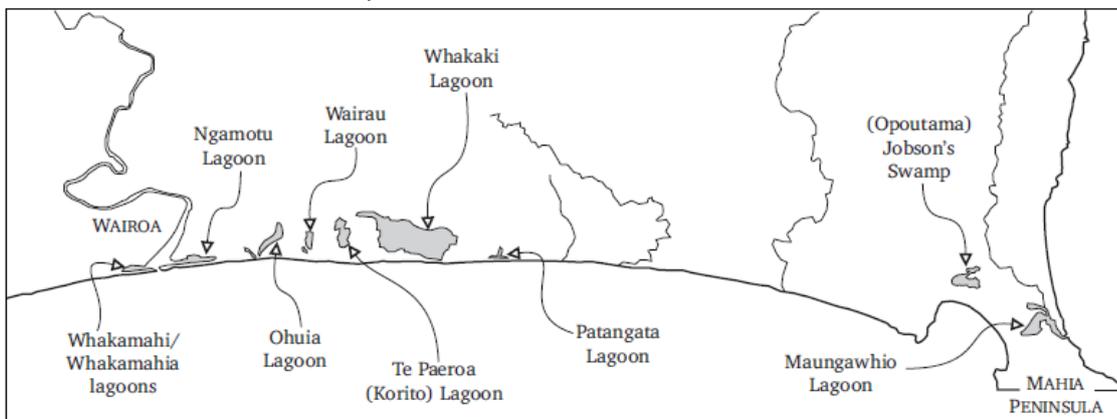
Restoration and enhancement initiatives in the Wairoa-Mahia region illustrate new opportunities to exercise kaitiakitanga responsibilities and obligations, to be active kaitiaki, and to ensure wetlands and lakes remain a central feature of hapū identity. Such initiatives are part of the wider politics of resistance; a recovery strategy, reclaiming those places and the associated knowledge and practices that are valued by hapū and promoting Māori interests in environmental management and protection.

THE IMPORTANCE OF ANCESTRAL PLACES

Historically, wetlands were highly valued ecosystems, areas of immense importance to Māori communities (Park, 2001; B. White, 1998) as these areas provided food and other useful resources but, more importantly, also sustained the community's spiritual well-being and shaped hapū identity.

In my grandparents' tribal rohe (area), wetlands were a dominant feature of the natural landscape, with major coastal wetlands, lagoon systems and associated waterways that extended from Wairoa through to Mahia Peninsula. These included Whakaki Lake and the Whakamahi, Whakamahia, Ngamotu, Whakaki,¹³⁶ and Maungawhio lagoon systems (Figure 1) and Whangawehi Estuary.¹³⁷

Figure 1: The Wairoa coastal lagoons.
Source: Coombes & Hill, 2005, p. 10.



There were also several freshwater wetlands among the dunes throughout Mahia Peninsula and many, such as the Opoutama wetlands,¹³⁸ have been "...highly modified by drainage, stock and weed invasion" (Whaley, Clarkson, Emmett, Innes, Leathwick, Smale, & Whaley, 2001, p. 32). Our communities settled in close proximity to these waterways with "three palisaded pa at Whakaki – Tura-moe, Orakaipa and Taumata-Hinaki" in the 1800's (Tomlins-Jahnke, 1993, p. 19). Evidence to the Native Land Court in relation to the Whakaki block identified urupa (Te Akeake, Takupaio a whakaahu, Takitaki), tauranga waka (at Te Waikarawai and Te Paraoa), settlements (Hauwaru, Aowhero, Patokitoki, Te Ekeparuparu, Iwitea, Te Poho o Tahu), pa tuna (Raeroa, Kohurupo, Tutaenui, Tapauae,) and cultivations (Aowhero, Ngaawa a Tauira, Te Whare o te Haramau, Kohimuhimu, Te Umu a wha) (Tairawhiti Māori Land Court, 1894, pp. 192-193).

The local communities were dependent on the natural resources associated with these waterways for sustenance, for day-to-day living, for the construction of settlements and waka (canoe), and for trade (Tomlins-Jahnke, 1994). In many of these areas very little of the original vegetation associated

¹³⁶ Ohuia, Wairau, Korito and Patangata Lagoon are part of the Whakaki Lagoon system.

¹³⁷ The Whangawehi Estuary is not part of the Wairoa coastal lagoons. It can be found on Mahia Peninsula.

¹³⁸ Opoutama wetland was estimated to be around 140 hectares in 1910 and was drained in 1966. Jacob's swamp, a 6.8 hectare wildlife management reserve, was once connected to the Opoutama wetlands (Coombes & Hill, 2005).

with the coastal forests,¹³⁹ dunelands,¹⁴⁰ freshwater wetlands¹⁴¹ or estuary systems remains. Areas that were once forest vegetation have been cleared for agricultural activity, including sheep and cattle farming, cropping, orchards and housing settlements at Iwitea, Whakaki, Nuhaka, Opoutama, Mahanga, Mahia Beach, Oraka Beach and Mahia (East).

Historically and today, Whakaki Lake (Figure 2) has played a central role in the identity of the local hapū (Tomlins-Jahnke, 1994):

The tangata whenua of Whakaki desired a total way of life from this lagoon¹⁴² and its tributaries. Their ancestors are buried in several urupa around the perimeters of the lagoon. The spiritual connections are strongly bonded between the land, lagoon and people. The heritage bonds give the tangata whenua their pride, their mana and their spiritual culture. (Huki Solomon, Whakaki kaumatua)¹⁴³

Figure 2: Whakaki Lake, Wairoa, NZ.

Photo courtesy of the Wairoa District Council. Graphics designed by Andre Te Hira.



Hapū identity, while closely linked to key ancestors, is also shaped by relationships with the natural environment and associated resources. Tuna (eel) are a very important taonga to hapū from the Whakaki region (Tomlins-Jahnke, 1994) and the local people are widely known as Kirituna.¹⁴⁴ Literally meaning

¹³⁹ Which in the Mahia region would have included "...a mixed canopy of titoki, tawa, karaka, nikau, ngaio, pukatea and lemonwood. Kohekohe, wharangi, whau and mahoe dominated the sub-canopy" (Whaley, Clarkson, Emmett, Innes, Leathwick, Smale, & Whaley, 2001, pp. 29-30).

¹⁴⁰ Which would have been "...dominated by populations of the sandbinders pingao, spinifex and sand tussock (*Austofestuca littoralis*). The inner dunes had a sparse mix of sand pimelea, sand convolvulus, jointed wire rush, sand sedge, *Coprosma acerosa*, pohuehue (*Muehlenbeckia complexa*) and zoysia" (Whaley, Clarkson, Emmett, Innes, Leathwick, Smale, & Whaley, 2001, p. 30).

¹⁴¹ Containing a "...mosaic of raupo reedland, and sedge-rush-flaxland including *Baumea juncea*, *Isolepis prolifer*, jointed twigrush, sharp spiked-sedge, harakeke and lake clubrush. Other species included swamp kiokio, purei and *Carex dissita*. Manuka scrub, harakeke and cabbage tress occurred around the margins, and on hummocks and small low islands throughout" (Whaley, Clarkson, Emmett, Innes, Leathwick, Smale, & Whaley, 2001, p. 30).

¹⁴² Whakaki Lake is part of a coastal lagoon system between Wairoa and Opoho Rivers, Hawke's Bay, North Island, Aotearoa New Zealand (refer to Figure 1).

¹⁴³ (Correspondence dated 25 May 1992 from esteemed Whakaki elder Huki Solomon to The Parliamentary Commissioner for the Environment, Mrs Helen Hughes cited in Parliamentary Commissioner for the Environment, 1993a, p. 29).

¹⁴⁴ (Personal communication 13/10/92 from Whakaki kaumātua and Whakaki Lake Trustees Huki Solomon (Chairman) and Joe Smith (Secretary), as cited in Parliamentary Commissioner for the Environment, 1993b, p. 47).

eel skin, the name Kirituna acknowledges the famed stocks of tuna at Whakaki, in the same way that Mahia was known for its kaimoana delicacies. In addition, Kirituna also acknowledges the extensive tuna knowledge base and associated practices developed by Whakaki hapū through a long association with this resource and the wetlands system.

DEVELOPING NEW RELATIONSHIPS WITH THE NATURAL ENVIRONMENT

For hapū, the transformation of the ancestral landscape to conform to European concepts of productive land use and European ideals of wilderness, as discussed in Chapter Three *Contact with the West*, necessitated the adoption of new land-use practices and the development of new relationships with introduced species. Europeans introduced a wide range of new species that thrived in the Aotearoa New Zealand environment often displacing the native biota through competition for habitat (Young, 2004). Today, many of these species remain a threat to native biodiversity and to the integrity of the remnant wetlands systems.

Some introduced species, however, have become highly valued, for example, potatoes revolutionised Māori subsistence horticulture (Young, 2004) and, along with other introduced species such as pigs, barley, oats, peas, maize, and wheat, positioned Māori communities to engage actively in trade and export. Other introduced species, such as pork and watercress, have become essential ingredients in what would be considered traditional Māori food, a boil up or hāngī (food cooked in an earth oven).

Just as some introduced species have been appropriated into Māori cultural traditions so too have conventional European land-use practices such as agricultural activities. Agricultural activity was not a predominant feature of pre-contact Māori land use (Pond, 1997a); nevertheless the agri-industry has become an important economic activity, to the extent that for many hapū farming is now considered an important land-use practice.

Criticism that remnant Māori freehold land was not contributing to the Aotearoa New Zealand economy, lying idle and going to waste, was the major argument for further alienation of Māori freehold land. Coincidentally, this argument also supported the prevailing view and Crown policy¹⁴⁵ that productive agricultural use should dominate land use and development. Individualisation of title¹⁴⁶ also introduced much uncertainty in relation to occupation and land use rights. Multiple ownership proved to be a significant impediment to raising sufficient capital for land development (Loveridge, 1996). As a consequence, the capacity for Māori to participate in agricultural activity was low. Nevertheless, a desire to retain the remnant tribal estate in Māori ownership and intense political pressure towards productive agricultural land

¹⁴⁵ Until the 1930s Government policy for Māori freehold land, emphasised productive agricultural use (Loveridge, 1996) and there were land conversion provisions for example in the Public Works Act and Māori Land Settlement Act 1905 that allowed the acquisition of any land required for drainage. Of the land acquired for drainage purposes a disproportionate percentage was Māori land (Park, 2002).

¹⁴⁶ The Native Lands Act 1865 transferred customary tenure to the British system of individual ownership in a direct attempt to destabilise Māori institutional arrangements and facilitate the alienation of Māori land into Crown and settler ownership.

use saw agricultural activity adopted particularly in the Whakaki area, as the principle activity for Māori freehold land. Farming became an important and relatively common Māori land-use activity to prevent further alienation as a response to Crown policy that promoted the compulsory vesting of 'idle' land in Māori Land Boards (Loveridge, 1996).

The Māori incorporation system was a common option for Māori freehold land on the East Coast and several blocks in my grandfather's tribal area of Iwitea and Whakaki were incorporated resulting in the Whakaki 2N, Anewa and Te Whakaari incorporations.¹⁴⁷ Whaanga (2004) argued that, "The foremost reason for establishing Māori land incorporations was to retain the land in Māori ownership. By farming their land, Māori hoped to prevent the government acquiring it for Pākehā farmers" (Whaanga, 2004, p. 125). While incorporations may have been widespread on the East Coast, this system was not necessarily popular. When Whakaki 2N was first incorporated some hapū members dissented from the majority decision, concerned that incorporation would prevent occupation and use of natural resources including customary harvesting sites (Whaanga, 2004). Farming too, alienated hapū members from the ancestral landscape. While members were now shareholders and still owned the land, settlement and access were restricted and knowledge of, and connections to, cultural markers located within the ancestral landscape and their associated narratives diminished.

Māori farming activities were no different from European agricultural ventures in that agricultural activity made a significant contribution to ecological change and environmental degradation. Drainage and regulation of the water levels in Whakaki Lake was a regular and costly activity of Whakaki 2N incorporation (Whaanga, 2004). There is some evidence that incorporations did consider the social and cultural interests of the local hapū by providing beef for tangi (funeral) and regular financial assistance to local marae, churches and some educational scholarships for the families of shareholders (Whaanga, 2004). However, in general, kaitiakitanga values were compromised, undermined by conventional agricultural practices, thus diminishing the ability of hapū to exercise mana whenua and, therefore, threatening the customary relationship with the ancestral landscape (Parliamentary Commissioner for the Environment, 1993a). Māori communities, despite being owners of the land, were prevented from maintaining an active relationship with the area as decisions made by drainage boards and district councils failed to reflect Māori interests (Coombes & Hill, 2005). In addition, Māori-owned land, now managed on the owner's behalf by incorporations, promoted the agricultural agenda, restricting occupation or subsistence harvesting by hapū members. Drainage and the water-level regulations necessary to maximise agricultural productivity and maintain Iwitea village and the Whakaki 2N farm above water, threatened the life-supporting capacity of the wetland ecosystem by restricting the quantity of water in the system and destroying waterways and the spawning habitats of eel and fresh water fish and the bird breeding and feeding areas. However, despite substantial environmental degradation, loss of biodiversity and decline

¹⁴⁷ There are several hugely successful and large-scale Māori farming incorporations including Parininihi ki Waitōtara Incorporation in Taranaki, the Atihau-Whanganui Incorporation and the Morikaunui Incorporation located in Whanganui and the Wairarapa Moana Incorporation. Farming was also an early activity of the Wakatu Incorporation in Nelson although it has now significantly diversified its core business activities.

both in the integrity of the Lake and in the quality of the associated natural resources, hapū have remained active kaitiaki, particularly of the tuna resource, and customary harvesting has continued uninterrupted in the Whakaki wetland system.

Today farming remains a major activity on Māori freehold land and is the main source of revenue. Attempts to align agricultural practice with kaitiakitanga values are, even by Māori owners, rare as the fundamental ethos of maximising productivity and generating profit dominates business practice. More sustainable farming practices to minimise environmental degradation are optional, although not popular ones when accompanied by decreased productivity and a compromised ability to compete with other businesses. Retiring areas of cultural significance from farming is another option. Although this has financial implications they are offset by cultural and spiritual gains that are accrued from exercising kaitiakitanga and restoring the mauri of compromised ecosystems and the retention of native biodiversity. For example, in February 2000, 624 hectares of Papatatu station,¹⁴⁸ including Lake Mangatahi and Te Houopuanga, was re-designated as a reserve under the Ngā Whenua Rāhui Kawenata¹⁴⁹ scheme. Both Lake Mangatahi and Te Houopuanga were named in Māori Land Court evidence to establish ahikā of Ngai Tahu and Ngāti Ruapani hapū over this area (Tairawhiti Māori Land Court, 1893). Lake Mangatahi was an important resource for harvesting eel and the freshwater fish maehe and, according to a local narrative, is the site where Te Kooti¹⁵⁰ buried a diamond after a battle against European soldiers at Hurukino in 1868 (Tairawhiti Māori Land Court, 1893; Whaanga, 2004). Te Houopuanga was an early Ngai Tahu and Ngāti Ruapani cultivation. The Ngā Whenua Rāhui Kawenata¹⁵¹ is an agreement to retire this area from farming and develop an active protection and enhancement strategy. Provisions for the mana whenua relationship of local hapū and the practice of kaitiakitanga and cultural harvesting (Whaanga, 2004) are also part of the agreement.

HAPŪ BASED RESTORATION

Activities related to the flax industry and agricultural development including drainage, diversion of waterways and clear-felling of the inland coastal forests, transformed the immediate area surrounding the Lake and the Whakaki Lagoon system itself. By the 1900s a large proportion of the wetlands area surrounding Whakaki Lake had been drained and converted to pasture (Coombes, 2007). Drainage and agricultural conversion accelerated in the early 1900s and was facilitated by the 1908 Land Drainage Act, which established drainage boards whose membership was drawn from ratepayers. When the drainage boards were first established in the Whakaki area Māori land was still in customary title and some land was being leased to Pākehā farmers

¹⁴⁸ Papatatu station is part of the Te Whakaari Incorporation located in the Wairoa, Hawke's Bay region. The hapū of Iwitea are the major shareholders in this incorporation.

¹⁴⁹ A kawenata is a covenant an agreement between Māori land owners and the Department of Conservation towards a joint programme of conservation.

¹⁵⁰ Te Kooti constantly challenged the authority of the Crown and new settlers and was the founder of the Ringatu faith. Refer to Judith Binney's work for a more comprehensive account of life of Te Kooti and the Ringatu faith.

¹⁵¹ Refer to the Department of Conservation website www.doc.govt.nz for information on the Ngā Whenua Rāhui fund and the Ngā Whenua Rāhui kawenata provision.

(Coombes, 2007). Since these properties were not rated, Māori were excluded from participating in drainage decision-making (Coombes, 2007) as members of the drainage boards were mainly farmers and, not surprisingly, farming interests, as opposed to those of the local hapū or the wider community, dominated decision-making. Exclusion from the decision-making body did not prevent local hapū from voicing opposition to the large-scale drainage operations proposed by the drainage board. At least five petitions were submitted objecting to the composition of the drainage boards and to the ignoring of indigenous rights and interests in the decision-making process (Coombes, 2007). In 1900 the Whakaki wetlands system was estimated to be 6000 hectares. By 1960 it had been reduced to 600 hectares (Coombes & Hill, 2005). Despite the significant reduction in area of wetland customary relationships such as subsistence harvesting was still possible at the lake. However by the 1970's the local hapū, lagoon recreational users and representatives of government agencies were becoming increasingly concerned about the impact of major ecosystem changes on the quantity and quality of local flora and fauna. (Parliamentary Commissioner for the Environment, 1993a). The changes were attributed to an artificial opening to release flood waters from Whakaki Lake through the sand dunes directly to the sea that began in 1956. This practice effectively reversed the natural drainage flow of the Rāhui Channel and allowed sea water to directly enter Whakaki Lake changing the lake's ecology at the new opening.

Ownership of the Whakaki Lake bed¹⁵² resides with the Whakaki Lake Trust (the Trust), which was established in 1969. Prior to 1969 the bed of the lake was included in Hereheretau B2 block. Coombes and Hill (2005) argue that "the owners of Hereheretau B2L2 clarified and formalised their sovereignty over the lake in 1969, when a special trust order was filed with the Māori Land Court to form the Trustees of Whakaki Lake" (p. 380). Establishing Whakaki Lake Trust was a deliberate strategy for assertion of mana whenua and kaitiakitanga over the lake.

The Trust is responsible for the management and regulation of access and use of the Lake's natural resource albeit within the confines of Māori land and resource management legislation. The Trust has a long history of lobbying at the local, regional and national level initially for restoration of the Rāhui Channel and then for enhancement of the lake itself. Local hapū members have been raising their concerns related to drainage of the lake since 1911 (Coombes, 2007) and in relation to flooding since 1950. The Trust has continued to support this position. For example, the Trust has vigorously protested the direct opening from the lake to the sea and, in 1973, the Trust began lobbying Government "...to restore the Rāhui Channel and Paakaa outlet" (Parliamentary Commissioner for the Environment, 1993a, p. 1). During the 1980s a joint proposal for restoration of the natural opening from the National Water and Social Conservation Authority, the Hawke's Bay Catchment Board and the Wildlife Service was developed but never eventuated. The opening issue was once again resurrected in 1990 by the Māori Standing Committee of the Hawke's Bay Regional Council. A Whakaki Lagoon Working Party was established and in December 1991 it lobbied the Minister for the Environment for financial assistance, which was declined. In 1992 the Whakaki

¹⁵² Part Hereheretau B2L2, Block VIII, Clyde Survey District, Wairoa

Lagoon Working Party approached the Parliamentary Commissioner for the Environment stating concerns over management of the lake. In August 1992 an investigation into the management of Whakaki Lagoon¹⁵³ was initiated to clarify responsibility and the extent of the ecological decline of the Whakaki Lagoon system, and to identify potential strategies for enhancement of this wetlands ecosystem. The investigation, identifying both the direct role of Crown agencies in the ecological decline of Whakaki Lagoon and also the decline in hapū authority or mana whenua, recommended a significant contribution from the state towards restoration. At the same time the Hawke's Bay Regional Council was developing a wetland enhancement and management programme and a decision was made to commit funds for major hydrological changes to the Rāhui Channel. Although the committed funds were only able cover part of the restoration expenses and the Trust was required to raise another \$85,000. The point is however that as global awareness and support for the conservation and sustainability agendas have grown, hapū and Crown interests have aligned and support and financial assistance for restoring the Whakaki wetland ecosystem have emerged. Since the 1990s the current political environment has become even more receptive, with several major wetland restoration projects supported through the Ngā Whenua Rāhui programme.

The Whakaki Lake restoration programme was the first wetland restoration programme driven and led by hapū in Aotearoa New Zealand. During the restoration programme the Trust developed working relationships with Hawke's Bay Regional Council, the Department of Conservation, the Wairoa District Council, Eastern Fish & Game, and Whakaki 2N Incorporation. In 1996 restoration began with major changes to the lake hydrology. After fourteen months of excavation the Trust turned their efforts towards a large-scale replanting programme to protect and enhance the wetland and coastal ecosystems. Fencing and de-stocking, noxious plant and animal pest control, ecological monitoring and research related to customary harvesting, particularly of eels, are ongoing. Future plans also exist for the development of an environmental educational programme and a native coastal bird breeding programme.¹⁵⁴ This collaborative approach enabled the Trust to restore the Rāhui Channel and implement the Whakaki wetland restoration programme. The Trust began the arduous task of restoring the mauri of this highly significant cultural resource.

The Whakaki Lake Trust hapū-based restoration programme has received both international (Ramsar) and national ("*Well justified*" awards for *top conservation efforts*, 1 February 2001) recognition for its work to "...restore the natural hydrology and ecology of the Whakaki Lagoon and its associated large coastal wetland system" ("*Well justified*" awards for *top conservation efforts*, 1 February 2001).

Hapū-based restoration programmes provide an opportunity to re-establish cultural connections with natural resources and exercise mana whenua rights and obligations. Consolidation of existing cultural knowledge and ways of knowing associated with wetlands and development of new knowledge provide an indication of the importance of the wetland resource to the

¹⁵³ Whakaki Lagoon refers to Whakaki Lake and tributaries.

¹⁵⁴ Information on the restoration work of the Whakaki Lake Trust can be found on the Ngā Whenua Rāhui website <http://www.doc.govt.nz/getting-involved/landowners/nga-whenua-rahui/nga-whenua-rahui-fund/featured-projects/whakaki/>.

community and informs cultural identity and well-being, kaitiakitanga practice, and social cohesion.

A NARRATIVE OF ECOLOGICAL LOSS AND DISCONNECTION

The transformation of wetland ecosystems as a consequence of drainage and conversion, is a narrative of ecological loss and disconnection that has contributed to the fragmentation and modification of Māori communities.

The current state of remnant wetlands, like Māori communities, have been greatly affected by Western European values and practices and have been subjected to modification as a consequence of contact with the West. Wetland ecosystems and Māori communities were expected to change to conform to European values and traditions relative to appropriate land use and development, and notions of modern society and progress. These views were implemented and enforced through legislation and through the normalisation of land-use practices, albeit based on European rather than Māori traditions of what counts as appropriate land use. The remnant wetlands are now interconnected and interdependent on the transformed environment, just as Māori communities became interconnected with, and interdependent on the new arrivals and later the wider Aotearoa New Zealand society.

Contestation has been an enduring feature of this interaction; contestation for authority and contestation to retain the integrity of wetland ecosystems and Māori communities. And regardless of the outcome this interaction has made a significant contribution to the shape and form of contemporary wetland ecosystems and Māori society.

At worst, wetland ecosystems have disappeared, displaced by European styles of settlement and agriculture. At best, remnant wetland ecosystems have become fragmented and highly modified, competing with the transformed landscape and introduced species for survival and the maintenance of the integrity of the remnant system, in the same way that Māori communities are constantly responding to, and interacting with, the wider Aotearoa New Zealand community.

Recent efforts at wetland restoration and enhancement are just one strategy for protecting the integrity of the remnant wetland ecosystems and are linked to the indigenous politics of resistance and cultural recovery. Hapū are seeking to recover their culture and their mana whenua by reconnecting with the ancestral landscape. An emphasis on sustainability and retention of biodiversity has emerged. Environmental enhancement and ecosystem restoration is a new strategy for re-establishing connections with natural resources and for consolidation of existing knowledge and development of new knowledge. Such projects enable hapū once again to be active kaitiaki, to incorporate Māori interests in environmental management and protection, and to exercise cultural obligations and responsibilities. Restoring the mauri of compromised wetland ecosystems and transforming the ancestral landscape are exercises in cultural recovery and the re-establishment of a cultural connection with wetlands.

CONCLUSION

Hapū relationships with wetland ecosystems have been shaped by settler efforts and later agricultural interests to tame the wild and capitalise on land as a commodity. As a result Māori customary values, activities and practices associated with wetlands were deemed irrelevant. As wetland areas declined so too did customary activities and practices. However, wetland systems continue to be highly valued by Māori communities and the Whakaki Lake case study demonstrates a community's resolve to exercise authority according to customary practices and value systems to control and manage wetland resources. Enhancement programmes offer hapū the opportunity to execute mana whenua and customary obligations and responsibilities to the ancestral landscape.

The ancestral landscape is dynamic and constantly changing, a reflection of evolving community values and needs, a diversity in land use and ecological change. Since the arrival of Europeans the wetlands story has been dominated by settler attitudes and aspirations. However, to find a more comprehensive picture and deeper understanding of the wetland story it is necessary to look beyond European values associated with wetlands, beyond the ecology, the science and the discourse of ecological health and ecosystem integrity. The wetland story is incomplete without reference to the extensive hapū relationships and the accumulated intergenerational knowledge, experiences and uses of wetland ecosystems and associated natural resources by hapū and whānau. Furthermore, despite a rejection in the dominant hegemony of Māori interests and values in the management of wetland ecosystems, hapū interests remains strong. Indeed, a hapū voice has never been silent, as evidenced by a history of protests and dismay over the way wetlands have been used and managed to support agricultural interests. Contestation remains a consistent theme as hapū continue to assert Māori interests and aspirations to control and manage wetland resources, and challenge the dominant social and political discourse in an effort to recover control over and use of hapū ancestral landscapes.

The Whakaki experience is just one example of the unique, durable and resilient bond between hapū and whenua. Although the relationship between people and place has been subject to considerable transformation and the ability to practice kaitiakitanga has at times been limited, kaitiakitanga is as relevant today as it was in the past. The dynamic nature of kaitiakitanga is critical for maintaining contemporary relevancy and for creating new opportunities to relate to, protect and care for the ancestral landscape. This dimension of contemporary kaitiakitanga will be explored further in the next chapter *Toitūtanga: Sustainability culture*.



MASSEY UNIVERSITY
GRADUATE RESEARCH SCHOOL

STATEMENT OF CONTRIBUTION
TO DOCTORAL THESIS CONTAINING PUBLICATIONS

(To appear at the end of each thesis chapter/section/appendix submitted as an article/paper or collected as an appendix at the end of the thesis)

We, the candidate and the candidate's Principal Supervisor, certify that all co-authors have consented to their work being included in the thesis and they have accepted the candidate's contribution as indicated below in the *Statement of Originality*.

Name of Candidate: MARGARET EDITH FORSTER

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Please indicate either:

- The percentage of the Published Work that was contributed by the candidate: 100% and / or
- Describe the contribution that the candidate has made to the Published Work:

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TOITŪTANGA: SUSTAINABILITY CULTURE

Chapter Six *Recovering our ancestral landscape: A wetland's story* argued that remnant wetlands are highly valued ecosystems that make a significant contribution to the spiritual well-being and identity of local hapū of Whakaki. As a consequence there is a strong imperative amongst the local hapū to care for and protect Whakaki Lake and its associated natural resources. Kaitiakitanga remains a core function of the hapū and new contemporary derivations such as restoration and enhancement have emerged so that hapū can continue to exercise their kaitiakitanga obligations and responsibilities.

Chapter Seven *Toitūtanga: Sustainability culture* builds on the discourse introduced in the previous chapter using data from the case study of kaitiakitanga at Whakaki Lake and from interviews with active kaitiaki involved in wetland and waterways restoration and enhancement programmes across a range of sites in Aotearoa New Zealand. This chapter provides a more comprehensive focus on the importance of the ancestral landscape for hapū and the motivations behind the need to exercise kaitiakitanga. Key precepts related to a Māori understanding of the environment that enhance mauri¹⁵⁵ and emphasise continuity and reciprocity are explored.

MUDDLING WITH THE ENVIRONMENT

This [Lake ecology] has now changed drastically due to the ecosystem being muddled with by engineers who could not, by any stretch of the imagination, envisage the result. They believed at the time this would be for the betterment of the whole area - how they misjudged nature. (Uncle Huki Solomon to Helen Hughes, Parliamentary Commissioner, 25 May 1992)

Muddling with the environment¹⁵⁶ physically transformed the ancestral landscape of Whakaki Lake and changed customary relationships of tangata whenua with Papatūānuku. New activities and technologies were introduced and new attitudes emerged to underpin resource use and development. This experience was not unique to Whakaki. All iwi experienced differing degrees of change to their relationship with the ancestral landscape.

Settlement and resource exploitation particularly engagement in the agricultural economy transformed the physical environment and as a consequence threatened the ability of hapū to maintain a relationship with the ancestral landscape based on customary practices. Agricultural conversion reduced the biodiversity of ecosystems and required Māori to disregard key kaitiakitanga values such as respect, harmony and reciprocity. In addition, Māori environmental knowledge, ways of knowing and associated practices

¹⁵⁵ In this context sustaining a healthy state of mauri.

¹⁵⁶ While the quote is referring to the work of engineers that built road and rail infrastructure in the Hawke's Bay area the comment is also applicable to others who were involved in transformation of the surrounding areas for settlement and agricultural activity.

were developed through a long association with the ancestral landscape and natural resources and imparted to successive generations through hands on experience. When the hapū were no longer able to walk the land and engage with natural resources, the integrity and development of the tribal knowledge base, ways of knowing and associated practices, were severely compromised. This did not mean that Māori environmental knowledge, values and practices were no longer valid or irrelevant. They were simply displaced by European notions of appropriate resource use that still dominate the industry today. For example, the new settlers associated swamps with wildness and waste. Swamps on the productive lowland plains was an obstacle to settlement and farming requiring drainage and transformation; taming of the wild landscape to produce, according to European ideals, the highly valued pasture and cropland (Park, 2002). As a consequence, agricultural development was responsible for a reduction of over 85% of wetland ecosystems (Park, 2001; Taylor, 1997) and a corresponding reduction in the biodiversity associated with these areas.¹⁵⁷ Furthermore, agricultural practices have compromised the functioning and life sustaining capacity of the remaining wetland systems and contributed significantly to environmental degradation particularly to issues related to water quality and quantity. Despite this, the remaining and often degraded and fragmented ancestral landscape is still highly valued by tangata whenua. Hapū have signalled a strong desire to exercise increased control and authority over the management and protection of ancestral landscapes according to culture, custom and tikanga (Waitangi Tribunal, 1982, 1983, 1984, 1985, 1988b). This is commonly referred to as kaitiakitanga. As mentioned in Chapter Two kaitiakitanga is a socio-environmental ethic (M. Kawharu, 1998) that draws on Māori cultural institutions and systems to provide a modern customary approach to resource management, use and protection. The re-emergence of the institution of kaitiakitanga is closely associated with the politics of self-determination and increased recognition by the Crown of the Treaty.

During the 1980s reviews of the state's environmental policy the term kaitiakitanga was increasingly used to encapsulate Māori interests in resource management. As a consequence the RMA provided legislative recognition of the role of Māori as kaitiaki. The inclusion of kaitiakitanga and the environmental ethic of sustainability in the state's environmental policy signalled a new direction in resource management that promoted a greater social responsibility towards sustaining the health of the environment.

HERITAGE BONDS

Although the customary relationship with the environment has changed over time the immense value and importance of whenua for hapū has remained constant. Links to whenua continues to ground hapū within a geographical space facilitating a connection to tupuna, supporting claims to contemporary tribal authority and providing a basis for spiritual and cultural identity.

Whakaki lake and the surrounding wetland systems are the whenua papatipu, the foundation that nurtures the hapū of Whakaki - Ngāti Hine, Ngāti Hinepua and Ngai Te Ipu. In a letter to the Parliamentary Commissioner for the

¹⁵⁷ These ideas have been discussed extensively in the *Transformation of the environment* section of Chapter Three.

Environment, Mrs Helen Hughes (25th May 1992), Huki Solomon indicated that historically the hapū of Whakaki derived "...a total way of life" from this wetland system. The lake ensured continuance of Whakaki hapū lineage through the provision of physical sustenance and material goods and established a solid cultural and spiritual base for the people. These connections remain strong through the presence of tupuna "...buried in several urupa around the perimeters of the lagoon" and from physical cultural markers like marae, old village sites, mahinga kai and tuna weirs. Spiritual and cultural connections are also derived from the continued practice of intergenerational transmission of knowledge, traditions and customs. As a consequence the Lake is a central feature of local hapū identity, highly valued, respected and admired:

Unlike other iwi, the hapū of Ngāti Hine, Ngāti Hinepua, and Ngai Te Ipu do not have a river or awa, but make no mistake the Whakaki Lake has a similar mana to that which has been bestowed upon any river. Hence the reverence with which the homefolk both local and throughout the motu and further, hold our lake. (Whakaki Lake Trust Court Submission, 9th February, 2009)

According to Solomon,¹⁵⁸ living around the wetland system produced a culture and a "...way of life" that was centred on community and the "...total involvement and shared responsibilities" of its members as demonstrated by the communal nature of harvesting and preparation of natural resources¹⁵⁹ associated with the Lake (Palmer & Whakaki Lake Trust, 2008b). This "...brought about a pride in a heritage that was unique to the people of this area" Kaumatua Huki Solomon referred to these combined qualities as the "heritage bonds." It is these bonds that "...give the tangata their pride, their mana and their spiritual culture." People were bound to the land, and through the land people were bound to each other. The notion of being bound to the land generates a series of obligations and responsibilities to the past and to future descendents. These are inherited obligations and responsibilities a "...management role that they had inherited" (Whakaki Lake Trust, 2009) as such actions are linked to "...the continuance of the work that our forebears have done" (Whakaki Lake Trust, 2009).

The importance and value of Whakaki Lake is derived from heritage bonds which continue to be relevant today, as it is these bonds that drive local hapū to be active kaitiaki and exercise their inherited obligations and responsibilities towards the lake and associated natural resources.

THE ROLE OF CONTEMPORARY KAITIAKI

The exercise of mana whenua relative to the environment is shaped by the cultural and spiritual connections between people and whenua and the continuous link between the past, the present and the future.

¹⁵⁸ Correspondence dated 25 May 1992 from esteemed Whakaki elder Huki Solomon to The Parliamentary Commissioner for the Environment, Mrs Helen Hughes.

¹⁵⁹ For example tuna were preserved for the winter using a process known as rara and shark and stingray were dried in the communal kaute (kitchen)(H. Solomon, 2004).

A major concern of contemporary kaitiaki¹⁶⁰ reiterated by all of the participants in this study was the condition of the mauri of ancestral landscapes. The survival and prosperity of the hapū is linked to the ability to protect the mauri of whenua. Those interviewed argued that the ability to protect mauri is related to control over access and use of the natural resources. This function can be demonstrated by the actions of the Whakaki Lake Trust. Since 1994 the Trust has focused its energies and resources on enhancement and protection of the mauri of the lake to ensure that "...it's mana and wairua is protected" (Whakaki 2N, 1994). Protecting the mauri of the lake is manifest in policy statements, fishing and wildfowl harvesting regulations, management documents and through the activities with which hapū are choosing to engage. The Trust's management plans clearly identify the notion of "enhancement" as a core activity (Whakaki Lake Trust, 2008) and in 2005 the trust order was changed to reflect this (Māori Land Court, 2005). Since 1996 the Trust has undertaken major excavations to reopen the Rāhui Channel including an extensive replanting and pest control programme (Forster, 2009a). Furthermore, research that the Trust has engaged in has endorsed a restoration agenda (Palmer, 2004a, 2004b; Palmer & Whakaki Lake Trust, 2008b; Wilson & Palmer, 2006) thereby facilitating a better understanding of local conditions and the natural resources to assist the Trust in making informed decisions in relation to resource management and protection.

A key role of contemporary kaitiaki is to secure a legacy (CS01/1034; Whakaki Lake Trust, 2008) so that "...future generations can grow up with a heritage that is a vital part of being Māori."¹⁶¹ Participants referred to a strong socio-political requirement to ensure that the resources remain to be handed down to future generations, "This should be the legacy that we of this generation can leave behind for those who will follow" (Whakaki Lake Trust, 2009).¹⁶² This is an acknowledgement that the ancestral landscape continues to play a critical role as the whenua papatipu from which an identity as belonging to a specific place can be claimed. Kaitiaki are charged with the care of these valued natural resources, associated knowledge and practices. Throughout the interviews such obligations and responsibilities are reinforced through the use of the term "taonga" in order to describe natural resources, thereby indicating that the concept of taonga tuku iho and the succession of a legacy or inheritance is a central precept of resource management by contemporary kaitiaki.

THE VALUE OF THE ANCESTRAL LANDSCAPE

The socio-political basis of exercising mana whenua in relation to the environment is demonstrated in the following statement from Whakaki kaumatua Huki Solomon:

¹⁶⁰ Note that the remainder of this chapter uses data gathered to develop the Whakaki Lake case study and data from the individual interviews with active kaitiaki involved in wetland and waterways restoration and enhancement programmes across a range of sites in Aotearoa New Zealand.

¹⁶¹ Correspondence dated 25 May 1992 from Huki Solomon to The Parliamentary Commissioner for the Environment, Mrs Helen Hughes.

¹⁶² Huki Solomon (Whakaki Lake Trust, 2009).

He taonga tuku iho tēnei o ngā tupuna ki a tātau te hunga ora, mā tātou e manaaki e tiaki i tēnei wa e ora ana tātou. Mehemea ka ora te taonga nei, ka tū tangata ngā hapū o te Whakaki, mehemea kaore te hunga ora e manaaki e tiaki te taonga nei, a ka mate. (Whakaki Lake Trust, 2008)

Whakaki Lake is a legacy to the present generation from our ancestors. We will look after and protect it while we are alive. If the lake is well, the mana and health of the hapū is maintained. If our ability to care and protect for the lake is compromised then the health and condition of the lake and the people will be diminished.¹⁶³

This statement not only captures the essence and value of Whakaki Lake to the local hapū, but also serves as a reminder of the inherited obligations and responsibilities embedded in the concept of mana whenua. Maintaining the life supporting and productive capacity of the ancestral landscape was a tradition highly valued by tupuna as demonstrated in the phrase, “He taonga tuku iho tēnei o ngā tupuna ki a tātau te hunga ora.” These words emphasise that natural resources were, and continue to be, a highly valued resource passed from the care of tupuna and “entrusted” (Whakaki 2N, 1994) into the hands of the living, the present generation. Natural resources provide a link from the past to the present and, to future generations. Accordingly natural resources are a legacy (CS01/1034) or an inheritance (Whakaki Lake Trust, 2008) destined for future generations. For succession to continue it is of utmost importance that best practice both customary and contemporary are employed to produce a sustainable resource, “Fundamental to all involved with the Trust is the continuance of the work that our forebears have done to manage this taonga gifted to us” (Whakaki Lake Trust, 2009, p. 1). The implication is that the protection of wāhi tapu (important ancestral sites) and mahinga kai (cultural harvesting areas) remains a key function of the ahikā. This idea was confirmed in active kaitiaki interviews (CS01/1281, 2689, 4040; CS03/18712; CS08/1381; CS09/2793, 4346). Thus, being an active kaitiaki is related to “...*strengthening our guardianship for future generations*” (CS01/1034). Continuing the customary practice of kaitiakitanga is critical in establishing the rights and authority explicit in the exercise of mana whenua grounded in the continuity of whakapapa and ancestral interrelationships with whenua.

The core responsibility of kaitiaki is one of nurturing and caring for the wellbeing of community. The statement by Huki Solomon asserts that the physical, cultural and spiritual health of communities is intrinsically linked to and dependent on the ability to continue to nurture and care for natural resources, “mā tātou e manaaki, e tiaki i tēnei wā e ora ana tātou.” This sentiment is similar to that expressed in the whakatauki, he wahine, he whenua, ka ngaro te tangata. The essence of this proverb is a reminder that the continuance of whakapapa is dependent on the reproductive ability of women and the whenua papatipu capacity of land (R. R. Pere, 1994). Without both elements the claim to tangata whenua status is groundless. Therefore tangata whenua status is a function of whakapapa and ancestral connection to place. It is these elements of the ancestral landscape that shape who we are as a people.

¹⁶³ This quote and translation opens Chapter Two of this thesis. In Chapter Two it sets the tone for the thesis. In this chapter the quote and translation is used to emphasise the connections between cultural wellbeing, kaitiakitanga and mana whenua.

Solomon clearly states that the mana or authority of the hapū is intricately linked to the ability to maintain the health or mauri of natural resources, “mehemea ka ora te taonga nei, ka tū tangata ngā hapū o te Whakaki, mehemea kāore te hunga ora e manaaki e tiaki te taonga nei, a ka mate.” Protecting the mauri of Whakaki Lake is an inherited obligation and a responsibility in the exercise of mana whenua. The hapū must stand together (“tū tangata”) in solidarity to protect the mauri of the ancestral landscape otherwise both the community and the geographical space will perish. The use of the term “tū tangata” is critical here. It implies that only the hapū possess mana whenua, the authority to act in the enhancement of the mauri of the lake. If the hapū does not perform this function then the right to assert tribal authority over the Lake and its associated resources is threatened.

Today, generally speaking, the ancestral landscape is often degraded, fragmented and highly modified. As a result enhancement and protection of the mauri of the ancestral landscape is increasingly identified as a core function of contemporary kaitiaki and can have direct implications for hapū development and advancement. Such a focus facilitates contemporary acts of kaitiaki (kaitiakitanga practices).¹⁶⁴ With respect to the active kaitiaki that were interviewed for this study these concerns manifested as acts that enhance and protect waterways, wetland systems and lakes. Therefore, heritage bonds facilitate the imperative to act in a manner consistent with kaitiakitanga to, “...restore the mana of our lake, the fish stocks and the bird life to what it has been in the past” (Whakaki Lake Trust, 2009, p. 1). A failure to exercise the functions and inherited obligations and responsibilities of kaitiakitanga invalidates claims of mana whenua.

MANA TŪ: MAINTAINING TRIBAL AUTHORITY

According to custom an ancestral connection to a geographical space and evidence of continuous occupation and resource use were key elements in establishing mana whenua (I. H. Kawharu, 1977; D. Sinclair, 1975).¹⁶⁵ The metaphor of keeping the home fires burning was used to signify rights of occupation and referred to as ahikā rights. Ahikā or occupation rights were secured through continued residency or evidence of occupation through for example the presence of cultivars, tuna weir, customary harvesting or tupuna association with an area.¹⁶⁶ It is through association and connections to whenua that active kaitiaki were able to develop an extensive and intimate customary knowledge of the local landscape (M. H. Durie, 1998b).

¹⁶⁴ Māori Marsden (2003b) refers to guardianship customs related to environmental protection as tikanga tiaki or acts of kaitiaki. The phrase “acts of kaitiaki” is used in this doctoral study to refer to kaitiakitanga practices. The use of this phrase is deliberate to emphasise that action is a desired outcome of kaitiakitanga.

¹⁶⁵ This idea has been discussed earlier. Refer to page 27.

¹⁶⁶ For a discussion on the concept of ahikā refer to Firth (1959), Kawharu (1977), Salmond (1976), Sinclair (1975) and Williams (1999).

ESTABLISHING AN INTIMACY WITH THE ANCESTRAL LANDSCAPE

An intimacy with the ancestral landscape was achieved through two main mechanisms. The first involved intergenerational transmission of cultural practices and values, “They [old people] told the children how dear their home and lands were to them, and to their fathers before them, and tried to make the children feel the same” (Makereti, 1986 [1938], p. 151). The second involved development of deep personal connections and lived experiences that emerged from living and walking the land and learning its forms and rhythms. Children accompanied adults as a range of daily and seasonal activities were preformed and learnt through observation and guidance the proper customs and values associated with each task, “He learnt the seasons for various work...when the season was open, and when it was closed for bird snaring or fishing” (Makereti, 1986 [1938], p. 146). Customary knowledge is embedded within the ancestral landscape - within the whenua and moana (sea), and modes of learning that integrated personal connections and lived experience facilitated the internalisation of that information:

He would be taught the names of the various stars and comets, and the different signs appearing in the sky or mountain, showing them when not to go to war, when not to go to sea, or when not to go to a certain place. (Makereti, 1986 [1938], p. 146)

The introduction of British rule and European notions of land ownership and land use displaced Māori interests and customs. The physical environment was transformed to reflect colonial commerce interests particularly those that promoted agricultural development. The hill country was cleared, wetlands were drained and developed into pasture, introduced species displaced the local biodiversity and new settlements and associated infrastructures emerged. As the physical environment began to change so too did the relationships between hapū and the ancestral landscape. Transformation of the physical environment disrupted and in some cases severed the ability of hapū to live and walk the ancestral landscape according to custom.

Despite the challenges that colonisation has introduced some communities have maintained an intimate, customary relationship with the ancestral landscape. Ngāti Hine, Ngāti Hinepua and Ngai Te Ipu have maintained a continuous intimate relationship with Whakaki Lake. The local hapū settled around the Lake and wetland system and were dependent on its bounty particularly tuna, a staple food source of the local people, for survival and cultural well-being. Hapū claims to ahikā were closely linked to the health and vitality of tuna and the exercise of mana whenua of the local hapū continues to be derived from the ability to act as kaitiaki of the tuna resource.

For the local hapū of Whakaki Lake tuna is an iconic taonga species. As mentioned previously (page 93-94), the term Kirituna locates the hapū of Whakaki firmly within a culture of tuna harvesting that is synonymous with the survival and prosperity, not only of tuna, but also their kaitiaki. Tuna have become a modern symbol of hapū mana. The ability to harvest tuna and perform acts of manaakitanga (hospitality, kindness) such as providing tuna for the local kaumatua and offering tuna at tangi and to manuhiri at hui are key manifestations of that mana.

Kaitiakitanga and customary knowledge and practices associated with tuna continue to be passed down through specific whakapapa lines (Palmer & Whakaki Lake Trust, 2008b; Whakaki Lake Trust, 2008):

The harvesting of Tuna (eel) has taken place annually at selected sites for generations and continues to this day. Kaumatua, Kuia, Father, Mother continue to educate the next generation in sustainable harvesting practices and install restrictions on the fishing activity of eels within the boundaries of the lake property. (Whakaki Lake Trust, 2008, p. 3)

Harvesting methods may have changed but the customary system still possesses mechanisms for sustaining tuna stocks (Palmer & Whakaki Lake Trust, 2008b). The success of these harvesting and conservation practices is reflected in the presence of tuna at the Lake, although stocks have diminished over time (Parliamentary Commissioner for the Environment, 1993b):

Unlike the remainder of the eel stocks throughout the motu, there “**are**” tuna still in our lake, a testament to the work done by our predecessors who have maintained stringent control of the resources within the lake. (Whakaki Lake Trust, 2009, p. 2)

Other hapū have not been so fortunate as tuna stocks have been substantially reduced across Aotearoa New Zealand, particularly the long fin eel (Waitangi Tribunal, 1982, 1983, 1984, 1985, 1988b). Alienation from whenua either through transfer of the estate out of hapū ownership or through migration of hapū members out of the tribal rohe presents challenges for the continuation of customary relationships with the ancestral landscape. Even if the whenua remains within the various forms of tribal ownership there can be other factors that can restrict the opportunity to maintain a customary relationship. Environmental degradation was identified by all of the active kaitiaki in this study as a key factor that disrupted the relationship between hapū and the ancestral landscape. As one participant maintained, “*Our people walk away from a place, not because they want to walk away, but because it is degraded... too unhealthy or the species that they are targeting is just no longer abundant because of pollution or [transformed] habitat*” (CS13/52053). This active kaitiaki clearly identifies a decline in water quality and loss of biodiversity as factors that adversely affect the ability of hapū to continue customary harvesting. When a taonga species is no longer present personal connections and lived experiences with the ancestral landscape subside because customary practices are unable to be exercised. The relationship with the environment becomes conceptual rather than grounded in action and experience (CS13/18693):

We’re urbanised and colonised out of food gathering out of that link with nature... We may have these values ... about the environment and all of this but they are not real. I mean not real in terms of practiced experience. They are real in terms of people feel them and they are valued and that they believe in. (CS13/19331)

Although the connection between hapū and whenua is highly valued and respected when hapū members are physically alienated from the ancestral landscape the values and beliefs do not get transformed into practice and actions. Consequently the opportunity to exercise kaitiakitanga becomes severely limited (Williams, 2001a, 2001c). The ability of customary cultural

practices to evolve and to respond to new environmental pressures (CS06/36308) is diminished limiting the contribution of hapū towards contemporary resource management.

In the absence of a direct physical connection or intimacy with the land all of the active kaitiaki interviewed referred to a reliance on the lived experiences of those people, mainly kaumātua, who have or had in the past an intimate and personal relationship with these areas. It is this relationship that is used to re-connect others, “...when you are urbanised and kind of removed... you rely on the people who had a close relationship [to] help augment, the story base... bringing in the people to be part of that relationship” (CS06/29599). The lived experiences of kaumātua are increasingly being used to augment the stories of the mountains, rivers, and streams (Makereti, 1986 [1938]), to establish a contemporary value for natural resources and rebuild a cultural and spiritual intimacy with, and connection to, the ancestral landscape, “*The spiritual relationship is really important,[its an] intuitive relationship about trying to get back a relationship that used to be first hand to people*” (CS06/29450).

All four of the hapū-based restoration projects that interviewees were part of involved the collection of oral histories associated with the wetlands and waterways. The past, therefore, becomes an indicator of the importance of the ancestral landscape and a measure of the cultural health of an ecosystem. For example contemporary efforts to enhance the mauri of the ancestral landscape were inevitably related to, “restor[ing] the mana of our lake, the fish stocks and the bird life to what it has been in the past” (Whakaki Lake Trust, 2009), to a time when the ecosystem and natural resources were considered to be healthier and flora and fauna stocks more abundant.

The use of lived experiences to facilitate a cultural and spiritual connection is reminiscent of past traditions where an intimacy with the land was instilled from infancy (Makereti, 1986 [1938]). The lived experiences of kaumātua and, therefore, the past becomes a motivation (CS06/28416) for restoration and serves to set the direction, and drive kaitiakitanga. For all of the active kaitiaki interviewed in this study, kaumātua experiences and aspirations emphasised the value of waterways, “...we approached a number of different kaumātua and talked to them about the streams and what their experiences were with the streams and what they valued about the streams, what they would like to see happen” (CS03/1668). A key role for waterways and the ancestral landscape in general was the potential to transform inappropriate behaviour and provide hapū members with purpose and meaning through returning to the notion of tangata whenua and being shaped by the land:

For our kaumātua it was man you look down the street and see the kids hanging out on the street hanging out drinking beer so they just want to see the streams healthy and being a playground again. Some of those old fashioned values. (CS03/18301)

The oral traditions and histories become important value mechanisms for establishing contemporary connections with whenua. Furthermore these mechanisms contribute to the customary knowledge base related to the ancestral landscape. Although the method of facilitating an intimacy with the ancestral landscape may have changed over time, the intent remains the same (CS03/48482). Intimacy creates a connection to place and a responsibility to the collective. One active kaitiaki expressed it as a, “...feeling that that is where their

*ūkaipō*¹⁶⁷ is, that they have a responsibility to come back there... a responsibility to follow on from their parents, an expectation, there is an obligation that is inherent, you can't dodge it" (CS04/48482). According to the active kaitiaki in this study, kaitiakitanga involves building on, and continuing to exercise, the responsibilities and obligations inherited from tupuna (Whakaki Lake Trust, 2009). This idea is also supported in the evidence of claimants to the early environmental Waitangi Tribunal claims (Waitangi Tribunal, 1982, 1983, 1984, 1985, 1988b).

MAURI TŪ: RESTORING THE BALANCE

The health and well-being of Papatūānuku is a reflection of us as people... not just Māori people, all races. (CS01/324)

The state of the Aotearoa New Zealand environment is a product of colonisation of the landscape, firstly by Māori and then more intensively with colonial settlement (Young, 2004). The physical environment was transformed to facilitate subsistence and enterprise. For many Māori communities colonisation of the landscape has accumulated in a legacy of loss and alienation. Nonetheless, both Māori and non-Māori have been complicit in, and continue to be affected by, albeit in different ways, the loss of Aotearoa New Zealand biodiversity and the degradation and fragmentation of natural ecosystems. Accordingly, both Māori and non-Māori have a shared responsibility to address the environmental damage that has emerged from past land use practices and (mis)management (CS01/3658). However, the social responsibility to care and nurture Papatūānuku is often articulated as a culturally specific responsibility or at least a responsibility unique to Māori, *"It is our responsibility as kaitiaki to up hold the well-being... restoring the essence"* (CS01/432).

This responsibility as a cultural construct is grounded in the notion of belonging to a specific place and encapsulated in the concept of tangata whenua. When people are bound to ancestral landscapes a series of obligations and responsibilities emerge, *"When you feel that connection to a place and feel strongly about it you will make that extra effort for it"* (CS04/49172).

NEW RELATIONSHIPS WITH THE WHENUA

The data indicates that new customary relationships with the whenua have emerged from changes to the way that hapū relate to the land. Reconnecting or strengthening existing relationships has become a priority and a range of strategies are being used to achieve this goal. All of the interviewees in this study acknowledged the importance of raising awareness of the whenua and customary environmental values through education, *"...this is something that we have produced about our takiwa... Because we wanted to educate our own hapū... there are only like a handful of people... who really understood all of this stuff"* (CS13/37449). However the key to achieving a cultural understanding of the environment and facilitating kaitiakitanga, according to the active kaitiaki,

¹⁶⁷ Mother or in this case the place that nurtures the people.

is creating opportunities to once again walk the ancestral landscape. Restoration, enhancement and associated activities, such as monitoring of ecological conditions and trends, provide an opportunity to re-establish connections or establish new relationships with areas no longer frequented by hapū. One active kaitiaki expressed it this way:

For me what I realised straight away is that monitoring was a chance for us to get back out on the whenua, to do it in places where we may have lost a relationship with or interaction with because of degradation or simply because people don't have time to go and gather food anymore, or the will or whatever and I see it as a really important way, just for our people to be back out there getting their hands dirty, interacting with the environment in a new way but based on traditional knowledge about what those places were for. That is the key thing to me. (CS13/51494)

Such activities provided an opportunity to once again walk the land, reconnect with the whenua (CS01/1702; CS06/14816) and heal, “...there is something I think ultimately about working with trees, in growing trees, in nurturing, you're dealing with mauri and wairua, you start to feel better about things” (CS06/18289). In some cases such activities will provide an opportunity for those people otherwise alienated from the hapū and the ancestral landscape to be introduced to their cultural heritage, although it must be noted that reconnecting has its own set of challenges and can be a traumatic process:

Its about pulling people back in, I mean it creates, opens all sorts of wounds around why they got disassociated in the first place but... [its about] wanting to consolidate and bring a whole lot of people back to the context of tikanga, kawa, te reo, relationship to the marae, your own, olds, home, the whole Whakatipuranga Ruamano¹⁶⁸ sensibility. (CS06/17630)

New relationships with the whenua cement a personal connection to culture and tūrangawaewae assisting in determining the value that is associated with the land (CS04/32456) and the importance and continued relevance of customary values in resource management (CS03/18537). This value therefore, is critical for developing a sense of place (CS04/49707; CS05/10965; CS13/106729) and understanding the role of active kaitiaki (CS04/27538, 30932) and the compulsion (CS04/49172; CS13/719) to exercise kaitiakitanga (CS03/48201; CS04/26595, 27158, 31887, 48201).

However the ability to act in a manner consistent with the institution of kaitiakitanga can be constrained by a number of factors. Pre-contact Māori were involved in substantive transformation of the natural environment through activities such as deforestation, settlement and horticultural purposes (Anderson, 2002).¹⁶⁹ Development and resource use has always been a part of the practice of kaitiakitanga and it is part of the history of our relationship with the whenua, “We shape the land... it might be [at times] a damaging relationship but it is part of the reality... that is what it is, it is our histories” (CS06/35892). Accelerated settlement and agricultural development that accompanied colonial settlement severely tested the ability of hapū to respond to and minimise the affects of environmental damage. Historical circumstances including alienation

¹⁶⁸ Generation 2000, the Ngāti Raukawa tribal plan.

¹⁶⁹ For a discussion of the transformation in Whakaki area refer to Coombes & Hill (2005).

from the ancestral landscape and colonial perceptions of the environment undermined customary resource management systems and practices and created adverse social situations such as urban migration and a breakdown of Māori social units so that kaitiakitanga was difficult to maintain:

you know we are poor, we just have to take the system that you get. We did not have the money to investigate a better or more sustainable alternative at that time... we were just happy to have a toilet that flushed. (CS13/18216)

Customary resource management systems and practices started to reflect the colonial agenda of large-scale agricultural development which threatened cultural harvesting practices as state systems and policies facilitated compliance with the state resource use and development agenda, “...at the end of the day we just fall into... easiest to do” (CS13/20440). Compliance was a direct response to a loss of control and power associated with colonisation. Hapū members struggled to maintain customary practices and were powerless to challenge the new order or affect change that reflected a Māori understanding of the environment.

Unfortunately compliance contributed to environmental degradation and directly conflicted with a Māori cultural relationship with the land. The ability to act differently was a challenge that was difficult to realise, “We are just supporting a whole bunch of systems that we know wreck the environment. We know that they could be better but we struggle to buff the system” (CS13/20045).

When engaging in economic development hapū were required to adopt recognised ‘western’ or mainstream models of business. These types of structures further encouraged a level of apathy towards the practice of kaitiakitanga. To maximise profits hapū must engage in practices that cause resource depletion or contribute to the degradation of native flora and fauna and natural ecosystems, the antithesis of kaitiakitanga, to remain competitive.

All participants expressed a frustration that economic imperatives continue to be the primary driver in resource use and development. One participant explained it this way:

we have just gone down a conventional pathway to make money for the tribe to do stuff for the people to pay the runanga to do resource committees but again we are just... those companies are doing stuff that we hate. Looking at dairy farming, looking at property development and planting exotic trees all over the place. (CS13/20447)

PRODUCTIVITY VERSUS PROTECTION

How do we get that balance between productivity and protection? Farming versus restoration. Some of those relationships are adversarial but do they need to be? (CS04/34390)

Achieving a balance of the multiple goals that landowners and users have for any given area and natural resources is a constant challenge identified by all participants interviewed. Land use activities such as farming and cropping can have a significant impact on the condition of an ecosystem. Demands for water extraction and the use of waterways for release of waste and general

farm run off (CS01/3222; CS13/5430) can contribute to environmental degradation. Māori have a post colonial history, enforced by the Crown (Loveridge, 1996; McClean & Smith, 2001c), as a developer of natural resources. Resource use was geared towards economic development. Māori were encouraged to transform the ancestral landscape for “productive agricultural use” (Loveridge, 1996, p. 153). Farming became and remains a common activity on Māori-owned land (Loveridge, 1996),¹⁷⁰ particularly those properties owned and administered by hapū members (CS04/12637, 34390; CS06/409; CS08/4863). For example in the Whakaki area there are a number of farming ventures owned by hapū members including the Anewa Station, Whakaki 2N Māori Incorporation and Te Whakaari (Whaanga, 2004). Also, a number of smaller Māori land blocks around the Lake property continue to be leased for agricultural activities. These types of enterprises are complicit in the environmental degradation of the Whakaki Lake ecosystem and continue to place pressures on this system (Forster, 2010b). Given the importance attached to cultural precepts that underpin the contemporary practice of kaitiakitanga the people interviewed in this study argued for more of an effort to adopt resource management practices that are more consistent with kaitiakitanga. This means that there is a need to be more critical of our own actions:

Ironic really considering that most of the land in this area is Māori owned and it is the local people themselves that are leasing the land out to major cropping or farming companies and it is the action of the leasees that is stuffing up [the environment]. The Māori owners don't tell the growers not to do that. They don't lease it to someone else. (CS08/4085)

All of the participants spoke of the need to identify inconsistencies in practice and work towards transforming those practices so that customary templates are once again the basis of hapū resource management decisions. For example when making decisions related to use of land other options besides farming could be considered. Furthermore, hapū members and the entities that manage their interests should make more of an effort to engage in relationships and economic development activities that reflect core cultural values like kaitiakitanga:

That whole relationship thing is really really important and you do need to strategise what the relationship is... just be aware... ok we are doing restoration projects but we could be working with a developer who is actually doing adverse things so we need to be aware that we are not just supplying trees to beautify some project while in the mean time these guys have actually shafted us... we need to be aware of that. (CS06/27394)

However it is idealistic to suggest that these issues can be resolved simply by prioritising core cultural values. Such an argument ignores the complexities involved in addressing environmental degradation and the consequences of historical and social circumstances that shape the realities and economic activity of hapū (CS03/38577; CS13/18216, 20045).

¹⁷⁰ In 2005/2006 52% of Māori owned commercial assets were invested in primary industries (i.e. agriculture, horticulture, forestry, fishing and mining) and 40% in tertiary industries (i.e. service industry).

Crown policy and practices that facilitated the conversion of Māori-owned land for farming (Loveridge, 1996) has resulted in agricultural activity dominating Māori economic development. In this regard the state has controlled the type of land based activities in which hapū could engage. The capacity to diversify or engage in alternative land use activities requires considerable investment, research and development. Hapū capability, particularly that of smaller hapū or land block owners, in these areas is limited. Diversification or a change in core activities also needs to be driven but finding an individual or team with the skills, expertise and tenacity to lead such a project is difficult for many small scale hapū. Also, a transformation in practice is limited by the organisational structures used to manage Māori owned-land. For example changing the terms of a trust order is a complex process. Introducing new, alternative practices to farming can be equally challenging for it requires a substantive shift in the attitudes and practices of those involved in management of these properties. Change requires considerable effort, planning and resources. Remaining with the status quo is much easier.

Nevertheless despite the many challenges all of the participants in this study were adamant that improved environmental outcomes could feature more prominently in the development agenda of a hapū:

That is what I think a lot more hapū and iwi need to be doing, planning for the future... Of course in there you need your ablution block and the restoration of the flag pole and wharenui and all that but needs to go wider to include the local environment. (CS03/29234)

Also, extra effort could be invested in support of practices such as sustainable development that are consistent with a kaitiakitanga ethos (CS03/37539, 38363; CS08/4085). At one level this requires identification of practices that “denigrate Papatūānuku” (CS13/17963) and taking active steps to minimise the hapū and personal impact on the environment, “*if we are not willing to support hydro dams then we better not use too much energy cause if we are not happy with them then what alternatives are we investing in?... you can't be a hypocrite*” (CS13/120876). Therefore the participants are advocating for hapū decision-making that is based on a value or ethical based approach cognisant of the cultural basis of resource use and development.

All of the participants in this study argued that a value or ethics based approach that was cognisant of the implications of our actions must be channelled towards resource use and development decisions. Such a decision-making mindset ensures that key cultural precepts such as whakapapa connections and notions such as sustainability are key drivers of land and natural resource use and development rather than just financial gain (CS03/38363). The active kaitiaki argued that there was a need for a more critical, strategic and deliberate approach when making decisions related to land use and getting “*smarter*” (CS08/1607; CS09/111; CS13/26838, 55705) with regard to environmental data collection, preparation of submissions and engagement with others. The objective would be to link core cultural values and tikanga to land use so that the whenua that remains for future generations is indeed a taonga tuku iho. That is, the whenua is still capable of exhibiting those elements that are highly valued by the hapū and is able to contribute to whānau ora (family health and wellbeing) by sustaining the hapū and future generations spiritually, culturally and economically.

SUSTAINABILITY CULTURE

Addressing environmental degradation is complex and expensive, and at times an almost insurmountable task. Irrespective of the challenges it is important that active kaitiaki continue to strive towards more sustainable land use practices (CS03/38363) and the ideal of a healthier and more vibrant ancestral landscape:

Some of them writing it off and say, we'll never get back to that but a lot are saying it is not that long ago that I can remember it, we can get back there. But it is about having that dreaming as well. (CS04/29710)

Adoption of practices that are more cognisant of and mitigate the negative effects of land use activities on the surrounding environment is another option. Diversification could be one option to encourage land use practices that are more consistent with kaitiakitanga (CS03/36413) and as one participant argued this is an area where hapū need to lead by example:

Actually we might be better off putting that land [currently farmed] to inanga spawning. You can do it very cheaply. It is also a way of saying to the community to environmental groups... to everybody, its leading, leading by example. Creating a resource that all of our whānau can partake in. So it might not have a direct financial benefit to any particular group but as far as instilling some of those older values, I think more diversification, not let's just do farming. (CS03/38363)

Sustainable farming or at least practices that mitigate environmental degradation could be pursued (CS04/34552). Participants in this study placed an emphasis on thinking more creatively about land use options. Land users need to take more responsibility for the affects of their action and be more respectful of the interests of others, *"We need to be a bit more sensible, we've become greedy... we have to pull back a bit and make some compromises"* (CS04/34390). However, despite the notion of kaitiakitanga providing hapū with a sound basis for culturally appropriate interactions with the environment, it is not a simple task or easy to influence the behaviour of others to ensure that kaitiakitanga is a key driver of land use practices, *"There's an assumption that we [the landowner] can tell farmers [the leasee] what to do... fence off your stock. Don't spray. The reality is that we can't"* (CS08/4085).

CONCLUSION

As discussed throughout this thesis, the introduction of colonial economy and settler government facilitated the transformation of the Aotearoa New Zealand physical, political and cultural landscapes modifying not only the environment, but also introducing substantial change to Māori culture, knowledge and practices. Developments in the agricultural sector afforded the greatest threat to the values and practices of kaitiakitanga through the introduction of a new system of resource use and development that was underpinned by economic development and commodification of natural resources. This position remains a fundamental driver today and continues to

impinge on a shift towards land use practices that are more cognisant of kaitiakitanga and sustainable development.

Māori participation in agriculture was initially self motivated to capitalise on opportunities presented by contact with Europeans. As the colonial state was established resource use and management was driven by legislation and policies that facilitated the exploitation of natural resources, the antithesis of kaitiakitanga, and Māori were *encouraged* to comply. Use of land in Māori title was restricted to transfer of title or productive agricultural use and required hapū to discard customary values and practices related to the access and use of the ancestral landscape. Māori environmental knowledge, ways of knowing and associated practice became fragmented and its development disrupted. This change in relationship with the environment also had significant consequences for Māori authority and the stability of Māori social institutions.

As European notions of land tenure and land use began to dominate resource use and management in Aotearoa New Zealand Māori relationships with whenua began to change. Through coercion Māori became active participants in the agricultural industry and complicit partners in the transformation of the ancestral landscape contributing to resource depletion and environmental degradation. Therefore Māori have a social responsibility to be part of the process to address these issues.

Alienation from the ancestral landscape was a common experience for Māori communities. As a consequence opportunities to continue customary activities and practices declined as Māori authority was undermined. Māori did protest challenges to their authority however the growth in European numbers and the presence of instruments of the state established European control over the natural environment. Māori became powerless to continue to exercise a substantive measure of kaitiakitanga.

Political pressure from Māori to recognise and provide for Māori authority has been a sustained feature of Māori-Crown relations. In the area of environmental policy this has been encapsulated in efforts to gain recognition of and provisions for kaitiakitanga. Such claims for the contemporary expression of customary practices and activities are based on the value and importance that hapū still apply to the ancestral landscape.

The Whakaki Lake case study combined with active kaitiaki experiences and aspirations related to restoring the mauri of lakes and waterways indicate that hapū have retained a strong sustainability culture - Toitūtanga. The concept of Toitūtanga is used in this doctoral thesis to refer to the capacity of whenua to contribute to the continuance and sustainability of Māori culture, social units and identity. The base word toitū is taken from the whakatauki “whatungarongaro te tangata toitū te whenua”, literally “people pass on but the land remains.” A more elegant translation that better captures the essence of the concept of toitū is “...as the light of the eve and the life of living things fade from sight, only the land is seen to remain, constant and enduring” (Waitangi Tribunal, 1988b, p. preface). Therefore Toitūtanga is related to constancy and endurance and references the resilience of communities and the retention of the life sustaining capacity of the ancestral landscape.

The concept of toitū within a cosmo-genealogical narrative also reinforces the critical importance of sustainability – “toitū te marae a Tane, toitū te marae a Tangaroa, toitū te iwi.” Ropata Taylor translates this passage as, “...when the realm of Tane and the domains of Tangaroa are sustained so too is

the future of humanity” (Taylor, 2006, p. 3). Again a central theme is the maintenance of the mauri of the whenua. Therefore the term *toitūtanga* is able to encapsulate key precepts related to a Māori understanding of the environment that enhance mauri¹⁷¹ and emphasise continuity and reciprocity.

This chapter has argued that a primary function of whenua continues to be the nurturing, shaping and grounding of *whānau*, *hapū* and *iwi* who have maintained a long and reciprocal association with place. Links to whenua continues to ground *hapū* within a geographical space, facilitating a connection to *tupuna*, supporting claims to contemporary tribal authority, and providing a basis for spiritual and cultural identity, and customary practices and activities. It is argued that these connections are highly valued and critical for providing the basis and motivation for acting in a manner consistent with *kaitiakitanga*. This study confirms that retaining the mauri of the ancestral landscape remains a key role of contemporary practitioners of *kaitiakitanga* and that the survival and prosperity of the *hapū* is linked to the ability to protect the mauri of whenua. I have argued that maintaining *mana whenua* is dependent on establishing an intimacy with the ancestral landscape and that *kaitiakitanga* activities are preoccupied with enhancement and protection. While the practices used to express *kaitiakitanga* may have altered, the primary cosmo-genealogical directive of *toitū te whenua, toitū te tangata*, remains.

¹⁷¹ In this context sustaining a healthy state of mauri.

TIKANGA TIAKI: ACTS OF KAITIAKI

This chapter continues the exploration of the nature of contemporary kaitiakitanga introduced in Chapters Two, Three, Six and Seven. However the focus shifts to customary environmental activities and practices associated with operationalising the practice of kaitiakitanga.

The Whakaki Lake case study and qualitative interviews with active kaitiaki are used in this chapter to investigate the contemporary relationship of hapū with wetlands. There is a specific focus on the emergence of wetland enhancement and restoration as an “act of kaitiaki” and the capability and capacity of active kaitiaki to exercise kaitiakitanga.

The title for this chapter *Tikanga tiaki: Acts of kaitiaki* was a term used by Māori Marsden (2003b, p. 69) to refer to guardianship customs related to environmental protection. Tikanga tiaki can refer generally to practices associated with kaitiakitanga and to specific actions of active kaitiaki. The term is used in this doctoral study as it helps to emphasise action and positive environmental outcomes as a critical dimension of the process of kaitiakitanga. This chapter is concerned with acts of kaitiaki associated with the contemporary management and protection of wetland ecosystems.

ENHANCEMENT AS AN ACT OF KAITIAKI

Contemporary acts of kaitiaki seek to enhance the ability of the ancestral landscape to continue to function as the whenua papatipu, “...*how can we make this place better for us [hapū]*” (CS13/67805). The expectation is that improvements in ecological condition will also contribute to a range of spiritual, cultural and social objectives thereby making a substantive contribution to hapū advancement and development. This position is confirmed by the following active kaitiaki who emphasises the interdependence of cultural wellbeing and the health and vitality of waterways and tuna:

And that [hapū-based research focused on tuna growth rates] tells us that restoration of the environment helps the tuna, which helps us, cause we are not only able to eat the tuna, fish it, take our young ones along, keep those practices going, talk about tuna stories, watch the moon all that tikanga that we want to keep going. (CS04/42785)

Hapū-based wetland restoration programmes typically target areas or species of significance for the hapū so that restoration is an act of kaitiakitanga for the benefit of the entire hapū. Restoration provides an opportunity for hapū to exercise their mana whenua obligations and responsibilities towards the environment through addressing environmental degradation and fragmentation in lakes and waterways of high cultural value to hapū. Restoring the mauri of degraded and highly fragmented ancestral landscapes involves improving ecosystem condition and biodiversity, “...*creat[ing] an environment where indigenous biodiversity will flourish*” (CS01/2494). Often a substantive change to

land use practices or physically altering some aspect of the environment is required. Pre-contact, ecological recovery was facilitated through tohunga (expert, priest) or ecosystems would be left to regenerate and heal, sometimes through the imposition of rāhui. However today restoring the mauri of the ancestral landscape is characterised by active intervention and has become more of an active partnership between Papatūānuku and hapū, “...*letting Mother Nature do her magic – giving her a hand*” (CS06/2562).

For many hapū restoration is a new way of relating to the environment that can strengthen the relationship between hapū and whenua. Restoration activities provide an opportunity to reconnect with the whenua papatipu, “...*just engaging, literally with the natural environment again, engaging with Papatūānuku*” (CS06/14816). Activities such as replanting can provide a reason to return to the whenua papatipu to, “...*get them home*” (CS01/1702) and also provide an opportunity to revitalise customary knowledge, ways of knowing and associated practices as reflected by this participant, “[*its about*] *Reconnecting with those streams and those lakes and practising smoking tuna and pawhara tuna and learning those old skills how to catch when to catch how to process, sharing*” (CS03/18537). There is an emphasis on a return to customary practices particularly those that allow the whenua to become once again the centre of social activities and provide spiritual and cultural sustenance for the hapū (CS03/17926).

THE POLITICS OF RESTORATION

Political support at the hapū level is critical for prioritising the restoration agenda (CS04/52730) and subsequently achieving enhancement of the ancestral landscape, “...*it has to be driven by the hapū to make any project like that work. If it is a priority... If the hapū are keen on it. That is the first real hurdle*” (CS03/21613). Prioritising and committing to restorative land practices can be difficult when a common reality for hapū is limited funds, limited skills and expertise in restoration work¹⁷² and more pressing hapū priorities.¹⁷³

Political support at the hapū level is obtained through hui (CS03/6664; CS04/10542, 51015; CS13/9031, 9851) and endorsed by kaumatua, “*The kaumātua are incredibly supportive of it [enhancement agenda]*” (CS03/17926), and, “*They just want to support anything that can enhance our environment, they just want to support*” (CS03/18712). Furthermore, in relation to the projects that participants were involved in, shareholders and beneficiaries of Māori land were eligible to participate in hapū level decisions, as indicated by the following active kaitiaki:

we got the sanction from the tribe to get on with it and that was the sanction not only from the shareholders... also the pa as a shareholder... so there were more people involved and thinking, Hey maybe this is a good idea. (CS06/8841)

¹⁷² “*This is really complex stuff and I think getting your head around this hurts and I think that once you do that and once you... maintaining the action plans and having organisational models on the ground*” (CS06/20348).

¹⁷³ CS04/15250; “*Hapū are so busy... We have leaking buildings, what takes priority?*” (CS03/14560) and, “*One of the biggest challenges is getting hapū to buy into it. Getting people to buy into that it is a priority, that is not the ablution block that we need to prioritise on our hapū list or the deck, the mahau, it has to be a priority for the hapū for a start*” (CS03/21344).

This participant stressed that restoration required the sanction of hapū *and* owners of the block that the waterways traverse. Therefore hapū level decision-making is inclusive of the customary institution of hapū and all of its modern forms and flexible enough to incorporate configurations that have emerged from Western systems.

OPERATIONALISING THE RESTORATION AGENDA

Once the restoration kaupapa has received political support from the hapū it can be integrated into the hapū development agenda. For two of the programmes participants were involved in, restoration activities became part of the marae committee agenda (CS03/21897; CS13/9284). For the others a dedicated entity was created and formally constituted to undertake enhancement (CS06/162)(Forster, 2009a, 2009c). This strategy was a necessity for large scale projects that first, needed to secure and manage investment for restoration activities and second, to maintain the effort required over a long period of time to complete the exercise (Forster, 2009a, 2009b, 2009c; S. M. Smith, 2007). The Whakaki Lake Trust altered their original trust order in 2005 so that environmental restoration and protection became a core activity of the Trust. Section 3(a) clearly states that ecological and environmental protection is the core activity on the lake property and that this activity is accomplished for the entire community not just the local hapū:

3(a) to use occupy and manage the land or any part thereof for the purpose of ecological and environmental protection and enhancement, with the purpose of ensuring the improvement of the habitat for the life forms that are present, introduced or are of migratory nature, for the recreation, welfare and enjoyment of the beneficiary owners and their families and the public, as the Trustees may consider appropriate.

While the lake might be part of the Trust property, the Trustees and beneficiaries clearly acknowledge that the lake is a communal resource for the entire community and that the Trust acts on behalf of the hapū and the wider Wairoa-Whakaki-Mahia community as a kaitiaki of the lake. Western based structures¹⁷⁴ are used to facilitate the kaitiakitanga agenda of the local hapū.

Section 3(b) of the Trust order establishes a protective function of the Trust and clearly identifies farming as an inappropriate activity:

3(b) To protect, defend or resist from any potential adverse effects that poses a threat or risk to the ecology and environment of the Whakaki Lake Property as the Trustees may consider necessary. (Farming of the Lake property is deemed to have an adverse effect and is banned for such time not exceeding 25 years). (Māori Land Court, 2005)

Another activity that is considered inappropriate at Whakaki Lake is commercial fishing, particularly of tuna. As a consequence, the Trust actively supported the designation of Whakaki Lake as a customary fishing area protected from commercial fishing under section 3(2)(b) of the Fisheries (Central Area Commercial Fishing) Regulations 1986 (SR 1986/217).

¹⁷⁴ For example a trust structure.

The provisions within the Whakaki Lake Trust trust order ensure that tribal responsibilities and aspirations of local people are strongly integrated into operational practices. The core function of the Trust is closely related to affirming the mana whenua status of the local hapū. This is how the Trust ensures that it executes its social responsibilities and is able to advocate on behalf of the local hapū. Kaitiakitanga is central to the vision of the Trust and a key driver of conduct. Kaitiakitanga directs the types of activities and practices that are prioritised.

Since 1994, section 3(a) and 3(b) of the Hereheretau B2L2 (Whakaki Lake) trust order (outlined above) have been integrated into the core business of the Trust and translated into operational practice through annual management plans. To date activities have included: a 10-year strategic plan to execute enhancement programme goals; hydrological changes at the Rāhui Channel; fencing and stock removal; a revegetation programme; development of a walking track; a pest management programme; feasibility studies into an environmental education centre and native coastal bird breeding programme; and, research into the condition of the ecosystem and taonga species particularly tuna and local traditional tuna harvesting and management practices (Ngā Whenua Rāhui, 2005; Whakaki Lake Trust, 2008). Strategic planning and operational systems and structures are critical for realising restoration aspirations, *“...once it [restoration] is on the agenda there is going to be reporting and people are going to say is it moving?”* (CS03/21897).

KAITIAKITANGA IN PRACTICE

Attaining political support at a hapū level and strategic planning for restoration activities can be lengthy processes. Furthermore, a considerable period can pass before any activities resembling restoration commence. For example, the Whakaki Lake restoration programme began with hydrological changes in 1996 (Coombes & Hill, 2005). This was two years after the Trust had resolved to develop a restoration and enhancement programme and 23 years after Trustees first began demanding that government agencies address environmental degradation and loss of biodiversity.

All of the active kaitiaki that were interviewed commented on the need to lobby for external funds and support to progress the restoration agenda. However, convincing external agencies to support the hapū restoration agenda was challenging (CS03/6664; CS06/27267). The Whakaki Lake case study provides a good example of the challenges involved in securing local government support. Whakaki hapū began lobbying government agencies to address deterioration of the Whakaki Lake ecosystem particularly through the restoration of the natural drainage system in 1973 (Tomlins-Jahnke, 1993). The hapū became frustrated at the lack of empathy and support from local government agencies towards addressing the negative impacts of agricultural development and flood control practices in the Whakaki catchment area that had significantly reduced the local native flora and fauna. Thus, in 1992 the Trust approached the Office of the Parliamentary Commissioner for the Environment (PCE) for assistance. The PCE response was an investigation and a report into the management of the lagoon. The report provided an overview of the condition of the Whakaki Lake ecosystem and identified extensive modification of the catchment area that had a significant impact on Lake

hydrology and a reduction in the health and abundance of native biodiversity (Parliamentary Commissioner for the Environment, 1993a, 1993b). Actions of the Crown and local government agencies that facilitated agricultural and infrastructural development were found to have had a detrimental affect on the health of the Whakaki Lake ecosystem (Parliamentary Commissioner for the Environment, 1993a, pp. 31, 43). The PCE report recommended that some form of redress involving a combination of restoration of tino rangatiratanga, restoration of hydrological regime, restoration of taonga, maintenance or enhancement of drainage and the maintenance of works over the longer term was required (Parliamentary Commissioner for the Environment, 1993a, p. 33). During the same period (1990's) sustainability was emerging as a key driver of state environment policy and the newly enacted Resource Management Act 1991 placed an obligation of the Crown and local government to "...take measures to restore tino rangatiratanga and the Whakaki ecosystem and enhance the environment for future generations" (Parliamentary Commissioner for the Environment, 1993a, p. 43).¹⁷⁵ There was certainly good will and an agreement amongst all agencies and landowners that "...some form of restoration of the lagoon system is desirable" (Parliamentary Commissioner for the Environment, 1993a, p. preface). The PCE report recommended that costs for the enhancement programme be shared across government agencies (Parliamentary Commissioner for the Environment, 1993a).

The PCE report was instrumental in advancing the hapū enhancement agenda. It assisted in consolidating the concerns of the hapū in an evidence-based manner and clearly identified Crown and local government action as complicit in the environmental degradation of the Whakaki catchment area and in ignoring tangata whenua rights to be involved in resource management decision-making. Another important development that emerged around the same time that the PCE report was released was that during the drafting of a Waitangi Tribunal claim regarding the management of Whakaki Lake, it was established that the Trust owned the lagoon bed (Tomlins-Jahnke, 1993). Legal advice based on this fact indicated that "...the Trustees appeared to have a prima facie case to sue for damages" (Tomlins-Jahnke, 1993, p. 33). Together these factors served to mobilise government agencies to prevent further degradation, enhance the remaining native biodiversity and recognise tino rangatiratanga rights and responsibilities of the local hapū. Although the local hapū had been seeking such redress since 1973, it took the political might of the office of the Parliamentary Commissioner, threat of legal action and the emergence of a new direction in resource management policy to compel government agencies into action; state policy and political lobbying was critical for advancing the hapū enhancement agenda.

CAPABILITY AND CAPACITY OF ACTIVE KAITIAKI

The ability to exercise kaitiakitanga is dependent on a range of factors. Two key considerations are issues of resourcing and access to specialist knowledge. A comprehensive knowledge base that is cognisant of the conditions of the local environment and natural resources is critical if active

¹⁷⁵ This obligation was a direct response to the government's Treaty policy that sought to recognise and give effect to the principles of the Treaty of Waitangi in the operations of government.

kaitiaki are to respond to local environmental pressures. In addition, enhancing the condition of fragmented and highly modified ecosystems and natural resources can be an exceptionally complicated process and requires an in-depth understanding of the scientific and technical aspects of the problem, as indicated by the following active kaitiaki:

When it comes to environmental restoration, how do you do it? Well understanding the complexity of the problems is a huge one. This lake that I am talking about has Hornwort¹⁷⁶ in it. And it has got a nutrient overload so you are not going to fix it overnight. (CS03/23241)

The reality is that tackling some of the environmental damage issues will take a long time to address and requires a concerted effort towards strategic planning and long term investment. In many cases there is a need to build the capability and capacity of hapū to engage in enhancement activities. Enhancement and restoration can be technically complex (CS03/22823) and require a range of expertise from evaluation of ecological condition through to specialist hydrological or propagation expertise. A reality for many hapū is that it is not common for hapū members to have capabilities in these areas so there is a necessity to, *“Bring these people in [environmentalists and scientists] to tell us what physically is wrong with this [wetland]”* (CS13/31406). All of the participants indicated that the lived experiences of hapū members and local mātauranga (knowledge) had clearly identified that the mauri of the system is compromised. However, determining *“...what can you do and what can we do to turn it around?”* (CS13/31406) often requires the hapū to seek assistance from external agencies. Therefore restoration work often requires engagement and alliances with external agencies¹⁷⁷ (Forster, 2009a) to address issues of cost, and access to and development of skills and expertise required to execute activities associated with restoration.

RESOURCING

For all of the active kaitiaki in this study external resourcing was required to progress an enhancement agenda. For example, the Whakaki Lake enhancement programme received an initial financial investment of \$305,000.00. Contributions were made from a range of sources including Whakaki Lake Trust (an owner of Whakaki Lake property), 2N Incorporation (the other major Māori land owner of Whakaki Lake property), Wairoa District Council, NZ Game Bird Habitat Trust Board and the Hawke’s Bay Regional Council. The Department of Conservation also provided support in kind such as technical support. This funding was used primarily for hydrological changes to reduce the salt intrusion problem and address flood drainage issues in the first phase of the revegetation programme in June 1998. Future costs for the enhancement work was estimated in 1991 at \$189,787.00 over an 8 year period (M. Smith & Hobson, 2001). The estimate covered sourcing of plants, fencing and pest control. The estimate did not cover labour costs associated with the

¹⁷⁶ “Hornwort is an invasive aquatic weed found in freshwater... It is banned from sale or distribution under the Biosecurity Act 1993” (MAF Biosecurity New Zealand, 2006).

¹⁷⁷ External to the hapū.

revegetation programme. Therefore the true operating costs of the programme are much more than \$189,000.00. Ecological enhancement is a costly exercise.

A level of certainty in relation to funding is critical to advance the restoration process as uncertainty is not useful for planning as indicated by this participant, “...yea but it is hard to plan cause the funding runs out soon” (CS09/10737). Establishing a steady source of funding for restoration activities is difficult. A contributing factor to this difficulty is a perception by potential funders that restoration is a voluntary exercise as indicated by the following comment from a Hawke’s Bay Regional Council bio security advisor, “...as this is essentially a community-based programme, a large part of what is achieved by the [Whakaki Lake] Trust is by local volunteers and community working bees” (Dickson, 2006, p. 3). By identifying the programme as community-based there is an expectation that enhancement activities will be undertaken on a voluntary basis or at least require minimal resourcing.

Many hapū-based restoration programmes are indeed dependent on volunteers from the local community (CS09/5922) (Whakaki Lake Trust, 2008), kōhanga (Māori preschool)(CS01/2088) (Whakaki Lake Trust, 2008) and other hapū and iwi (Whakaki Lake Trust, 2008) to assist mainly with planting (CS01/1702). However while this mode of operation does enable a core group of people to be mobilised to work on the kaupapa¹⁷⁸ there are limits to what can be achieved in a voluntary capacity:

Riparian restoration¹⁷⁹ and we did a pretty good job but we never finished it because of resources and people basically people power. We just didn’t have people to follow through with it. We got some funding and spent the first lot then we just didn’t get any more as we did not have the people to write the applications and I was expected to do stuff in my own time and it just got impossible for me. (CS13/12162)

Volunteers were available to clear sites and plant however, administrative tasks and planning were difficult to sustain in this type of organisational arrangement. The assumption that restoration programmes are voluntary limits the types of activities that local government and the state are willing to fund. As a result funding can be quite fragmented. There are a number of government agencies that are willing to invest in enhancement programmes however this investment is usually conditional. Typically finance is allocated for specific activities such as fencing (M. Smith & Hobson, 2001) or planting. Some activities like weed control are, according to the Hawke’s Bay Plant Pest Strategy, the responsibility of the land owner (M. Smith & Hobson, 2001). Therefore multiple sources are required to fund the range of activities that can occur under the restoration umbrella. All of the participants experienced problems securing funds to pay salaries for people to plant. Some success at Whakaki Lake was achieved by linking restoration to research projects and community workforce development schemes. Therefore, to progress an enhancement agenda hapū have been resourceful and innovative and accessed a range of funding sources. The active kaitiaki involved in this study

¹⁷⁸ In this context kaupapa refers to the enhancement programme.

¹⁷⁹ Riparian restoration refers to the ecological restoration (often planting) of the areas at the edge of waterways. It is an effective means of restoring water quality of a waterway and addressing erosion.

indicated that enhancement activities had been supported by a range of sources including tribal funds (wānanga, trusts, marae), non-governmental organisations (World Wide Fund for Nature, Pacific Conservation Management Trust), government agencies (Work & Income, Department of Conservation Mātauranga Kura Taiao and Ngā Whenua Rāhui funds that assist conservation work on private land), local government, community boards and research sources (Foundation of Research, Science & Technology, Wai Māori Fund and Te Ohu Kaimoana).

Government agencies will also use internal resources to provide technical assistance. For example, Hawke's Bay Regional Council staff have provided technical assistance for development of the Whakaki Lake mammalian pest control programme and provided equipment such as traps and bait. The Hawke's Bay Regional Council continues to monitor the success of the pest management programme and act in an advisory capacity when required.

Although all participants indicated that considerable time and effort was expended towards funding applications, which distracts from the core business of propagation and planting, at the end of the day most of the hapū were prepared to absorb the cost of restoration activities not covered by external funding. One participant expressed it thus, *"But you know if it [funding contracts] fell over tomorrow we still got the lake, [we] would have to find other jobs... still doing the propagation... the planting and going out there"* (CS09/10931). In this instance hapū members were prepared to bear any financial and resource costs of an enhancement programme beyond the life of the funding contracts. However not all hapū-based enhancement projects were able to survive when that funding ceased, *"...we never finished it"* (CS13/12445). However while this particular activity ceased hapū members continued to act as kaitiaki of the ancestral landscape.

To address the issue of certainty in funding the larger scale hapū-based enhancement programmes have developed commercial arms in the form of nursery enterprises (CS06/21086; CS09/5648). A commercial nursery can potentially provide a steady supply of trees and income (CS06/21522, 22071; CS09/6037, 7753; CS12/9817) for enhancement so that hapū are less dependent on fragmented, transitory and often conditional external funding sources. It is important to note that larger long term enhancement programmes also need to develop nurseries for pragmatic reason such as sourcing the types of plants that grow locally around lakes and waterways, *"...it [the nursery] was set up [to grow]... frost hardened, robust little numbers. You can't just pop in [to the local gardening centre] and buy your favourite tree for the garden"* (CS06/21436).

There is a demand for the products of hapū nurseries, *"We get a lot of farmers, whānau from [place names] wanting plants"* (CS09/7753) and hapū are actively using their own networks to drum up business,¹⁸⁰ *"We get invites to a lot of hui and go and network and invite people back. See if we can sell some plants"* (CS09/6037).

¹⁸⁰ CS06/22265.

KNOWLEDGE ACQUISITION

Execution of kaitiakitanga obligations and responsibilities has always required an extensive knowledge of the state of the environment (Makereti, 1986 [1938]). This includes knowledge related to condition of the local flora and fauna, the changes that occurred with each season and over time and customary practices associated with protection, harvesting and preparation for consumption or use, of natural resources. In addition it has been argued in Chapters Six and Seven that kaitiaki must be able to respond to issues related to transformation of the ancestral landscape that has produced extensively modified, fragmented and in some cases environmentally degraded ecosystems. Contemporary kaitiakitanga requires an expansion of the local hapū knowledge base to acquire a level of technical knowledge and skills.

Development of an extensive data base is critical so that kaitiakitanga practices and resource management decision-making is based on accurate and rigorous information. The database must reflect a combination of customary knowledge related to the local environment and provide access to scientific and technical information.

WHENUA IS THE TŪRANGAWAEWAE OF OUR THOUGHTS

Our cultural and customary knowledge of Mother Earth comes from listening and observing and nurturing her. (CS01/525)

The local knowledge base is grounded in the ancestral landscape and the relationships and interactions that the local hapū have developed with the whenua papatipu. Takirangi Smith refers to this way of knowing as ngākau-centred, knowing through the heart. Tohuwhenua and tohumoana, signs and information manifested through the land and water are acquired from tohu mana¹⁸¹ (Marsden, 2003a), sight and rongō,¹⁸² and received by the heart. In a customary context the heart is associated with feelings. A ngākau-centred way of knowing emphasises that knowing is felt. As a consequence knowing is subjective and due to the link to whenua and the communal affiliations of the person receiving the information, firmly attached to community. Linkage to community creates an expectation that this type of knowledge is used for the collective good. This position differs from the western tradition where knowing is associated with the mind, logic and can be regarded as the possession of an individual (Agrawal, 1995).¹⁸³ From a Māori intellectual tradition, the entire body actively engages in knowledge production as knowledge is internalised and becomes part of the body. Therefore knowledge transfer is akin to giving away a part of ones self and as a consequence the process necessitates a level of control and regulation by the knowledge holder. The knowledge that is being shared is part of the whenua and has been passed down over successive generations so there is a level of tapu and mana associated with it. Guardianship and knowledge transfer process must reflect this. Huirangi Waikerepuru explains it in this way:

¹⁸¹ Signs of power from the spiritual dimension, te ao wairua.

¹⁸² Other physical senses such as hearing, touch, smell and taste.

¹⁸³ Refer to the native science website for a comparisons between traditional and scientific knowledge (http://www.nativescience.org/html/traditional_and_scientific.html).

Kia tūtū ngā pou. Ki runga i te pou titi ai ki Papatūānuku ngā kōrero i tātai ai te tangata ki a Papatūānuku ki te whenua ki roto i te mana, ki roto i te tika, ki roto i te pono, i te maramatanga. Puta mai hoki te tapu. Nā koia te take o te tikanga.

These principles are fixed on mother earth and the history was narrated on mother earth with mana, accuracy, truth and clarity and it came from the force. That is why culture is sacrosanct.¹⁸⁴ (part of a discussion between Waihoroi Shortland and Huirangi Waikerepuru, two recognised experts on Māori culture, screened on Te Tepu, Māori Television, Wednesday August 13, 2008)

It is the “sacrosanct” nature of culture, and customary knowledge is part of culture, that necessitates the presence of protective mechanisms to regulate knowledge transfer and development. These aspects of mātauranga Māori were discussed in Chapter Four.

Understanding those factors that have damaged or severed our relationship with the environment, and the ability to receive *tohu* (signs) provided by the land, waterways and sea is a key to improving the *mauri* of natural resources and creating positive transformations for the local community. As Takirangi Smith asserts we need to listen to the environment to heal the people and our tribal landscapes.¹⁸⁵ Therefore re-establishing a relationship with *whenua* such as adapting the traditional institution of *kaitiakitanga* is critical for recovering our ability to read *tohuwhenua* and *tohumoana* and maintaining those significant customary relationships over space, place and time.

Moana Jackson¹⁸⁶ refers to the *whenua* as the “*tūrangawaewae* of our thoughts”¹⁸⁷ and in doing so emphasises the relationship between *whenua* and knowledge. He uses the word *waewaetakamiria*, meaning footsteps that caress the land to refer to the localised nature of customary knowledge and that learning and knowing is closely associated with being connected to and receiving *tohu* from the *whenua* and the wider ancestral landscape. *Waewaetakamiria* is a metaphor for accessing the cultural repositories held or grounded within the land. Re-establishing a relationship with the *whenua* can reconnect people with the narratives and messages inherent in the *whenua*, including tribal histories and *whakapapa*. As an example Moana Jackson often refers to the site of a *whare wānanga* (higher school of learning) in the *rohe* of Rongomaiwahine, Waikawa Island. *Waikawa* means sour water and is a reference to the natural gas that bubbles up at the waters edge. This gas is used to light fires that burnt for the duration of the *wānanga* symbolising the power of knowledge and is a reminder of the need to exercise caution and respect when using knowledge. The landing site is named *Whaiawhakaaro* meaning follow the thoughts symbolising the purpose of the *wānanga*. Initiates of the *whare wānanga* upon landing journeyed to a rocky outcrop called *Te*

¹⁸⁴ Translations as provided on the programme.

¹⁸⁵ *Tohu and Māori* presentation at Tatau Pounamu: The Greenstone Door. Traditional Knowledge and Gateways to Balanced Relationships Conference, 10th June, 2008, University of Auckland, Auckland, N.Z.

¹⁸⁶ Keynote Address at Tatau Pounamu: The Greenstone Door. Traditional Knowledge and Gateways to Balanced Relationships Conference, 8th June, 2008, University of Auckland, Auckland, N.Z.

¹⁸⁷ Source for this quote is unknown although was a member of Ngāti Porou tribe. Moana Jackson uses this phrase to promote the idea that Māori culture and knowledge is grounded in *whenua*.

Timatanga (the beginning). This example demonstrates how the values and practices associated with knowledge production particularly knowledge associated with the traditional whare wānanga, can be embedded in the land and transmitted across time to successive generations.

Another example from the same rohe is a rock formation near Nukutaurua Pā that is used to teach sexual education and provide infant nutritional information to descendents of Rongomaiwahine and Kahungunu.¹⁸⁸ Rock forms that represent a male, a female linked by an umbilical cord to a baby and local kaimoana essential for maintaining good health of the baby can be seen. In this example the rock forms are a direct source of knowledge reinforcing the grounded nature of customary knowledge, ways of knowing and associated practices and how the act of walking the land, waewaetakamiria, can assist in hearing the narratives that are inherent within the ancestral landscape.

In the past people interpreted the information inherent in the whenua to make decisions and guide actions. An example is the ability to determine when to restrict food harvesting activities to ensure a sustainable resource. However, alienation of communities from the tribal estate and significant changes to the local landscape has detached people from the localised history and knowledge systems inherent in the whenua. As a consequence some people have lost the ability to receive that information from the whenua to inform sustainable resource management practices.

WALKING THE LAND

The first step towards refining the ability to read the knowledge that is inherent in the whenua is walking the land with a person who has an intimate knowledge of the area. Whakaki Lake Trustees and Trust employees have a long tradition of hosting manuhiri (visitor, guest) at the lake. As manuhiri are taken along the shore to the lake known as Patangata, opportunities arise to point out Paaka, the tuna rere site.¹⁸⁹ It is around this area that most of the pā tuna can be found. As you look inland a small flat area that was once covered in bush is visible. This is where the pā known as Puta Ngahere was built. We resume travelling along the shore towards Whakaki Lake and enter the lake property at Te Awa Waahi, the site of the direct opening to the sea. From here the lake proper can be seen and to the southeast the Rāhui Channel, once again flowing freely and the matua Ngaio (*Myoporum laetum*). This lone standing adult tree is the source of all the Ngaio plants that have been replanted in several areas around the lake. As travelling resumes along the internal track towards the northern end of the property the first planting sites, successive plantings, a bird lookout area and an ecologically significant colony of mat daisy (*Raoulia australis*)¹⁹⁰ can be seen. At the western end of the lake the boundary is delineated by a fence between the Hereheretau B2L2 block and the Whakaki 2N Incorporation (Iwitea) that stretches from one shore of the lake to the other. The fence is a symbol of the colonisation of the landscape and the

¹⁸⁸ During the course of this doctoral study several field trips to wetland areas in the Iwitea, Whakaki and Mahia areas were undertaken. On one of these trips I was taken to this site by a local kaumatua.

¹⁸⁹ Area where migrating tuna leave the Whakaki Lake wetland system to travel to spawning grounds in the Pacific Ocean.

¹⁹⁰ *Raoulia australis* is the taxon name. *Raoulia* is the genus and *austalis* is the species.

absurdity of the English land tenure system that believes that the physical environment and natural resources can be bound and owned. This is not the only fence on the property. After a heavy rain period it is common for the lake to reclaim the paddocks at the lake edge, ignoring the fences and human attempts at containment.

Mammalian bait sites are clearly visible the length of the property and maimai¹⁹¹ can be seen. There are also several permanent structures; homes and baches. As you return to Whakaki marae and cross Number One bridge across the Rāhui Stream cattle can be seen grazing in adjacent lake properties.

The narrative provided above are from field notes that were taken during one of the visits to the Lake property as part of the case study research. The narrative demonstrates the use of the lake as a mnemonic device through which local history related to tribal occupation and the hapū-based restoration programme can be relayed to others. The site visit is the primary and preferred strategy that the Trust uses to share knowledge of their ancestral landscape and their experience and expertise in restoration with others. A PowerPoint presentation has been developed to complement the site visit. The PowerPoint presentation provides a historical photographic database with chronological shots of the enhancement programme; the Rāhui Channel silted over and the Rāhui Channel flowing freely; first plantings in 1999 and growth after five years. Together these strategies serve to provide a contemporary tribal history of management of the lake. The site visit and PowerPoint presentation are a variation of the oral tradition and allow Whakaki Lake Trustees and Trust employees control over the transfer of information related to the Lake.

Figure 2: Patangata.
Source: Ngā Whenua Rāhui.



¹⁹¹ Duck shooting structures.

Figure 3: Barrier beach forming the southern boundary of Whakaki Lake.
Source: Ngā Whenua Rāhui.



Figure 4: Plantings.
Source: Hawke's Bay Regional Council



Figure 5: Mat daisy (*Raoulia australis*) at Whakaki Lake.
Source: Ngā Whenua Rāhui.



Figure 6: Fence though lake.
Source: Hawke's Bay Regional Council.



Figure 7: Rāhui Channel.
Source: Ngā Whenua Rāhui.



DOING JUSTICE TO WHAT WE KNOW

Acts of kaitiaki like restoration provide an opportunity to develop relationships with the ancestral landscape and revitalise customary practices, knowledge, ways of knowing:

And that [hapū-based research focused on tuna growth rates] tells us that restoration of the environment helps the tuna, which helps us, cause we are not only able to eat the tuna, fish it, take our young ones along, keep those practices going, talk about tuna stories, watch the moon all that tikanga that we want to keep going. (CS04/42785)

Enhancement of the physical environment is only one aspect of restoration activities. Revitalisation and enhancement of local custom and customary knowledge is equally as important, “...the kaumatua that we spoke to, all of them, they just want to see those things treated again and looked after and revitalised” (CS03/18712), so that the land can once again shape human behaviour and tikanga (CS03/18301). This attitude was linked to the integrity and continuance of custom, “...to do justice to what we know, to our traditions and knowledge” (CS13/106040) so that customary practices and knowledge are retained and remain relevant.

DEVELOPING A CULTURAL EVIDENCE BASE

Developing an extensive cultural evidence base is critical for determining change in ecological condition over time and becomes a tribal resource itself, a snapshot of the ancestral landscape at a certain time and place:

the baseline is pretty important... because people are getting back out to these places, they are writing stuff down for the first time, they might have been to this place and gone eeling but never stood there and really thought about the plants... initially people were like that is [documentation of taonga species and

cultural indicators] shit, but you explain to them you imagine 50 years time, how valuable what you wrote down today will be... and the photos. (CS13/69705)

The development of these types of resources is a means, “...to educate our own hapū because there are only like a handful of people at the rūnanga [assembly] who really understood all of this stuff” (CS13/ 37449). In this regard an awareness of a hapū perspective of resource management and wahi tapu (sacred site) preservation can be developed (CS01/2623; CS06/15994). One participant described it this way, “We wrote this beautiful document... All of the plans are beautiful things, they are like taonga... a symbol of who we are” (CS13/34608).

ACCESSING TECHNICAL KNOWLEDGE

As part of this doctoral research programme an assessment of the informational needs of Whakaki Lake Trust was undertaken and this involved an evaluation of the use of scientific and technical information by the Trust. Scientific and technical information was used by the Trust in a number of ways: to compel external agencies to support the hapū enhancement agenda; to access research funds; to inform customary harvesting practices; to identify and prioritise enhancement activities; and, to provide a more comprehensive understanding of the condition of the lake property and the environmental pressures affecting that condition (Forster, 2009a).

Scientific and technical information collated by the PCE (1993a; 1993b) was used by the Trust to provide an indication of the extent of the environmental problems at the lake and to determine responsibility. This data was used to lobby for support from local authorities towards the hapū-based restoration and enhancement agenda

Environmental and technical data has been useful for supporting funding applications for enhancement activities and research as applications need to be written in a language and a style that funding agencies can recognise. This often requires the use of scientific evidence produced by experts that can be recognised by the funding reviewer. In the Trust’s experience applications based only on local customary knowledge have met with limited success (Forster, 2009a).

One of the core functions of the Whakaki Lake Trust is the management of wildfowl stocks (Māori Land Court, 2005). This includes the issuing of shooting permits and control of entry to the property and regulation relating to shooting activities on the lake. Permit numbers are determined by the local Forest and Bird annual bird population surveys.

Reports from the Department of Conservation (M. Smith, 1997; M. Smith & Hobson, 2001) and the Hawke’s Bay Regional Council (Dickson, 2006) have identified potential activities that would be useful for protection and enhancement of the lake property. This information has been useful for indicating areas where local government can contribute to the enhancement programme (Forster, 2009a, 2009b, 2009c).

Several reports on ecological condition and trend of Whakaki Lake have been useful for establishing an environmental baseline (de Winton & Champion, 2008; Environmental Management Group, 2006; Ngā Whenua Rāhui, 2005; Palmer & Whakaki Lake Trust, 2008a, 2008b; Walls, 2000a, 2000b, 2002,

2004). This type of information has indicated that the ecological condition of the lake has improved since the Trust's enhancement programme was initiated and has been used to identify new environmental priorities and research opportunities.

While the active kaitiaki involved in this study also reported that access to scientific and technical information was critical for advancing the enhancement it is important to note that the Whakaki situation is atypical in the sense that a considerable amount of research, particularly by external agencies, has been carried out over a long period of time on Whakaki Lake. As a consequence there is an extensive range of documented information related to Whakaki Lake. This is not always the case in other areas. With regard to Whakaki Lake, information is readily available on the history of land use and management of catchment area by local Māori and a succession of government agencies. There is documentation related to the cultural importance of the lake and surrounding area and a small amount of local mātauranga related to the lake and associated natural resources. There are several environmental and technical reports related to the Lake's geology, water quality, ecological condition and assessments of local plant, bird, fish and macro invertebrate populations. Most of the information available is of an environmental or technical nature. There are only snippets of information about the lake from the local perspective as this type of information resides within the collective consciousness rather than the public written archive (Forster, 2009a, 2009b, 2009c). Information related to the Whakaki Lake Trust enhancement programme is not readily accessible as it too resides within people's lived experiences, Trust documents and confidential reports so the publically available archive is not a good reflection of knowledge related to Whakaki Lake (Forster, 2009a, 2009b, 2009c).

Use of external data sources is dependent on the needs and priorities of the Trust. If the data does not align with the Trust's priorities or informational needs then it is unlikely to be accessed and utilised. Usefulness of data can also be limited by the technical nature of the information. Documents that are long and highly technical are more likely to be filed away rather than reviewed and integrated into the operational practice of the Trust (Forster, 2009a, 2009b, 2009c). This does not mean that the information is irrelevant rather that it is inaccessible as the authors are not experienced at preparation of documents for non-scientific audiences. A large proportion of the reports that the Trust has in its possession are of a technical nature and are difficult to decipher and integrate into the Trust's operational practices. As a result very few of the reports have been useful for informing resource management decision-making.

To summarise scientific and technical information developed predominantly by external agencies related to Whakaki Lake has been used in a number of ways. These types of information have been useful for lobbying support for the enhancement agenda (Parliamentary Commissioner for the Environment, 1993a, 1993b) or in securing funds for the enhancement programme or research projects (Forster, 2009b). Some of the information has been used to inform the Trust's resource management practices. The data has also been useful in establishing a baseline and assess changes to ecological condition of the Lake and associated natural resources (Forster, 2009b).

There are however, still a number of areas where additional information would be useful and assist the Trust to make more informed and effective

resource management decisions. The Trust vision statement does identify specific areas for further research including catchment management, sand dune restoration, pest control and enhancement of Whakaki fishery and bird populations (Whakaki Lake Trust, 2008). However research into these issues is dependent on securing external funding and in some cases the development of research partnerships. The Trust has also developed research proposals with scientific specialists demonstrating a willingness to work with agents of science to progress the enhancement agenda.

The value of working with external agencies to provide access to funding for scientific activities and access to technical and scientific skills is recognised by all of the active kaitiaki interviewed in this study. As a result active kaitiaki emphasised the need to actively seek and develop relationships with agents of science even though these types of relationships are often contentious:

hey guys we need a hand, lets all meet up and try and do this together and work collaboratively. But the reality at that time was that everyone was not sure how to talk to each other and that was a common situation. (CS06/2847)

The active kaitiaki involved in this study recognise that scientific and technical knowledge can complement mātauranga Māori and assist hapū to resolve some of the complex ecological problems that are present in fragmented and highly modified landscapes.

USE OF LOCAL KNOWLEDGE

Returning once more to the Whakaki Lake case study, Whakaki Lake Trust has developed several research projects to develop internal capability and capacity and build an evidence base to support the enhancement agenda. A natural resource management consultant had assisted the Trust in completing education training centre and bird breeding feasibility studies (Palmer, 2004a, 2004b) and assisted with the design, research and analysis of a project funded by Te Wai Māori Trust¹⁹² that explored the ecological condition and functioning of the lake and its natural resources.¹⁹³

These projects were led and driven by the Trust. The Trust demands to be involved in all research projects carried out at the Lake, particularly where the documentation of local knowledge or mātauranga is concerned, “...we want to do it ourselves” (CS09/8705). The presence of a Trustee or Trust employer assists to protect the intellectual property of the hapū and ensure that the research will be of use to the Trust. For example as part of the Te Wai Māori funded project a Trustee and the Whakaki Lake Fishing Monitor worked closely with a natural resource consultant. The fish monitor was trained in the use of the SHMAK program¹⁹⁴ and the GLOBE monitoring protocols¹⁹⁵ and collected the physical and biological data that was used to assess and monitor the health of the lake and surrounding waterways. As his confidence in the techniques

¹⁹² Te Wai Māori Trust was established under the Māori Fisheries Act 2004. One of the functions of the Trust is to provide funds to iwi and Māori for research related to Māori interests in freshwater fisheries.

¹⁹³ This report can be downloaded from <http://www.waimaori.Māori.nz/inners/rd2007.htm>.

¹⁹⁴ The New Zealand Stream Health monitoring and assessment kit.

¹⁹⁵ A global learning and observations programme.

developed, “[fish monitor] would say to [consultant]. You stay up there [city name]. I’ll go out on the Lake. Once he picked it up [the monitoring methods] he didn’t need [the consultant]. We want to do it ourselves. Just teach us” (CS09/8705).

In some cases the Trust has commissioned work to obtain information that is required. Another example was tests for the presence of pesticide in samples from the lake and surrounding farmland by HortResearch (Northcott & Ponga, 2008). The HortResearch project is interesting in that the organisation’s Māori Relationships leader was involved in the project and reporting exercise as part of the organisation’s commitment to “...bring together Mātauranga Māori (Māori knowledge) and western science in a culturally respectful manner.”¹⁹⁶

ADVICE & TRAINING

All active kaitiaki in this study indicated a need to acquire a level of technical skills and knowledge. Attaining advice and training from specialists was a common strategy for accomplishing this goal. In establishing the Whakaki Nursery a local retired nursery worker, staff from Ngā Whenua Rāhui and Naturally Native Nursery, Tauranga have provided a wealth of technical advice and assistance. Ngā Whenua Rāhui has provided extensive training and assistance in plant selection, propagation techniques, raising seedlings, planting and nursery development to a range of hapū engaged in enhancement programmes.

The Trust has also developed working relationships with the Hawke’s Bay Regional Council for the protection of native biodiversity (Dickson, 2006). Council staff with expertise in pest management and control have trained and worked closely with the Trust pest control manager to develop and monitor the effectiveness of a site specific pest control programme, “2-3 years ago the regional council got involved and provided some resources, traps, bait and made a few recommendations in exchange for us sending them some data, you know what’s in the traps, where...” (CS09/2612).¹⁹⁷

Three of the four hapū-based restoration programmes received extensive training and assistance from Ngā Whenua Rāhui and all have had some level of assistance from regional councils. Engagement with local government is a characteristic of all four hapū-based enhancement projects. Local government can provide a range of resources and expertise although those interviewed did indicate that relationships with local government were at times contentious and frustrating. Several of the participants were also trained in specialist environmental practices including water monitoring and pest management skills. As part of the tuna management plan in the Raukawa tribal area, training was received in a specialised technique for measuring tuna growth rates that involved olithe (ear bone) extraction. This training was provided by National Institute of Water and Atmospheric Research (NIWA).

A preference for this form of knowledge acquisition (advice and training) was clearly evident from all of the active kaitiaki. The opportunity to learn by experience was more useful than receipt of yet another report.

¹⁹⁶ Retrieved from HortResearch website <http://www.hortresearch.co.nz/index/page/460> on 30th October 2010.

¹⁹⁷ Note that technical advice and assistance on pest control was also provided from the Department of Conservation.

ISSUES OF ACQUISITION

There have been some issues related to the interpretation of scientific and technical reports and as a result this type of information is seldom used to inform enhancement activities and resource management decisions. However, the development of research alliances either by directly commissioning research or partnership arrangements were mechanisms developed by active kaitiaki to ensure that research was more relevant and capable of meeting the environmental needs of the hapū. Working with environmental scientists (CS08/1790) and regional councils (CS06/23578, 25693; CS08/1607, 1790; CS13/9284) is critical for accessing the specialist knowledge and skills required for advancing the enhancement agenda. However, developing beneficial and enduring relationships has its difficulties. Actions of external agencies and agents can be disrespectful of the authority and responsibilities of active kaitiaki:

sometimes you see a boat out there. You'd think they'd come and tell us they are going out there. One of the guys is a real arrogant fellow. Been coming for ages and still never comes and consults with us. (CS09/3125)

Other active kaitiaki involved in this study also reported adversarial relationships with some external agencies and agents. As a result active kaitiaki tend to be highly selective over whom they choose to work with. One participant explained it in this way, *"I was pretty picky about who [environmental experts and wetland specialists] we were bringing in... You couldn't be a bolshy bugger who took over the project... that is the last thing we needed"* (CS06/30578). There was a clear preference for those specialists that exhibited, *"...a lot of respect and were well aware of the issues [of working with Māori]... you have to be of a particular sensibility"* (CS06/30578) and a commitment to the kaupapa, *"...all Pākehā [environmental experts and wetland specialists] but they were totally on the kaupapa to support"* (CS06/29980).

INTERTRIBAL ALLIANCES

All of the participants in this study were involved in intertribal knowledge exchange exercises to assist other hapū interested in establishing their own enhancement activities. Pooling resources and sharing of skills, expertise and experiences is useful for addressing a range of capability and capacity issues within hapū. The types of initiatives that have emerged range from informal site visits (CS06/10019) where knowledge transfer occurs through to more formal organisational arrangements that seek to maximise the use of resources and capabilities (CS06/5671; CS13/6698). For example, members and staff of the Whakaki Lake Trust have hosted and visited a number of hapū interested in developing hapū-based restoration programmes. The Trust has visited hapū associated with Waihora Lake (CS13/138919), wetlands on the Kapiti Coast (CS06/5671, 9825), Poukawa Lake (CS09/6281) and the Waikato area (CS09/6281). Some of these hapū also sourced their first plantings from the Whakaki Nursery (CS06/9693) before their own nursery enterprises were operational. In addition the Trust has indicated a willingness to consider supporting neighbouring hapū interested in developing technical skills in propagation and planting for their own restoration projects (CS09/7871).

Intertribal alliances are a useful mechanism for addressing technical deficiencies and reduce the financial and social burden that is associated with enhancement activities.

IMPORTANCE OF KNOWLEDGE

This research emphasises the centrality of knowledge for progressing the wetland restoration and enhancement exercise. Whenua is the tūrangawaewae of our thoughts; a repository of customary knowledge and tribal histories. An intimacy with the land is critical to access and apply the knowledge that is grounded in the whenua. Furthermore an intimacy with whenua is an essential element for facilitating kaitiakitanga practice. Without a strong connection to the ancestral landscape kaitiakitanga obligations and responsibilities to tupuna and whenua are not as compelling.

The wetland restoration and enhancement exercise can create an opportunity for hapū members to return and reconnect with the ancestral landscape. In this context the ancestral landscape can once again function as the whenua papatipu and provide cultural and spiritual sustenance through strengthening the bond between people, place and community and through the transmission of customary knowledge that is grounded in the whenua.

Knowledge is an essential component of the process to address the complexity of environmental degradation and enhance the mauri of wetland ecosystems. The customary knowledge base is a prerequisite for determining restoration and enhancement priorities and goals and for driving the entire process. The complementary application of scientific and technical information alongside customary knowledge is another prerequisite. Collaborative activity and engagement with external agencies is therefore a feature of the wetland restoration and enhancement exercise although capability and capacity issues can limit acquisition of knowledge and engagement.

While each active kaitiaki interviewed were focused on a specific wetland or waterways it is important to note that as part of their kaitiakitanga practice there was a commitment to share their experiences and skills with other hapū interested in engaging in restoration and enhancement work. The principle of whanaungatanga extended outside of the tribal group. This was an important strategy for building capability and capacity to engage in wetland restoration and enhancement programmes. It is also a useful mechanism for facilitating the motivation to engage in this type of work.

THE CONTEMPORARY RELATIONSHIP OF HAPŪ WITH WETLANDS

Contemporary kaitiakitanga is dynamic and constantly evolving. Where once key kaitiaki in relation to the environment were the atua¹⁹⁸ and other spiritual manifestations such as taniwha (Marsden, 2003a, 2003b), the label and responsibilities of kaitiaki are increasingly being delegated to specific whānau and tribal members. This is one aspect of kaitiakitanga that has changed considerably.

¹⁹⁸ Ancestor, gods, deity.

The transformation of kaitiakitanga is clearly evident in the experiences of active kaitiaki responsible for the care and protection of wetlands and waterways as outlined in the last three chapters. Acts of kaitiaki have changed as a consequence of transformation of the ancestral landscape to respond to local environmental pressures, new challenges and in response to the changing priorities and concerns of hapū. For example, as the numbers and health of key taonga species, such as a range of native fish species which have declined, the desire from hapū to engage in acts of kaitiaki to protect and enhance the mauri and health of fisheries has grown. Indeed the protection of freshwater fisheries habitats and populations is such a high priority that dedicated bodies such as iwi fishery forums¹⁹⁹ and Te Wai Māori Trust²⁰⁰ have emerged to provide a sustained focus on the issues. Ngāti Awa is currently lobbying for a national eel association to be established to consider the sustainable management of the wild eel population (Hohapata-oke, 2010).

WETLAND RESTORATION AND ENHANCEMENT

Environmental restoration and enhancement has emerged as a new way of interacting with the ancestral landscape. This is not to say that hapū do not have a history of engaging in enhancement activities and practices. Subsistence horticulture and aquaculture practices that involved reseeded areas with, for example, sea grass,²⁰¹ could be considered enhancement activities. However, the type and scale of contemporary forms of enhancement is quite different from customary enhancement activities and practices. Fragmentation and degradation of the environment has introduced a complexity to restoration and enhancement that would not have been present pre-contact. Transformation of the landscape for settlement and economic development has limited the functionality of the environment. For example, the drainage of wetlands and diversion of associated stream and river systems has compromised the ability of the wetland to continue to act as a flood control system for the catchment area. Furthermore the presence of noxious aquatic weeds and introduced fish and mammalian species aggravates the situation. There are no quick solutions for some environmental issues. Sometimes technical solutions may be required. Regulation of the affects of land use is also critical to the success of environmental enhancement and this is extremely challenging given the multiple ownership, interests and multiple state jurisdictions associated with large ecosystems like wetlands.

Enhancement is an act of kaitiakitanga. Enhancement activities strengthen the connection between hapū and whenua and in doing so establish the motivation and drivers to execute customary obligations and responsibilities towards the ancestral landscape. Therefore an intimacy with the ancestral landscape remains a critical driver of contemporary acts of kaitiaki.

Engaging in enhancement activities associated with wetlands requires a range of active interventions and it is this aspect of the contemporary practice of

¹⁹⁹ For more information refer to the Te Wai Māori Trust website <http://waimaori.Māori.nz/inners/about/trust.htm>.

²⁰⁰ For more information refer to the Te Wai Māori Trust website <http://waimaori.Māori.nz/inners/about/trust.htm>.

²⁰¹ Miriama Kahu and Benita Wakefield provide an account of the use of traditional reseeded practices to enhance the environment (2008).

kaitiakitanga that departs somewhat from customary practices such as rāhui. Rāhui facilitates regeneration by regulating access and use of the resources in a specific area. While rāhui is still a relevant practice in contemporary environmental enhancement the poor condition of many systems requires additional initiatives and strategies to assist the environment to recover. For example, hydrological changes can be useful for restoring the functionality of waterways. In some situations the reintroduction of native flora and fauna may be a useful strategy for addressing the disappearance of species or the decline in numbers. In other cases the introduction of new species or initiatives such as bait stations is required to address weed or pest issues.

Environmental enhancement is complex, challenging and requires considerable strategic planning to facilitate success. As a consequence contemporary kaitiakitanga of wetland ecosystems has evolved into a highly organised and long term activity. The ability of the institution of kaitiakitanga to continue to develop new initiatives and strategies to respond to new environmental pressures is the key for maintaining a contemporary relevancy and maintaining a customary relationship with the ancestral landscape.

PHILOSOPHICAL BASIS OF KAITIAKITANGA

Although I have argued that the practice of kaitiakitanga is fluid and adaptive, the philosophical base that underpins acts of kaitiaki remains relatively constant. The experiences of active kaitiaki involved in this research confirm that contemporary kaitiakitanga remains firmly grounded in the cultural precepts of mauri and whakapapa and in relation to mana whenua. This imperative is demonstrated by the conceptualisation of kaitiakitanga as an obligation to previous generations and a responsibility to secure a legacy for future descendents so that whenua can continue to nurture and shape the cultural identity of the hapū. Furthermore, when active kaitiaki personify whenua as Papatūānuku and conceptualise the domains of the environment as the realm of Tane, Tawhirimatea and Tangaroa (atua of sea and fish) they are reinforcing the continual importance of a Māori understanding of the environment for facilitating acts of kaitiaki. Such referents in the transcripts provide evidence that a Māori understanding of the environment continues to underpin the way that the environment is conceptualised. This is important for understanding the motivations and drivers behind acts of kaitiaki.

The experiences of active kaitiaki as outlined in the last three chapters indicates that core kaitiakitanga activities continue to be driven by a customary understanding of the environment, cultural imperatives and a grounding in the ancestral landscape. It is this cultural base that cements the connections between people and place and is therefore critical for transforming the notion of kaitiakitanga into social action that facilitates acts of kaitiaki. Kaitiaki possess an acute sense of responsibility to care for environment and to honour and respect tupuna by continuing their customary practices and traditions and protecting taonga tuku iho. As a consequence of these acts of kaitiaki the hapū is able to remain grounded in the whenua which is critical for the development of a tribal cultural identity.

Perhaps one aspect of contemporary kaitiakitanga that has changed is the emphasis that environmental protection has been accorded. An outcome of environmental protection is improvement to the condition of the environment

which in customary terms is the maintenance and enhancement of the state of mauri. An emphasis towards prioritising environmental protection activities and practices is partly a response to the state of the environment and the increase in environmental degradation and loss of native biodiversity. The emphasis on environmental protection is also associated with changes to customary land tenure.

If Māori have managed to retain fragments of the ancestral landscape Māori landowners find themselves in a situation where land use practices and economic development agendas are inconsistent with the practice of kaitiakitanga. The active kaitiaki in this study indicated that the need to remain competitive and generate profit result in Māori land owners struggling to reconcile kaitiakitanga with agricultural activity. The introduction of Western systems of land tenure and commerce regulate the behaviour of Māori and interaction with the environment in a manner that is inconsistent with kaitiakitanga. Acting in a manner that deviates from this *norm* is a considerable challenge as demonstrated by the difficulty that active kaitiaki had convincing some of their members to consider alternative land use options.

Many of the areas of high cultural significance to Māori are not always in Māori ownership. There is a certain level of acceptance that the property rights system excludes Māori involvement in the use and development of resources in private ownership. However hapū still possess the ability to advocate for sustainable use and environmental protection. In the case where areas of high cultural significance are invested in the Crown there is the potential to influence or be involved in the sustainable management of these areas as a consequence of provisions within environmental policy that recognise Māori relationships with their ancestral landscape. Sustainable management and protection of cultural heritage sites are consistent with a Māori understanding of the environment and the customary institution of kaitiakitanga.

CONTEMPORARY KAITIAKITANGA OF WETLAND ECOSYSTEMS

Contemporary kaitiakitanga of wetland ecosystems has evolved into a highly organised and institutionalised activity. As a range of strategies are required to address the full array and complexity of modern environmental pressures, hapū are increasingly establishing formal legal arrangements (i.e. trusts) to undertake enhancement work and exercise kaitiakitanga. These new institutions provide for the application of mana whenua by providing hapū members with the opportunity to make decisions related to the management and protection of natural resources.

Another common feature of hapū-based wetland enhancement programmes as experienced by the active kaitiaki in this research is collaboration. Collaboration is necessary to secure external funding and address capability and capacity issues. The use of external funding necessitates the need for formal structures to manage investment, contractual obligations and relations with external agents and agencies. Dependency on external support to progress an enhancement agenda is not ideal considering that enhancement activities are of an ongoing and long term nature. At least one of the enhancement programmes that the active kaitiaki interviewed were

involved in ceased when the funding ended. One active kaitiaki indicated that the kaupapa would continue but perhaps on a smaller more voluntary scale:

But you know if it fell over tomorrow [referring to funding for the restoration project] we still got the lake, [we] would have to find other jobs... we'll still be doing the propagation and the planting and going out there. (CS09/10931)

This comment from an active kaitiaki of Whakaki Lake indicated that short term contracts and funding uncertainties would not unduly affect kaitiakitanga of the Lake. In this respect, environmental enhancement has a longevity and enduring quality very similar to kaitiakitanga.

Collaboration is necessary to build capability and capacity of hapū to engage in enhancement of wetlands and waterways. External agencies, including other hapū can provide the support, resources and expertise required to advance an enhancement agenda. Relationships with external agencies particularly agents of the state can be contentious and frustrating. However hapū are committed to these relationships as they are critical for the progression of the enhancement agenda.

Knowledge acquisition is a critical feature of the wetland restoration and enhancement process. The local customary knowledge base is a prerequisite for determining restoration and enhancement priorities and goals and for driving the entire process. Building the capacity to access and apply scientific and technical information alongside customary knowledge is also crucial given the complexity of the environmental degradation issues that need to be addressed.

Technical and scientific expertise are not always present in the hapū and strategies to acquire these types of knowledge and skills are often required. There is a clear preference to acquire knowledge and skills through advice and training although hapū are not averse to working with agents of science in a collaborative manner.

Sharing experiences and expertise with other hapū interested in engaging in wetland restoration and enhancement has become a key feature of the hapū-based restoration process. Hapū-hapū relationships therefore have become an important strategy for building the capability and capacity of other hapū to engage in kaitiakitanga of wetland ecosystems.

CONCEPTUALISING CONTEMPORARY KAITIAKITANGA

The Whakaki Lake case study and data from active kaitiaki presented in Chapters Six to Eight confirm that mauri, whakapapa and mana whenua are key cultural precepts that underpin contemporary kaitiakitanga of wetlands. Emerging from these precepts is a set of obligations and responsibilities that compel tangata whenua to care for the environment and build on the customary practices and traditions of tupuna. Due to significant transformation of wetland ecosystems environment protection has become a major concern of contemporary kaitiakitanga. As a consequence there is a strong desire to engage in activities that actively protect areas and species of significance to hapū. Wetland restoration and enhancement is one activity that has emerged in relation to the active protection of wetlands ecosystems and waterways.

One outcome of hapū engagement in environmental protection is healthier wetland ecosystems. Equally important is the contribution towards

building resilient Māori communities through retention and maintenance of a solid cultural and spiritual base. The exercise of kaitiakitanga therefore can strengthen customary relationships with whenua, within the hapū and with other peoples. Kaitiakitanga grounds hapū within a geographical space and this is critical for retention and development of culture and local histories and for retaining an ancestral presence in the landscape. Furthermore kaitiakitanga is an expression of rangatiratanga. Continuance of kaitiakitanga practices allows hapū to exercise mana whenua and therefore realise their obligations and responsibilities towards the environment. Achieving those obligations and responsibilities reinforces mana whenua rights and status.

This research has identified hapū-based restoration and enhancement of wetlands as an activity that contemporary kaitiaki have employed to address environmental degradation and fragmentation of tribally significant wetland ecosystems. Contemporary kaitiakitanga of wetlands in this context draws on both customary (Ngā Whenua Rāhui, 2005; Whakaki Lake Trust, 2008) and modern elements. The basis of kaitiakitanga is still drawn from customary understandings of the environment and practices are sanctioned through tribal mandate. Formal structures reflective of modern organisational arrangements have emerged as a vehicle to facilitate kaitiakitanga activities and strategic planning is a key feature particularly for large scale projects. Restoration and enhancement of wetland ecosystems is constrained by issues of resourcing and access to specialist knowledge. Hapū have developed innovative strategies to address these issues. Collaboration with external agencies including central and local government and science is one strategy that has proven quite popular. As hapū experience with wetland and waterway restoration and enhancement has grown opportunities to assist other hapū have eventuated. Intertribal knowledge sharing has become an important feature of contemporary kaitiakitanga. Table 5 provides a summary of contemporary kaitiakitanga of wetlands as determined by the research data.

The contemporary practice of kaitiakitanga continues to enhance the ability of the ancestral landscape to function as the whenua papatipu. Restoration and enhancement activities improve the ecological condition (mauri) of lakes and waterways. Since cultural well-being is interdependent on the health and vitality of waterways and associated natural resources the continuance of kaitiakitanga practices provide positive outcomes for hapū members.

Contemporary kaitiakitanga reaffirms the importance and relevance of culture and custom in the protection and management of natural resources. Inherent within the institution of kaitiakitanga are practices that strengthen the connection and interdependency between hapū and whenua. Contemporary practices of kaitiakitanga continue to advocate walking the land and learning from the land. The whenua becomes a functional cultural landscape that reaffirms identity, supports spiritual wellbeing and reinforces the relevancy of culture; the hapū continues to be shaped by the whenua and can continue to claim status as tangata whenua.

Table 5: Contemporary kaitiakitanga of wetlands.

Contemporary kaitiakitanga of wetlands	
Key cultural precepts	<ul style="list-style-type: none"> • Mauri • Whakapapa • Tangata whenua/mana whenua
Obligations & responsibilities	<ul style="list-style-type: none"> • Care for environment • Honour and respect tupuna by continuing customs and traditions • Protecting taonga tuku iho
Purpose	Protection of mauri/ emphasis on environment protection to: <ul style="list-style-type: none"> • Address environmental degradation and fragmentation of wetlands • Target areas and species of significance to hapū
Contribution to cultural development	<ul style="list-style-type: none"> • Strengthen customary relationships with whenua and people • Grounds hapū in a geographical space • Retention of ancestral presence in the landscape • Opportunity to exercise mana whenua
Characteristics of hapū based wetland restoration and enhancement	<ul style="list-style-type: none"> • Based on custom • Tribal mandate • Formal structures • Strategic planning • Constrained by issues of resourcing and access to specialist knowledge • Collaborative exercise • Intertribal alliances

Given the complexity of existing environmental pressures improvements to ecological condition are challenging and require collaboration and long-term planning. Enhancement of entire systems is complicated by issues of resourcing and attitudes and behaviours of multiple land and water users and regulators. External advocacy is critical for progression of an enhancement agenda. Therefore, contemporary kaitiakitanga requires hapū to build new relationships with whenua, with neighbours and with the wider community to develop collective strategies for resolving issues of degradation, access and resource use.

Part Three: The Politics of Mauri

In Part Three *The politics of mauri* governmentality is used to determine the impact of state environmental policy on the way hapū practice kaitiakitanga. In Chapter Nine *Analysing Māori-state relations* the concept of governmentality is introduced. Governmentality is an analytic of political power. A key focus of governmentality is to make explicit those thoughts that are involved in the way that we govern and are governed. In this study governmentality is used to map issues of power, authority and domination in the Māori-Crown relationship. Therefore, governmentality is used here as a lens to look back at the state and how state systems and operations related to governance consider and provide for customary rights and the practice of kaitiakitanga. An analytic of governmentality is applied to the systems and operations that established absolute authority of the Crown over Aotearoa New Zealand to discuss a change in the balance of power and the transformation of customary authority.

Chapters Ten to Thirteen employ the analytic of governmentality to explore the way that Māori environmental interests have become constituted into the state's environmental policy and resource management system. The intent of these chapters is to determine the affects of Crown policies and laws on the way that hapū practice kaitiakitanga. Chapter Ten *Recognising indigeneity* investigates why and how the state has recognised indigeneity in Aotearoa New Zealand. A critique is provided of the affects of the introduction of British authority and accompanying systems and processes on tino rangatiratanga and the recognition of indigeneity. Chapter Eleven *Recognising the Treaty* continues exploring recognition of indigeneity by the state with a specific focus on the role of the Treaty of Waitangi 1840. This chapter considers the role of the Treaty in recognising indigenous rights and providing for Māori relationships with the environment. The focus of Chapter Twelve *Environmental politics* is the incorporation of Māori environmental rights and resource management interests into the state's environmental policies and laws. Chapter Thirteen *Environmental practice* considers how legislative provisions are put into practice by reviewing mechanisms for implementing statutory provisions that provide for the recognition of indigeneity in the management of physical and natural resources. This chapter concludes by considering the implications of this style of governance for facilitating an environmental indigeneity.

Kaitiakitanga is the concluding chapter. This chapter draws together the main themes and arguments developed throughout this study to consider the contemporary nature of kaitiakitanga and subsequently the role of the state in regulating the practice of kaitiakitanga.

ANALYSING MĀORI-STATE RELATIONS

The previous chapters in this doctoral study have discussed the role of culture and custom in shaping the relationships of Māori with the ancestral landscape. It has been argued, particularly in Chapter Three, that the resource exploitation agenda that accompanied British rule and settlement substantially transformed the way that Māori interacted with the ancestral landscape and undermined Māori culture and customary systems and processes related to resource management. This chapter introduces an analytical tool that will be used to examine more closely how the state has affected and regulates Māori interactions and activities with the environment. The analytical approach of governmentality is used throughout the remainder of this doctorate (Part Three) to make explicit the thoughts that are involved in the way we govern and are governed. This discourse is useful for discerning issues of power, authority and domination at the Māori-state nexus of environmental policy and resource management practices and, for consideration of the effects of exercising power in this way. Does the regulation of Māori activities with the environment by the state facilitate the ability of hapū to exercise tino rangatiratanga and practice kaitiakitanga over the ancestral landscape? This is a central question that the next five chapters will address.

A CRITICISM OF POLITICAL REASON²⁰²

Governmentality is an “...ethos of investigation, a way of asking questions, a focus not upon why certain things happened, but how they happened and the difference that that made in relation to what had gone before. Above all, the aim of such studies is critical, but not critique – to identify and describe difference and hence to help make criticism possible.” (Rose, O'Malley, & Valverde, 2006, p. 101)

The concept of governmentality offers an alternative approach to the criticism of political reason (Dean, 1999; Rose, O'Malley, & Valverde, 2006) that addresses the question of whether it is possible to think and act in a different way. This analytic of political power is concerned with mapping rationalities²⁰³ or systems of thought that underpin the activities or operations of government that influence “...economic activity, social life and individual conduct” (Rose & Miller, 1992, p. 173), or what Foucault refers to as the conduct of conduct. The emphasis on Foucault's conceptualisation of government as the conduct of conduct recognises government as a moral activity (Dean, 1996, 1999). In the context of the state this is related to citizen formation and the linking of actions to moral precepts or as Dean refers to it the “moral regulation of individuals” (1996, p. 211). A desire to reform or transform the behaviours and actions of

²⁰² *Criticism of political reason* is a phrase used by Mitchell Dean to refer to Foucault's governmentality approach to analysing political power (1999).

²⁰³ “Mapping of governmental rationalities” is a phrase used by Rose & Miller (1992).

oneself or others assumes not only that the behaviour and actions of individuals can be modified but also the existence of norms of conduct and ideals that should be emulated. Contention emerges from a difference of opinion as to what norms and ideals should form the basis of such reforms or transformations.

Therefore governmentality is about practising a form of criticism that seeks to make explicit the thoughts that are involved in the way that we govern and are governed. In particular, how these political rationalities become embedded within the knowledge, language, practices and techniques of governance; the forms and practices of rule. It is about making explicit the conduct of conduct and taking responsibility for the consequences of shaping the action of others according to certain ways of thinking and acting:

This is to say that by making clear what is at stake when we try to govern in a particular way and employ certain ways of thinking and acting, an analytics of government allows us to accept a sense of responsibility for the consequences and effects of thinking and acting in certain ways. (Dean, 1999, p. 36)

Therefore, the primary concern of governmentality is, "...how those who seek to govern imagine their world and seek to fashion it anew" (Rose, O'Malley, & Valverde, 2006, p. 100); it is an exploration of power, authority and domination. The Māori-state relationship is characterised by a preoccupation with issues of power, authority and domination (G. H. Smith, 1997; L. T. Smith, 1999) and the concept of governmentality offers a tool for investigating such issues.

AN ANALYTIC OF POLITICAL POWER

Foucault first introduced the notion of governmentality in his 1978 public lecture series at Collège de France that focused on the genealogy of the state. However due to his death a short time later in 1984 this concept was not explicated in any detail and his works in this area were only available in audio form, in French, at the Foucault archives in Paris. In 1991 English versions of his work became available (Foucault, 1991) and others began to develop his concept of governmentality.²⁰⁴

Foucault's concept of governmentality as an analytic of political power emphasised the interdependence of governing (gouverner) and political rationalities (mentalité) that constitute a very complex form of power known as government (Lemke, 2000). In his two lectures on governmentality Foucault tracked the evolution of modern forms of rule (Foucault, 1991) and the "...pre-eminence over all other forms (sovereignty, discipline etc.) of this type of power which may be termed government" (Foucault, 1991, pp. 102-103). He was interested in exploring the link between identity (or citizen formation), politics, authority and government (Dean, 1996) and how the power of government is used to affect behaviours and actions. Within Foucault's analytic, government had a very broad definition and can be considered in terms of government of oneself, to the government of souls (Catholic and Protestant pastoral doctrine), children, the family and entire populations (the state) rather than the more

²⁰⁴ The seminal work of others in the field of governmentality will be discussed in the following section.

common usage that refers to a sovereign state entity. Thus, rather than conceptualising political power as a solely state driven process governmentality emphasises instead that the practice of government involves a wide range of agencies and agents (Foucault, 1991), both within and outside of the state, with an equally wide ranging set of competing agendas and interests.

CONCEPTUAL TOOLS OF GOVERNMENTALITY

Since the 1990's Foucault's notion of governmentality has inspired a wide range of studies on political reason that are largely concerned with the government of populations and the control and regulation of the behaviour and actions of individuals and groups²⁰⁵ according to certain ways of thinking and acting; what Foucault referred to as the "governmentalization of the state" (1991, p. 103). The works of Nickolas Rose & Peter Miller (1992) and Mitchell Dean (1999) have been particularly influential through the development of a set of conceptual tools that can be used to analyse modern forms of government. As a result a proliferation of governmentality literature related to the economy and neo-liberalism has emerged (Dean, 2006; Lemke, 2000; Rose, O'Malley, & Valverde, 2006).

ANALYTICS OF GOVERNMENT

The work of Rose & Miller (1992) has been instrumental in the development of conceptual tools for analysing Foucault's notion of the problematic of government. Rose & Miller conceptualise government as "...a domain of strategies, techniques and procedures through which different forces seek to render programmes operable" (Rose & Miller, 1992, p. 183). State rule emerges from a "...network of relations formed amongst the complex institutions, organizations and apparatus that make it up, and between state and non-institutions" (Rose & Miller, 1992, p. 176). Studies of governmentality explore the interdependencies of political rationalities that are translated into programmes of government that develop what Rose & Miller refer to as governmental technologies²⁰⁶ providing an understanding of "...the multiple and delicate networks that connect the lives of individuals, groups and organizations to the aspirations of authorities" (Rose & Miller, 1992, p. 176).

From this frame governmentality as an analytic of political power conceptualises government as a series of dynamic and diverse relations and interactions. Governance is exercised by a variety of authorities across a range of sites to achieve a multiplicity of outcomes. Thus, governmentality becomes concerned with questions such as, "Who governs what? According to what logics? With what techniques? Towards what ends?" (Rose, O'Malley, & Valverde, 2006, p. 85). These questions make governmentality an extremely useful tool for discerning issues of power, authority and domination at the Māori-state nexus.

²⁰⁵ See for example Burchell, Gordon & Miller (1991), Dean (1999), Pearce & Valverde (1996) and Rose & Miller (1992).

²⁰⁶ the instruments of cognition, calculation, experimentation and evaluation.

PROBLEMATICS OF GOVERNMENT

Dean has described government as “problem-centred and present orientated” (1999, p. 3). Governments seek to regulate or address specific problems, issues or situations that emerge in a given society in response to specific social conditions (Rose, O'Malley, & Valverde, 2006). In relation to governmentality the term *problematics of government* is used to refer to the way that peoples lives and conduct are problematised by government (Dean, 1996). Problematics of government is “...concerned with how we conduct government and how we govern conduct” (Dean, 1999, p. 27) and the development of programmes of government to address these problems. An analysis of the problematics of government is focused on the multiple relations and interactions (also referred to as alliances and competition) between the state, its many agencies, other authorities and movements (such as indigenous rights, environmental movements), both within and outside the state, and how these collide to develop projects, programmes and plans that are referred to as *technologies of government*, to address the problematics of government. It is not about identifying good or bad forms of government but rather making explicit the systems of thought and the multitude of relations and practices that constitute how we govern and are governed (Dean, 1999).

PROGRAMMES OF GOVERNMENT

Programmes of government refer to the systems of action or strategies that convert the problematics of government into activities to address a particular problem under consideration. An analytic of government explores the integration of systems of thought into programmes of government and the linkage to the techniques and technologies of government that shape the reform or transformation of conduct (Dean, 1999). It involves a critique of the way that government defines the limits of its power and exercises its authority to affect certain types of actions by “...posing the following questions: what is our power; to what ends should it be exercised; what effects has it produced; how can we know what we need to know, and do what we need to do in order to govern?” (Rose & Miller, 1992, p. 177).

Programmes of government are a set of strategies and actions that define relations and conduct in response to a particular political rationality and problematic of government. Within studies of governmentality to explore the mentalities of government involves employing an analytics of government to determine how thought is embedded within programmes of government. This exploration is focused on how thought is linked to the techniques and technologies of government that shape the reform or transformation of conduct, “Thus to analyse mentalities of government is to analyse thoughts made practical and technical” (Dean, 1999, p. 18). For example the political rationality of a modern, civilised society underpinned the formation of the New Zealand colonial state and early forms of New Zealand government. This led to a preoccupation with the problematic of the ‘natives’²⁰⁷ resulting in programmes of

²⁰⁷ The term natives is placed in single quotations as it is an antiquated and racist term and not a term used by Māori. Rather the term emphasises the prevailing Eurocentric attitudes of a specific time towards indigenous peoples.

integration that sought to abolish indigenous sovereignty,²⁰⁸ civilise the ‘natives’ and assimilate Māori into a modern form of society based on European ideals and aspirations (Sorrenson, 1975; Ward, 1995; Williams, 2001a). Programmes of integration²⁰⁹ destroyed and undermined Māori society by dismantling customary social units, relationships, knowledge systems, ways of knowing and associated practices. Māori society was conceptualised and reconstructed in relation to European understandings of society and development as defined by European ‘experts’²¹⁰ on society and social conduct. From these conceptualisations emerged a range of technologies of government to control and reshape the behaviour and actions of Māori communities and individuals to conform to European notions of an ideal citizen. The education sector provides a good example of how the problematic of the ‘natives’ was made operable in a specific area. Technologies such as educational policies and practices sought to recast Māori in the image of the English by reinforcing that English was the language of the civilised society and that values, ideals and knowledge originating from a Western frame were the most valid and relevant forms of knowledge (Waitangi Tribunal, 1989; Williams, 2001a).

Programmes of government are more than just the codification of political rationalities. Programmes assume an authoritative knowledge of the problem and the agents and agencies to be governed or the domain to be managed. Certain types of knowledge²¹¹ and their centres of expertise play a central role in “...establishing the possibility and legitimacy of government” (Rose & Miller, 1992, p. 188). As a consequence the business of knowing, knowledge, expertise and the different ways that truth is formed, are a key consideration in studies of governmentality (Dean, 1999). Returning to the problematic of the ‘natives’, a prevalent view was that Māori people lived in a primitive and traditional society. According to anthropological discourse primitive societies naturally evolved into the modern advanced European society (L. T. Smith, 1999). It was assumed that part of this evolution included the adoption of European norms and values. This position established a hierarchical classification system of societies that highlighted racial and cultural differences and supported European claims to cultural superiority. These concepts were integrated into the political rationalities of the government and became operationalised in the moral agenda of civilising the ‘natives’.

Experts provide the intellectual machinery (Rose & Miller, 1992, p. 182), the “...forms of knowledge and truth which define their field of operation and codify what can be known” (Dean, 1999, p. 30) that is used to characterise and define the scope of the problematic and develop a set of responses and strategies for addressing that problem. There is a need to know an object or agent before it can be governed (Dean, 1999, pp. 30, 68). It is assumed that the

²⁰⁸ It must be noted that indigenous sovereignty was, and is still perceived as a threat to the authority of the national-state and therefore a “problem” requiring regulation (Kelsey, 1990).

²⁰⁹ The introduction of the English land tenure system as the basis of land ownership is a good example. Policies and practices that emerged from this programme encouraged the elimination of tribal ownership and the sale of tribal lands to settlers. Such technologies alienated Māori communities from the tribal estate and significantly transformed the way that communities interacted with the natural environment.

²¹⁰ The word experts has been placed in single quotation marks as the term is contestable. Māori would not have considered these people to be experts on Māori culture.

²¹¹ Knowledge refers to the “...vast appendages of persons, theories, projects, experiments and techniques” (Rose & Miller, 1992, p. 177).

problematic can be “...governed and managed, evaluated and programmed” (Rose & Miller, 1992, p. 182). Thus it is “...through technologies that political rationalities and the programmes of government that articulate them become capable of deployment” (Rose & Miller, 1992, p. 183). Furthermore, “...in order to contest such notions, we must rely on similar types of knowledge, or at least some other form of expertise” (Dean, 1999, p. 65).

REGIMES OF PRACTICE

Governmentality is used to explore issues of power and authority. It offers an alternative approach to more conventional tools that are preoccupied with the state by shifting the focus to how different rationalities are constituted into government activities.

Governmentality is concerned with an analytic of regimes of practice. Regimes of practice is a conceptual tool of governmentality used to refer to, “...the relatively organized and systematized ways of doing things, such as caring, punishing, assisting, educating and so on. Regimes of government are the subset of regimes of practices concerned with ways of directing the conduct of self and others” (Dean, 1999, p. 211).

It is the concept of regimes of practice that makes governmentality a relevant analytical tool for this study which explores the impact of state environmental policy on the governance of natural resources by hapū. Governmentality allows a critique of the regimes of practice associated with state systems for managing the environment. An analytic of governmentality can be used to map how the state has come to know and provide for the problematic of increased recognition of indigenous rights, how the state translates this problematic into actions and the consequences and effects of these actions. Such a critique provides a comprehensive picture of how the state regulates Māori activities with the environment and allows consideration of whether “...it is possible to do things in a different fashion” (Dean, 1999, p. 36).

STUDIES OF GOVERNMENTALITY

The concept of governmentality has been applied to research investigating indigenous governance and environmental management. In her doctoral research exploring the nature of tribal service providers Tomlins-Jahnke (2005) used indigenous theories and governmentality to understand the “...external environment of the state within which tribal organisations are located” (2005, p. 157). She described governmentality as “...a useful framework for placing the state under a microscope” (Tomlins-Jahnke, 2005, p. 155) and to “...understanding the way in which government is exercised through a variety of different sites and agents” (Tomlins-Jahnke, 2005, p. 155). In her study Tomlins-Jahnke provided an analysis of regimes of practice to demonstrate that specific policies, practices and technologies of the state constrain the ability of tribal organisations to deliver services to Māori (Tomlins-Jahnke, 2005).

O’Malley (1996) used the notion of governmentality to explore provisions for Aboriginal self-determination within Australian government policies. He argued that resistance played an important role in creating a space for a form of indigenous governance thereby simultaneously empowering Aboriginal

communities and decolonising the state through the positive transformation of liberal forms of government. O'Malley (1996) considered the appropriation of indigenous systems and practices in order to address the problem of petrol sniffing in an aboriginal community. He maintained that increasingly it is being accepted that adoption of indigenous practices is producing more successful outcomes (1996, p. 316) and addressing community dissatisfaction with (1996, p. 317) existing interventions. Although it must be emphasised that the exercise of appropriation has proved challenging and that developing a programme that is acceptable to both the Ngaanyatjarra people and the Australian government is not without its difficulties (O'Malley, 1996). O'Malley's case study provides an example of how government mentalities and practices can be influenced, as O'Malley refers to it, by the process of government from below. While the metaphor of government from below is perhaps an accurate reflection of power dynamics in Australia, and for that matter Aotearoa New Zealand, I prefer to conceptualise indigenous peoples as one of the many political agencies that seek to influence the activities of government authorities and agencies not from below but from both within and outside state systems. Indigenous peoples have their own political, social and cultural agendas that they desire to see and lobby to be reflected within the activities of the state. These agendas are supported by customary expertise and knowledge in relation to the issue to be governed and preferred forms of intervention. The idea that agencies other than the state²¹² seek to govern social behaviour and set societal norms is not new. Governmentality supports this notion of government as the result of a series of interactions, both alliances and contestation, of a diverse range of authorities, agencies and agents that seek an equally diverse range of outcomes (Foucault, 1991; Rose & Miller, 1992). The state, as a central entity, does to a certain degree set the frame or limits the context in which government can occur, albeit influenced by some very powerful knowledge centres and interest groups.

ENVIRONMENTALITY

Foucault's notion of governmentality has been used to map relationships between the economy, society and the environment with a specific focus on the institutions that regulate access and use of natural resources. The terms *environmentality* (Agrawal, 2005; Himley, 2008; Luke, 1995), *green governmentality* (Goldman, 2001; Himley, 2008; Luke, 1999; Watts, 2002) and *ecogovernmentality* (Goldman, 2001) have emerged in the literature to refer to studies with such a focus. While no one term has gained prominence in the literature throughout this study the term *environmentality* is used to collectively refer to studies that consider the governance of natural resources within the context of Foucault's governmentality analytic.

Environmentality is concerned with how certain truths and knowledge related to the environment are formed so that the environment and peoples' interactions with it can become known, manageable and governmentalised (Agrawal, 2005; Goldman, 2001; Himley, 2008; Luke, 1995; Rydin, 2007). Knowledge therefore is central to the legitimisation of certain forms of regulation and certain types of authorities, particularly those related to government action. The political environmental rationalities, technologies and regimes of practice

²¹² for example cultural, religious, moral and environmental movements.

that emerge from such understandings are used to enforce government environmental agendas, especially that of sustainable development. Therefore environmentalism is preoccupied with the creation and mobilisation of populations to adopt the government-framed²¹³ agenda of sustainable development and act in certain ways (Agrawal, 2005; Goldman, 2001; Himley, 2008; Luke, 1995; Rydin, 2007).

Studies of environmentalism argue that in recent decades the governance of natural resources has moved away from "...state-centric forms of social and economic regulation" (Himley, 2008, p. 434) and towards a greater role for non-state actors (for example, communities, private companies and transnationals) (Goldman, 2001; Himley, 2008; Rydin, 2007). Rydin (2007, p. 611) argues that this tendency, more commonly referred to as government at a distance (Rose & Miller, 1992, p. 184) is a central concept of governmentality. Government at a distance implies that, "...rather than the state directing others (principally its subjects and citizens) to do certain things, a complex set of apparatuses results in self-regulation among subjects and citizens to achieve the same ends" (Rydin, 2007, p. 611). These apparatuses require actors or subjects to internalise the goals of government and as a consequence "...subjects of governance are actively created and mobilised" (Rydin, 2007, p. 611) to carry out the responsibilities of government. In theory the government as the centre controls the rationalities, technologies and regimes of practice that promote specific conceptualisations of the economy, society and environment, albeit influenced by some powerful centres of knowledge and environmental interest groups. These notions and systems are used to construct and empower (or coerce) communities and non-state actors to become involved in the governance process, to self-regulate their interactions with the environment that reflects a sustainability ethic. In this way non-state actors are mobilised to carry out the environmental responsibilities of the government. Therefore environmentalism is preoccupied with the "...shift from government to governance" (Himley, 2008, p. 435) and the resultant systems that shape access to and control over natural resources (Agrawal, 2005; Goldman, 2001; Himley, 2008; Luke, 1995; Rydin, 2007). However a level of resistance can occur at a distance resulting in agents and agencies "...resisting governmentalisation and instead developing their own agendas, techniques, and practices" (Rydin, 2007, p. 613).

Environmentalism is a useful analytic in the context of this study for exploring Māori-Crown and Māori-local government relationships. This includes exploring Māori efforts to influence the government's environmental management practices and policies and the way that government comes to understand those interests and develops knowledge, systems and processes that allow Māori participation in the governance of natural resources.

KAITIAKITANGA & GOVERNMENTALITY

The concept of governmentality is used in this doctoral study as an analysis of political power to focus on the convergence and divergence of

²¹³ The term Government-framed refers to the government's sustainability position, how it has defined sustainability and the goals and objectives that it has established. The implication here is that sustainability has multiple definitions and as such can have a wide range of goals and objectives dependent on the understandings and agenda of the entity doing the defining.

environmental politics, knowledge and social action associated with the regulation and protection of natural resources. Understanding how political thoughts are converted into actions to affect people's behaviours is critical to contest any inadequacies within and to ultimately transform, existing systems for the governance of natural resources. Such considerations are necessary to increase the ability of the existing system to reflect a wider spectrum of interests in the governance of natural resources, including the adoptions of new rationalities and potential actions. Or, as articulated by Dean;

The point of doing this is not to make the transformation of these practices appear inevitable or easier, but to open a space in which to think about how it is possible to do things in a different fashion, to highlight the points at which resistance and contestation bring an urgency to their transformation, and even to demonstrate the degree to which that transformation may prove difficult. (Dean, 1999, p. 36)

The purpose of this critique is twofold. Firstly the relationship between environmental legislation, policy and Māori interactions with whenua is explored to demonstrate the role of the state in controlling the actions of its citizens. Secondly the critique seeks to determine how Māori environmental understandings and practices are reflected within state environmental policy. How has the state been challenged to rethink the way that human activities related to physical and natural resources are governed and consequently transform the operations of government? This critique is the basis for a consideration of how kaitiakitanga has become constituted within the state environmental policy and whether contemporary kaitiakitanga in its current form is adequate to support hapū obligations and responsibilities to the ancestral landscape. Governmentality provides a useful frame for critiquing the factors that shape contemporary customary environmental knowledge, ways of knowing and associated practices. Therefore governmentality as an organising concept is used as a form of critique to emphasise the rationalities and technologies of governing that control and regulate the application of kaitiakitanga to the management and protection of Aotearoa New Zealand's natural resources. Such deliberations can lead to improving Māori engagement in the governance of natural resources in a way that enhances kaitiakitanga.

Governmentality is used here as a lens to look back at the state and how state systems and activities for the governance of natural resources considers and provides for kaitiakitanga. It is not used to provide a critique of the cultural institution of kaitiakitanga. Rather, the concepts and terminology of governmentality are employed here to provide a platform to reflect on the Māori-State²¹⁴ nexus and how at least two forms of governance of natural resources (kaitiakitanga and the state's) interact to affect each other.

A criticism that a governmentality approach has attracted is that a focus on political rationalities and realising the problematics of government has a tendency to focus on how the problematic is addressed rather than how the problem came into being. Within a governmentality framework, the historical, social, cultural and political context from which the problematic emerged, is less critical than the systems and practices that have been developed to address the

²¹⁴ State is used in this context to refer to the machinery of government such as ministries and regulatory agencies.

issue (O'Malley, 1996, pp. 310-311). It is not that the conditions that created the problem are insignificant or irrelevant; studies of governmentality tend to focus their critique elsewhere – on programmes and technologies of government. To resolve this issue researchers have applied governmentality alongside other analytical approaches. This is one of the strengths of governmentality as a tool. It is an analytical tool that can be used in collaboration with other theoretical and methodological approaches.

In the case of this study in order to gain a comprehensive understanding of the dynamic and constantly changing Māori-Crown relationship it is necessary to explore both the historical, social and cultural context that have shaped Māori-Crown relationships *and* the practices of government (the politics). As such, governmentality is only one of the tools used to critique the Māori-Crown nexus and its affect on the contemporary practice of kaitiakitanga.

RECOGNISING INDIGENEITY

This chapter begins with a critique of the affects of the introduction of British authority and accompanying systems and processes on the recognition of indigeneity. There were a number of mechanisms such as principles or doctrines within British legal systems and processes capable of recognising the rights of first peoples. Several of these instruments along with the trends associated with recognising indigeneity are discussed in this chapter. The Treaty as a tool for facilitating the recognition of indigeneity in Aotearoa New Zealand is explored in some detail particularly in relation to providing recognition of Māori environmental interests.

The main focus of this chapter is to explore why and how the state has recognised indigeneity in Aotearoa New Zealand. This discourse provides a context to how culture has become embedded into the state's environmental policy and recognition by the state of Māori environmental rights and Māori political agendas associated with resource management.

RECOGNITION OF MĀORI RIGHTS BY THE CROWN

He Whakaputanga, 1835²¹⁵ and the Treaty of Waitangi, 1840 were early examples of recognition of Māori rights by the Crown. Both of these documents recognised the authority of rangatira and the rights of Māori in Aotearoa, New Zealand. However, the 1852 New Zealand Constitution Act, that formally adopted British political systems (English common law and the Westminster-style of government) as the basis of governance in Aotearoa New Zealand, only recognised Māori authority and customs in certain circumstances (Section 71), although this provision was never implemented (Parliamentary Library, 2003 [2009]).

Māori authority was also recognised by the Māori Representation Act 1867 that provided for Māori seats in Parliament (Parliamentary Library, 2003 [2009]). The introduction, therefore, of British political systems did not extinguish the rights of Māori people. Instead Māori rights were reconceptualised in relation to British understandings and political systems.

THE DOCTRINES OF NATIVE TITLE AND ABORIGINAL RIGHTS

Indigeneity is recognised within English common law through the doctrines of native title²¹⁶ and the associated doctrine of aboriginal rights.²¹⁷ The doctrine of native title provides for rights of possession to natural resources in the tribal territory. The doctrine of aboriginal rights provides for rights related to

²¹⁵ He Whakaputanga o te Rangatiratanga o Nu Tirene, the Declaration of Independence, 1835 is discussed in Chapter Three *Contact with the West*.

²¹⁶ Although this is more commonly referred to today as the doctrine of aboriginal title. Early case law uses the term native title and for that reason it has been adopted here.

²¹⁷ Customary rights are used in this doctorate to refer to aboriginal rights.

specific practices and customs based on Māori culture. Both doctrines recognise Māori customary title and customary rights based on prior occupation by Māori of Aotearoa New Zealand before British sovereignty was proclaimed. Recognition of indigeneity in this way was consistent with Treaty provisions in Article II. However the doctrines of native title and aboriginal rights were only temporary mechanisms (D. Graham, 2001). There was an expectation that native title and customary rights would be replaced by English common law as Māori became assimilated into the European population (D. Graham, 2001; Williams, 2007).

Native title and aboriginal rights acknowledged that customary title and associated rights were not extinguished when sovereignty of Aotearoa New Zealand was ceded, as presumed in the English version of the Treaty, to the British Crown. According to the doctrines Māori retained property rights over the tribal territory and the right to continue to exercise customary activities and practices (D. Graham, 2001; New Zealand Law Commission, 2001; Williams, 2007). Graham argued that the purpose of the doctrines, at least in the initial stages of colony formation, was reconciliation between Māori and the British (D. Graham, 2001). Therefore the intention of the doctrines was to provide for peaceful occupation of the same geographical space by at least two groups of people. At least in the initial stages of colonisation under the doctrine of native title the exercise of British sovereignty over the new Aotearoa New Zealand colony was conditional on pre-existing Māori customary rights:

On acquisition of the territory, whether by settlement, cession or annexation, the colonising power acquires a radical^[218] or underlying title, which goes with sovereignty.... But at least in the absence of special circumstances displacing the principle, the radical title is subject to the existing native rights. (*Te Runanganui o te Ika Whenua Society v Attorney-General* [1994] 2 NZLR 20, 24)

PROPERTY RIGHTS AND THE INFLUENCE OF JOHN LOCKE

Application of the doctrines of native title and aboriginal rights within an English common law frame has proved to be somewhat problematic. The Māori and European land tenure systems were fundamentally different. Māori land tenure was based on a system of collective property rights (I. H. Kawharu, 1977). This included shared authority, shared resources and, in some cases, shared territories with a preference for the retention of property within the tribal unit. Conversely European land tenure was based on individual property rights. The New Zealand common law²¹⁹ concept of property has been influenced by seventeenth century political philosophies and theories of John Locke as they relate to the rights to property (Williams, 2007). An individual, according to Lockean theory, had the right to benefit exclusively from use of their own possessions (property) (Locke, 1690). This includes deriving a benefit from any labours over their property (a property right). For example, an individual possessed the right to claim ownership over any cultivars that they developed

²¹⁸ In the Aotearoa New Zealand context radical title refers to the proprietary rights of the Crown to land that was not held by native title when British sovereignty was proclaimed over the country. There is some debate over whether radical title provided for absolute ownership or something less (Ulla, 2005; Williams, 2003).

²¹⁹ While English common law is the basis of the Aotearoa New Zealand law system, New Zealand common law is used here to indicate that some aspects of the system are unique to the Aotearoa New Zealand context.

and benefited from individual use or trading of that property. Therefore private property is linked to individual economic wealth and prosperity. Private property rights allowed individuals to use goods, earn an income from goods and transfer those goods to others. Furthermore, individuals could expect governments to enforce private property rights.

Lockean theory asserts that private property rights could not be extended over common property or the commons²²⁰ as prior to the existence of systems for recording titles evidence of labour was required to establish rights to private property (Locke, 1690). Therefore those areas that Māori used to gather natural resources, hunt and fish were not considered private property (Williams, 2007). Private property rights could only be extended over property that was occupied or exhibited signs of occupation such as cultivations. Under the doctrine of native title those areas that Māori did not occupy were automatically considered unwanted, waste land or common property and became vested in the radical title of the Crown (Williams, 2007). As a result the doctrine of native title did not recognise Māori forms of land tenure.

Native title is not synonymous with common law property rights. Although the term native title is commonly used to refer to a right of possession of territory this does not equate to the common law private property right of fee simple. Fee simple is a form of freehold ownership where the owner has the right to control, use and transfer property. Native title only allowed Māori to retain the right to control and use tribal property and resources according to custom. The doctrine of native title claimed to provide for the continuance of customary title and customary rights (D. Graham, 2001). Instead, the English common law system and practices facilitated the alienation of native title.

ALIENATION OF NATIVE TITLE

Native title and customary rights as defined within English common law could be abandoned, surrendered, extinguished or modified by statute. Under common law once native title and customary rights were lost they could not be revived or restored, except of course through statute. The presence of such mechanisms within common law assumed that prior occupants would be assimilated²²¹ and eventually became integrated into the settler population. Māori were expected to adopt practices of the more civilised and modern society and abandon their customary rights when they "...ceased to practise a customary way of life" (D. Graham, 2001, p. 2). Therefore, loss of native title and transformation of customary rights were implicit within the doctrines of native title and aboriginal rights. Under the technology of government known as English common law alienation from tribal territory and customary rights could be easily achieved. For example, according to English common law, native title can only be extended to those areas that Māori possess *and occupy and* continue to exercise customary practices and activities (D. Graham, 2001). These qualifiers²²² are critical to understanding why it is difficult to establish a claim to native title in Aotearoa New Zealand (D. Graham, 2001; State Services Commission, 1995). According to English common law if a continuous

²²⁰ Common areas such as forests and wetlands.

²²¹ Policies of assimilation, amalgamation and integration are discussed in Chapter Three *Contact with the West*.

²²² Text in previous paragraph that are italicised.

occupation cannot be established, customary rights are considered to be abandoned and ownership of the property vested in the Crown. If the activities and practices are not deemed to be customary then again it is assumed that customary rights are abandoned and ownership of the property is vested in the Crown. Customary rights were also lost when property was surrendered to the Crown or extinguished by statute. For example, Crown control over land policy was critical for settlement of the new colony. The 1841 Land Claims Ordinance clearly asserted radical title over lands with the exclusion of those areas occupied by Māori. The implication was that any land not occupied or cultivated by Māori automatically became vested in the Crown (Waitangi Tribunal, 1997). As discussed earlier this was problematic as under the Māori system of land tenure tribal authority extended over areas that were hunted or fished even if signs of occupation were not evident. However, according to the Lockean principles of rights to property these areas were deemed unoccupied, uncultivated or waste areas and were therefore part of the radical title of the Crown (Williams, 2007).

Areas occupied by Māori according to the doctrine of native title and under the pre-emption clause of the Treaty, could only be transferred to the Crown. This position was affirmed by the *R. v Symonds* case in 1847²²³ which confirmed the Crown's monopoly over the purchase of lands from Māori and that native title could not be extinguished without consent from Māori occupants. In this context the Crown was legally bound to protect native proprietary rights. The *Lundon and Whitaker Claims Act 1871* (1872) case also affirmed that the Crown was required to protect native proprietary rights (Hayward, 1997; New Zealand Law Commission, 2001). However an increased demand for land for settlement combined with a reluctance by tribes to sell, resulted in a change to Crown policy (Williams, 2007). Native title had become problematic for the colonial project.²²⁴ While native title remained with Māori, the land settlement policy prior to 1864 stalled and this constrained the prosperity of settlers and the economic stability of the colony. As a consequence the government enacted statutes to facilitate the alienation of land from Māori specifically for settlement (Williams, 1999). The Native Lands Act 1862 established the Native Land Court through which the Crown waived its right of pre-emption. The Crown manipulated the law to extinguish native title through transferral to an individualised and more readily alienable statutory title (New Zealand Law Commission, 2001, p. 63). The Native Land Court introduced individualised freehold title under the pretence that this form of ownership was consistent with Māori custom (Williams, 2007). This Act proved to be incredibly effective at facilitating the transfer of ownership to settlers. For Māori, however, it unfairly divested many tribal members of their rights to tribal property (New Zealand Law Commission, 2001; Williams, 1999) and became the focus of

²²³ *R v Symonds*, Supreme Ct., [1840-1932] NZPCC 390.

²²⁴ In this context the colonial project is a reference to the process of colonisation of Aotearoa New Zealand and in particularly economic expansion of the British empire.

litigation and Treaty claims (Williams, 1999).²²⁵ Other legislative mechanisms such as confiscation through statute were also used to extinguish native title.²²⁶

AFFECT OF WESTERN LEGAL SYSTEM ON CUSTOMARY LAND TENURE

English common law and the Westminster-style of government struggled to accommodate Māori notions of land tenure. Instead it was assumed that the customary land tenure system would eventually be replaced by the private property rights system. Native title did not afford the same protection for Māori land rights as settlers enjoyed under common law property rights. The intent was to provide a transition phase that recognised both coloniser and colonised rights and systems of authority. However it was expected that native title and customary lifestyles would eventually be replaced by the systems and norms of the coloniser. Substantive recognition of customary title and customary rights were irrelevant under English common law as colonised people were expected to participate within the new colonial systems.

Under the European land tenure system whenua as tūrangawaewae and the spiritual and cultural base that sustained communities became a commodity valued only for its productive capacity. The ancestral landscape could be permanently alienated from the tribal unit. Permanent alienation undermined mana whenua authority and the customary land tenure system. The use of Crown policies and laws to facilitate alienation set the scene for contests of power, authority and domination between Māori and the state. The co-existence of British sovereignty and tino rangatiratanga was untenable.

THE SETTLER REGIME OF RESOURCE MANAGEMENT

Annexation of Aotearoa New Zealand and the introduction of British rule in 1840 initiated a change in the country's power and authority arrangements. Despite Treaty intentions of mutually beneficial relationships and shared authority, settler interests soon eclipsed that of Māori communities. This interest was facilitated in a number of ways. The introduction of English common law displaced Māori law and custom (New Zealand Law Commission, 2001; Williams, 2001a). Second, the accompanying institutions and structures of British rule were intimately connected to European notions of cultural superiority which was to dominate Crown policies and laws. Last and most significant a high demand of land for settlement and the enactment of policies and laws to facilitate this objective, reduced the cultural and economic base of Māori communities (New Zealand Law Commission, 2001) and with it tribal authority.

A new set of norms and ideals for regulating natural resources emerged that was heavily biased towards European perspectives of the environment and appropriate resource use particularly the exploitation of natural resources for commercial gain.

²²⁵ Once the Waitangi Tribunal was established the practices and decisions of the Native Land Court became the focus of several claims. The Waitangi Tribunal will be discussed in a later section of this chapter.

²²⁶ 1.2 million acres of Māori land was confiscated under the New Zealand Settlements Act 1863 in late 1864 (<http://www.nzhistory.net.nz/tags/land-confiscation>).

Returning to Rose, O'Malley & Valverde's (2006) four key concerns of governmentality introduced in Chapter Nine, the settler regime of resource management established the authority of the Crown. The new resource management regime vested the control, regulation of access, and use of natural resources in the new colonial power. The authority of the state was based on western notions of absolute sovereignty and privileged settler interests and British cultural norms and values.

Western scientific, religious and economic centres of knowledge were hugely influential in informing and establishing Crown interests and governing agendas. The new colonial state became preoccupied with the problematic of civilising the natives and transforming Māori people into ideal British citizens through programmes of integration and assimilation.²²⁷ Māori culture, knowledge and identity were considered inconsequential to this agenda (Williams, 2001a). Māori were expected to discard any customary resource interests including their own understandings of resource access and use. Māori interests and agendas were not reflected by or provided for in the new regime of resource management as the new system only reflected understandings and priorities grounded in a Western frame.

Regulation of access and use of natural resources was accomplished with the assistance of English common law. This was achieved through the development of policies and laws that established the authority and validity of the European land tenure system and individualisation of property rights particularly provisions for agricultural conversion.²²⁸ Central, regional and local regulatory authorities were established to execute the interests and agendas of the Crown, and later the state, as established within the New Zealand legislature. Therefore legislation in association with regulatory authorities was a key governmental technology for privileging certain ways of thinking and acting towards, and regulating human interactions with the environment.

The settler regime of resource management necessitated the extinguishment of hapū rights to advance settler interests, particularly securing land for settlement and agricultural purposes. Once a growing settler economic base was secured the exploitation of natural resources and economic development, and in particular, increased agricultural production was actively encouraged through Crown policies and environmental laws. A summary of the impact of the settler regime of resource management on Māori relationships with the environment, using Rose, O'Malley & Valverde's (2006) four key concerns of governmentality, is provided in the following table.

²²⁷ Programmes of assimilation and integration are discussed in Chapter Three *Contact with the West*.

²²⁸ For example the Public Works Act 1876, The Land Drainage Act 1893 and the Swamp Drainage Act 1915 all supported settler interests for swamp drainage and agricultural conversion.

Table 6: A summary of the impact of the settler regime of resource management on Māori relationships with the environment.

Settler regime of resource management	
Who governs what?	Crown through the state.
According to what logics?	Based on absolute sovereignty of the Crown, settler interests and British cultural norms and values. Regulated through English common law system. Crown interests and agendas informed by western scientific, religious and economic centres of knowledge. The new colonial state preoccupied with civilising the natives by transforming Māori into ideal British citizens.
What techniques?	Introduction of British governance systems, regulatory institutions and legislation to regulate behaviour and privilege certain ways of thinking and acting towards the environment. Programmes of integration and assimilation.
Towards what ends?	To secure land for settlement and agricultural activities. To facilitate exploitation of natural resources and economic development.

Colonisation and the consolidation of British sovereignty through the establishment of a parliamentary system over Aotearoa New Zealand challenged tribal authority and reduced opportunities for Māori to exercise tino rangatiratanga. Case law indicates that with the establishment of the Native Land Court in 1862 the Crown largely ignored the doctrine of native title in order to progress its land settlement policy by extinguishing native title to facilitate transfer of land from Māori to settlers (Williams, 1999, 2007). The Crown possessed the ability to control statute formulation and was therefore able to facilitate certain agendas and interests. Crown policy began to prioritise settler interests and ignore any diverging customary rights and this was achieved through the manipulation of New Zealand common law.

Perhaps the most influential case that promoted a dismissive attitude to customary rights was *Wi Parata v Bishop of Wellington* (1877) where Judge Prendergast ruled that the Treaty was a simple nullity.²²⁹ Prendergast declared that the Treaty had no judicial or constitutional status as it had not been incorporated into domestic law and that “No body politic existed capable of making cession of sovereignty.”²³⁰ He concluded therefore, that the radical title of Aotearoa New Zealand was vested in the Crown and any recognition of native title was entirely the prerogative of the Crown. Prendergast’s decision also questioned the existence of customary law and in doing so released the Crown and the courts of any obligation to respect and recognise customary rights (Williams, 2007). Prendergast and other judges used the *Wi Parata* case

²²⁹ Note that it has been argued that the Prendergast decision “...cannot be used to typify the approach of the New Zealand legal system as a whole or indeed of the time” (Boast, 1999, p. 16).

²³⁰ *Wi Parata v The Bishop of Wellington* (1877)3 NZJur(NS)SC72.

to deny claims from Māori to customary title and “Many judges refused to accept that the laws and customs of indigenous peoples could be recognised and applied as English laws by the courts” (New Zealand Law Commission, 2001, p. 11).

As a technology of government the doctrine of native title and aboriginal rights were geared towards affirming the absolute authority of the Crown. Implicit within its principles is an assumption that a customary way of life would inevitably be replaced by participation and integration into the activities and practices of the civil, modern colonial state. Native title would be extinguished and become vested in the Crown or since 1862 transferred to individualised titles. When native title threatened British sovereignty particularly the ability of the Crown to promote its own agenda Crown policies and laws were introduced to facilitate the acquisition of land for settlement and assert the supremacy of private property rights. For example, sections 84-87 of the Native Land Act 1909 lawfully extinguished native title so that it was no longer enforceable in the courts (Williams, 2007). The Crown had the power to manipulate common law and extinguish native title and customary rights by statute to achieve certain outcomes. This practice served to reaffirm the power and authority of the state (British sovereignty) thereby protecting the right of the Crown to govern according to its own agenda. Any attempt by Māori to assert *tino rangatiratanga* was routinely suppressed by the Crown as, “A number of factors combined to ensure that the systems of introduced laws and settler policies were geared towards the eclipse of Māori custom law” (New Zealand Law Commission, 2001, p. 22).

RECOGNITION OF CUSTOMARY RIGHTS

I have argued that the principles of English common law as practiced within New Zealand law do not provide for the recognition of native title. However, recognition of customary rights²³¹ is a different matter altogether. Customary rights are considered to be a lesser form of rights that “...can be severed from claims to customary title” (D. Graham, 2001, p. 9). Recognition of customary rights would not pose as much of a threat to the Crown’s absolute authority as recognition of native title. Past actions indicated that the Crown was more open to providing recognition of lesser interests associated with native title.²³² For example statutory recognition of Māori fishing rights existed within Aotearoa New Zealand statute since 1877. The Fish Protection Act 1877 recognised Māori rights and included provisions for the Treaty (section 8). However by 1884 the Sea Fisheries Act and subsequent statutes began to limit Māori fishing rights and interests although provisions for customary rights continued to exist in statute. Currently there are two sets of customary regulations the Fisheries (South Island Customary Fishing) Regulations 1998 and the Fisheries (Kaimoana Customary Fishing) Regulations 1998. These regulations are able to provide for a transfer of regulatory power from the state to *tangata whenua*. Under these regulations *tangata whenua* are able to manage non-commercial fishing in designated areas. There are also fisheries management tools in the Fisheries Act 1996 that can be used to establish

²³¹ Also referred to in earlier stages of this chapter as aboriginal rights. Customary rights is a more commonly used contemporary term.

²³² Albeit significantly reduced and sometimes ignored in practice.

taiapure (s 174) and mataitai reserves (Part IX). Taiapure are local fishery areas of specific cultural significance where Māori can be involved in development of fishing regulations. Mataitai reserves are areas where customary management practices and food gathering can occur. Commercial fishing is excluded from mataitai reserves. Furthermore, the Fisheries Act 1996 also provides for a form of rāhui where temporary closure of fishing areas can be exercised (s 186 A (North & Chatham Island) & B (South Island)).

There are a number of contemporary statutes that acknowledge Māori custom and tikanga. For example the Te Ture Whenua Māori Act 1993 provides statutory recognition of Māori forms of land tenure. The Resource Management Act 1991 recognises concepts and customs associated with the management of the ancestral landscape and as mentioned previously, there are several fishery statutes and regulations that provide for Māori customary management of fishery resources. Currently there is a definite trend in New Zealand common law towards an appreciation of Māori customary rights through references to the Treaty in statute. In the next chapter, the focus is on the recognition of Treaty rights in contemporary Crown policies and laws. Recognition of customary rights in policies and laws validates the importance of indigeneity in Aotearoa New Zealand society. However, incorporating Māori concepts, culture and tikanga in state systems and institutions has presented a new set of challenges associated with control over interpretation and application of culture (New Zealand Law Commission, 2001; Turvey, 2009; Wickliffe, Maranui, & Meredith, 2002). Expressions of culture that have emerged from these processes are not always consistent with forms, functions and understandings developed in customary settings. For example in Chapter Two it was argued that the statutory definition of kaitiakitanga is a simplified and limited expression of the customary concept. The experiences of active kaitiaki reported in this research certainly support that supposition.

The following table summarises the recognition of indigeneity in Aotearoa New Zealand statute and case law between 1847-1909. Initially native title was recognised. However, once the Māori Land Court was established in 1867, mechanisms to extinguish native title were introduced. By 1877, with the *Wi Parata v Bishop of Wellington* decision, the courts had begun to ignore the Treaty and customary title. Recognition of customary rights was another matter with statutory provisions present since 1852.

Table 7: Examples of the recognition of indigeneity in statute and case law.

Statute/case law	Implications
<i>R v Symonds 1847</i>	Recognition of native title.
New Zealand Constitution Act 1852	Adopted British political systems as basis of governance. Section 71: conditional recognition of Māori authority and customs.
Native Lands Act 1862	Established Native Land Court. Crown waived its right to pre-emption. Native title legally extinguished.
Māori Representation Act 1867	Provided for Māori representation in Parliament.
<i>Lundon and Whitaker Claims Act 1871</i>	Crown required to protect native proprietary rights.
<i>Wi Parata v Bishop of Wellington 1877</i>	Ruled that Treaty had no judicial or constitutional status. Native title ignored by the courts.
Fish Protection Act 1877	Provided limited statutory recognition of customary rights. Successive fisheries legislation continued with this trend.
Native Land Act 1909	Sections 84-87: native title no longer enforceable in the courts.
Contemporary statutes	There are at least seventeen contemporary statutes that recognise Māori custom and tikanga including the Te Ture Whenua Act 1993 and the RMA (Te Puni Kōkiri, 2001).

CONCLUSION

Minimising customary authority was critical to establishing the absolute sovereignty of the new colonial state and alienation of hapū from the ancestral landscape was an effective means of achieving this goal. The English land tenure system weakened a community's customary connection with the ancestral landscape reducing the opportunities to exercise ahikā rights, mana whenua responsibilities and obligations, and practice subsistence horticulture and customary harvesting. Customary knowledge, ways of knowing and associated practices related to the environment were devalued by the settler regime of resource management and became fragmented as customary practices and interactions with the ancestral landscape lapsed. At the same time Māori were encouraged through Christianity and Western models of education to adopt the norms and values of the British Empire and to be transformed into ideal citizens of the new colony. This led to widespread modification of Māori culture, knowledge and practices. Māori culture, identity and social arrangements had no place in this new social order.

Consolidation of the settler regime of resource management signalled a change in the balance of power in Aotearoa New Zealand and required Māori to develop new relationships with the ancestral landscape. The types of relationships that Māori could engage in were controlled by the Crown as Crown

policies and laws were used to facilitate the adoption of European land-use practices particularly agricultural activities.

An analytic of governmentality using Rose, O'Malley & Valverde's (2006) four key concerns of governmentality, has been used in this chapter to explore the integration of thought and linkages to regimes of practice that regulate conduct. This critique of the affects of the introduction of British authority and accompanying systems and processes indicates that the settler regime of resource management was premised on the exploitation of natural resources (thought). English land tenure (regime of practice) was applied to secure individual and mainly settler ownership over physical and natural resources and to diminish the authority of tribal units. The Crown introduced the individual property rights system and the resource exploitation agenda by enacting laws that extinguished native title and supported agricultural development. Chapter Three provided examples of Crown policies and laws associated with land development and drainage of wetlands that were used to transform the ancestral landscape to support participation in the agricultural economy. The implications of this form of governance were that customary authority was undermined and opportunities to interact with the environment according to custom were reduced. Furthermore, application and development of customary environmental knowledge, ways of knowing and associated practices became restricted by the introduction of a new settler regime of land tenure and resource management. Māori customary environmental interests were not a feature of state environmental policies, laws and resource management practices. This situation was to change as political commitment to recognise and provide for the practical application of the Treaty began to emerge in the 1970s. This political commitment and the politics of recognising the Treaty are the focus of the next chapter.

RECOGNISING THE TREATY

This chapter continues to explore the issue of recognition of indigeneity by the state that began in Chapter Ten. The focus however is much more specific and confined to first the role of the Treaty in facilitating recognition of tangata whenua rights and second, provisions for Māori relationships with the environment. Therefore the purpose of this chapter is to explore the role of Crown policies and laws in determining the status of the Treaty, and by extension, the Treaty's influence on the operations of government to recognise and provide for environmental indigeneity.

The chapter begins with a brief chronology of events that have accumulated in a greater recognition of the Treaty within contemporary Crown policies and laws. Recognition of the Treaty confirms what Māori have always argued that the Treaty has a contemporary relevancy and a critical role to play in determining the future development of Aotearoa New Zealand. However application of the Treaty is fraught with difficulties and as a consequence Treaty principles have emerged to assist with interpretation and determine the scope and extent of indigenous rights within Crown policies and laws. This dimension of the politics of recognising the Treaty is explored in detail in this chapter. The second part of the chapter considers the implications of recognising the Treaty for environmental policy particularly the right of Māori to be involved in resource management. An analytic of governmentality is then used to summarise recognition by the state of environmental indigeneity. The intent of this discourse is to identify the drivers behind the development of policies and laws that recognise customary relationships with the environment.

RECOGNITION OF TREATY RIGHTS

Being tangata whenua is as much a basis of having rights as being an individual citizen. (Sharp, 2005, p. 322)

In Aotearoa New Zealand it is the Treaty that is the primary instrument for recognising indigeneity and in particular for promoting the unique constitutional status of Māori peoples (M. H. Durie, 2002) as the indigenous peoples and prior occupants of this country before British sovereignty was proclaimed. This is not evident from the discussions thus far which demonstrate instead, that the Treaty was largely dismissed by the state.

Hayward pointed out that the courts demonstrated "...an initial enthusiasm... for upholding native title" (1997, p. 475). Early operations of the colonial government were consistent with protection of hapū tino rangatiratanga and the pre-emption clause of Article II of the Treaty. However when native title and tino rangatiratanga limited the power and authority of the Crown moves to limit Māori sovereignty began to emerge. Hence, the status therefore of the Treaty under New Zealand common law has changed significantly over time. Initial attempts were made to recognise Māori sovereignty. For example, native

title was recognised in the *R v Symonds 1847* case and again in *The Landon and Whitaker Claims Act 1871* where the court ruled:

The Crown is bound, both by the common law of England and by its own solemn engagements, to a full recognition of native proprietary rights. Whatever the extent of that right by established native custom appears to be, the Crown is bound to respect it.²³³

However, in 1877 the Treaty was defined by Chief Justice Prendergast as a simple nullity with no legal standing in the *Wi Parata v Bishop of Wellington* [1877] case. In contrast, 110 years later, in 1987 the Treaty was considered an aid for the interpretation of legislation because the Treaty is "...part of the fabric of society" (*Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR 188). As a consequence of this shift "...issues relating to indigeneity in New Zealand have hinged on the application of the Treaty of Waitangi" (M. H. Durie, 2002, p. 599).

The changing status of the Treaty is in part a reflection of a long history of Māori challenging the absolute authority of the Crown and the assertion that indigenous peoples have a special status within the constitution of this country. Many Māori view the Treaty as a sacred covenant (*He kawanata*) (Kelsey, 1990; Mutu, 2010; Orange, 2004) that "...set out the terms and conditions under which Pākehā could settle in New Zealand" (Mutu, 2010, p. 36). Durie argued that the Treaty "...was intended to guide the future development of New Zealand as a modern state" (M. H. Durie, 2005, p. 16). Accordingly the Treaty is a significant part of Aotearoa New Zealand constitutional history and development (Mulholland & Tawhai, 2010; Sharp, 2005; Williams, 2005). Māori have always asserted that the Treaty has a contemporary relevancy and used the Treaty as a platform for recognition of indigeneity and to facilitate expressions of *tino rangatiratanga*.

Between 1843-1872 challenges to Crown authority manifested as a series of conflicts referred to collectively as the New Zealand Wars (Belich, 1986; Cowan, 1923; K. Sinclair, 1957). These conflicts were essentially disputes related to recognition of authority and power (British sovereignty versus *tino rangatiratanga*) and securing property rights to land. Māori resistance began to manifest as a range of new forms. From the 1850s the Treaty became a tool of political movements such as the Kingitanga²³⁴ and Te Kotahitanga²³⁵ to reassert and exercise *tino rangatiratanga*. Māori prepared petitions to the New Zealand General Assembly and were involved in delegations to the British Queen and litigation based on provisions of the Treaty (Kelsey, 1990; R. Walker, 1990). During the 1920s Māori continued to assert *tino rangatiratanga* through for example the Tahupotiki Wiremu Ratana political party. Although Māori were actively involved in lobbying the state to recognise indigeneity particularly as it related to *tino rangatiratanga* and the Treaty, the impact on state operations was marginal (R. Walker, 1990).

²³³ The Landon and Whitaker Claims Act 1871 (1872) 2 NZCA 41, 49.

²³⁴ The Kingitanga or Māori King movement emerged in the 1850s to unite Māori tribes and address the alienation of land from Māori ownership. The movement is based on the monarchy model (Hill, 2004; R. Walker, 1990).

²³⁵ Kotahitanga was another movement based on the idea of Māori unity to secure *tino rangatiratanga*. In 1879 the Te Arawa tribes hosted a meeting to establish a Māori Parliament (Hill, 2004; R. Walker, 1990).

Recognition of indigeneity by the state changed significantly during the 1970s. This period was characterised once more by protests related to tino rangatiratanga and Treaty grievances however the methods engaged were much more effective than in the past, "...a vocal, politicised Māori contingent, encouraged by international attention to race relations, protested the Crown's disregard for the treaty in ways that could not easily be ignored" (Hayward, 2003b, p. xiv). In 1972 Ngā Tamatoa occupied parliament. In 1975 Dame Whina Cooper led the Te Matakite o Aotearoa land march from Te Hapua to Parliament. There were land occupations at Raglan Golf Course and Bastion Point, and Waitangi Day 'celebrations'²³⁶ were disrupted by protests. These events were part of a growing global awareness and assertion of civil rights and later indigeneity.

By 1980 these factors combined to create a political environment that was open to consideration of the contemporary relevance of the Treaty. Recognition of indigeneity and relationship of the Treaty to Crown policies and laws was a contemporary state response to the continued assertions of Māori for recognition of political power (Kelsey, 1990). Continued contestation and resistance had finally begun to affect the way that Aotearoa New Zealand was governed.

THE TREATY, CROWN POLICY & LAWS

The current status of the Treaty is that it is recognised as the founding document of Aotearoa New Zealand and "...a basis for constitutional government in this country and... the foundation for the relationship between Māori and the Crown" (Te Puni Kōkiri, 2001, p. 16). As a consequence the Government is committed to recognising and providing for the principles of the Treaty and to resolving historical breaches (Te Puni Kōkiri, 2001). However, the "...Treaty does not act as a legal restriction on its [New Zealand Parliament] capacity to make laws" (Te Puni Kōkiri, 2001, p. 56) and "... at times it may be necessary for the Crown to exercise kāwanatanga to override Māori interests for the public good" (Te Puni Kōkiri, 2001, p. 49). There is no legal obligation to enforce the Treaty unless such a direction exists in statute however there is a strong moral obligation (Te Puni Kōkiri, 2001) as "...the Treaty is a document of considerable moral force based on the honour of the Crown" (Te Puni Kōkiri, 2001, p. 16). This type of obligation is referred to as a fiduciary duty. As a result of the presence of the doctrine of aboriginal rights and the Treaty, the Crown has a fiduciary obligation to protect Māori interests when exercising its power. The fiduciary duty of the Crown to Māori has been recognised by the courts (Te Puni Kōkiri, 2001) and is a consideration in policy formulation and operations of the state.

Application of the Treaty to Crown policies and laws has proved difficult given differing interpretations of the intentions, meanings and effects of the Treaty texts. As a means to circumvent issues of interpretation, a preference, at least by the Crown, has emerged to apply the principles of the Treaty. The principles of the Treaty gained prominence as an instrument of interpretation as a consequence of Māori concerns over the privatisation of Crown assets

²³⁶ Note that not all people consider Waitangi Day to be an occasion for celebration.

proposed by the State Owned Enterprises Bill 1986.²³⁷ The New Zealand Māori Council applied to the Court of Appeal to prevent transfer of assets until Māori had an opportunity to determine the implications of such actions within the context of the Treaty. The Court of Appeal decision²³⁸ assumed Crown sovereignty (the principle of government: the right to govern and make laws), confirmed that the Treaty was not enforceable unless incorporated into statute and accorded the principles “...greater status under statute than the text of the Treaty itself” (Parliamentary Commissioner for the Environment, 1988, p. 17). As a consequence, the significance of the texts, particularly Te Tiriti, have been marginalised (Williams, 2005) and the words of the Treaty disregarded (New Zealand Royal Commission on Social Policy, 1988).

The emphasis on principles of the Treaty has the potential to provide new meaning to the Treaty and this is a key concern for Māori (New Zealand Royal Commission on Social Policy, 1988). Moreover, since the principles of the Treaty as applied to Crown policies and laws have been defined by the courts, there is a concern that Māori input is minimal. Māori after all, are underrepresented in the courts and the legal system has not had a good record for providing for Māori Treaty interests or Māori culture.

Perhaps the most concerning aspect of the principles, at least for Māori, is the assumption of the principle of government. This principle affirms Crown sovereignty and therefore confirms that Māori ceded tino rangatiratanga. The principles therefore do not provide an opportunity to engage in the sovereignty versus tino rangatiratanga debate. Rather the principles assume that the debate has been resolved. There remains much opposition to this position.

The principles of the Treaty have become since the 1987 Court of Appeal decision a feature of Crown policies and laws²³⁹ and are the main instrument for recognising Treaty rights and therefore indigeneity. Since 1975 over 30 pieces of legislation containing Treaty references have been enacted.²⁴⁰ There are also statutes that recognise tikanga Māori²⁴¹ and Māori group rights for example the

²³⁷ Jane Kelsey provides a useful overview of the privatisation of state owned assets and Māori responses in *A question of honour? Labour and the Treaty* (1990).

²³⁸ NZMC v Attorney-General [1987].

²³⁹ An excellent discussion of the principles is provided by Dr Janine Hayward in *National Overview* (Hayward, 1997). Waitangi Tribunal reports are also a good source of information as principles are one of the frames that are used to develop findings and recommendations.

²⁴⁰ Conservation Act 1987 (section 4); Crown Forests Assets Act 1989; Crown Pastoral Land Act 1998 (section 25, section 84); Crown Research Institutes Act 1992 (section 10); Crown Minerals Act 1991 (section 4); Education Act 1989 (section 181(b) (added 1990)); Education Lands Act 1949; Energy Efficiency and Conservation Act 2000 (section 6); Environment Act 1986 (long title); Fisheries Act 1996; Foreshore and Seabed Endowment Revesting Act 1991 (section 3); Harbour Boards Dry Land Endowment Revesting Act 1991 (section 3); Hauraki Gulf Marine Park Act 2000 (section 6); Hazardous Substances and New Organisms Act 1996 (section 8); Legal Services Act 1991; Local Legislation Act 1989; Māori Fisheries Act 1989; Māori Language Act 1987; New Zealand Public Health and Disability Act 2000 (section 4); Ngāi Tahu Claims Settlement Act 1998; Ngāi Tahu (Pounamu Vesting) Act 1997; Ngāi Tahu (Tutaepatu Lagoon Vesting) Act 1998; Ngāti Tūrangitukua Claims Settlement Act 1999; Orakei Act 1991; Resource Management Act 1991 (section 8); State-Owned Enterprises Act 1986 (section 9); Te Ture Whenua Māori (Māori Land) Act 1993; Treaty of Waitangi Act 1975 (section 6 (1)); Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; Treaty of Waitangi (State Enterprises) Act 1988; Waikato Raupatu Claims Settlement Act 1995; Waitutu Block Settlement Act 1997.

²⁴¹ At least seventeen including Te Ture Whenua Act 1993 and the RMA (Te Puni Kōkiri, 2001).

Māori language Act 1987, the Children, Young Persons and their Families Act 1989, the Electoral Act 1993 and Health and Disability Services Act 1993.

A significant piece of legislation was the Treaty of Waitangi Act 1975 that established the Waitangi Tribunal. The Tribunal was tasked with determining the "...practical application of the principles of the Treaty" (preamble of Treaty of Waitangi Act 1975). It had the power to determine the meaning of the Treaty and whether Crown actions were consistent with the principles of the Treaty. In 1985 the Tribunal's jurisdiction was extended to Crown actions since 1840 although it is important to note that Tribunal findings were only recommendations (E. T. Durie & Orr, 1990), reliant on political will for implementation.

The formation of the Waitangi Tribunal signalled a shift in government rationalities and operations and has made a significant contribution to bicultural jurisprudence through its recognition of Māori culture and custom in the claims hearing process (Te Puni Kōkiri, 2001). Waitangi Tribunal recommendations have at times been highly controversial, unpopular with the general public and a political nightmare for most governments (Belgrave, Kawharu, & Williams, 2005; E. T. Durie & Orr, 1990; Hayward & Wheen, 2004; Kelsey, 1990). However while the claims process has been slow and at times contentious, opportunities for a limited recognition of tino rangatiratanga and redress have eventuated. The presence of the Tribunal has not however prevented new grievances from emerging. The current seabed and foreshore debate is a prime example of this (Waitangi Tribunal, 2004b).

THE WAITANGI TRIBUNAL AND MĀORI ENVIRONMENTAL INTERESTS

Claims to the Waitangi Tribunal are at their core, concerned with securing the retention and increased recognition of culture and custom (New Zealand Law Commission, 2001, pp. 76-77). Therefore Crown policies and laws that recognise the Treaty, Māori customs and group rights provide an opportunity for the creation of spaces for Māori sovereignty, custom and interests.

Evidence to the Waitangi Tribunal and Tribunal research reports²⁴² have provided the Crown with a rich source of information related to hapū relationships and interactions with the natural environment, both in the past and in contemporary times. Māori have emphatically argued that hapū have never relinquished their obligations and responsibilities as kaitiaki of the ancestral landscape across a range of environmental related claims.²⁴³ As a consequence Māori aspire towards a continued and substantive role in the management of natural resources, even if those resources have been alienated

²⁴² Waitangi Tribunal findings can be downloaded from the Waitangi Tribunal website www.waitangi-tribunal.govt.nz. Some research reports can also be downloaded from the website although the document banks are located at the Tribunal. Key environmental claims that the Waitangi Tribunal resided over in the 1980s were the Kaituna River claim (Wai 4), the Motunui-Waitara claim (Wai 6), the Manukau claim (Wai 8) and the Muriwhenua claim (Wai 22).

²⁴³ Durie provides a discussion of Māori interests in environmental management and key issues that emerged from claims to the Waitangi Tribunal including the aspiration to continue to be active kaitiaki of the ancestral landscape in the *Mana atua: A resourceful environment* chapter (M. H. Durie, 1998b, pp. 21-51) of *Te mana, te kāwanatanga*.

from tribal ownership, “Transfer of the ownership of a resource away from tribal ownership does not release tangata whenua from exercising a protective role to the environment, although it does make the task more difficult since others will also have an interest” (M. H. Durie, 1998b, p. 23). This view was also shared by the Waitangi Tribunal as expressed in the Muriwhenua claim recommendation “j(iii) Legal presumption of ownership of foreshores or the beds of rivers, lakes and seas cannot diminish the Treaty guarantee or render ‘exclusive’ to mean ‘non-exclusive’ ” (Waitangi Tribunal, 1988b, p. 208).

The Waitangi Tribunal findings have been highly critical of the ability of environmental policies and past practices of the state to recognise and provide for Māori interests in the management of natural resources. For example, in the Waiau Pa (Waitangi Tribunal, 1978, p. 8) and Manukau reports (Waitangi Tribunal, 1985, p. 123) the Tribunal concluded that Māori had retained a Treaty right to coastal resources including the right “...to use and occupy the land and waters” (Waitangi Tribunal, 1985, p. 122) however existing coastal policies and legislation did not provide for these rights (Waitangi Tribunal, 1985, pp. 131-134). In other cases legislation restricted the ability of hapū to access and use certain resources that were considered taonga. For example, the Tribunal concluded that the Water and Soil Conservation Act 1967 failed to provide for Māori spiritual and cultural values in the granting of water rights in the Kaituna River claim (Waitangi Tribunal, 1984, p. 40). Also in the Kaituna River and the Motunui-Waitara claims the Tribunal concluded that the same Act provided inadequate protection of Māori fishing grounds because waste disposal practices that had an adverse affect on fisheries were permitted (Waitangi Tribunal, 1983, 1984).

The ability of planning legislation to provide for Māori values has also attracted criticism from the Tribunal (Waitangi Tribunal, 1985). In the Motunui-Waitara, the Muriwhenua fishing and the Manukau Harbour claims the Tribunal acknowledged that the Treaty provided for the active protection of Māori fisheries resources however adequate provisions were not present in the relevant statutes, policy and planning practices (Waitangi Tribunal, 1983, pp. 61-62, 1985, p. 150, 1988b, p. 227). With respect to the Motunui-Waitara claim the Tribunal recommended amendments to at least eight acts.²⁴⁴

OWNERSHIP OF NATURAL RESOURCES

A highly contentious issue raised repeatedly in environmental claims to the Waitangi Tribunal that continues to attract debate, is the issue of ownership of natural resources. Crown actions indicate a presumption of ownership over natural resources (Waitangi Tribunal, 2004b) and minerals (Ward, 1997) and by extension an assumption of authority to manage and allocate resource use rights on behalf of all New Zealanders:

successive governments have simply assumed the right to pass legislation governing the use and control of inland waterways. Such legislation left open the ultimate question of who had ownership rights in rivers and streams. However, it was tantamount to an

²⁴⁴ The Māori Affairs Act 1953, the Fisheries Act 1908 (including the provisions for controlled fisheries), the Maritime Reserves Act 1971, the Maritime Farming Act 1971, the Marine Pollution Act 1974, the Health Act 1956, the Water and Soil Conservation Act 1967 and the Town and Country Planning Act 1977 (including the provisions for Maritime Planning areas) and any similar legislation (Waitangi Tribunal, 1983).

assertion of ownership and reflected the conviction of Government officials that the Crown should be the owners of rivers and lakes in New Zealand. (B. White, 1998, pp. 26-27)

The Crown has actively protected its interests in natural resources, particularly water (D. Graham, 2001) through the development of policies and laws to affirm the presumption of ownership and control over resource management. For example, the recent Foreshore and Seabed Act 2004 vested ownership of the public foreshore and seabed in the Crown. An urgent Waitangi Tribunal inquiry into the Government's foreshore and seabed policy found that "... the policy will deliver significant benefits to others" but would remove "...the ability of Māori to go to the High Court and the Māori Land Court for definition and declaration of their legal rights in the foreshore and seabed" (Waitangi Tribunal, 2004b, p. xiii). Māori rights to the foreshore and seabed would in effect be removed. Once again New Zealand common law has been manipulated to protect the absolute sovereignty of the Crown and limit Māori claims to customary title and customary rights.

THE IMPACT OF THE WAITANGI TRIBUNAL

Waitangi Tribunal findings have provided political support from within the state, for the Māori agenda of increased recognition and provisions for Māori Treaty rights. The Waitangi Tribunal has identified legislative deficiencies and in some cases recommended a review of, and amendment to, planning legislation to provide greater protection of Māori Treaty rights. For example, in the Manukau claim the Waitangi Tribunal was highly critical of the Water and Soil Conservation Act 1967 (Waitangi Tribunal, 1985). It is these types of findings and recommendations that have seen the Tribunal emerge as a strong advocate for the conservation and sustainable management agenda, "The Tribunal stood out as a powerful voice for the growing conservation movement. The Resource Management Act (1991) owed much of its spirit to those early claims and the views expressed by Māori claimants" (M. H. Durie, 1998b, p. 27). Tribunal recommendations that pushed the sustainability and environmental protection agenda assisted to "solidify public acceptance of the Tribunal's role" (Hamer, 2004, p. 5). In this regard the Tribunal played a key role in lobbying the Crown to transform the highly development-orientated state environmental management regime. As a consequence the Waitangi Tribunal can be considered an example of an internal state entity that contested existing regimes of practice, namely that existing legislative provisions failed to protect Māori Treaty interests.

Waitangi Tribunal recommendations have also made a substantial contribution to the Government's understanding of Māori Treaty interests. In the early 1980s this influence began to emerge as minor changes in government operations. For example, the Waitangi Tribunal review of Crown water policies and legislation as part of the Motunui-Waitara and Kaituna River claims resulted in changes to the governance structure and some internal practices of the National Water and Soil Conservation Authority. The Authority appointed "...one Māori person to its membership in order to represent the views of Māori in relation to natural water in 1983" (McClellan & Smith, 2001a, p. 128) and in August 1985 required all reports to the Authority to address, where applicable,

Māori interests or values (National Water and Conservation Authority Circular no 1985/28 as cited in McClean & Smith, 2001a, pp. 128-129). Therefore, the Tribunal has managed to influence the political rationale of Government to transform government operations and practices towards an increased recognition and legislative provisions for Māori environmental Treaty rights and participation in the management of natural resources.

Another area where the Waitangi Tribunal has had considerable influence is in the formulation of principles of the Treaty. The principles of the Treaty have been widely used by the Waitangi Tribunal when deliberating on claims. However it must be remembered that Waitangi Tribunal recommendations and Waitangi Tribunal definitions of the principles of the Treaty are not binding on the courts or Parliament (Parliamentary Commissioner for the Environment, 1988).

The impact of environmental claims to the Waitangi Tribunal are summarised in the following table.

Table 8: A summary of the impact of environmental claims to the Waitangi Tribunal.

Comment	
Impact of environmental claims	<ul style="list-style-type: none"> • Built an awareness of Māori environmental issues and positions namely that Māori never relinquished kaitiakitanga and aspire towards a substantive role in resource management of natural resources • Provided political support from within the state for increased recognition and provisions for Māori Treaty rights • “...solidify public acceptance of Tribunal’s role” (Hamer, 2004, p. 5) • Contributed to the emergence of Treaty principles
Tribunal findings	<ul style="list-style-type: none"> • Recognised Māori rights to access, use and be involved in the management of natural resources • Identified inconsistencies with regard to the Treaty within environmental policies and laws

THE RIGHT TO BE INVOLVED IN RESOURCE MANAGEMENT

The early environmental claims to the Waitangi Tribunal challenged the right of the Crown to assume ownership over, and sole management of, significant tribal landmarks and natural resources. This opposition originates from differential understandings of *kāwanatanga* and *rangatiratanga* as guaranteed under the Treaty (Orange, 2004; Te Puni Kōkiri, 2001). Māori assert that customary understandings of custodianship of natural resources are as valid and relevant as European concepts of land tenure and ownership (M. H. Durie, 1998b; Marsden, 2003b, 2003d; Matunga, 2000)²⁴⁵ and more importantly that customary rights have never been relinquished. Bargh maintained that despite the presence of Crown regimes and programmes of government for controlling water, “...under Māori law water still belongs to specific hapū and iwi to look after and to determine use-rights” (Bargh, 2007, p. 11). These types of

²⁴⁵ Also refer to any of the environmental claims to the Waitangi Tribunal. These can be found at the Waitangi Tribunal website www.waitangi-tribunal.govt.nz.

assertions indicate that despite the introduction of new, state defined and controlled systems for resource management there is strong support from Māori for the recognition and coexistence of indigenous resource management structures and systems. Hapū argue that they are still obligated and responsible for maintaining the mauri and kaitiakitanga of natural resources within the area that they assert mana whenua. As a consequence there is a need to participate in resource management regardless of whether those resources are in tribal ownership or not (M. H. Durie, 1998b; McClean & Smith, 2001a). This stance, in some cases, is in opposition to the Crown's. The Crown assumes the right to manage various resources and claims ownership of certain areas such as the conservation estate and associated species (McClean & Smith, 2001a) by virtue of being the sovereign power and holder of radical title over Aotearoa New Zealand.

DETERMINATION OF TREATY RIGHTS

The presence of Māori environmental rights in state policies and laws²⁴⁶ is a direct response to Crown acknowledgment of its obligations and responsibilities as a Treaty partner. The extent of those responsibilities is determined by the principles of the Treaty. Principles of the Treaty have been defined by the Crown with little input from the other Treaty partner:

the Crown, its agents, the judiciary and the Waitangi Tribunal have unilaterally been defining the nature of Treaty obligations. The other Treaty partner, the iwi, has been completely subordinated, and remained outside the process i.e. the iwi is being driven by the Crown, rather than acting as a co-driver in defining obligations. (Matunga, 1989, p. 7)

The implication of such a situation is that Treaty rights have been defined according to Crown understandings, agenda and priorities (Matunga, 1989). In this way the Crown has unilaterally controlled the scope and extent to which Māori rights can be recognised and provided for in government operations. Furthermore, the principle of government and assumption of Crown sovereignty has reduced tino rangatiratanga to something less than sovereignty and silenced challenges to the legitimacy of Crown authority and power in Aotearoa New Zealand (Kelsey, 1990; Williams, 2005).

The Crown has the power and authority to determine the nature of their obligations and responsibilities as Treaty partner. Recognition of, and provisions for, Māori environmental rights are dependent on political goodwill and conditional on Crown interests. In addition the Waitangi Tribunal has emphasised that while Māori Treaty rights should not predominate over other values, due consideration must be given, particularly when, "Māori interests are... affected" (Waitangi Tribunal, 1985, p. 144). The implication is that Māori Treaty rights need to be negotiated in relation to other (mainly Crown) interests. Therefore Crown assertions to give practical application to the Treaty do not guarantee that Māori rights will be acknowledged, and if acknowledged there is no guarantee that provisions will be substantive.

²⁴⁶ Appendix One provides a summary of Māori provisions in environmental legislation and the next chapter will provide further information related to Māori environmental rights in state policies and laws.

RECOGNISING THE PRINCIPLES OF THE TREATY

Recognition of Māori rights in government operations is related in part to the Treaty principle of partnership. The Treaty set out to provide for "...a new form of government under the Crown, the projected settlement of Europeans and the protection of Māori interests" (Waitangi Tribunal, 1988b, p. 204). In other words the Treaty established a partnership between Māori, the Crown and British Citizens. Tino rangatiratanga remained but was transformed from absolute customary authority to something less, "...to tribal self-management on lines similar to what we understand by local government." (Waitangi Tribunal, 1988b, p. 180) and this new form did not exclude ownership (Waitangi Tribunal, 1988b). In fact in the Mohaka claim the Tribunal concluded that Ngāti Pahuwera rights of tino rangatiratanga over the river were, "...something more than ownership or guardianship of the river but something less than the right of exclusive use" (Waitangi Tribunal, 1982, p. 64). In relation to the state's environmental policies the Waitangi Tribunal acknowledge that the Treaty provided for a continued role for Māori in the management of natural resources.

Substantive recognition of the obligations and responsibilities of the Crown as a Treaty partner began to emerge in the 1980s in response to political commitments to honour, and give practical application to, the Treaty (Kelsey, 1990). However, it is difficult to describe what has emerged as an equal partnership. Although the spirit of partnership would suggest that the values and interests of one partner should not supersede the values and interests of the other (Waitangi Tribunal, 1985) the way that partnership has been exercised bears little resemblance to equal partnership. Rather, partnership as exercised by the Crown is negotiated in relation to the continued authority of the state, the interests of Māori and the interests of other Aotearoa New Zealand citizens. Treaty rights of either partner are conditional in the context that those rights need to be considered with regard to multiple interests and the agenda's of both partners, negotiated as a set of "reciprocal obligations of the partners... [acting] towards each other with reasonableness and the utmost good faith" (Waitangi Tribunal, 1988b, p. 185). Since the Crown controls the environment in which the negotiation exercise occurs the Crown is well placed to privilege its own agenda. As a consequence balancing the spirit of partnership against the presumption of absolute authority continues to be problematic.

Although a fiduciary duty exists to honour the Treaty the Crown is reluctant to do so because it would involve relinquishing a degree of power. Recognition of the Treaty therefore, challenges the absolute sovereignty of the Crown and by extension the Crown's right to govern and the validity of regimes of governance including the current legal system (Sharp, 2005). The Crown has vigorously protected its absolute authority and right to govern. This is demonstrated by an unwillingness to accommodate tino rangatiratanga except in very localised and restrictive ways as illustrated by fisheries legislation. Therefore any concessions based on the Treaty are by nature contentious. This aspect of Treaty policy was highlighted in 1987 as the Labour government struggled to reconcile their economic policy to privatise Crown assets and their election promise²⁴⁷ to honour the Treaty (Kelsey, 1990). Since this time Treaty

²⁴⁷ According to the Labour 1984 Manifesto (pp. 46-47) the party planned on commemorating Waitangi day, increasing resources of the Waitangi Tribunal and extending its powers to allow retrospective claims to be heard and, would incorporate the Treaty into a bill of rights.

politics has become a particularly controversial issue and a key focus of electoral campaigning by the two major political parties National and Labour. Treaty politics has been implicated as a cause of racial separatism²⁴⁸ and criticised for creating special privileges for Māori.²⁴⁹ Such arguments effectively downplay the special constitutional status of indigenous peoples, the fiduciary duty of the Crown and undermine Māori-state relationships. Criticisms related to Treaty politics however have been popular and successful in sidelining support for Treaty rights and Māori interests and demonstrated the importance of political will for facilitating recognition and provisions for Māori rights.

RECOGNISING ENVIRONMENTAL INDIGENEITY

The Waitangi Tribunal has been instrumental in lobbying for greater recognition of Māori Treaty and environmental rights and in identifying existing regimes of practice that failed to recognise or restricted Māori rights in environmental management. However the Tribunal and the Courts also reaffirmed the absolute authority of the state and the right to govern and ensured that provisions for Māori rights did not restrict the power and authority of the government to pursue its own political agenda. Māori rights were one of many issues to be considered in the operations of government. Although provisions for Māori rights had the potential to provide a degree of equity and social justice recognition became conditional on the ability of the state to maintain absolute authority. The state is open to recognising and providing for Māori Treaty rights but only to the extent that it secures its own authority and agenda. By controlling the process to define the scope and extent of Māori Treaty rights the state is able to protect its interests. Also by refusing to engage in discussions related to Māori ownership the state is able to maintain its power and absolute authority.

The following table provides a summary for recognising environmental indigeneity using Rose, O'Malley & Valverde's (2006) four key concerns of governmentality. Post 1975 a political will to recognise Māori rights as framed by the Treaty emerged. In the area of environmental management this has accumulated in a political desire to acknowledge and provide for Māori environmental rights to facilitate a customary relationship with the environment.

²⁴⁸ Orewa Speech – Nationhood, Brash, D., 2004, 27 January, retrieved on 5th January 2011 from http://www.national.org.nz/speech_article.aspx?ArticleID=1614.

²⁴⁹ Māori rights dominate those of the majority of New Zealanders. Speech to Whangarei Electoral Committee ACT, NZ, Newman, M., 2005, 20 June, retrieved on 5th January 2011 from <http://www.act.org.nz/news/Māori-rights-dominate-those-of-the-majority-of-nzers>.

Table 9: A governmentality summary for recognising environmental indigeneity.

Recognising environmental indigeneity	
Who governs what?	Crown controls mentalities and technologies of government that can recognise indigeneity.
According to what logics?	Occurs within the confines of English common law. Conditional on firstly British and then state sovereignty. Post 1980 to provide practical application of the Treaty.
What techniques?	Waitangi Tribunal identified Treaty breaches and recommended resolutions based on the Treaty text and principles. Crown policies and laws.
Towards what ends?	To recognise indigeneity and the unique constitutional status of Māori as tangata whenua to facilitate a customary relationship with the environment.

CONCLUSION

Māori have constantly challenged Crown authority and the Treaty has been a central player in the contest between tino rangatiratanga and British sovereignty. The Treaty has been used by Māori and more recently (post 1970) by the Crown as a tool for facilitating the recognition of indigenous rights and the special constitutional status of tangata whenua. In practice such recognition has led to Māori-Crown dialogue on a range of issues. In relation to the management of natural resources this dialogue has resulted in an increased understanding by the Crown of Māori environmental interests.

Commitment from the Crown to recognise indigeneity through the Treaty has required the state to develop regimes and technologies of government for addressing the problematic of recognition of indigeneity. Treaty principles have emerged as a key technology to assist the state to recognise Māori rights as framed by the Treaty and to determine the Crown's obligations and responsibilities as a Treaty partner. However the Crown's Treaty principles have been criticised as inadequate for recognising the full expanse of tino rangatiratanga as understood by Māori. What has become clearer in the Māori-Crown discourse is the considerable divergence in the positions of Māori and the Crown in regard to tino rangatiratanga and the issue of ownership of natural resources. An inability to arrive at a consensus around these issues has exposed tensions in the Māori-Crown relationship and, at least for Māori, inadequate expression of indigeneity and a restriction of Māori development aspirations as framed by the Treaty. This aspect of the Māori-state relationship will be picked up again in Chapters Twelve and Thirteen.

The Treaty was one instrument that has been used in Aotearoa New Zealand to recognise indigeneity and the unique constitutional status of Māori as tangata whenua. In relation to environmental issues Māori demanded through the Waitangi Tribunal greater recognition of Māori interests in state environmental policies and laws. The environmental claims were also used by Māori to challenge the state to take responsibility for the affects of the settler regime of resource management on the state of the environment.

During the 1980s the government began to review the State's environmental policies and laws. Māori had high hopes for the recognition of indigeneity in the new state environmental administrative and resource

management systems for two key reasons. First, the Waitangi Tribunal had strongly advocated a need to recognise Māori environmental interests and increased Māori participation in resource management. Second, both of the major parties had made election promises to honour the Treaty. The focus of the next two chapters is how the state has addressed the problematic of environmental indigeneity. Chapter Twelve *Environmental politics* tracks the embedding of the Treaty, Māori culture and Māori environmental interests into Crown environmental policies and laws. Chapter Thirteen *Environmental practice* is concerned with how those provisions have become expressed in practice. The critiques provided in Chapters Ten to Thirteen are used to consider the impact of the state on the contemporary practice of kaitiakitanga.

ENVIRONMENTAL POLITICS

The purpose of this chapter is to explore the incorporation of Māori environmental rights and resource management interests into the state's environmental policy. A governmentality critique is applied to the environmental reforms process of the 1980s to determine the effectiveness of the policy formulation systems, processes, and strategies aimed at recognising and providing for Māori environmental rights and interests. The critique of the environmental reforms processes provides a snapshot for understanding the extent and scope of statutory provisions that acknowledge Māori relationships with the ancestral landscape and the affects of legislating for Māori culture.

This chapter now turns to a critique of how the core rationale of sustainability has become embedded into the current regime of environmental management and its association with the concept of *kaitiakitanga*.

An analytic of governmentality is used to explore the interaction between political ideologies and the operations and systems of government. The purpose of this critique is to build a more comprehensive understanding of the form and function of Māori specific provisions within the current environmental management system. The critique will assist in determining the ability of the system to address Māori environmental interests and aspirations and therefore respond to the problematic of increased recognition of indigenous rights.

RECOGNISING MĀORI ENVIRONMENTAL INTERESTS

The current regime of environment management makes claims towards a strong sustainability agenda. For example Section 5 of the Resource Management Act 1991 explicitly states that, "The purpose of this Act is to promote the sustainable management²⁵⁰ of natural and physical resources" (Resource Management Act, 1991). Another key feature of the state's environmental system is provisions for Māori rights and Māori environmental perspectives.²⁵¹

²⁵⁰ Resource Management Act 1991, Section 5 (2): In this Act, sustainable management means managing the use, development, and protection of natural resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while — (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

²⁵¹ Treaty of Waitangi Act 1975 section 6(1); Environmental Act 1986 (long title); State-Owned Enterprises Act 1986 section 9; Conservation Act 1987 section 4; Education Act 1989 section 181(6)(added 1990); Crown Minerals Act 1991 section 4; Resource Management Act 1991 section 8; Foreshore and Seabed Endowment Revesting Act 1991 section 3; Harbour Boards Dry Land Endowment Revesting Act 1991 section 3; Crown Research Institutes Act 1992 section 10; Hazardous Substances and New Organisms Act 1996 section 8; Crown Pastoral Land Act 1998 section 25 and 84; Energy Efficiency and Conservation Act 2000 section 6; Hauraki Gulf Marine Park Act 2000 section 6.

STATE ENVIRONMENTAL POLICY

Prior to the 1970s the Government's approach to natural resource management reflected that of a developer.²⁵² Government departments were preoccupied with "...resource utilisation, regional economic expansion, and provision of infrastructure servicing" (McClelland & Smith, 2001a, p. 108). In the 1950s the Government reviewed Aotearoa New Zealand's environmental policy. As a result, in 1972 new environmental regulatory agencies were established including the Cabinet Environmental Committee, the Officials' Committee in the Environment, the Commission for the Environment and a Minister for the Environment. These agencies played a critical role in the 1980 environmental law reforms and the restructuring of environmental administrative and regulatory systems (McClelland & Smith, 2001a). A new direction in environment regulation began to emerge, one that challenged the Crown's previous agenda of economic expansion and rural and urban development and instead promoted sustainable management and a greater protection of natural resources (McClelland & Smith, 2001a). This shift in ideology was a response in part to international concerns and responses to enhance the life sustaining capacity of the environment (sustainability agenda). During the same period there was also considerable political support for greater recognition of human and indigenous rights. Global environmental initiatives and strategies,²⁵³ declarations (non-binding)²⁵⁴ and conventions (binding)²⁵⁵ were concerned about the impact of human activities and development on the health and abundance of the world's natural, and particularly non renewable resources. Together these initiatives and declarations supported resource management regimes that emphasised increased environmental protection and sustainable management of natural resources (McClelland & Smith, 2001a).

During the 1980s reviews of Aotearoa New Zealand's environmental policy, these international pressures had considerable influence and as a result sustainability and biodiversity became key principles that underpinned the new regime of environmental management in Aotearoa New Zealand. Increased Māori participation became a feature of the new regime. Moves to increase Māori participation were consistent with international trends for increased political recognition and provisions for indigenous rights. Furthermore increased Māori participation appeased continual demands from Māori for increased recognition of the Treaty of Waitangi and customary rights (Kelsey, 1990).

Sustainability though, was to be achieved within the confines of maximising "...the economic potential of New Zealand's resources and increase[d] productivity" (McClelland & Smith, 2001a, p. 723); a challenge indeed given the often divergent philosophical positions and outcomes of development, sustainable management and greater protection of natural resources. Nonetheless, the New Zealand Government made a commitment to sustainable management and set out to create an environmental regime that would transform the behaviour of resource users.

²⁵² The word developer is used here to differential from resource management practices that prioritise conservation or sustainability. Developer in this context refers to management practices that advocate resource use and exploitation.

²⁵³ For example, the Bruntland Report and the ICUN species and protected areas programme.

²⁵⁴ For example, the 1972 Stockholm Declaration and the Rio Declaration.

²⁵⁵ For example, the Bonn, World Heritage, Ramsar and the Convention on Biological Diversity.

The new environmental regime was required to reflect certain operational imperatives namely those of "...greater public service efficiency, accountability, transparency, and reduce[d] Government spending" (McClellan & Smith, 2001a, p. 709). This requirement resulted in an emphasis on public participation and consultation which was to become a feature of the environmental law reform process and provided a means for non-state agents and agencies such as Māori, to lobby and negotiate provisions for their own interests and political agendas. Furthermore, political commitment to honour the Treaty facilitated Māori participation in the environmental reform processes and in the development of provisions for Māori environmental interests.

All of these factors converged to generate a new political rationality of government that supported economic development, environmental sustainability, government at a distance and greater public accountability, including recognition of Treaty principles in legislation and the operations of government. Translating these at times conflicting agendas into programmes of government was not without its challenges.

CONSIDERING MĀORI INTERESTS IN STATE ENVIRONMENTAL POLICY

Sustainable use of natural resources was a key promise of the New Zealand Labour Party election campaign. When the Labour Party came into power in 1984 a series of state sector reforms were necessary to achieve the new Government's sustainability agenda and economic policies for restructuring and deregulation. In 1984 a new Minister of Conservation portfolio was created and one of the first tasks was an exploration of new environmental administration arrangements. By 1986 this exercise accumulated in the Environmental Act that established the office of Parliamentary Commissioner for the Environment (PCE) and the Ministry for the Environment. The main function of the PCE is to act as "...an independent 'watch dog' with powers of a commission of inquiry" (McClellan & Smith, 2001a, p. 148) whereas the Ministry for the Environment is "...an environmental policy agency to advise... on all aspects of environmental administration" (McClellan & Smith, 2001a, p. 149).

In 1987 the Conservation Act was enacted and the Department of Conservation established. The Department of Conservation is responsible for the management of protected areas and protected species. At the same time local government reforms were announced and Cabinet agreed to a review of all resource-use statutes. The local government reforms restructured local government and provided for the devolution of environmental protection responsibilities to regional councils under the RMA. The RMA was the result of the comprehensive review of all resource-use statutes. A summary of the environmental reforms process is provided in the following table. The remainder of this section provides a critique of Māori involvement in the environmental reform process and the integration of Māori interests in environmental policies and laws.

Table 10: Summary of environmental reforms process.

Year	Reforms process
1984	New Minister of Conservation portfolio created and new environmental arrangements developed.
1986	Environment Act 1986 established the office of Parliamentary Commissioner for the Environment and Ministry for the Environment.
1987	Conservation Act 1987 established Department of Conservation.
1987	Local government reforms announced. Local government restructured and environmental protection responsibilities devolved to regional councils.
1987	Cabinet agreed to a review of all resource-use statutes that resulted in the Resource Management Act 1991.

To determine the nature of the environmental reforms the state established review panels comprised mainly of environmental experts. The development of provisions for Māori interests was initially dependent on the capabilities of these experts to consider Māori environmental values, customary practices and Treaty rights. It was not common for scientific and technical experts to have a sound knowledge of Māori culture, custom or environmental knowledge and as a consequence the expert panels struggled to consider Māori environmental interests (McClellan & Smith, 2001a). The absence of Māori at the review panel level indicated that although statutory recognition (Treaty of Waitangi Act 1975) and political rhetoric (Labour 1972 & 1984 manifestos) signalled a political will to recognise the Treaty, operations of government did not reflect this commitment nor was it translated into specific initiatives and action.

An absence on these panels, of experts on Māori and Treaty issues meant that the capacity to identify environmental issues of importance to Māori and consequently determine the relevance of those interests to the environmental reforms was limited. As a consequence Māori perspectives of the environment and provisions for Māori interests in environmental management received very little or no attention in the early review exercises. For example, there was "...no explicit consideration of Māori interests in environmental protection and enhancement policy and guidelines during the 1970s and early 1980s" (McClellan & Smith, 2001a, p. 110); the Organisation for Economic Co-operation and Development (OECD) report motioned that, in relation to sewage treatment and disposal, Māori people had "...a preference for clean seafood." (McClellan & Smith, 2001a, p. 111; Organisation for Economic Co-operation and Development, 1981); the draft New Zealand Conservation strategy recognised that Māori had historically used flora and fauna (Nature Conservation Committee Technical Sub-committee, 1981), and; the Environmental Council report *Wetlands: A diminishing resource* on the environmental implications of wetland use and management mentioned that "...for centuries, Maoris used flax to make clothing and mats." (Environmental Council, 1983, p. 12). The brief, uninformed, and inadequate references to Māori interests across a range of environmental review reports demonstrated that Māori issues or at least the review panels' limited understanding of Māori environmental issues, were not considered relevant to the review process.

There are several possible reasons for the insufficient consideration of Māori issues in the initial environmental review reports. Firstly it is not possible

to consider or provide a critical reflection of Māori interests if there is no awareness or understanding of the issues. This can be exasperated when the tools of one knowledge system are insufficient for understanding the concepts of another system (Mutu as cited in Williams, 2001b, p. 13) or when two fundamentally different knowledge systems struggle to communicate. Metge (1978) refers to the latter dilemma as “talking past each other”.

Problems can emerge when the concepts and values of one culture are assessed against the cultural and intellectual knowledge base of another. This problem is exasperated by the association of knowledge with power and the tendency for some knowledge systems to promote the authenticity and validity of one system over others to create a position of power and authority. This type of tension or privileging does not support meaningful dialogue or facilitate understanding across knowledge systems or cultures. Rather it establishes the authority of certain forms of knowledge and ways of knowing. When certain forms of information are privileged over others those centres of knowledge that produce that information have greater control explicitly and implicitly over determining what information and viewpoints count and are heard. The composition of the review panel of mainly environmental experts illustrated that scientific and technological knowledge is a privileged and preferred source of expertise, specialist advice, and knowledge. Consequently, the experts from those centres of knowledge had more success in influencing and promoting their own agendas in government policy formulation, thereby having a greater influence in shaping the new state resource management system.

The interplay of knowledge, power and domination has been a constant feature throughout the environmental reform process. For example concerns raised by Peter Tapsell, MP for eastern Māori (correspondence to Minister for the Environment dated 3 May 1983) related to the inadequate consultation process and the inadequate references to Māori interests in the wetland report mentioned earlier, were dismissed by the Minister for the Environment. The Minister for the Environment indicated he had full confidence in the process adopted by environmental experts in the development of the report (McClellan & Smith, 2001c); a member of the New Zealand Māori Council “...had been involved in the work” (McClellan & Smith, 2001a, p. 132) of the task group, consultation had been undertaken with the Department of Māori Affairs and the New Zealand Māori Council had made a concerted effort to consult with the appropriate Māori group. The Minister was confident that this process enabled the Environmental Council to be exposed to sufficient information required to ascertain Māori interests and indicated that access to additional information was deemed unnecessary. Whether the advice from the New Zealand Māori Council member amounted to more than the flax reference that was incorporated into the final report is difficult to determine as the consultation process was not documented in detail. However, it is clear from subsequent research exploring Māori interests in wetlands²⁵⁶ that the cultural significance of wetlands to Māori and the scope of Māori interests in, wetland resources are much wider than flax, clothing and mats. The flax reference indicated that the Environmental Council had a limited understanding of Māori interests in wetlands and as a

²⁵⁶ Pond (1997a), Parks (2001; 2002) and White (1998) have all subsequently produced reports that indicate that Māori interests in wetlands extended far beyond the use of flax as stated in the Environmental Council report (1983).

consequence the report did not provide adequate consideration of these interests.

It is very likely that Tapsell's concerns related to the adequacy of the consultation process were valid as the first set of guides associated with best practice related to consultation with Māori did not emerge until the 1990s (Ministry for the Environment, 1991, 1992; Parliamentary Commissioner for the Environment, 1992). Also, it was not until 1993 that clarity related to the nature of consultation emerged with Justice McGechan's statement on consultation from the *Wellington International Airport Ltd v Air New Zealand Ltd* case (1993). McGechan's statement forms the basis of best practice of local government consultation with Māori (Local Government New Zealand, 1997, 1999, 2007b; Parliamentary Commissioner for the Environment, 1992, 1998). Therefore in the period that the Environmental Council prepared the wetland report best practice in consultation with Māori was in a developmental phase. A considerable period of time was to pass before best practice emerged. Therefore it is likely that consultation as practiced in 1983 was an inadequate strategy for increasing awareness and understanding of Māori interests in wetland resources.

The second reason for insufficient consideration of Māori issues in the environmental review exercises is associated with the politics of decision-making. Certain forms of knowledge such as science are accorded a privileged position in the state decision-making processes (Moewaka Barnes, 2006; L. T. Smith, 1999; Williams, 2001b). This is clearly evident in the Minister for the Environment's response to Peter Tapsell's concerns related to the wetland report as discussed previously. The response from the Minister for the Environment indicated that certain forms of information and expertise are considered more authoritative than others. In this case the advice of environmental experts and their respective centre of knowledge were considered more authoritative than that of Peter Tapsell and as a result the opportunity to be made aware of a Māori perspective and develop a better understanding of Māori interests in wetlands was ignored.

Protection of the privileged position of science is critical for maintaining power and authority and consequently advancing the interests and agendas of science in the decision-making process. The politics associated with this type of arrangement does not advocate the recognition or valuing of other world views or knowledge bases. In the Aotearoa New Zealand context science occupies a privileged position demonstrated by the large proportion of environmental, scientific and technological expertise that were either present or provided advice to committees involved in the environmental reviews.²⁵⁷ This privileged position of science is actively protected by the science sector. For example, during the reforms of the science sector (1983-1998) the validity of practitioners from the body of knowledge known as mātauranga Māori to access funds for scientific research was hotly contested (Dickison, 1994; McClean & Smith, 2001b; Ministry of Research Science & Technology, 1995). Opposition related to the recognition of mātauranga Māori was fundamentally a contest for power and authority. Recognition and provisions for mātauranga Māori within the Crown's science and research policies and institutions confirmed the legitimacy

²⁵⁷ For an outline of the membership of the different environmental review committees refer to the McClean & Smith's chapter on Resource Management Policy, 1983-1993 (2001c).

of mātauranga Māori as an authoritative knowledge system and established a competitive relationship between mātauranga Māori and science.

Decision-making at the state level is a highly political process and closely associated with issues of power and authority. Incorporation of interests is dependent on the political agendas of the decision-makers and on the ability of groups to lobby for the inclusion of their interests. Therefore participation at the decision-making level is hugely advantageous. Māori participation in the initial review process was limited to that of an interest group and therefore recognition of Māori interests was dependent on lobbying for political support from decision-makers.

A third reason for insufficient consideration of Māori issues was that during the early reviews of environmental policies (late 1970s, early 1980s) the Treaty was not a key consideration in the formulation of policy. Treaty policy was in its infancy so consideration of Māori interests was not accorded high priority. Although the political will to honour the Treaty was present mechanisms within the operations of the state were only just beginning to emerge. Furthermore the directive to consider the Treaty "...in all aspects of administration and in preparation of legislation" was not circulated until 1986 (Treasury Circular, 16 April 1986).

The accumulated impact of these attitudes, limited practices, and the absence of mechanisms for facilitating Māori interests through the Treaty resulted in Māori environmental agenda and interests being subsumed by the many voices lobbying to be heard and to be recognised at the decision-making level. Add to this the difficulties of decision-makers gaining an understanding of Māori interests it is no surprise that Māori environmental interests received scant attention in the initial phase of the review exercises.

It is difficult to develop government programmes and regimes of practice that acknowledges and provides for a Māori perspective or Māori interests if the problematic is not known. Access to and comprehension of information is vital if a problematic is to become known and a prerequisite to integration of those interests into legislation, policy and in this case environmental management practice. When that information lies outside the experience of the reviewer, the expert or the decision-maker, as was the case with Māori wetland knowledge and environmental experts, that information cannot be used to inform the review process as access to new experiences and new knowledge is a significant challenge.

MĀORI PARTICIPATION IN POLICY FORMULATION

Māori have a long tradition of participating in environmental reforms process to influence policy formulation and secure recognition and provisions for Māori environmental interests particularly Māori rights as guaranteed by the Treaty. The following table (Table 11) provides a summary of the forms of participation, by review or reforms, that were employed during the environmental policy reviews and development of new environmental administrative and regulatory system. A wide range of strategies have been utilised including political lobbying, expertise on official co-ordinating committees, steering groups or working parties, consultation, hui, commissioned reports, policy papers and discussion documents and public submissions.

Table 11: Māori participation in environmental review processes.
Source: McClean & Smith 2001

Review	Māori participation
<p>Early review exercises</p> <p>1. Town & Planning Act</p> <p>2. 1979 Organisation for Economic Co-operation and Development</p> <p>3. 1980 NZ Conservation Strategy</p> <p>4. Environmental Councils report on wetlands</p>	<p>Submission from New Zealand Māori Council (NZMC). Political support from Commission for the Environment for greater consideration of NZMC submission. Political lobbying from Matiu Rata for the inclusion of provisions that specifically address Māori interests and issues.</p> <p>Consultation hui at Hoani Waititi Marae to discuss issues of concern to Māori.</p> <p>No record of Māori engagement. Māori interests covered by generic provisions.</p> <p>Representation on committee, consultation with Department of Māori Affairs and other appropriate groups.</p>
<p>Environmental Administration Reforms</p> <p>5. 1984 Environmental Administration Reforms</p> <p>6. 1986 & 1987 review of environmental assessment procedures</p>	<p>Support from Koro Wetere, Peter Tapsell and Department of Māori Affairs for consideration of the Crown's Treaty responsibilities in relation to the reforms. 5 submissions from Māori communities or organisations that supported Waitangi Tribunal recommendations for reform of the planning system and changes that protected Māori values and interests. Department of Māori Affairs produced a discussion paper on the Māori environment for the 1985 Environmental Forum. Māori participation at the March 1985 Environmental Forum. Appointment of Māori expertise to Environmental Forum working party.</p> <p>Four members of the steering group were Māori.</p>
<p>Local Government Review</p> <p>7. 1987 review of Local Government</p>	<p>Two members with expertise on Māori and Treaty issues on Officials Coordinating Committee. A Māori Local Government Reform Consultative established to advise the Government of Māori interests. A paper on Treaty and Local Government prepared for Officials Coordinating Committee. March 1989 hui for Māori to discuss reform of Local Government.</p>
<p>8. Resource Management Law Reform (RMLR)</p>	<p>Phase I: A specific policy paper developed on Treaty of Waitangi and Māori environmental perspectives. These issues also covered in other policy papers commissioned for the reform. An Officials Working group was established to report on implications of the Treaty to reforms. Phase II: 33 consultation hui held and several submissions received from Māori. Phase III: Political lobbying for a strong Treaty of Waitangi clause to be incorporated into Resource Management Act.</p>

As discussed earlier Māori participation in the initial environmental review exercises was negligible. I have argued that low participation combined with a limited awareness of Māori environmental interests resulted in scant attention to Māori issues. However as the reforms process continued an increase in opportunities for Māori participation was seen and substantive changes emerged relating to how Māori environmental interests came to be considered.

Consultation with Māori in regard to the environmental reviews was recorded as early as 1979 in the OECD review of New Zealand's environmental policy. OECD delegates consulted with the Department of Māori Affairs and with Māori at a hui at Hoani Waititi Marae, Auckland on 10th October 1979 (Organisation for Economic Co-operation and Development, 1981) to identify Māori concerns and interests in environmental policy. However this strategy did not amount to substantive consideration of Māori issues as the sole reference to Māori interests in the final report was a statement related to a preference for seafood to be free from exposure to sewage (Organisation for Economic Co-operation and Development, 1981).

Consultation throughout the environmental reforms attracted considerable criticism. Challenges from Māori in relation to due process and ability of consultation exercises to provide for substantive Māori involvement and internalisation of Māori issues were repeatedly raised (McClellan & Smith, 2001a; Rikys, 2004). The intent, to facilitate Māori involvement in the environmental review process was sound. However, the practice was thoroughly inadequate for delivering the intended outcomes. Consultation did provide a forum for Māori issues to be voiced however many of the issues raised such as tight timeframes and inadequate consultation processes were not able to be resolved. Rather, it was implied that future consultation exercises would be modified to address these problems. Principles for best practice in consultation certainly indicate that many of these issues could be avoided or at least mitigated through improvements to the consultation process.

Another issue that was raised repeatedly during the consultation exercises was the ownership of natural resources. Māori argued that the Treaty guaranteed native title and customary rights over natural resources. The Crown assumed the right to administer the environment based on its radical title over Aotearoa New Zealand. Therefore the state did not consider it necessary to address or resolve Māori assertions of customary rights or ownership over natural resources before devising a system for resource management (M. H. Durie, 1998a; Hemi, 2003; McClellan & Smith, 2001c). Directives for the Resource Management Law Reform (RMLR) process (McClellan & Smith, 2001c) indicated that ownership of natural resources was not an issue for consideration rather the problematic of environmental management was defined as an issue of administration and management of access and use. Although the issue of ownership was not a consideration in the RMLR process this did not deter Māori from contesting the Crown's presumption of absolute authority of natural resources (McClellan & Smith, 2001a). Hapū continued to seek greater recognition of customary authority including the right to be involved in the management of natural resources within their ancestral area.

A Māori voice advocating for consideration of Māori relationships with ancestral land was present as early as 1974 when the Māori Council sought amendments to Town and Planning Act (R. Walker, 1990). The result was Section 3(1)(g) that recognised and provided for, "The relationship of the Māori

people and their culture and traditions with their ancestral land” (Town and Planning Act 1974). This provision was highly significant (Dalziel, Matunga, & Saunders, 2006; Rikys, 2004) as it signalled the first step towards embedding elements of Māori culture into the state environmental policy. The Town and Planning Act 1974 contained provisions for Māori relationships with ancestral land, involvement in planning of marae and urupa and tangata whenua representation on planning committees. The provisions however, did not find meaningful or substantive expression in practice. Representation for Māori on local authorities did not emerge until post 1985 (Rikys, 2004) and was a highly controversial issue that attracted considerable opposition on the basis that tangata whenua appointments undermined the electoral process. Implementation of Section 3(1)(g) was restricted due to a very narrow interpretation of, and some ambiguity over the phrase ancestral land. The 1978 *Qilter v Mangonui County* decision held that land no longer in Māori ownership was not considered ancestral land. As a consequence this limited the ability of Māori to protect their interests and exercise rights over land and natural resources that were not in Māori ownership but still considered to be of significant cultural importance. In 1987 the High Court in the *Royal Forest and Bird Protection Society v Habgood* held that ancestral land could not be limited to land owned by Māori and that agents and agencies responsible for Town planning must “...recognise and provide for, the relationship of Māori people and their culture and traditions with the land that was once theirs.” Translation of Māori specific provisions into substantive policy and practice was to become a reoccurring issue related to the expression of Māori interests in environmental policy.

The success of political lobbying at effecting change over the course of the environmental reforms was variable. Matiu Rata, Minister of Māori Affairs, was able to attain quite substantive provisions in the Town and Planning Act 1977 that addressed use of marae and urupa (Regional and District Schemes, First Schedule, clause 9(d); Second Schedule, clause 3) and representation on regional planning committee (Section 6(3)), although these provisions did not as mentioned earlier in this section translate to substantive changes in practice (McClellan & Smith, 2001c).

Matiu Rata was also instrumental in the emergence of legislation to establish the Waitangi Tribunal (Kelsey, 1990, pp. 20-21; R. Walker, 1990, p. 212). Although the Waitangi Tribunal is not strictly speaking part of the environmental administrative or planning system the Tribunal transformed Māori-Crown relationships and Treaty policy practices and therefore had a significant impact on the way that Māori interests were considered during the environmental reforms process (Hamer, 2004; McClellan & Smith, 2001a; Wheen & Ruru, 2004). For example Waitangi Tribunal recommendations from early environmental claims (Waitangi Tribunal, 1983, 1984, 1985, 1988a) recommended reform of the planning system and changes to legislation and policy to provide greater protection of Māori values and interests.

To some extent the effectiveness of political lobbying for Māori interests was related to the ability and willingness of state agencies and agents to internalise the Crown’s Treaty obligations and responsibilities. Despite the existence in the initial phases of the environmental reforms of a political will to recognise and provide for the practical application of the Treaty, operations of government that reflected this position were slow to emerge. For example,

options for the new environmental ministry released in 1984 attracted criticism from ministers, state departments, Māori²⁵⁸ and a working party of the 1985 Environmental Forum for the lack of consideration of Māori issues, concerns and the Crown's Treaty obligations and responsibilities (McClellan & Smith, 2001a, pp. 144-145). Such absences or lack of priority towards Treaty issues was inconsistent with the political rhetoric of the time to honour the Treaty. In this particular situation securing the inclusion of a reference to the Treaty in the long title of the Environmental Act 1986²⁵⁹ and the presence of a Treaty policy unit²⁶⁰ was dependent on political lobbying that demanded a greater consideration of Māori interests. Therefore political lobbying had a critical role in ensuring that Māori environmental interests, as guaranteed by the Treaty, were translated into environmental policy and practices.

The strength of Treaty clauses in environmental legislation and policy was a source of much debate and frustration during the environmental reforms process (McClellan & Smith, 2001c). For example several versions of the Treaty clause were developed in both the environment and the resource management bills and a number of amendments were made before the final version was agreed upon (McClellan & Smith, 2001a). In part this was due to a lack of clarity over the extent of consideration that should be given to the Treaty, ambiguity associated with the definitions and implications of Treaty principles and uncertainty as to whether the Crown's role and responsibilities as a Treaty partner could be delegated to local and regional level (McClellan & Smith, 2001a). Submissions from Māori urged for stronger more binding clauses to be developed while Treasury advised against the use of strong and binding Treaty provisions that could potentially limit the Crown's economic and developmental agendas (McClellan & Smith, 2001a). The final clauses were nonbinding. Treaty policy was increasingly being negotiated in relation to the core Crown public policy imperative of economic growth.

Nevertheless, by 1984 a substantial change to the way Māori participated in and how Māori issues were considered within the environmental review process emerged. By the 1990's Māori participation in the environmental policy submission process had increased, a series of techniques including internal and commissioned discussion documents, advisory forums and consultation were employed to determine Māori interests and a Māori presence started to emerge on policy formulation panels. What emerged was the application of the Treaty as a guiding principle in policy formulation. For example Māori participation in the environmental administration reforms included political lobbying, submissions and participation at the 1985 Environmental Forum. The state also commissioned reports on Māori interests. In the review of local government function, structures, organisation and funding (1987) the Treaty would be part of a series of principles that would "guide the

²⁵⁸ Five submissions related to the proposed Ministry for the Environment were received from Māori organisations: Tai Tokerau Federation of Māori Land Authorities, Huakina Development Trust, Centre for Māori Studies and Research, Waikato, Te Roopu Rawakore o Aotearoa and Robert Mahuta and others.

²⁵⁹ (c) Ensure that, in the management of natural and physical resources, full and balanced account is taken of – (iii) The principles of the Treaty of Waitangi.

²⁶⁰ Maruwhenua, a Māori secretariat was established to develop and implement Treaty policies in the new Environmental agency. This particular initiative was first suggested in a submission by the Centre for Māori Studies and Research, Waikato University, during the environmental administration reforms.

behaviour of the new units of Local Government” (Department of Internal Affairs, 1988, p. 2). Similarly, the RMLR (1987) was to be guided by a number of objectives that promoted equitable distribution of rights to resources, good environmental management, recognition of the principles of the Treaty and the rights of future generations (sustainability) (McClellan & Smith, 2001a). As a consequence Māori Treaty rights did receive considerable attention during all three phases of the RMLR. External discussion documents were commissioned, consideration of Treaty issues and Māori interests were expected across all policy papers commissioned for the reforms and an extensive consultation exercise was developed by the state culminating in 33 hui. Opportunities for Māori participation within the RMLR were considerable compared to previous practices employed during the environmental reforms. As the reforms continued better mechanisms for facilitating substantive Māori involvement emerged.

CONCLUSION

Durie argues that recognition of indigeneity is an Aotearoa New Zealand tradition as demonstrated in jurisprudence and Crown policy (M. H. Durie, 2002). Chapters Ten and Eleven certainly support Durie’s supposition. The Treaty of Waitangi 1840 recognised the unique rights of Māori as first or indigenous peoples exercising sovereignty over Aotearoa New Zealand before the Treaty was signed. This unique constitutional status was acknowledged in early case law²⁶¹ and reinforced by the Māori Representation Act 1867 that provided for Māori collective representation and participation in governance of the new colonial state. It is equally true that jurisprudence and Crown policy actively suppressed and at times rejected the terms of the Treaty and Māori rights.²⁶² However, recent governments since 1975 have made a concerted effort to acknowledge Māori rights and interests particularly by giving practical effect to the Treaty (M. H. Durie, 1998b, 2002; Kelsey, 1990; Te Puni Kōkiri, 2001). As a consequence there has been an increased recognition of Māori rights and Treaty principles in statute and government policy.²⁶³ But whether an increase in statutory provisions has resulted in substantial transformation of governance systems towards greater application of the Treaty is unclear. It is argued that the extent of statutory recognition has been controlled by the state constraining the types of activities that can emerge. Furthermore, statutory provisions are designed to protect the absolute authority of the Crown and facilitate key Crown agendas (Kelsey, 1990). For example the Waitangi Tribunal stated that the Crown’s foreshore and seabed policy would achieve “...reinstatement of (effectively) Crown ownership, elimination of the risk that Māori may have competing rights, and the ability of the Crown to regulate everything” (Waitangi Tribunal, 2004b, p. xiii).²⁶⁴

²⁶¹ For example refer to *R v Symonds*, Supreme Ct., [1840-1932] NZPC 390 & *Lundon and Whitaker Claims Act 1871* (1872).

²⁶² For example the Native Land Act 1862 was used to extinguish native title and *Wi Parata v Bishop of Wellington* (1877) challenged the constitutional status of the Treaty.

²⁶³ *He tirohanga o kawa ki te Tiriti o Waitangi* (Te Puni Kōkiri, 2001) provides a list of legislation containing Treaty references and a discussion of the role of the principles of the Treaty and Māori citizenship rights in policy formulation and guiding public sector performance.

²⁶⁴ Plenty of examples of the Crown’s manipulation of the law to secure its rights to absolute sovereignty and the right to govern can be found in a range of Waitangi Tribunal reports.

A reality is that giving practical effect to the Treaty challenges both the absolute authority and the economic development agenda of the Crown and as a consequence Treaty policy formulation and implementation has increasingly become controlled in such a way to diminish the influence of the Treaty and Māori interests on the operations of government (Kelsey, 1990). Promises from successive governments to honour the Treaty (Hamer, 2004; Kelsey, 1990; Labour Party, 1984) did not lead to prioritisation of the Treaty and Māori rights as expected by Māori (Hayward, 2003b; Kelsey, 1990).

Achieving substantive consideration of Māori environmental issues in the state environmental policy was directly linked to the capacity of the state to understand the nature and scope of Māori relationships with the environment. Limited understanding of Māori interests resulted in insufficient consideration of Māori issues as reflected by the absence of, or inadequate references to, Māori interests in initial environmental review reports.

Understanding Māori interests was complicated by the inability of science to recognise other forms of knowledge as valid sources and ways of knowing capable of informing policy formulation. Facilitating dialogue, interaction and collaborations between science and Māori knowledge has emerged as one strategy to resolve some of these contests of power and authority. The Ministry of Research, Science & Technology's Vision Mātauranga policy framework seeks to capitalise on the contribution of "...Māori knowledge, resources and people" (Ministry of Research Science & Technology, 2005, p. 2) to the research, science and technology sector. Building effective collaborative relationships has been a challenge and required the development of systems and processes for working together.

Engagement with Māori has been the key to building the state's capability to understanding Māori environmental interests and to recognise Māori forms of knowledge and ways of knowing. Developing adequate systems and processes for engagement has not been easy. During the environmental reforms process Māori and agents acting on behalf of the state had quite different ideas as to the form and function of consultation exercises. Consultation was promoted as the state's preferred form of engagement with Māori. However the mechanisms that emerged did not provide for considerable input from Māori or substantial consideration of Māori interests. During the environmental reforms process consultation manifested as soliciting a Māori perspective from staff in the public sector, from a Māori representative or occasionally from hui. Each of these forms of consultation attracted criticism related to the issue of representation. Could a public servant represent Māori? Would soliciting a Māori perspective from one person representing a specific Māori entity or one hui provide for the range of Māori perspectives and interests? All of these forms were incapable of providing a tangata whenua perspective. Determining who to consult has been a contentious issue from the onset of the environmental reforms process.

Māori have participated in the environmental reforms processes and employed a wide range of strategies to influence policy formulation. During the environmental reform process decision-makers were certainly exposed to constant and consistent demands for substantive recognition and provisions related to the Treaty and for Māori environmental interests. However exposure of decision-makers to Māori environmental interests did not guarantee a greater consideration of those issues. For example during the review of local

government (1987) at least two members with expertise in Māori and Treaty issues were present on the Official's Coordinating Committee, a consultative was established to advise on Māori interests, and a paper on the Treaty and local government was prepared by Shane Jones for the Officials Coordinating Committee. Despite the development of strategies for facilitating Māori input into the policy formulation process the Local Government Amendment Act (No 2) 1989 "...contains no explicit provisions for Māori interests, Māori representation, or the Treaty of Waitangi" (McClellan & Smith, 2001a, p. 157).

Securing substantive recognition and provisions for the Treaty and Māori environmental interests has been a long, at times frustrating process facilitated by continuous contestation of the dominant hegemony. The presence of Māori specific provisions in the RMA²⁶⁵ is the result of accumulated pressure from a range of diverse Māori perspectives, with a variety of interests. Although the strength of the Māori-specific clauses has been a source of contention and contests and challenges aside, emerging from the reform process was a quite substantive change to the way that Māori participated, and how Māori issues were considered, in the policy formulation process. Increased participation from Māori throughout the review transformed the policy formulation process. For example, challenges to the adequacy of public participation processes did result in changes to the regimes of practices and technologies utilised by the Crown to understand and consider Māori environmental interests. Māori participation in the environmental reform process was extensive. As a consequence Māori environmental interests became constituted into the new resource management statute.

Prior to the 1980 environmental reforms Māori specific provisions in legislation were quite limited, reflected only a small range of interests of importance to Māori and were seldom implemented effectively. However a key outcome for Māori of the reforms process was increased consideration of Māori interests particularly Treaty rights as the government prioritised giving practical affect to the Treaty of Waitangi. While the RMA provisions are not the first to recognise a Māori relationship with the environment, that prerogative belongs to the Town and Planning Act 1977, it has been argued that the provisions, "...strongly endorse Māori participation in the planning process and afford Māori interests greater significance to those of other parties. This in effect acknowledges Māori as treaty partners" (Jefferies, Warren, Berke, Chapman, Crawford, Ericksen, & Mason, 2002, p. 18). The new regime of resource management offered Māori the potential for substantive involvement in resource management according to tikanga and through the customary institution of kaitiakitanga:

The RMLR consultation process had two major impacts on Māori. The first was that, by and large, before this time Māori cultural and spiritual values were not a consideration in resource management practice. Now it seemed there might be a real and significant consideration of these issues as a result of the law reforms. The second impact was the increased demand to have representative Māori/iwi governance structures for local government to work with on resource management issues. Māori saw the possibility of a major change in the way resources were managed, and for the first time there might once again be a chance for Māori to manage 'their resources'. (Love, 2003, p. 25)

²⁶⁵ These will discussed in more detail in the following chapter.

There was high expectation that the RMA and the new local government system would provide for substantive participation of Māori in the state environmental administrative and regulatory systems (Dalziel, Matunga, & Saunders, 2006; Hayward, 2003b; Kennedy, 2008) and that this participation would directly translate into improved environmental outcomes. The next chapter explores the implementation of environmental provisions into practice.

ENVIRONMENTAL PRACTICE

Emerging from the environmental reforms of the 1980s was a new state environmental management system that began to consider rural and urban development within the context of sustainable management and increased protection of natural resources. The structures and processes of this new system are currently determined by four key pieces of legislation; the Environment Act 1986, the Conservation Act 1987,²⁶⁶ the Resource Management Act 1991 and the Local Government Act 2002.²⁶⁷ Environmental legislation²⁶⁸ established a policy and guidance role for central government and delegated responsibility for environmental protection and management to a range of central agencies and local authorities.

Provisions within the environmental statutes recognise and acknowledge Treaty rights, the customary institution of kaitiakitanga and provide for Māori participation in the management of natural resources at both decision-making and operational level activities of central and local government (Ministry for the Environment, 2010). Statute, therefore, is a key driver for state agencies and agents to initiate relationships with Māori (Local Government New Zealand, 2004) to realise the Crown's obligations and responsibilities under the Treaty.

This chapter uses an analytic of governmentality to consider first how policies and laws for recognising indigeneity in the management of physical and natural resources are put into practice and second, the effectiveness of these approaches at realising Māori environmental interests and increasing Māori participation in local government operations. Establishing relationships with Māori, known in the local government sector as engagement, has emerged as the primary strategy to increase Māori participation. Therefore a key focus of this chapter is engagement activities and the influence of engagement on local government operations.

Engagement is a term used in local government vernacular to describe a series of activities that are used to establish relationships with Māori. The activities can provide for a wide spectrum of involvement, from minimal to significant recognition and influence. The intent of engagement is to increase Māori participation in local government to fulfil the state's statutory requirements

²⁶⁶ The Conservation Act 1987 is not discussed in any length here or throughout the doctorate as this research is primarily concerned with the management of natural resources that are located outside of the conservation estate. I also need to acknowledge resource management can be affected by historic and cultural heritage management policies and laws. However this doctoral study does not consider the impact of these policies and laws as resource management as practiced by the active kaitiaki involved in this study was defined by the RMA and relationships were primarily with local authorities. As a consequence *Part three* of this thesis has a specific focus on the RMA and relationships with local authorities.

²⁶⁷ The Environmental Protection Authority Bill is currently being debated in Parliament. This bill has the potential to also play a key role in regulating Aotearoa New Zealand's environmental policy and resource management systems and processes.

²⁶⁸ Appendix One outlines the purpose of each Act and the relevant provisions for Māori. Some of these provisions have already been discussed in the previous chapter.

and to realise the Crown's Treaty and citizenship obligations to Māori. Examples of engagement include information sharing, consultation, joint action, shared decision-making and co-management (Local Government New Zealand, 2007b).

Māori-state engagement is a useful strategy for realising joint goals and interests. Wetland enhancement and restoration is an example of an engagement activity where Māori and the state (central and local agencies) can work together to address loss of biodiversity and environmental degradation. Experiences of active kaitiaki involved in this study are used in this chapter to explore the dynamics and complexities of Māori-state engagement relationships. This chapter closes with a summary of the affects of Māori participation in state resource management operations on the practice of kaitiakitanga. The summary is based on the critiques that have been developed in Chapters Ten to Thirteen.

MECHANISMS FOR IMPLEMENTING STATUTORY OBLIGATIONS

In practice the presence of statutory requirements related to Māori environmental interests requires consideration of the Treaty principles of partnership, participation and protection as the basis of Māori environmental rights. During the environmental reforms there was a considerable focus on the right to participate in policy formulation and the state environmental management system. For Māori this recognition has the potential to facilitate a degree of tino rangatiratanga and create increased opportunities for kaitiakitanga and positive environmental outcomes.

Recognition of Māori environmental interests can provide for a spectrum of involvement. At one end of the spectrum are low level involvement options such as consultation with limited ability to influence decision-making. At the other end are more substantial options of which a redistribution of power and authority from the Crown and its agencies, to Māori is considered an ultimate goal (Clark, 2003; Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2006).

There is no disputing the fact that the environmental statutes recognise Māori values and to some extent Māori authority. However, substantive expression of these provisions in environmental management practice has been slow to emerge. High level involvement options are not common and require considerable political support.²⁶⁹ Further, Māori environmental interests must be negotiated in relation to other statutory provisions within the acts as indicated by the following statement from the Environment Court:

The Court has to weigh all the relevant competing considerations and ultimately make a value judgement on behalf of the community as a whole. Such Māori dimension as arises will be important but not decisive, even if the subject matter is seen as involving Māori issues. Although the Māori dimension, whether arising from s 6(e) or otherwise, calls for close and careful consideration, other matters may in the end be found to be more cogent when the Court, as the representative of New Zealand society as a whole, decides whether the subject

²⁶⁹ "The Treaty's enforceability is dependent on the will of Parliament, meaning in reality on the whims of politicians" (Boast, 2003, p. 162).

matter has an adverse effect. In the end a balanced judgement has to be made. (*Living Earth Limited v Auckland Regional Council*²⁷⁰)

The Environment Court has made it clear that Māori environmental interests are one of a range of factors considered when making decisions related to the management of natural resources. Māori engagement in political lobbying and raising awareness of Māori issues is critical if Māori interests are to be adequately considered in the decision-making process. The ability of the judiciary system to adequately consider Māori interests is, for Māori, a concern. There are now experts within the Environment Court trained to take account of the Treaty and Māori culture and values (Ministry for the Environment, 2010). However much of the case law is based on Treaty principles which, as argued in Chapter Eleven, are not a good reflection of Māori expectations and interpretation of the Treaty. Regardless of this the principles are one of the few mechanisms available to facilitate Māori interests in environmental policy. There is no single principle capable of encapsulating the breadth of the spirit of the Treaty. Therefore simultaneous application of Treaty principles is the most advantageous method for realising the obligations and responsibilities of both Treaty partners. The way that the Environment Court considers Māori environmental interests reflects a commitment to the Treaty principle of participation but very little regard for other principles, particularly partnership. Furthermore whether participation alone can facilitate the principle of protection is uncertain. The point is that despite a statutory commitment to Māori environmental issues Māori interests can still be subsumed by the process. It is critical that Māori continue to assert constant pressure and engage in political lobbying to realise Māori environmental interests because the system is geared towards consideration of Māori interests rather than active protection.

Māori rights in relation to the ancestral landscape first appeared in planning legislation as part of the Town and Country Planning Act 1977.²⁷¹ The Resource Management Act 1991 (RMA) expanded on these provisions recognising the relevancy of the relationship of Māori with ancestral lands,²⁷² kaitiakitanga²⁷³ and the Treaty²⁷⁴ in the sustainable management of natural and physical resources.²⁷⁵ Furthermore, the RMA provided opportunities for Māori interests to be incorporated into regional plans of local authorities²⁷⁶ and as a consequence, “Tangata whenua involvement, as kaitiaki for the natural taonga in their area, in councils’ environmental management, is highly dependent on the RMA” (Parliamentary Commissioner for the Environment, 1998, p. iii).

The Local Government Act 2002 (LGA)²⁷⁷ consolidated Māori involvement in the operations of local government by requiring local government “...to maintain and improve opportunities for Māori to contribute to local

²⁷⁰ *Living Earth Limited v Auckland Regional Council* A126/2006(EC).

²⁷¹ Section 3(1)(g).

²⁷² Section 6(e).

²⁷³ Section 7(a).

²⁷⁴ Section 8.

²⁷⁵ Appendix 1 provides an overview of the purpose of the RMA and lists all of the relevant provisions for Māori.

²⁷⁶ Sections 61(2)(a)(ii), 66(2)(c)(ii) and 74(2)(b)(ii).

²⁷⁷ Appendix 1 provides an overview of the purpose of the LGA and lists all of the relevant provisions for Māori.

government decision-making processes” (section 4). Therefore recognition of the unique constitutional status of Māori is reflected by statutory obligations that require local government to establish systems and processes for Māori engagement. Facilitating Māori engagement creates opportunities for the expression of indigeneity, in this case the exercise of rangatiratanga and kaitiakitanga which can contribute to positive environmental outcomes.

In practice the presence of legislative provisions that recognise indigeneity and the Treaty has required central and local government to determine the nature, scope and extent of their statutory obligations to Māori and to develop effective strategies and initiatives to realise those obligations. Accordingly, much effort and resourcing have been directed towards interpreting legislative provisions (Crengle, 1993; Hayward, 2002, 2003a; Local Government New Zealand, 1999; Maynard & Reedy, 1999; Ministry for the Environment, 1995; Parliamentary Commissioner for the Environment, 1998), developing an awareness of Māori values and environmental interests²⁷⁸ and creating opportunities for Māori to participate in the operations of government by developing systems, processes and activities for Māori involvement in the operations of local government and resource management.²⁷⁹ Several of these issues will be explored in more detail in the section titled *From provisions to practice*.

Chapter Eleven discussed the role of the judiciary system in deciphering the Treaty of Waitangi and defining Treaty principles (Te Puni Kōkiri, 2001). However the insights that have emerged from this process “...were not formulated with local government in mind” (Boast, 2003, p. 166). Consequently during the two local government reforms in 1987 and 2000 there was some uncertainty as to the applicability of Treaty principles to local government operations (Chen & Palmer, 1999; Hayward, 2003a, 2003c). It was argued that local government is not the Crown and therefore not a Treaty partner (Boast, 2003; Chen & Palmer, 1999; Hayward, 2002, 2003a). The final provisions in the LGA support this understanding although do require local authorities to “...recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi” (section 4, LGA). The implication of section 4 is that the Crown’s obligations as Treaty partner can affect local government operations, “...local authorities must take the Treaty principles into

²⁷⁸ During the reform of environmental legislation and upon enactment of the RMA several publications were produced outlining Māori values and the customary practice of kaitiakitanga (Department of Conservation Te Papa Atawhai, 1994; Kennedy & Jefferies, 2005; Marsden, 2003a, 2003b, 2003d; Minhinnick, 1989; Ministry for the Environment, 2010; M Roberts, Norman, Minhinnick, Wihongi, & Kirkwood, 1995). In addition many local government authorities have commissioned resources to determine local values and interests of Māori (See for example, Love, Tutua-Nathan, Barnes, & Kruger, 1993; Whangapirita, Awatere, & Nikora, 2003). Some of these reports can be viewed or downloaded from council websites. See for example the Waikato Regional Plan, Matters of significance to Māori and the Regional Coastal Plan Tangata Whenua perspective both of which can be viewed at the council’s website. The Bay of Plenty Regional Water and Land Plan provides one of the more comprehensive overview of kaitiakitanga and the implications for resource management (<http://www.boprc.govt.nz/media/31139/Plan-081201-BOPRegionalWaterAndLandPlanKaitiakitanga.pdf>).

²⁷⁹ (Local Government New Zealand, 1997, 2004, 2007a, 2011; Ministry for the Environment, 1991, 1992, 1998, 1999a, 2000; Nuttall & Ritchie, 1995; Parliamentary Commissioner for the Environment, 1992; Te Puni Kōkiri, 1993a, 1993b).

account in exercising RMA functions, they are not subject to the Crown obligations under the Treaty²⁸⁰ (Ministry for the Environment, 2010, p. 298).

The basis of the local authority relationships with tangata whenua that have emerged under the RMA and the LGA is the unique constitutional status of Māori as asserted in the Treaty. However, the Treaty is not the only reason for developing a relationship with Māori. A key outcome of the reform process was to create structures and processes that increased community participation, including participation by Māori. Furthermore, as tangata whenua have an intimate relationship and knowledge of the local environment, active participation in local governance issues has the potential to contribute to positive community development and environmental outcomes (Local Government New Zealand, 2007b).²⁸¹ Therefore engagement with tangata whenua has the potential to realise improved environmental outcomes, a key objective of the RMA.

FROM PROVISIONS TO PRACTICE

A range of approaches for Māori participation in the operations of local government have been developed to ensure statutory obligations to Māori are met (Kāhui Tautoko Consulting, 2009; Local Government New Zealand, 2004). Three categories of local authority engagement with Māori have been identified by Local Government New Zealand (2004): involvement of Māori in council structures; council policies and practices for maintaining relationships with Māori, and; strategies that build capacity for engagement, including relationship monitoring. An overview of the types of activities that can occur under each category can be found in the following table, although it must be noted that additional activities to those listed are possible.

²⁸⁰ *Seatow Limited v Auckland Regional Council* [1994] NZRMA 204 (EC); *Hanton v Auckland City Council* [1994] NZRMA 289 (EC).

²⁸¹ Community involvement in decision-making is a feature of Aotearoa New Zealand environmental policies and laws (Ministry for the Environment, 1999b).

Table 12: A summary of Māori-Local Government engagement.
Source: Local Government New Zealand, 2004, p. 18-21.

Practice	Example
Involvement of Māori in council structures.	<ul style="list-style-type: none"> • Committees with Māori or iwi representation i.e. Māori standing committee, Māori advisory committee, iwi representative on committees, working parties and sub committees • Māori wards/ Māori constituencies
Council policies and practices for maintaining relationships with Māori.	<ul style="list-style-type: none"> • Co-management of sites and activities • Relationship agreements • Consultation policies and practices • Input into regional plans through for example incorporation of iwi management plans • Projects and funding
Capacity building for engagement.	<ul style="list-style-type: none"> • Iwi liaison and Māori policy units • Internal staff and councillor training • Monitoring of relationships • Māori hearing commissioners

The above table indicates a range of approaches have been developed capable of reflecting local context and the diversity of community dynamics and characteristics (Kāhui Tautoko Consulting, 2009; Local Government New Zealand, 2007b). One size does not fit all (Local Government New Zealand, 2007a) and the types of approaches that have emerged are dependent on local priorities, politics, and the capabilities and capacities of Māori and local authorities (Te Puni Kōkiri, 2006). As a consequence there is considerable variation in the way that each local authority engages with Māori in its territorial area. Thus, Māori engagement as directed by the RMA and LGA has resulted in fragmented practices across the country's many local authorities (Te Puni Kōkiri, 2006). Opportunities for Māori participation are not uniform and as a consequence in some areas recognition of Māori rights in local authority operations is limited. Capability and capacity of both Māori and state agencies are frequently identified as reasons for low levels of engagement. Building capability and capacity is not straight forward and dependent in part on support from central agencies. These deficiencies within Māori-local government relations were documented in 1995 by Peter Nuttall and James Ritchie. Other research has also noted inconsistencies in practices between councils and the presence of plans and policy statements that simply paraphrase legislative provisions (Jefferies, Warren, Berke, Chapman, Crawford, Ericksen, & Mason, 2002; Kennedy, 2008). In 1995 Nuttall and Ritchie recommended a national framework for monitoring and evaluating the effectiveness of councils' policies to achieve statutory requirements for Māori. Given the issues with developing effective practices across the country's many local authorities it would seem that such a framework is long overdue.

A range of mechanisms might exist to determine Māori aspirations and expectations related to local government business however, as Matunga

asserts, “The ‘talk’ needs to be ‘walked through’ by local authorities” (Matunga, 1993, p. 91). For example there is no point having an iwi management plan if it is not incorporated into council policy and planning documents. There is an expectation that Māori interests will be internalised into local government operations. The talk must be translated into action and the LGA strongly supports this position. Local authorities are statutorily obligated to demonstrate how iwi planning documents have been incorporated into local government operations. Section 66(2A)(a) states “When a regional council is preparing or changing a regional plan... the council must take into account any relevant planning document recognised by an iwi authority.” Matunga argued that due to this and similar clauses within the RMA Māori can “...reasonably expect that local authorities will incorporate these positions into their own resource management policy and plans” and that this practice is “...encouraged and expected by the Act” (Matunga, 1993).

Although there is considerable variation in application, the Treaty and engagement with Māori have become entrenched and accepted as a key part of the local government landscape. Consultation and iwi management plans are “...an integral part of the resource management framework” (Matunga, 1993, p. 91) and activities that improve the Treaty literacy of elected officials and staff are common practice (Local Government New Zealand, 2004). Therefore there is some indication of the presence of a political will and operational imperative to facilitate Māori environmental interests within the state resource management system.

CONSULTATION

Under the RMA consultation has been a popular mode for facilitating engagement. Popular in the context that if interaction or communication with Māori was required consultation was the most likely and frequent method employed. Consultation was however, not popular. Consultation has proven to be the source of much confusion, uncertainty and dissatisfaction mainly as it infrequently translated into high level involvement in decision-making (Cooper, 2003; Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2006). Part of the problem is associated with the different requirements needed for the resource consents, notice of requirements and plan development processes and as a consequence local government and Māori struggled to develop effective consultation mechanisms (Boast, 2003; Cooper, 2003; Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2006). There were problems associated with determining who to consult, diverging expectations around the purpose and outcomes of consultative exercises, inadequate processes, and capability and capacity issues. Although considerable practical experience including the development of principles and best practice for consultation (Local Government New Zealand, 1997, 1999, 2004, 2007a, 2007b; Ministry for the Environment, 1991, 2000; Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2006) and a substantive volume of case law associated with consultation (Ministry for the Environment, 1995, 1999a; Te Puni Kōkiri, 1993a) is available, consultation was and remains problematic.

More recent research related to local government and Māori engagement still reports problems associated with relationship building and participation in

the resource consent and council planning processes (Te Puni Kōkiri, 2006). As a consequence the state continues to develop resources to improve deficiencies in this area (Local Government New Zealand, 2007a, 2007b; Ministry for the Environment, 2010). In 2010 the Ministry for the Environment commissioned a paper to summarise Māori values and worldview for Environment Court commissioners or RMA hearing commissioners (Ministry for the Environment, 2010). The purpose of this paper was to address the low awareness of Māori issues in the Environment Court. It is commendable that initiatives continue to be developed to address awareness issues. However the fact that deficiencies are still present two decades after the system was developed, and at a critical decision-making level of the resource management process, is disappointing. All the effort and resources that have been funnelled into the production of reports and documents that explore Māori values and environmental practices have not made a significant contribution to building capacity across the entire sector as very few innovative Māori-state and Māori-local government relationships and power sharing arrangements have emerged.

Despite the presence of engagement deficiencies there are reports, based primarily on local authority perceptions, that suggest engagement with Māori under the RMA and LGA has progressively improved (Kāhui Tautoko Consulting, 2009; Local Government New Zealand, 2004, 2007a, 2011). However, both local authorities and Māori have indicated that there are “ongoing difficulties” (Ministry for the Environment, 2000, p. 20) despite a relatively good knowledge of the issues and some useful resources for improving engagement practices. There is room for considerable improvement in the consultation process.

The LGA with its emphasis on Māori involvement in decision-making²⁸² is one response towards resolving some of the issues that have emerged from consultation under the RMA experience. The LGA encourages local authorities to facilitate high level involvement opportunities for Māori in the operations of local government.

It is not unusual to find references to the Treaty of Waitangi or statements related to tangata whenua consultation in local authority policy manuals (Jefferies, Warren, Berke, Chapman, Crawford, Ericksen, & Mason, 2002; Nuttall & Ritchie, 1995). However, it has been argued that these references rarely translate into action and substantive engagement. Rather the majority of references merely paraphrase statutory provisions (Jefferies, Warren, Berke, Chapman, Crawford, Ericksen, & Mason, 2002; Kennedy, 2008). Walking the talk is a challenge. The political will may be present but more effort and facilitative processes are required if constructive and beneficial actions are to emerge. There are of course some notable exceptions. These include, the Māori constituency seats on Environment Bay of Plenty (EBoP)²⁸³ as an exemplar of Māori representation (Kāhui Tautoko Consulting, 2009; Waaka, 2007). The seats provide Māori with representation at the highest local government decision-making level. However there is very little interest to date from other local authorities to pursue the EBoP model. The recent creation of a super city in the Auckland area without provisions for Māori representation at

²⁸² Section 14(d) In performing its role, a local authority must act in accordance with the following principles — a local authority should provide opportunities for Māori to contribute to its decision-making processes.

²⁸³ EBoP is now known as Bay of Plenty Regional Council.

the highest level of governance is another example of the reluctance of the state to recognise Māori authority as endorsed by the Treaty (Hayward, 2010). The Auckland super city example is an interesting decision given that a Royal Commission and a number of citizens of Auckland supported Māori representation on the new Auckland council.

CO-MANAGEMENT

Co-management is another engagement activity that can provide for high levels of involvement in the management of natural resources. Co-management refers to a range of activities that provide for the sharing or transfer of authority and responsibility for resource management (Berkes, George, & Preston, 1991; Notzke, 1995; Wall, Hallman, & Skibicki, 1995). Co-management in this context usually refers to a relationship between communities and the state. In relation to Māori environmental rights co-management arrangements can facilitate exercise of tino rangatiratanga due to the possibility of involvement at governance and operational levels. In some cases co-management can provide opportunities for kaitiakitanga, for example if the agreement provided for the cultural assessment, monitoring and management of the ecological condition of waterways. Some forms therefore, of co-management can directly contribute to improved environmental outcomes.

There are a range of practices that can exist within co-management arrangements that can facilitate low to high levels of involvement in the management of natural resources (Berkes, George, & Preston, 1991; Taiepa, 1999). An example of low level involvement is where communities may be informed or consulted in relation to the management of a site, activity or specific resource. At the other end of the continuum community involvement may be expressed as arrangements for joint governance or possibly even delegation of power (Berkes, George, & Preston, 1991). LGNZ reports several co-management arrangements between Māori and local authorities (Local Government New Zealand, 2004, 2007a, 2011). However the data is insufficient to determine the full range of activities or the level and satisfaction of involvement by Māori. Formal arrangements such as memoranda of understanding and in some cases joint governance or management boards over mainly reserves or wahi tapu are present.²⁸⁴ Management of these types of sites does allow for regulation of resource access and use although resource use is limited to conservation, sustainable use (i.e. cultural harvesting), recreation or tourism.

One example of co-management that deviates substantially from this pattern is the co-management arrangement associated with gravel extraction from the Mōhaka River in the Hawke's Bay region (Local Government New Zealand, 2004). Unlike other arrangements that have emerged the gravel extraction example involves the regulation of resource depletion. Another emerging trend is the increase in the number of co-management arrangements associated with the protection of water bodies such as the management of Lake Ōmapere and Whāngārei Harbour. These forms of arrangements provide for a

²⁸⁴ For example co-management of Taharoa Domain, Kopurererua Valley, the Papamoa Hills Cultural Regional Heritage Park, Hoani Waititi Reserve, Waiōhiki marae wahi tapu, Ōtatara pā, Maraenui Marae and Te Whiti Park, Waiwhetu (Local Government New Zealand, 2004).

high level of engagement in the enhancement and restoration of wetlands and waterways (Local Government New Zealand, 2007a).

ENGAGEMENT

Māori participation has emerged as a key strategy in the process of translating statutory provisions into practice and a range of activities have been developed under the umbrella of engagement and new forms continue to emerge. However, the low level engagement options are the more frequent. Māori participation occurs primarily at the resource consents phase rather than involvement at the planning and policy-making levels (Te Puni Kōkiri, 2006). The state resource management system has demonstrated a reluctance to move towards any mechanism that requires a form of power sharing. Participation, particularly the safe low level engagement options have emerged as the minimum preferred pathways for realising the Crown's obligations and responsibilities under the Treaty. This position is hotly contested by Māori who instead place more emphasis on the Treaty principle of partnership and therefore have a preference to engage with the state in high level involvement activities (McClellan & Smith, 2001a; Te Puni Kōkiri, 2006).

Given the experience of recognising and providing for indigeneity in the environmental reforms process, the desire to engage in partnerships should come as no surprise to the state. Historically recognition of Māori rights in policy formulation has revealed an entrenched reluctance from the Crown to provide for substantial levels of tino rangatiratanga or Māori self-determination, which would require a redistribution of existing political, cultural and economic power. Further, tino rangatiratanga requires the recognition of group rights or in this case indigenous rights. However it was argued in Chapter Ten that the protection of individual property rights is a core function of the state and that recognition of indigenous rights challenges the supremacy of individual rights and consequently the basis of Aotearoa New Zealand's common law. As a result tino rangatiratanga is tightly controlled by the state to manifest as activities that do not contest the sovereignty of the Crown or undermine individual rights. Therefore, practices within state resource management systems suggest that any reference to the state's commitment to Māori self-determination is merely political rhetoric. I would go further to argue that progress in facilitating Māori participation in local government operations is a reflection of the principles of open government – increased community involvement, transparency and accountability - rather than any political commitment to Treaty policy. Facilitating Māori participation simply aligns with core principles of governance.

BUILDING RELATIONSHIPS

Engagement at the local authority level is concerned with developing effective Māori-state working relationships to identify Māori and local authority interests and priorities. The intent is to develop strategies for realising joint goals and interests (Local Government New Zealand, 2007b). For Māori a primary goal is to facilitate opportunities to engage in activities that allow for a high level of involvement that is consistent with the concept of tino rangatiratanga (Te Puni Kōkiri, 2006).

The working relationship between Māori and local government is not confined to provisions in the relevant acts and can cover a range of social, economic, cultural and environmental goals. Hirini Matunga (1993) argues that effective local government relationships provide a framework that can be replicated across other sectors in regard to a range of issues to progress not just Māori-Crown relations but also Māori relations with other sections of the community. Relationship building is a key purpose of the Treaty and has the potential to make a significant contribution to the development of a modern inclusive Aotearoa New Zealand nation state.

Engagement as it is expressed in the context of the RMA and LGA is clearly only concerned with participation of Māori in state and local government sectors. Efforts to achieve the statutory obligations of local government have involved the development of strategies to determine the aspirations of tangata whenua and realise those aspirations through the development of relevant systems, processes and activities. Engagement with Māori, therefore, has been a critical part of the process to achieving positive outcomes for Māori. However, such a focus does not directly contribute to improved environmental outcomes, rather the focus is building relationships between Māori and the state. In this context, relationship building and understanding Māori environmental interests have distracted from the business of developing strategies and activities that will contribute to the enhancement of natural resources, "...despite such initiatives,^[285] there is continuing damage to places and natural resources important to tangata whenua" (Parliamentary Commissioner for the Environment, 1998). Some progress has been made in the area of environmental monitoring however the focus in this area is developing tools to measure physical, cultural, spiritual and social dimensions of natural resources (Ministry for the Environment, 2006) that can be understood by science and used in the state resource management system. This information can inform kaitiakitanga however these types of tools do not necessarily build the capability of kaitiakitanga knowledge, ways of knowing or associated practice. Rather these new tools create new hybrid forms of knowledge that are linked to the state resource management system, environmental policy and practices.

PARTICIPATION IN RESOURCE MANAGEMENT

Based on information in Chapters Ten to Thirteen an analytic of governmentality using Rose, O'Malley & Valverde's (2006) four key concerns of governmentality is provided here to summarise how the state facilitates increased participation by Māori in current state resource management operations. This information is also summarised in Table 13. Many of the frustrations that Māori experience with the current resource management system can be linked to the state environmental statutory framework. The state resource management agenda is set by the Crown through its various agencies. The Ministry of the Environment and the Department of Conservation have specific responsibilities in this area. The responsibility to implement many of the Crown's resource management policies and laws has been devolved to local government. The role, functions and responsibilities of local government are set

²⁸⁵ Including iwi resource management units, iwi resource management plans and engagement with Māori by local authorities and developers.

by statutes and operations centre on delivery of core services such as network infrastructure, public transport, waste management, libraries, museums, reserves, recreational facilities and other community infrastructure (Section 11A of LGA2002). Section 3(d) of the Local Government Act 2002 does identify community wellbeing²⁸⁶ as a key purpose of local government operations. However an analysis of the community outcomes processes adopted by 85 councils revealed that Māori specific outcomes were not consistent across councils and that references to Māori specific outcomes in council's community plans was low accounting for only 2% of total references (Department of Internal Affairs, 2006). One conclusion that can be drawn from this data is that there are very few initiatives that directly address Māori community well-being aspirations including kaitiakitanga.

The state's resource management agenda is driven by an economic development imperative and the principles of open government that emphasis accountability and transparency in decision making and greater public participation. In 1986 the Crown policy to give practical application to the Treaty emerged. Therefore policy formulation and preparation of legislation is driven by economic development imperatives, principles of open government and consideration of the Treaty.

State environmental policies and laws provide recognition of the Treaty or Māori culture or provisions for Māori participation. Engagement with the state has emerged as the primary mechanism for increased Māori participation in state resource management operations. Systems and processes have been created to facilitate Māori participation with state and local government planning and policy formulation and in the resource consents process. While these mechanisms have increased Māori participation in the state's resource management operations opportunities to improve engagement and therefore participation exist across a wide range of areas within the state resource management system.

Another factor that limits the expression of kaitiakitanga is that the state and local government are required to balance multiple interests in resource access and use decision-making. Some of these interests such as resource exploitation are detrimental to kaitiakitanga. As a consequence, while kaitiakitanga is recognised by statute, opportunities to support Māori to exercise kaitiakitanga have been limited.

The statutory framework can change depending on state policies and laws. Therefore the fundamentals of local government operations can be quite fluid. In contrast the fundamentals of iwi resource management are reasonably fixed. This research has demonstrated that the drivers of kaitiakitanga practice have remained relatively constant over long periods of time. Practices may change and the ability to exercise tino rangatiratanga and kaitiakitanga have been constrained by the colonisation process. However the commitment to the Māori-whenua relationship and to protect local biodiversity and the health and ecosystem integrity remain as key drivers of hapū resource management decision-making.

²⁸⁶ Section 3: The purpose of this Act [Local Government Act 2002] is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act — (d) provides for local authorities to play a broad role in promoting the social, economic, environment, and cultural well-being of their communities, taking a sustainable development approach.

Table 13: A governmentality summary of Māori participation in state resource management operations.

Māori participation in resource management	
Who governs what?	State resource management agenda set by the Crown. Local government responsible for resource management. Tino rangatiratanga exercised over tribally owned assets and in some cases natural resources that are administered by state agencies.
According to what logics?	Economic development imperative, principles of open government and practical application of the Treaty.
What techniques?	Crown policies and laws (Environment Act 1986, Conservation Act 1987, RMA 1991 & LGA 2002). Engagement in state and local government operations.
Towards what ends?	Increased participation by Māori in state resource management operations.

It is the different dynamics that drive resource management decision-making of Māori and the state that is the source of Māori frustration with the state system. While the activities of the state are benevolent and there is a genuine commitment towards facilitating Māori participation, opportunities to realise Māori environmental rights and interests are limited by statute and the experience and training of state and local government elected officials and staff. Participation within the state resource management system that struggles to internalise Māori environmental agendas places a considerable burden on iwi.²⁸⁷

RESTORATION AS AN ENGAGEMENT ACTIVITY

Chapter Eight argued that, for a range of reasons, hapū interested in addressing environmental degradation of the ancestral landscape are often required to engage with external agencies particularly central and local government. The Māori-state relationship to address environmental degradation has been facilitated by the government's sustainability agenda as implemented through statutory mechanisms such as the RMA and LGA and environmental policy associated with the government's state of the environment and the biodiversity programmes. Therefore state environmental policy has provided opportunities for kaitiakitanga in the form of enhancement and restoration of wetlands and waterways. These activities can be conceptualised as an example of high level Māori-state engagement. This section of the chapter draws on the data from the case study and interviews with active kaitiaki to consider a range of issues that are associated with Māori-state engagement to enhance and restore wetlands and waterways. This discourse provides an understanding of the dynamics that emerge from this form of engagement.

²⁸⁷ Iwi is used here as in the current system local government engagement is mainly with iwi.

MUTUALLY BENEFICIAL RELATIONSHIPS

The participants interviewed in this study indicated that engagement with local government is a constant challenge. Developing mutually beneficial relationships can be complicated by contests over jurisdiction and authority. For example in relation to water bodies and waterways multiple state agencies can have overlapping jurisdictions and responsibilities. Determining which agency has responsibility or the authority to address environmental degradation can be difficult. Furthermore, differing interpretations of local government functions and responsibilities can lead to frustration and adversarial relations. For example hapū may view environmental degradation as a Treaty issue, the result of negligent state policy and practices (Coombes, 2007; Coombes & Hill, 2005; Tomlins-Jahnke, 1993). Given that local government have been complicit in the degradation of local ecosystems and that they have jurisdiction over the lakes and waterways, support for hapū-based restoration and enhancement activities would seem a useful mechanism to advance the state's sustainability policy and statutory obligations under 6(e), 7(a) and 8 of the RMA. However local government is founded on statute and only obliged to do what is required by law. Supporting hapū restoration and enhancement activities is not explicitly provided for in the RMA or LGA. Support for enhancement and restoration is dependent on local government leadership and alignment with local government policy, planning and core operations.

They [local government] have been helpful. I'm not saying that they have not been helpful... In the early years it was difficult to get more than a like ok, to get a commitment to being involved or it doesn't quite fit our policy and planning. (CS06/26494)

The experiences of the active kaitiaki interviewed in this study revealed that support from local authorities for hapū-based restoration projects was slow to emerge when these projects were initially being developed (CS03/6664; CS06/27267). Support did eventuate which indicates that local authorities do have the flexibility given suitable encouragement and motivation, to integrate new activities into local authority operations. Developing relationships between hapū and local government therefore, was critical for transforming local government practices. As one participant expressed it, "...that whole relationship thing is really, really important and you do need to strategise what the relationship is" (CS06/27394). Engagement is critical if restoration and for that matter other hapū environmental interests are to be worked into local government operations.

Two reasons were provided by the active kaitiaki as an explanation for the delay in support from local authorities. Firstly enhancement activities fell outside the core functions and operations of local government (CS06/26494; Forster, 2009a; Parliamentary Commissioner for the Environment, 1993a, 1993b) and secondly, working collaboratively was a relatively new process:

we had hui with different reps from district and regional council to say hey guys we need a hand, lets all meet up and try and do this together and work collaboratively. But the reality at that time was that everyone was not sure how to talk to each other and that is a common situation. (CS06/2847)

Convincing regional councils to support enhancement initiatives was facilitated by early successes, “*So you just go ahead and do it [restoration]. So you get out there with these positive projects and they go ah ha that looks pretty good and then you have, well now we’ll help*” (CS06/27097). As a result this particular project received contributions in the form of funding and support in kind, “*...they helped us with community funds and that kind of thing*” (CS06/27267). The use of the words *community funds* in this quote by the active kaitiaki is interesting. Firstly restoration is often considered a community activity rather than a core function of local government which indicates that environmental protection is not a priority of local government. Secondly encouraging tangata whenua to apply for funds designated for community raises the question of whether local government recognise the special constitutional status of tangata whenua. Other active kaitiaki in this project indicate similar experiences in that at the local government level support for hapū-based restoration programmes has been strongly associated with access to funds and expertise created to assist land owners to protect local biodiversity. These types of initiatives are typically not designed specifically to execute local government responsibilities to tangata whenua. Rather, these initiatives have been developed to facilitate the state’s sustainability agenda and are part of a suite of responses to support the purpose of the RMA. Given the special constitutional status of tangata whenua there is an expectation that other categories of funds should be made available by local authorities to fulfil the Crown’s Treaty obligations (CS13/9284).

At the national level there are resources available specifically for tangata whenua through the Department of Conservation (DoC). DoC administers the Ngā Whenua Rāhui Fund and the Mātauranga Kura Taiao Funds. The Ngā Whenua Rāhui Fund supports initiatives that protect “...indigenous ecosystems on Māori land”²⁸⁸ and the Mātauranga Kura Taiao Fund²⁸⁹ supports “...initiatives to retain and promote traditional Māori knowledge and its use in biodiversity management.”²⁹⁰ As discussed in Chapter Eight in the section titled *Resourcing* the active kaitiaki involved in this study have been resourceful and innovative as they have needed to access a range of funds including the DoC sources to progress the restoration agenda.

Developing mutually beneficial relationships can also be constrained by contests over policy. Diverging opinions related to appropriate land use can create difficulties in finding common ground and therefore arrest the emergence of improved environmental outcomes. For example Whakaki Lake is an important area for flood control. Historically a succession of local and regional government agencies have regulated the lake water levels to mitigate the affects of flooding in the catchment area (Parliamentary Commissioner for the Environment, 1993a, 1993b). Optimal water levels are an issue of concern for the Trust and highly contested. Farmers petition local government to keep water levels to a minimum to maximise the area of flat land adjacent to the lake that

²⁸⁸ Retrieved 17 May 2011, <http://www.doc.govt.nz/getting-involved/volunteer-join-or-start-a-project/start-or-fund-a-project/funding/for-landowners/nga-whenua-rahui/nga-whenua-rahui-fund/>.

²⁸⁹ The Mātauranga Kura Taiao Fund is part of the New Zealand Biodiversity Strategy.

²⁹⁰ Retrieved 17 May 2011, <http://www.doc.govt.nz/getting-involved/volunteer-join-or-start-a-project/start-or-fund-a-project/funding/for-landowners/nga-whenua-rahui/matauranga-kura-taiao-fund/>.

can be used for agricultural activities. However, the Trust who also owns a large proportion of the land around the Lake would prefer higher water levels to protect the local habitat and associated flora and fauna from the negative impact of dewatering events (Forster, 2009c; Parliamentary Commissioner for the Environment, 1993b). The contest over minimal water level indicates that it is not always possible to accommodate a diverse range of views.

EVOLVING RELATIONSHIPS

Local authorities are required to engage with Māori to fulfil their statutory obligations. All of the hapū based kaitiaki interviewed reported that local government agents whom they had developed a relationship with as part of the restoration programme had asked for advice on other hapū-related resource management issues. Therefore networks developed as part of the restoration programme led to further dialogue and new opportunities which is a positive consequence of developing mutually beneficial relationships. However not all of the active kaitiaki were mandated to provide a hapū position, “...we had to tell them in no uncertain terms we weren’t the local hapū just a restoration project on the stream and could provide some advice but in that regard we weren’t going to give them a hapū perspective” (CS04/13417). This type of practice indicated either a poor understanding of local tribal politics or a disregard for council protocols for engaging with Māori. Ignoring protocol has the potential to create considerable tension in the Māori-state relationship, “...they [Regional Council] were seeing us as the Māori in town” (CS04/13330). Simplifying Māori-state relations to a single relationship founded on opportunity rather than a consideration of local tribal and Māori politics ignores the complexity of, and has the potential to undermine, local tino rangatiratanga. Following established consultation protocol²⁹¹ is critical for maintaining mutually beneficial relations between Māori and the state.

While those interviewed indicated that they were open to providing advice to local authorities there was a strong indication that such activities can be a distraction from the core business of restoration.²⁹² Providing advice to local authorities can cause the hapū to neglect their own priorities and drain limited hapū resources.²⁹³

And what we found that we were stuck in this realm where we care about the environment so much that we were sort of compelled to do stuff about checking the lake or checking the streams so we respond every time there was a water extraction or a water discharge – we felt that we had to respond to it just to be seen to be there and all that. And all that was taking up so much time that you never got around to doing nothing for yourself. (CS13/718)

And,

We were trying to be the good guys and help everybody and this is what we believe is tangata whenua, please do this, please do that, and this wasn’t getting us anywhere really. Well to be fair we had lots of good wins and were

²⁹¹ Local government guidelines for best practice when consulting with Māori are readily available.

²⁹² CS13/437; CS09/10019.

²⁹³ CS13/6377.

getting a good reputation but at the end of the day we were flogging ourselves to do it and we didn't have [to]. (CS13/8660)

However, these comments indicate that engaging with local authorities is considered by active kaitiaki to be an important part of the practice of contemporary kaitiakitanga. Engaging in local authority processes provided a means to exercise a measure of tino rangatiratanga over the management of natural resources. This aspect of kaitiakitanga has been documented in other studies. For example one of the key findings of a Te Puni Kōkiri commissioned study that explored how Māori and local authorities were working together was that “No Māori group expressed a desire to receive fewer resource consent applications because they consider processing consents as a necessary part of kaitiakitanga” (Te Puni Kōkiri, 2006, p. 7). Providing advice to councils on resource consents has become one of the main avenues that Māori use to engage with the state (Te Puni Kōkiri, 2006). Providing advice to local government can assist in the development of policy and practices that are consistent with kaitiakitanga, assuming of course that Māori interests become translated into local government resource management policy and plans. Therefore engaging with the state is one way that hapū can exercise their mana whenua rights over natural resources. However, engagement in the consent process only informs decision-making and questions were posed by the active kaitiaki interviewed, as to whether involvement with the consents process is the best use of hapū resources and energies or is there a smarter way to progress hapū kaitiakitanga agendas?

I also realised that why should we be doing the Council's job for them, and why should we be doing the applicant's job for them? Because it is not our development we don't make any money out of these things. It is the dairy farmer down the road that gets all of the benefits from this thing – from us helping them get a consent. (CS13/3925)

Despite these challenges the active kaitiaki involved in this research indicated that there are considerable advantages associated with establishing relationships with regional councils (CS13/92516; CS06/30941). Engagement with local authorities is one of the few mechanisms that tribes can use to exercise kaitiakitanga over areas and natural resources of special cultural significance but not in Māori ownership (such as maunga, waterways, coastal areas). Engagement must however be strategic and clearly linked to hapū kaitiakitanga agendas. If the purpose and expected outcomes of engagement are clearly linked to hapū agendas then hapū are in a better position to determine whether it is to their advantage to be involved. Furthermore, two of the active kaitiaki indicated that in their opinion developing better relationships with their neighbours could also produce significant environmental outcomes.

the key to the future I believe in terms of resource management in this country... [is] farmers and land owners working together with iwi especially long term family farms if you can convince them, outside of the legal structures, have a relationship outside, convince them or get across to them why that river is important and why it would be cool for it to have whitebait, eels and healthy things in it then they would change their practice overnight. (CS13/88127)

And,

*Hapū are not going anywhere so it is within our own interest to develop constructive relationships. (CS05/13057)*²⁹⁴

When it comes to assertion of Māori rights there has been a tendency to focus on Māori-state relationships. I have argued earlier in this chapter that the basis of the Treaty is relationships and therefore in realising tino rangatiratanga over natural resources Māori should not limit relationships solely to the state. Other sectors of the community can assist with the facilitation of hapū kaitiakitanga agendas. Restoration of wetlands and waterways provides a good example of the importance of collaborations with community, neighbours, scientists and state agencies. It is in the best interest of the hapū to develop multiple relationships to build the capability and capacity to engage in restoration activities as enhancing the condition of ecosystems and natural resources can be a complicated process. It is often technically complex and expensive and as a consequence hapū need to develop relationships with a range of external agencies to access finance and specialist skills and expertise. Community relationships are also essential to maintain the momentum of and support for a project.

THE REGULATION OF KAITIAKITANGA

Engagement at the governance level and participation in resource management policy and plan formulation has the potential to have a greater influence on the types of activities that emerge from the state resource management system. It is at this level of state operations that Māori need to be adequately represented. It is necessary, however to acknowledge that engagement in the state resource management system only provides for a limited expression of tino rangatiratanga and kaitiakitanga. The function and operations of the state resource management system are defined by statute. As a consequence, in the state resource management domain the state controls the types of activities that can emerge and by extension regulates Māori resource management behaviour which includes the customary practice of kaitiakitanga. State regulation of the environment has not only transformed the physical landscape as outlined in Chapter Three, but changed the way that hapū interact with the environment. Given that the state controls how Māori participate within the state resource management system it is not surprising that there is a divergence between what hapū want to achieve and what is permissible within current practice. For example, the state has defined kaitiakitanga in this domain according to its own understanding and agendas. To be fair Māori values and advice from Māori tikanga experts have informed this definition. However, as I argued in Chapter Two the definition of kaitiakitanga in the RMA that has emerged is an inadequate expression of the depth and breadth of the concept of kaitiakitanga. The experiences of the Whakaki Lake Trust and the active kaitiaki involved in this study support the contention that kaitiakitanga is much more than "...the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship" (RMA section 2). This basic and generic definition provides only a shallow and

²⁹⁴ Similar thoughts were echoed by CS13/92516.

simplistic understanding of the concept of kaitiakitanga as practiced by the active kaitiaki involved in this study. The statutory definition does not acknowledge that kaitiakitanga has a developmental aspect that also advocates enterprise, prosperity and wealth. The customary concept of kaitiakitanga is as much about sustainable use as it is environmental protection and conservation.

Exercising kaitiakitanga has become synonymous with participation in the state resource management system. Māori participation in this domain has resulted in a limited range of kaitiakitanga activities. Kaitiakitanga from a hapū perspective is action focused and therefore needs to result in positive environmental outcomes. If advice to local authorities does not result in positive environmental outcomes can a claim towards exercising kaitiakitanga be made? It could be argued that a limited form of tino rangatiratanga is being exercised but not kaitiakitanga. A similar argument can be applied to the current system's preoccupation with issues of process and relationship building. When attention is directed towards issues of process, systems and structures a silence emerges with regard to certain issues such as addressing environmental degradation or consideration of sustainable resource use or determining the ownership of natural resources. Energies are diverted elsewhere and opportunities to resolve issues of key concern to Māori do not eventuate. Therefore, a closer realignment of statutory function with customary understandings of kaitiakitanga is critical if the state resource management system is to progress Māori environmental agendas.

MĀORI-STATE RELATIONSHIPS

The analytic of governmentality as applied in this study has provided a simultaneous criticism of the why and how of Māori-state relations: *why* are Māori-state relations contentious, *how* did these relations get that way, and *how* well do state provisions for Māori environmental rights realise the exercise of mana whenua obligations and responsibilities towards whenua? The focus of Part Three of this doctoral thesis therefore is an evaluation of the ability of environmental policies and laws to realise Māori environment rights and interests.

It has been argued in Chapters Ten to Thirteen that increased recognition of Māori environmental rights by the state in contemporary policies and laws are a response first to continued assertions from Māori since 1840 for the recognition of Māori sovereignty and authority. Second, a response to international pressure and trends for increased recognition of human and indigenous rights. The Treaty has been, at least for Māori, a key platform for asserting Māori rights and an enduring feature of Māori-Crown/Māori-state relations and contests over authority even if the Treaty's standing within the law has been until the 1970's largely ignored. The changing status of the Treaty in contemporary politics can be attributed to international pressures and trends for increased recognition of human and civil rights that convinced the state to adopt policies and laws that recognise indigeneity. These processes accumulated in statutory recognition through the Treaty of Waitangi Act 1975. This Act also established the Waitangi Tribunal that was responsible for reviews of the affects of Crown policies and laws on Māori relationships with the environment. Across a number of environmental claims the Tribunal recommended that statutory change was required so that Crown laws and practices would be consistent with

the provisions and principles of the Treaty. Although the Government and courts were not bound by Waitangi Tribunal findings and recommendations the Tribunal has made an important contribution to the recognition of Māori rights and interests in environmental policy and laws.

In Aotearoa New Zealand recognition of indigeneity has centred on giving practical application to the Treaty. Policy that focused on giving practical application to the Treaty emerged as a mechanism to give effect to Māori rights. As a consequence state policy formulation processes required a consideration of the Treaty and Māori culture. With respect to the environmental sector when the state's environmental policies and laws were being reviewed in the 1980s and new environmental administration and regulatory structures were being developed the Treaty was a key consideration in the policy formulation process and Māori participation was encouraged. Through commissioned reports, discussion documents and submissions Māori argued for strong binding Treaty provisions and recognition of Māori relationships with the environment across a range of statutes. Legislative provisions that recognised the Treaty, Māori relationships with the environment and culture appeared to create opportunities for increased Māori participation in the state's resource management system.

The state's resource management agenda is driven by an economic development imperative, sustainability and the principles of open government that emphasise accountability and transparency in decision making and greater public participation. The agenda itself is set by the Crown through its various agencies. The Ministry of the Environment and the Department of Conservation have specific responsibilities in this area. The responsibility to implement many of the Crown's resource management policies and laws has been devolved to local government.

The Environmental Act 1986, Conservation Act 1987, RMA 1991 and the LGA 2002 set the direction of state environmental policy and the functions of authorities that regulate resource use. All of these acts have references to the Treaty or Māori culture or provisions for Māori participation. Engagement with the state has emerged within these acts as the primary mechanism for increased participation in state resource management operations. Systems and processes have been created to facilitate Māori participation with state and local government planning and policy formulation and in the resource consents process. While these mechanisms have increased Māori participation in the state's resource management operations opportunities to improve engagement and therefore participation exist across a wide range of areas within the state resource management system. In addition to managing tribally owned assets the state resource management systems provides Māori with some opportunities for participation in physical and natural resource management through state agencies. Rose, O'Malley & Valverde's (2006) four key concerns of governmentality are used in the following table to provide a summary of Māori involvement in the management of natural resources.

Table 14: A governmentality summary of the management of natural resources.

Management of natural resources	
Who governs what?	State resource management agenda set by the Crown (Ministry of Environment, Department of Conservation). Responsibility for resource management devolved to local government. Māori management of tribally owned assets. Opportunities to participate in the management of natural resources under the jurisdiction of state agencies.
According to what logics?	Economic development, sustainability, efficiency and public accountability and the practical application of the Treaty.
What techniques?	Crown policies and laws (RMA, LGA, Environment & Conservation Acts). Engagement activities.
Towards what ends?	Increased participation by Māori in state resource management operations.

The state's resource management system indicates firstly an acceptance that Māori concepts such as mauri and kaitiakitanga should influence the way that natural resources are managed in Aotearoa New Zealand. Second, that there is an expectation that Māori participate in central and local governance of physical and natural resources. Environmental policies and laws are certainly capable of recognising indigeneity however this doctorate argues that from a Māori perspective legislative provisions for Māori environmental rights and interests are not a good facilitator of Māori relationships with, and obligations and responsibilities of mana whenua towards, the ancestral landscape.

Māori relationships with the environment ideally require a level of tribal control over resource access and use. Tribal control is critical for retention of spiritual and cultural relationships with whenua. Furthermore, relationships with whenua need to be actively maintained so that mana whenua obligation and responsibilities such as kaitiakitanga can continue to be exercised. Provisions within state resource management systems do not make a substantial contribution to these responsibilities.

Aotearoa New Zealand environmental policy is concerned with regulating human activities with the environment. Drawing on the concepts of governmentality a summary is provided in the next table of the thoughts that underpin actions in this sector and implications for the regulation of Māori relationships and interactions with whenua.

Table 15: A governmentality summary of environmental policies and laws.

Concepts of governmentality	Environmental policies and laws
Mapping systems of thought	Absolute authority of the Crown. Human and civil rights. Economic imperatives.
Programmes of government	Principles of open government. Treaty policy.
Regimes of practice & technologies of government	Systems and process for managing access, resource use and environmental protection. Development of systems and processes for Māori participation. Examples: consultation, engagement, resource consents process, regional plan formulation, restoration and enhancement.

The systems and processes for policy and law formulation are designed to protect the absolute authority of the Crown. The state is able to consolidate its own power and authority through the right to govern, set policies and laws and therefore regulate behaviours. Economic imperatives are a key driver of decision-making and at times the state's power is influenced or constrained by other imperatives. For example human and civil rights have been instrumental in providing for recognition of indigeneity in the operations of government.

Environmental management as a programme of government has been influenced by the principles of open government and Treaty policy. The principles of open government encourage public participation and Treaty policy encourages increased Māori participation in state operations. However Treaty policy has been heavily influenced by Crown interpretations of the Treaty. Moreover, use of Treaty principles to determine state responsibilities has resulted in an emphasis on the principle of participation. This emphasis does not align well with Māori interpretations of the Treaty. The principle of participation does not provide for substantial tino rangatiratanga as demonstrated by the limited expressions of mana whenua that have emerged in the current system.

The state's environmental management programme is focused primarily on managing access and use of natural resources. Such a focus does not provide opportunities to resolve long standing Māori-Crown ownership issues over natural resources. Furthermore active protection of natural resources is not a key consideration in the decision-making process. The system therefore is not a good facilitator of Māori environmental interests.

There are two areas within environmental practice that have significant implications for Māori participation in the state resource management system. First, Māori understandings and relationship with the environment has been critical for internalising Māori environmental interests in the state system and the system has demonstrated a high capacity to engage in activities for raising awareness. Second, considerable emphasis has been placed on Māori-state and Māori-local government engagement. These activities, although not particularly uniform across the country's local authorities, do provide opportunities for Māori to participate in the state's resource management systems. The key concern for Māori however is that these activities have not resulted in a re-distribution of power or made a substantive contribution to the

practice of kaitiakitanga. The system does have the capacity to develop power sharing arrangements that are a better reflection of tino rangatiratanga and through section 7(a) of the RMA makes claims to have regard for kaitiakitanga. It is clear that considerable transformation is still required if the state resource management system is to better reflect and be more responsive to Māori environmental rights and interests.

THE EFFECTS OF LEGISLATING FOR CULTURE

The current state resource management system recognises and provides for the practice of kaitiakitanga. At one level this allows for Māori understanding of the environment and Māori environmental interests to contribute to resource management. However the reality is that implementing these provisions requires that culture be transplanted into a Western system that is founded on protecting the absolute sovereignty of the Crown and struggles to recognise Māori culture and engage with Māori. Therefore in applying Māori cultural concepts within the state systems and processes the concepts have become simplified, static and bound to a limited range of actions and environmental outcomes. Furthermore Māori environmental interests are only one consideration in contemporary resource management. The expression therefore of provisions that recognise environmental indigeneity are dependent on maintaining the sovereignty of the Crown. As a consequence what emerges in the state resource management sector may bear little resemblance to tino rangatiratanga or kaitiakitanga. Kaitiakitanga is not an abstract philosophical concept. Kaitiakitanga is concerned with influencing natural and social systems and therefore characterised by actions that maintain appropriate cultural relationships with the ancestral landscape and facilitate positive environmental outcomes. Hapū need to be able to control the access, use and protection of natural resources to meet their responsibilities and obligations to the ancestral landscape. Hapū will delegate these responsibilities to hapū members. However when local government exercise these functions on behalf of hapū it is not kaitiakitanga and undermines hapū authority. Kaitiakitanga is more than policy formulation and planning. Participation in policy formulation and planning is a tino rangatiratanga or self-determination right which is quite distinct from kaitiakitanga that must be grounded in action.

The intent behind the RMA is demonstration of a respect for and recognition of Māori culture. Recognition therefore of the unique relationship that Māori have with the environment through the customary institution of kaitiakitanga is part of the intent. The Act clearly acknowledges kaitiakitanga as the preferred mechanism through which Māori exercise their obligations and responsibilities to the ancestral landscape. However the initiatives that have emerged in the state resource management system are a poor reflection of the potential of kaitiakitanga. Rather, the Act provides for a relationship between Māori and the state around issues related to resource management. This distinction is important to understanding the frustrations that Māori have voiced towards the opportunities that the current resource management system has provided. Hapū have expended much effort and resource towards participation in local council processes yet engagement at this level does not necessarily strengthen the relationship between hapū and their ancestral lands, waters and natural resources. Very few of the activities that have emerged to fulfil

environmental policy statutory obligations directly contribute to building the capability and capacity of hapū to practice kaitiakitanga over their tribal territory. Rather the activities have provided local authorities with a better awareness and understanding of Māori environmental interests. This does not necessarily translate into increased opportunities for exercising kaitiakitanga. If the legislation is to live up to Māori expectations it is therefore crucial that Māori continue to challenge the current systems and processes to effect change and facilitate a re-distribution of power and increased opportunities for exercising kaitiakitanga so that hapū can reconnect or establish stronger customary relationships with the ancestral landscape.

This research reveals that the incorporation of the customary concept of kaitiakitanga into statute has resulted in the co-option of kaitiakitanga. Within the state resource management system limits have been placed on the customary expression of kaitiakitanga. Critical dimensions of kaitiakitanga based on the exercise of mana whenua authority have not translated well into the state system. For example building the capacity of Māori to participate in the state resource management system has focused on increasing Māori literacy in state environmental procedures and processes. A growth in Māori resource managers and Māori resource units has been one response. However effective engagement requires strong mana whenua structures and active kaitiaki practices over the ancestral landscape. Building capacity at these levels is not part of the core operations of central and local government so there are very few opportunities for strengthening the kaitiakitanga knowledge base, ways of knowing and associated practices within the current system.

Instead kaitiakitanga is a good example of how the science sector has "...sought to rationalise Māori knowledge in Western terms" (Cunningham, 2000, p. 63). A preference for hybrid systems has emerged where cultural dimensions can be recognised and often quantified by science. While some of these products such as the cultural health index for streams and waterways (Ministry for the Environment, 2006) are extremely useful, the purpose is not to develop customary systems and practices but to create new systems that can straddle the mātauranga Māori-science divide (Cunningham, 2000; Moewaka Barnes, 2006). Research funding arrangements at this nexus also promote engagement or collaboration between kaitiakitanga practitioners and external agencies (Ministry of Research Science & Technology, 2005). This is another mechanism through which the state regulates the types of activities that kaitiaki can engage in and the outcomes. Strengthening the kaitiakitanga knowledge base, ways of knowing and associated practices is not the focus of these types of activities.

The hapū-based restoration experience has indicated that it is possible to contest the limitations that exist within current local authority practice and transform the resource management system to provide a greater alignment with, and expression of, the customary concept of kaitiakitanga. Engagement, constant political pressure and critical reflection of the integrity of the practice of kaitiakitanga are required by Māori to transform existing practice so that Māori environmental interests receive greater attention and to ensure that local authorities are more responsive to hapū understandings of what it means to be an active kaitiaki. Contests therefore, are important to transform systems, processes and practices to recognise and provide for Māori environmental

interests, and to maintain the cultural integrity of the customary practice of kaitiakitanga.

KAITIAKITANGA

The intent of this doctoral study is to develop a better understanding of the dynamics and complexities of the contemporary practice of kaitiakitanga. There are two specific foci: Māori relationships with whenua, and; Māori-state relations. Together these foci provide a platform to identify implications for the future development and practice of kaitiakitanga.

The research questions aimed to explore the contemporary practice of kaitiakitanga: what factors shape kaitiakitanga of wetland ecosystems, and; what are the affects of legislating for culture on the practice of kaitiakitanga? A case study of kaitiakitanga of Whakaki Lake, qualitative interviews with active kaitiaki and an evaluation of state environmental policies and laws were used to address these questions and theorise the dynamics and complexities of the contemporary practice of kaitiakitanga.

MAURI TŪ: RESTORING THE BALANCE

This study began by exploring the bond between people and place to ascertain customary relationships with whenua and the cultural value and relevancy of the ancestral landscape to hapū. It was argued that cosmo-genealogical orations and narratives provide a customary platform for comprehending the environment and systems for regulating human environmental activities.

Cosmo-genealogical orations and narratives were used to demonstrate that a Māori understanding of the environment created what Nin Tomas described as a bond that is “...immutable and inseverable” (Tomas, July, 1994, p. 40). This bond is achieved through the cultural precepts of mauri and whakapapa that established an interconnectedness with natural order within the world. All life forms both animate and inanimate are connected and interdependent and it is this bond that informs the relationships and interactions of Māori with the environment. Harmony and balance is achieved through reciprocal and symbiotic relations and Māori today play a key regulatory role in this system as kaitiaki.

TRANSFORMATION OF KAITIAKITANGA

The capability and capacity to act as kaitiaki however has been significantly influenced by the colonisation process. It has been demonstrated throughout this study that colonisation of the landscape not only modified the environment, but also introduced substantial change to Māori authority, culture, social and political order and, knowledge. As European notions of land tenure and land use began to dominate resource use and management in Aotearoa New Zealand, Māori authority over land use diminished and customary relationships with whenua began to change. Furthermore, the new colonial state rejected Māori perspectives of the environment and customary practices and

overtime Māori environmental knowledge, ways of knowing and associated practices became fragmented and knowledge development and transmission disrupted.

The new system threatened not just customary relationships with whenua, but also the integrity of indigenous ecosystems as demonstrated by the loss of native biodiversity and environmental degradation common today. As a consequence protecting the mauri of natural ecosystems has become a key hapū obligation and responsibility.

The experiences of active kaitiaki in this study clearly demonstrated that the connection of tribes to whenua remains strong despite the ancestral landscape and the tribal unit experiencing considerable transformation since British sovereignty was proclaimed over Aotearoa New Zealand. The case study of kaitiakitanga of Whakaki Lake confirmed that despite extensive transformation to the wetland ecosystem the lake remains highly valued by local Māori and that the remnant wetlands continue to make a significant contribution to the spiritual well-being and cultural identity of Māori. As a consequence a sustainability culture has developed along with a desire amongst the local hapū to care for and protect Whakaki Lake and its associated natural resources.

Protecting the mauri of natural ecosystems is an extension of social responsibilities that emerge from a customary understanding of the environment based on mauri and whakapapa. Therefore it was argued that mauri tū: restoring the balance of fragmented and degraded ancestral landscapes was an imperative that emerged from a whakapapa-based understanding of the environment and associated relationships with whenua. *In situ* real life experiences of active kaitiaki involved in this study confirmed the importance of mauri tū as a tribal imperative and provided exemplars of acts of kaitiaki that enhanced or restored wetlands, lakes, waterways and associated natural resources.

TOITŪTANGA: SUSTAINABILITY CULTURE

According to the active kaitiaki in this study hapū clearly desire to control and manage wetland or waterway resources consistent with the customary practice of kaitiakitanga. Hapū possess a strong sustainability culture or toitūtanga to ensure that the ancestral landscape continues to nurture the hapū and remains as a cultural and spiritual base for future generations. The customary practice of kaitiakitanga therefore continues to possess a contemporary relevancy. Restoration and enhancement programmes provide hapū with an opportunity to exercise mana whenua authority and customary obligations and responsibilities towards the ancestral landscape.

The Whakaki experience is just one example of toitūtanga, a sustainability culture that demonstrates the unique, durable and resilient bond between hapū and whenua. This case study emphasised that the dynamic nature of kaitiakitanga is critical for maintaining a contemporary relevancy and for creating new opportunities to interact, protect and care for whenua.

TIKANGA TIAKI

Flexibility is critical if the contemporary practice of kaitiakitanga is to address issues of environmental degradation of wetlands. The acts of kaitiaki

practitioners in this study participated in clearly demonstrated that contemporary kaitiakitanga is fluid and adaptive. It is this dynamicism that enables contemporary kaitiaki to respond to local environmental pressures and the changing priorities and concerns of hapū. New derivations of kaitiakitanga identified in this study included ecological enhancement, restoration and engagement. These activities were able to contribute to improved environmental outcomes of fragmented and highly modified wetland and waterway ecosystems and associated natural resources.

Tikanga tiaki or guardianship customs that facilitated environmental protection were used by the participants in this study to realise hapū obligations and responsibilities to wetland ecosystems. This demonstrated that contemporary kaitiakitanga has evolved into a highly organised and strategic activity. Increasingly, hapū are establishing formal legal arrangements (i.e. Trusts) to undertake enhancement work and exercise kaitiakitanga to operationalise the range of strategies that are required to address the full array and complexity of modern environmental pressures.

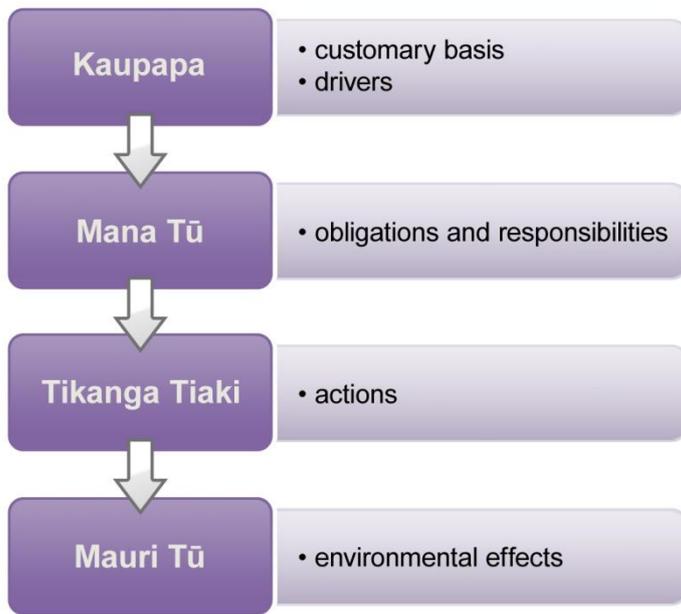
Kaitiakitanga in the form of wetland enhancement and restoration activities can be constrained by issues of resourcing and access to specialist knowledge. However hapū involved in this study have developed some innovative strategies for resolving these issues. Engagement with external agencies is one strategy that has emerged to secure external funding and address capability and capacity issues related to the technical side of enhancement and restoration. Another strategy was engagement with other hapū involved or interested in wetland enhancement or restoration. All of the active kaitiaki involved in this study engaged in intertribal alliances to share knowledge, resources and experience of the enhancement and restoration process.

ACTS OF KAITIAKI

Kaitiakitanga is a practice it is not an abstract notion. Kaitiakitanga does have abstract components as its customary basis (kaupapa) is premised on philosophical concepts such as mauri and whakapapa encoded within cosmogenealogy. This customary basis is important as it establishes and drives (provides the motivation) hapū obligations and responsibilities towards whenua (mana tū). The data in this study however, clearly indicated that the relevancy of kaitiakitanga is derived primarily from its effects. As a consequence action (tikanga tiaki) is a defining characteristic of the practice of kaitiakitanga; kaitiakitanga must result in positive environmental outcomes (mauri tū).

The figure below demonstrates the relationship between customary knowledge and cultural drivers or motivations (kaupapa), obligations and responsibilities (mana tū) and acts of kaitiaki (tikanga tiaki). Achieving positive environmental outcomes (mauri tū) is dependent on the ability of the customary base (kaupapa) and obligations and responsibilities (mana tū) to compel actions (tikanga tiaki) that enhance the mauri (mauri tū) of the ancestral landscape. This flow diagram is useful for emphasising that kaitiakitanga is more than a philosophical position or environmental ethic. Kaitiakitanga is a process for regulating human activity that maintains or enhances the mauri of whenua.

Figure 8: A framework for conceptualising the practice of kaitiakitanga.
Graphics by Andre Te Hira.



TINO RANGATIRATANGA

The ability of hapū to practice kaitiakitanga is linked to recognition by the state of the role and authority of mana whenua. Māori-state relations therefore are a critical dimension of the contemporary practice of kaitiakitanga. The analytic of governmentality as applied in this study has provided a simultaneous critique of the *why* and *how* of Māori-state relations: *why* are Māori-state relations contentious, *how* did these relations get that way and, *how* well do state provisions for Māori environmental rights facilitate mana whenua obligations and responsibilities towards the whenua?

RECOGNITION OF INDIGENEITY BY THE STATE

Alienation of Māori from the ancestral landscape and minimisation of customary authority was critical for establishing the absolute sovereignty and control over natural resources by the new colonial state. Crown policies and laws particularly those based on private property rights consolidated the authority of the settler regime of resource management. Increasingly these policies and laws began to control and limit the types of environmental activities that Māori could practice. The new settler resource management regime weakened customary connections with whenua by reducing opportunities to exercise ahikā rights, mana whenua responsibilities and obligations, and practice subsistence horticulture and customary harvesting.

Prior to 1975 state recognition of indigeneity was limited and culminated in negligible consideration of Māori environmental interests. This situation began to change in the 1970s. International pressure for greater recognition of individual and indigenous rights and vocal protests from Māori to honour the Treaty prompted a radical reconsideration of the role of the Treaty in state policies and laws. Political commitment emerged to give practical application to the Treaty.

Through the Waitangi Tribunal Māori demanded greater recognition of Māori interests in state environmental policy based on the Treaty. Māori also challenged the state to take responsibility for the effects of the settler regime of resource management on the state of the environment. These demands aligned well with the 1984 Labour Government agenda for environmental sustainability and Treaty policy. As a consequence, when the state's environmental policy was restructured, an emphasis was placed on recognition and provisions for Māori environmental interests and increased participation by Māori in state resource management operations.

Therefore, the Treaty has had a significant influence on the operations of government to recognise and provide for indigenous rights and the special constitutional status of tangata whenua. In practice such recognition has led to Māori-Crown dialogue on a range of issues. In the resource management sector this dialogue has resulted in an increased awareness by the Crown of a Māori understanding of the environment and provisions for environmental indigeneity.

THE EFFECTS OF LEGISLATING FOR CULTURE

Environmental policies and laws that recognise and provide for Māori relationships with whenua accept that Māori culture has a contemporary relevancy in the management of natural resources. However the opportunities that have emerged in the sector are from a Māori perspective, inadequate to express of the authority of mana whenua and Māori environmental interests. What has become clearer in the sector is that there is considerable divergence in the positions of Māori and the Crown in relation to recognition of Māori authority (tino rangatiratanga) and ownership of natural resources. An inability to arrive at a consensus around these issues has led to tension in the Māori-Crown/Māori-state relationship and, at least for Māori, inadequate expression of indigeneity and a restriction of Māori development aspirations as framed by the Treaty.

From the state's perspective increased opportunities for Māori participation in state resource management operations is considered sufficient to recognise Māori environmental rights. Engagement is promoted as the primary mechanism for achieving this objective. Systems and processes have been created to facilitate Māori participation within state and local government planning and policy formulation and in the resource consents process. While these mechanisms have increased Māori participation in state resource management operations involvement at the decision-making level is infrequent. For Māori this situation is an inadequate expression of tino rangatiratanga and is inconsistent with the spirit of the Treaty. In relation to resource management Māori seek a re-distribution of power not just participation. The goal is substantive involvement at decision-making levels.

Currently Māori and the state have very different perspectives and expectations of the Māori-state relationship although these goals are not necessarily divergent. There are several forms of engagement including power-sharing or devolution that provide for a re-distribution of power. However there are few cases where power sharing or devolution has occurred. Until re-distribution of power is a more frequent reality within the state resource management system contests over authority and contentious Māori-state relations will continue to be the norm.

The state's resource management system indicates first an acceptance that Māori concepts such as mauri and kaitiakitanga should influence the way that natural resources are managed in Aotearoa New Zealand. Second, that there is an expectation that Māori participate in central and local governance of physical and natural resources. Environmental policies and laws are certainly capable of recognising indigeneity. However this doctoral study argues that from a Māori perspective, legislative provisions for Māori environmental rights and interests do not adequately facilitate Māori relationships with whenua or acknowledge mana whenua authority over the ancestral landscape.

The RMA clearly acknowledges kaitiakitanga as the preferred mechanism through which Māori exercise their obligations and responsibilities to whenua. However the initiatives that have emerged in the state resource management system are a poor reflection of the full potential of kaitiakitanga. In transposing Māori cultural concepts into the state systems and processes the concepts have become simplified and constrained by a limited range of actions and environmental outcomes. An effect of legislating for culture is that expressions that emerge in state settings bear little resemblance to the primary concept. A divergence emerges between what hapū want to achieve and what is permissible within current practice.

The RMA recognises the unique relationship of Māori with the environment. However, what it provides for is a relationship between Māori and the state in relation to resource management issues. The RMA therefore does not necessarily facilitate Māori relationships with the environment. Rather, the Act requires regulatory authorities to take into consideration Māori relationships with the environment only in relation to its own functions and operations. This distinction is important to understanding the frustrations of Māori towards the current resource management system. Hapū have expended much effort and resource towards participation in local authority processes yet engagement at this level does not necessarily strengthen the relationship between hapū and their ancestral lands, waters and natural resources. Very few of the activities that have emerged to fulfil environmental policy statutory obligations directly contribute to building the capability and capacity of hapū to practice kaitiakitanga over their tribal territory. Rather the activities have provided local authorities with a better awareness and understanding of Māori environmental interests. This does not necessarily translate into increased opportunities for exercising kaitiakitanga. If the legislation is to live up to Māori expectations it is therefore crucial that Māori continue to challenge the current systems and processes to effect change and facilitate increased opportunities for exercising kaitiakitanga so that hapū can reconnect or establish stronger customary relationships with whenua.

This research reveals that incorporating the customary concept of kaitiakitanga into statute has resulted in the co-option of kaitiakitanga. For Māori engagement in the state resource management system currently only provides for a limited expression of tino rangatiratanga and kaitiakitanga. The state controls the types of activities that can emerge and by extension regulates Māori resource management behaviour which includes the customary practice of kaitiakitanga. Māori engagement at the governance level and participation in policy and planning formulation has the potential to mitigate state co-option of kaitiakitanga and enable Māori to have a greater influence on the types of

opportunities and activities that emerge from the state resource management system.

Exercising kaitiakitanga has become synonymous with participation in the state resource management system. However by participating in activities determined by the state Māori energies are diverted away from hapū environmental priorities, obligations and responsibilities. Critical issues of ownership and addressing environmental degradation are subsumed by the state agenda. Engagement with the state provides for a limited form of tino rangatiratanga but seldom kaitiakitanga as participation in state operations does not always contribute directly to environmental outcomes or recognise mana whenua authority.

The hapū-based restoration experience has indicated that it is possible to contest the limitations that exist within current local authority practice and transform the resource management system to provide for a fuller expression of kaitiakitanga. It was argued that engagement with the state, constant political pressure and critical reflection of the integrity of the practice of kaitiakitanga are required by Māori to transform existing practice so that Māori environmental interests receive greater attention and to ensure that local authorities are more responsive to hapū understandings of what it means to be an active kaitiaki. Māori-state contests therefore, are critical to transform state systems, processes and practices towards greater recognition and provisions for core Māori environmental interests and kaitiakitanga.

RELATIONSHIPS

Relationships and contests over authority were two themes that emerged as significant in this study. The relationship between Māori and whenua is the basis for grounding a community in its culture and histories and for connecting tribal members to tupuna, to each other (within the tribe) and to others (other tribes and non-Māori). Māori relationships with whenua are enduring as demonstrated by the intergenerational bond between peoples and place despite substantial transformation of the physical environment and disruption to customary institutions and practices. Finally relationships between Māori and whenua are constantly evolving in response to changing priorities and needs of communities and as demonstrated in this research, in response to agendas and operations of the state.

Māori-state relations were the focus of Part Three: *The politics of mauri*. Contests over authority have been a constant feature of Māori-Crown, Māori-state relations, particularly disregard by the state for the authority explicit in the concept of mana whenua. This has led to a constant struggle between tino rangatiratanga and Crown sovereignty. The contention between Māori and the state becomes visible upon an exploration of the effects of state policy on the contemporary practice of kaitiakitanga. Several contests over authority emerge: Māori versus European land tenure systems; subsistence horticulture and harvesting versus agricultural development; wetlands versus farmlands and; tino rangatiratanga versus Crown sovereignty.

CONCEPTUALISING CONTEMPORARY KAITIAKITANGA

Kaitiakitanga of wetland ecosystems, at least as it is practised by the kaitiaki involved in this study, can be conceptualised as four distinct but interrelated dimensions - mauri tū: restoring the balance; toitūtanga: sustainability culture; tikanga tiaki: acts of kaitiaki and; tino rangatiratanga: Māori authority and control.

Mauri tū refers to the cosmo-genealogical orations and narratives, cultural precepts and drivers that establish hapū obligations and responsibilities towards the ancestral landscape. It was argued that culture and the connection between people and place was critical for generating a sustainability ethic (toitūtanga) that has emerged today as a strong imperative to protect the mauri of compromised ecosystems. While maintaining a dynamic balance between human activity and natural systems has always been a focus, the scale of environmental degradation that has emerged in recent decades means that restoring the balance has become a key objective of contemporary kaitiakitanga.

Māori therefore have developed a strong sustainability culture (toitūtanga) based on tikanga tiaki, actions and practices to realise hapū obligations and responsibilities towards the environment and future generations. With regard to kaitiakitanga of wetland ecosystems hapū adapted new derivations of kaitiakitanga such as wetland enhancement and restoration to reassert and sustain customary relationships with the whenua. However, in operationalising contemporary derivations of kaitiakitanga hapū have had to address issues of resourcing, access to knowledge and engagement with external agencies. As a consequence forming new relationships (engagement) with external agencies has become a key feature of the contemporary practice of kaitiakitanga.

The final dimension of the frame for understanding contemporary kaitiakitanga is tino rangatiratanga: Māori authority and control. This dimension acknowledges the role of tangata whenua with the power to enact mana whenua to exercise kaitiakitanga thereby realising Māori environmental interests. Addressing environmental degradation requires the exercise of mana whenua and the assertion of tribal authority over a defined territory that in the past needed to be recognised by neighbouring tribes and in the present requires recognition by the state. Operations of the state have had a significant impact on the regulation of kaitiakitanga. Constant assertions of tino rangatiratanga have been a sustained feature of Māori-Crown and Māori-state relations and a necessity to convince the state of the importance of kaitiakitanga in resource management. Exercise of tino rangatiratanga has been a prerequisite for the transformation of state environmental policies and laws to first recognise Māori environmental interests and second increase Māori participation within the state resource management system. It was argued that it is necessary to reconstruct the Māori-state relationship to address issues of power, authority and domination to strengthen customary relationships with whenua and build resilient Māori communities.

Table 16: A frame for understanding contemporary kaitiakitanga.

Cultural precepts	Features
Mauri Tū: Restoring the balance	Cosmo-genealogical orations and narratives form customary basis (kaupapa) of kaitiakitanga. A customary relationship with the environment is based on whakapapa and necessitates the protection of mauri. The customary basis of kaitiakitanga establishes the obligations and responsibilities of hapū.
Toitūtanga: Sustainability culture	Obligations and responsibilities of hapū towards whenua Key foci of this dimension are the <i>in situ</i> , real life application of kaitiakitanga and tribal authority, realising hapū obligations and responsibilities towards the environment.
Tikanga tiaki: Acts of kaitiaki	Kaitiakitanga must link to improved environmental outcomes. Example: hapū-based enhancement and restoration of wetlands and waterways.
Tino Rangatiratanga: Māori authority and control	Continued exercise of mana whenua. Recognition of indigeneity by the state. Recognition of the Treaty and the right of Māori to be involved in resource management by the state. Māori-state relations that recognise Māori environmental interests and provide for Māori participation in resource management.

The framework for understanding contemporary kaitiakitanga outlined in the above table emphasises that expressions of kaitiakitanga are dependent on customary base (mauri tū), on authority (tino rangatiratanga) and the internal capability and capacity (toitūtanga and tikanga tiaki) of hapū to act.

IMPLICATIONS OF FRAMEWORK

What this doctoral study has revealed is that state definitions and provisions for Māori relationships with whenua are inadequate in realising the full potential of Māori environmental interests. A key reason for this is that current resource management practices are geared towards achieving state and local government responsibilities. A reality is that Māori environmental interests and agendas do not fit neatly into regulatory authority functions and responsibilities. As a consequence Māori energies are co-opted by the state into activities secondary to kaitiakitanga.

The main point here is that Māori environmental interests originate outside of the state and local government frameworks. Engagement with the state for Māori therefore is not so much about assisting the state and local government to achieve their responsibilities. Rather by engaging with the state and local government Māori are seeking opportunities to facilitate and realise their own environmental goals and aspirations.

This is quite a different way of conceptualising the Māori-state relationship that shifts the focus from contests and tension to opportunities. The framework for understanding contemporary kaitiakitanga that has been developed in this study is offered here as a means to emphasise to the state

that effective kaitiakitanga is closely associated with the ability to exercise mana whenua (tino rangatiratanga) and maintain and develop robust and dynamic cultural knowledge and value systems (mauri tū, toitūtanga, tikanga tiaki). Resilient Māori communities therefore are the key to realising Māori environmental interests and for the continued practice of kaitiakitanga. Therefore in addition to current activities that facilitate Māori participation in the state resource management system the framework advocates that the state give greater consideration to resourcing activities that build the capability and capacity of hapū to exercise kaitiakitanga. It is not enough for the state to provide opportunities for Māori to participate in the state resource management system. Māori-state engagement must also enable hapū to actively participate in te ao Māori and practice kaitiakitanga as defined from a customary context. Participation in te ao Māori is critical if hapū are to retain the imperative of mauri tū and maintain a strong sustainability culture. Without this base and the authority to act on these obligations and responsibilities the incentive for hapū to engage in acts of kaitiaki is diminished.

The implication of this position for the state resource management sector is that different types of resourcing and initiatives are required. It will also be necessary to accept that these activities although outside the state and local government statutory responsibilities require state support to achieve Māori environmental aspirations and build resilient Māori communities. Commitment to the agenda of realising Māori environmental aspirations is a critical step towards improving Māori-state relations.

HEI WHENUA PAPTIPU

The tangata whenua of Whakaki desired a total way of life from this lagoon and its tributaries. Their ancestors are buried in several urupa around the perimeters of the lagoon. The spiritual connections are strongly bonded between the land, lagoon and people. The heritage bonds give the tangata whenua their pride, their mana and their spiritual culture. Huki Solomon²⁹⁵

The message that can be drawn from this doctoral study is that healthy ecosystems are only one outcome of the contemporary practice of kaitiakitanga. Equally important is the contribution of kaitiakitanga towards building resilient Māori communities through retention and maintenance of a dynamic and vibrant cultural and spiritual base. This study clearly demonstrated that in the process of realising mauri tū (environmental outcomes) the ancestral landscape acts as the whenua papatipu – the base that nurtures the hapū. Opportunities emerge for hapū to exercise mana whenua and in the words of Whakaki kaumatua Huki Solomon this, “...give[s] tangata whenua their pride, their mana.” Exercising kaitiakitanga maintains the “total way of life” and identity of the hapū. Acts of kaitiaki such as hapū-based enhancement and restoration programmes establish an intimacy with the ancestral landscape that strengthens the “...spiritual connections... between the land, lagoon and people” and grounds the hapū in a geographical space. It is this relationship that maintains the ancestral presence in whenua and provides for continuance of whakapapa by establishing a base for future generations:

²⁹⁵ Letter to the Parliamentary Commissioner for the Environment, 25 May 1992.

In these changing times where a natural order of nature is fast disappearing, we as kai tiaki (Trustees) of the environment should endeavour to maintain all natural resources. This is to ensure that future generations can grow up with a heritage that is a vital part of being Māori. Huki Solomon²⁹⁶

²⁹⁶ Letter to the Parliamentary Commissioner for the Environment, 25 May 1992.

Appendices

APPENDIX ONE: ENVIRONMENTAL STATUTES

STATUTES

Environment Act 1986

Conservation Act 1987

Resource Management Act 1991

Local Government Act 2002

Environment Act 1986	
Purpose	The Environment Act provides the framework for environmental administration in this country. The Act established the Ministry for the Environment and the office of the Parliamentary Commissioner for the environment. The Ministry for the Environment is responsible for advising the government on management policies for natural and physical resources.
Provisions	In title of Act (c)(iii) Ensure that, in the management of natural and physical resources, full and balanced account is taken of — The principles of the Treaty of Waitangi.

Conservation Act 1987	
Purpose	The Conservation Act established the Department of Conservation that is responsible for conservation of Aotearoa New Zealand's natural and historic resources.
Relevance to Māori	This Act includes responsibilities for preservation and protection of indigenous biodiversity and does in some instances provide for Māori participation in conservation decision-making.
Provisions	Section 4: This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi. Section 6X: Establishes guardians of lakes Manapouri, Monowai and Te Anau of which one person must be nominated by Te Runanga o Ngai Tahu. Section 26ZH states that Māori fishing rights unaffected by Part 5B.

Resource Management Act 1991	
Purpose	<p>Section 5(1): to promote the sustainability management of natural and physical resources.</p> <p>The RMA regulates the affects of human activities on the environment.</p>
Relevance to Māori	<p>There are several provisions within the RMA that recognise Māori environmental interests. RMA provisions encourage Māori participation in the management of natural and physical resources and require the consideration of Māori values, culture and tradition in resource management decision-making.</p>
Provisions	<p>Section 6(e): In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance — the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p> <p>Section 7(a): In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to — kaitiakitanga</p> <p>Section 8: In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)</p>

Local Government Act 2002	
Purpose	Clarifies the role of local government by outlining local authority powers, a framework for decision-making and local authority relationships and accountabilities to communities.
Relevance to Māori	The Act outlines principles for local government consultation and engagement with Māori.
Provisions	<p>Section 4: In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.</p> <p>Section 14 (d): In performing its role, a local authority must act in accordance with the following principles — a local authority should provide opportunities for Māori to contribute to its decision-making processes.</p> <p>Section 77(1)(c): A local authority must, in the course of the decision-making process — if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.</p> <p>Section 81(1): A local authority must (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).</p> <p>Section 82(2): A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).</p>

APPENDIX TWO: THE RESEARCH PROJECT FOR WHAKAKI LAKE TRUST

A research contract (Appendix Three) was developed to determine the parameters of the research project for Whakaki Lake Trust and establish fiscal responsibility for research activities. The original proposal to the Trust indicated that the research would involve:

- Creating a bibliography of all reports and documents related to Whakaki Lake
- Reviewing environmental data and technical reports identifying author, aims of research, method, results and recommendations
- Developing an electronic database summarising the information in each document, and
- Completion of a report collating baseline environmental database.

The research involved determining what environmental data about the lake currently exists, what gaps exist and how this information is, or could be used, by the Trust in the development of current replanting, pest control and environmental monitoring programmes.

The Trust gave permission for access to data and technical reports stored at the Trust's Office and to speak to Trustees and Trust employees to discuss Trust activities, operational practices, relationships with external agencies and to clarify any issues that emerged in relation to the environmental and technical reports.

One of the conditions of the contract was that the database and reports were being prepared for the Trust and that use of this material for other purposes besides Whakaki Lake business would require consent from the Trust. The purpose of this clause was to mitigate concerns from Trustees related to maintaining control of the research process and protecting the intellectual property rights of the Trust. In accordance with this principle permission was obtained for me to use Trust photographs and information related to the restoration programme for conference presentations, publications and the doctorate.

THE RESEARCH PROJECT

Documents containing environmental and technical data related to Whakaki Lake were identified and reviewed. Trust employees and Trustees were interviewed to find out how the information in these documents was used in the restoration and protection activities. In addition, several external agencies were approached who are either responsible for environmental monitoring in the region (for example the Hawke's Bay Regional Council), or who have been involved in providing environmental and technical advice to the Trust (for example, Ngā Rāhui Whenua, Landcare, National Institute of Water & Atmospheric Research). The purpose of this exercise was to locate any additional environmental data about the lake and to get a better understanding of the working relationship between external agencies and the Trust.

The research also involved a review of current data storage systems and processes and a review of the wetland enhancement and research activities. An audit or stock take of land use in the Whakaki catchment area was also undertaken in an attempt to begin to address some of the Trust's informational needs.

THE RESEARCH OUTPUTS

The research outputs included three reports and an electronic database. The first report *Research at Whakaki Lake* was a quick guide to the research project. The report outlined the project objectives and provided a summary of the research findings. Since the report was prepared for dissemination to the wider community the findings were displayed as a series of timelines. The timelines were based around the changing land use in the Whakaki catchment area, the Trust's restoration and enhancement programme and a summary of environmental and technical research that has been completed at the lake.

The second report *Environmental Research at Whakaki Lake* provides an overview of research that has been completed at Whakaki Lake. The first part of the report is focused on the management of the Whakaki lake property including kaitiakitanga and the restoration and enhancement programme. The second part of the report was an evaluation of the use environmental and technical information by the Trust when making resource management and environmental protection decisions. A series of recommendations were developed that identified informational gaps and future research areas and strategies for improving the way that the Trust managed and used data. Many of these strategies were operationalised as part of the research project. For example additional and missing reports were located so a complete and current database was available at the Trust office. A new storage system for documents, audio and pictorial resources was developed to facilitate usage. Environmental and technical reports were reconfigured into more accessible forms so that information was more easily understandable and therefore useful to the Trust.

In this respect the project resembled an action research approach. Action research is an applied research approach that is useful for introducing new policy and practice to improve existing operations and practices. The intent of this form of social research is to achieve social change (Mills 2007). In relation to this research, as the project was based at the Trust office, regular hui were held to review research objectives. As a consequence research outputs were continually modified to ensure that the final product would be more relevant and useful for the Trusts purposes. The review process meant that new strategies could be developed in collaboration with the Trust to resolve issues as they were identified. This served to improve the accessibility of environmental and technical data so that the information was more readily available to inform resource management and environmental protection decision making. Therefore improving current operational practices and finding better ways of using environmental and technical information were key outcomes of the research. According to Mills action research is "...committed to *taking action* and *effecting positive educational change* based on their findings" (Mills, 2007, p. 3). Action research is a reflective research practice that seeks to transform some aspect of the area of inquiry to improve outcomes. Improving Trust operations was a goal of the joint research project with the Trust.

The final report *Whakaki Lake Environmental Database* provided a comprehensive picture of the health of Lake and associated natural resources. The first part of the report is an overview of activities that have led to environmental degradation and efforts by the Trust to mobilise the local community and governmental agencies to enhance and restore the Whakaki wetland system. The second part of the report is focused on ecological condition and trends of the main water bodies of the ecosystem, the fishery and bird habitats and the native flora and fauna that reside at the Lake. The report ends by identifying information gaps related to the Trust's operations and with a series of recommendations for future research.

The research found that over the years several environmental and technical research projects on the Whakaki Lake wetland ecosystem have been completed that provide information related to the Lake's geology, cultural importance and management. More recently there has been an increase in projects that assess and monitor the ecological condition and trend of natural resources and the wetland system.²⁹⁷ Despite the availability to the Trust of a wide range of data only a small proportion is used to lobby for support for the restoration and enhancement agenda or to inform operational practices (Forster, 2009a). There are several reasons for this. Application of the data is limited by issues associated with deciphering technical information. In addition, much of the data has little relevance to the core activities, interests and aspirations of the Trust. To address these issues the Trust has developed a research strategy as part of its management plan (Whakaki Lake Trust 2008) and actively considers all opportunities to develop beneficial and enduring research alliances with external agencies.

²⁹⁷ A comprehensive review of research that has been completed at Whakaki Lake can be found in *Environmental research at Whakaki Lake* (Forster, 2009a).

APPENDIX THREE: THE RESEARCH CONTRACT

WHAKAKI LAKE BASELINE ENVIRONMENTAL DATABASE

Over the years the Trust has commissioned and received numerous documents related to Whakaki Lake. Although these documents contain a wealth of information, they are often of a technical nature and therefore not always accessible to the lay reader.

It is therefore proposed that a review of the environmental data and technical documents be undertaken so that this information is made more accessible to the Trust for decision-making purposes. This material would be collated into an electronic database that is user-friendly and easily accessible, and then presented in a report aimed at providing a comprehensive picture of the health of the Lake and associated natural resources.

The database and report will assist in determining what baseline environmental data already exists and where the gaps are. This information will be useful for any future environmental monitoring projects.

RESEARCH OUTPUTS

This work will involve:

- Creating a bibliography of all reports and documents related to Whakaki Lake.
- Reviewing environmental data and technical reports identifying author, aims of research, method, results and recommendations.
- Developing an electronic database summarising the information in each document.
- Completion of a report collating baseline environmental data.

METHOD

This work would require the Margaret Forster to access data and technical reports currently stored in the Trust's Office. This may require some discussions with Trustees and Trust staff to clarify any issues that emerge in relation to these reports.

A completion date for the electronic database and initial report can be indicated once a full list of the reports and documents in the Trust's possession has been compiled.

OWNERSHIP AND INTELLECTUAL PROPERTY ISSUES

The database and report are being developed for the Whakaki Lake Trust. Use for any other purposes besides Whakaki Lake Trust business will require written consent from the Whakaki Lake Trust.

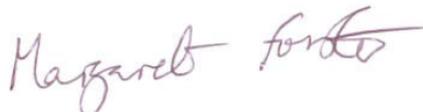
DISCLOSURE

This work will be supervised by Associate Professor Huia Tomlins-Jahnke and any costs (administration costs, reviewers time, travel and accommodation) incurred during the duration of the work will be covered by Massey University.

As already indicated to the Trust the lead reviewer, Margaret Forster is currently completing a doctorate in Māori Studies at Massey University supervised by Huia Tomlins-Jahnke also at Massey University. Therefore, use of the Trusts documents for the purposes of study requires written permission from the Trust.



Huia Tomlins-Jahnke



Margaret Forster

APPENDIX FOUR: MUHEC DOCUMENTS

DOCUMENTS

HEC: Southern A Application – 08/06

Information Sheet

Interview schedule



Massey University

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17 September 2008

Ms Margaret Forster
School of Maori Studies
PN601

Dear Margaret

Re: HEC: Southern A Application – 08/06
Tikanga tiaki: The guardianship of social and natural resources

Thank you for your letter dated 17 September 2008.

On behalf of the Massey University Human Ethics Committee: Southern A, I am pleased to advise you that the ethics of your application are now approved. Approval is for three years. If this project has not been completed within three years from the date of this letter, reapproval must be requested.

If the nature, content, location, procedures or personnel of your approved application change, please advise the Secretary of the Committee.

Yours sincerely

Professor John O'Neill, Chair
Massey University Human Ethics Committee: Southern A

cc A Prof Huia Tomlins-Jahnke
School of Maori & Multicultural Education
PN900

Prof Robert Jahnke, HoS
School of Maori Studies
PN601

**TIKANGA TIAKI: THE GUARDIANSHIP
OF SOCIAL AND NATURAL RESOURCES:
INFORMATION SHEET FOR RESOURCE MANAGERS**

Thank you for considering taking part in this research.

Ko Mangapoike te awa
Ko Taumutu te maunga
Ko Iwitea te marae
Ko Te Poho o Tahu te marae
Ko Takitaimoana te wharekai
Ko Mere Te Nehu te tipuna wahine
Ko Ngāti Pokino tōna hapū
Ko Horomoa Turoa te tipuna tane
Ko Ngāti Matawhiti tōna hapū
Ko Kiriona Kereru tōku koroua
Ko Ngāti Kahungunu me Ngai Tahu ngā iwi
Ko Jenny Te Makewe Te Ihi tōku kuia
Ko Rongomaiwahine te iwi
Ko Margaret Forster tōku ingoa
No reira tena koutou, tena koutou, kia ora noa tatou katoa

This research is part of a doctoral project exploring kaitiakitanga and hapū-based wetland and waterway ecosystem restoration and management. I am particularly interested in the ability of communities to express tikanga tiaki or care for our people and the natural environment when faced with quite complex resource management issues. This project involves a series of face to face interviews and your consent to join in the study is being sought.

All interviews will be recorded and take around one and a half hours. The interview will involve talking to you about your experience of incorporating aspects of Māori knowledge and ways of knowing with science in the restoration and management of wetlands and waterways.

All interviews will be transcribed and a copy sent to all participants to check the accuracy of the information and identify any sensitive information that you do not want disclosed to the public. Ownership of the data and information remains with the participant. The student recognises that all existing data and information (including all Māori sourced information and local Māori knowledge), contributed to or developed as a result of participation in this doctoral research remains the property of the originating Party (e.g. individuals, whānau, hapū, Trust). Data and information collected during the course of this study will be used for the thesis and resulting publications. If the data is to be used for any other purpose, additional permission for its use will be sought.

Due to the size of the Māori resource management community it is not possible to guarantee absolute confidentiality (hide your identity) but pseudonyms (alias) will be used if requested. Data will be password protected and only accessible by the student and her supervisor. It will be destroyed after a 5-year period.

This information will be used as part of a doctorate in the School of Māori Studies at Massey University. All participants will receive summaries of the research findings and I also intend to publish aspects of the research in academic papers and in reports to the Iwitea and Whakaki Marae committees and the Whakaki Lake Trust. These reports would provide another useful resource for informing resource management decisions and setting restoration priorities.

This research is being supervised by Associate Professor Huia Tomlins-Jahnke (No Whakaki), Te Uru Maraurau, Māori and Multicultural Education, Massey University, 06 3569099, extension 8744, H.T.Jahnke@massey.ac.nz.

This project has been reviewed and approved by the Massey University Human Ethics Committee. Southern A, Application 08/06. If you have any concerns about the conduct of this research, please contact Professor John O'Neill, Chair, Massey University Human Ethics Committee. Southern A, telephone 06 350 5799 x 8771, email humanethicssoutha@massey.ac.nz.

You are under no obligation to accept this invitation. If you decide to participate, you have the right to:

- decline to answer any particular question;
- ask for the audio tape to be turned off at any time during the interview;
- withdraw from the study;
- ask any questions about the study at any time during participation;
- provide information on the understanding that your name will not be used unless you give permission to the researcher;
- be given access to a summary of the project findings when it is concluded.

If you would like to participate or have any questions related to the research please don't hesitate to contact me.

Margaret Forster
Te Pūtahi-a-Toi
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Palmerston North
06 3569099 xtn 7091
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TIKANGA TIAKI: THE GUARDIANSHIP OF SOCIAL AND NATURAL RESOURCES

INTERVIEW SCHEDULE

Tēnā rā koe mōu i whakaae mai ki te uru ki tēnei kaupapa rangahau.
Thank you for agreeing to participate in this research project.

Ko ngā pātai e whai ake nei e pā ana te honotanga o te mātauranga Māori me te mātauranga Putaiao hei whakaoratia ngā wai. Ka hoki anō o mahara ki ō whēako i ēnei kāinga, ā, ki ō whakaaro ake anō hoki.

The following questions will relate to your experiences of the interaction between Māori knowledge and science in waterways restoration. The questions will relate to your own experiences, thoughts and reflections.

Tōna tikanga, ka kore tā taua kōrero tahi e neke atu i te kotahi hāora me te haurua.

This interview should take no longer than an hour and a half.

During the interview you will be asked:

- To outline the hapū-based species and wetland restoration programmes that you are involved in.
- How you share information and experiences related to restoration with others.
- What relationships have you developed with other hapū in relation to wetland or waterway restoration?
- What external agencies have you engaged with during your restoration work, why and what was the relationship like?
- What advice you have for other hapū considering restoring or enhancing their lakes or waterways?

Tēnā rawa atu koe mōu i whakatakoto i ēnei kōrero āu, mōu anō hoki i puta ki tēnei uiuitanga.

Thank you very much for participating in this research and for also providing you time to engage in this interview.

Mēnā rā he kōrero āpiti ano āu, he pātai rānei, tēnā whakapā mai ki a au.

If you have any other information you would like to add or if you have any questions or queries, please do not hesitate in contacting me.

Hei ngā wiki e takoto ake nei whakapā atu anō ai ahau ki a koe. Ka āta patutuhia ngā kōrero nei e au, ka tukuna atu hei tirohanga, hei whakatikanga māu.

I will contact you within the next few weeks. I will transcribe the interview and post the transcriptions for you to look through and edit if you wish to do so.

Heoi anō, tēnā rawa atu koe.

Thank you very much.

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