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**The good fight:
Power and the indigenous struggle for the
Manawatū River**

**A thesis presented in partial fulfilment of the
requirements for the degree of**

**Doctor of Philosophy
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April Leanne Bennett

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Abstract

Power is the central theme of this research. This thesis examines how power structures iwi contributions to freshwater planning and decision-making. Power has received little attention in literature on Māori and natural resource planning, even though it reproduces and potentially transforms existing inequalities among Māori, other actors and planning institutions. In failing to analyse power, scholars have left a significant gap in the literature.

In New Zealand, the deleterious effects of agricultural expansion on water have significant implications for iwi, as water is linked to tribal identity and mana. Both past and current generations have struggled to protect water. Contemporary strategies to restore degraded water bodies and reclaim mana, as control and authority, over water include co-management arrangements.

Simultaneously, Government has taken an enthusiastic, uncritical stance to promoting collaboration as an approach to freshwater planning, including iwi as one among multiple actors. In this pro-collaboration climate, however, power has been ignored. So, this research asks: *How does power structure iwi contributions to freshwater planning and decision-making?*

To answer this question, a case study was undertaken of the Manawatū River, a highly degraded water body in the lower North Island of New Zealand. Two main methods were used to collect data: semi-structured interviews with 13 key informants and an analysis of 214 documents, including 180 newspaper articles. To interpret the data, the theoretical framework used Pierre Bourdieu's concepts of field, capital and habitus.

The research found that power structures all contributions to freshwater decision-making into a hierarchy, with iwi contributions typically marginalised. The

hierarchy is a colonial legacy which continues to be reproduced in multiple ways. So, while collaboration, as advocated by the Crown, has some benefits for iwi, it will not help re-structure this hierarchy to enable iwi to regain control over water. Other strategies, such as Treaty of Waitangi settlements, are liable to be more effective.

This finding implies that iwi must assess whether co-management or collaboration strategies will enable them to reshape power imbalance. Gaining power is critical to transform inequality, reclaim authority and restore the mauri of water for future generations.

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Abbreviations

DOC	Department of Conservation
EERNZ	Ecological Economics Research New Zealand
IFS	Integrated Freshwater Solutions
JMA	Joint Management Agreement
LUC	Land Use Capability
MP	Member of Parliament
NOF	National Objectives Framework
NPS	National Policy Statement
NZHC	New Zealand High Court
NZLR	New Zealand Law Reports
NZTPA	New Zealand Town Planning Appeals
PCE	Parliamentary Commissioner for the Environment
PNCC	Palmerston North City Council
RMA	Resource Management Act
TMI	Tanenuiarangi Manawatū Incorporated (also referred to as Tanenuiarangi o Manawatū Incorporated)
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

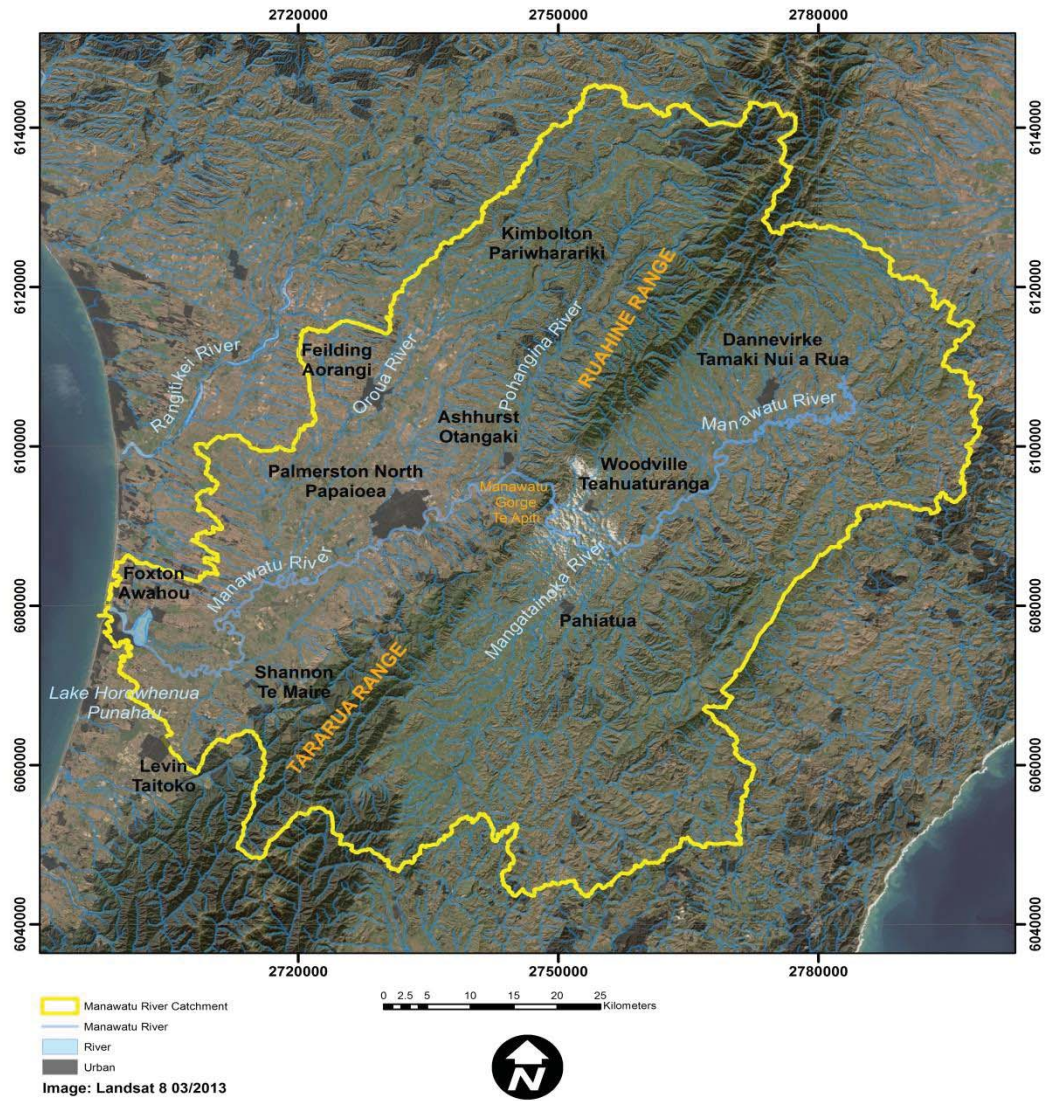


Figure 1: Manawātū River catchment

(Map prepared by J. Procter)

CHAPTER ONE: INTRODUCTION

What is found out about the world has the potential to change it
(Grenfell, 2004, p. 2).

In Aotearoa, water is in a precarious state. Reports published by the National Institute of Water and Atmospheric Research in 2010 show the embarrassing state of our rivers and lakes. Nearly 40 percent of sites in the national river water quality network were unsuitable for contact recreation, such as swimming, because of poor visual clarity and faecal contamination (Davies-Colley & Ballantine, 2010). An analysis of the trends in the data collected across the river water quality network between 1989 and 2009 revealed ‘a pattern of worsening water quality’ (Ballantine & Davies-Colley, 2014). Almost one-third of lakes over one hectare had poor or very poor water quality (Verburg, Hamill, Unwin, & Abell, 2010).

There is also growing pressure on the quantity of water in our water bodies. According to the Ministry for the Environment (2007), between 1999 and 2006, total water allocation (the amount of water that is permitted to be used) increased by 50 percent, mostly in response to heightened demand for irrigation. In the same period, the area of land with consent to take water for irrigation also increased by 52 percent (Ministry for the Environment, 2007). Perhaps unsurprisingly, freshwater quality and related issues rated as the environmental challenges of most concern to New Zealanders in a 2013 survey of public perceptions of the environment (Hughey, Kerr, & Cullen, 2013).

While this stress on water is coming from both urban and agricultural non-point source pollution, the latter is arguably the most difficult problem to address because agriculture is so widespread in New Zealand. Agriculture is our most dominant land use, covering almost 40 percent of our land area (Ministry for the Environment, 2007). The sheer scale of agriculture means that it has several adverse effects on water, including nutrient enrichment and sedimentation, which are relevant to this study (see Chapter 4). The Parliamentary Commissioner for the Environment (2013) predicts that nutrient enrichment, in particular, will worsen in the future as intensive forms of agriculture, such as dairy farming, expand rapidly and on a large scale. A negative product of favourable market conditions (Parliamentary Commissioner for the Environment, 2013), this set of developments is relatively recent, but falls on the coat-tails of a history of agricultural growth in New Zealand that began with colonisation in the 19th century (see Chapter 2). Should market signals remain positive, it is likely that intensive agriculture will continue to reach out over increasing areas of land (Parliamentary Commissioner for the Environment, 2013). Consequently, more contaminants in the form of nutrients from animal excreta will enter water and have deleterious effects on it and the life it supports. The outlook for water is bleak.

One example of a water body that has reached the point of being described as among the ‘worst in the West’ (Morgan & Burns, 2009) is the Manawatū River (see Figure 1). The causes of the river’s state are primarily agriculture and, to a lesser extent, treated sewage discharges. To improve the river, two main approaches have been employed. First, the Horizons Regional Council, the planning institution with responsibility for managing the river, has introduced regulations to control and reduce the effects of agriculture on the river. Second, in February 2010, the regional council established a collaborative group, the

Manawatū River Leaders' Forum, to agree on a suite of actions to address some of the factors that contribute to the river's poor state. Groups representing the iwi and hapū (tribes, subtribes) that have ancestral connections to the river are participating in the forum as a way of restoring and protecting the river, and as a means of being at the table where some of the decisions about the river are made. The Māori population in the catchment, which includes tangata whenua (local people), comprises 17% of the total population.

Before colonisation, hapū exercised mana in the form of power, authority and control over the waterways in their tribal areas. In the process of colonisation, the Crown progressively usurped power from hapū and vested it in itself and other institutions, such as local authorities (see Chapter 2). These actors became the central players in the field where water and other resources are managed. For well over a century, Māori were virtually excluded from planning and decision-making about the water bodies that are part of our ancestral estate.

The legacy of this exclusion remains. Māori still struggle to be represented on the local bodies that make decisions about water and to participate in freshwater planning processes. In the last four decades, important changes have occurred to bring Māori into these processes. These changes included: establishing the Waitangi Tribunal; incorporating section 3(1)(g) into the Town and Country Planning Act 1977; winning important court cases; the Waitangi Tribunal making influential recommendations on water-centred claims; the inclusion of Māori provisions in the Resource Management Act 1991; and positive developments in the way that Māori and councils interact (see Chapter 2). However, at the same time, long-standing and ongoing problems make it difficult for Māori to engage in freshwater planning and decision-making in a

way that reflects our indigeneity and the promise of tino rangatiratanga made in the Treaty of Waitangi (see Chapter 2). For example, council capability to understand Māori continues to be poor (Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2012), and Māori capacity and capability to participate in planning remains a challenge (Maynard, 1998; Te Puni Kōkiri, 2006, 2012; Tutua-Nathan, 2003). Māori are still constrained by a lack of economic resources (Maynard, 1998; Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2012; Tutua-Nathan, 2003), and the proportion of Māori who are elected into local government and are therefore in positions to make decisions about water and other resources, is persistently low (Hayward, 2011b).

Nevertheless, Māori have strategized to acquire a stronger presence in freshwater planning and decision-making and to restore and protect waterways. Many of these strategies – such as litigation, claims to the Waitangi Tribunal, relationship building, environmental projects, and Treaty of Waitangi settlements – are analysed in this thesis as tactics for facilitating change, protecting the environment and Māori relationships to it, and acquiring power in the fields where decisions are made about water and other resources. Two of these strategies, co-management and multi-stakeholder collaboration, receive particular attention in this thesis (see Chapters 2 and 6). Both approaches are promoted as being beneficial for Māori because in an ideal world they would bring Māori, to some extent, into the process of making decisions about water. In respect of multi-stakeholder collaboration, a normative and highly positive popular discourse has emerged in New Zealand (see, for example, New Zealand National Party, 2012; N. Smith, 2010; N. Smith & Salmon, 2006) that is rarely challenged. The international literature on collaboration has a similar tone (see, for example, Connick & Innes, 2003; Healey, 1996; Innes, 1996; Weber, 2000),

although there are some critics (such as Acheson, 2013; P. A. Walker & Hurley, 2004). There are critics, too, among those who study co-management with indigenous peoples (see, for example, Carter & Hill, 2007; Coombes & Hill, 2006; Hibbard, Lane, & Rasmussen, 2008; Nadasdy, 1999, 2003). These scholars have become more prominent in the last decade, although it is debateable whether their findings are well known in New Zealand, or would even be welcome, given New Zealand's pro-collaboration climate.

This study was initially informed by the work of Gaventa (2004) and Chhotray and Stoker (2010) on participatory governance¹ and governance in development. Chhotray and Stoker (2010) observe that institutional characteristics for creating the right conditions for successful participatory governance have received considerable attention, at the expense of other factors. While not dismissing institutional design, they contend that a more critical and frequently overlooked element is the role of power and politics between the various actors in participatory governance institutions. Gaventa (2004) proposes that 'simply creating new institutional arrangements for participatory governance will not be more inclusive ... [r]ather, much will depend on the nature of the power relations which imbue and surround these new, potentially democratic spaces' (p. 25). Furthermore, Chhotray and Stoker (2010) argue that these relationships are likely to be unequal. Gaventa (2004) contends that understanding power relations is critical because such relationships 'help to shape the boundaries of participatory spaces, what is possible within them, and who may enter with which identities, discourses and interests' (p. 34).

¹ Chhotray and Stoker (2010) define participatory governance as being 'about opening up decision-making processes conventionally dominated by hierarchical and top-down state structures to new social actors' (p. 179).

Taking inspiration from these authors, the aim of this study is to understand power and how it influences Māori contributions to participatory institutions, such as co-management arrangements and multi-stakeholder collaborative groups, as well as to broader settings where decisions are made about water and other resources. While co-management and multi-stakeholder collaboration are examined in this research as relevant institutional settings, the research is not about these institutions per se. Consequently, it does not provide hard and fast recommendations for how these institutions should be designed to create ideal conditions for Māori involvement.

Following Pierre Bourdieu, whose theoretical concepts underpin this study, the researcher takes the position that it is not enough to analyse power in a single collaborative institution. Rather the broader social contexts in which the institution is situated must also be considered, because the way in which those contexts are structured will influence what is possible in the institution (see Reed-Danahay, 2005). Thus, in this thesis, power is examined in three contexts: the sub-local space of the Manawatū River Leaders' Forum, the local setting of the Manawatū River catchment and the wider region it sits within, and the national context where freshwater policy is developed and challenged.

The need to critically analyse power in these spaces is made all the more urgent by the grim prognosis for water and the difficulties Māori still face in influencing freshwater planning and decision-making processes. This thesis wrestles with both these issues. In regards to the health and sustainability of water, it analyses the politics of the Manawatū River specifically and the social actors that are both part of the debates and marginalised from them. In relation to Māori and resource planning and management, the study explores why Māori continue to struggle in this field after so many years, and whether and how this

situation might be transformed in the future. The issues are explored by theorising about power and how social actors in freshwater planning and decision-making contexts use power to resist and generate change.

Contribution of the research

The theoretical analysis in this study is also the study's contribution to the literature. This thesis adds to three bodies of literature: (1) the literature about Māori and resource planning and management; (2) studies that focus on power in co-management arrangements between indigenous peoples and others; and (3) research on power in multi-stakeholder collaborative groups. The thesis extends the conversations in each of these areas. First, in the literature regarding Māori and resource planning and management, previous authors have discussed the challenges that Māori face, the developments that have occurred, and the weaknesses of the resource management and planning laws. Some of these authors have mentioned power (see, for example, Rennie, Thomson, & Tutua-Nathan, 2000), but few have focused their research specifically on power. This inquiry contributes to the discussion by conceptualising the aforementioned matters as power. Second, in the research about co-management, indigenous peoples, and power, scholars have analysed in depth particular aspects of power, such as the treatment of indigenous knowledge and science. Some have also conducted critical analyses of co-management arrangements with indigenous peoples and called for more of these types of inquiry. This study inserts itself in that body of work by examining several manifestations of power at the same time and by expanding the extent to which other researchers have used Bourdieu's theories. It also offers a critical analysis of a New Zealand example of collaboration, being the Manawatū River Leaders' Forum. By means of this analysis, the research makes

a contribution that adds to previous studies of power in multi-stakeholder collaborative groups.

In this inquiry, the work of analysing and theorising about power is done by deploying three of Bourdieu's main 'thinking tools' (Grenfell, 2004, p. 1): field, capitals, and habitus. Together these concepts make up the theoretical bedrock of this research. All aspects of this study – from how the data were collected to how they were analysed and written up, from the selection of the literature to how it is arranged in the thesis, and from the structure and substance of the discussion to the themes that emerged in the conclusion – were informed by these frameworks and what they reveal about power. For this reason, these concepts are explained in this first chapter. The chapters following this introduction are then able to be structured to illuminate shades and hues of power as they are revealed when looking through a Bourdieusian lens.

Bourdieu was deemed to be an appropriate theorist for this research for several reasons. According to Reed-Danahay (2005), Bourdieu was acutely aware of issues of power and defended the under-privileged. He was also a vocal critic of the institutions of power, including the education system of which he was part. Moreover, Bourdieu, who did not even see himself as a theorist, took the view (later in his career) that theories should be used to examine and intervene in real-life issues (Grenfell, 2004); that is, researchers should use theories to do something and to make a difference. Through his own work he sought to bring to light 'the subtle forms of rule wielded by technocrats and intellectuals ... [and the] established patterns of power and privilege as well as the politics that supports them' (Wacquant, 2008, p. 264) so that they might be challenged and changed.

In addition, Bourdieu's theoretical concepts are robust tools for doing delicate work. They are designed to analyse the apparently benign, everyday ways power is reproduced or, 'the manifold processes whereby the social order masks its arbitrariness and perpetuates itself' (Wacquant, 2008, p. 264), across generations, between and within different social groups, and in various social settings. Finally, although Bourdieu's work was concerned with the sources and reproduction of inequality, it was also about transformation and thus the future, so it has messages about ways of approaching and effecting change. All these themes are relevant to Māori research (see, for example, L. T. Smith, 1999).²

Notwithstanding the usefulness of Bourdieu's thinking tools to this study, their application to other research about Māori has been criticised. Nēpia Mahuika (2011), for example, observes that Bourdieu's concept of cultural capital has been used to theorise that Māori underachieve in education because we inherently do not have as much valued cultural capital as Pākehā and non-Māori students. Russell Bishop (1998) also points out that concern has been expressed by resistance theorists, such as Freire, about Bourdieu and other social and cultural reproduction theorists over-emphasising the effects of structural forces on people's lives, and under-emphasising the ability of social actors to exercise agency and be self-determining. It is easy to employ Bourdieu's theories in these ways; to focus on what social actors in disadvantaged positions in particular fields do not have, rather than what they do, and to overlook the transformations that individuals and groups can effect. Researchers who use Bourdieu in studies that focus on Māori need to be careful

² This thesis uses the APA 6th referencing style. Consistent with this style, initials are used to distinguish between authors with the same surname. See Hacker and Sommers (2012, p. 176) for the relevant model.

to avoid this trap of theorising about Māori in deficit terms or portraying Māori as victims.

A range of theories could have been used in this inquiry instead of, or alongside, Bourdieu's. Other conceptual frameworks that were considered were the power cube³ (Gaventa, 2006) and the concept of space (Cornwall, 2004). The former reflects the work of Lukes (2005) and provides a frame for analysing how and whether strategies for making participatory spaces more inclusive actually change power relations, while the latter enables the nature of these spaces, and their potential for providing for shifts in power, to be assessed. Not only have they been used in the context of this study to understand power in its many different guises, they have also been applied methodologically in designing the research.

Research design

The way the research was carried out was informed by some fundamental principles of Māori research and by Bourdieu's thinking on the methods that are appropriate for investigating power in the social worlds people inhabit. From Bourdieu and Wacquant's (1992) perspective, 'the data available are attached to individuals or institutions' (p. 232). Therefore, it made sense to use key informant interviews as a primary method of collecting data. These types of interviews are also appropriate in Māori research, because they are consistent with the concept of *kanohi ki te kanohi*, or face-to-face communication, which is valued among Māori people.

³ The power cube is a conceptual framework that depicts the levels, spaces, and forms of power in participatory institutions.

According to Thomson (2008), one of the difficulties for researchers investigating the social environments that Bourdieu termed *fields* is determining where the field begins and ends. She explains that the field has boundaries, but these are blurry. Consequently, this study uses three fields (see Figure 2) to examine power: the Manawatū River Leaders' Forum, the local field where decisions are made about the river and other resources, and the national field where decisions are made about water. The forum is treated as a sub-field where groups representing iwi engage with local government and other actors, including the Crown at a distance, to devise and implement actions to improve the Manawatū River. This sub-field is conceptualised as sitting within a larger local field, where iwi interact with statutory agencies in relation to natural resources in the Manawatū catchment and in their tribal areas. More broadly, these fields are regarded as being situated in a national field where Māori, the Crown, local government, and Pākehā (New Zealanders of British descent) struggle to acquire power in relation to water and other resources.

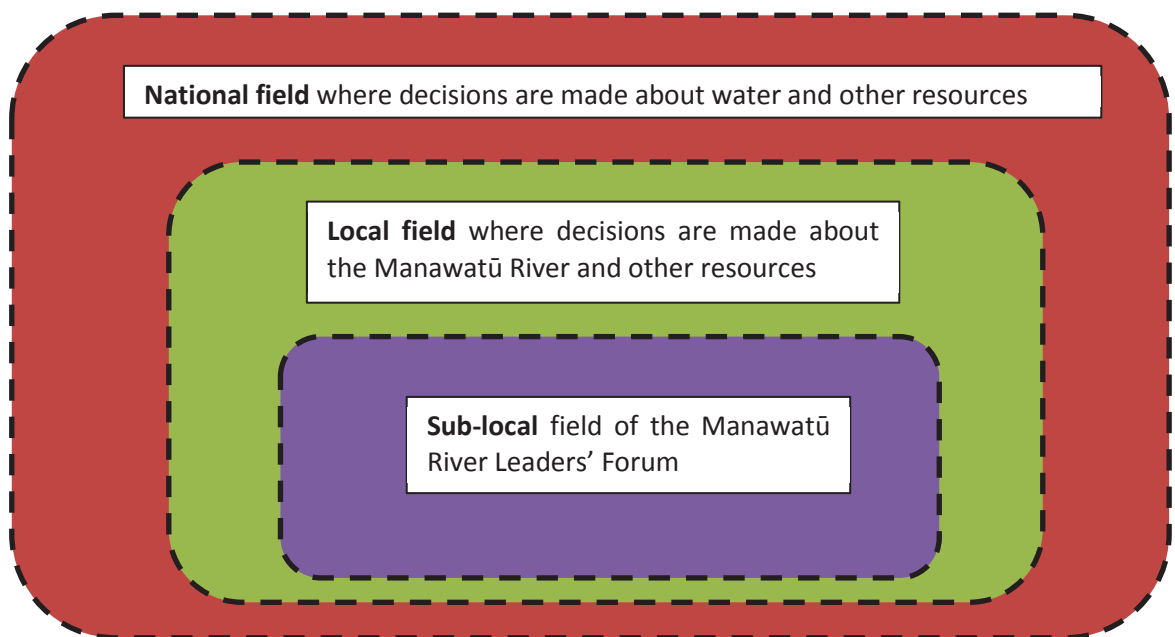


Figure 2: Fields used in the study

Research question

In these fields, the researcher was interested in exploring the ways in which power shapes iwi contributions, primarily, to freshwater planning and decision-making processes. The choice of iwi as the principal focus, rather than hapū or Māori broadly, reflects the connection of tangata whenua to water and other resources, and the emergence of iwi as a descent group that ‘increasingly assumed political responsibilities at a regional level’ (E. T. Durie, 1994a, p. 59) after 1840. However, iwi are not the only Māori grouping referred to in this thesis. Hapū are also mentioned where relevant, as are Māori individuals, pan-Māori organisations, and Māori in a general sense.

Because Bourdieu conceptualised power as both a noun and a verb – as a *structure* that *structures* groups of people into particular positions relative to others in a social context or *field* – the research question is:

- How does power structure iwi contributions to freshwater planning and decision-making?

Given New Zealand’s colonial origins,⁴ the research begins from the premise that colonisation and power are inseparable. Because colonisation involved the Crown appropriating power from Māori and vesting it in itself, local government, and Pākehā, an assumption is made in this thesis that it is not possible to talk about power in social settings involving these actors, without understanding that colonisation sits at the root of the relationships between

⁴ The researcher does not mean to say here that Aotearoa’s origins are colonial.

them. Colonisation is not regarded as an historical process in this research. It is treated as a manifestation of power that has structured, and continues to structure, Māori and other actors into particular positions in the national and local fields where decisions are made about water and other resources. For this reason, the discussion on colonisation, Māori, water and resource management in the national context (see Chapter 2) precedes the discussion about the river iwi (in Chapter 4). It is essential to establish the structure of the national field first, so that the organisation of the local field, in which the river iwi are positioned, makes sense. Furthermore, the discussion concerning the river iwi and the data from the participants who are connected to or work for the river iwi does not contain any information about the mātauranga Māori (traditional Māori knowledge) for the river. That knowledge could be the focus of several doctoral theses. This thesis is about power.

The way of understanding power that is used in the thesis – as a force that structures Māori and others into positions in fields – forms the basis of the central argument. This argument is that power structures all contributions to freshwater planning and decision-making processes into a hierarchy, and forces Māori contributions into a non-dominant position in that hierarchy. The theories underpinning the argument and the way power is understood in the thesis are explained next.

Theoretical framework

Power is analysed in this study through the application of field and capital, primarily, and to a lesser extent, habitus. Had the research had a larger focus on attitudes, rather than resources and capability, for example, then habitus may

have had a more central position in the theoretical framework. Regardless, all three concepts are defined in the following sections.

Capital

Bourdieu conceptualised power as capital. Capital refers to '*all* the goods, material and symbolic, without distinction, that present themselves as *rare* and worthy of being sought after in a particular social formation [emphasis in original]' (Bourdieu, 1977, p. 178). Capitals, then, can be tangible or intangible, and their value is specific to the social context in which they exist. Subsequently, some capitals will be valued in particular settings, but not in others. For example, a PhD is valuable capital for a person who wants a career in academia, but not for someone who wants a job as a builder. In the case of a builder, building qualifications and experience are much more useful and important capitals than a PhD.

There are four main types of capital: economic, cultural, social, and symbolic. Economic capital includes money and assets, while cultural capital encompasses educational qualifications, knowledge (including local knowledge), skills (Wacquant, 2008), and 'even the ability to speak with ease in public' (Everett & Jamal, 2004, p. 63). Social capital comprises 'contacts and networks with well-placed individuals' (Grenfell, 2004, p. 28) and the 'resources accrued by virtue of membership in a group' (Wacquant, 2008, p. 268), such as an influential interest group. The resources a person can acquire as a result of being part of a group may include recognition by others, which can then generate other benefits, such as appointments to influential positions. The final category of capital is symbolic capital, which refers to the 'effects of any form of capital when people do not perceive them as such' (Wacquant, 2008, p. 268). Symbolic

capital can appear as status, authority or prestige, but is a product of other forms of capital, such as money, skill or knowledge. Put simply, capitals are 'any sorts of resources, including things like social and professional contacts, personal or institutional status and anything else that has value and translates into the ability to make things happen' (Webb, Schirato, & Danaher, 2002, p. 86).

Bourdieu theorised that social actors, such as individuals, groups, and institutions, have portfolios of capital. These portfolios comprise different forms of capital in various quantities. An actor's power and position in a particular social context is a product of the volume and types of capitals the actor has. Capital 'allows its possessors to wield a power, an influence' (Bourdieu & Wacquant, 1992, p. 98). Moreover, actors who are in positions of power can determine what constitutes valuable capital (Webb et al., 2002). Consequently, some forms of capital will be valued and others will not. For example, in their studies of co-management institutions between First Nations, different levels of government, and interest groups in Canada, Spak (2005) and Nadasdy (2003) found that science was more valued by the scientists, officials, and politicians contributing to and making decisions in those institutions, than indigenous knowledge. In both case studies, indigenous perspectives were ignored and science was used to support policies that were unfavourable (in different ways) to the First Nations (see Chapter 2 for a discussion of Nadasdy's, 2003, findings).

Bourdieu and Wacquant (1992) argue that actors who do not have valued capitals, and thus power and influence, will be considered a 'negligible quantity' (p. 98) in the social world of which they are part. In their study of the Banff-Bow Valley Round Table, an advisory group set up to work collaboratively and

to make recommendations on resolving development issues in the Banff National Park in Canada, Everett and Jamal (2004) found that the First Nations participants had little influence in the group. Although they possessed cultural capital that was unique to them in the form of indigenous knowledge, it was not valued by the other actors in the group who regarded the First Nations culture as irrelevant. Subsequently, the First Nations representatives were not able to use their cultural capital to wield any influence and withdrew from the initiative after only a few meetings.

Field

Field is the term Bourdieu used to describe a particular social setting, context or universe. Webb, Schirato and Danaher (2002) define field as 'a metaphor for a (metaphorical) space in which we can identify institutions, agents, discourses, practices, values and so on' (p. 86). Field can be applied to many different kinds of social spaces, such as 'the various spheres of life, art, science, religion, the economy, the law, politics and so on that form distinct microcosms' (Wacquant, 2008, p. 268). In this research, the Manawatū River Leaders' Forum is one field and the field where decisions are made about the river and other resources is another.

Bourdieu theorised that fields are composed of positions that are occupied by social actors. These positions may be dominant, non-dominant or similar depending on the volumes and forms of capital that the actors who hold them possess. The field, therefore, is hierarchical and unequal: 'there is no level playing ground' (Thomson, 2008, p. 69). This playing ground 'contains people who dominate and others who are dominated' (Bourdieu, 1998, pp. 40-41), with capitals being a factor that determines who is dominant and who is not.

Researchers can map the position of the actors that occupy a field by examining the quantities and types of capitals they possess (Wacquant, 2008).

Capitals, then, are a source of inequality in the field. Because actors come to the field already possessing a portfolio of capitals, those who have the capitals that are most valued in the field will, at the outset, be in a better position than those who either do not have those capitals, or have less of them. Further, because 'the field depends on, as well as produces more of, that capital', the actors who already have it tend to 'accumulate more and advance further (be more successful) than others' (Thomson, 2008, p. 69). Subsequently, the inequalities that already exist between the actors when they first enter the field are reproduced.

For Bourdieu, the field is a site of struggle, not of consensus. The struggle is between actors, some of whom Bourdieu described as 'established dominant actors' and others whom he conceptualised as 'challengers' (Bourdieu, 1993, p. 92). Both sets of actors struggle with each other to accumulate valuable capitals, which they can then use to maintain or improve their position in the field and acquire 'the specific profits that are at stake in the field' (Bourdieu & Wacquant, 1992, p. 97). These profits, or stakes, are the outcomes that each actor is seeking from participating in the field. Moreover, Bourdieu (1993) proposed that the dominant actors will 'try to defend the monopoly and keep out competition' by resisting the challengers, who will try to 'break through the entry barrier' (p. 72) and upset the structure of the field. Instead of there being equality and neutrality in the field, Bourdieu (1998) theorised that:

Constant, permanent relationships of inequality operate inside this space, which at the same time becomes a space in which various

actors struggle for the transformation or preservation of the field. All the individuals in this universe bring to the competition all the (relative) power at their disposal. It is this power that defines their position in the field and, as a result, their strategies (pp. 40–41).

Bourdieu also conceptualised that actors would use strategies to maintain their position in the field, or gain an advantage. He separated these strategies into two types, conservation and subversion, and proposed that:

those who ... more or less completely monopolise the specific capital, the basis of the specific power or authority characteristic of a field, are inclined to conservation strategies [that preserve their position in the field] ... whereas those least endowed with capital (who are also often the newcomers, and therefore generally the youngest) are inclined towards subversion strategies [that challenge the status quo] (1993, p. 73).

Thus, even though the dominant actors are in a position to win the game being played in the field, they must always contend with others who will resist and challenge them (Bourdieu & Wacquant, 1992). Consequently, there is at all times the potential for change. As Bourdieu (1993) states, ‘partial revolutions ... constantly occur in fields (p. 74). These revolutions, whether they occur dramatically or over time, do not occur in a uniform way, however. As Webb et al. (2002) explain: ‘pockets of the field may embrace the transformation of the field much more quickly’ than others (p. 30). Consequently, conflict can arise as the actors try to negotiate ‘which part [of the field – the old or the new] most truly represents or embodies the field and its values’ (Webb et al., 2002, p. 30). For example, the Chief Executive of the Horizons Regional Council, in an interview in this study, observed that local government were ahead of the New Zealand public in their understanding of the implications of Treaty of Waitangi

settlements (see Chapter 2) for environmental planning, decision-making and management. He believed that:

local government is very much, generally anyway, in the space of understanding how the world will be post-settlement. The game's changed. There're economic drivers now with Māori involved in settlement processes and they become not only a key partner in managing New Zealand's natural capital, they actually bring economic strength. Now we know that; the rest of New Zealand doesn't ... at some point in time the rest of New Zealand will understand that there is a new world upon us, and it will be interesting to see what happens then.

Bourdieu (1998) described the field as 'a field of forces' (pp. 40–41). As such, the field is fluid and dynamic and is always being changed by what is happening inside the field and outside it in related fields. Fields are also 'endowed with their own rules, regularities and forms of authority' and impose their 'specific determinations upon all those who enter' them (Wacquant, 2008, p. 268). Wacquant (2008) explains this aspect of the field by using an example of a scientist who wants to have a successful career in the science field. To prosper, the scientist 'has no choice but to acquire the minimal scientific capital required', such as a PhD, publications, and research funding, and 'to abide by the mores and regulations enforced by the scientific milieu of that time and place' (p. 268).

Habitus

The basis of how actors understand the field is the habitus. Drawing on Bourdieu's definition of habitus (1990, p. 53), Maton (2008) interprets habitus as:

a property of social agents (whether individuals, groups or institutions) that comprises a 'structured and structuring structure'. It is 'structured' by one's past and present circumstances, such as family upbringing and educational experiences. It is 'structuring' in that one's habitus helps to shape one's present and future practices. It is a 'structure' in that it is systematically ordered rather than random or unpatterned. This 'structure' comprises a system of dispositions which generate perceptions, appreciations and practices (p. 51).

Habitus, then, is the result of the internalisation of external structures such as ethnicity, gender, class, occupation, education and income. It shapes our values, perceptions, behaviours and dispositions in ways that we are mostly unconscious of (Raedeke, Green, Hodge, & Valdivia, 2003). The term disposition refers to 'a *way of being*, a *habitual state* (especially of the body) and, in particular, a *predisposition, tendency, propensity or inclination*' [emphasis in original] (Bourdieu, 1977, p. 214). In this way, 'structural properties are always embedded in everyday events' (Harker, Mahar, & Wilkes, 1990, p. 8); that is, external structures are always being made manifest in the everyday things that people think, say, and do. These structures can be highlighted by social researchers.

Just as individuals have a habitus, so do groups. Webb, Schirato and Danaher (2002, p. 93) propose that 'whole communities can be identified as having a collective habitus, characterised by shared perspectives on the world, relatively common sets of values and shared dispositions to believe and behave in particular ways'. Wacquant (2008) suggests that the shared habitus is the reason why people from the same social group feel comfortable when they are together. Researchers can also map social groups in the field by identifying the elements of the habitus that are part of them.

The ways of being generated by the habitus are durable and transposable (Webb et al., 2002); in other words, they stay with people and persist across different fields. Webb et al. (2002) explain that the habitus can change in response to different social environments or changes in them, or as a result of people adopting different practices, such as when people try to give up bad habits. However, they note the process is 'usually gradual' (p. 42). The habitus changes slowly because it operates 'below the level of consciousness and language, beyond the reach of introspective scrutiny or control by the will' (Harker et al., 1990, p. 11). Webb et al. (2002) describe the conditions under which the habitus can change by using the example of a committee that has been established to enable a non-dominant group to participate in decision-making. They argue that:

public committees are not really participatory, because what tends to happen is that the representatives become imbued with the 'truth' of the state, and forget the interests of themselves and their community; their habitus changes to become more like that of a member of the bureaucracy than a member of their own community ... they start thinking like bureaucrats, and forget the interests of the group they are there to represent. This is rather inevitable, because committee members are likely to have an influence in the committee only insofar as they perform like everyone else on the committee, take on the perspectives, discourses and ideologies of the government organisations to which they report, and become more like members of the bureaucracy than like members of their own community of interest (pp. 100–101).

Such committees can effect transformation, but doing so can be fraught. As Webb et al. (2002) contend:

Even when such representatives resist being caught up in the bureaucratic machine, it is not easy for them to bring about

changes; first because bureaucracies are highly structured, and hence highly resistant to change, but also because anyone included on a committee on the grounds of their identity as a member of a marginalised group is, in fact, only there as a 'token'. For instance, a woman nominated to a committee to represent 'women's interests' ... will only be understood as having something to say when the topic has something to do with women – or with gender issues more generally. So while being co-opted to a bureaucratic has all the appearance of equity, it can easily become another point of exclusion if the individual representative is only there as proof that marginalised people have a voice in government (pp. 100–101).

In interaction with fields, habitus gives rise to certain attitudes, feelings, dispositions and responses. Bourdieu calls this phenomenon 'the feel for the game'. Maton (2008) suggests that the habitus predisposes actors to develop a faster or better feel for some games, rather than others. People who are new to a field, for example, may struggle to learn and play the game if their habitus has not conditioned them for it. He explains that:

the shaping of our habitus may provide us with a practical mastery or 'feel for the game' but not for all games equally; our past and ongoing conditions of existence enable more of a "feel" for some games than others, and for particular ways of playing those games. Our aspirations and expectations, our sense of what is reasonable or unreasonable, likely or unlikely, our beliefs about what are the obvious actions to take and the natural way of doing them, are all for Bourdieu neither essential nor natural but rather conditioned by our habituses (p. 58).

The feel for the game is also a type of cultural capital. Webb et al. (2002) argue that people who wish to participate in the political field, for example, need to have 'a 'feel for the game' of politics' (p. 94) along with other types of capital. They suggest these capitals may include 'social capital – the 'right' social contacts' and economic capital in the form of 'the resources – the time and the

money' (p. 94). They also point out that 'the dominated are less likely than the dominant to possess this sort of capital' (p. 94). The habitus, then, in conjunction with a commensurate field, also becomes a source of inequality. People who are conditioned by their habitus to acquire a feel for the game quickly have an advantage and can make rapid progress in the field. Conversely, people who are not will take much longer to learn how to play the game and then to mobilise upwards in the field.

Thesis outline

This thesis examines how power structures iwi contributions to freshwater planning and decision-making. Through the use of a Bourdieusian framework, the researcher reveals that power structures these contributions in multiple ways, some of which are subtle and arbitrary and reproductive of enduring patterns of inequality. One of the aims of the research is to make these ways visible so that their reproductive power can be weakened. While power is the overarching theme explored in the research, other themes emerge from under its umbrella and are discussed across the seven chapters that follow this introduction. Principally, these themes are: the generation and reproduction of inequality; the struggles and strategies by iwi and others to effect change or defend the status quo; game-playing for stakes in the field; and resistance and transformation.

Chapter Two: Mana Wai is about the struggle for power over water between Māori, the Crown and local government, indigenous peoples and states in other countries that have also experienced colonisation, and diverse social actors engaged in multi-stakeholder collaborative groups. The chapter begins with a discussion about mana, as authority and control, and the Treaty of Waitangi.

The Treaty is contemplated as both: an instrument of colonisation that, in addition to the law, enabled the Crown to divest Māori of power in water and reinstate it in other institutions; and as guaranteeing rangatiratanga and, therefore, the right to participate and be represented in freshwater planning and decision-making. Māori responses to the Crown's assumption of control and authority over water, such as Treaty of Waitangi claims and settlements, are examined. So too are other closely related changes, such as the inclusion of Māori provisions in the Resource Management Act 1991 and positive developments in planning practice. The final part of the chapter is about co-management with indigenous peoples and multi-stakeholder collaborative groups. Drawing on the voices of indigenous and non-indigenous New Zealand and international scholars, the effectiveness of these arrangements for recalibrating power imbalances between indigenous peoples, governments and others is critically analysed.

Chapter Three: Positioning the Researcher, Doing the Research is a reflexive account of the research process. For this reason, and unlike the other chapters in this thesis, it is written in the first person. I start the chapter by positioning myself in the research as a Māori person in New Zealand, and as a Māori woman who has been studying and working in the natural resource policy field for 15 years. I share some of the formative experiences that have shaped my habitus and experience of the field as a way of explaining why I have done the research in the way that I have. These experiences are selected from my years as an undergraduate student and from the time I spent working in the field after I left university. I then describe and reflect on each stage of the research process.

Chapter Four: River Politics is the first of three results chapters. Drawing on documentary data, it explains the politics that are central to the future of the Manawatū River. The stresses on and state of the river are clarified and the pervasive impact of agriculture on the catchment is highlighted. The politics surrounding the regional council's proposals to regulate farming and reduce river pollution are examined, alongside the struggles between members of the Manawatū River Leaders' Forum to win the stakes they are playing for in the field. The provincial farming lobby and the district councils⁵ are shown to dominate these contests. Relevant policy developments at the national level are also analysed. The chapter ends by turning to the iwi who have ancestral connections to the river catchment. The purpose of this part of the chapter is to lay a foundation for understanding who the iwi are, how colonisation impacted on them, and some of the politics between and within the iwi that may have implications for the river.

The fifth chapter, **Struggles and Strategies**, presents data, mainly from the interviews with the research participants who are from or work for the iwi with mana whenua⁶ in the catchment. The chapter is an account, from the perspective of these participants, of the field where decisions are made about the river and other resources. Consistent with the title of the chapter, the central themes that emerge concern: the outcomes the river iwi are seeking in relation to the river; the struggles they have engaged in with others and between themselves to achieve their aims; and the many strategies, both successful and unsuccessful, they have used along the way. One of these

⁵ In this thesis, district councils refer to both district councils and city councils. District councils are territorial authorities, which include city and district councils and unitary authorities.

⁶ The authority of tribes (as iwi or hapū) by virtue of traditional occupations (M. Durie, 1998, p. 31).

strategies was joining the Manawatū River Leaders' Forum, which is the focus of Chapter Six.

In **Chapter Six: Manawatū River Leaders' Forum** data about the forum are presented, primarily from the viewpoint of the officials who participate, or have participated, in the group. Consistent with the use of Bourdieu's concept of field, the aim of this chapter is to establish the forum as a sub-field. Thus, the chapter explores who the players are, who is dominant and non-dominant and why, what the participants are playing for, and the strategies they use to realise their objectives. At the end of the chapter, some of the strengths and weaknesses of the forum as a multi-stakeholder collaborative body are identified.

The results of the study are discussed in **Chapter Seven: Power**. In this chapter, the threads that substantiate the central argument of the thesis are brought together. Power is shown to structure iwi contributions in the fields where decisions are made about the Manawatū River and water more generally through several factors. These factors include: historical resource dispossession, imbalances in statutory management authority, resourcing, technical expertise, representation in decision-making, land ownership, and negative attitudes towards Māori. In the face of these challenges, Māori continue to strategize and struggle for the outcomes they want for water. These outcomes reflect the concepts of mana and rangatiratanga and involve reclaiming control and authority over water, and restoring the health of water. The final part of the chapter is an analysis of how power is either being reproduced or is generating change in the Manawatū River Leaders' Forum. Some positive change is occurring, but unequal power relationships remain.

Chapter Eight: Conclusions answers the research question – how does power structure iwi contributions to freshwater planning and decision-making? – and offers eight findings from the research. These findings are organised into three broad areas: how power structures iwi and other actors in the fields where decisions are made about water; collaboration; and what Bourdieu’s theories reveal in terms of understanding power in planning institutions and settings that involve indigenous peoples. Collaboration is critically analysed, and emphasis is placed on Māori strategies for transformation. One of these strategies is Treaty of Waitangi settlements, which have transformative potential for the river (and other) iwi that is yet to be realised. At the close of the thesis, three possible trajectories for future research are outlined.

CHAPTER TWO: MANA WAI

It is a maxim that power will not readily be given up by those who hold it. (Parliamentary Commissioner for the Environment, 1988, p. 21)

This chapter takes its title from the concepts and debates that lie at the core of this thesis. The chapter tells a story about mana and power over water: about how Māori (specifically, hapū) exercised mana, as control and authority, over the waterways within their tribal estates;⁷ about how the Crown, as part of the process of colonisation and using the instrument of the law, removed control and authority from Māori and vested it in itself and other institutions, such as local authorities; and about the long struggle Māori have engaged in to gain that power and control, or some measure of it, back.

This chapter is organised in six parts. Part one is a brief discussion of mana and the Treaty of Waitangi that establishes how both are understood in this thesis. Part two describes a chain of legislation that the Crown passed to acquire control over water from Māori. The third part of the chapter is concerned with change, and sets out the landmark shifts that led to Māori being able to engage with, and be recognised by, the water decision-making and management machinery established by the Crown. The statutory engine of this machinery – the Resource Management Act 1991 – is critically examined in part four. The

⁷ In the pre-contact, contact, and post-contact periods (before 1769, from 1769 to 1840, and after 1840), mana whenua – control and authority over land – was exercised by hapū through rangatira (chiefs). See Durie (1994a) for a comprehensive discussion of the functions of hapū and iwi in these periods, and the changes that colonisation engendered for these groups and the responsibilities they exercised in regards to the people, the land, and other resources.

Act has generated important improvements in the way that Māori *participate* in resource management and planning, but participation is not the end goal for Māori. Sharing power is the aim, but stubborn challenges still stand in the way of Māori being able to make decisions about, and manage, water. A strategy that Māori and other indigenous peoples are using to pursue this objective is co-management. Co-management is a broad concept that is used to encompass a wide variety of arrangements involving more than one party. The literature on co-management, indigenous peoples and power is analysed in the fifth part of this chapter, as a way of making sense of power in joint arrangements that include indigenous peoples. Power in multi-stakeholder collaboration, which can also fall under the co-management umbrella, is discussed in Part six as a basis for understanding the dynamics in the Manawatū River Leaders' Forum (see Chapter 6).

Mana and the Treaty of Waitangi

Mana is a complex and expansive concept that is used in many ways. Consistent with how other authors have used mana (see, for example, M. Durie, 1998; Waitangi Tribunal, 2012), it is applied in this thesis to mean authority and control over water and other resources. However, mana has several meanings that stretch beyond those used by the researcher, some of which appear later. In Chapters 5 and 6, the ability of individuals to influence discussions in the Manawatū River Leaders' Forum is referred to as mana. Hirini Moko Mead (2003) discusses mana in this sense, defining it as a highly valued personal quality that directs 'the place of the individual in the social group' (p. 29). Accordingly, he states, people with mana tend to be leaders in the community. Their mana can be a product of their lineage, for example, if they come from a senior family. It also increases through an individual's contributions to the

community. This last point is supported by Huhana Smith (2011), who also connects mana to humility and recognition by others, emphasising that it 'is not something that individuals can claim for or bestow on themselves. It accumulates through their capacities and achievements, which are for others to acknowledge, not the individual' (p. 94). Smith and other authors, such as Manuka Henare (2001) and Benton, Frame and Meredith (2013), also note that natural resources have their own mana, which is inherited from supernatural origins.

Authority and control are also used in a particular manner in this thesis that does not capture all the ways in which Māori might think of authority. In relation to water, the Waitangi Tribunal (2012) has noted that authority in Māori terms is expressed in many forms, including through sustained customary use. Authority and control are also inseparable from a duty to protect and preserve resources for current and future generations (Waitangi Tribunal, 2012). Resource degradation denotes a loss of mana for the resource and the people, while restoring the health of a resource and enabling it to be used and valued by the people is an expression of mana (H. Smith, 2011). Moreover, mana tupuna, the ancestral right to land and other resources passed down to present generations from their forebears, persists, even when the resources are no longer owned, occupied or controlled by the living (E. T. Durie, 1994a). Therefore, while this thesis fixes on the loss of Māori authority and control over water as a result of colonisation, the author does not argue that Māori have necessarily lost mana over water.

Colonisation in Aotearoa was effected by the Treaty of Waitangi and the powers it enabled the Crown to exercise. Moana Jackson (1995) quotes a definition of colonisation, in which it is referred to as:

a political and economic process by which one nation assumes it has the right to take-over the land, resources, and people of another nation. It can be achieved through military invasion, rapid immigration, or use of imperial devices such as treaties, proclamations of discovery or annexation (p. 2).

Ranginui Walker (1989) has described the Treaty of Waitangi as 'a morally dubious document' (p. 263). He argues that the Crown's true intentions in proposing the Treaty – to annex Aotearoa to Britain and usurp sovereignty from the country's tribal leaders – were concealed from those leaders when they were invited to sign the Treaty. There were two Treaty guarantees given to the chiefs that are particularly relevant to this thesis. The first was that chiefs would retain tino rangatiratanga, 'the authority to control' (Waitangi Tribunal, 1985, p. 70) their lands and other resources. The second was that Māori would have equality with the European settlers who would eventually emigrate to Aotearoa.

The other half of the bargain – what the Crown would acquire – was presented in inconsistent and contradictory terms to the chiefs. In the English text of the Treaty, the chiefs would cede 'absolutely and without reservation all the rights and powers of Sovereignty' to the Crown, while somehow retaining their rangatiratanga. In the Māori text, they would transfer a power of much less value to the Crown, that being kāwanatanga or governance. Orange (2004) suggests that the chiefs believed that kāwanatanga would be exercised over unruly settlers while they would be left to their own affairs. She also proposes there were many reasons why the chiefs signed the Treaty, among which was an ultimately misplaced belief that the Crown would respect and preserve their rangatiratanga. As well, Durie (1998) surmises it was highly unlikely the chiefs fully comprehended the ramifications of signing the Treaty. In 1840, Māori

were the dominant population and outnumbered Europeans 40 to one (Orange, 2013). The profound and sweeping effects of colonisation, which are discussed in the next section, would not have been foreseeable.

Colonisation and water laws

Water was central to colonisation. Along with land, the Crown needed water to facilitate settlement and promote land ‘improvement’ as the engine of economic development in the new colony. Such improvement involved draining wetlands and clearing native forest to convert the land to agriculture. In the eyes of the settlers, swamps were rank, unoccupied wastelands with fertile soils that were best drained and cultivated (Park, 2002). Forests stood in the way of progress (Brooking & Pawson, 2011) and by the early 1890s, were ‘fast disappearing before the settler’s axe’ (Registrar General’s Office, 1893; see also Chapter 4). To effect this conversion of wetlands and forests to farmland, Parliament passed a chain of legislation (discussed below; see also Table 1) that gave the Crown and other institutions, such as local authorities, control over water. Under the law, these bodies could dam and divert rivers and streams, abstract water for irrigation and municipal water supply, and build extensive drainage and flood protection schemes. Specific rights in water were vested in the Crown.

There were two far-reaching effects of these laws for Māori. First, the environment was rapidly and extensively transformed (Brooking & Pawson, 2011; Roche, 1994). The area of land in pasture, for example, increased from 1.4 million hectares in 1880 to 5.9 million hectares in 1914 (Brooking & Pawson, 2011). In the course of this change, water resources on which Māori relied for survival and which were the basis of the tribal economy were

destroyed or damaged, or became difficult or impossible to access as land was alienated or harvesting restrictions were imposed. Second, the law enabled the Crown to gradually remove control over water from Māori, and vest it in itself, either directly or indirectly, through various creatures of statute, such as local authorities.

Statutes that vested power in local authorities

One of the earliest statutes to grant powers in water to local authorities appears to have been the Highways and Watercourses Diversion Act 1858 (Waitangi Tribunal, 1999; B. White, 1998). Under this Act, provincial councils could divert and dam rivers and streams, sell the beds of rivers and streams that were diverted, and build structures such as bridges and wharves on the beds and banks of waterways. Māori were not represented on councils, nor were they compensated when rivers and streams that they used and possessed as part of a wider tribal estate were modified or alienated (Waitangi Tribunal, 1999).

In 1876, councils were given wide powers under the Public Works Act to affect land and water for drainage purposes. Under this Act, any natural watercourse, except a navigable river, could be declared to be a public drain and under the control of the county council. Councils could take any land for drainage purposes, build new drains, widen, deepen or alter the course of any drain, and enter any land to take materials to build or repair a drain. These powers were later transferred to drainage boards under the Land Drainage Act 1893. Drainage Boards were deemed to be local authorities under the Act and, as such, were elected and governed by ratepayers. White (1998) argues that this

policy would have been prejudicial towards Māori, who by the early 1890s were significantly outnumbered by Pākehā⁸ and had been dispossessed of 83 percent of their lands.⁹ Few Māori paid rates (Ward, 1995), and those who did were clearly a minority who would have exercised little political influence, especially with severely diminished landholdings.

It would appear that drainage boards were autonomous and reasonably powerful organisations that operated with few constraints on their activities. To carry out their functions, boards could raise revenue through rates and loans, and contract out drainage works. Under the Land Drainage Act 1893, landowners had limited powers to object to the activities of drainage boards, and people who did not own or occupy land that was affected by drainage works appear to have had no powers at all. The Land Drainage Act of 1908 improved the situation for landowners, but not for others. White (1998) observes that Māori whose fisheries were damaged or destroyed by drainage works had no recourse under the drainage laws to seek legal remedy.

Fisheries were valuable because they were the mainstay of the Māori diet and economy. The Waitangi Tribunal discussed the importance of fish to Māori in the Muriwhenua Fishing Report (1988), and remarked that:

The products of an aquatic economy provided Māori with their only animal food apart from birds, dogs and rats ... fish were important to Māori ... not just for survival but for the economy that

⁸ The Pākehā population was estimated to be 650,433 in 1892, compared with 41,993 Māori (Registrar General's Office, 1893).

⁹ See Durie (1998, p. 119). In 1891, Māori owned 4,985,000 hectares of land, 17 percent of lands owned in 1840.

went with inter-tribal trade. No cash was involved ... but it was business all the same. (p. 7)

In that report, the Tribunal was referring to fish harvested from the sea, but freshwater fish were just as important. As the Tribunal noted in the Ngāi Tahu report (1991):

Kai ika and kai moana [sea fish and sea food] resources are inextricably linked with kai awa, kai manu, kai roto and kai rakau [food sourced from rivers, birds, lakes and forests]. The fabric of Ngai Tahu mahinga kai can only be fully produced by interweaving all sources of kai. (p. 842)

The detrimental effects of drainage laws on Māori fisheries have been documented by White (1998), Park (2002) and the Waitangi Tribunal (1991, 2006). The passage of the Hauraki Plains Act 1908, for example, effected the drainage of vast wetlands that once covered an area of approximately 36,400 hectares (Waitangi Tribunal, 2006). The Crown's intention in passing the Act was to facilitate settlement (Title, Hauraki Plains Act 1908). Once drained, the wetlands could be converted to dairy farms and subdivided for sale to settlers (Waitangi Tribunal, 2006). The Crown also required Māori land, and set up a legislative framework to enable it to purchase and compulsorily acquire Māori land for drainage and settlement (Waitangi Tribunal, 2006; see also White, 1998, for a detailed analysis of early drainage laws). While there is little documented evidence of the effects that transforming the Hauraki Plains had on Māori (Waitangi Tribunal, 2006), it can be assumed, based on the extent of wetland loss alone, that the water resources that provided sustenance and an economic base for Māori would have been decimated. Of the original 36,400 hectares of wetlands that once covered the Hauraki Plains, just over 6,800

hectares remain.¹⁰ Claimants to the Waitangi Tribunal's (2006) inquiry into the Hauraki district recounted the effects of this loss in their evidence, stating:

we were deprived of our income due to the loss of our flax on the land, and could no longer harvest our natural resources like Eels, Patiki [flounder] etc ... the swamp and rivers were kete kai [food baskets] and spiritual places for our people. The drainage and improvement schemes took them away (pp. 1147–1148).

Along with drainage boards, river boards also had extensive powers over rivers, streams and other waterbodies. Established under various local Acts from 1868, and then national legislation from 1884 (Roche, 1994), river boards could take land without the agreement of the owner, divert, dam, or take water, and change the course of any stream or river, all under the auspices of flood protection. River boards also had the status of local authorities (Registrar General's Office, 1893) and were governed and elected by ratepayers. Like drainage boards, river boards could levy rates and raise loans to pay for flood protection works, and select the contractors who would build them. With the tribal land and economic base fast disappearing, Māori worked as contractors for river and drainage boards building stopbanks and digging drains to earn a living. One claimant to the Waitangi Tribunal's (2006) Hauraki inquiry remarked that:

we never got to participate in the new wealth that was supposed to result from the [drainage] schemes. Because we had so little land left the drainage of the plains produced fewer benefits to us except as labourers. On the other hand we paid a high price in land and

¹⁰ This area comprises 255 hectares of saline wetlands and 6564 hectares of freshwater wetlands (Kessels et al., 2010, p. 8).

the loss of the rich traditional swamp and river resources (p. 1148).

Statutes that vested power in the Crown

Other laws vested rights in water directly in the Crown. Under the Coal-mines Act Amendment Act 1903, the beds of all navigable rivers, and the minerals in them, were deemed to be the 'absolute property' of the Crown (section 14(1)). In the same year, Parliament vested the sole right to use water in lakes and rivers to generate hydro-power in the Crown under the Water Power Act 1903 (section 2(1)). The Crown could then grant this right to a third party, such as a council or corporation. The rights of the Crown in water were expanded under the Water and Soil Conservation Act 1967 to include 'the sole right to dam any river or stream, divert or take any natural water, or discharge natural water or waste into any natural water, or to use natural water' (section 2(1)).

Planning laws

A suite of planning legislation vested the right to plan – the designing or controlling of urban or economic development ("Oxford English Dictionary," 2006) – in local authorities and government departments. The Town Planning Act 1926 and Town and Country Planning Act 1953 required local authorities to prepare town and regional planning schemes. Schemes under the 1926 Act were to deal with sewerage, drainage, sewage disposal, and water supply. These matters were expanded under the 1953 Act to include harbours and navigable waterways, and power generation. Neither Act made any provision for Māori or the Treaty of Waitangi. A summary of these laws is provided on the next page in Table 1: Laws (now repealed) that affected water.

Table 1: Laws (now repealed) that affected water

Law	Effect
Highways and Watercourses Diversion Act 1858	Enabled provincial councils to divert and dam rivers and streams, sell the beds of diverted rivers and streams and build structures on beds and banks of waterways.
Public Works Act 1876	Empowered county councils to declare any (un-navigable) natural waterway a public drain and under its control, take land for drainage purposes, build drains, and widen, deepen or alter the course of any drain.
Land Drainage Act 1893	Established drainage boards, which were deemed to be local authorities and were elected and governed by ratepayers
River Boards Act 1884 and earlier local legislation¹¹	Established river boards, which could take land without the owner's agreement, divert, dam or take water, and change the course of any stream or river for flood protection purposes.
Coal-mines Act Amendment Act 1903	Vested the beds of all navigable rivers and the minerals in the beds in the Crown.
Water Power Act 1903	Vested in the Crown the sole right to use water in lakes and rivers to generate hydro-power. The Crown could then grant this right to a third party.
Town Planning Act 1926	Required local authorities to prepare town and regional planning schemes to deal with sewerage, drainage, sewage disposal and water supply.
Town and Country Planning Act 1953	Expanded the matters that local authorities had to prepare schemes for to include harbours, navigable waterways and power generation.
Water and Soil Conservation Act 1967	Vested in the Crown the sole right to dam any river or stream, divert or take water, discharge water or waste into water, or otherwise use water.

¹¹ See Roche (1994) for a summary of local legislation that established river boards.

Change begins

The tide began to turn in the mid-1970s. In the context of political activism that emphasised Māori land rights and the Treaty of Waitangi (see, for example, Orange, 2004; Ward, 1999), Parliament passed the Treaty of Waitangi Act 1975. The Act established the Waitangi Tribunal, a permanent commission of inquiry that has powers to inquire into and make recommendations to the Crown on claims brought by Māori (section 5). These claims are to concern Crown breaches of the principles of the Treaty of Waitangi that prejudice Māori, and that have occurred by way of any historical or proposed Crown policy, practice, action or omission (section 6).

In 1977, the Town and Country Planning Act was passed. The Act was different from previous planning law in that it included section 3(1)(g), which declared 'the relationship of Maori people and their culture and traditions with their ancestral land' to be a matter of national importance that must be recognised and provided for in the 'preparation, implementation and administration of regional, district and maritime schemes'. The inclusion of this provision was probably influenced by the activism occurring at the time, and by a submission of the New Zealand Māori Council on the proposed legislation. In that submission the council complained that:

The existing statute has for far too long been a matter of grave concern and serious and continuing strife for the Māori race. Some of the effects of the existing statute have been very poor communications; lack of real participation; cumbersome machinery; incomprehensible district schemes; lack of clear objectives and policies ... lack of provision and protection for marae [and] traditional and cultural usages of historic places (as cited in Stephenson, 2001, p. 176).

There is, however, some debate about whether the inclusion of section 3(1)(g) would have made much difference to Māori. At the local level, Boast (1989) surmised that ‘provision for Maori community needs in district schemes is likely to be variable and inconsistent’ (p. 51). Stephenson (2001), though, presents a more positive view, noting a number of planning appeal cases that indicate section 3(1)(g) was having ‘some effect on planning practice’ (p. 176).

That notwithstanding, for the first 10 years of the Act’s life, the Planning Tribunal applied a narrow interpretation of ancestral land. In *Knuckey v Taranaki County Council*¹², the Tribunal determined that ancestral land must be owned by Māori. Ancestral land that had fallen into private or Crown ownership, which in 1975 was 95.5 percent of land that had originally been owned by Māori,¹³ was excluded. The Planning Tribunal also interpreted ancestral land to mean cemeteries (E. T. Durie, 1994b). This limited understanding of ancestral land stood until 1987, when it was over-ruled by the High Court. In *Royal Forest and Bird Protection Society Inc v WA Habgood Ltd*¹⁴, the court found that ancestral land was ‘land which has been owned by ancestors’ (p. 8) and to which a relationship between present generations of Māori people and their culture and traditions could be established. Importantly, the land did not need to be owned by Māori.

Similar provisions for the relationship of Māori with water, however, did not exist in the planning and resource management legislation (Waitangi Tribunal, 1984). In its reports on the Motunui-Waitara (1983), Kaituna (1984), and

¹² [1978] 6 NZTPA 609

¹³ See Durie (1998, p. 119). In 1975, Māori owned 3 million acres of land, compared with 66.4 million acres in 1840.

¹⁴ [1987] 12 NZTPA 76

Manukau (1985) claims, the Waitangi Tribunal paid particular attention to the Water and Soil Conservation Act, the principal law for managing water (Boast, 1989). As has already been noted, the Act vested important rights to use water in the Crown. It also empowered regional water boards to grant rights to dam any river or stream, divert or take water, discharge water or waste to water, or use water to parties who applied for such rights (section 21(3)). The Tribunal noted repeatedly that the Act did not contain any provisions that would enable boards and the Planning Tribunal to take into account Māori cultural and spiritual values when considering applications for water rights, and objections to these applications. Boast (1989) observed that this lacuna was problematic for Māori who opposed applications because it led to:

long-standing catchment board and Planning Tribunal practice ... not to accept evidence of Maori spiritual or metaphysical concerns ... Maori objectors were required to point to specific 'environmental effects', such as damage to shellfish beds, before their evidence could be recognised (p. 33).

This practice was overturned in 1987 in *Huakina Development Trust v Waikato Valley Authority*¹⁵. The background to this case involved the Waikato Valley Authority granting a water right to the owners of a dairy farm to discharge treated dairy-shed effluent into the Kopuera Stream, a tributary of the Waikato River. The Huakina Development Trust appealed the decision to the Planning Tribunal on the basis that the Authority did not adequately consider the effects of discharging the effluent on the Kopuera Stream and the Waikato River, and that 'the pollution would detrimentally affect a very valuable tribal resource, which provides both physical and spiritual sustenance' (p. 4). The Tribunal

¹⁵ [1987] 2 NZLR 188

dismissed the appeal because the Water and Soil Conservation Act did not provide for the spiritual relationship of Māori with water to be taken into account in decisions about applications for water rights. The Huakina Development Trust appealed the decision to the High Court. In his judgement, Justice Chilwell found that regional water boards and the Planning Tribunal could not ignore 'evidence which tends to establish the existence of spiritual, cultural and traditional relationships with natural water held by a particular and significant group of Maori people' (p. 80). Māori values were relevant considerations to be taken into account in decisions made under the Act.

At the same time, the Waitangi Tribunal was making recommendations to the Crown about the need for statutory change (see Waitangi Tribunal, 1983, 1984, 1985). Noting signals that the government intended to review the planning and resource management laws, the Tribunal recommended in its Manukau report (1985) that the protection of Māori fishing grounds and the relationship of Māori and their values, culture and traditions to water, be included in any new legislative framework as a principle that would apply to all relevant laws. The Tribunal also urged the Crown to amend the Water and Soil Conservation Act 'to enable regional water boards to take into account Māori spiritual and cultural values when considering water rights applications' (p. 97). Finally, the Tribunal proposed that in preparing planning schemes, regard should be taken of the relationship of Māori and their values, culture and traditions with water.

The Tribunal's recommendations led to a significant departure from the way the Crown had treated Māori rights in relation to water for over 130 years. In 1988, the government initiated a massive project to reform the resource management laws. The reforms were to address several problems with the existing statutory framework, including the fact that '[t]he interests of Maori

people were overlooked, and their expectations in relation to the Treaty of Waitangi were unfulfilled' (G. Palmer, 1990, p. 92). The reforms culminated in the introduction of the Resource Management Act 1991.

Resource Management Act 1991

The passage of the Resource Management Act 1991 (RMA) 'significantly changed the statutory framework of natural resource management' (Whareaitu, 1992, p. 3). The Act replaced and consolidated into one law over 50 statutes relating to planning, water and other resources, including the Town and Country Planning Act 1977 and the Water and Soil Conservation Act 1967. The Act has a single purpose, being 'to promote the sustainable management of natural and physical resources' (section 5(1)). Sustainable management is defined in the Act as 'managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety'. At the same time, 'the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations' must be sustained, 'the life-supporting capacity of air, water, soil and ecosystems' must be safeguarded, and the 'adverse effects of activities on the environment' must be avoided, remedied, or mitigated (section 5(2)).

Unlike previous resource management legislation, the RMA contains several provisions that require those with responsibility for implementing the Act to consider the impacts of policies and activities on Māori. The most important of these provisions are contained in sections 6, 7 and 8, which set out the principles on which institutions and individuals with powers and functions

under the Act¹⁶ must draw to achieve the Act's purpose. Section 6(e) expands section 3(1)(g) of the Town and Country Planning Act 1977 (Boast, 2004) and requires 'all persons exercising powers and functions under [the Act], in relation to managing the use, development and protection of natural and physical resources ... to recognise and provide for ... the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga' as a matter of national importance. Section 7 sets out other matters to which planners and others implementing the Act 'shall have particular regard', one of which is kaitiakitanga¹⁷ (section 7(a)). The principles of the Treaty of Waitangi must also be taken into account (section 8).

Outside these core provisions, there are others that provide for Māori to participate in planning processes. Particular emphasis is placed on consultation. For instance, in the process of developing or changing their planning documents, councils are required to consult with iwi authorities¹⁸ and to 'take into account' planning documents recognised by iwi authorities, commonly referred to as iwi management plans.¹⁹ To clarify for councils the expectations associated with consultation and who to consult with, the Act sets

¹⁶ Such persons include the Conservation and Environment Ministers and their officials (Part 4), territorial authority and regional council politicians and staff (Part 4, particularly sections 30 and 31), hearings commissioners (section 34A), the Environmental Protection Authority (Part 4A), and judges and commissioners of the Environment Court (Part 11).

¹⁷ Kaitiakitanga is defined in the Act as 'the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship' (section 2(1)).

¹⁸ Clause 3(1)(d) of Schedule 1 requires councils to consult 'the tangata whenua of the area who may be so affected, through iwi authorities' when preparing a proposed regional policy statement or regional or district plan.

¹⁹ Sections 61(2A)(a), 66(2A)(a) and 74(2A)(a) require regional councils and territorial authorities, when preparing or changing their regional policy statements, regional plans or district plans, to 'take into account any relevant planning document recognised by an iwi authority, and lodged with the [council or territorial authority] to the extent that its content has a bearing on resource management issues' of the region or district.

out criteria for consultation,²⁰ and requires councils to keep records about the iwi and hapū in their regions and districts. These records must include the contact details of iwi authorities and groups representing hapū for resource management purposes, iwi management plans lodged with the council, and areas within the council boundaries over which hapū and iwi exercise kaitiakitanga (section 35A(1)).

While an improvement on generations of laws that failed to make any substantive provision for Māori, the RMA falls well short of meeting Māori expectations for involvement in resource management (Jones, 2004). At the consultation hui (meetings) during the resource management law reforms, Māori repeatedly stressed a desire to be represented on resource decision-making bodies (Ministry for the Environment, 1988a, 1988b). Not surprisingly then, Māori have been disappointed by, and critical of, the focus on consultation, which Kapua has described as being ‘almost to the exclusion of all else’ (2007, p. 126).

Research carried out by the Ministry for the Environment (Maynard, 1998; Ministry for the Environment, 2000), and the Parliamentary Commissioner for the Environment (1998), identified several problems with consultation. Across these reports, it was consistently found that Māori viewed council consultation and communication with them as deficient. Māori and councils frequently had different expectations of consultation, many councils were unsure who to

²⁰ A council is considered to have consulted with iwi authorities if it ‘considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and consults with those iwi authorities; and enables those iwi authorities to identify resource management issues of concern to them; and indicates how those issues have been or are to be addressed’ (clause 3B, Schedule 1).

consult (Maynard, 1998; Parliamentary Commissioner for the Environment, 1998), and processes were often poor, with councils seeking Māori involvement late in the proceedings.

Compared with councils, Māori have limited financial resources and technical capability to participate in environmental planning (Maynard, 1998; Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2006; Tutua-Nathan, 2003). For example, in a 2012 Te Puni Kōkiri survey of iwi authorities on Māori involvement in resource management, the Ministry found that 60 percent of respondents had two to five people working on RMA and environmental issues (Te Puni Kōkiri, 2012). Just under half of these organisations reported that this work was mostly unpaid. In earlier research by Te Puni Kōkiri about Māori and council engagement under the RMA, the Ministry found that Māori consider they cannot 'compete with professional planners and lawyers' in RMA processes (Te Puni Kōkiri, 2006, p. 16). Māori participants who were interviewed as part of a study by the Parliamentary Commissioner for the Environment about tangata whenua participation in environmental management believed the technical contributions of non-Māori resource management professionals carried more weight than those of Māori (Parliamentary Commissioner for the Environment, 1998).

The RMA provision that held out the most promise for Māori being able to share with councils in making decisions about the environment was section 33. Under section 33 'a local authority may transfer any 1 or more of its functions, powers or duties to any public authority ... [which] includes ... any iwi

authority’.²¹ While local authorities have used this provision to transfer powers to one another, it has never been used to transfer powers to iwi²². The reasons why councils have failed to transfer powers to iwi authorities have been the topic of various pieces of academic and government research (see examples below). Some of these reasons are administrative. For instance, there is no formal or clear process for making a section 33 application to a local authority: ‘iwi are unsure what procedure to follow’ (Rennie et al., 2000, p. 37). Other reasons relate to larger and more intractable issues, such as a lack of resources, attitudes, and the reluctance of councils to share power with iwi.

As has already been explained, iwi authorities have far fewer resources than councils to commit to resource management and planning. The Act is silent on who covers the costs of exercising a power, duty or function once it is transferred under section 33, and leaves the parties to negotiate the financial and other details between them. Rennie, Thomson and Tutua-Nathan (2000) believe the monetary constraints that many iwi authorities are under can be overcome, for example, through councils also transferring the power to charge fees for processing resource consents. Clark (2003), however, challenges this view. She raises hard, political questions about funding, asking, ‘Does the local authority transfer not only the function, but also the money and other resources it used in the past to carry out that function? Are the transferees expected to fund the functions themselves?’ (p. 50). Section 33 transfers aside, Maynard (1998) notes that councils are tentative about funding Māori for resource

²² Under the Official Information Act 1982, the researcher sent a request on 10 October 2014 to the Ministry for the Environment asking if there have been any section 33 transfers to an iwi authority. A ministry official replied on 12 November 2014 stating that the Ministry is not aware of any transfers of powers under section 33 to an iwi authority. Research completed by McCrossin (2013) also found that there have been no section 33 transfers to an iwi authority.

management purposes anyway. Political opposition is common (Te Puni Kōkiri, 2006).

Barring statutory intervention, answers to questions about section 33 transfers rest in the hands of councillors and to a lesser extent, council staff. People – according to Rennie et al. (2000) – are ‘[t]he single greatest inhibiting factors’ (p. 44) to approving section 33 transfers to iwi. Māori participants who took part in research conducted by the Parliamentary Commissioner for the Environment (1998) believed that councils were reluctant, ‘fearful and distrustful’ (p. 71) of actioning section 33 transfers to iwi. Councillors – the majority of whom are Pākehā, male, over the age of 50, and have a higher than average income (Sullivan, 2003) – respond to the views of their mostly Pākehā constituents,²³ who might look unfavourably on the council transferring powers to iwi (Rennie et al., 2000). For a variety of other reasons,²⁴ councillors are unwilling to relinquish, or even share power (Rennie et al., 2000). Boast (2004) contends that the distribution of power is one of the core problems in the relationship between local government and Māori; a relationship that Durie (1998) observes has always been difficult.

²³ Statistics New Zealand estimates that New Zealanders of European descent comprised 76.8 percent of the population in 2006 (Statistics New Zealand, n.d.).

²⁴ The reasons listed were: ‘the desire to ensure that ratepayers money was not wasted, that the councillors were elected to make decisions and should not therefore give those powers to authorities that are not directly accountable to the electorate; and simply not being aware of other ways to look at resource management or the criteria that govern section 33 transfers’ (Rennie et al., 2000, p. 45).

Local government and Māori

The origins of local government reluctance to share power with Māori can be traced to early settler attitudes towards Māori and the dominance of local bodies. Many settlers regarded Māori as ‘innately inferior’, ‘brutish’, and ‘repugnant’, and ‘wanted the Maori stripped of power, not confirmed in power’ (Ward, 1995, pp. 56-58, 161). The first provincial councils were established under the New Zealand Constitution Act 1852 and were governed and elected by men over the age of 21 who owned or leased land (sections 6 and 7). The ratepayer franchise for local elections was thus established. Until at least 1865, Māori would not have been eligible to vote or be elected, as Māori land was held in Māori customary title, not freehold²⁵ (Boast, 2004). Moreover, owing to land loss, indebtedness, and antagonism towards local bodies for compulsorily acquiring Māori land, Ward (1995) suggests that most Māori were ‘unwilling and generally unable to pay rates’ (p. 269). Aside from some rare exceptions, he asserts that Māori had ‘almost nothing to do with the machinery of settler local administration’ (p. 269).

A century and a half later, Māori remain relatively invisible as elected members on councils. The power of the ratepayer franchise is persistent (Mulgan, 2004), and resistance to Māori representation on local government is pervasive. In the 1998, 2001, and 2004 local elections, over 90 percent of the elected members identified as New Zealand European, compared with less than 6 percent who identified as Māori (Local Government New Zealand, 2007b). Since the

²⁵ In 1862 and 1865 the Native Land Acts were passed. The Acts established the Native Land Court, which had the function of individualising Māori land titles so they could be sold. With the conversion of customary title to freehold, Māori became eligible to vote (Tawhai, 2011).

enactment of the Local Electoral Amendment Act 2002,²⁶ councils have had the option of establishing Māori wards or constituencies to provide Māori representation for Māori electors, but none have taken it up (see Human Rights Commission, 2010). In a report by the Human Rights Commission on Māori representation in local government, the commission quoted the Hamilton and Tauranga city councils' reasons for not establishing Māori wards. These reasons were: constituting Māori wards would create 'an electoral privilege' and 'confusion for electors', council already has a good appreciation of Māori issues and has had Māori elected representatives in the past, and 'a single Māori representative could potentially reduce Māori participation' (Human Rights Commission, 2010, p. 31).

Only two councils – the Bay of Plenty and Waikato regional councils – have established Māori constituencies. The Bay of Plenty Regional Council did so in 2001, but under special legislation,²⁷ and at the insistence of Te Arawa²⁸ who pursued the issue for nine years (Waaka, 2006). In 2011, the Waikato Regional Council voted to establish two Māori constituencies (Ngā Hau e Whā and Ngā Tai ki Uta) in time for the 2013 local government elections. In 2010, the Royal Commission on Auckland Governance recommended that three Māori seats be established on the proposed Auckland Council. The recommendations were rejected by the government (see New Zealand Government, 2009), however, which chose to leave it 'up to the people of greater Auckland to decide what

²⁶ The Local Electoral Amendment Act 2002 amended the Local Electoral Act 2001 to include section 19Z, which provides for territorial authorities to establish Māori wards, and regional councils to establish Māori constituencies, for electoral purposes.

²⁷ The Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001 is a local Act. 'A local Act deals with matters of public interest but only affects a particular part of New Zealand' (<http://www.legislation.govt.nz/glossary.aspx>).

²⁸ A confederation of tribes that has mana whenua in the Bay of Plenty region.

shape [Māori] representation should take' (Human Rights Commission, 2010, p. 24).

More success has been achieved in the broad area of Māori participation in resource management and planning. Numerous reports have been prepared on council engagement with Māori, all aimed at providing information or promoting best practice that could then be taken up by councils and Māori to improve their relationships (see, for example, Local Government New Zealand, 2007b; Maynard, 1998; Ministry for the Environment, 2000; Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2006). Alongside and undoubtedly connected with this body of work, many mechanisms for facilitating engagement have emerged. Some of these instruments have an advisory function. Hayward (2011a, p. 88), drawing on Local Government New Zealand (2007b), identifies five structures being used to promote Māori engagement with councils:

Māori standing committees, which are formal council committees able to make recommendations to councils on matters of concern to Māori.

Māori advisory committees, which are informal committees advising councils on Māori issues and concerns.

Māori working parties and sub-committees, set up to advise councils on a particular project or policy issue, or as a longer term mechanism for Māori engagement.

Iwi liaison staff or Māori policy units established within councils, which act as links between councils and local Māori, focusing on a range of issues as the need arises.

Māori focus groups of experts in specialist areas, which can give advice and feedback to council on specific issues.

In 2004, Local Government New Zealand reported that 20 percent of councils had established a Māori standing committee, just over a quarter had a Māori advisory committee, and almost half had set up working parties or sub-committees with Māori members (Local Government New Zealand, 2004).²⁹

Research updated and summarised by the Ministry for the Environment in 2014 (R. McClean, personal communication, 21 October 2014) revealed that the type of arrangements between councils and Māori has changed somewhat. The same proportion of councils still use advisory boards, but around 20 percent of councils are also using Joint Management Agreements and joint committees. The power to make a Joint Management Agreement (JMA) was inserted into the RMA in 2005 by way of the Resource Management Amendment Act 2005. Since then, section 36B of the RMA has provided for a local authority to make a Joint Management Agreement with a public authority, an iwi authority or a group that represents hapū for RMA purposes, as long as certain conditions are satisfied.³⁰ The first JMA was signed between the Taupō District Council and the

²⁹ Local Government New Zealand has not conducted a more recent survey (M. Reid, 2011).

³⁰ These conditions are set out in section 36B(1) of the RMA, which states:

A local authority that wants to make a joint management agreement must—

(a) notify the Minister that it wants to do so; and

(b) satisfy itself—

(i) that each public authority, iwi authority, and group that represents hapu for the purposes of this Act that, in each case, is a party to the joint management agreement—

(A) represents the relevant community of interest; and

(B) has the technical or special capability or expertise to perform or exercise the function, power, or duty jointly with the local authority; and

(ii) that a joint management agreement is an efficient method of performing or exercising the function, power, or duty; and

(c) include in the joint management agreement details of—

Tūwharetoa Māori Trust Board representing Ngāti Tūwharetoa on 17 January 2009.³¹ Since then, at least 7 JMAs have been signed between 6 councils and other iwi with connections to the Waikato River.³² These JMAs are a product of 3 laws that give effect to the Waikato River settlement: the Waikato-Tainui (Raupatu Claims) Waikato River Settlement Act 2010; the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010; and the Ngā Wai o Maniapoto (Waipa River) Act 2012. Settlements are described in more detail below.

The Ministry for the Environment's 2014 summary revealed that the most common arrangements between councils and Māori are memoranda of understanding and other relationship agreements. At 2014, 40 percent of councils are using these agreements, compared with 50 percent in Local Government New Zealand's 2004 research. In 2004, almost half of councils were involved in projects with Māori. However, projects did not appear in the 2014 Ministry for the Environment summary. The 2004 study also found that two-thirds of councils provided training to councillors or staff on the Treaty of Waitangi, te reo, tikanga or statutory obligations to Māori. The 2014 summary did not update this information.

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- (i) the resources that will be required for the administration of the agreement; and
 - (ii) how the administrative costs of the joint management agreement will be met.

³¹ See Hancock (2011) for a discussion of the Tūwharetoa Māori Trust Board and the Taupō District Council Joint Management Agreement.

³² The Raukawa Settlement Trust has signed 2 JMAs with the Taupō District Council and the Waikato Regional Council; Waikato-Tainui have signed 3 JMAs with the Waikato District Council, Waikato Regional Council and Hamilton City Council; Te Arawa River Iwi Trust have signed a JMA with the Waikato Regional Council; and the Maniapoto Māori Trust Board have signed a JMA with the Otorohanga, Waipa, Waikato, and Waitomo district councils, and the Waikato Regional Council.

Alongside more formal relationship-building structures, developing positive, informal relationships between the people who occupy the various hierarchical levels in councils and iwi and hapū is vital. A 2006 study by Te Puni Kōkiri found that successful engagement between Māori and councils depends on these types of relationships, which in turn require a number of elements to survive. These factors are: ongoing communication, 'trust, transparency and goodwill', 'strong structural arrangements' such as Māori advisers in councils and iwi and hapū based contacts and committees, and councils understanding the 'role of tangata whenua in their community and the value their extensive local knowledge can add to achieving positive community outcomes' (Te Puni Kōkiri, 2006, p. 7).

Despite the progress that has been made, substantive problems persist. Principally, these are a lack of financial resources and resource management and planning expertise that together lead to weak Māori engagement in RMA processes, particularly in plan development (Te Puni Kōkiri, 2006), and sub-standard plans³³ that do not provide adequately for Māori values or issues (Jefferies et al., 2002). Central government has not been forthcoming with funding or policy that help councils to formulate 'consistent approaches to charging and cost-recovery for iwi involvement in RMA processes' (Te Puni Kōkiri, 2006, p. 16). Not surprisingly, some Māori are cynical about the extent to which the RMA has changed things for Māori (see, for example, Kapua, 2007; Love, 2003; Matunga, 2000), with one commenting that 'Māori expected to be a key participant in the resource management process when the Act came into force. The reality is quite different' (Kapua, 2007, p. 136).

³³ This research evaluated first-generation policy statements and plans.

Other commentators are more positive, while at the same time acknowledging the realities of Māori engagement in resource management and planning. Durie (1998), for example, suggests that '[t]he many unresolved issues should not prevent the creation of new strategies to address particular situations' (p. 47). High Court judge and former Chief Judge of the Māori Land Court, Joseph Williams, contends that 'the process that is setting innovative templates for Māori participation in environmental management ... is more the ad hoc Treaty settlement process' (Williams, 2007, p. 5).

Treaty settlements

The Crown's policy is to resolve historical claims filed by Māori in the Waitangi Tribunal or brought directly to the Crown through negotiated settlements³⁴. Settlements contain three types of redress: a Crown apology, cash and assets on which to build an economic base, and cultural redress, which recognises the claimants' connections with the land and other resources in their area of interest (Office of Treaty Settlements, 2002a). Financial redress across 42 settlements between 1990 and 2013 has ranged from approximately \$44,000 to \$170 million (Office of Treaty Settlements, 2014). Stone (2012) maintains that 'a key outcome of any Treaty settlement is to provide the settling group with an economic base from which to develop into the future' (p. 146), but points out that little research has been conducted on whether this aim has been achieved. Nonetheless, tribal documents indicate that some iwi are becoming stronger economic actors. For example, between the passage of Ngāi Tahu's settlement legislation in 1998 and 2001, Ngāi Tahu increased their tribal equity from \$30

³⁴ See the explanation of the negotiations process in Office of Treaty Settlements (2002b).

million to \$210 million (Te Rūnanga o Ngāi Tahu, 2001). In 2013, Ngāi Tahu Holdings Group held assets worth \$969 million (Te Rūnanga o Ngāi Tahu, 2013). In addition, the cultural redress component of settlements can enhance claimants' ability to influence planning processes and decision-making. Since 2009, for example, cultural redress in settlements negotiated with Ngāti Whare, Waikato-Tainui, and 4 other iwi connected with the Waikato River – Ngāti Maniapoto, Tūwharetoa, Te Arawa, and Ngāti Raukawa – have included co-management arrangements (Minister for Treaty of Waitangi Negotiations, 2009a, 2009b, 2009c, 2010a, 2010b, 2010c).

Co-management

While co-management appears to be a recent feature of Treaty settlements, its history as a strategy for improving the position of Māori in resource management and planning is somewhat longer, having been proposed in the late 1980s.³⁵ The use of co-management in New Zealand for this purpose follows or parallels its use in other jurisdictions where indigenous peoples have also been colonised, such as Canada, Australia, and North America. For indigenous peoples, including Māori, co-management is a strategy that has the following goals:

1. Restoring the environment to a healthy state for future generations
2. Maintaining access, and therefore a relationship and connection, to resources

³⁵ See note regarding personal communication with the late John Paki, former Māori Trustee, about the proposed joint management arrangement for Ōrākei in Parliamentary Commissioner for the Environment (1988, p. 20).

3. Sharing the authority to make decisions about how natural resources are managed.

Some Canadian and North American scholars discuss these goals in terms of rights. Pinel and Pecos (2012), for example, describe co-management as 'an interim step in a long struggle for land and cultural rights' (p. 602), a view shared by Notzke (1995). Notzke also offers a directive, seemingly to non-indigenous actors involved in co-management with indigenous peoples, to understand aboriginal goals for co-management. She states:

It is important to realize that native groups do not just want access to and a fair share of the resources in question, but that they strive for participation in the management of these resources, and that they want to share in the power to make decisions about the fate of the land and the resources it supports. Native people are also interested in an opportunity to contribute their traditional knowledge to the resource management regimes they help to set up. In short, they want to be partners in resource management (p. 188).

It is widely held that there is no single definition or model of co-management. As many co-management definitions exist in the literature (see, for example, Carlsson & Berkes, 2005) as co-management arrangements in practice. Without wanting to bend the term to mean something that it is not, Borrini-Feyerabend, Pimbert, Taghi Farvar, Kothari and Renard (2004) use it to encompass nearly 40 concepts that describe collaboration in managing natural resources. These definitions include 10 variations on co-management, along with other terms such as participation, networking, joint management, and sound governance. One definition of co-management by Stevens (1997) emphasises power sharing between indigenous peoples and the state:

[t]rue co-management goes far beyond mere consultation. With co-management, the involvement of indigenous peoples in protected areas becomes a formal partnership, with conservation management authority shared between indigenous peoples and government agencies ... or national and international non-governmental organisations ... true co-management requires involvement in policy-formulation, planning, management and evaluation (p. 276).

Other definitions refer to management rights being shared between a wider set of actors who come together in a partnership. Borrini-Feyerabend (1996), for instance, conceptualises co-management as

[a] situation in which some or all of the relevant stakeholders are involved in a substantial way in management activities. Specifically, in a collaborative management process the agency with jurisdiction over natural resources develops a partnership with other relevant stakeholders (primarily local residents and resource users) which specifies and guarantees the respective management functions, rights and responsibilities (p. 12).

Other interpretations refer to power sharing between the state and stakeholders in broad, inclusive terms. In their influential paper, Berkes, George and Preston (1991) defined co-management as ‘the sharing of power and responsibility between the government and local resource users’ (p. 6), and set out seven levels of co-management following Arnstein’s (1969) ladder of citizen participation: informing, consultation, cooperation, communication, advisory committees, management boards, and community control/partnership (p. 36).

In New Zealand, the term ‘co-governance’ has emerged with the establishment of the Land and Water Forum. Originally called the Sustainable Land Use Forum, it was established in June 2008 to be ‘a unique roundtable group [that

would] work to find ways of making New Zealand agriculture more sustainable' (as cited in Baines & O'Brien, 2012, p. 16). Re-named the Land and Water Forum in 2009, the Ministers for the Environment and Agriculture and Forestry tasked it to:

- Conduct a stakeholder-led collaborative governance process to recommend reform of New Zealand's freshwater management
- Using a consensus process, identify shared outcomes and goals for fresh water
- In relation to the outcomes and goals, identify options to achieve them
- Produce a written report which recommends the shared outcomes, goals, and long-term strategies for freshwater in New Zealand (Land and Water Forum, 2010, p. 59).

In a research report on the forum's collaborative governance process, Baines and O'Brien (2012) developed a definition of collaborative governance. According to this explanation, collaborative governance is:

An arrangement where one or more public agencies engage with non-state stakeholders (commercial and community) in a collective decision-making process. Such a forum is formally organised and meets regularly, works to achieve decisions by consensus and focuses collaboration on solutions or outcomes. Governance here is not about one individual making a decision but rather the pooling of resources so groups of individuals or organisations can make decisions that cannot be solved alone – coming together with the intention of solving problems for the wider community – with the purpose of guiding and steering the community (p. 11).

The Land and Water Forum (2010) also produced their own interpretation of collaboration, collaborative approach and collaborative process. This definition was:

Working with a wide range of interested parties in each aspect of a decision-making process, including the development of alternatives and the preferred solution(s). Collaboration provides a greater level of input on the design of the approach and the options and solutions identified than consultation and many other forms of public and sector engagement. Collaboration can occur within communities and within a regulatory framework. In a regulatory framework, advice and recommendations will be used by the decision-maker to the greatest extent possible (p. 62).

Neither of these definitions mention power.

Māori, Pākehā and international co-management scholars agree that the mass of interpretations and manifestations of co-management – as a broad umbrella term that might encompass co-governance and collaboration as well as other types of joint arrangements – is problematic. Tipa (2006) argues that the many permutations of co-management create ‘uncertainty as to what constitutes a co-management regime and about what co-management (and the sharing of decision-making) means in practice, [which] continues to reinforce the marginalisation of indigenous peoples and limit effective participation in resource management’ (p. 155). For this reason, Coombes and Hill (2006) describe co-management as a ‘dangerously polysemic’ concept (p. 136). Tipa and Welch (2006) are critical of models of co-management such as the hierarchy developed by Berkes et al. (1991), because many of the arrangements in that framework do not constitute co-management from an indigenous perspective. Consultation, for example, has long been regarded by Māori as an inferior mode of engagement with the state, but is considered to be co-

management under that model. Moller, Horsley, Lyver, Taiepa, Davis and Bragg (2000) also reject the idea that consultation and co-management are synonymous.

Despite these criticisms, the levels of co-management hierarchy proposed by Berkes et al. was used as recently as 2007 to describe five examples of co-management between local authorities and Māori (Local Government New Zealand, 2007a). The examples were deliberately not analysed – the report was intended to be descriptive only – but the framework was not analysed either. The tangle of co-management definitions and the use of the term to describe broad types of arrangements makes it a ‘contested’ concept (Tipa & Welch, 2006, p. 374), which has the potential to be corrupted (G. Borrini-Feyerabend et al., 2004). It can also be used to overstate and involve indigenous peoples in regimes that do not meet indigenous expectations or aspirations for power-sharing.

Co-management scholars appear to share common understandings of what power is. Pomeroy and Berkes (1997), for example, discuss power as legal rights and authority to make decisions and exercise management functions. Similarly, Castro and Nielsen (2001) describe power as a ‘proprietary share in the authority and decision-making power that underwrite management’ (p. 231). Armitage et al. (2008) also refer to power as decision-making power.

The meaning of power-sharing, however, is amorphous and contested. Co-management commentators differ in their views on the extent to which power is shared, with some proposing that power be shared between equals (The World Bank, 1998) and others that power be shared on a fair and equitable basis (G. Borrini-Feyerabend, Farvar, Nguinguiri, & Ndangang, 2000). In an equitable power-sharing arrangement, each party exercises responsibility to

the extent that their capacity allows, with some parties being able to exercise more and others less, or 'contributes what it is best at or most interested in' (Ross et al., 2009, p. 247). The National Round Table on the Environment and the Economy (1998) refer to varying degrees of power-sharing, in the same way that Berkes et al. (1991) and Pomeroy and Berkes (1997) refer to levels of co-management. Castro and Nielsen (2001) remark that the way in which co-management is used to encompass participatory, but not necessarily power-sharing, arrangements can lead to co-management regimes being established in which power is not shared at all. Carlsson and Berkes (2005) accept that in co-management arrangements where the power inequalities between the parties are pronounced and explicit, a high degree of power-sharing may not even be possible because those inequalities are reproduced in the arrangement. In relation to community-based natural resource management – a form of co-management (see Tipa & Welch, 2006) – Hibbard, Lane and Rasmussen (2008) report that 'indigenous marginality and deep intolerance towards minorities are entrenched' (p. 144).

Indigenous peoples expect that power imbalances that exist between themselves, the state, and others will be restructured in a co-management regime. Based on a review of the literature, this researcher has determined that various sources of power imbalance exist and can be categorised into six areas drawing on Bourdieu's typology of capitals (symbolic, economic, cultural, and social). These areas are as follows: (1) the differences between the state and indigenous peoples in terms of who controls the use of natural resources; (2) the different ways in which indigenous knowledge and science are treated; (3) the resources the state has at its disposal compared with indigenous peoples; (4) the capacity indigenous peoples have to contribute to environmental decision-making and management; (5) the treatment of indigenous peoples in

multistakeholder collaborative groups compared with other, particularly dominant, actors; (6) and the quality of the relationships that exist between the state and indigenous peoples in terms of meeting the aspirations of both parties.

Control over resources

A primary motivating factor for indigenous groups to enter into co-management arrangements is to regain decision-making authority for a particular resource or landscape. This was one of the objectives for Waikato-Tainui when they negotiated the co-management agreement for the Waikato River (Te Aho, 2009) as part of settling their claim to the river, which was filed with the Waitangi Tribunal in 1987 (Muru-Lanning, 2010). In their case, the agreement advanced their aspirations for contributing to decisions about the river's future. At the signing of the settlement, lead negotiator, Tukuroirangi Morgan, stated that the arrangement changed 'the world for us because we were once a spectator in the process. We are now a truly equal partner with the Crown in relation to the protection and the restoration of our ancestral river, the Waikato' (Television New Zealand, 2008).

The Waikato River settlement provided for a new institution, the Waikato River Authority, to be established. The Authority has 50:50 Crown, Māori membership. In accordance with the settlement, the Authority has prepared a Vision and Strategy for the Waikato River, which has been incorporated directly into the Waikato Regional Policy Statement, without the need for public consultation. The Waikato Regional Policy Statement is the over-arching planning document for the region; all subordinate plans must give effect to it (Peart, 2008).

The settlement also provides for specified “co-management agreements”. These agreements are:

- joint management agreements;
- participation in specific and defined river-related resource consent decision-making;
- recognition of a Waikato-Tainui environmental plan;
- provision for regulations relating to fisheries and other matters managed under conservation legislation; and
- an integrated river management plan (Office of Treaty Settlements, n.d., p. 3).

The quantum for the settlement is \$310 million, which is channelled into four areas: \$50 million is allocated to river initiatives, \$30 million for Waikato-Tainui’s participation in the Waikato River Authority and other co-management arrangements, \$20 million for the Waikato Endowed Colleges Trust, which governs the Waikato-Tainui College for Research and Development, and \$210 million for a contestable river clean-up fund. Other river iwi – Tūwharetoa, Raukawa, Maniapoto and Te Arawa – also participate in the Waikato River Authority and the co-management agreements.³⁶

The outcome for Waikato-Tainui is consistent with international studies by Pinel and Pecos (2012) and Goetze (2005). In both studies, the researchers

³⁶ See Office of Treaty Settlements (Office of Treaty Settlements, n.d.) for a summary of the Waikato-Tainui Waikato River settlement.

found that the indigenous groups³⁷ saw co-management as a vehicle and an interim step towards fulfilling their aspirations to be able to make decisions about and manage landscapes that were their traditional homelands, but were now controlled by the state. Their involvement in the agreements was part of a broader agenda that had dual goals of self-determination and landscape protection.

While co-management can provide for indigenous peoples to reclaim some authority in decisions about their ancestral landscapes, this does not always happen. Existing power relations between the state and indigenous communities are not eliminated through the formation of a collaborative group (Carlsson & Berkes, 2005; Carter & Hill, 2007). In a study of a co-management structure for a national park involving indigenous Australians and the state,³⁸ Carter and Hill (2007) found that the state persistently undermined the efforts of the indigenous communities to manage a culturally significant resource in the park. This subversion happened despite the co-management structure having several design elements³⁹ that would be expected to address power inequalities between the indigenous and state partners. The authors concluded that the state partner was racist, and used institutional racism to reinforce its dominance and suppress the aspirations of the indigenous groups involved. Their findings reflect the work of Sandercock (2000) who highlighted the monocultural nature of planning and the ways in which planning can

³⁷ The Pueblo de Cochiti in New Mexico, USA, and the Nuu-chah-nulth First Nations in Clayoquot Sound, British Columbia, Canada.

³⁸ The authors do not identify the national park, indigenous peoples or the state partner in the article.

³⁹ For instance, the structure comprised equal numbers of indigenous and government representatives, the Chair of the structure was reserved for an indigenous member, and the park's management plan included provisions for the indigenous groups, such as protecting their rights to use and occupy the park.

marginalise minorities, such as indigenous peoples. She observed that the decisions made by planning authorities are driven by the values of the dominant culture, that planners can hold deep-seated beliefs about the superiority of their own culture over others, and that planning can provide an outlet for racism.

Indigenous knowledge and science

Indigenous peoples want their knowledge to be recognised in co-management arrangements in a way that reflects their status as indigenous peoples (Tipa & Welch, 2006). From a normative standpoint, co-management should create an environment that engenders respect and recognition for the indigenous partners – for their status as indigenous peoples, their connections to the environment, and their knowledge (see, for example, the discussion in Ross et al., 2009). It should also provide for indigenous knowledge to contribute to planning for the resource or landscape concerned (Lane, 2001). Seminal research conducted by Moller, Berkes, Lyver and Kislalioglu (2004) concluded that using indigenous knowledge and science to co-manage resources provides better information than either body of knowledge on its own. Berkes and Berkes (2009) agree, stating that each body of knowledge has its strengths ‘and both kinds together are more powerful than each alone’ (p. 8).

Indigenous knowledge can be regarded as inferior to science, however, and excluded from management plans, even when guarantees are given that it will be used (Spak, 2005). Nadasdy (1999) argues that for indigenous knowledge to be integrated into policy, it must be converted into a form that can be used by scientists and resource managers. Unless this happens, indigenous knowledge can be regarded as irrelevant and of little use in decisions about how the

environment should be managed (Nadasdy, 2003). Nadasdy (2003) argues that co-management does not transform this situation, but reproduces it.

The difference in the way indigenous knowledge and science are treated in co-management arrangements can be explained by examining power. Spak (2005) and Nadasdy (2003) suggest the subordinate position of indigenous knowledge in co-management institutions has more to do with the power relations between the actors in those institutions than it does with science and indigenous knowledge. Their research supports Flyvbjerg's (2002) theory that power determines whose and what knowledge counts. Natcher, Davis and Hickey (2005) make the same claim about a co-management arrangement between the Little Salmon Carmacks First Nation and non-indigenous Canadians, stating that power determines 'whose knowledge is of most value to the management process and how such knowledge is or is not used in decision-making' (p. 246). In that research, as in Spak's (2005) and Nadasdy's (1999, 2003), science was the body of knowledge that was most valued and used in decision making. Science carries power (Healey, 2006) and those who have scientific knowledge are powerful.

Resources

Access to economic resources is a critical factor that influences indigenous involvement in co-management, partly because it enables indigenous groups to employ environmental staff. In a study of three native American groups – the Jamestown S'Klallam, the Confederated Tribes of the Umatilla Indian Reservation, and the Yavapai-Apache Nation – Cronin and Ostergren (2007) found that economic resources provided for the first two groups to recruit large environmental teams. The Jamestown S'Kallam had 21 natural resources staff,

and the Confederated Tribes of the Umatilla Indian Reservation had 86. Most of these personnel were not indigenous, demonstrating a lack of critical indigenous mass in these groups. However, the technical capability of the staff and the indigenous lens through which they undertook their work allowed the native groups to be active and leading participants in collaborative ventures set up to manage water in their homelands. In contrast, the Yavapai-Apache Nation had four environmental staff. Their comparatively limited capacity hampered them from participating in several collaborative groups that had been formed to address water scarcity and other issues. For example, staff may not have prioritised attending meetings if they did not have time, or there was not enough money, or they thought there were no benefits to be gained from going.

While Cronin and Ostergren (2007) highlighted differences in economic resources and capacity between indigenous groups, others have emphasised inequalities between states and native peoples. Tipa and Welch (2006) make the point that resource management is expensive, and indigenous groups can struggle to sustain community-based resource management efforts if they have to fund them themselves. In comparison with governments, they assert, 'there is manifestly not equality in terms of available resources' (p. 388). Carlsson and Berkes (2005) acknowledge that uneven distribution of resources is a source of power.

Capacity

Technical capacity is instrumental in both promoting and limiting indigenous contributions to co-management and broader planning and decision-making processes. Although some indigenous communities have been able to increase their technical capacity almost to the point of being on par with government

agencies (see Cronin & Ostergren, 2007), others struggle with not having enough people, and with not being familiar with the planning processes that have been established by colonial states (see, for example, Hibbard et al., 2008). Hibbard, Lane and Rasmussen (2008) link a lack of capacity with 'processes of colonialism and paternalism' that have 'bequeathed a range of socio-economic problems that impede or complicate effective indigenous participation' (p. 147). Coombes and Hill (2006) agree, stating that 'colonization diminishes the resource and technical capacity of indigenous peoples to participate equally in negotiations for joint management' (p. 138).

Tipa and Welch (2006) support the view that a lack of capacity is problematic for indigenous communities. However, Tipa (2003) also stresses that resource management agencies need to build their capacity 'so that they are able to recognise and meet more effectively the values of Maori' (p. 216). Her concerns were shared by hapū and iwi organisations surveyed by Te Puni Kōkiri in 2012 about their experiences of RMA processes. These groups believed that councils needed to improve their understanding of the following matters: the iwi and hapū in an area, 'the cultural, spiritual, historical and traditional associations of iwi and hapū with an area ... how iwi and hapū practice kaitiakitanga in their rohe ... the Treaty of Waitangi [and] ... tikanga and kawa – including the Māori perspective of sustainability' (Te Puni Kōkiri, 2012, p. 28).

Treatment of indigenous peoples in multi-stakeholder collaborative and co-management arrangements

In multi-stakeholder collaborative groups, stakeholders can hold negative attitudes towards indigenous representatives. Hibbard et al. (2008) attribute these attitudes to three related factors: indigenous peoples being dispossessed

of their lands and other resources in the colonisation process; indigenous peoples asserting their status and relationships to those resources in contemporary environmental debates; and stakeholders, who now have interests in those resources as a result of colonisation, contesting the status of the indigenous representatives. Resistance towards indigenous participation in multi-stakeholder collaborative groups may manifest itself in subtle and obvious ways. Coombes and Hill (2006) reveal that indigenous representatives can be confronted with 'inertial discourses about private property rights and the "public" good' (p. 137) that challenge their position. Indigenous groups may be treated as one group among many, rather than as indigenous peoples with rights that are underpinned by treaties (see, for example, Tipa & Welch, 2006). Furthermore, increasing the numbers of indigenous representatives on multi-stakeholder collaborative groups may incite rather than reduce prejudice (Natcher et al., 2005).

Such examples of resistance may be conceptualised as expressions of power. In a study about a co-management body set up to monitor and manage Dall sheep in Canada's Yukon territory, Nadasdy (2003) found that a small, but influential group of outfitters (game hunting businesses) were able to use their power to undermine indigenous efforts to protect the sheep. Dall sheep are a traditional food for the Kluane First Nation, but are also a big-game species that is hunted by outfitters and their customers. Both the Kluane and the outfitters were represented on the co-management body. The Kluane were concerned that sheep numbers were falling and wanted to ban or at least restrict hunting. The outfitters were completely opposed. In the group, the outfitters were able to negotiate weak hunting restrictions that were unenforceable and ultimately ignored. Nadasdy attributed the outcome to the outfitters' dominant position in Yukon society: outfitters are economically powerful, politically organised,

represented in government, and carriers of an old and respected tradition. The extent of their power made it politically difficult to impose any real sanctions on them.

Relationships

Yet, co-management may provide a space in which indigenous groups can form and strengthen relationships with government and other actors. For example, Carlsson and Berkes (2005) contend that co-management arrangements create linkages between groups that might not otherwise be connected. For these linkages to be sustained, however, the parties have to treat each other with respect. In research involving an emerging co-management arrangement between the state and the indigenous peoples of the Kasha Katuwe Tent Rocks in New Mexico, Pinel and Pecos (2012) found that the state actor consistently acted in a respectful way towards the indigenous peoples, the Pueblo de Cochiti. These actions were a critical factor in the two parties being able to build and maintain a relationship. In another study concerning a co-management project in the Kimberley in Western Australia, state and indigenous participants noted that the attitudes and behaviours of individuals were central to good relationships being built (Hill, 2010). Members of the indigenous community had to feel the state officials were approachable and they were comfortable to work with them. The officials had to be open with the indigenous partners and 'put everything on the table' (p. 81) to enable a relationship to develop.

Multi-stakeholder collaboration

In New Zealand, the National Party⁴⁰ has promoted multi-party collaboration as an approach to policy development in freshwater and other policy areas since 2006 (see New Zealand National Party, 2012; N. Smith & Salmon, 2006). It believes collaboration has several benefits, including better environmental outcomes as a result of diverse actors working together, fewer changes in policy over time, less delays and lower costs for developers, and improving the system for disseminating technical environmental information. Its focus on collaboration is influenced by an enthusiasm by the current Environment Minister for the collaborative approach used in Norway, Denmark, Finland and Sweden. In these countries, stakeholder and government representatives form roundtable commissions that work for several months to develop a consensus on environmental policy (N. Smith & Salmon, 2006).

The positive stance taken towards collaboration by the National Party is common in the collaboration literature (see, for example, Connick & Innes, 2003; Healey, 1996; Innes, 1996; Weber, 2000). Following Conley and Moote (2003), it might be argued that these perspectives are part of 'an idealized narrative of collaborative resource management [that] has emerged across the popular and academic literature' (p. 372). In contrast to that body of work, another has emerged that is more critical of collaboration. The findings of some of the authors who fit into the latter group have already been discussed in this chapter. These researchers have focussed on the weaknesses of co-

⁴⁰ The New Zealand National Party is one of New Zealand's main political parties, and is 'the largest partner in the National-led Government' (New Zealand Parliament, 2015). Its ideological orientation is neo-liberal and conservative. See Shaw and Eichbaum (2008) for a comprehensive explanation of New Zealand's political parties.

management arrangements involving indigenous peoples. However, others have examined the problems associated with collaborative groups that do not involve indigenous peoples but raise issues that are also relevant to this thesis. These issues concern the politics of multi-stakeholder collaborative arrangements.

Research by Acheson (2013) suggests that powerful economic actors can dominate collaborative institutions and prevent environmental protection policies from being introduced. In a study of the politics of a co-management regime set up to manage the lobster industry in Maine, Acheson found that a faction of big fishers – fishers with a large number of lobster traps – have been able to resist trap limits aimed at reducing over-fishing from being imposed. Lobster fishing zones along the Maine coastline are managed jointly by zone councils composed of fishing licence holders and the commissioner of the Department of Marine Resources. The councils propose rules for the zones, while the commissioner approves them. In the zone councils, some individual fishermen support stricter trap limits, but the majority do not. The commissioner, therefore, has little incentive to promote a policy that most of the industry does not endorse. Moreover, if the industry does not want reduced limits, the legislature will not introduce laws that bring limits down. Acheson concluded that ‘the lobster industry has a good deal of power’ (p. 70) that it can use to defend its own position and prevent the state from introducing policy that would protect the lobster fishery.

Another study by Walker and Hurley (2004) provides evidence that collaboration does not necessarily protect the environment, or neutralise political agendas. That study concerned a collaborative process set up to mitigate the effects of explosive population growth on landscape and social

values in the Nevada County. The authors found that pro-development groups used various strategies to manipulate the process to their own advantage, and then to undermine it. These strategies included using the process to promote their own representatives being elected to county government and to oust slow-development advocates, as well as opposing the process in meetings. The authors argued that politics are not eliminated in a collaborative process and that:

People who view each other as adversaries do not forsake competition when they enter a collaborative process. To the extent their power allows, participants can be expected to control the collaborative process to their advantage ... the notion that collaboration causes people to forsake old power struggles, or that the process itself is politically neutral, is a myth ... Politics are not separate from collaboration, they are an integral part of it. (p. 737)

Conclusion

The position of Māori in the arena where decisions are made about water is shaped by two forces: the legacy of colonisation and the determination of Māori. The key features of colonisation that continue to structure the interface between Māori and freshwater planning and decision-making are the Crown removing authority, control, and ownership over water from Māori, and the Crown completely dismantling and replacing the system Māori used to govern and manage water with its own. This legacy has left Māori in a very subordinate position to the Crown and local government, a position Māori have been strategizing to improve for well over a century. The changes that preceded the passage of the Resource Management Act, the Māori provisions in the Act, Treaty settlements and co-management, are among the measures Māori have used not only to protect and restore water, but also to gain a share of the

authority to make decisions about water. The latter has been particularly difficult. State resistance to sharing power with Māori has been strong and enduring, an experience that is common among other indigenous peoples. In co-management arrangements, indigenous peoples are generally much less powerful than their government partners. Idealised images and unclear definitions of co-management and multi-stakeholder collaboration can serve to hide these inequalities and lead to them being reproduced rather than restructured. Producing genuine transformative arrangements is dependent on learning from successful practical examples (some of which exist), but also on identifying and understanding sources of power inequality. The approach that was used to collect and analyse the data that would reveal insights about power is presented in the next chapter.

CHAPTER THREE: POSITIONING THE RESEARCHER, DOING THE RESEARCH

The first step is to notice the world
The second step is to filter it through your craft
Make something of it
Then the next step is to communicate it to people
Communicate it to someone
So that they can see that bit of the world that you saw
That made you want to make a song
or a dance, or a book
(McGlashan, 2014)

This research is presenting the ‘bit of the world’ that I saw, as I interpreted it through the filter of my own habitus. This chapter, then, is a reflexive account of the process I used to carry out the study. Thus, it begins with me, and lays down some of the external structures that have structured my way of thinking, seeing and being in the world, and particularly, in the fields I have researched for this thesis. My intention is not to ‘navel gaze’, but rather to be transparent about how I have approached the research; in particular, the position I have come from, the phenomena I have looked for, and the methods I have used to analyse them. These methods and the principles underpinning their application are discussed in the second part of the chapter. This discussion is also reflexive, meaning that I talk about what I did and why, and reflect on what came up and how I dealt with it.

Positioning the researcher

I am a Māori woman of Tūwharetoa, Waikato and Tūhoe descent. I also have connections to Ngāti Raukawa through my great grandmother, Heeni Brown, who was my koro's (grandfather's) mother on my Mum's side. I have been studying and working in the environmental planning field since 1999, when I first embarked on post-graduate study. In that year, I enrolled in a postgraduate diploma in Māori Resource Development, having just completed an undergraduate degree in Māori Studies. Most of my undergraduate years were turbulent. My habitus was not conditioned to the university environment and I struggled for two or three years, failing papers, and leaving university for a time, until I eventually learnt how to survive and succeed at tertiary study.

While difficult, that time was also rich and highly formative, in that I started to learn who I was as a Māori person. Although I was young and naïve and not nearly as politicised as some of my peers, I began to become conscious of the everyday ways in which Māori were being diminished, or in which I was made to feel small because I was Māori. One of the times when these feelings were strongest was in my second year as an undergraduate student. In that year, protestors occupied Moutoa Gardens, a public park in central Whanganui, for nearly three months. Originally named Pākaitore, the site had been a seasonal fishing village for the river iwi and later a tribal market-place. After Whanganui was sold in 1848, doubts remained as to whether Pākaitore had been included in the sale. When it became the site of the occupation in 1995, the protesters' main concern was land alienation (see M. Durie, 1998, for a discussion of the Pākaitore occupation).

The occupation was always in the news and provoked an upwelling of anti-Māori sentiment, from Māori and Pākehā. I was exposed to these responses at my part-time job. One of my work colleagues, a Māori woman, was embarrassed about the occupation and exclaimed to me: 'I feel like dipping myself in white paint!' A Pākehā friend made offensive and speculative comments about a young child who had drowned accidentally at the site. One of the senior men at work, who was also Pākehā, said to me in a serious tone that he felt the country was in trouble.

The atmosphere at university, however, was completely different, at least among other Māori students. At Te Atawhai, the Māori students' space on campus, students were buzzing and alive with talk of the protest. Some spoke of travelling to Pākaitore to join the occupation; a suggestion that amazed me. I wondered: would they just drive there in a van and park up with the protesters? Don't you have to be invited to these things? I floated on the periphery of these conversations, not really understanding them and not having a position on the issues that were being discussed. I was also shocked and confused by the reactions of the people at work, and spent a long time wondering why they said the things they did, and to me, obviously a Māori person.

After finishing my degree, I couldn't find a job and so enrolled in a postgraduate diploma in Māori Resource Development. I had always been interested in the environment but the thought of doing environmental papers at the undergraduate level had never occurred to me – a product again of my habitus. The diploma allowed me to enrol in two papers that shifted my trajectory to the resource management field. The first paper was about Māori values in resource management and was taught by Dr Tanira Kingi, an authority on Māori agriculture. The second paper was Tino Rangatiratanga: Strategic Māori

Development and was delivered by Professor Mason Durie (now Professor Sir Mason Durie). In both papers, I was required to explore the opportunities and challenges for Māori in resource management. There were relatively new opportunities under the Resource Management Act, and the challenges included limited resources, minimalist interpretations of the Māori provisions in the Act by councils, and difficult relationships with councils. That was in 1999. Little did I know that in 2014, the challenges would still be the same. I did have an indication, however, in the early 2000s when I got my first post-university job in Wellington.⁴¹ One of my university friends was working at Te Puni Kōkiri, the Ministry of Māori Development, on land development policy. He complained that he found policy work frustrating because the same issues kept reappearing, year after year, and nothing would change. If change did happen, it happened very slowly.

I was working in Parliament between 2000 and 2002 for two parliamentary select committees, Primary Production and Local Government and Environment. During my induction, the Deputy Clerk of the House of Representatives, said to me, 'Don't ever worry about what these politicians say to you. They only want to get into government'. Over time, however, the power differences between me as a young Māori staff member and the mostly Pākehā, older, male politicians crept into my bones, and I grew increasingly anxious at work. I also found Parliament to be largely devoid of anything Māori. On the rare occasion when I had positive contact with a Māori submitter or politician, I felt bolstered.

⁴¹ Wellington is the capital city of New Zealand and is where central government – in the sense of the executive, the legislature, parts of the judiciary and the public service – is located.

In regards to the latter, three occasions stayed with me. The first involved Nanaia Mahuta, daughter of the late Sir Robert and Lady Raiha Mahuta, and Member of Parliament for the Māori electorate of what was then Te Tai Hauāuru (and is now Hauraki-Waikato). I was working for the Local Government and Environment Committee on a local government bill, and she temporarily replaced one of the Labour Party members. During the hearings on the bill, several local councils presented submissions. When the council representatives were before the committee, Nanaia asked them what were the issues in their regions and districts that were of concern to Māori. None of them knew. The second occasion also involved a piece of proposed local government legislation. Two submitters, Metiria Turia and Catherine Delahunty, who were to later go on to political careers in the Green Party, appeared before the committee. They described the field in which Māori were engaging with local government as 'a mess'. The third instance involved a submission from three people representing Te Rūnanga o Ngāi Tahu. The submission was about sustainable forestry, and was very powerful. The submitters followed their own tikanga (way of doing things) in the meeting, beginning with a mihi (formal ritualised introduction) and ending with a waiata (song). They also spoke very clearly from their own tribal position.

After Parliament, I got a job in the Maruwhenua Group at the Ministry the Environment. I knew about Maruwhenua from my university studies. The group had produced some important reports about Māori and resource management, and their former manager, Shane Jones, was a central player in the development of the Māori provisions in the Resource Management Act. I had one main project while working in Maruwhenua – a strategy to protect Lake Taupō. Because I am Tūwharetoa and Lake Taupō is our taonga (treasured possession), I felt extremely connected to the project and became

very interested in freshwater policy. My other work in the Ministry was scattered across several policy areas. At times, I felt our contributions were being treated like trivial, last minute 'add-ons'. After I resigned, my former manager confided in me that it had taken him 5 years to get a work programme for Maruwhenua.

My involvement in the strategy to protect Lake Taupō led to a contract with the Waikato Regional Council to coordinate an action plan for the lake. The purpose of the action plan was two-fold: to identify actions that would ensure the sustainability of the lake, and to provide a means of holding the agencies with statutory authority for the lake accountable for fulfilling those actions. These agencies were the regional and district councils, the Department of Conservation, the Harbourmaster and the Tūwharetoa Māori Trust Board. While working on the action plan, I noticed that Tūwharetoa were recognised as the kaitiaki of the lake, and that on paper the Trust Board had a primary role in implementing the actions to protect our values for the lake. However, these actions were difficult to implement and monitor because they relied on the hapū around the lake having the resources to undertake them. Such resources tended to be very limited. Moreover, the substantive actions aimed at protecting the lake were controlled by the other agencies, particularly the regional and district councils. The Trust Board had a role in some of these actions, but not a principal one.

When I first thought about doing a PhD, I sought advice on a research topic and question from Professor Sir Mason Durie. I told him I was interested in exploring the influence of the Waikato River settlement on restoring the health of the river, and he suggested I research the contributions of indigenous peoples to freshwater sustainability. The following year, I attended a Māori Planners'

hui in Wellington. At the hui, my former Maruwhenua manager, who was now the Manager of Māori Relations at Greater Wellington Regional Council, was presenting a seminar about Te Ūpoko Taiao, the Natural Resource Management Committee overseeing the new regional plan. The committee was being lauded for having 50 percent representation from tangata whenua. My old boss announced that it was his last day of work and because of that, he was going to be honest about Te Ūpoko Taiao. In his opinion, establishing Te Ūpoko Taiao had not changed anything for Māori in the greater Wellington region. For example, Māori were still under-resourced and still struggled to get financial support from the council for consultation in RMA processes. After his presentation, a woman stood up in the audience, clearly concerned about why this was happening. Pointedly, she asked: 'What about power? What about power?' Her question became the focus of my research.

Through the study, I wanted to examine and bring to light all the ways in which power and inequality is reproduced in the fields where decisions are made about water. In my experiences, many of these ways had appeared benign or were elusive and occurred in everyday situations – in conversations between people, for example. I wanted to uncover these situations and apply a critical gaze to policies, processes, and institutions that appeared positive and transformative on the surface, but in reality, may have perpetuated the same ongoing problems. I also wanted to investigate historical transformations that had occurred, and how Māori could bring about change in the future.

Something I was not expecting was how sensitive it would be to talk about power and inequality, and how uncomfortable it could make people feel. I had read in the literature that examining power in participatory institutions could be delicate, but initially, I did not understand what this meant. When I started

presenting my research findings in public, however, I noticed that people were uncomfortable with what I was saying. I wrestled with being this person who was presenting ideas that were unpopular or threatening. I wanted people to like me. However, I could not go back to the way I was before, to the safety of ignorance, to not having a stance, and to not being critical. If the research really was going to say something then it had to address the underlying issues I had experienced and learned about all my adult life, even if doing so was hard or made me unpopular.

It is fair to say that at the beginning of this research, I was not in a position to examine power and inequality in the resource planning field. I had been part of the bureaucracy for more than six years and as a consequence, I had acquired a bureaucratic habitus. In my Masters studies and in my early work as a junior academic in the university, the way I thought, wrote, and spoke about Māori in resource planning was the way the bureaucracy thinks, writes, and speaks about Māori. Even though I knew intellectually and practically about the challenges Māori face, I was uncritical of the bureaucracy. The process of doing this study, therefore, has also been a process of changing my habitus.

Doing the research

In terms of doing the research, I never seriously imagined that I would do anything other than a qualitative study using qualitative methods. The subject matter, power, was consistent with Ritchie's (2003) features of research topics that lend themselves to qualitative inquiry, in that it was complex, intangible, sensitive, and deeply rooted. I could also see my research reflected back to me in Denzin and Lincoln's (2008) definition of qualitative inquiry. From their perspective, qualitative research is:

a situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that make the world visible. These practices ... turn the world into a series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self. At this level, qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them (pp. 4-5).

For the 'material practices' of the study – the data collection methods – I initially decided to use observation, key informant interviews, and document analysis. I was influenced by Bourdieu who was an advocate for using different data collection methods and sources of evidence to study diverse fields. I never contemplated using quantitative methods. When I was a Masters student, I learned how to use some quantitative methods, but that training was limited and any learning I had acquired then was well and truly out of date.

Despite choosing three data collection methods, I was challenged by the idea of triangulating the data to produce more valid results. Yin (2009), for example, emphasises that in case study research it is essential to use multiple sources of evidence (such as from interviews and documents) and corroborate the data to make the findings more convincing and accurate. Following Snape and Spencer (2003) and Davidson and Tolich (2003b), I located my research within an interpretative epistemology, which Neuman (2006) defines as:

the systematic analysis of socially meaningful action through the direct detailed observation of people in natural settings in order to arrive at understandings and interpretations of how people create and maintain their social worlds (p. 88).

Thus, I approached participants from the perspective that they would create meaning about the social worlds they inhabit, and interpret their experiences in different ways. Consequently, I could not use the data to confirm a single reality or truth, because each participant would construct their own. Silverman (2013) and Fielding and Fielding (1986) warn against blindly using multiple data collection methods to try to produce more accurate results. Fielding and Fielding argue that methodological triangulation does not 'necessarily increase validity ... combining [methods] can add range and depth, but not accuracy ... We should combine ... methods carefully and purposefully with the intention of adding breadth or depth to our analysis, but not for the purpose of pursuing "objective" truth' (p. 33). For them, accuracy comes from the 'systematic application' (p. 35) of the method or methods the researcher chooses. Blaikie (1991) rejects the use of triangulation by interpretivists outright, claiming it 'has no relevance' for them and 'a moratorium on the use of the concept of triangulation in social research' is needed (p. 131).

I followed a full ethics procedure and obtained approval in December 2010 (see Appendix A). Major ethical considerations concerned identifying and contacting participants, informing them about the research and gaining their voluntary consent to participate, observing participants in meetings and interviewing employees in iwi and central and local government organisations. I spread the formal data collection over three years. I conducted the observation and key informant interviews in 2011 and 2012, and the document analysis in late 2013 and early 2014 (see Table 2). Over that time, I also had a number of informal conversations with people, and was fortunate enough to be copied into emails that gave me a sense of events that were occurring in relation to my research. These sources did not constitute data collection moments, but informed my thinking.

Table 2: Data collection timeline

Date	Phase
December 2010	Received ethical approval
2011	Conducted semi-structured interviews with 7 participants connected to or working for the Manawatū River iwi, and the Chairman of the Save our River Trust
2012	Conducted semi-structured interviews with 4 participants employed by the Department of Conservation and the Horizons Regional Council (now and in the past), and the Facilitator of the Manawatū River Leaders' Forum
Late 2013-early 2014	Document analysis

Choosing the Manawatū River as the case study

My decision to use a case study was shaped, in the first instance, by a discussion with Professor Sir Mason Durie before I enrolled in my PhD. He suggested that I use three case studies to examine the contributions of indigenous peoples to freshwater sustainability. Initially I had considered using the Waikato River as a case study, but later abandoned that idea for reasons that will be explained below. I had also been fortunate in my PhD confirmation seminar to have three people approach me with possible case studies: one in Taranaki, a second in Marlborough, and a third being the Manawatū River.

My reading of the case study literature confirmed that a case study approach was appropriate for me. Authors on whose work I drew to consolidate my decision to choose case study research were Mitchell (1983), Bassey (1981) and Stake (1995). Because I wanted to explore power in its invisible and overt

forms, Mitchell's (1983) argument that 'the rich detail which emerges from the intimate knowledge the analyst must acquire in a case study ... provides the optimum conditions for the acquisition of those illuminating insights which make formerly opaque connections' clear was compelling (p. 207). I was also aware that I might be criticised for using a case study and for not being able to generalise from it. However, I connected with Bassey's (1981) contention that '[t]he relatibility of a case-study is more important than its generalisability' (p. 85). Given my experiences, I hoped that Māori people outside the Manawatū River catchment would be able to relate to my findings about power, and would find an analysis of power in freshwater planning useful.

Selecting the Manawatū River as the case study was partly accidental, and partly practical. Around the time I enrolled in the PhD, the river made national headlines when it was labelled 'among [the] worst in the West' (Morgan & Burns, 2009) by the Dominion Post newspaper (see Chapter 4). Aside from three years in Wellington, I had also been living mostly in Palmerston North for 15 years, and so knew several people I could invite to participate in the research. As previously mentioned, in the early stages of the research, I briefly considered using the Waikato River as a case study, either on its own or as a comparative case. My paternal grandmother is Waikato and because of that, I was interested in the Waikato River settlement. However, I could not see myself being able to make connections very easily in Waikato – I had never lived there and nobody knew me. It was also five hours drive away. I decided to be pragmatic and select the Manawatū River. It was right on my doorstep, it was topical, and I knew people I could talk to about it. Stake (1995) recommends that case study researchers select cases that are easy to access. He argues that:

Our time and access for fieldwork are almost always limited. If we can, we need to pick cases which are easy to get to and hospitable to our inquiry, perhaps for which a prospective informant can be identified and with actors (the people studied) willing to comment on certain draft materials (p. 4).

Reflections on participant observation

I had my first opportunity to undertake formal participant observation in January 2011, when I attended a workshop run by Ecological Economics Research New Zealand (EERNZ) for the Manawatū River Leaders' Forum. EERNZ had received government funding for a research project entitled Integrated Freshwater Solutions. The aim of the project was to 'develop effective tools to address the freshwater management needs of regional councils and local authorities' (Massey University, 2014). EERNZ chose the Manawatū River as the case study for the research. It was agreed that the researchers would work with the Manawatū River Leaders' Forum through a series of workshops to develop an action plan to restore the river. The workshop I attended was the first in that series. The organisers provided a sign-posted space for the public to observe the meeting.

When I wrote my research proposal, I had planned to conduct non-participant observation of the workshops and other meetings. However, when I got to the meetings, I would chat with the participants I knew during the breaks. Sometimes, they would ask for my opinion ('what do you think of?') or advice ('you should tell me things during the meeting'). Initially, I refused, because I believed I needed to be neutral and therefore distant from the participants. I was following O'Leary (2004) who proposed that in non-participant observation:

researchers do not become, or aim to become, an integral part of the system or community they are observing ... Observers are physically present but attempt to be unobtrusive (p. 172).

Over time, however, I realised that trying to be removed from the participants was futile. I was in their world and trying to add value to their experiences of engaging in the governance of the Manawatū River. An attempt to create separation between them and me was artificial and unhelpful.

The main benefit of attending meetings was learning who all the actors were. I already knew or had heard of some of them, but there were many whom I had never met. By observing the meetings, I could get a sense of who the participants represented, their participation style, their position in regards to the river, the kinds of knowledge they possessed about the river, and the bodies of knowledge that were valued in the meetings. I made mental notes in the meetings about who to interview and follow up with about particular points, as well as documents I should read.

In the end, however, formal participant observation became a very small data source; it was much more useful as a platform for helping me collect data from elsewhere. Quite early in the data collection process, I abandoned observation as a method. There were four main reasons for this decision. First, I attended many meetings and writing detailed, readable notes for each of them was a labour-intensive task. Following an example of field notes in Davidson and Tolich (2003a), I would separate my notes into two columns. In the first column I would record my observations, and in the other I would make notes to myself about following up with participants, and concepts from the theory and the literature that I could see being played out in practice. My notes were between 7 and 19 pages long.

Second, because of the number of meetings I was attending, it quickly became apparent that asking permission to observe and record each of them was going to be impractical. In hindsight, when I was planning how I was going to undertake observation, I had not (as O'Leary, 2004, suggests) fully considered the realities of being accepted by the groups I intended to observe. Third, as I got to know the participants better (for example, I joined the Save our River Trust after interviewing their Chairman), I became uncomfortable with formally observing and writing notes on the meetings. It felt better to watch and listen and to contribute when asked or when I thought I could add value to the discussions. Finally, from my perspective, there is much that goes unsaid in meetings because people's openness is moderated by the presence of others in the room. To understand what people really thought and really felt, it was much better to talk to people one-on-one in an interview.

Reflections on key informant interviews

I began the key informant interviews in early 2011, the month following the first Integrated Freshwater Solutions workshop. I was fortunate to be assisted in the recruitment process by two of my colleagues. One was a Ngāti Raukawa woman who had attended my doctoral confirmation seminar. She wrote me a long email afterwards expressing deep concern about the river and how its pollution was affecting the people living along the coast. She offered to put me in contact with three people she thought I should interview. The second person was a Muaūpoko, Ngāti Apa and Ngāi Tahu⁴² descendant who also worked for Tanenuiarangi Manawatū Incorporated (TMI), a Rangitāne o Manawatū

⁴² Ngāi Tahu is a large South Island iwi.

organisation that provides services to their people as well as to the wider community. He offered to be an interviewee, and to put me in touch with his TMI colleagues.

When I began collecting data, I was not aware that I had any genealogical connections to the river iwi and thought of myself as an outsider in a tribal sense. For this reason, one of my colleagues suggested during my confirmation seminar that I use my personal contacts to select and recruit participants. Gillies, Tinirau and Mako (2007) use the concept of *whakawhanaungatanga* to discuss using kinship and non-kinship based networks as a strategy for selecting and recruiting participants. They describe *whakawhanaungatanga* as ‘the building and strengthening of relationships and the making of connections with people through *whakapapa* [geneology]’ (p. 30). The core elements of *whakawhanaungatanga* are *whānau* (family) and *whanaungatanga* (relationships). From a Maori perspective, *whānau* encompasses a wide range of kinship-based relationships between members of extended families, hapū and iwi. Traditionally, however, *whānau* also included individuals who were not members of the kinship group (Mead, 2003). The term *whānau* is now commonly used by a range of non-kinship-based groups who come together for various purposes, including research.

As well as being a selection and recruitment strategy, *whakawhanaungatanga* also encompasses the process and practice of engaging with participants during the research. Bishop (1998) describes this process as ‘identifying through culturally appropriate means ... your connectedness, and therefore an implicit commitment to other people’ (p. 203). The process of making connections might occur through *mihimihi*, which Bishop defines as a ‘formal ritualized introduction’ (p. 203) or an informal chat. In the latter, the researcher and

participant establish their connections to one another by talking about where they are from and to whom they are related. For example, in my interview with the Chairman of the Save our River Trust, we established through mihimihi that he had gone to boarding school with my mother's oldest brother, and that I had gone to the same boarding school as his daughter.

The practice of whakawhanaungatanga in a Māori research setting can be contrary to procedures that are considered ethical from the perspective of a Pākehā academic institution. For instance, in the view of the latter, it can be unethical to reveal the identities and opinions of participants to other participants. Avoiding harm to participants that might arise from a breach of confidentiality is paramount. However, in a Māori research setting it is normal for participants to want to know who the researcher has spoken to and what other participants have said. For example, the Chairman of the Save our River Trust asked me who I had interviewed to ensure that I had been speaking to the right people, and it was tika (right) for me to tell him. This practice is consistent with whakawhanaungatanga. It emphasises Jill Bevan-Brown's (1998) assertion that 'Māori research must be conducted within a Māori cultural framework. This means it must stem from a Māori world view, be based on Māori epistemology and incorporate Māori concepts, knowledge, skills, experiences, attitudes, processes, practices, customs, reo, values and beliefs' (p. 231).

Based on the conversations with my Ngāti Raukawa and Muaūpoko colleagues, my observations of the IFS workshops, and my own networks, I approached 17 key informants for interviews by email, and interviewed 13. All 17 individuals were sent the Information Sheet (see Appendix B) and Schedule to Guide the Interview (see Appendix D). Of the four people I did not interview, one was too busy and two did not reply to my email invitation to participate in the research.

The fourth person agreed to the interview, but there was a misunderstanding between us as to whether the interview had been confirmed or not. As a result of this misunderstanding, the interview did not proceed. All these individuals were Māori, which reinforced for me the difficulty at times of undertaking research with our own people. They are busy, there are multiple demands on their time, and as Linda Smith (1999) explains, they may not see value in the research. To allow for this reality, it is essential to have a large pool of potential participants, and to use more than one source of data.

In 2011 when I started the interviews, I was slightly concerned that the number of key informants was quite small. However, I also felt that the group's size reflected the number of people who have had a history of involvement in the local fields where the river and other resources are managed. In April 2014, I attended a progress meeting on the Manawatū River Leaders' Action Plan, and at that meeting it seemed that the number of people representing iwi in the Manawatū River Leaders' Forum had grown dramatically. If I was beginning the research now, the group of prospective participants might be different and larger than it was in 2011.

None of the participants were concerned about being identified in the thesis. One participant did want to check the quotes that were attributed to him in the document and another wanted to review any quotes attributed to her in subsequent publications. The other participants did not make these requests. At the time I was conducting the interviews, however, I did not realise there was a contradiction between the Information Sheet and the Consent Form (see Appendix C), which all the key informants were invited to sign. In the Information Sheet, which was sent to participants before the interviews, participants were advised that their identities would be confidential. In the

Consent Form, however, participants were given the option to conceal or reveal their identities. Because I talked each participant through the Consent Form and all of them were open to being identified, I have identified them in the thesis, not by name, but by descriptors that say something about their position in the field and, therefore, power.

All the interviews were semi-structured (see Appendix D) and all the participants agreed to the interviews being recorded. I began with a basic set of questions that I thought captured the aspects I wanted to investigate, and then explored other points of interest that the interviewees brought up (O'Leary, 2004, p. 164). I also changed the interview schedule as I interviewed more people and became better at asking questions, and clearer about the questions I needed to ask to delve into the themes I wanted to explore. In 2011 I spoke to seven participants⁴³ who have connections to or work for Te Kāuru⁴⁴, Rangitāne o Manawatū, Ngāti Kauwhata, Ngāti Raukawa, and Muaūpoko, and Ngāti Apa. The following year I interviewed four participants from or connected to the Horizons Regional Council and the Department of Conservation. I had planned to interview all these participants individually, but did unexpectedly conduct one joint interview with the Horizons Chief Executive and Consents and Policy Manager. I also interviewed two participants who were not strictly from any of these groups: the Facilitator of the Manawatū River Leaders' Forum and the Chairman of the Save our River Trust. I transcribed all the interviews with the participants who are connected to or work for iwi, and had the others transcribed by a third party. All the participants were asked if they wanted to review their transcripts, but none of them wanted to.

⁴³ Some of these participants have affiliations to more than one river iwi.

⁴⁴ Te Kāuru is a collective of hapū with connections around the headwaters of the Manawatū River.

On reflection I could have approached the former regional council Chairman who initiated the Manawatū River Leaders' Forum for an interview, as well as current regional council politicians, politicians and/or officials from the four district councils, and interest group representatives. However, I did not want to have more Crown, local government or interest group participants than participants who were from or worked for iwi. With regard to the participants who spoke from an iwi position, I felt I had reached a limit in 2011. At that stage, I was uncomfortable about asking more people for interviews and felt deterred by the four interviews that did not eventuate. In hindsight, it would have been beneficial to approach a representative from Te Rūnanga o Ngāti Apa and the Resource Management Officer for Rangitāne o Tamaki-nui-a-Rua. However, I did not become aware of their involvement in the Manawatū River Leaders' Forum until 2014. Ultimately, the number of participants who were from or worked for iwi limited the size of the group of other key informants I could interview.

It was a privilege to interview all of the key informants. They were extremely honest in their interviews, and rarely asked for the recorder to be turned off. The fact that they were so frank, and that they also were relatively unconcerned about being identified, indicated to me that they were already quite open about their views in regards to the topics that I was asking them about. Nonetheless, I felt that I had to treat their kōrero (interviews) very carefully, both in the thesis and when presenting them in public. Palmerston North is a small place and I was always conscious of getting things wrong, saying too much, and offending or upsetting people.

One of my regrets in the research is that I was not able to use the data given to me by the Chairman of the Save our River Trust. He is an exceptional leader and

his interview was very insightful. However, the power dynamics I wanted to explore were not present in the Trust at the time I conducted the interview. I will have to save the data from his interview for another study, perhaps on community environmental groups.

Reflections on document analysis

I analysed three types of documents: papers associated with the Manawatū Leaders' Forum, such as agendas and meeting minutes; media articles related to the One Plan, the state of the Manawatū River, and the river iwi; and council documents about the Manawatū River Leaders' Accord. I requested the first set of documents from the Horizons Regional Council under the Official Information Act 1982 (see Appendix E and Appendix F). These documents included meeting agendas, minutes, and other documents, such as progress reports, from 11 meetings of the Manawatū River Leaders' Forum, and one meeting of the iwi signatories to the Manawatū River Leaders' Accord. These meetings occurred between 3 May 2010 and 19 June 2013. I also accessed 34 papers from seven Integrated Freshwater Solutions workshops held between October 2010 and November 2011. The media articles were obtained from Index New Zealand, a database of media items. Other documents, such as internal council reports, were sourced on-line using a simple Google search, or by searching council and other websites, such as the Manawatū River Accord website, directly.

I was anticipating that the papers associated with the Manawatū River Leaders' Forum would be extremely insightful, but in reality they were much less revealing and useful than I had expected. I could glean very little of the power dynamics in the forum from reading the forum's papers, because they were written in summary form and in safe official language. They also did not go

back very far, because the forum was only initiated in 2010. None of the politics that preceded the forum were discussed in the forum's papers, for example. However, these politics are central to understanding the actions that are included in the Manawatū River Leaders' Action Plan, and the actions that are absent.

Of the documents I analysed, the media articles were the most useful. There are several reasons for this. First, the key informants did not say very much about the politics surrounding the One Plan, the regional council's policy framework for managing natural resources. They mentioned them, but did not elaborate on them, and I did not ask them to. At the time I conducted the interviews, I did not realise the power struggles concerning the One Plan would be the principal struggles that would have a significant effect on the health of the river (see Chapter 4). There were 51 articles in the local and rural newspapers about the One Plan that enabled me to fill the gap left by the interviews. Second, because the journalists writing the articles spoke to the actors with interests in the river, or those actors wrote their own press releases, I was able to identify them, their values, and their political positions in relation to the river. Third, there were 180 articles in total, all of which I was able to group into narratives and arrange in chronological order. The frequency with which the articles were released enabled me to weave together a fairly tight story into which I added other material, such as excerpts from court or hearing panel decisions. On the downside, there was a great deal of repetition, but that repetition also helped me get a clear picture of what people were saying and when specific events were occurring.

Reflections on data analysis

I analysed the interview data in three stages. The first two phases involved closely reading the interview transcripts, identifying themes and then writing up the results in a draft chapter and a conference paper. However, this method, which I used in my Masters research, was inadequate for pulling apart all the data to tell a story that answered the research question. On the advice of a friend, I organised the data into Excel spreadsheets by theme, raw data from each transcript, participant, and transcript page and line. This method enabled me to systematically select all the data from the interviews that spoke to each theme, and keep it in one place. It took me seven weeks to analyse the data in this way, but it was necessary to tease all the information apart, and then put it back together again into narratives about the iwi field and the Manawatū River Leaders' Forum (see Chapters 5 and 6).

I only used the spreadsheets to analyse the interview data, not the data that I sourced from the documents. The latter was easier to organise. That data fell naturally into particular narratives, such as about the politics of the One Plan, and it made sense to arrange the data in chronological order. I did not have to identify multiple themes from them, as was necessary with the interview data. I could just arrange the documentary evidence chronologically and select the pieces that told a story about power. A summary of the document analysis and other research methods is presented in Table 3.

Table 3: Overview of research methods

Method	Source	Purpose
Participant Observation	Various meetings, such as the Integrated Freshwater Solutions Workshops	To identify the actors in the Manawatū River Leaders' Forum and the broader field where decisions are made about the river and other resources
Semi-structured interviews	<ul style="list-style-type: none"> • 7 participants connected to or working for iwi • 2 regional council employees • 1 Department of Conservation employee • Facilitator, Manawatū River Leaders' Forum • Chairman, Save our River Trust 	<p>To explore:</p> <ul style="list-style-type: none"> • Who is powerful, who is not. • Sources of power, reasons for lack of power. • Relationships between iwi and other actors, such as the Crown, local government, and interest groups. • Effect of Treaty settlements on power. • Iwi contributions to restoring the river. • Iwi aspirations for the river. • Factors that support and challenge iwi to achieve their aspirations. • Iwi strategies to achieve their objectives. • Strategies of other actors to achieve their goals. • Attitudes towards iwi. • Power, politics, and process in the Manawatū River Leaders' Forum.
Document Analysis	<p>34 papers from 7 Integrated Freshwater Solutions Workshops held between October 2010 and November 2011</p> <p>Agendas, minutes and other papers, such as progress reports from 11 meetings of the Manawatū River Leaders' Forum and 1 meeting of the iwi signatories to the Manawatū River Leaders' Accord held between May 2010 and June 2013</p> <p>180 media articles</p>	<p>To investigate:</p> <ul style="list-style-type: none"> • Power in the process of developing the Proposed One Plan • Power in the Manawatū River Leaders' Accord. • Politics associated with wastewater treatment plants in the catchment. <p>Iwi politics, particularly at the local level.</p>

Reflections on presenting the findings

At different stages in the research process, I presented initial and then more developed findings in six fora. These fora were:

- The 'Environmental Issues and Debates: Massey Talks Sustainability' public seminar series at the Palmerston North City Library in 2011;
- The New Zealand Planning Institute Conference in Blenheim in 2012;
- An environmental conference for Ngā Pae o Rangitīkei, a collective representing the hapū that have ancestral connections to the Rangitīkei River (see Figure 1), and have been mandated by the hapū to engage with local authorities on issues relating to the river, also in 2012;
- Te Pae o Kairangi (Horizons of Excellence), a Māori doctoral seminar series held at Massey University, in 2013;
- 'Solutions to Pollution', a workshop hosted by the Innovative River Solutions Group at Massey University, also in 2013; and
- A guest panel lecture for the Head of the Politics programme at Massey University in 2014.

Some of the research participants, including the participants who are from or work for the river iwi, attended three of these presentations.

Presenting the research findings in these settings generated several insights. It became apparent to me at one speaking engagement that power is a sensitive topic that not all audiences will embrace. Consequently, I have to be selective about where I present and conscious of what and how I present. I learned at the 'Solutions to Pollution' workshop and in work I'd done for Waitangi Tribunal

claimants that Māori and Pākehā alike are wary of collaboration. Both recognise power imbalances in collaborative arrangements and question the potential for collaboration to either improve the environment or enable Māori to influence environmental planning and decision making.

In the process of presenting the researching findings, the lesson that power is reproduced in everyday, almost imperceptible, ways was re-echoed. At one speaking commitment, there were over 20 speakers and I was the only presenter speaking about Māori. I was also one of the last people in the programme to present, after a long line-up of technically oriented speakers. At a dinner afterwards, one of the other speakers said to me, quite casually, 'We do the science; you do the airy fairy Māori shit'. That comment in particular, was indicative of the lack of value accorded to Māori perspectives. At another presentation, however, I was the person who did not recognise the obscure use of power. A woman in the audience asked a question about a council changing the Māori word for a district as part of a re-branding exercise. The council's move felt wrong to her, but she couldn't put her finger on why. I dismissed the action as pointless, ill-conceived provincialism, but a colleague rightly pointed out that the council's campaign involved veiled appropriation of a Māori place name.

Conclusion

I began this chapter by positioning myself in the field where decisions are made about water and in the research. I am an insider, in the sense of being Māori in the field and knowing the field from the inside, but I am also an outsider, in that I am a researcher looking into a social world to which I am genealogically new, and that belongs much more strongly to other people. My experience of the

field has shaped my approach to the research. I entered the research wanting to examine power because I had experienced it, and because I knew my experience was shared by other Māori individuals and groups. I also knew that power was often unrecognisable, and I wanted to be able to make it visible, to myself and to others. A case study of the Manawatū River provided a context in which I could listen to what people said about power, and study documents that illuminated struggles between actors where power was central. The detail obtained from these sources – the results of the research – is presented in the next three chapters. Drawing on documentary evidence, the next chapter examines the politics of the Manawatū River.

CHAPTER FOUR: RIVER POLITICS

The field in which decisions are made about the Manawatū River is dominated by two agendas: protecting the river and polluting it. Powerful actors use various strategies to advance these agendas. Drawing on data from documents, these agendas and strategies, as well as other aspects of the politics of the river, are illuminated in this chapter. The material includes media articles, planning documents, court decisions and official information associated with the Manawatū River Leaders' Forum.

The chapter is organised into five parts. Part One is about the state of the river. Here, four pieces of information needed to understand the health of the river are set out: (1) the contaminants affecting the river; (2) their sources; (3) the effects of these pollutants on the river; and (4) critical methods for ameliorating these impacts. Part Two centres on the One Plan, which is the regional council's policy framework for controlling river pollution (and other uses of resources). Using media articles, a narrative of the politics of the One Plan is advanced. In this narrative, the regional council, farmers, and farming lobbyists emerge as the main combatants in the struggle to protect or pollute the river. In Part Three, the focus shifts slightly to the Manawatū River Leaders' Accord, a voluntary agreement by actors with interests in the river to work together to improve the river. Again, using media articles, an account of the politics surrounding the Accord is presented. In this account, farmers continue to struggle to defend their ability to farm in a way that is not constrained by river protection rules, but their fight is less intense. District councils emerge as actors that also have much to lose from decisions to improve the river, and are

seen to resist these decisions. Part Four examines two policy developments at the central government level that have the potential to affect the river's future: proposed reforms to the Resource Management Act 1991 and the recent introduction of the National Policy Statement for Freshwater Management 2014. The final part of the chapter considers some of the iwi politics that are relevant to the river. These politics, together with those surrounding the One Plan and the Accord, provide a context for understanding the data presented in the next two chapters. These chapters examine iwi perspectives of the field (Chapter 5) and the Manawatū River Leader's Forum (Chapter 6).

State of the river

In some parts of the Manawatū River catchment, the water is clean, but in many parts it is polluted to varying extents. For example, in the forested sections of some of the river's sub-catchments,⁴⁵ the water quality is good. These parts of the catchment are small, however, compared with the greater portion, which is degraded by three types of contaminants: nutrients, sediment, and to a lesser degree, bacteria. Of these contaminants, Death (2012b) argues that sediment and nutrients (nitrogen and phosphorus) are having the most damaging effects on the Manawatū River and its tributaries. The primary cause of these effects is non-point source pollution from farms, followed by major point-source discharges, such as sewage treatment plants⁴⁶ (R. Death, 2012b; J. K. F. Roygard,

⁴⁵ These sub-catchments include the Mangatainoka and the upper Manawatū. See Figure 6: Manawatū River catchment and sub-catchments for locations.

⁴⁶ Such plants are referred to as point-source discharges, because the contaminants are expelled from a single, identifiable point, such as a pipe. Discharges from farms are referred to as non-point or diffuse source discharges, because they 'do not come from a single end-of-pipe source, but from many small sources or a wide area' (Parliamentary Commissioner for the Environment, 2012, p. 78).

McArthur, & Clark, 2012). The annual nutrient load to the Manawatū catchment consists of 4,599 tonnes of soluble inorganic nitrogen, and 116 tonnes of dissolved reactive phosphorus (Roygard et al., 2012). Almost all the nitrogen nutrient loading is non-point source (99%), and for phosphorus, the nonpoint-source loading is also very high (88%) (refer to Figure 3 and Figure 4). Almost the entire non-source point load is nitrogen, much of which will be from animal urine (J. K. F. Roygard et al., 2012).

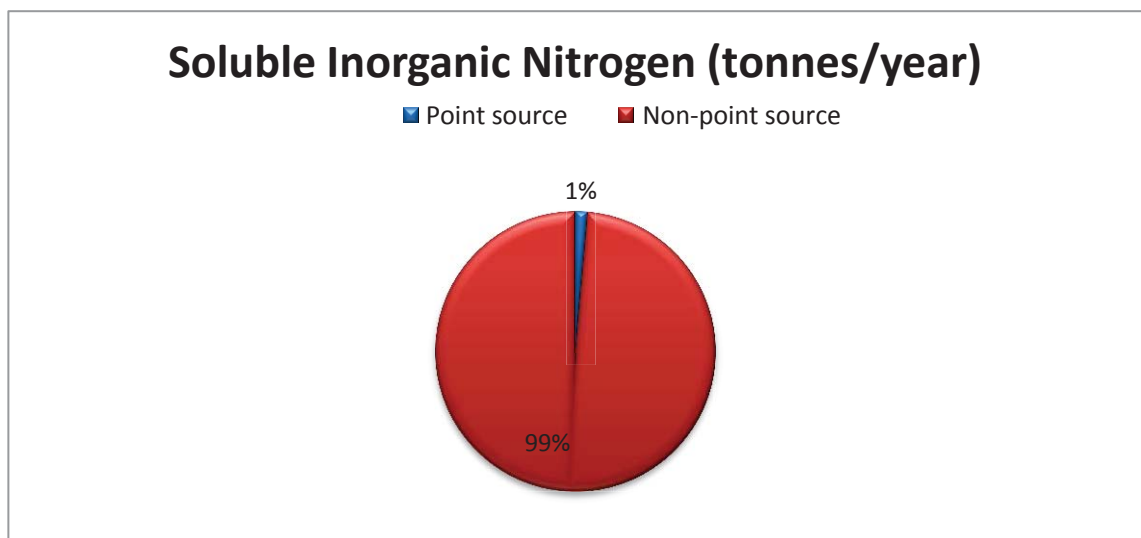


Figure 3: Soluble Inorganic Nitrogen entering the Manawatū River catchment (in tonnes/year) from point sources and non-point sources

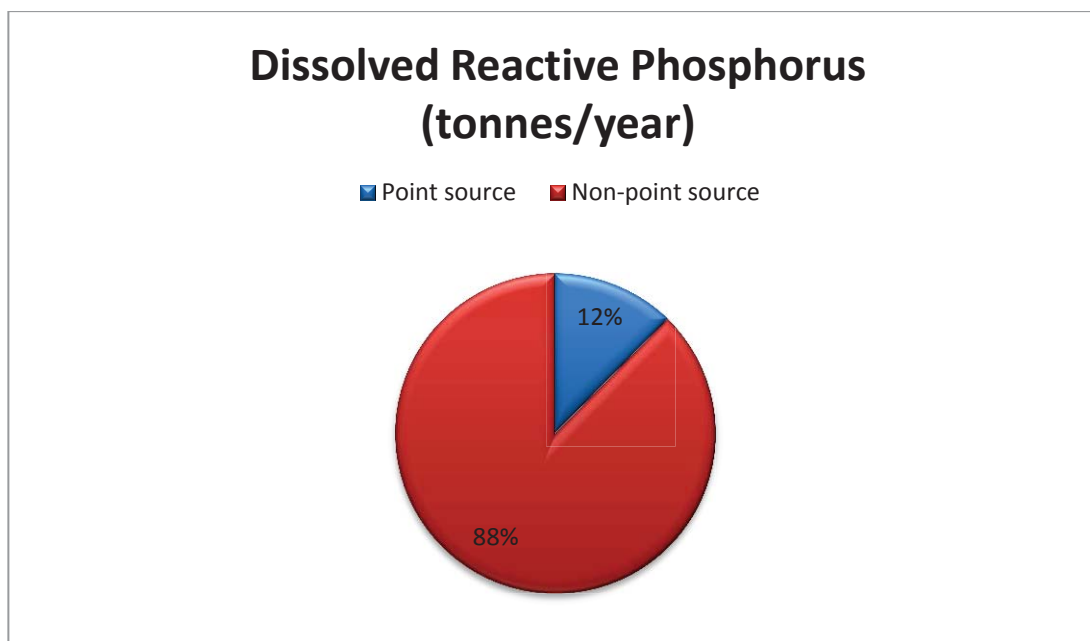


Figure 4: Dissolved Reactive Phosphorus entering the Manawatū River catchment (in tonnes/year) from point sources and non-point sources

The size of agriculture’s impact on the river is a strong reflection of the scale of farming in the catchment. The Manawatū River Leaders’ Accord Action Plan (2011) shows that agriculture is the dominant land use (see Figure 5), covering 78% or just under 450,000 hectares of the total land area (590,000 hectares). About three-quarters of this farmland is used for sheep and beef farming (approximately 347,000 hectares) with the balance being used for dairy farming. The Action Plan also reveals details about the discharges to the catchment. There is a large number of dairy-shed effluent discharges (652 in 2011), all of which are now disposed to land (see also Horizons Regional Council, 2013c). There are also 178 point-source discharges to water, 23 of which are considered to be significant. Most of these point-source discharges are from sewage treatment plants.

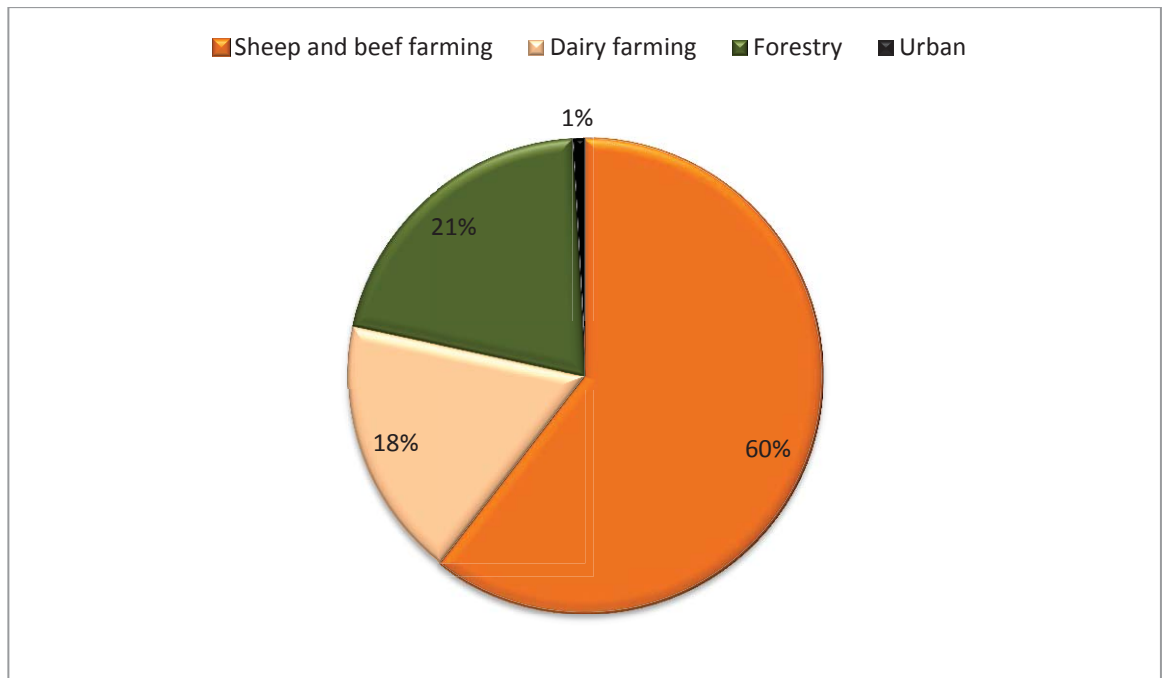


Figure 5: Land use in the Manawatū River catchment (in hectares)

(Source: Manawatū River Leaders Forum, 2011)

Effects of nutrients

Nutrients and sediment make their way from farms into water in several ways. Sheep, beef cattle, and dairy cows deposit nitrogen on the land through their urine. The pasture and soil cannot assimilate all this nitrogen, so the excess either leaches through the soil into groundwater, or runs off it in wet conditions into surface water (Parliamentary Commissioner for the Environment, 2012). Phosphorus enters the water attached to soil, for example, when it slips off the land as a result of erosion (R. Death, 2012a). Once these nutrients are in the water, they fertilise the plants and make them grow. There are three types of

aquatic plant, one of which is periphyton (Parliamentary Commissioner for the Environment, 2012). In small quantities, periphyton⁴⁷ is the base of the river food web and an essential food source for other forms of aquatic life; it is ‘the grass of streams for aquatic grazing animals’ (Biggs, 2000, p. 25). Periphyton is a community of organisms composed of algae, bacteria, diatoms, fungi, and other microbes. The composition of that community changes with varying environmental conditions. Macro-invertebrates graze on the periphyton and fish and animals on the riparian margin, such as spiders, bats and birds, eat the macro-invertebrates⁴⁸ (R. Death, 2012b).

Excessive periphyton growth, however, is problematic for several reasons. It can be dangerous for wading, it can proliferate into toxic blooms, and it can be an unpleasant nuisance when swimming or carrying out other recreational activities (see Table 3 in Biggs, 2000, p. 28). Excessive periphyton growth can also change the river food web by affecting the macro-invertebrates that graze on it. Some macro-invertebrates do not eat periphyton when it becomes overgrown, possibly because it is too big to fit in their mouths (Biggs, 2000). Smaller prey items are then left for the fish to eat (R. Death, 2012b). Consequently, the fish have to use more energy to consume an adequate amount of prey, making them grow slower, skinnier, and more susceptible to disease and death (R. Death, 2012b). Their reproductive success is also reduced.

⁴⁷ The Parliamentary Commissioner for the Environment (2012) defines periphyton as ‘microscopic algae, cyanobacteria and bacteria living in freshwater but attached to objects such as submerged rocks, wood or macrophytes [large water plants and algae that are visible to the naked eye]’ (pp. 79–80).

⁴⁸ Macro-invertebrates are animals that do not have a backbone and are large enough to be seen with the naked eye. They include insects, snails and worms (Parliamentary Commissioner for the Environment, 2012).

Effects of sediment

Alongside nutrient enrichment, Death (2012a) identifies sedimentation as the primary cause of declining water quality in the region. He asserts that agriculture, particularly on highly erodible land, can cause a 2000% or more increase in the amount of sediment that accumulates in waterways. In the catchment, there are almost 52,000 hectares of unprotected erosion-prone land (Manawatū River Leaders Forum, 2011). Death (2012a) describes several negative effects of sediment on macro-invertebrates and fish. These impacts include: smothering river and stream beds and therefore, the periphyton on which macro-invertebrates graze; filling in the spaces between the stones on the bed that fish and macro-invertebrates live in during the day and shelter in from strong flows, such as those that occur during floods; and making the water turbid. In turbid conditions, fish that are visual feeders, such as trout, find it harder to see and consequently, have to spend more time and energy hunting for prey. The additional time and energy spent finding food can have a detrimental effect on their growth rates, general health, and ability to reproduce.

Trout and many native fish species are especially sensitive to sedimentation. Trout lay their eggs in the beds of rivers and streams. Kier and Associates (2011) explain that the eggs and the newly spawned fish need clean, cold water to deliver oxygen and carry away waste. They also describe the effects of sediment on the eggs and young fish. Fine sediment can cover the stream bed and suffocate the eggs, the young fish, and the macro-invertebrates on which the young fish feed. Larger sediment particles can roll along the stream bed and crush the eggs and the fish. Sediment can also act as an abrasive on the gills and remove the protective mucous on the skin, making the fish more susceptible to

infections. For these reasons, protecting trout habitat in the catchment from sedimentation and stream bed disturbance is critical. Death (2012a) recommends a minimum setback distance of 20 metres on the edges of trout spawning rivers to safeguard them from activities that might cause sedimentation. The catchment contains important trout fisheries and spawning areas throughout (Manawatū River Leaders Forum, 2011).

Mitigation methods

Riparian buffer zones, such as those created by minimum setback distances, are an important tool for reducing agricultural pollution of waterways. Such zones provide numerous benefits for freshwater ecosystems (see Parkyn, 2004). Among other things, grassy and forested riparian margins stabilise stream banks and prevent erosion, deliver shade that keeps the water cool and stops light from reaching the streambed where it can promote plant growth, and provide habitat for macro-invertebrates and fish. The grassy banks of the Manawatū River at Whirokino near the river mouth, for example, may be the largest known spawning site for īnanga (the chief whitebait species) in the North Island (see Grocott, 2013).

Land use on, and livestock access to, riparian margins has detrimental impacts on water bodies. For example, fertiliser application too close to the edges of waterways can lead to contaminants entering the water (Death, 2012b). Livestock can damage the banks with their hooves and cause the banks to erode (Parkyn, 2004). One study has shown that dairy cows are 50 times more likely to defecate when crossing a stream than they are when standing on land, causing intense faecal contamination of the water (Davies-Colley, Nagels, Smith, Young, & Phillips, 2004). Livestock that are allowed to graze riparian margins

can degrade or destroy the vegetation that provides stream shading and habitat for the terrestrial and aquatic life forms that are an essential part of the river ecosystem (Death, 2012b).

While riparian buffer zones are an important mitigation method, they are limited in that they do not address the much more pervasive problem of nitrogen leaching through the soil after it is deposited there as animal urine. This problem is the result of the number and types of animals on the land. While nitrogen leaching can be mitigated to an extent by farmers using particular techniques, the gains in water quality that might be made from applying these techniques are far outweighed by the scale of nutrients that are lost from vast and increasing areas of pastoral land (Parliamentary Commissioner for the Environment, 2013). In the catchment, Horizons Regional Council argued that controlling certain types of farming was the primary answer to reducing the quantity of nitrogen leaching from farms.

State of the catchment

For the purposes of the Manawatū River Leaders' Accord, the catchment has been divided into nine sub-catchments (see Figure 6). All nine sub-catchments, except for the middle and upper reaches of one, have moderately-high to high nutrient levels (Manawatū River Leaders Forum, 2011). Seven sub-catchments are affected by elevated sediment loads that range from moderately high to very high (Manawatū River Leaders Forum, 2011). As a result of these pressures, the river and its tributaries are showing signs of stress.

For example, a 2005 state of the environment report prepared by Horizons Regional Council found a number of sub-catchments performed poorly against various water quality indicators, such as turbidity and contact recreation (Horizons Regional Council, 2005). For turbidity, the lower Manawatū and the Tīraumea sub-catchments rated very poor, meaning the water was almost never clear enough to go swimming. For contact recreation suitability, most of the Manawatū catchment rated poor with some tributaries rating very poor, meaning they were almost always unsafe for swimming. In the Ministry for the Environment's 2013 Suitability for Swimming update, all four sites on the Manawatū River that were measured rated very poor and had high levels of bacteria that presented a significant risk of illness and infection (Ministry for the Environment, 2013c).

In 2006, the National Institute of Water and Atmospheric Research produced a report on river water quality at 77 sites across the country (Scarsbrook, 2006, cited in McArthur, n.d.). Three sites on the Manawatū River were assessed against seven indicators.⁴⁹ One site – the Manawatū River at Ōpiki⁵⁰ – scored in the lowest 5% of sites (the worst sites) for three indicators: clarity, ammoniacal nitrogen, and dissolved reactive phosphorus. The other two sites also scored poorly (in the lowest 20% of sites) for six out of the seven indicators.

⁴⁹ Clarity, total oxidised nitrogen, ammoniacal nitrogen, total nitrogen, dissolved reactive phosphorus, total phosphorus and *E. coli*.

⁵⁰ Ōpiki is a small rural settlement on the Manawatū River 15 km southwest of Palmerston North.

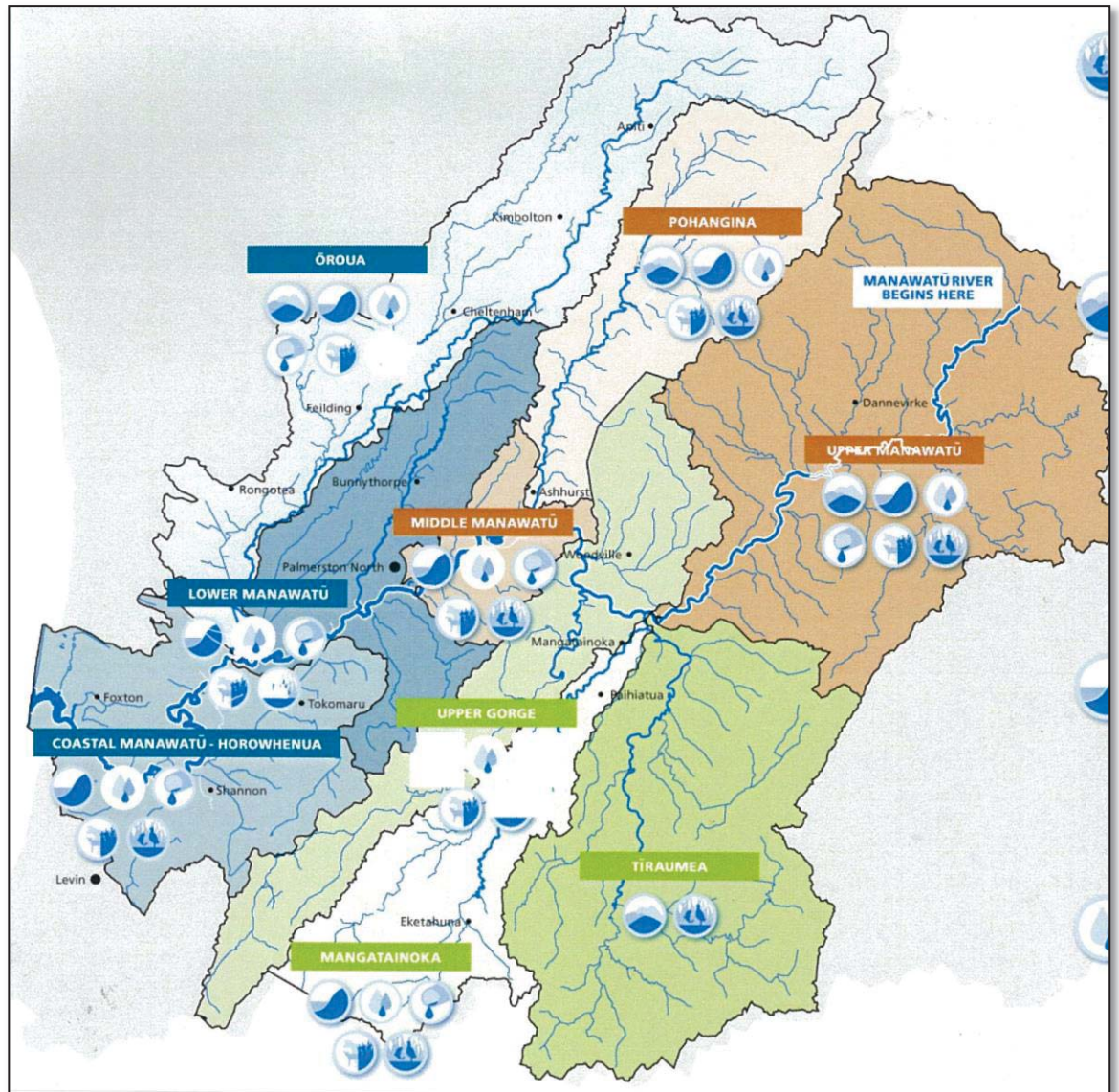


Figure 6: Manawātū River catchment and sub-catchments

(Source: Manawātū River Leaders Forum, 2011. Note: image is cropped.)

In 2008, Stark assessed the health of the macro-invertebrate communities at 12 sites in the catchment (Stark, 2008, cited in McArthur, n.d.). None of these sites were classified as excellent or good. Nine were found to be fair, and two of these sites, both of which were on the same river, had deteriorated by 30% in

the past nine years. Three sites were assessed as poor. Both Stark (2008) and Death (2009, cited in McArthur, n.d.) found that macro-invertebrate health in the Manawatū River at Teacher's College (in Palmerston North) was getting worse.

In a study of ecosystem integrity of 16 sites in large New Zealand rivers, the Manawatū River at Ōpiki had excessively high rates of two indicators of ecosystem health: algal photosynthesis and ecosystem respiration (see Cawthron Institute, n.d.). Sites with algal photosynthesis rates above 7 grams of oxygen per square metre per day and ecosystem respiration rates above 10 grams of oxygen per square metre per day indicate poor ecosystem health. The Manawatū River at Ōpiki had algal photosynthesis rates of 107.1 grams of oxygen per square metre per day, and ecosystem respiration rates of 65.2 grams of oxygen per square metre per day (see Figure 7). These rates were the highest of over 500 sites measured for the same indicators internationally and later led to the Manawatū River being labelled one of the worst rivers in the western world. The study's author did not support this claim, but did confirm that the research indicates 'that the Manawatū River is very unhealthy' (Cawthron Institute, n.d.).

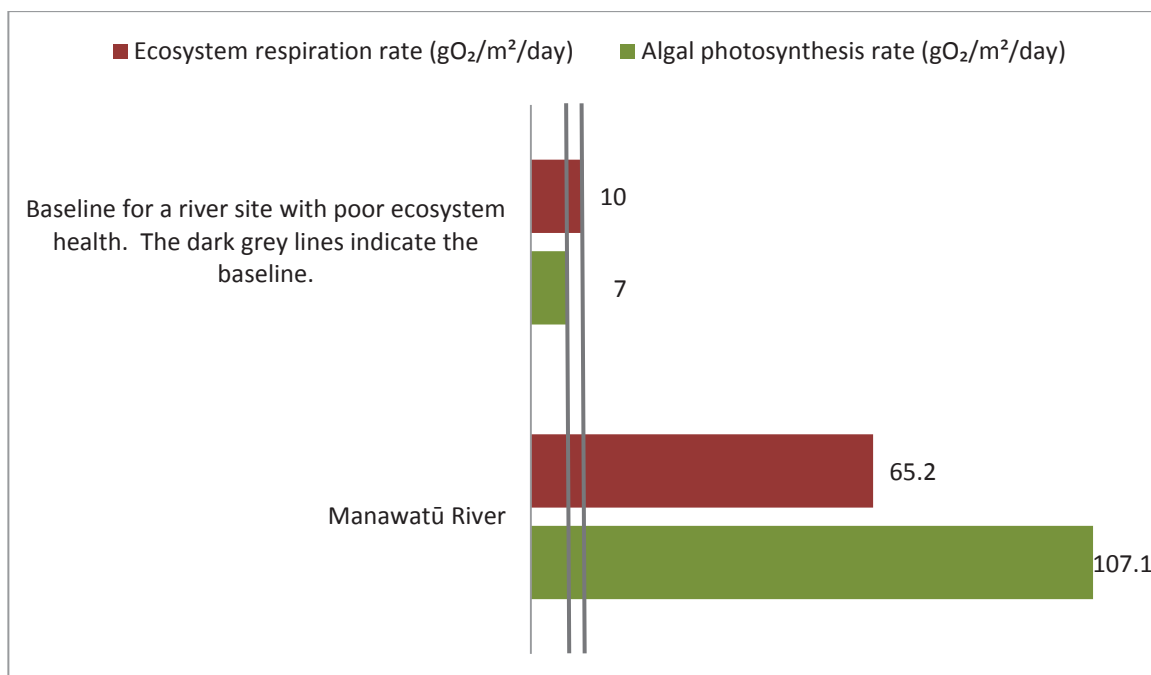


Figure 7: Ecosystem integrity of the Manawātū River compared with the baseline for a river site with poor ecosystem health

Regional councils and freshwater management

Under the Resource Management Act 1991, regional councils have wide powers relating to water. These powers include: controlling land use to maintain and enhance water quality and ecosystems in water bodies; controlling water use, including takes, diversions and damming, and levels and flows in water bodies; and controlling water pollution (section 30, RMA). In addition, under section 14 no person may take, use, dam, or divert water unless expressly allowed by a national environmental standard⁵¹, a rule in an operative or proposed regional

⁵¹ National environmental standards are regulations made by the Governor-General, by Order in Council, under section 43 of the RMA. They prescribe technical standards, methods, or requirements

plan, or a resource consent⁵² (see discussion below). Three exceptions apply; water can be taken for an individual's reasonable domestic needs, the reasonable needs of an individual's animals for drinking water, or for firefighting purposes, without permission, as long as the taking or use does not, or is not likely to, have an adverse effect on the environment. To exercise their water-related powers, regional councils use a range of policy instruments, principal among which are their regional policy statements and plans.

Regional policy statements 'enable regional councils to provide broad direction and a framework for resource management in their regions' (Peart, 2008, p. 49). Therefore, in a regional policy statement a regional council must give 'an overview of significant resource management issues' (Peart, 2008, p. 49). Regional plans set out in detail the methods councils are going to use to carry out their functions and achieve the purpose of the Act, which is 'to promote the sustainable management of natural and physical resources (section 5, RMA). There are two types of methods that councils can use: regulatory methods also known as rules, and non-regulatory or voluntary methods. Rules have legal force, while non-regulatory methods do not. The latter typically comprise incentives, such as funding and assistance in the form of advice and information, to encourage people to behave in a particular way. Rules are used to control land and water use by compelling landowners to adopt specific

for a range of matters, including contaminants, water quality, level, or flow. The purpose of National Environmental Standards is to enable 'central government to promote the adoption of consistent standards at the regional and district levels' (Peart, 2008, p. 43).

⁵² Under section 87 of the RMA, a resource consent is a consent to do something that would otherwise contravene sections 9 (restrictions on land use), 11 (restrictions on subdivision of land), 12 (restrictions on use of coastal marine area), 13 (restrictions on certain uses of beds of lakes and rivers), 14 (restrictions relating to water), 15 (discharge of contaminants into environment), 15A (restrictions on dumping and incineration of waste or other matter in coastal marine area) and 15B (discharge of harmful substances from ships or offshore installations).

behaviours. If landowners breach the rules, the regional council can take enforcement action.

Politics of the One Plan

In 2007, the Horizons Regional Council publicly notified its proposed policy framework for, among other things, controlling nutrient enrichment, sedimentation, and bacterial contamination of the Manawatū River and its tributaries. Commonly known as the One Plan (although before it was approved by the regional council on 25 November 2014, it was a proposed document and therefore, the Proposed One Plan), the framework is a combined regional policy statement and regional plan. The regional policy statement section of the One Plan describes the significant resource management issues in the region, and sets out the objectives, policies and methods that will be used to address those issues. The regional plan section specifies the rules that will be used to control natural and physical resource use.

In the Proposed One Plan, the regional council identified four significant resource management issues and set out controls for addressing them. The issues were: degraded surface water quality; increasing water demand; unsustainable hill country land use; and threatened indigenous biodiversity. Reid (2013) observes that the regional council identified farming as contributing to all four issues, particularly those relating to water and hill country land use.

Controversially, the council proposed rules that would change dairy farming and other forms of intensive agriculture from being permitted activities to

being controlled activities. Controlled activities require consent from the regional council before they can be carried out, while permitted activities do not. The rules had two significant implications for farmers. First, existing and new dairy farmers would require consent from the regional council to continue or start dairy farming. Second, the rules established the maximum amount of nitrogen that could be leached from farms based on different land use capability (LUC) classes.⁵³

There are eight LUC classes, with class 1 land being the best, most versatile land and class 8 being the least. From class 1 to class 8 the limitations to land use increase. Under the Proposed One Plan, land with a higher LUC classification would be regarded as impaired in its ability to sustain intensive, high input land uses. Correspondingly, the land would be allocated a low nitrogen-leaching level.

The nitrogen-leaching maxima would apply to farmers already operating in particularly sensitive parts of the catchment, and to new farmers anywhere. Moreover, this amount would decrease every five years for 20 years until an acceptable level was reached. The regional council also required farmers to use best practice (a non-regulatory method) to minimise sediment losses and faecal contamination, and to exclude dairy cattle from rare or threatened wetlands and lakes and streams wider than one metre.

⁵³ Lynn et al. (2009) define the Land Use Capability Classification as ‘a systematic arrangement of different kinds of land according to those properties that determine its capacity for long-term sustained production. Capability is used in the sense of suitability for productive use or uses after taking into account the physical limitations of the land’ (p. 8).

Farmers vigorously opposed the Proposed One Plan from the outset (see Matthews, 2007). Local representatives of Federated Farmers⁵⁴ argued the rules were 'draconian and restrictive' (as cited in Galloway, 2007). They claimed the rules could 'force some farmers to reduce their dairy herds by up to 20 percent' (as cited in Waugh, 2008) to meet the nitrogen-leaching maxima. These changes would 'put them out of business'.

Federated Farmers mobilised against the Proposed One Plan in several ways. One of their strategies was to survey farmers and ask them if they preferred 'a voluntary approach to cleaning up water ... rather than regulations' (as cited in Galloway, 2010c). The group received over 2000 responses to the survey, nearly all of which indicated a preference for a voluntary approach ("Farmer survey belts One Plan work," 2010). Federated Farmers also submitted on the Proposed One Plan, and were successful in advocating for the nitrogen-leaching rules to be relaxed.

The panel of decision-makers hearing the submissions recommended that existing dairy farms would need consent, but would not have to conform to the nitrogen-leaching maxima based on land use capability classes. Instead, farmers could use non-regulatory methods, such as nutrient management plans and best management practices, to reduce leaching (Water Hearing Panel, 2010). Further, the controls would not apply to certain areas, such as Lake Horowhenua (the bed of which is owned by Muaūpoko) and coastal Rangitikei (in the Ngāti Apa rohe).

⁵⁴ Federated Farmers of New Zealand is a national farmer advocacy group that represents farmers on a range of issues. It is divided into 24 provinces, 2 of which are in the Manawatū River catchment: Manawatū-Rangitikei and Tararua.

The decision was met with support from Federated Farmers, who hailed it as 'common sense' (as cited in Galloway, 2010a). At the same time, two Federated Farmers' representatives and the partner of another stood for election to the regional council. They were all successful (see Galloway, 2011). When the results of the regional council elections were announced in late 2010, more than half of the new councillors were connected to the farming sector. The regional council Chairman, also a farmer and a champion of the Proposed One Plan, lost his seat.⁵⁵

A year later, in October 2011, the council senior manager who led the Proposed One Plan resigned, having 'become disillusioned with the council's direction' (as cited in Goodwin, 2011). It was reported that the manager believed Horizons was 'having an identity crisis and watering down its mandate of protecting the environment' in favour of 'economic concerns'. A short time later, another manager left the regional council. He was critical of some of the regional councillors, who he believed had 'their own agendas that are not possibly in the best interests of the organisation and some of them are trying to confuse the issues' (as cited in Mana Party, 2011).

Several groups and one individual appealed the hearing panel's decisions on the Proposed One Plan's nitrogen rules (as well as other parts of the plan) to the Environment Court. The court described water quality as the 'most contested' of the Proposed One Plan topics it heard ("Manawatu-Wanganui regional council proposed One Plan appeals. Part 5 - surface water quality - non-point source discharges," 2012, p. 5-4). The Department of Conservation and the

⁵⁵ See Janet Reid's doctoral thesis (2013, pp. 173-181) for a discussion of the farming community's reaction to the Proposed One Plan.

Wellington Fish and Game Council were two appellants who supported the initial, pre-hearing panel version of the Proposed One Plan. They wanted all forms of intensive agriculture to be covered by the rules, the nitrogen-leaching maxima based on land-use capability classes to be reinstated, and the provisions to apply to Lake Horowhenua and coastal Rangitikei. Regional council and other scientists presenting evidence at the hearing argued strongly for farming to be regulated to improve water quality. One scientist argued that:

the current state of many of these waterways is poor as a result of agricultural land use management. Maintaining current farming practise [sic] will not create any improvement, and increasing intensification will result in further significant declines in ecological condition and life supporting capacity ... Any improvements such as reducing nitrogen leaching and excluding stock from waterways are necessary to maintain or improve the aquatic ecosystem health and life supporting capacity of the region's waterways (R. Death, 2012b, p. 40).

The Environment Court decided in favour of controlling farming and protecting the river. In its judgement, it stated:

E. The Coastal Rangitikei Catchment should be brought within the policy and rules regime as a targeted sub-zone.

F. Lake Horowhenua, the coastal lakes and their related subzones should all be brought within the rules regime.

G. All intensive land uses – dairying, cropping, horticulture and intensive sheep and beef – should be brought within the policy and rules regime.

L. The LUC classification system should be used as a basis for leaching limits.

M. Reducing LUC based limits at Years 1, 5, 10 and 20 should be the basis of the policy and rules regime.

U. Intensive farming should be given controlled (and not permitted) activity status. ("Manawatu-Wanganui regional council proposed One Plan appeals. Part 5 - surface water quality - non-point source discharges," 2012, p. 5-77,78).

The former council senior manager who championed the Proposed One Plan applauded the court's decision and described it as 'courageous' (as cited in Horsley & Galloway, 2012). Fish and Game New Zealand (2012) were also satisfied with the judgement, declaring it 'a seismic shift in natural resource and freshwater management in New Zealand'. The manager of the Wellington Fish and Game Council stated:

For too long there's been flagrant disregard for how land use impacts on water quality with unsustainable land development and agricultural intensification exacting a huge toll on our most precious resource ... It's a good decision ... creating much better balance that has been long overdue (as cited in Fish and Game New Zealand, 2012).

In contrast, Federated Farmers representatives and the farming community were outraged by the decision. One representative repeated the argument that 'farmers could be forced off the land or hit by new costs as high as hundreds of thousands of dollars' (as cited in "Feds pan One Plan ruling," 2012). Other local farmers expressed similar views (see Horsley & Galloway, 2012), with one stating that the decision 'would be the death of farming around here' and he would have to 'slum it' to implement the rules (as cited in McKay, 2012). At a

public meeting held after the ruling came out, a rural banker outlined a number of concerns about the potential detrimental impacts of the Proposed One Plan to regional council staff that attended:

Productivity on some of these properties is going to decline further ... the next generation of farmers ... are going to do something else or farm somewhere else. Farms will sell, but at significantly lower levels. Rural towns are going to suffer (as cited in "Uncertainty of One Plan a killer," 2013).

In 2013, Federated Farmers and Horticulture New Zealand appealed the Environment Court decision to the High Court on points of law (see *Horticulture New Zealand v Manawatu-Wanganui Regional Council* [2013] NZHC 2492). They lost all except one of their appeals. The successful appeal resulted in a minor wording change to policy 5.2A(a) in the Proposed One Plan, which clarifies that the regional council must regulate land use to the minimise the risk of accelerated erosion. Later that year, a report that contained cost benefit and economic impact analyses of the Proposed One Plan's nutrient rules was released. Commissioned by Dairy NZ and Horizons, the report's authors found that the rules would have an 'almost neutral' economic impact on farmers (Bell, Brook, McDonald, Fairgray, & Smith, 2013, p. 3).

In the end, the regional council separated the controls for intensive farming systems (dairy farming, commercial vegetable growing, cropping and intensive sheep and beef⁵⁶) into two tiers. New and existing intensive farming systems that can meet the nitrogen leaching limits fall into the first tier and will be

⁵⁶ See Policy 13-2C in the Proposed One Plan as amended by Environment Court decisions (Horizons Regional Council, 2014).

controlled activities. As controlled activities, these systems will require consent, but if all the matters over which the regional council has reserved control⁵⁷ can be met, then consent must be granted. New and existing intensive farming systems that cannot meet the nitrogen leaching limits will comprise the second tier. These systems will be classified as restricted discretionary activities and closer management and shorter consent terms will apply. As restricted discretionary activities, the regional council also has the ability to decline consent if the matters over which it has restricted discretion⁵⁸ cannot be satisfied. Events associated with the development of the One Plan are outlined in

⁵⁷ See rules 13-1 and 13-1B in the Proposed One Plan as amended by Environment Court decisions (Horizons Regional Council, 2014).

⁵⁸ See rules 13-1A and 13-1C in the Proposed One Plan as amended by Environment Court decisions (Horizons Regional Council, 2014).

Table 4.

Table 4: One Plan timeline

Date	Event
2007	Proposed One Plan notified
2010	Hearing Panel on Proposed One Plan releases decisions supporting a relaxed regulatory approach
Oct 2010	Local government elections; new regional councillors elected; incumbent Chairman and One Plan champion loses his seat
Nov 2010	16 appeals lodged in Environment Court on Proposed One Plan
2011	Manager who led Proposed One Plan resigns; second manager also resigns
2012	Environment Court hearings; Environment Court releases decisions on Proposed One Plan supporting a strong regulatory approach
2013	Federated Farmers and Horticulture NZ appeal decisions to the High Court and lose all appeals except one
25 Nov 2014	Horizons Regional Council approve One Plan
19 Dec 2014	One Plan made operative

Politics of the Manawatu River Leaders' Accord

In late 2009, the *Dominion Post* ran a front page news article entitled 'Our river of shame' (Morgan & Burns, 2009). The article was based on the Cawthron Institute's findings regarding the health of the Manawātū River at Ōpiki (Cawthron Institute, n.d.). Shortly after the article was published, the regional council Chief Executive questioned the *Dominion Post's* claims and the Cawthron Institute's findings. He argued that the river was 'trending in the right direction' and many changes had occurred over the years to improve the state of the river, including a reduction in point source pollution (as cited in Galloway, 2009).

The article represented something of a turning point for the river. It gave a level of exposure to the river's state that built on previous negative publicity (see, for example, Burns, 2009; One News, 2006; Smale, 2001), and precipitated the formation of the Manawatū River Leaders' Forum. In February 2010, the then chairman of the regional council called a private meeting of senior individuals representing groups, corporates and agencies that had an interest in the river. Iwi were not invited (see Chapter 6). Representatives from Fonterra, New Zealand Pharmaceuticals, Forest and Bird, Fish and Game, and the Department of Conservation attended, however, alongside the mayors of the catchment's four district councils (see L. Jackson, 2010). According to the media, 'the main polluters admitted the state of the river is not acceptable' and 'vowed to clean up their act' (as cited in L. Jackson, 2010). High profile freshwater ecologist Dr Mike Joy, who also attended the meeting, regarded the polluters' collective admission as 'amazing' (as cited in L. Jackson, 2010). 'Nobody tried to deny it', he was reported as saying, 'I thought I was in a dream'.

Less than 2 weeks after the forum's first meeting, a Green Party co-leader kayaked the river to investigate and publicise its condition. Spokespeople from organisations that had been represented at the meeting reacted defensively. The managing director of New Zealand Pharmaceuticals justified the impact of point source discharges on the river, reportedly saying that they 'were nothing in comparison to the runoff from farms' (as cited in "Norman disgusted by river stench," 2010). The mayor of Palmerston North also downplayed the effect of the city's sewage discharge on the river, emphasising that it comprises only a small proportion of the river's flow (as cited in "Norman disgusted by river stench," 2010). At the same time, a Federated Farmers representative challenged the Cawthron Institute's findings and defended the dairy sector, accurately pointing out that dairy shed effluent discharges to the river were

very few (Ervine, 2010), but neglecting to comment on the much larger impact of the sector's non-point discharges on the catchment. In response, Mike Joy (2010) issued a press release in which he supported the Cawthron Institute's research, describing it as 'totally accurate, appropriate and [able to withstand] any scientific scrutiny'. Implicitly, he likened the Federated Farmers representative to a climate change denier who has 'vested interests in keeping the status quo, denying or trying to sow seeds of doubt when they have no grasp of the science'.

In July 2010, it was announced that the members of the Manawatū River Leaders' Forum would sign an accord to work together to improve the river (Forbes, 2010b). Under the accord, the forum committed to preparing 'a collectively owned and implemented Action Plan by March 2011 ready for implementation by July 2011 that will recommend targets for improvement, timeframes for achieving the targets, identify actions and opportunities, and include indicators and methods of monitoring' (Manawatū River Leaders' Forum, 2010). The same Green Party co-leader who kayaked the river expressed reservations about the accord, reportedly saying that such voluntary agreements 'were not tough enough to enforce real change' (as cited in Forbes, 2010b). He supported 'groups coming together to find common ground' but believed that 'environmental standards and regulations that have weight were needed' to achieve such change. It seems he was wary of Federated Farmers, who he thought were 'fighting tooth and nail' against rules to protect water.

On 4 August 2010, a week before the accord signing, it was revealed that Tararua district councillors had initially voted against signing the agreement. Evidently, 'they felt they did not have enough information ... and they were nervous about costs' (as cited in Miller, 2010). They agreed to sign the accord

on the condition that they would have 'input into the draft action plan and some control over the cost of it'.

On the day of the signing, Federated Farmers chose not to sign the accord⁵⁹ (Forbes, 2010a). Representatives of the group had a number of reasons for refusing to endorse the document. One argued that a statement in the accord, which read: 'We acknowledge that the community has concerns and has identified that the river is in a poor state', was 'emotional claptrap' and 'not factual' (as cited in "Pollution: farmers pull out of clean river accord," 2010). Another signalled an unwillingness to commit to the accord if the Proposed One Plan was made operative. He also claimed that they did not have enough time to gain approval for the accord from their constituents or their national board. This last point was disputed by another forum member who remarked that: 'they had four months of sitting around a table with us to sort themselves out' (as cited in Forbes, 2010a). Both Federated Farmers representatives later issued press releases defending the time they needed to seek approval from their members (Barrow, 2010; McKellar, 2010). They also highlighted the improvements farmers had made to their effluent disposal systems over the years, and attacked district councils for not upgrading their sewage discharge schemes. One of these representatives mentioned nitrogen, but only in terms of drinking water standards (Barrow, 2010), not adverse effects on the health of the river. Other forum members expressed frustration and disappointment at

⁵⁹ The signatories were: Department of Conservation, Fish and Game NZ (Wellington region), Fonterra, Horizons Regional Council, Horowhenua, Manawatū, and Tararua district councils, Landcorp Farming, Manawatu Estuary Trust, Massey University, Muaūpoko Tribal Authority, Ngā Hapū o Himatangi, Ngā Kaitiaki o Ngāti Kauwhata, NZ Pharmaceuticals, Palmerston North City Council, Royal Forest and Bird Protection Society of New Zealand, Silver Fern Farms, Taiao Raukawa Environmental Resource Unit, Tanenuiarangi Manawatū Incorporated, Te Kaunihera Kaumātua o Rangitāne ki Manawatū, Te Kāuru, Te Rangimarie marae, Te Rūnanga o Raukawa, Water and Environmental Care Association.

the position taken by the Federated Farmers representatives (as cited in "Leaders Accord members bewildered by Fed Farmers stance on Manawatu River clean up," 2010) and resolved to exclude them from future forum meetings (Federated Farmers, 2010).

After Federated Farmers refused to sign the accord, the Federation of Freshwater Anglers issued a carefully worded press release in which they expressed reservations about the accord:

We commend the participants of the accord on an excellent start, but realize that it is only a start. Unless a clear, inclusive public plan of action results from the accord, where all issues are addressed and results can be measured, we would have little faith in its success. We have seen accords before and are mindful of [Agriculture] Minister [David] Carter's reaction to the latest Clean Streams Accord results (NZ Federation of Freshwater Anglers, 2010).

Initiated in 2003, the Dairying and Clean Streams Accord was a voluntary agreement between Fonterra and central and local government that aimed to reduce the impact of dairying on water. It contained performance targets, one of which was for all dairy farms with effluent discharge consents to comply with those consents. In 2008/09, only 60 percent of farms were compliant. Minister of Agriculture, David Carter, criticised non-compliant farmers, stating:

The data from this year's snapshot (an annual progress report on the Accord) tells a totally unacceptable story of effluent management. Regardless of whether this is because farmers don't have the right tools, don't know how to comply, or simply don't care, behaviour has to change ... You can argue the merits of dairy to the economy until the cows come home – but until every farmer takes responsibility for improving effluent management, the environment and dairying's reputation will suffer ... I am putting

non-complying farmers across the country on notice. You need to take individual responsibility for this issue and work more effectively with your neighbours, your regional council and your industry body (as cited in McKay, 2010).

Implicitly, the Federation of Freshwater Anglers also referred to the political contests occurring between Federated Farmers representatives and others, and the selective and narrow use of scientific information in those contests to assert certain positions in regard to the river. They hoped 'to see a lot more factual information on the problems made public as part of the process of moving forward, and [that the process did] not degenerate into political blaming or gamesmanship' (NZ Federation of Freshwater Anglers, 2010).

To inform the debate, Russell Death, a freshwater ecologist who staunchly supported the Proposed One Plan, delivered a public seminar on the river in mid-October 2010. Entitled 'Who killed the Manawatū River and what can we do about it?' the seminar attracted a huge audience. In a newspaper article published the day before the seminar, Death identified the actors who can and cannot directly influence the state of the river and its tributaries. From his perspective, 'unless you own land beside a stream, or [are] a company, or are a councillor, then you're limited as to what you can do' (as cited in Sutton, 2010). He was hopeful, however, that advocacy could produce change, stating, 'if people can lobby for [the] environment to be protected perhaps our message will start getting through'.

The Manawatū River Leaders' Accord Action Plan was finalised on 15 April 2011 (see Table 5). Forum members had 2 to 4 weeks to seek approval for the Action Plan from their constituents (Horizons Regional Council, 2011a). The Action Plan was launched on 22 June (N. Smith, 2011). At the launch, forum

members indicated they would apply to the government's new Freshwater Clean-up Fund for money to help implement the actions (Horizons Regional Council, 2011b). The government established the fund in May 2011, and allocated \$15 million to it over 2 years (2011/2012 and 2012/2013). The purpose of the fund was to support 'major projects to restore waterways affected by historical pollution' (Ministry for the Environment, 2013a). The fund would cover physical works – 'fence posts in the ground'. However, it could not be used for other types of projects such as 'cultural monitoring, discussions or further research' (Horizons Regional Council, 18 July 2012). Funding to develop a framework for an Iwi River Management Plan was later provided by Horizons (Horizons Regional Council, 18 July 2012).

The Action Plan contains over 130 actions separated into six priority areas: reducing nutrients and pathogens from point-source discharges; reducing the run-off of sediment, nutrients and pathogens from intensive land-use; protecting habitat for native fish, birds, and trout; reducing sediment run-off from erosion-prone farmland, the rural road network, and major earthworks; reducing the impact of flood control and drainage schemes; and preventing over-use of water (Forbes, 2011).

The forum's application to the Freshwater Clean-Up Fund was successful, and they were granted \$5.2 million to contribute towards physical works to improve the river (Horizons Regional Council, 2012b). The total cost of the works was \$30.15 million, which was spread across 12 projects. The projects were to be managed by the regional council and three of the four district councils: Tararua, Manawatū, and Horowhenua.

The Tararua District Council was to manage four projects: (1) upgrading the Woodville sewage treatment plant and investigating effluent disposal to land; (2) discharging Dannevirke's sewage to land at low river flows; (3) upgrading the Dannevirke sewage treatment plant; and (4) upgrading the Pahiatua sewage treatment plant. The Manawatū District Council was to manage two projects: (1) upgrading the Feilding sewage treatment plant and disposing the effluent to land; and (2) upgrading the Kimbolton sewage treatment scheme. The Horowhenua District Council had one project, which was discharging Shannon's sewage to land at low flows. The regional council was to manage five projects: (1) stream fencing; (2) improving native fish habitat; (3) enhancing whitebait habitat; (4) working with dairy farmers to prepare environmental farms plans;⁶⁰ and (5) supporting community projects (Roygard & Mitchell, 2012).

The sewage treatment projects are by far the most expensive of these actions, totalling nearly \$28.4 million. The central government contribution to these projects is approximately \$4.3 million, with the three district councils having to pay the balance of \$24.05 million. The total cost for the rest of the projects is around \$1.8 million. Most of this amount will be paid by the regional council and central government through the Freshwater Clean-Up Fund. Dairy NZ is contributing \$100,000 to developing environmental farm plans, which represents 16 percent of the funding for that particular project (and less than 6 percent of the funding for all of the projects managed by the regional council). A decision was made that 40 percent of the funding for the community projects would be 'dedicated to iwi led projects' (Horizons Regional Council, 18 July 2012).

⁶⁰ Environmental farm plan is a generic term used to describe any 'single-property based farm plan that has a significant environmental component' (Blaschke & Ngapo, 2003, p. 4).

In an article published in the Dominion Post a week after the funding announcement, Mike Joy criticised the projects that were prioritised for funding:

They're a waste of time. It's ignoring the reality of the intensification of farming. That is the real problem. Sewage treatment plants only account for a small amount of the pollution entering waterways, compared with the run-off from farmland, and throwing money at plant upgrades is missing the point. Reducing the number of cows on the land is the only solution that will have an impact. If you want to clean the river up, that's what you need to do. Otherwise you spend all this money and nothing will change, and I'll be putting out another report in 10 years that says things are even worse than they were before (as cited in Forbes, 2012).

The projects and funding are overseen by a governance group that has representation from central government, the regional council, and the district councils concerned. Only one non-state actor – the Chair of the Manawatū River Leaders' Forum – has a seat on the group. At a meeting of iwi and Horizons representatives, it was asked if iwi could have a representative on the group (Horizons Regional Council, 18 July 2012). The document analysis (see Chapter 3) did not reveal whether this request was considered.

At the Manawatū River Leaders' Forum meeting held in December 2012, it was reported that work on re-consenting the Feilding, Kimbolton, and Shannon sewage treatment plants was progressing well, but there were delays with the Dannevirke sewage treatment plant upgrades. In 2013, additional money was allocated to improving the Dannevirke plant, as well as upgrading the Pahiatua and Woodville schemes (Horizons Regional Council, 2013a).

In 2011/2012, 107 (out of a proposed 125) kilometres of stream fencing was built on dairy farms in the Tararua district. The balance was scheduled to be completed in 2012/2013. By the end of March 2013, 25 environmental farm plans (out of 60–80) had been prepared, and another 45 were expected to be completed by the end of June (Horizons Regional Council, 2013b). Also in 2011/2012, 16 (out of 59) fish barriers were remediated. A three-kilometre section of Whitebait Creek, a locally prized whitebait fishery, was fenced to protect it from stock, and 240 native trees were planted. Over 2,600 native plants and 1,700 metres of fencing were put in to protect three high value wetlands. In the same year, ten community projects were funded. Half of these projects were iwi projects (Horizons Regional Council, 2013d). Eight projects were funded in 2012/2013, again half of which were iwi projects ("Nod for funding to improve waterway," 2013). Projects included weed control, planting, and river hīkoi (walks) to identify problems and seek areas to plant.

Table 5: Manawatū River Leaders' Accord Action Plan timeline

Date	Event
Nov 2009	Dominion Post runs 'Our river of shame' headline
Feb 2010	Horizons Regional Council Chairman calls river stakeholders together; iwi not invited to initial meeting
July 2010	Announcement that Manawatū River Leaders' Forum will sign an accord and prepare an Action Plan to restore the river by March 2011
August 2010	Accord signing; provincial representatives of Federated Farmers refuse to sign
15 April 2011	Manawatū River Leaders' Accord Action Plan finalised
22 June 2011	Action Plan launched
2012	Horizons Regional Council granted \$5.2 million from Freshwater Clean Up Fund to contribute to restoring the Manawatū River

Defending positions: the politics of sewage treatment plants

In June 2011, the regional council determined that the Palmerston North City Council was not complying with its consent to discharge wastewater to the Manawatū River. The regional council assessed that the discharge was causing a significant adverse effect on aquatic life, and on 7 October issued the city council with an abatement notice to stop the discharge (P. Clifford, Memorandum to Palmerston North City Council Mayor and Councillors, 10 November 2011, regarding Waste Water Treatment Plant – Abatement Notice 721). The city council rejected the regional council's assessment, stating that the discharge 'has not had any impacts' on the river that it considered significant (Palmerston North City Council, 2013, p. 12). As a result of this dispute, Mike Joy questioned whether all the signatories to the Manawatū River Leaders' Accord were committed to improving the river. He said 'I might have

had faith a year ago (in the forum), but not now with the PNCC issue' (as cited in Horsley, 2012).

In July 2011, the Horowhenua District Council applied for a new consent to continue to discharge treated sewage from the townships of Shannon and Mangaore to a stream that flows into a tributary of the Manawatū River. The discharge was having 'significant and unacceptable' adverse effects on the tributary concerned. During the consent hearing, the district council asset manager emphasised that all the council's wastewater treatment plants faced 'considerable challenges', and upgrading them would require 'significant investment', which he believed was beyond the means of ratepayers (Potts, n.d., pp. 2-3). The panel of commissioners hearing the consent application decided to grant consent to the council subject to a number of conditions. These conditions included the council adopting a discharge management plan and consulting with certain local advocacy groups, both of which the council opposed. During the hearing, the council also rejected all the alternative wastewater disposal options raised as well as a suggestion to investigate alternative disposal methods within a specific timeframe. The latter was imposed as a consent condition (Guy, Callander, & Foster, 2012). When the decision was released, the district council appealed it, but later withdrew the appeal (Horsley, 2012).

RMA and freshwater reforms: new politics

In February 2009, the National-led minority government announced it would reform the Resource Management Act. There have been two phases to the reforms, both of which have been driven by a clear economic growth agenda. The first phase, which culminated in the Resource Management Simplifying and

Streamlining Act 2009, was intended to ‘remove the barriers that stand in the way of improving New Zealand’s infrastructure and the creation of new industries and jobs’ (Key, 2009). Prime Minister, John Key, declared the RMA ‘a handbrake on growth’ (Key, 2009), despite consistent evidence from the Ministry for the Environment that less than one percent of resource consent applications are declined annually.⁶¹ Phase two of the reforms was announced in February 2013 in rhetoric similar to phase one. The justification for this set of revamps was that RMA processes are ‘cumbersome, costly and time-consuming’ (Ministry for the Environment, 2013b, p. 6) and lead to such ‘delays and uncertainties’ that ‘new jobs are not being created’ (Adams, 2013). Consequently, a primary objective of these reforms was also to encourage businesses ‘to grow and create jobs’ (Adams, 2013).

In both phases of the reforms, the government gave assurances that changes to the Act would not compromise the environment. In 2009, Environment Minister, Nick Smith, set out some of the principles that underpin the reforms, including: economic growth and the environment going ‘hand in hand’; not mining ‘New Zealand’s natural balance sheet for short term gain’; and New Zealanders being able ‘to access our special places’ as part of a ‘unique birthright’ (N. Smith, 2009). In 2013, then Minister, Amy Adams, similarly promised the changes would deliver ‘strong environmental outcomes’ (Ministry for the Environment, 2013b, p. 5).

⁶¹ See Ministry for the Environment (2014b). Between 2001/02 and 2011/2012, the proportion of resource consent applications that were declined ranged from 0.56% to 0.74%. This percentage dropped to 0.27% in 2012/13. From 2001/02 to 2007/08 the number of resource consent applications that were processed was between 48,000 and 58,000.

Such guarantees appear to have been a veneer for major proposals that tilt the RMA towards economic growth, and away from environmental protection. Two of the most significant proposals involved amending section 32 of the Act, and sections 6 and 7. Section 32 requires decision-makers to evaluate the costs and benefits of their policies, and sections 6 and 7 contain most of the Act's principles.⁶²

The changes to section 32 were passed into law, without much fanfare and perhaps furtively, under the Resource Management Amendment Act 2013. Under the old version of section 32, local councils and central government departments were required to evaluate their proposed policy documents, such as policy statements and plans, before they made them operative. The purpose of undertaking this evaluation was to determine if the proposals were the most appropriate way of achieving sustainable management. To make this judgement, decision-makers had to weigh the costs and benefits of their proposals and consider alternatives to them.

Under new section 32(2)(a), Parliament has added two specific considerations that decision-makers must assess their proposed policies against. These criteria are:

the opportunities for—

- (i) economic growth that are anticipated to be provided or reduced; and
- (ii) employment that are anticipated to be provided or reduced.

⁶² Under section 8, decision-makers must also take into account the principles of the Treaty of Waitangi when making decisions under the Act.

Decision-makers are also required to quantify 'the benefits and costs of the environmental, economic, social and cultural effects' of their proposals, if practicable.

The effect of new section 32 is to encourage decision-makers to emphasise economic growth above environmental and other considerations when they are developing their resource management policies. Singling out economic factors may 'result in them assuming greater importance in the overall cost/benefit analysis' (New Zealand Law Society, 2013, as cited in G. Palmer, 2013, pp. 27-28). Moreover, the economic costs and benefits of planning documents, for example, when they introduce rules that affect land use as the Proposed One Plan did, are easier to quantify than the costs and benefits to the environment or the non-economic costs and benefits to people. As Jan Wright, the Parliamentary Commissioner for the Environment, points out:

Some of the environmental, social and cultural values that are considered in section 32 analyses are difficult if not impossible to quantify. Of those that can be quantified, it will seldom be practicable to take the further step of expressing them in dollars. In contrast estimates of economic growth and employment are commonly quantifiable (2013b, p. 4).

Thus, the changes to section 32 establish an unequal situation where the economy is given more attention and weight than the environment.

The proposed amendments to sections 6 and 7 have also been accused of recalibrating the Act towards the economy. The proposals were severely criticised in the media (see, for example, Oliver, 2013; "RMA architect says changes could threaten environment," 2013; Smellie, 2013) and opposed by 99% of the 14,000 submissions received on the proposals (Ministry for the

Environment, n.d.). In addition, two of the parties that supported the government on confidence-and-supply, the Māori Party and United Future, withdrew their support for the amendments (Māori Party & United Future, 2013) meaning they could not be passed into law. Given the National Party's victory in the general election in September 2014, however, the changes may still make their way back onto the legislative agenda. For this reason, they are treated in this thesis as relevant context for thinking about the future of our freshwaters.

Along with section 5 of the Act, which states the Act's purpose, the principles in sections 6, 7 and 8 make up Part 2 of the Act. Part 2 has been described as the 'engine room of the RMA' because it is to infuse all the decisions that are made under the Act (as cited in K. Palmer, 2011b, p. 112). These decisions are to achieve a single, overarching objective: sustainable management. Sustainable management is defined in section 5 as:

managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being 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.

The proposed amendments to Part 2 involved major renovations to the ‘engine room’. Currently, the matters in sections 6 and 7 are organised into a hierarchy of principles that decision-makers must consider when making judgements about the effects of policy and activities on the environment. Section 6 comprises matters of national importance, which are deemed to ‘have relatively greater weight accorded to them than regional or district goals’ (K. Palmer, 2011b, p. 127). Section 7 contains other matters that also deserve attention, but not to the same extent as those in section 6. Sir Geoffrey Palmer, the Act’s architect, describes the principles in section 6 and 7 as ‘signposts to sustainability’ because they ‘elaborate on the central principle of “sustainable management” in section 5 – showing decision makers what sustainability looks like’ (2013, p. 17).

Under section 6 decision-makers must ‘recognise and provide for’ the following matters of national importance to achieve sustainable management:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights.

The requirement to 'recognise and provide for' these matters is stronger than the duty to 'have particular regard' to the principles in section 7. These principles are:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) *[Repealed]*

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

The proposals include two major changes to these provisions. The first of these amendments entails collapsing the hierarchy between sections 6 and 7 and creating a single list of principles – simply entitled ‘principles’ – that decision-makers must ‘recognise and provide for’. Matters of national importance will no longer receive priority, and will be treated as having equal status with the values in section 7. Three of these values – the efficient use and development of natural and physical resources; the efficiency of the end use of energy; and the benefits to be derived from the use and development of renewable energy – already emphasise development (K. Palmer, 2011b). The provisions relating to energy, in particular, ‘may strongly support the establishment of a wind farm for electricity generation’ (K. Palmer, 2011b, p. 145) and may conflict with the values in section 6. For example, in the Manawatū catchment, wind turbines have been erected on the Tararua Ranges, which have been recognised by the Horizons Regional Council as an outstanding natural feature and landscape (Horizons Regional Council, 2014).

The second set of changes involves deleting five environmental principles in section 7, and adding two new principles that emphasise economic growth. The five ‘signposts’ the government has proposed removing are: the ethic of stewardship; the maintenance and enhancement of amenity values; intrinsic values of ecosystems; maintenance and enhancement of the quality of the environment; and any finite characteristics of natural and physical resources.

All these matters focus on the health of the physical environment. Amenity values are defined as ‘those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes’ (K. Palmer, 2011b, p. 125). Intrinsic value recognises that ecosystems ‘should be recognised, protected and conserved simply because of their existence’ (K. Palmer, 2011a, p. 6). This provision should be read in conjunction with section 5(b), which requires decision-makers to safeguard the life-supporting capacity of ecosystems. In a similar vein, maintaining and enhancing the quality of the environment is a requirement that ‘complements the bottom-line obligations under the definition of sustainable management’ (K. Palmer, 2011b, p. 144). That is, it is incumbent on decision-makers to maintain and enhance environmental quality, and not allow it to decline. The duty to have particular regard to ‘any finite characteristics of natural and physical resources’ (section 7(g)) concerns resources that are limited, such as soil and water, and imposes an obligation on decision-makers to be careful and fair in allocating them.

Deleting the ‘signposts’ in section 7 will remove the requirement to specifically consider these matters in decision-making, and in effect, the legal protection for them. Sir Geoffrey Palmer (2013) has argued that:

If matters are not specifically listed it will be difficult for local authorities and decision-makers to recognise and provide for them. Any decision-maker interpreting the amended Act can be expected to conclude that the deletion of these principles is an indication of Parliament’s intention that they should no longer be considered. The extent to which environmental and recreational considerations will be taken into account will therefore inevitably be reduced as a consequence of this proposal (p. 55).

The two 'signposts' that are to be added are the effective functioning of the built environment, including the availability of land for urban expansion, use, and development, and the efficient provision of infrastructure. These two new principles introduce additional economic growth considerations into the decision-making framework. Drawing on research by the New Zealand Productivity Commission (2012), the government has linked the need to open up land for building more houses to improving housing affordability. However, Palmer (2013) has argued that the effect of this proposed provision will be to facilitate urban sprawl; a consequence of urban development that the New Zealand Productivity Commission mentioned, but did not examine. Moreover, under the proposals, the 'signposts' that are meant to ensure that housing developments are sustainable, such as maintaining and enhancing amenity values, will be removed. This point might also be made in regards to infrastructure development. As Palmer (2013) observes, significant infrastructure projects such as major roads and water storage and irrigation schemes, have significant environmental effects. Not that the values in Part 2 were ever intended to prevent development. Rather, the assumption is that 'any use, development or subdivision should proceed if there are no adverse environmental effects, or if those effects can be avoided, remedied or mitigated' (Ministry for the Environment, 2006, p. 7). For this reason, the Parliamentary Commissioner for the Environment (2013a) stresses that additional pro-development values should not be inserted into Part 2 of the RMA. If they are, then the decision-making framework becomes weighted towards economic development.

As part of the resource management reforms, in June 2009 the government also initiated a new freshwater policy (Office of the Minister for the Environment & Office of the Minister of Agriculture, n.d.). Initially, termed 'New Start for

Freshwater’ and later ‘Fresh Start for Freshwater’ (Office of the Minister for the Environment & Office of the Minister of Agriculture, 2011) the policy was underpinned by the ‘need for a more effective limits-based regime for making decisions on water management’ (p. 1). Within these limits, it was the government’s objective that ‘different values in water must be balanced, in order to get the most value from finite water resources’ (p. 2). The government tasked the Land and Water Forum (see Chapter 2) with scoping the options for reforming the freshwater management system using ‘a collaborative governance process’ (Land and Water Forum, 2010, p. 59). Based on the Land and Water Forum’s recommendations, the government advanced three policy initiatives: a fund to accelerate irrigation; a fund to assist with cleaning up degraded freshwater bodies; and a National Policy Statement for Freshwater Management. The last had been initiated in 2006 by the previous government (see Board of Inquiry into the proposed National Policy Statement for Freshwater Management, 2010) and was examined by a Board of Inquiry between August 2008 and January 2010.

The current government released a National Policy Statement for Freshwater Management (hereafter referred to as the NPS) in 2011, and then proposed amendments to it in November 2013. Subsequently, a second iteration of the NPS was gazetted in July 2014. The purpose of National Policy Statements is to ‘state objectives and policies for matters of national significance that are relevant to achieving’ sustainable management (section 45(1), RMA). Councils must amend their planning documents to give effect to National Policy Statements (section 55, RMA).

The NPS identifies two compulsory values for freshwater – ecosystem health and human health for contact recreation – and seven non-compulsory values.⁶³ Ecosystem health is defined in the NPS as meaning:

The freshwater management unit supports a healthy ecosystem appropriate to that freshwater body type (river, lake, wetland and aquifer).

In a healthy freshwater ecosystem ecological processes are maintained, there is a range and diversity of indigenous flora and fauna, and there is resilience to change.

Matters to take into account for a healthy freshwater ecosystem include the management of adverse effects on flora and fauna of contaminants, changes in freshwater chemistry, excessive nutrients, algal blooms, high sediment levels, high temperatures, low oxygen, invasive species, and changes in flow regime. Other matters to take into account include the essential habitat needs of flora and fauna and the connections between water bodies. The health of flora and fauna may be indicated by measures of macroinvertebrates (Minister for the Environment, 2014, p. 20).

Human health for contact recreation is interpreted to mean that:

As a minimum, the freshwater management unit will present no more than a moderate risk of infection to people when they are wading or boating or involved in similar activities that involve only involve occasional immersion in the water. Other contaminants or

⁶³ These non-compulsory values are: te hauora o te taiao/the health and the mauri of the environment; mahinga kai/food gathering, places of food; mahi māra/cultivation; wai tapu/sacred waters; wai Māori/municipal and domestic water supply; āu putea/economic or commercial development; he ara haere/navigation.

toxins, such as toxic algae, would not be present in such quantities that they would harm people's health.

In freshwater management units where a community values more frequent immersion in the water, such as [for] swimming, white-water rafting, water skiing, the risk of infection will be no more than moderate. In some freshwater management units, the risk of infection to people undertaking any activity would be no greater than what would exist there under natural conditions (p. 20).

By making water quality that is safe for secondary contact recreation a compulsory value, the government has essentially directed that water does not have to be swimmable. In other words, water will be valued for boating and wading, but not for swimming or any other activity that involves immersion in the water. This decision was opposed by 98% of the 7151 submissions⁶⁴ received on the proposed amendments to the NPS (Ministry for the Environment, 2014a). In those submissions, the 'most common request ... was for the compulsory national value to be set a level that would allow water to be suitable for swimming' (p. 9). As it stands now, 'councils *must* set objectives for human health (secondary contact recreation) and *may* [or may not] set objectives for swimming or other recreational activities where people's contact with water is greater than boating or wading' (p. 31). A freshwater objective is a 'desired outcome' (Environmental Defence Society, 2014, p. 5) that is to be achieved through policies and methods, including rules, in plans (see *Environmental and resource management law*, 2008, p. 193).

⁶⁴ There were 725 non-form submissions, and 6426 form submissions. All the form submissions and 84% of the non-form submissions opposed setting the compulsory national value for human health at the secondary contact level.

The NPS includes a National Objectives Framework (NOF), which ‘specifies how councils will implement the NPS’ (Wright, 2014, p. 3). Under the framework, regional councils must identify freshwater management units⁶⁵ for all of the freshwater bodies in the region. The Environmental Defence Society has opposed the definition of freshwater management unit, because it could be used ‘to obscure the differences between individual ecosystems’ (2014, p. 1) and potentially enable some high quality freshwater bodies to be degraded. After establishing these units, regional councils must specify values for them, which shall include the compulsory national values and any other values the councils consider appropriate.

The decision to allow communities to determine most of the values that will apply to freshwater management units has been criticised. Sir Geoffrey Palmer has warned that communities will be in the position of deciding ‘do they want to give preference to economic, environmental or recreational values? Do they want to set limits to achieve a high level of what health – or do they only want to do the bare minimum?’ (G. Palmer, 2013, p. 42). He argues they will be able to ‘pick and choose’ and could ‘decide on only economic values, managing water for only its extractive uses, such as irrigation or stock watering’ (p. 42). Fish and Game New Zealand claim that some decision-makers are already emphasising economic over environmental values. Referring to the pre-Environment Court version of the Proposed One Plan, they contend that ‘in some cases, decision-makers are incorrectly prioritising economic growth and

⁶⁵ Such units are defined as ‘the water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes’ (Minister for the Environment, 2014, p. 7).

costs over the achievement of fundamental sustainability outcomes such as safe-guarding life supporting capacity' (2014, p. 15).

This inclination may be exacerbated under the NPS by the absence of a clear link between the values that regional councils must identify for freshwater management units, and the purpose and principles in Part 2 of the RMA. Palmer (2013) explains that this lacuna will make it:

possible for a community to decide not to manage a river for the value of trout fishing – despite the fact that section 7 of the Act requires decision-makers to “have particular regard to ... the protection of the habitat of trout and salmon”. Similarly, it will be possible to decide not to protect a river’s value for kayaking or other outdoor recreation – despite the fact that section 7 of the Act specifically requires decision-makers to consider the “maintenance and enhancement of amenity values (pp. 42–43).

He argues this omission is deliberate, and is consistent with the government’s proposals to weaken the environmental protections in Part 2.

Regional councils must stipulate the attributes that serve as indicators for the values. Nine attributes are listed in the NPS: seven for ecosystem health, and two for human health for contact recreation. For these attributes, councils must assign an attribute state (a limit) that is at or above the bottom-line.

The Environmental Defence Society contends that there are not enough attributes in the NPS. They identify four attributes that are ‘crucial for assessing the ecosystem health of waterbodies’ (2014, p. 6), but are missing from the NPS. These attributes are macroinvertebrates, sediment, water temperature, and phosphorus. Nitrogen is identified as an attribute for rivers, but only for

toxicity, not for effects on water quality. As Death explains 'Nitrogen/Nitrate should be managed for ecological health levels not toxicity. Significant adverse effects on life supporting capacity will occur long before the toxic effects of nitrates will be observed' (as cited in Board of Inquiry into the Tukituki Catchment Proposal, 2014, p. 114). The national bottom-line for nitrate-nitrogen is 6.9-9.8 milligrams per litre. At this level, 'the most sensitive 20% of species [would] be adversely affected' (Fish and Game New Zealand, 2014, p. 12).

The Hawke's Bay Regional Council has already attempted to use nitrate toxicity limits to control nitrogen discharges from intensive land use in the Tukituki catchment in Central Hawkes Bay. In an attempt to promote dairy expansion in that catchment, the council proposed a plan change (Plan Change 6) that would mean 'Nitrate-nitrogen controls were only intended to avoid toxicity effects on aquatic ecology' (Board of Inquiry into the Tukituki Catchment Proposal, 2014, p. 3). The Board of Inquiry deciding on the proposed plan change (as well as related resource consent applications and a proposal to construct a large dam) rejected the council's approach. The Board found that 'in focusing on the toxicity effects of nitrogen as opposed to the ecological health of the catchment, the control of nitrogen within [Plan Change 6] is relatively hands off' (Board of Inquiry into the Tukituki Catchment Proposal, 2014, p. 112). They concluded that 'nitrate-nitrogen limits based on toxicity alone are not satisfactory and ... the levels should be set to protect ecological health' (p. 138). The government's decision to include toxicity limits in the NPS flies in the face of the Board of Inquiry's decision, which was released only weeks before the NPS was gazetted. Fish and Game New Zealand have labelled the policy 'inappropriate if not disingenuous' (2014, p. 12) because it empowers regional councils to facilitate

‘the most widespread, pervasive and immediate pressure [on water quality] – rapidly increasing nutrient loads from land use change’ (Wright, 2014, p. 11).

The Environmental Defence Society (2014) has rejected many of the national bottom-lines as being inappropriate. They argue that the limits for lakes are unsuitable for deep, upland and alpine lakes, and the bottom-lines for nitrate, ammonia and dissolved oxygen will not protect ecosystem health. Furthermore, they consider that the bottom-line for *E. coli* ‘is unlikely to meet community expectations for safe recreation’ (p. 9). At 1,000 counts of *E. coli* per 100 millilitres of water, it is almost double the level at which ‘water poses an unacceptable health risk from bathing’ (Greenfield, Ryan, & Milne, 2012, p. 8).

One of the objectives in the NPS is that ‘overall freshwater quality within a region must be maintained or improved’ (Objective A2). The government’s intention is that ‘offsets within a region’ (Office of the Minister for the Environment, 2011, p. 6) will be allowed; that is, some water bodies will be permitted to decline, as long as others improve and ‘net water quality is maintained’ (Environmental Defence Society, 2014, p. 2). Sinner (2011) observes that ‘a policy of “net improvement in water quality” has been in place in the Waikato since 1993’ but ‘water quality across most of the Waikato region [has] continued to decline’ (p. 6). Palmer (2013) warns that the ‘clear intent behind the government’s approach is to accept a level of calculated degradation of some water bodies as an inevitable cost of doing business’ (p. 43).

National iwi politics

In February 2012, the New Zealand Māori Council filed a claim with the Waitangi Tribunal (WAI 2358) concerning the Crown's resource management reforms, including the Fresh Start for Freshwater programme. The claimants, which included the New Zealand Māori Council and 11 others, alleged that the reforms were 'proceeding in the absence of a settled regime to recognise and provide for Māori interests and rights in water' (see Waitangi Tribunal, 2012, p. 1). In response, the Crown argued that it:

is committed to a range of processes for engaging with them [Māori], including the Land and Water Forum and high level discussions with the Iwi Leaders' Group. This provides an alternative – and, indeed, a preferable – remedy for Māori on fresh water issues (as cited in Waitangi Tribunal, 2012, p. 198).

The Tribunal found that this approach would not provide for Māori rights in water to be recognised.

The Freshwater Iwi Leaders' Group was 'formed in 2007 to advance the interests of all iwi in relation to fresh water through direct engagement with the Crown' (Iwi Chairs Forum, 2008). At the time the New Zealand Māori Council lodged the WAI 2358 claim, the group was composed of leaders from Tūwharetoa, Waikato, Ngāi Tahu, Te Arawa and Whanganui. The group took a neutral position on the claims, neither supporting nor opposing them 'to the extent that they are advanced by mandated claimants in relation to the rights and interests of those claimants', but opposed 'any claim that purports to be brought on behalf of all Māori' (as cited in Waitangi Tribunal, 2012, p. 8). The

claims of the iwi that have relationships to the Manawatū River catchment are discussed below.

Local iwi politics

Six iwi are recognised as having existing connections to the Manawatū River catchment: Rangitāne o Tamaki-nui-ā-Rua, Rangitāne o Manawatū, Muaūpoko, Ngāti Raukawa, Ngāti Kauwhata, and Ngāti Apa. All these iwi migrated to the catchment and surrounding areas from other places, sometimes displacing or absorbing those that were already there.⁶⁶ The pattern of mana whenua (traditional authority over the land⁶⁷) that now exists is the result of several generations of migration, invasion, occupation, resource use, competition, conflict, cooperation and alliance-making.

Of these six iwi, the two branches of Rangitāne were the earliest inhabitants. Rangitāne settled many parts of the lower North Island and also migrated to the top of the South Island (M. Durie & Durie, 2012; McEwen, 1986). In the wider Manawatū area, they came to occupy the lands around the headwaters of the river, the eastern and western sides of the Tararua and Ruahine ranges, an expansive area that reached all the way from the Manawatū Gorge to the coast, and the lakes of the Horowhenua district (see Appendix G). The Rangitāne people who settled in Horowhenua eventually became a separate tribe, Muaūpoko (M. Durie & Durie, 2012; McEwen, 1986). Much later, in a series of heke (migrations) that began in the 1820s, close relatives Ngāti Raukawa and

⁶⁶ For example, Ngāi Tara, Ngāti Mamoe and Ngāti Hotu were already living in the wider Manawatū area when Rangitāne arrived (see Adkin, 1948; McEwen, 1986).

⁶⁷ Durie and Durie (2012).

Ngāti Kauwhata invaded Rangitīkei, Manawatū and Horowhenua from their homelands in Waikato. Eventually, they settled along the Rangitīkei and Ōroua rivers, large parts of the Manawatū and Horowhenua coastlines including around the river mouth, and areas inland towards the Tararua ranges (see Figure 8). Ngāti Apa's rohe extends to the Ōroua River, but they also had resource use rights to Omarupapako, an important mahinga kai on the Manawatū coast just north of present day Foxton (see Figure 1).

From about 1841, the Crown embarked on a progressively aggressive campaign to purchase lands from these tribes to facilitate European settlement. Some influential tribal leaders agreed to and promoted these purchases. Durie (2012) cautions, however, that the land sales must be seen in the context of changes that were occurring as the result of Ngāti Raukawa and affiliates and Ngāti Kauwhata arriving from the north. In the process of this change, he contends that tribes often used the Crown to 'gain an advantage' over one another. The first area to be sold was Te Awahou, the 15,000-hectare land block on the northern side of the Manawatū River at the river mouth (Anderson & Pickens, 1996). This purchase was completed in 1858–59. In 1866, the Crown made its next acquisition, the Ahu-a-Turanga block, an area of approximately 100,000 hectares (M. Durie, 2012) flanked by the Ōroua River, the Ruahine ranges, the Manawatū Gorge and Tararua ranges (Anderson & Pickens, 1996; Buick, 1903). Two years later, the Crown purchased the Manawatū-Rangitīkei block, an area of similar size and contiguous to the Ahu-a-Turanga block (M. Durie, 2012), which encompassed the lands between the Ōroua and Rangitīkei Rivers (Anderson & Pickens, 1996; Buick, 1903). Between 1886 and 1929, the Crown acquired approximately 9,600 hectares of the Horowhenua block (Anderson & Pickens, 1996). A map of these blocks (taken from Buick, 1903) is presented in

Figure 9: Map indicating the Awahou, Ahu-a-Turanga, Manawatū-Rangitīkei and Horowhenua land blocks.

In an environmental history of the Manawatū, Knight (2014) explains that the tangata whenua were river people before European settlement. She surmises that early Māori occupation of the Manawatū River catchment was concentrated on the coast until around 350 years ago, when the people moved inland and settled along the rivers. Both Knight and Adkin (1948) record the locations of large numbers of kāinga (villages) and some pā (fortified settlements) along the Manawatū River. For instance, on the river around the (now drained) Makererua swamp (see Figure 10), Adkin mapped 35 kāinga and pā, as well as waahi tapu (sacred sites). In the vicinity of the river mouth, he noted 15 kāinga and pā (see Figure 11). Between Ashhurst and the confluence of the Manawatū and Ōroua rivers, Knight (2014) identifies 12 sites (see Figure 12).

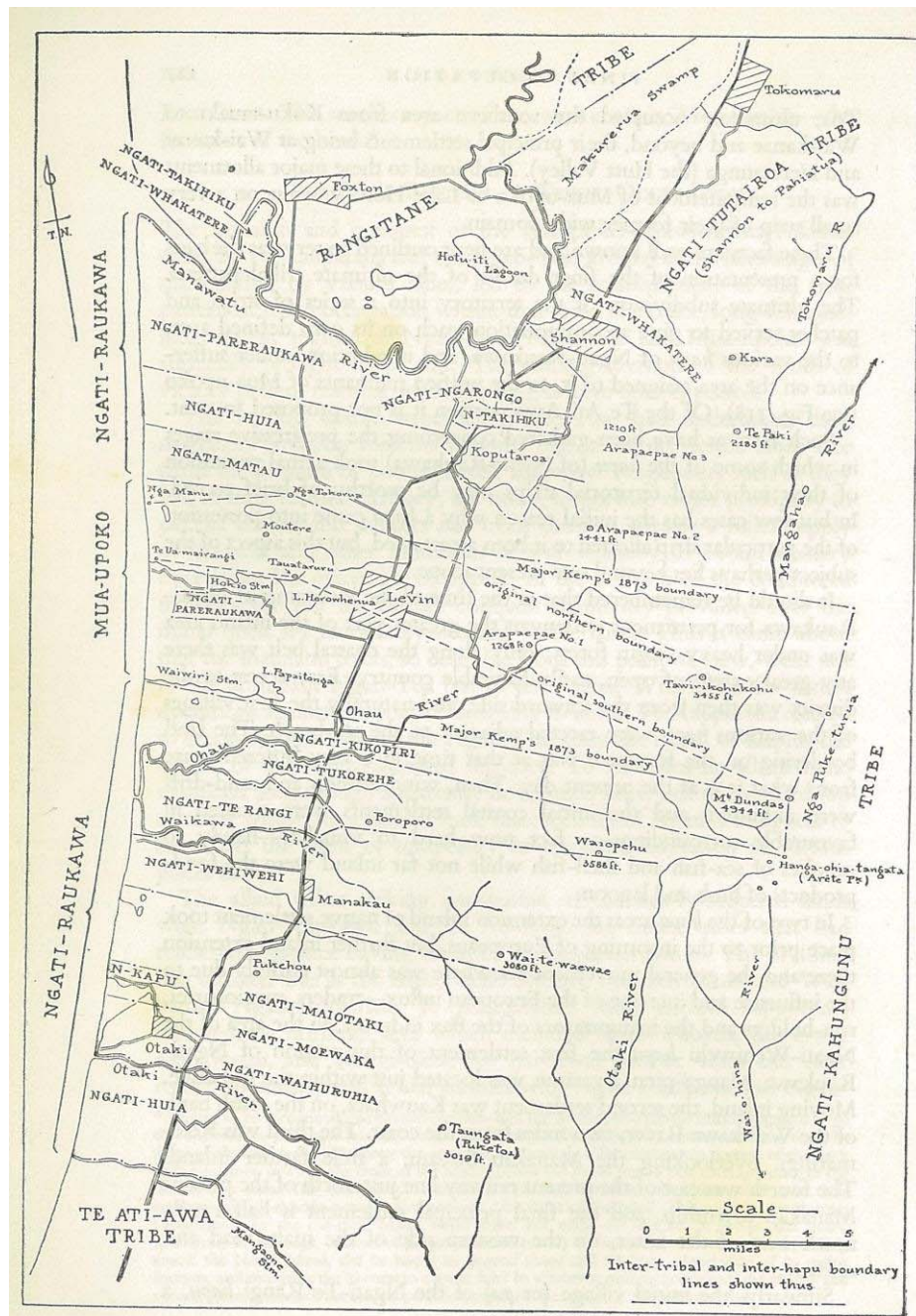


Figure 8: Map showing tribal areas south and west of the Manawātū River

(Source: Adkin, 1948, Fig. 118. Map showing tribal and hapu areas of Horowhenua.
Note: Tribal boundaries are depicted as linear in the map, but in reality they were fluid)

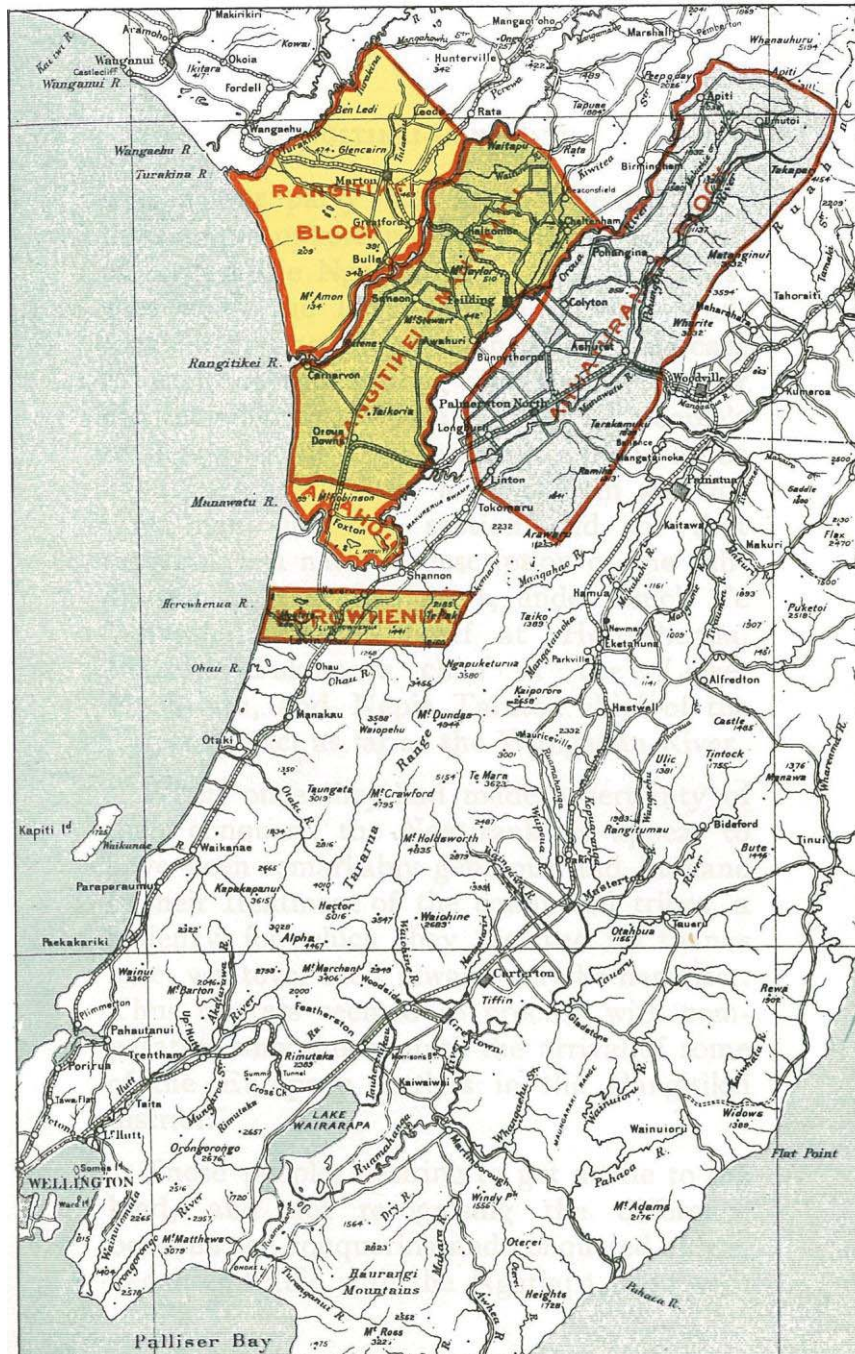


Figure 9: Map indicating the Awahou, Ahu-a-Turanga, Manawatu-Rangitikei and Horowhenua land blocks

(Source: Buick, 1903, Map Showing Native Blocks)

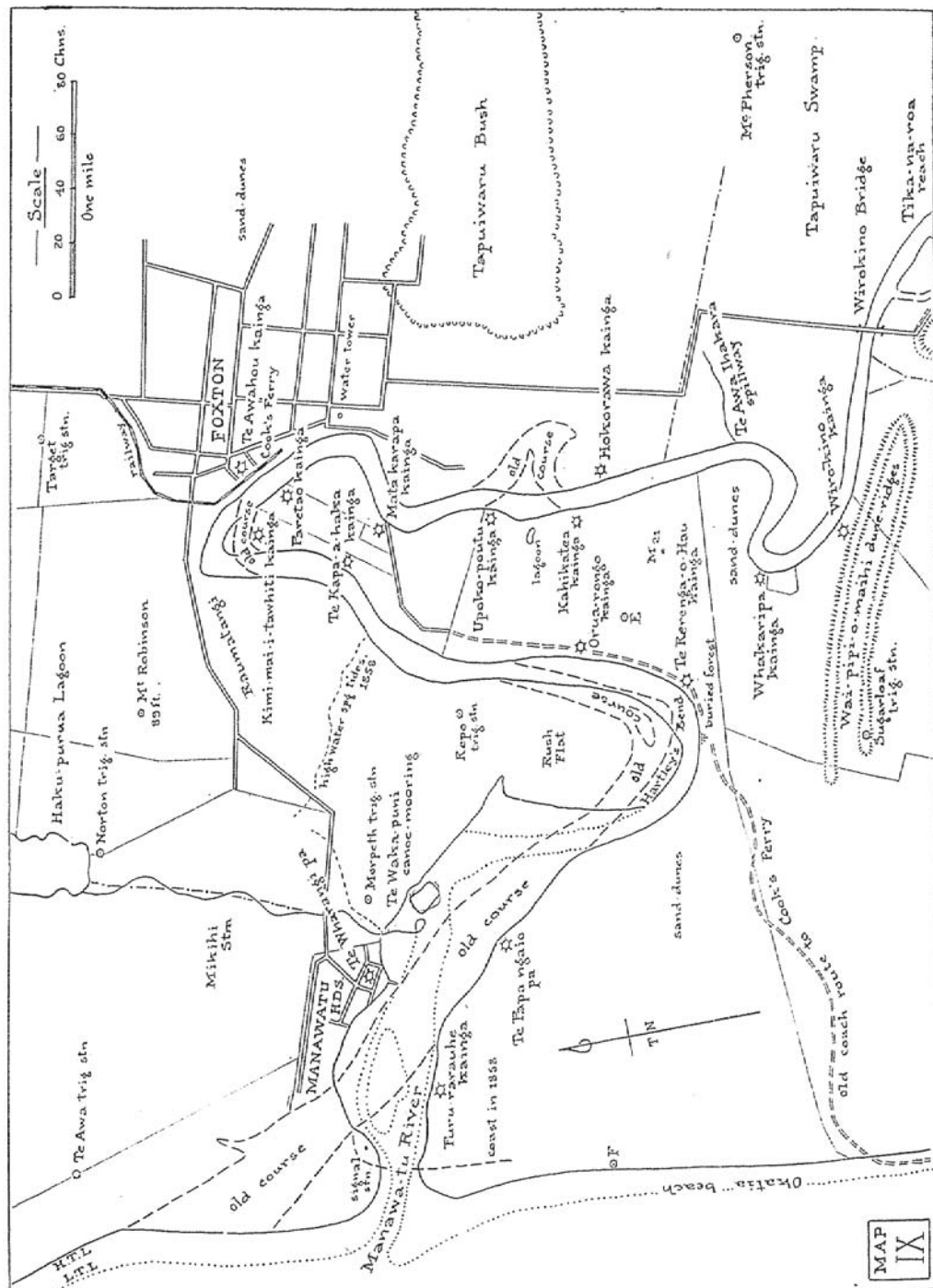


Figure 11: Kāinga and pā along the Manawātū River near the river mouth

(Source: Adkin, 1948, Map IX)

According to Knight (2014), the Ahu-a-Turanga and Manawatū-Rangitikei blocks were cloaked in dense forest at the time of purchase. To enable settlement, the forest was cleared using two mechanisms: clear-felling and bush burning. Clear-felling initially supported a short-lived sawmilling industry that flourished during the 1870s and up until the mid-1880s. That industry had a close relationship with two other industries: railway development and agriculture. Rail infrastructure facilitated access to the forest and transportation of the sawn logs to markets, while forest clearance enabled the land to be converted into pasture. After the trees were felled, the stumps and undergrowth that remained were burnt to clear the land for grass. Bush burning was common practice in the 1870s and continued, albeit in a declining fashion, into the early 20th century. By that time, clear-felling and bush burning, at least on the scale they had been undertaken in the late 1800s, was no longer required. Most of the forest had been destroyed.

As well as removing the forests to convert the land to pasture, the settlers in the Manawatū, like settlers elsewhere (see Chapter 2), also drained the swamps. For example, Knight (2014) explains that the trenches that were used to drain the Taonui swamp, north of the confluence between the Manawatū and Ōroua rivers, were first dug around 1878. These drains were straightened, deepened and extended by the Manawatū Land Drainage Board, which was established in 1894. Knight notes that the Taonui swamp was an important food source for Rangitāne owing to its 'plentiful supply of eels' (p. 49).

Contemporary strategies to regain the river and the land

As in the past, there are contemporary struggles in the iwi field. The context for some of these struggles is the immense land loss that began in the second half of

the 19th century. As mentioned in Chapter 2, one of the strategies iwi are using to repair some of the damage wrought by such dispossession is Treaty settlements. Ngāti Apa finalised their settlement in 2010, and the other river iwi are at various stages of the settlement process. Ngāti Apa's settlement included a quantum (a cash amount) of \$15.2 million. According to a report presented to the Horizons Regional Council Strategy and Policy Committee in December 2013, the settlement does not impose any obligations on the council. However, the report advised the committee that the 'Minister in Charge of Treaty of Waitangi Negotiations, the Minister for the Environment and the Minister of Local Government have written to all local authorities, including [Horizons Regional Council] encouraging each council to enter into a memorandum of understanding (or a similar document) with the appropriate iwi governance entities' (Gilliland & Peet, 2013). Rangitāne o Tamaki-nui-ā-Rua signed an Agreement in Principle for the settlement of their claims in March 2014. Muaūpoko and hapū and iwi broadly affiliated with Ngāti Raukawa, including Ngāti Kauwhata, began presenting oral and traditional evidence to the Waitangi Tribunal relating to their claims in 2014. The Muaūpoko Tribal Authority is also in direct negotiations with the Crown.

The settlement that has been negotiated between the Crown and Tanenuiarangi Manawatū Incorporated (TMI) on behalf of Rangitāne o Manawatū has almost been finalised. A number of research participants spoke about this settlement in their interviews (see Chapters 5 and 6), and so the settlement will be discussed now to provide context for their comments. In particular, some of the struggles that occurred between various groups in relation to the settlement will be highlighted. These types of struggles are not uncommon in Treaty settlement processes (see, for example, Mahuta, 1995). The purpose of drawing attention to them is to indicate the complexities surrounding the settlement,

and illuminate aspects of field and capitals, such as strategy, challenge and resistance.

TMI lodged a claim (WAI 182) with the Waitangi Tribunal on behalf of Rangitāne o Manawatū in 1990, and amended the claim in 1993 (Office of Treaty Settlements, 1999). In July 1998, TMI entered into direct negotiations with the Crown to settle the claim (Office of Treaty Settlements, 1999). To represent Rangitāne o Manawatū in negotiations, TMI had to seek and obtain a mandate from registered Rangitāne members. It obtained this mandate in 1997, but not without challenge from another Rangitāne group. In November 1996, TMI gave notice of a hui (meeting) to discuss 'letters written by the groups attempting to discredit Tanenuiarangi o Manawatū Inc to Ministers of the Crown, Crown agencies, district and regional council officials' (as cited in "Rangitane row flares," 1996). In response, Rangitāne rangatira (leader) Tanenuiarangi Te Aweawe apparently wrote to the people named in the notice telling them that 'the planned hui will not be recognised as a legitimate basis for seeking a mandate' (cited in "Rangitane row flares," 1996). He called another hui, at which it was agreed that a council of kaumātua (elders), Te Kaunihera Kaumātua o Rangitāne, led by him, would hold the mandate for the tribe (see Saunders, 1996).

In January 1998, the Office of Treaty Settlements received a deed of mandate from TMI (see Saunders, 1998b). The deed identified TMI 'as the mandated body to negotiate with the Crown the final settlement of all Rangitāne o Manawatu's historic Treaty of Waitangi claims' (as cited in Saunders, 1998b). Te Kaunihera Kaumātua o Rangitāne again stated it would oppose TMI's mandate (see Saunders, 1998b). However, in June 1998, Cabinet approved TMI's mandate to negotiate the settlement of all of the tribe's claims (see

Saunders, 1998a). The claims included 'control over the Manawatū river and its tributaries ... compensation paid for the loss of gravel⁶⁸ and alienation of riverside land' and redress for the loss of the Ahu-a-Turanga and Manawatū-Rangitikei blocks (as cited in Morgan, 1998).

In 2003, it was reported that the Crown was reviewing TMI's mandate and that another group had 'lodged a counterclaim with the Waitangi Tribunal on behalf of Rangitāne' (as cited in Smale, 2003). In 2005, TMI went through a mandate reconfirmation process with its registered beneficiaries, who supported TMI to continue negotiating with the Crown on their behalf (see Tānenuiarangi o Manawatū Incorporated). In June 2007, the Crown confirmed TMI as the appropriate body to represent Rangitāne o Manawatū in settlement negotiations (see Tanenuiarangi o Manawatū Incorporated). Direct negotiations between TMI and the Crown recommenced later that year (see Tanenuiarangi o Manawatū Incorporated).

In 2012, Ko te Pou Marangatahi o Manawatū, a group representing prominent Rangitāne families, met with the Treaty Negotiations Minister and the Member of Parliament for Te Tai Hauāuru, the Maori electorate that encompasses Rangitāne's tribal area, to discuss their concerns that the Crown was wrongly supporting TMI as the governance entity that represents Rangitāne in the settlement process (Ko te Pou Marangatahi o Rangitane ki Manawatu, 2012). While it was reported in the media that negotiations with TMI were delayed as a result of the meeting, it appears they were continuing (Ko te Pou Marangatahi o Rangitane ki Manawatu, 2013). In December 2013, a lawyer acting for Ko te

⁶⁸ According to White (2007), the Manawatū River has been the main source of gravel for roading and building since the early 20th century.

Pou Marangatahi o Manawatū claimed ‘the Minister [of Treaty Negotiations] hasn’t listened to the people of Rangitāne, instead they’ve chosen to listen to that urban authority [TMI]’ (Māori Television, 2013). In March 2014, the ratification process for the post-settlement governance entity that will receive the settlement for Rangitāne o Manawatū once it is finalised was completed.

Conclusion

The Manawatū River and its tributaries are under heavy pressure from two main sources of pollution: agriculture primarily, and sewage discharges, particularly at lower river flows. The actors responsible for this pollution – farmers (represented by Federated Farmers) and district councils – have struggled and strategised vociferously against the regional council and other groups to protect their ability to continue to undertake activities that pollute the river. In this struggle, three main stakes or outcomes are being contested: protecting the river; preserving the ability of farmers to farm without environmental regulation; and avoiding rates increases. The regional council’s strategies to use rules in the One Plan to control farming and to defend these rules in the Environment Court were pivotal to improving the state of the river for future generations. The adversarial nature of the court process enabled all the actors to fight for their stakes. The court’s mandate, which is to promote the sustainable management of water, enabled those who were advocating for the river to have a win in the court process.

In contrast to the One Plan, the Manawatū River Leaders’ Accord deals with relatively small (although not unimportant or uncontested) sources of river pollution. It does not threaten farmers to the same extent as the One Plan. For this reason, apart from an initial refusal to sign the Accord, opposition from the

farming lobby has been relatively quiet. More resistance has come from the district councils, whose agenda of avoiding rates increases is threatened by the Accord. Although the district councils have signed the Accord, outside the Forum some of them have opposed and continue to oppose spending money to improve their discharges and lessen their impact on the river.

In the iwi field, there is a struggle between one group who has been strategizing to acquire recognition and resources to advance their interests, and other groups who are challenging them. This struggle is occurring in the context of significant historical land and resource loss affected in the 19th century. As a result of these losses (and other things, see Chapters 2, 5, and 6), the river tribes have largely been structured out of the major debates and decisions about the river's state. These debates and decisions have been dominated by local government and the farming lobby. Acquiring Treaty settlements may change the position of iwi in relation to these actors. The re-positioning of iwi in the field where decisions are made about the river has the potential to transform the politics of the river. Iwi perspectives of this field are presented in the next chapter.

CHAPTER FIVE: STRUGGLE AND STRATEGIES

The space in which iwi and planning institutions converge in relation to the Manawatū River is complex and contested. These stresses and strains are made visible in this chapter, the second of three chapters that present the research results. In this chapter, the analysis and presentation of the interview data is based on Bourdieu's theory of field (see Chapter 1). Field has been defined as a social space (Thomson, 2008) and a site of struggle (Harker et al., 1990). Drawing on the perspectives of the research participants and some documentary data, an account of the field in which decisions are made about the Manawatū River is presented. In this account, the stories of the participants are used to illuminate how power is structuring iwi contributions to decisions about the river. Following Bourdieu, power is understood in two ways: first, as different forms of capital that actors possess, such as economic capital (resources) and cultural capital (knowledge, expertise and statutory management authority); and second, as being produced through the relationship of the habitus – 'our ways of acting, feeling, thinking and being' (Maton, 2008, p. 52) – with the field.

The chapter focuses on the perspectives of the participants who are descended from or work for the iwi with ancestral connections to the river. Most of these participants are members of the river iwi, but one person is not. That person is employed by Tanenuiarangi Manawatū Incorporated, and was given permission by his Chief Executive to participate in the research. Because that person is not a descendant of a river iwi, it is not possible to refer to all the participants who

spoke from an iwi position as iwi participants, although most of them can be. Most of them were signatories to the Manawatū River Leaders Accord, or represented their iwi or the iwi organisation they work for in the Integrated Freshwater Solutions workshops. Only one iwi participant – a Ngāti Raukawa descendant – did not have a formal role in the Manawatū River Leaders Forum, but has represented his iwi in other planning settings, such as plan and resource consent hearings. See Table 6: Key informants for a list of participants and the dates they were interviewed.

Table 6: Key informants

Participant	Interview date
Chief Executive, Tanenuiarangi Manawatū Incorporated	February 2011
Koroua, Ngāti Raukawa ⁶⁹	February 2011
Chairman, Save Our River Trust	February 2011
Former Tanenuiarangi Manawatū Incorporated environmental officer	March 2011
Chairman, Ngā Kaitiaki ⁷⁰ o Ngāti Kauwhata Incorporated ⁷¹	April 2011
Current Tanenuiarangi Manawatū Incorporated environmental officer	April 2011
Kaitiaki, Ngāti Raukawa	April 2011
Te Kāuru representative	August 2011
Department of Conservation Area Manager	March 2012
Manawatū River Leaders' Forum Facilitator	March 2012
Former Horizons Regional Council manager	April 2012
Chief Executive, Horizons Regional Council Policy and Consents Manager, Horizons Regional Council	2012

⁶⁹ The participant is also a signatory to the Manawatū River Leaders' Forum on behalf of Ngā Hapū o Himatangi. Himatangi is a land block on the Manawatū coast to the north-west of Foxton.

⁷⁰ Guardian.

⁷¹ The participant is also a signatory to the Manawatū River Leaders' Forum on behalf of Taiao Raukawa Environmental Resource Unit.

The chapter begins with the participants speaking from an iwi position sharing the outcomes they want for the river. Following Bourdieu, these objectives represent the stakes for which iwi have entered the field and the reasons why iwi engage in the struggle in the field. From the outset, a partial picture of the structure of the field and the positions that iwi occupy in relation to the regional council, the main planning institution that controls the river, is presented. This picture is then developed in the main body of the chapter. Here, the central focus is the strategies iwi have used, and are using, to improve their position in the field and work towards the outcomes they are pursuing. Successful strategies – relationship-building, formal relationship agreements, Treaty of Waitangi settlements, and projects – are discussed. So too are the strategies iwi are not using and those that have failed in the past. Woven through the narrative about these strategies are stories of the struggles in which iwi have engaged – between themselves and with the regional council and other statutory bodies – to assert their mana over the river. In the midst of these struggles, transformation has occurred and is highlighted in the chapter, alongside the enduring problems, practices, and attitudes that have kept the structure of the field largely the same. The chapter concludes by referencing collaboration, through the Manawatū River Leaders' Forum, as a current strategy that iwi are using to influence the state and future of the river.

What is the struggle about?

Participants who are from or work for the river iwi revealed a number of interwoven outcomes that they are seeking in relation to the river. Principal among these were: owning the river, managing or having a more substantive role in managing the river, being in a position to actively protect the river, and restoring the river for future generations and cultural survival.

Owning the river

All the participants who work for Tanenuiarangi Manawatū (TMI) identified ownership as their foremost aspiration for the river. From their perspective, ownership would enable Rangitāne o Manawatū to control how the river is used, and therefore influence the state of the river. This idea is conveyed in the following interview excerpt with the current TMI environmental officer (EO):

Researcher: Can you tell me what Rangitāne o Manawatū's aspirations are for the river?

TMI EO: Aspirations in an ideal scenario would be sole ownership and complete governance of the main river channel and its tributaries ...

Researcher: What do you think ownership would allow Rangitāne o Manawatū to do?

TMI EO: Greater control over input activities and a greater input and guidance to the resource consenting process ...

For another TMI participant, a former TMI environmental officer, not owning the river meant that Rangitāne o Manawatū did not have the power to realise their aspirations for the river. He contended that:

There's a whole range of things that we want to be able to do, so that needs the river to be in a certain state, but we don't have the power to say this is how we want it. The reality is that Rangitāne doesn't own the river, doesn't own the land, doesn't own the marginal strips, so it doesn't have the ability to direct what goes on.

All the TMI participants believed that the Crown would never transfer ownership of the river to Rangitāne o Manawatū. One of them stated outright, 'we want ownership of the river, however we're not going to get that'. The Chairman of Ngā Kaitiaki o Ngāti Kauwhata recalled the position of former Prime Minister Helen Clark on water ownership, which remains government policy. He remembered that:

When Waikato were talking about the river Helen gave them everything: the bottom, the sides, but didn't give them the thing that flows down it. She said that 'nobody will ever own the water' and yet that's the most precious commodity in there. And if you look at the way the world will go in the future, water – ko te wai mō tatou ne? – could be more precious than gold. So she was very quick to pick up that 'no way am I ever going to concede in the negotiations with Waikato-Tainui over the Waikato River, the water. You can have everything, but you're not getting that'.

As an alternative to ownership, the TMI participants were collectively in favour of securing a co-management deal for the river with the Crown and/or the regional council. The Chief Executive of TMI discussed forming a co-management arrangement with the regional council, and the potential benefits for TMI in terms of developing policy for the river. She submitted that:

We want to work directly with the regional council on co-management of the Manawatū River because once we secure co-management then our ability to undertake real work to restore the current state of the river will be a lot stronger ... in developing the co-management role it's about sharing the resources, it's about sharing the policy decision-making and the policy development.

Managing the river

Other participants also wanted their iwi (or the iwi organisation they work for) to have a more substantive role in managing the river. A Ngāti Raukawa participant placed this goal in the context of the Treaty of Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples, both of which confirm the rights of indigenous peoples to control their traditional resources. He asserted that:

We want to have a role in [the river's] management and we're guaranteed that under the Treaty [and] the Declaration [on the] Rights [of] Indigenous Peoples ...

Our aspiration is to play an active role in the river's management ... we want to put a bit of effort into this area and restructure things so that our iwi has a voice in the management of the Manawātū River; "participates" not strong enough, but it actually does manage, not from the outside, not at the eleventh hour, it actually manages.

The same participant recognised the challenges associated with acquiring a role in managing the river, not least of which was the need for councils to relinquish power to, and acknowledge the rangatiratanga of, iwi. He maintained that:

There needs to be that power shift and that acknowledgement of rangatiratanga. I think we need to acknowledge kawanatanga [governance] but to a degree. They [councils] need to acknowledge and we need to reconcile rangatiratanga so we need to be at that table ... and it's a challenge, it's a huge challenge trying to get up to that table or get into that management role.

Two of the TMI participants held the view that iwi had no power in the management of the river. They attributed this marginal position to iwi not having a role in managing or making decisions about the river, and to not being economically powerful. One of them considered that because iwi are not significant economic actors, the community does not value iwi. They made the following comments:

Iwi have no actual official function, so as potential resource owners, iwi have no management or decision-making role.⁷²

Iwi have no power at all when it comes to the management of the river, and that's probably due to how they're valued in the region. This region's certainly focussed on economics and development, and so unless the iwi are an economic power or a development power, they're not going to have a lot of status.⁷³

Being active kaitiaki and restoring connections to the river

A Ngāti Raukawa participant connected having the authority to manage the river with 'being active kaitiaki' of the river, that is, being able to actively protect the river for future generations:

The Manawatū River is something that is really important to Ngāti Raukawa and we want to be active kaitiaki over the river and that is something that is inherent for us. This is not an option and it's not something that we do for any one reason, it's something that we've been given. Kaitiakitanga is a taonga, it's a practice and it's a way of doing things, it's a philosophy, it's a whole lot of things. And for us to do it justice we need to be able to do it properly, not do it

⁷² TMI environmental officer.

⁷³ Former TMI environmental officer who was on contract to TMI at the time of data collection.

half a day a week or not do it for the next two years and then finish, or not do it half-hearted or whatever. [We] need to be able to really, really fulfil our obligation as kaitiaki.

For him, not being able to be active kaitiaki and control the way the river is used is problematic. It leads to the erosion of the relationships that iwi have with the river. He explained that:

When someone does something to the river, not even to the river, but to the whenua around it, the bush, all these other places, if you're looking holistically, it hurts our people and our people were and still are to a degree tuned into that river and if you drill it out though, in time ... you become more and more disconnected from the river and you become out of tune with it and it doesn't hurt so much and then sooner or later, maybe you don't have that connection.

The Chief Executive of TMI believed the connections between Rangitāne o Manawatū and the river were already compromised. She recalled that TMI:

did a survey last year of our people and we did hui and a lot of our people came back and said 'well, actually, we're divorced from the river' because of the way they've actually been brought up. They don't fish from the river like their grandparents used to, it's just something that they drive past every day and because they do that they've lost that cultural connection to the river ... we all talk about the river having mauri and having spiritual significance, but less and less of us are able to articulate what that really means.

Strengthening these relationships was directly related to restoring the river as an ancestral landscape. She emphasised that:

it's about restoring our fisheries within the river and the flora and fauna around the river. It's about protecting what last waahi tapu sites we have with regard to the river.

Re-connecting his people to the river was also an important tribal aim for the Chairman of Ngā Kaitiaki o Ngāti Kauwhata:

We want to get our people back down there and knowing that 'yep, this is my river because this is part of who I am, part of my whole world'.

Restoring the river

Restoring the river was a common priority for the iwi participants. The Chief Executive of TMI emphasised working towards specific, long term targets that would lead to an improvement in the state of the river for future generations. It was her belief that:

we could be making some very high level objectives that we could work to over the next 5 to 20 years and I don't think that my generation will benefit but the generations under me can benefit and we can be looking at high level things ... by the year 2030 no more discharges at all into the river. That gives us 20 years to find alternative ways of disposing of waste.

Future generations were at the forefront of other participants' thinking about current efforts to bring the river back to health. The Chairman of Ngā Kaitiaki o Ngāti Kauwhata emphasised that:

We've got to be conscious that we're not just doing it for ourselves. We're talking about people that are not even in the room, we're talking about people that are not even born yet, generations to be

born, so we've got to get it right for them; otherwise we're just going to leave something wrong for them to fix up.

A Raukawa informant stressed that improving the state of the river was essential to his people continuing their traditions and maintaining their connections to the river. Keeping these elements alive would ensure the survival of his iwi as unique peoples. He was firmly of the view that:

The Manawatū River is ... one of those vital pieces of our world that allows us to be us ... For us as a people to exist and for us to be unique, because we are a unique people, we need to have an environment that allows us to undertake certain practices and the Manawatū River is that for us ... if you're managing the river and the river improves and our people are able to rely on the river again then you'll get that interaction between people and the river, which then flows on [to] knowledge transfer, mātauranga Māori, building, and re-building ... we see the importance of intergenerational knowledge transfer, through practical ways ... through going and doing these things, but we need places to be able to go and do that ... there's language that's transmitted down there, there are whakataukī and there's colloquialisms, there's all sorts of things that happen when you're actually undertaking the mahi. When you've got your feet in the river, you've got a hīnaki, you're pulling up eels or whatever it is. There's things that happen there that can't happen anywhere else.

The field: structure, strategies and struggle

Three participants connected with the regional council – a former manager, the Chief Executive and the Policy and Consents Manager – structured the relationships the council has with iwi into a hierarchy. These participants ranked the relationships from strongest to weakest, and based their rankings primarily on the amount of contact the council had with the various iwi. The former manager observed that:

the strongest relationship the likes of the regional council have with one of the iwi would probably be with TMI ... That's largely as a result of [TMI being] the party that the regional council has probably dealt with the most in this local area, as opposed to Rangitāne on the Tararua side – very little connection happening there at a political level, same as ... Kauwhata [and] Raukawa ... not much going on there and very little going on with Muaūpoko down the bottom end.

His perspective was very similar to those of the Chief Executive and the Policy and Consents Manager. These participants, however, also connected the strength of the relationships with the different iwi to time. Relationships that involved a high degree of contact over a long period were more solid than relationships that were relatively younger, and involved less contact:

CE: We have a fairly solid relationship with Rangitāne that's been forged over a number of years, probably around the activities that we're doing around flood protection for the city ... Further south, yes, probably reasonably good relationships down there, we've developed them anyway. Less so on the other side.

P&CM: That's more because we haven't bumped into them so much ... it's not so much that they're not good (relationships), they're just infant.

CE: In terms of engagement, Rangitāne would rank first. Who do you reckon would be second?

P&CM: Raukawa probably.

Both of these participants and the former council manager identified the same iwi – Rangitāne o Manawatū – as the iwi that the regional council has the strongest relationship with. The elements that have made the relationship

strong from the council's perspective – frequency of contact and the longevity of the relationship – have not developed in an ad hoc way. Rather, they have been part of a deliberate and persistent strategy that TMI have used to foster a relationship with the council. According to TMI's Chief Executive, TMI have 'put a lot of effort and work into building up a really good positive relationship with the council', and 'purposely worked hard on the ground to have good relationships with the likes of Horizons'.

Relationship-building: a deliberate strategy

TMI's determination to cultivate a relationship with the regional council is demonstrated by their experience of brokering a formal relationship agreement with Horizons. In 2007–2008 (Horizons Regional Council, 2008, p. 91), TMI signed a Memorandum of Partnership (MoP) with Horizons. TMI initiated and drove the MoP through a lengthy and arduous process in which it was initially met with resistance from senior council officials who were not open to developing relationships with Māori. The Chief Executive of TMI recalled that her organisation 'pushed for a Memorandum of Partnership and it was hard. It took us about five years to get there'.

Change began to occur when the council appointed new senior staff. She recalled that:

It became easier as the personalities within Horizons changed. You started having managers that were more receptive to working closely with iwi and Māori, so some of those barriers fell away and it became easier to actually get a Memorandum of Partnership.

The role of new staff in assisting the regional council to develop relationships with iwi was also noted by a previous council manager. He observed that:

It was really only in the last 3 or 4 years [before 2012] when there'd been a change of personnel, particularly at the higher level in the organisation, that relationships started being formed that were a little more meaningful. They are a long way from actually being really good, working, strong relationships of trust and honesty and all those sorts of things, but it was a case of strides being made.

TMI's Chief Executive also believed that relationships with the regional council had improved, and this improvement meant the council was more proactive about consulting with TMI on projects. However, she noted that many people within the council were still resistant to working with Māori:

In the likes of Horizons, where you have a lot of people who have been there for 20 or 30 years, there's still the mentality – isn't as strong as it was, say, 5 or 6 years ago where it was like 'why do we have to work with these bloody Māoris?'.

Until recently, TMI and Te Mauri o Rangitāne (the council of elders for Rangitāne o Manawatū) were the only groups representing an iwi in the Manawatū River catchment that had formal relationship agreements with the regional council.⁷⁴ On 5 December 2014, a third group – Te Kāuru – also signed a Memorandum of Partnership with Horizons (A. Paewai, personal communication, 4 December 2014).

⁷⁴ Horizons Regional Council indicated in 2008 that it intended to sign a Memorandum of Understanding with Ngāti Apa (Horizons Regional Council, 2008). At December 2013, no Memorandum of Understanding had been signed (Gilliland & Peet, 2013).

The MoP has been beneficial for TMI in several ways. It has provided a framework for TMI's relationship with Horizons, which in the past had been 'a bit of a love and hate relationship ... because there wasn't any kind of structured relationship' (Interview with TMI Chief Executive, 2011). With the agreement in place, TMI has been able to identify projects that it wants to 'work directly with the regional council on, around probably more co-management of the Manawatū River'. Co-management is consistent with TMI's aspirations for the river, which include 'sitting kanohi ki te kanohi (face to face) with the Board of Horizons'. Consequently, the TMI Chief Executive regards the MoP as having 'provided a really positive vehicle for us to work together more closely with them [the council]'. Critically, TMIs relationship with the council has assisted its Treaty settlement negotiations with the Crown, which include the river. According to their Chief Executive:

the Crown is comfortable with the kinds of redress we are talking about [with] the river because Horizons is supportive ... if we were an iwi that had a bad relationship with Horizons then Horizons probably wouldn't be as open towards what the Crown's wanting to do and that would be a barrier for us in our negotiations with the Crown.

Participants from other river iwi spoke about relationships with the regional council in less favourable terms. Descriptions of these relationships ranged from:

Our relationships with Horizons can be good and it can be not so good. They do some things that we completely disagree with (Ngāti Raukawa participant).

to:

Over the years, we haven't had a good relationship with the staff. They seem to take us as an interest grouping (Chairman, Ngā Kaitiaki o Ngāti Kauwhata).

Outside of TMI, only one iwi participant spoke about the value of having a strategic relationship with Horizons. He did so in the future tense, indicating that such a relationship was a goal that had yet to be achieved. He believed that forming relationships with influential actors, such as the regional council, was 'the most strategic' – albeit not always comfortable – pathway for iwi to follow to fulfil their objectives for the river. For him, the powerful actors were:

whoever the dominant players are on the other side for the Crown, and that's the regional council, and the major financial backer to the farms, and that's Fonterra. So be it as it may, and it may be an unholy alliance, for me we need to get that relationship. We don't have to kiss and cuddle, but we need to be able to get on with the job (Chairman, Ngā Kaitiaki o Ngāti Kauwhata).

TMI's Chief Executive reinforced these views about the strategic, but sometimes uneasy, nature of partnerships with statutory bodies. Of TMI's relationship with the regional council, she said:

We're not happy with a lot of the stuff that Horizons do and we know that they could be doing a hell of a lot more to clean up the river and to [improve] its current state, but you know ... you've kind of gotta be in bed with them to achieve the objectives that you want to achieve, but knowing full well that you don't have the power or the capacity to get them to change their total behaviour or their attitudes towards managing natural resources.

TMI's strategic approach to relationship building with local government has put them in conflict with other iwi. For example, Te Mauri o Rangitāne o Manawatū has a Memorandum of Partnership with the Horowhenua District Council. That

MoP enables TMI to provide Cultural Impact Assessments⁷⁵ to the district council on activities affecting water bodies in the district that other iwi also have interests in. In 2008–2009, for example, TMI completed Cultural Impact Assessments of the Foxton and Shannon wastewater schemes (Horowhenua District Council, 2009). These schemes are situated in the parts of the catchment to which Ngāti Raukawa also have connections, and two of them – for Shannon and the township of Foxton – discharge into the Manawatū River.⁷⁶ According to a Ngāti Raukawa participant who has represented his iwi on environmental planning issues for several years, TMI is now the district council’s ‘preferred provider’ for Cultural Impact Assessments. In his view, the district council’s application of the MoP with Rangitāne o Manawatū has excluded Ngāti Raukawa from contributing their own Cultural Impact Assessments to the council’s decision-making process. He complained that:

This process doesn’t allow for everyone to have a go, for everyone to be able to provide an assessment of the impacts on them and it’s not good for within iwi, and it’s not good between Maori and the council and it’s not good for the awa ... They’re just allowing for one group, they’re not recognising there are multiple groups here, multiple CIAs need to be undertaken.

Participants connected with the Department of Conservation (DOC) and the regional council commented on how iwi and iwi politics are perceived by others. The DOC Area Manager remarked that different iwi can be seen ‘to be

⁷⁵ A Cultural Impact Assessment is a report documenting Māori values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these factors (New Zealand Planning Institute, Resource Management Law Association, Local Government New Zealand, New Zealand Institute of Surveyors, & Ministry for the Environment).

⁷⁶ The Shannon wastewater treatment plant discharges into the Mangaore Stream, a tributary of the Manawatū River, and treated sewage from the small township of Foxton is discharged into the Manawatū River Loop at Foxton. Sewage from Foxton Beach (a small, coastal settlement 6.4 kilometres from Foxton town) is discharged to land (Lowe, Beecroft, & Ganley, 2013).

one group' – a homogeneous collective. The former regional council manager revealed that the regional council found it difficult to manage relationships with multiple iwi. It was deterred by contests between groups to be recognised as the principal group that the council should have a relationship with. He explained that:

[the council will] go "oh cool, we'll have a relationship with this group". Then they get rung up the next day [by people who] say "what have you got a relationship going on with those people for? WE are the number one people!" So once bitten, twice shy ... and [the council's] just going "oh no, this is all too bloody hard, it's easier just not to have a relationship".

Various iwi participants spoke about the complicated nature of iwi politics. One, a Ngāti Raukawa informant, stated:

There are huge iwi politics, even within iwi. Our landscape is fragmented, our iwi and hapū are unaware of their traditional tribal boundaries, we have differing values, we're working between tikanga Māori and tikanga Pākehā, there are all sorts of complexities.

All the participants associated with local and central government thought that such complexities tended to be viewed negatively by outsiders. The participants connected with the regional council, in recounting situations they had been involved in where there was conflict between iwi, spoke about how the decision makers – who were mostly older, Pākehā men – tended to balk at such conflict, and disregard iwi because of it:

Former regional council manager:

Disagreements amongst the representatives of the different hapū ... slightly discredits what they're doing or saying in the eyes of the others there. Bearing in mind that everyone else in the room was largely white, middle-upper class, getting aged in their years and have quite a different opinion around Māori, the role of Māori, to perhaps younger and new generations who are coming through now – there is a far more equal thing – they are looking at any opportunity to disagree or write off.

Horizons Policy and Consents Manager:

I think it does get viewed quickly as a negative as soon as there's some sort of friction between positions.

The Horizons Chief Executive also observed that council employees were in the difficult position of having to deal with the attitudes of their political masters:

Pākehā politicians, mostly males over the age of 60, are going “why are we involved in this stuff?” ... And that's the type of challenge we've got.

Between 2010 and 2013, the proportion of Maori elected representatives on the local authorities in the Manawatū River catchment was less than two percent. Of the 57 elected representatives who sat on the regional council and the four district councils in the catchment, only one identified as Māori, but she was not tangata whenua. In 2013, the Māori population across the four districts – Manawatū, Tararua, Rangitikei, and Horowhenua – was 24,716 or 17 percent of the total population of 148,374 (Statistics New Zealand, 2013a, 2013b, 2013c, 2013d). Pursuant to the Local Electoral Act 2001, all of the councils reviewed their representation arrangements for the 2013 local elections, and had the

option of establishing Māori wards or constituencies. Four out of five of the councils considered this option,⁷⁷ and three of them voted against it.⁷⁸ A Ngāti Raukawa participant attributed being marginalised from local decision-making to democracy working for the majority, and the majority supporting a system that privileged them. He said:

We're still very much a minority. We're trying to maintain our rangatiratanga over this river and you can't do that when you're operating in a democratic society and it's one head one vote and you're a minority. You just don't get heard, you don't have an impact, you don't get to do anything basically ... because people work in the way that suits them, and the democratic one head one vote system works for a majority. It always will, because you'll always outvote the others and that's just not fair when you're underpinned by a Treaty and you've got a minority tangata whenua group who are kaitiaki of the river. They'll never get into that space.

None of the participants raised the issue of Māori representation on local government specifically. Instead, participants talked about engagement methods, such as projects, that agencies are using to build relationships with iwi, and that iwi are using for strategic purposes.

⁷⁷ In 2011, the Manawātū District Council gave its Marae Consultative Committee the opportunity to consider establishing a Māori ward and the committee decided against it (Manawatu District Council, n.d., p. 246).

⁷⁸ See Horowhenua District Council open minutes of 5 October 2011, minutes of Palmerston North City Council Planning and Policy Committee meeting held 8 August 2011, and minutes of Horizons Regional Council meeting held 27 July 2011. Tararua District Council considered a report from its Governance Manager dated 18 August 2011 about establishing one Māori ward in the Tararua district. In this report, the Governance Manager noted that council was required to consider the option of establishing a Māori ward no later than 23 November 2011. Based on a review of council's meeting minutes between August and November, it appears that council did not vote on establishing a Māori ward.

Projects: a positive but limited strategy

Interviewees connected with the Department of Conservation and the regional council indicated a preference for using practical projects to form relationships with iwi. The link between the two agencies is not coincidental; the person who initiated the project-based relationship building approach in the regional council was previously employed by the Department of Conservation, who seem to favour using projects to build relationships with Māori (see below). The former regional council manager recalled that:

there was Greg Carlyon [former regional council senior manager cited in Chapter 4] ... who's had long associations with Māori through his previous roles, say with the Department of Conservation. He was more comfortable working in that space and realised that the best way of getting ahead with Māori is actually just, you know, rolling up your sleeves, and saying "right, what do we want to do?"

These participants were very positive about using projects to establish relationships with iwi. They considered that projects enabled personal contacts to be formed between an iwi and an agency, and that once personal relationships were in place it was possible to establish higher level, political relationships. The DOC Area Manager observed that:

once you're seen as a real person, particularly if you've been welcomed onto the marae, then it's [a] relationship; everyone has its ups and downs and you disagree and whatever, but at least you've got the basis to work on ... then that political relationship is really easy when the on-the-ground relationship gets to that level.

Conversely, failure to establish personal relationships between individuals could make it difficult to set up or maintain political relationships. The former regional council manager thought that:

where the relationship (between iwi and the regional council) had perhaps broken down in the past is that there's been attempts made by both parties at the high strategic or government or political type level, yet there's no relationship which is binding the parties together at a grassroots type level, so there's just no connection, there's no awareness of the other people.

Projects can be mutually beneficial for iwi and local and central government bodies by enabling both sides to acquire knowledge about each other. Along with making personal contacts, the partners to a project can gain a broader sense of 'where each other's coming from'. They can also build an understanding of 'how an organisation works'. For example, iwi members might gain an understanding:

that yes, you've got a good relationship with that person, but by and large they can't make decisions. It's got to go back up the food chain ... that takes time and then the decisions can be altered, changed, but for whatever reasons. And likewise [councils] get a better understanding of yes, you're talking to this person, they seem to have all the mana in the world, but again, they've got to go back to their governance structure to get approval or buy in (Former regional council manager).

One iwi participant – an experienced environmental practitioner – had a more measured view of projects. He regarded them as positive, but severely limited in the sense of enabling his iwi – Ngāti Raukawa – to regain control and authority over the resources in their rohe. In his eyes, projects were 'allowing for or supporting a level of rangatiratanga, but it's not nearly enough'. A project

between Ngāti Raukawa and the regional council, for example, might involve 'testing algae or looking at algal mats in the Ōhau River for 2 hours a week over the bathing period, so all of 30 or 40 hours a year'. For the council, this project might be 'a big tick in their work plan'. Indeed, Horizons aims to develop or implement six projects with iwi each year (Horizons Regional Council, 2012a, p. 128). From the participant's perspective, however, 'it's nothing ... two or three projects in their rohe, their whole Horizons rohe;⁷⁹ it's a tiny piece of work'.

The same participant connected the regional council's focus on projects to reluctance on the part of the council to relinquish any power to iwi. He mused:

Maybe it's power? But they want to keep that close to them, they only give out so much. And that's really hard to get any kind of momentum going with these pieces of work, it's really hard to get them sustainable because you can get a year, or get a bathing season worth and it's really hard to get into that work, it's really hard to get your people on board when all you're doing is 40 hours a week over a 4 month period, it's just not enough ... so, it's really difficult when one group holds all the power and the other group is forever knocking on the door, forever asking to be heard, and that's a basic right you know?

Two iwi informants – one from TMI and one from Raukawa – observed that the success of projects with the regional council relies on having supportive council staff involved. The Raukawa participant spoke about having to start all over again when a familiar council official left, and a new one started:

⁷⁹ The Manawatū-Whanganui region, which is managed for the purposes of the Resource Management Act 1991 by the Horizons Regional Council, is an area of 22,215 square kilometres.

There's such a high turnover in staff. You genuinely get something going with someone, you go in there and you have an arrangement with them to undertake some project or have a direct line to them so you can have a conversation with them and they leave and the new person comes in and then you have to start from scratch again.

The Chief Executive of TMI talked about the implications for Māori if the replacement staff member is not open to working with and supporting Māori:

You build up a very good rapport with staff in Horizons and if they leave and you have someone that comes in who's not proactive in wanting to work with Māori then that itself can create a new barrier for you. So you find yourself going along quite well and all of a sudden there's a change of personnel within the council and you can actually go four steps back before you go forward again.

Unsuccessful strategies

The regional council used other engagement methods in the past – Iwi Liaison Officers and a Māori advisory committee – but neither of these methods were successful. The role of the Iwi Liaison Officers was to 'be the go-betweens between the council and iwi or Māori'. However, four participants – one connected with TMI and three with the regional council – all observed that it was very difficult for a single person to liaise with all iwi in the region on multiple issues. The TMI participant encapsulated the challenges of the role:

I found that Iwi Liaison Officers weren't very good at getting the information that we wanted ... I found it a bit of a bottle neck of getting information from an Iwi Liaison Officer about gravel extraction at a certain point on the river. I'd rather just go to that person, but I had to go through the Iwi Liaison Officer, but when he's got 16 iwi and then all the 48 hapū or something, and so he's

got numerous requests and numerous areas to deal with ... So council got rid of the area Iwi Liaison Officers and then we just started working with those people within the council on a one-on-one basis. So in some ways that increased my workload because I was dealing with a whole range of people from river engineers to contractors, gravel contractors, to biodiversity people to monitoring people, consents, compliance.

The participants connected to the regional council noticed that it was challenging for the Iwi Liaison Officers to form relationships with iwi to whom they were not affiliated. The former regional council manager recalled that the Iwi Liaison Officers:

had some strong connections of their own ... but it made it incredibly difficult for them to actually have relationships with those outside of where they came from. So really strong relations were formed up in some areas and certain directions and just completely missed out in other areas.

These views were reiterated by the regional council's Chief Executive and Policy and Consents Manager:

CE: We felt as though across our region there're 16 or 17 iwi groups [and] that one person trying to cover that and form relationships was very hard.

P&CM: Impossible – particularly if they came from one of the iwi inside the region.

The regional council also formed Te Roopu Awhina, a group of iwi representatives that advised the council. Iwi participants expressed different views about why the group collapsed. The Chairman of Ngā Kaitiaki o Ngāti Kauwhata believed that the regional council had treated Te Roopu Awhina in a

tokenistic and disrespectful fashion. From his perspective, this experience had tainted current relationships between iwi and the council:

Horizons ... iwi have never had a good relationship with them and it was going back to when the regional council formed up years and years ago under previous leaders, some of them are now passed away, we had a group called Te Roopu Awhina, which was a Māori advisory group to the regional council. But the council of those days and the former chairs just saw it as a hindrance to them getting on with the job that they potentially saw themselves doing as a council of quite a large area. So there were some 13 iwi involved in that and I know it was Sir Archie Taiaroa⁸⁰ that in the end took all the Whanganui people out of it, Tūwharetoa people out of it, because it was going nowhere. It was more lip service, ketekete o ngā ngutu, lips went together like that but nothing else happened.

The Chief Executive of TMI attributed the dismantling of Te Roopu Awhina to the separate iwi wanting to have relationships directly with the regional council, rather than through a collective. Even though the group failed, she identified it as a pre-cursor to TMI's Memorandum of Partnership with the council:

Many years ago there used to be a group called Te Roopu Awhina and that was made up of 16 iwi and that was a body that used to interact with Horizons but as the iwi developed their own spheres of development and we became stronger, a lot of us just wanted to have a direct relationship with the council and work on our own objectives because what Rangitāne might see as a focus,

⁸⁰ The late Sir Archie Taiaroa was a prominent Māori leader of Whangauī, Tūwharetoa, Te Arawa and Maniapoto descent. He had a local government background, having served on the Taumarunui Borough Council as a councillor and deputy mayor. He also held a number of senior and leadership positions in Māori organisations, including Chairman of the Whanganui River Māori Trust Board, the entity that has had a major role in facilitating the Whanganui River claim to the Waitangi Tribunal.

Whanganui iwi didn't; they had other things and the same further up north. So Te Roopu Awhina kind of did a review and it disappeared and then we pushed for a Memorandum of Partnership.

The former regional council manager believed that part of the reason why the council and iwi seemed to stumble along trying and failing at different ways of connecting was because the Crown had not provided clear guidance on how and when to form relationships. He remarked that there is 'just a lack of awareness, again on behalf of the decision makers, about how to actively engage, meaningfully engage'. He also thought that councils and iwi did not necessarily know why they should form relationships.⁸¹

[There is no] recognised, appropriate point of entry for starting some sort of relationship. Then I believe there is probably on both sides a lack of, an absence of agreement around "what do we actually want? What do we want a relationship for?" And if they don't know that then they're never going to be able to value a relationship in terms of "oh, cool, it's working us towards a point". They just go "ah, the RMA says 'must have relationship with them'. Great. Let's have a relationship. Here's a piece of paper". So unless there's understanding of the benefits of it, there can never be value.

According to him, before the 2010 local government elections, there were elected representatives who did understand why the regional council should have relationships with iwi. He recounted that those 'elected officials were supportive and there have been some long-term members there so they are

⁸¹ The interviews conducted with the TMI participants suggest that TMI has been clear for several years about the benefits of having a relationship with the regional council.

comfortable and increasingly taking the forefront ... and they realised they need to engage with the community, that sort of thing'. However, after the elections there was a change of councillors (see Chapter 4), and consequently, a negative shift in council's position on relationships with Māori:

There's been some reversion back or pulling away from some of those relationships primarily as a result of the changing council ... almost a clean sweep came in with the last election cycle and as a result it's reset the clock; as a result, there's a pulling apart on certain things.

The same participant revealed that he thought 'prejudice from the decision makers' was the most significant obstacle to Māori contributing to decision making:

So iwi front up and say, "hey, we want to be involved in this" and everyone just runs a mile going "well, why are we doing this?" or "why are they getting more of a say than others?" ... even though we're supposedly not a racist country, we're definitely a racist country. I had the pleasure of sitting through several meetings recently where it's just embarrassing really, some of the attitudes which are out there if you push the right button.

Lack of capacity and resources: the continuing struggle

Many of the iwi participants identified a lack of capacity and resources as a major barrier to their being able to contribute to decisions about the river and other resources. According to one Ngāti Raukawa participant, working for his iwi on resource management issues is 'unpaid, it's un-resourced'. A former environmental officer for TMI explained that the limited resources and capacity

that TMI possesses determines the extent of their engagement in resource management:

In the end our involvement comes down to resources and capacity and we don't have a huge amount of resources and capacity. We're not a settled iwi that has a whole lot of money that you just chuck at a problem.

Two participants alluded to the inequality between iwi and statutory agencies in terms of capacity and resources. The Chief Executive of TMI made the point that statutory agencies are in an advantageous position compared with iwi because they 'they've got all the people, they've got all the financial resources'. These institutions also have 'the statutory management' authority to manage the environment because it has been vested in them by the Crown through legislation. A Ngāti Raukawa participant believed it was impossible for iwi representatives to work under such constraints in the long term. He described the situation as, 'just unequal, man. You can't work like that, it's not sustainable'.

Two iwi participants spoke about how their iwi did not have enough people, or the right people, to do all the work that needed to be done in relation to resource management. The Chief Executive of TMI – who at the time of the interview employed two environmental officers to work on resource management issues across the Rangitāne o Manawatū rohe⁸² – explained that 'we don't have enough people to do the work ... you can't pay the people that

⁸² See Appendix G .

you'd like to have in there'. From her perspective, a lack of resources and capacity is widespread among iwi and has its roots in the past; it is a 'problem that we all suffer from' she said, 'a historical problem that iwi have had all along'. Her point was reinforced by a koroua (male elder) from Ngāti Raukawa who lamented that 'we don't have enough people to cover the tasks that would keep us involved in all of the changes regarding water in our area'. The tasks, such as making submissions and attending consultation meetings and hearings, were described by another participant as 'hugely time and resource draining' (Kaitiaki, Ngāti Raukawa).

This participant observed that among the individuals he had met who participated in RMA planning processes on behalf of their communities, there was inequality. Even though he was anything but well resourced, he felt he was better off than some other people:

For people like myself I have a computer, I have email, I have a printer, I have paper, I have a car and petrol, and all those sorts of things. I can sometimes make these things [hearings] although I have to take a day off work and I have to use a ream of paper because you have to print [your submission] out 25 times ... but other people don't, you see, and when you make a situation like that you're not providing a level footing.

Other participants also spoke about how the planning system worked to structure iwi into a disadvantaged position *vis-à-vis* other actors. The Ngāti Raukawa koroua described being consulted by landowners who were applying for resource consent to take groundwater, and about not having the scientific knowledge to evaluate how that activity would affect his people now, and in the future. He recalled that:

There was a time when we were over-consulted by people with resource management forms ... so they would come in with a big stack of paper and say “well, here is our resource application, what we need is for you to sign and here’s all the evidence ... that everything’s done”. So they’d talk to us in terms of aquifers and different levels of aquifers and we didn’t really have the resources to question the results of their tests and so what they laid on the table really had to be accepted as fact.

The regional council’s Policy and Consents Manager remembered how iwi could not substantively engage in the process of developing the One Plan because of severe resourcing and expertise limitations:

We had all sorts of trouble when we were doing the One Plan of getting responses out of iwi full-stop ... not because they didn’t want to, it’s because they don’t get paid for it and they’re busy in their own lives and in some cases we were talking to ... people who had no idea what we were even presenting, so it was like talking a different language and it’s not easy ... it’s a huge issue.

The former regional council manager thought that a lack of technical knowledge made iwi representatives appear naïve in RMA planning processes. This deficiency in capacity prevented these representatives from contributing to solutions about degraded resources, such as the Manawatū River:

on the side of Māoridom there is a ... capacity gap, and that capacity gap is around a shortage of understanding of the issues, or the drivers of those issues and therefore what sort of solutions come out of it and more appropriately, the practicality of those sorts of solutions ... and as a result it comes across as being naïve when you’re sitting around a table and [Māori are] saying “oh, all you need to do is this, you know, take all that away” ... it’s that sort of naïveté around just really the context in which all this is happening and what the drivers are and as a result, sometimes there seems to be a single-minded focus on a particular issue and therefore there’s a solution to it. But it’s actually far more complex than that.

The regional council Chief Executive suggested that iwi have poor knowledge of the local politics of managing the river and other resources. He considered that this lack of political knowledge prevented iwi from being able to play the game – the game being that of making decisions about the river – with the decision makers:

there's different games for different situations ... so perhaps one of the barriers [to iwi contributing to decisions about the river] is iwi groups understanding what role they're playing and what those games are ... so it's managing the politics of those things, and ... as much as the rest of us need to understand Māori politics, it needs to be understood the other way as well. And I think that's just a capability and a learning thing – it comes with conversations.

One way that Māori can increase the body of technical knowledge within their possession is to work with others. Freshwater scientists, for example, have valued knowledge about water, and are potentially in a position to assist Māori to undertake work that contributes to restoring the mauri of degraded waterways. Ngāti Kauwhata undertook research on the Ōroua River (a tributary of the Manawatū River) from 2010 to 2013 with the objective of establishing a monitoring regime and baseline data that would inform an action plan to improve the river (Cribb & Emery, 2011). The research was supported by Fiona Death, a research technician in the Institute of Agriculture and Environment at Massey University. The Chairman of Ngā Kaitiaki o Ngāti Kauwhata spoke about encouraging more of his people to become interested in monitoring and restoring the river. He referred to the value of inviting freshwater scientists to assist iwi members to acquire freshwater monitoring skills and knowledge:

Get people like Dr Russell Death⁸³ and his wife Fiona to come and show you how to test for invertebrates and teach you how to test the quality of the water. And Jon Roygard⁸⁴ there saying “if you take it there and take it there you get different readings” and why. So we’ve got all those people who are rooting to work with us, help us.

Two participants revealed how a lack of resources and/or capacity shaped who their organisations formed relationships with. The first participant – a former TMI environmental officer – emphasised that because TMI has limited capacity and resources, they will use relationships with select actors to pursue the outcomes they want:

We don’t have the capacity or the resources to try and fix everything, so we’re going to focus on those relationships where we’re going to gain something that we want to achieve out of them as well ... [in] the situation where we’re not going to gain a lot from participating with a group or a project, then we won’t enter into it.

The second participant – the DOC Area Manager – spoke about how his organisation also has resourcing limitations, and is therefore selective about the iwi they work with. From his perspective, it is easier for the staff in his office to work with iwi:

when they have a structure. So if they’ve got staff and an office ... say it’s an iwi authority and they have staff, they have environmental staff who do resource consents and that sort of thing, you kind of know “oh well, that iwi’s got that person to deal with resource consents”, so we know exactly who to talk to ...

⁸³ Associate Professor Russell Death is director of the Centre for Ecosystem Management and Modelling at Massey University.

⁸⁴ Dr Jon Roygard is a soil scientist who leads the science programme at Horizons Regional Council (J. Roygard, 2008).

they're easier to deal with, and if you've got a limited resource and time to put into an issue it's a natural inclination to put it into where you're going to get the most benefit, rather than putting that effort into building the relationship further to get it the point where you can get what you need from the relationship.

Treaty of Waitangi settlements: the game changer?

The same participant remarked that resourcing and capacity differences between iwi were reduced when iwi successfully negotiated Treaty of Waitangi settlements:

A lot of that [inequality] gets evened out as an iwi runs through a Treaty settlements process like several of the local ones are now.

Two participants – the Chief Executives of TMI and the regional council – discussed how settlements can provide iwi with economic resources that enable iwi to become more powerful. The Chief Executive of TMI considered that:

When you've got a Treaty settlement behind you you've got a lot more power then, because you do have some resources that you can throw that way so it's that treading water kind of thing until you get the settlement.

These sentiments were echoed by the Horizons Chief Executive, who connected Treaty settlements with changing the game for iwi and local authorities in terms of managing natural resources:

Post-settlement, the game's changed. There're economic drivers now with Māori involved in settlement processes and they become not only a key partner in managing New Zealand's natural capital, they actually bring economic capital.

The TMI participants were under no illusions, however, and recognised that the Crown dictates the terms of Treaty negotiations, and decides what is on the table and what is not. In their negotiations with the Crown, these individuals wanted to broker ownership of the Manawatū River, but knew the Crown would not contemplate it. The Chief Executive of TMI explained that:

We're like any other iwi in the country, we would actually like to have ownership of our riverbed and our river but that's not Crown policy.

A former TMI environmental officer expressed a similar view, stating:

We know that you can't own the river, that's never going to be on the table.

As well as determining the redress options that it will and will not negotiate, the Crown also shapes the nature of these alternatives. According to TMI's Chief Executive:

Crown policy's moving towards – they don't kind of call it co-management models, but I guess for want of a better term that's probably as far as they're moving – and then they're only moving that far if iwi and councils have good positive relationships.

In anticipation of the boundaries the Crown would place around their settlement options, TMI constructed a hierarchy of alternatives that they might negotiate with the Crown. The former TMI environmental officer, who at the time he was interviewed was a Rangitāne o Manawatū negotiations adviser, described these options:

so we looked at the ownership of the bed of the river, we've also looked at the way the bed is managed and how we can have a greater influence over that, and then we've looked at the way the catchment as a whole is managed and how we can have a greater influence over the management of that and the governance of that.

He was realistic that some of these options would not afford Rangitāne o Manawatū any power in making decisions about, or managing, the river:

We have to negotiate with the Crown. You've seen the style of settlements coming out recently and they're all around joint advisory committees that have very few teeth.

Nonetheless, participants linked to the regional council anticipated that settlements would change the power relationships between the council and iwi. The Chief Executive of the regional council appreciated that settlements had the potential to shift the structure of their relationship with iwi, and close the gap somewhat. Like the Chief Executive of TMI, he also recognised that the regional council is able to influence the content of settlements, but acknowledged that the council is not a major player in the negotiations. From his perspective, the principal parties are the Crown and iwi:

[Settlements] have created an environment where there is a realisation we have to have to think about how we power share, how we make settlements work. Because for local government, they are things outside our control. That's a decision between iwi and the Crown, we deal with the consequence. Fortunately we've got an opportunity to participate and help shape the consequence by engaging, so I think [local] government is more mindful and sensitive to the fact that we need to be open-minded to the role of Treaty settlements around things like natural resource management, water management and the river.

The former regional council manager believed that had Rangitāne o Manawātū finalised their settlement at the time the Manawātū River Leaders' Forum was developing their action plan for the river, the settlement would have elevated the iwi to a stronger position in the forum:

They were in early Treaty negotiations ... they came to some of those workshops with some of their cards not on display, they were holding some of them back, because you had the One Plan, then you had the Accord, and then you had the Treaty settlement, and depending on how the Treaty settlement went – was there just going to be a payout, was there going to be some indications of co-governance? And if there was a co-management, co-governance (arrangement), whatever it was, suddenly they would assume greater importance and mana sitting around the table.

A new strategy: collaboration

According to the current TMI environmental officer, iwi representatives on the forum did attempt to include an action relating to co-management in the action plan, but this was unsuccessful:

We had a vision of developing a new framework where iwi would have recognition of the iwi co-management co-governance stuff around the drivers for the consenting process. Now we've ended up with [something] that has fewer teeth. We can have discussions over [co-management], but there's no guarantee it will come to anything.

The forum facilitator expressed disappointment that co-management was not provided for in the action plan:

I think it would have been great to get something around governance, sort of co-management in there; that's just a personal

thing that I think would have been good for the river longer term. But we realised quite soon on that it was going to be way too difficult for us and there was another [Treaty settlement] process happening that was outside of this and we had to respect that and I don't know what the outcome of that's going to be. But there's certainly a strong sense of frustration from Māori that you've got a bunch of non-Māori running the river at the regional council and that – from their point of view – doesn't really properly reflect the commitment of the Treaty.

Many of the iwi representatives are participating in the Manawatū River Leaders' Forum as a means of shaping the restoration of the river. These participants articulated a mixture of views about the forum from positive to ambivalent to cynical. One participant who works for TMI⁸⁵ said that he and other representatives 'were hugely heartened and responsive to the whole action planning process', while another,⁸⁶ when asked if he thought the forum – as a collaborative institution – was a good model, replied 'I dunno'. From the outside, the forum facilitator saw the forum as a strategy that enabled iwi:

to be part of a solution. I imagine that that's the main driver in terms of being able to participate in an effective way, which actually gives them some ability to influence things.

The Chairman of Ngā Kaitiaki o Ngāti Kauwhata endorsed the collaborative process being used in the forum:

I certainly believe that this process is the only one, because when you look at it and ask yourself 'what's the alternative?' there aren't so many. So a collaborative approach, we're in with the regional

⁸⁵ Current TMI environmental officer.

⁸⁶ Former TMI environmental officer.

council and the local territorial authorities. It is the way to find a solution.

Conclusion

Collectively, iwi are structured into a highly marginal position in the field where decisions are made about the Manawatū River, relative to the regional council. Iwi are in this position because they have extremely limited resources and capacity, and no statutory authority to manage the river. Moreover, the deeply ingrained beliefs and practices of influential individuals within the council, particularly elected representatives and senior staff, structure iwi out of decision-making and any substantive involvement in managing the river. Transformation has occurred when council has employed senior staff who have experience and are supportive of working with Māori, and when iwi have deliberately and persistently used strategies that enable them to progress their goals for the river. Some of these strategies have failed, but even so, they have provided a platform on which other strategies could be taken up. One strategy iwi do not appear to have aggressively pursued is the establishment of Māori wards and constituencies. Māori representation on councils is almost non-existent, and a strategy to mobilise support for Māori wards and constituencies is badly needed. Treaty of Waitangi settlements are potentially transformative for if because they stand to strengthen the resources, capacity and statutory management authority that iwi possess. Collaboration may also generate change, although iwi are much more cautious about the transformative potential of collaboration, as opposed to co-management, which iwi and the forum facilitator appeared to regard as a different thing. Collaboration is the focus of the next chapter, where an account of how power structures iwi and hapū contributions to the Mānawatū River Leaders' Forum will be presented.

CHAPTER SIX: MANAWATŪ RIVER

LEADERS' FORUM

In the Manawatū River Leaders' Forum, power uses subtle and complex forces to structure iwi contributions. These forces are illuminated in this chapter, which is the third and final results chapter. Using interview data, attention is drawn to specific aspects of the forum to reveal how these forces position iwi in relation to other forum members. Like the previous chapter, the analysis and presentation of the data are based on Bourdieu's concepts of field, capital, and habitus. Following Bourdieu, the forum represents a subfield of the field in which iwi and planning institutions intersect in relation to the river.

The chapter is presented in three parts. In part one, three aspects of the forum are highlighted. The first aspect is the construction of the forum itself, particularly who established it, why, and for whom. The second aspect is the hierarchy of actors – institutions and individuals – within the forum. Emphasis is given to the factors – or capitals – that determine the positions that each actor occupies in the hierarchy. The third aspect is the agendas that various actors brought into the forum. Like the outcomes that iwi want for the river (see Chapter 5), these agendas represent the stakes for which these actors are playing in the forum, and for which they compete with each other to win. Running through the accounts of these aspects are the participants' stories about the games the actors play to advance their own agendas and preserve or improve their positions in the group.

Part two focuses on the iwi contributions to the forum and how these were perceived, understood, and treated by Pākehā forum members. Here, a complex and nuanced picture is painted of the deeply embedded ways in which individuals on the forum think, feel, and act, and how these work with the positions of those individuals to structure iwi contributions in a particular way. Throughout the chapter, the forum as a type of multi-stakeholder collaborative group is analysed as a potentially transformative strategy that iwi might use to improve their ability to influence decisions about the river and advance their aspirations for it. The potential for kotahitanga (unity) to improve the position of iwi in the forum is also discussed. The chapter concludes by examining the benefits of collaboration, as well as the challenges.

A leaders' forum

According to the participants connected with the regional council, the idea of establishing the Manawatū River Leaders' Forum emerged from discussions between the Chief Executive and senior council officials. The former regional council manager recalled that the senior manager who championed the One Plan suggested to the Chief Executive 'let's get the parties together'. Participants identified three drivers for inviting the groups with interests in the river to meet: (i) long-standing and ongoing disputes between the council and these groups regarding old and new council policy, such as the Proposed One Plan; (ii) 'negative and mobilised community concern around the river and its state';⁸⁷ and (iii) individuals in the regional council feeling that the council was

⁸⁷ Horizons Chief Executive.

'bearing a disproportionate brunt of the blame'⁸⁸ for the state of the river, and wanting the responsibility to be shared.

Participants described how the regional council wanted the forum to comprise the leaders of the stakeholders with interests in the river. The former regional council manager revealed:

It needed to be chief executives, it needed to be the top people in all the organisations that were identified had to come along and had to buy into that concept right from the word go.

According to the forum facilitator, the decision to make the forum a leaders' forum was based on the idea that:

If you have your leaders at the table signing up to things, buying into it, then things will happen. If you don't, if you have representatives a lot further down the seniority chain, it tends to be hard to get things to happen and they don't want to make commitments, whereas leaders will make commitments. And it adds a level of importance and gravitas to the project.

Iwi not invited to first forum meeting

Two iwi participants and the forum facilitator stated that the regional council did not invite iwi to the inaugural forum meeting. According to the facilitator:

A very bad thing happened at the beginning and that was ... They (Horizons) completely forgot to, or neglected to, invite any iwi.

⁸⁸ Horizons Chief Executive.

The Chairman of Ngā Kaitiaki o Ngāti Kauwhata believed the then Chairman of the regional council did not invite iwi because he 'failed to see that Māori had a stake and iwi Māori had an interest'. In response to not being invited to the first meeting, the same participant sent his 'people in to find out why'. Subsequently, iwi were asked to join the forum:

As a result of us kicking up a thing over it, I think the next meeting he (the Chairman) called in February we were brought in as iwi ... he got to the stage in the second meeting where he threw his hands in the air and apologised to iwi for not including us in the very first meetings. He misread it.

The regional council Chief Executive and Policy and Consents Manager presented a different, but hazy, version of events. They recalled that some, but not all iwi, were invited to the first forum meeting. They speculated that the regional council used a database of submissions on consents to invite iwi to this meeting:

Researcher: Some of the participants in the research said that iwi weren't invited to the initial meeting of the forum.

CE: They were invited but I think there may have been an error in who was invited. We might have missed the northern or east group and we might not have captured all of the iwi interest in the first meeting ... there were some genuine mistakes in not inviting all the people. It wasn't a deliberate thing, it was just not knowing because –

P&CM: It's a big group.

CE: We would have relied on the consents database ... we had a database on iwi [submissions on] consents, formal ones.

Once iwi were invited into the forum, the facilitator – who at the time he was interviewed had almost 20 years' experience in facilitating collaborative processes – was conscious of ensuring that all the iwi with connections to the river were included. This task, which was sometimes delicate, required knowledge of iwi politics. He thought it was 'very important that we made sure that the iwi groups that needed to be there were there':

We didn't quite get that right with the iwi on the eastern side of the river, but I was taking the best advice I could about that, including going to iwi groups and saying: 'is there anyone missing?' And there are some issues around that and because there are tensions around mana whenua on different parts of the river and because you've got different iwi and hapū groups at different stages through the Treaty claims process, there may not be a great incentive to say "oh, well so-and-so should be there". They might know that they should be there but don't want them to be there because it's maybe a claim over a bit of territory or something.

The hierarchy of actors

When asked about the influence of the groups on the forum (see interview schedule, Appendix C), several participants organised them into a hierarchy, and identified the regional council as occupying the most dominant position, closely followed by Federated Farmers and the dairy industry representatives. Participants regarded iwi and environmental interest groups as holding weaker positions in the forum, with iwi having more potential to acquire power and improve their situation than the environmental groups.

Regional council

Several interviewees described the regional council as being the most influential actor on the forum. The former TMI environmental officer attributed the council's influence to their possessing science and the statutory authority to manage the river. In his opinion:

Horizons has more power than anyone, simply because they have the statutory obligation to manage the river ... but they also have more power in that they have that science over the long time that they have to collect and have collected, and they probably have more expertise associated with the river.

The Chief Executive of the regional council, the forum facilitator, and the DOC Area Manager also recognised the regional council as being highly influential. The forum facilitator was unequivocal in his assessment of the status of the regional council on the forum, stating 'they are the single most influential group in there'. He attributed the council's position to their ability to employ scientists who can undertake the science and explain it to lay people, and having financial resources that can be used to recruit a range of staff and pay the costs associated with running the forum:

They (Horizons) are the repository of European information about the river in the sense of the science and the water. They've got the information so they brought it to the workshop. They did a lot of work in translating that information in a way that people could understand it and by being able to bring that and answer questions on it and provide information they had huge influence. They also had a huge influence in the sense that they were the sponsor of the whole process. They paid [the facilitator's] costs and the venue costs of our meetings and a huge amount of staff time.

Initially, the regional council Chief Executive did not recognise the council as being more powerful than the other actors on the forum. When asked who he thought were the most influential groups, he replied, 'I wouldn't say any one was more influential than the other'. Eventually, though, he admitted that the regional council was central to bringing all of the actors together to produce and commit to the Action Plan, and for this reason, was the most influential actor in the forum. He said:

I think the regional council has had [a] greater influence in the sense of facilitating the conversation and helping the outcomes we've achieved. All the legwork we put in and developing action plans and corralling thoughts and views and encouraging those who have made commitments to commit and deliver in terms of delivering the product. I would say we are probably the most instrumental.

The DOC Area Manager emphasised that even though a range of actors have commitments to meet under the Action Plan, ultimately it is the regional council's responsibility to ensure the plan is implemented. From his perspective, because the regional council has the statutory responsibility to manage water, 'it's up to the regional council to drive it [the Action Plan] and make sure that everyone's held to account to what they agreed to'.

Beyond the forum, a Ngāti Raukawa representative described the regional council as the most powerful institution in the governance of the river, because they have economic resources and the statutory authority to manage the river:

Researcher: In respect of the governance of the Manawatū River, who do you think are the groups or the people who have the most power?

Participant: The council. If you're talking about those that are resourced, those that are tasked officially and legally with managing, it's the council.

Within the regional council, the same participant observed that managers 'have a level of influence' because:

They have a level of resourcing, they can sign things off, so they have a level of power ... [you] go upstairs into those nice offices with a table in the middle of them and they can make a cup of coffee in their office, so they must be up the ladder a bit.

The Chief Executive of TMI regarded the district council mayors as the most powerful actors on the forum. From her perspective:

The mayors have the most influence. They've got all the resources and at the end of the day, in terms of cleaning up the river, they're going to have to put a lot of the cash up front.

The forum facilitator remembered, however, that it was difficult to get the mayors and the district council staff to actively engage in the forum:

Although the district councils were supposed to be there and being very active, it was really hard to get them to do much in terms of even attending and it was kind of like dragging them into the process. And there were some occasions when we had to go back to the mayors and say "hey, you need to sharpen up your act here and get your people into this and provide the information that we need to get this Action Plan out and make these commitments".

Federated Farmers and dairy industry

After the regional council, most participants identified the actors connected with the farming sector – Federated Farmers, Fonterra, Dairy NZ, and farmers through their representatives – as the most powerful actors on the forum. The Chief Executive of TMI attributed the influence of farmers to the area of land that they own. Apart from the mayors, she considered that ‘the other obviously strong ones are the farmers because most of the farms are all along the river so they have a lot of power’. The former regional council manager implied that farmers, Federated Farmers, and Fonterra were powerful by identifying them as pivotal to the success of the Action Plan. From his perspective, their commitment is crucial ‘for the Accord to work’ because of the adverse impacts of farming on the river. He was staunch in saying:

Dairy farmers need to finish off their riparian planting, they need to put in nutrient management plans and they need to shrink their environmental footprint down to acceptable standards. If that does not happen, you can clean up and have pure water coming out of all these sewage plants, [but] we will still have a gungy river. There still needs to be from Federated Farmers and the rural sector and from Fonterra that: one, there’s an acceptance that there is a problem; two, that they are the principal contributor to that problem; three, that they need to take steps to fix it; four, they have to accept the steps which have been offered to them through the Accord and through the One Plan; and five, they have to do it.

The same participant remarked that Federated Farmers wielded their influence in a negative way by resisting some actions that would improve the river. He recalled that:

There were various suggestions in there (the Action Plan) around fencing off streams, a number of which applied to the dairy sector,

for instance nutrient management plans, all that sort of stuff. The Federated Farmers and farming lobby that were all there were all going “oohhh, it’s all too hard!”

The former regional council manager considered that Federated Farmers were ‘not even accepting there’s a problem’ and were ‘still arguing the toss over the science’ about the impacts of agriculture on the river. He believed these representatives were not taking responsibility for the adverse effects of farming on the river ‘because they realise if they accept it and they start doing all these other things [proposed by the forum], there’s huge implications’. In this mind, the representatives were ‘holding, holding, holding’ because ‘the more they can hold it back the more delay there is. Meanwhile the worse the rivers are getting’.

The Chairman of Ngā Kaitiaki o Ngāti Kauwhata considered that Fonterra are as powerful as the regional council, because they are significant economic actors:

Researcher: Who are the groups or people on that forum in your mind that have the most power?

Participant: Horizons Regional Council and Fonterra. When we’re looking at solutions and the kōrero’s “he aha te rongoa?” What’s the remedy? Inevitably it comes down to pūtea and who’s going to pay. Fonterra take a lot of funds through here, it’s a dairying area, and so to me they have major influence.

Iwi

The iwi participants identified ways in which iwi both lack power, and possess power. The Chief Executive of TMI observed that on the forum:

Iwi sit there but we lack a lot of the capacity and the resources to actually do anything, so I think that kind of makes us weak, but at the same time I think we have the ability to also upset the process as well.

The former TMI environmental officer recognised that iwi possess some power ‘from the various pieces of legislation and statutes that these councils have to follow’. Overall, however, he believed that iwi are not powerful actors on the forum, because iwi do not possess economic resources or political influence. He was frank in saying:

If iwi were actually a big user of the river and making a lot of money, if iwi were actually the Higgins⁸⁹ of the river or whatever then they’d have more of a say. But iwi aren’t, so people don’t understand the iwi’s connection so they don’t value it. We’re not Federated Farmers, we’re not an economic powerhouse in the community or a political powerhouse.

Coming from a similar perspective, the Chairman of Ngā Kaitiaki o Ngāti Kauwhata felt that iwi were ignored on the forum because iwi cannot fund the actions needed to restore the river. ‘Sadly, we’re to be forgotten’, he said. ‘You can have all the flash words under the sun but in the end someone’s got to pay for it’.

However, iwi participants also identified values that iwi possess, such as kotahitanga (unity), that iwi could use to increase their influence in the forum. An experienced Raukawa practitioner argued that iwi need to strategise to come together to exert their influence. ‘Māori do have a level of power’, he said,

⁸⁹ Higgins Limited is a major civil construction contractor in Palmerston North and extracts gravel from the Manawatū and other river beds for aggregate for its construction activities.

‘and we need to capitalise on that. We actually need to get together and use it, and this is typical post-colonisation times where we’re all quite disjointed, we’re not working together, kotahitanga is frayed’.

Outside the forum, representatives of Ngāti Raukawa, Ngāti Kauwhata, Rangitāne o Tamaki-nui-a-Rua and TMI came together in a collective iwi workshop on the Manawatū River. At that workshop, they identified ‘goals, actions and timelines for addressing the cultural state’ of the river.⁹⁰ They also strategized to compile the outcomes they wanted for the river, and then communicate these outcomes clearly to the forum, in the early stages of the forum’s business ahead of the other participants:

We had already come to an agreement amongst ourselves in the iwi caucus about the remedies we wanted and we were looking for and we set those four goals that we wanted ... and so we were able to arrive at the table while the rest, including DOC, Fish and Game, Fonterra, Vision Manawatū, were scratching their heads (Chairman, Ngā Kaitiaki o Ngāti Kauwhata).

The forum facilitator recalled that the pre-meeting preparation carried out by the iwi representatives ‘was respected by others’. From his perspective, the ability of these representatives to collectivise to generate contributions to the forum also revealed them to be better collaborators than some of the other forum participants. He recounted that:

We agreed to develop goals for all of the sectors and some of the sub-groups (industry and councils) took ages to do this with lots of

⁹⁰ Minutes of Collective Iwi Workshop on Manawatū River, 22 April 2010, at Te Hotu Manawa o Rangitāne o Manawatū Marae, Palmerston North.

prompting from me. It was very obvious that the iwi and environmental sectors are more experienced at working collaboratively in a caucus-type situation.

The DOC Area Manager noted that working together strengthened the ability of the iwi representatives to 'influence the rest of the group'. In his mind, the effectiveness of the iwi representatives:

increased a lot when they started to caucus outside of the Accord process together and then bring almost a united message. Obviously they didn't agree with each other all the time but they made a conscious decision [that]: "Look, we're not getting anywhere doing this the way we're doing it. Let's climb on board the same truck and, you know, we're driving a heavier truck and we can have more influence and get our message across".

Environmental interest groups

Two participants identified the environmental interest groups in the forum as not occupying a strong position in the group. One said:

The small stakeholders in there, they do a lot of talking and they have a lot of huff and puff, but I don't see them as having a lot of influence.

The other expressed a similar view, stating:

Groups like the Manawatū Estuary (Trust) are a small group amongst themselves that have a voice but their pull wouldn't be that great.

One iwi organisation representative believed the environmental interest groups on the forum felt superior towards the iwi participants. He considered that the attitudes of these groups were a remnant of the Crown's colonisation agenda, which privileged settlers by acquiring land and other resources from Māori for settlers. He saw that:

In the acquisition of land, Pākehā have assumed they usurped the water rights as well, which has flowed on through society. We have a number of non-government agencies and community groups, Pākehā community groups that feel they have a greater right and greater responsibility to the river than iwi Māori and that was still filtering through to the end.

Agendas: what are people playing for?

Several participants observed that all the representatives on the forum brought their own, individual agendas to the group. Two participants commented that:

Everyone has their own vested interest, everyone's there for a particular reason,

and in the forum:

it's a whole lot of groups with a whole lot of dynamics going, a whole lot of agendas.

Participants expressed a range of views about what they believed these agendas were, with some identifying economic priorities – making money and avoiding costs – as a key driver. A Ngāti Raukawa koroua, when asked 'what do you see as some of the motives of the stakeholders who are there?' replied, 'Money,

money'. Two participants identified the actors associated with the farming sector and the Palmerston North City Council as entering the forum with economic agendas. The Chief Executive of the regional council regarded these participants as coming 'from an economic lens as first principle'. From his perspective, this lens drove them to seek 'affordable solutions that allow them to continue to function' and 'provide jobs, food on the table' that 'keep the region going'. A TMI environmental officer believed that the regional council is strongly influenced by the perspectives of Federated Farmers, farmers and the dairy corporates, because over half of the elected representatives are or have been farmers, or have a connection to farming through their employment or personal relationships. Subsequently, he regarded the regional council as having:

very much a Federated Farmers focus, or a farming focus, and the majority of the councillors are farmers so they have their own political drivers within their agency.

The Chief Executive of TMI argued that Palmerston North's City Council's agenda is to keep rates down. She maintained that to fulfil this agenda, the council would avoid spending money to upgrade their wastewater treatment and disposal system and continue to pollute the river:

The Palmerston North City Council, I mean, they're one of the biggest polluters of the river and they're not interested in forking out money [for] land-based discharge because it's going to cost them millions and millions, so they're going to want to keep discharging into the river. They know that they can't keep discharging to the capacity that they are, but they're going to want to minimise any cost or expense for the city as a whole.

Another iwi interviewee suggested that councils are strongly influenced by the ratepayer franchise and minimising rates, but do not recognise the outcomes that Māori ratepayers are seeking for the river. He remarked that:

Horizons will say, you know, 'our ratepayers. Because of them what rates do we strike?' forgetting that we as iwi are ratepayers. We're ratepayers to the regional coffers and we're ratepayers at our local territorial authorities.

The former regional council manager suggested that different individuals within the council had different agendas. His priority was 'actually having a piece of paper in front of us that we could actually get on with and actually do some stuff'. However, he recognised that 'depending [on] where else in the organisation you were', the priorities were different. In some parts of the council:

It would be more around having good working relationships ... for some it would be to show that the regional council is actually important in this stuff or the regional council has a lead role, or a whole bunch of wishy-washy rubbish that is all about grandstanding and politics as opposed to necessarily the health [of the river].

While this participant was cynical about the substance of some of the reasons individuals connected with the regional council were participating in the forum, he recognised that they could not be dismissed. The agendas these people brought to the forum were 'important, because they are the motivators or the drivers of the people who have to give approval for all that to continue'. The regional council Chief Executive articulated two priorities for the council: first, the river, and second, encouraging all the forum participants to take

responsibility for the poor state of the river and for improving it. He claimed that:

What we wanted to achieve was first of all a collective ownership of the issues and the successes that we would yield around the river. We wanted to put the river first and try and get a sense of common alignment of views and aspirations that we could all work to and play our part in the mix of things.

Also speaking from an organisational perspective, the DOC Area Manager believed the outcome that the department was seeking to achieve in the forum – their ‘stake in the ground’ – ‘was to help everyone else achieve increases in water quality’. As an individual, however, he entered the forum wanting the collective of actors with interests in the river to accept and share responsibility for the river’s decline. He sought ‘an acceptance by everybody that the problem is everybody’s’. At the same time, he believed ‘there’d been a lot of blame’, which he implied was counterproductive. ‘Out the other side’, therefore, an objective for him ‘was getting rid of the blame’.

Iwi contributions

When asked the question: ‘what do you think are the contributions that iwi bring to the forum?’ the forum facilitator and the participants connected with the statutory agencies all gave answers that touched on three closely related elements: a different worldview, a holistic perspective of water, and an understanding of the connections between people and the river.

The DOC Area Manager observed that the iwi participants on the forum ‘brought a very different way of looking at the world’. The regional council

Chief Executive, the forum facilitator, and a former regional council manager shared this observation, and explained that iwi perspectives of the river were wider than the perspectives of the Pākehā forum members. According to the facilitator, the iwi representatives 'brought an understanding that the river is ... not just a bit of water we've got to get clean because we want to fish and swim in it'. The former regional council manager made a similar comment, remarking that the iwi representatives:

put in people's minds that the river isn't just a series of resources to be used and then argued about and allocated out. They described the connection and the social aspects of the river.

The regional council Chief Executive regarded the iwi participants' perspectives as being 'more holistic' and 'not about ownership'. In his mind, the iwi representatives emphasised 'the health of this resource that will live beyond all of us'. 'For most people', he noted, 'it's a different perspective'.

Iwi perspectives poorly understood

All these participants commented, however, that Pākehā forum members did not understand iwi perspectives of the river. They indicated that it was important for iwi forum members to explain these perspectives to their Pākehā counterparts. To provide clarity for the Pākehā representatives, the regional council Chief Executive hoped that iwi would bring 'all the time, a combined voice around some of the cultural things that many of us don't understand, we can't necessarily connect to, but we know are important'. The forum facilitator recounted that 'the concept of mauri' – which is central to the primary goal of the forum – 'took a while for everyone to understand'. To help build the capacity of the Pākehā representatives to understand mauri and 'the

importance of waterways in the Manawatū to Māori', the facilitator noted that 'having the ceremonies around that, particularly when we signed the Accord was really important and ... having that explained ... was ... a huge contribution'.

Other participants also spoke about how iwi perspectives and knowledge of the river were not well understood in the forum. The former TMI environmental officer believed that Pākehā forum members:

just don't know what to do with it (Māori knowledge of the river). I think they don't know how to value it in terms of western science or in terms of western views of development and growth ... they are struggling to see how the cultural side would fit in with the economic development or whatever, and I think there's certain groups there like the farming group that don't consider that they have an effect [on the relationships of Māori with the river] because no one's explained it to them.

The regional council Policy and Consents Manager and the forum facilitator admitted that they did not always understand the iwi contributions to the forum. The Policy and Consents Manager confessed that he sometimes found them to be 'a bit woolly. Sometimes ... I don't know how the tyre's hitting the road with some of the things we're saying'. He suggested that some of the other forum participants were easier to understand because they were 'extremely factual'. He wondered whether the nature of their contributions could be attributed to them having 'a much more direct ownership of the resource (water)' and feeling 'the pinch' from constraints being imposed on using water. With regards to cultural health monitoring – a tool for measuring the health of rivers and streams in Māori terms – the forum facilitator admitted that he did not 'properly understand it' and struggled 'a bit to see where it all fits into this'.

Resistance to iwi contributions

Two participants who are from or work for the river iwi believed that some of the Pākehā members of the forum were resistant to some of the objectives iwi were trying to advance. One recalled that:

The moment we started escalating the desire for iwi input the resistance went up accordingly within [the group] right down to community groups who felt they should have had equal or greater influence in the Action Plan process than Māori, so it was a constant pushing against equal resistance. The more you escalated the iwi view the greater the resistance became.

Another remembered an occasion when representatives from Federated Farmers implicitly opposed two references that iwi forum members were attempting to include in the Action Plan. He recounted that:

They nearly ambushed us on our insistence in the Manawatū Leaders' Accord document on the Treaty of Waitangi reference and [a reference to] UNDRIP, the United Nations Declaration on the Rights of Indigenous Peoples... Federated Farmers arrived and went "this is all bloody wishy-washy stuff, this is all bullshit stuff, this is all emotive claptrap".

The same participant did not believe that iwi views were taken seriously on the forum. Rather, he believed that iwi were 'tolerated'. The forum facilitator observed that some of the iwi representatives were influential, but some were not. In his mind, those who were less influential:

came in with a statement, like at one stage someone said their position was that "all of the water should be drinkable at all times" and they wouldn't agree or their group wouldn't agree to anything

else. Well, the first reaction was “that’s impossible. We’re not ever going to achieve that”. It’s a bottom-line un-negotiable position and I think that was largely inexperience and that immediately gets everyone’s backs up.

Participants believed that iwi representatives on the forum or in the Integrated Freshwater Solutions workshops (see Chapter 4) who could articulate iwi perspectives of the river clearly to Pākehā forum members were more influential than those who could not. The forum facilitator noted that iwi representatives:

who can explain some of the cultural perspectives in a way that Pākehā can understand and talk about their aspirations for the river and show a willingness to negotiate and be part of that and be part of the solution can have a huge influence.

The DOC Area Manager made a similar observation, describing how:

There was a real turning point part way through where [name omitted] started to express [how Māori relate to water] in ways that the rest of the group kind of started to get. And that was, I thought, a bit of power. Yeah, maybe a power shift, just a shift in understanding.

The forum facilitator identified attributes in particular forum representatives that he considered made them influential. These qualities included coordinating people in the background and crystallising ideas and articulating solutions in the forum itself. Of the participants who demonstrated these traits he said:

[The Chairman of Ngā Kaitiaki o Ngāti Kauwhata] was very active behind the scenes in liaising and negotiating and doing things;

similarly with [the Chief Executive for TMI]. She didn't attend the workshops but was the coordinator for the Rangitāne side of things ... the mayors' attendance was quite patchy but occasionally they're influential, [the Horowhenua District Council mayor] particularly ... gets a bit impatient sometimes, but quite good at cutting through stuff and saying "let's do this".

He also described one of the Ngāti Raukawa representatives as being 'a key influencer', because:

She has the ability to read and understand a situation, including what's going on for different parties, and suggest ways to bring people together. Several times during the forum she was instrumental in getting us through log jams by suggesting a way forward. She manages to do this quite subtly and in a respectful way.

He suggested that iwi representatives 'who network and build relationships with other people and are seen to be reasonable' are more likely to be heard and valued by other members of the forum. From his perspective, iwi representatives could 'be reasonable without giving up a whole lot of stuff'. It is:

more about the way you approach things, like taking the time to listen to other people's views as much as you want them to listen to yours and going and operating in the spirit of collaboration and sharing rather than the spirit of adversarial stuff.

The regional council Chief Executive expressed a similar view, stating that iwi perspectives are 'useful' if they are 'couched in the right way'. Equally, however, iwi representatives were irritated and discouraged by Pākehā participants who could not understand their viewpoint. The DOC Area Manager recalled that:

In the beginning, I know that a lot of iwi representatives found it really frustrating that they couldn't get their points across to the non-iwi members because the non-iwi members didn't get the construct they were trying to get across.

The former regional council manager proposed that the extent of an individual's influence is shaped by whether others recognise and value them. He was of the view that:

I don't think anyone in there didn't have an opportunity to influence in some shape or form. It's more to do with [the] perception of the role that they had. And you can't do that yourself, it's really dependant on the others to say, "yes, you had an influence" or "no, you did not".

Being recognised by the regional council – the most powerful actor in the forum – was important to two iwi participants. One identified being acknowledged by Horizons as 'quite valuable' because 'Horizons manages the river, they're the ones that have all the power'.⁹¹ The other considered that not being recognised by Horizons was 'a major barrier' to his iwi achieving their aspirations for the river. For this reason, he wanted his iwi to avoid being seen by Horizons as 'an add-on, or an encumbrance, or a hindrance'.⁹²

Cultural differences

Speaking in broad terms, iwi participants acknowledged the reality of cultural differences between Māori and Pākehā, and how these differences affected them. The Chief Executive of TMI was resigned to the fact that Pākehā have a

⁹¹ Former TMI environmental officer.

⁹² Chairman, Ngā Kaitiaki o Ngāti Kauwhata.

different worldview from Māori, and that this was an obstacle to her iwi achieving their objectives for the river:

You will always have the tension between the Te Ao Māori and the European view and the European view's always going to be a barrier because Europeans think like Europeans, they don't think like Māori.

For example, the former TMI environmental officer stated that not building understanding between Māori and Pākehā participants to a project can lead the project to fail. He remarked that:

with some groups, we don't get past that cultural difference stage or that ability to be able to sit down and say "well, this is where we're coming from, we understand where you're coming from, this is the compromise we see going forward", so it just kinda stops there and it's the end of the project basically.

A Ngāti Raukawa environmental practitioner commented that cultural differences between individuals who work for councils and iwi representatives can prevent work that iwi value from going ahead. From his perspective, councils:

have the stuff that they want to achieve and it's based on all sorts of things ... sometimes quite different to ours and it's really hard trying to promote and introduce in some cases, the values that we hold and the work that we see as important to us.

As a consequence of these types of experiences, the forum facilitator suggested that some iwi representatives came into the forum already feeling marginalised and behaved antagonistically. He was sympathetic to their feelings:

You can understand where people come from with an adversarial approach, because they have often felt marginalised, and you and I both know that a lot of our decision-making processes in this country don't treat Māori terribly well and the Treaty's not particularly well integrated into New Zealand yet and so there's obviously that sense of frustration.

While he understood why some iwi representatives might have approached the discussions in the forum in this way, he considered that their contributions would have been dismissed by others in the group if they were:

sort of brow-beating, lecture-type stuff, you know, where it goes from being an explanation of something and a sharing of cultural values to "we believe this and you've got to do it" sort of thing.

Collaboration enables relationship-building, but challenges remain

Four participants – two representing iwi on the forum and two from the regional council – described how the forum has enabled iwi to develop relationships with the council and other forum participants. The current TMI environmental officer remarked that the forum has helped them begin new relationships, and strengthen existing ones:

There are some new agencies around the table that we don't normally deal with and some that wouldn't recognise us up until their inclusion in the forum, so it's been quite good in terms of both cementing old relationships, but getting new recognition.

A representative of Te Kāuru considered that the forum had assisted them and other iwi to improve their relationship with the regional council:

Horizons had a very poor relationship with tangata whenua [but] ... this Action Plan's helped shift that dynamic some.

Participants connected with the regional council agreed that the relationship between the council and Te Kāuru had improved as a result of Te Kāuru's engagement in the Accord. The Chief Executive observed that Te Kāuru representatives 'have become far more engaged since the Accord' was initiated. The Policy and Consents Manager indicated, however, that Te Kāuru, more than the regional council, were driving the engagement. He saw that:

They've got quite a desire from the Accord. It's quite a desire to interact and capacity-build on their side particularly, share knowledge ... We just haven't got around to getting on with it.

Collaboration: benefits

The forum facilitator and participants associated with the statutory agencies identified four benefits of collaboration: participants can hold each other accountable for implementing the actions; the process can encourage diverse parties to collectivise around a cause and act to address it; the forum has been able to attract money to partially fund the actions; and bringing the parties together can help reduce conflict and encourage them to agree on a range of issues.

Accountability

The former regional council manager believed that 'environmental groups, iwi groups, can be using the Accord to be subtly putting pressure on all the time: 'You have to do this for the Accord's sake, you have to do this for the Accord's

sake'. The forum facilitator remembered that forum participants leaned on each other to adopt certain actions in the process of developing the Action Plan:

There was a bit of peer pressure around ... saying "perhaps you should do this or that" ... and quite a few actions got dropped out. There were some quite cheeky ones really but fair enough. It was a way of advocates in that process saying "hey, I think something should be done about this".

The DOC Area Manager recalled that Federated Farmers were pressed to sign the Accord, after initially refusing:

I think they had a lot of pressure put on them by the other signatories to the Accord to say "Look, come on, play the game, sign this thing, how big a deal is it?"

He also envisaged that in the future, as part of holding one another accountable, the leaders would pressure each other if actions were not being achieved:

It will be up to the leaders within the forum to look at the Accord and say "Bugger, we're not delivering on that". And I guess there's going to be a bit of peer pressure and it might come down to a few fingers being pointed if stuff isn't happening.

Collectivising around a cause

Participants regarded the Action Plan as a very positive initiative that, if implemented, could potentially restore the river. Two of these participants described the Action Plan as 'a very, very good first step' and as having 'a really good chance of doing good things for water quality'. Both emphasised, however, that the success of the Action Plan relies on the actions being

implemented, with one describing 'delivery on the Action Plan' as 'critical'. The regional council Chief Executive expressed the same view, stating that 'the real test now is to deliver on those commitments (in the Action Plan) and [ensure] the river sees the benefit'.

Attracting funding

The forum facilitator and the regional council Chief Executive attributed the positive nature of the Action Plan primarily to the funding that the forum has attracted from the government, and that stakeholders have committed to implementing actions. The facilitator regarded the forum as:

really effective in the sense that we've managed to lever \$5.2 million out of the Government and as part of doing that have managed to get commitment of another \$25 million from the different stakeholders, because that process involved people saying "we'll do this if we get some government funding". So we've got a \$30 million spend in the next two years on cleaning up the river, which is pretty remarkable really.

Similarly, the regional council Chief Executive acknowledged the forum as being a success because:

We got the aspirational goals, put 100 or something actions in the Action Plan, [got] \$5.2 million from government to help us along the way, so it worked.

He also anticipated, however, that the money allocated by government would not be distributed equally: 'some people are going to get some money, some people aren't'. He expected that those signatories who did not receive money

might withdraw from the forum, and this might compromise the sustainability of the group.

Reducing conflict

Participants spoke about how collaboration brings diverse actors together into the same space. In this space, these actors can potentially resolve contentious issues without resorting to litigation. The former regional council manager recalled that one of the reasons for establishing the forum was to end some of the long-running disputes the council had been engaged in with various parties. Instead of continuing to fight, council officials decided to form:

a partnership-type arrangement that brings everyone inside the tent rather than outside throwing stones at it, everyone's in there, and then that allows, particularly when district councils apply for resource consents to do sewage upgrade works and you need consents for that and the parties around there might be in a position to say "we understand what the implications are, we understand the constraints you're under, as a result, here's a way forward".

Facilitating agreement

The DOC Area Manager emphasised that the collaborative space provided by the forum enabled the various parties to arrive at a point where they could agree on a range of issues. He described his experience of the collaborative process in the forum in the following way:

You start off and you're all squabbling and arguing and then you start talking amongst yourselves, you come up with a good position, you get a bit more collaborative and you come out of the

end of it all agreeing to disagree on a bunch of things, but agreeing on a whole lot of others.

In his mind, 'the single biggest achievement of the Accord' was the parties coming to an agreement that 'there's a problem and that it's my problem and it's everyone else's problem as well'.

However, the politics remain

The same interviewee was quite optimistic that the process of collaborating could reduce – but not remove – the politics between the participants in the process:

There should have been a box at the door named 'History and Baggage' that you could drop stuff in as you came in because there was a lot of that [bringing history and baggage in the door] that happened ... and it sort of faded away. Well, it didn't fade away completely, it was there.

The forum facilitator and the regional council Chief Executive were much less optimistic. The facilitator was clear that in a collaborative setting 'the politics don't go away, and they come back to bite you at one time or another'. The regional council Chief Executive considered that a collaborative model might overcome the game-playing that occurs between participants in the process of making decisions about water sometimes, but not all of the time. He likened the decision-making process for water to a rugby game:

The current process allows for multiple kicks at goal. In other words, you can collaborate and if you get what you want, fine, I'll take that, three points, move on. But if I miss then I'll hold back and I'll have another shot when it comes to the council hearing and

then if I miss I'll hold off again and I'll have another go at the Environment Court ... whether a collaborative process overcomes that? For some things it will. But I think for some really hard, difficult decisions for New Zealand around limited resources like water, in some parts, that people will carry on playing the game because the stakes are very, very high. And at the end of the day, you're going to have to make a decision. Someone's going to have to make a decision and the sad reality is you can't make everyone happy. It's a win-lose game. There might be a win-win situation in some cases, but there will ultimately be win-lose games ... "You get some water, you don't".

Collaboration: challenges

All these participants identified significant challenges associated with ensuring the forum implements the Action Plan, and contributes to restoring the river: the risk that elected representatives might abandon the forum to protect their political careers; promoting the Action Plan to multiple constituents; apathy; the fragility of multi-stakeholder collaborative agreements; and the physical and political complexities of restoring the river, and ensuring that the parties deliver on their commitments.

Political abandonment

The former regional council manager predicted that elected representatives would be tempted to abandon their commitments to the Action Plan if adhering to them threatened their chances of being re-elected to council. 'There will be an enormous amount of fudging and delaying from certain parties to wiggle out of their responsibilities', he said:

The district councils are willing to do things, but again it's within fiscal constraints and envelopes that they've got to work in and it requires councils – so the elected officials – to be brave and courageous around some of this stuff, and they're not. They want to be re-elected. They want to have the power associated with being an elected official and all the ratepayers are saying "we don't want rate increases". Now they've [the councils] all got buggered infrastructure and it's going to cost them an inordinate amount of money to actually fix those and repair them to a standard, which meets even part-way the requirements of the Accord and the One Plan so instantly they're going to get off-side with their constituents.

The forum facilitator was hopeful that establishing the forum, signing the Accord, and developing the Action Plan, would give ratepayers confidence that actions were being taken to restore the river, and encourage them to accept councils spending possibly increased amounts of money on activities that would improve the river. He believed that:

The community's views about the river have changed ... actually coming together to do something about the river ... it's actually changed the dynamic in people's minds around the river and I think that's really important and it's going to be needed because in order to carry on this work, you're going to need rates money for that and you're going to need people to actually see some value in it. So you need a public mandate for it and you won't get that if people don't think there's anything happening or if it's a shit river and nothing's going on here.

Promoting the Action Plan

The DOC Area Manager was not convinced that the communities represented by the signatories supported the Action Plan, or had complete knowledge of how the actions in were formulated. He was clear that the signatories – and the regional council as the statutory management authority for water – still needed

to increase awareness of the Action Plan amongst their constituents. This task, in his view, would not be easy:

The difficulty is taking it from the group who were representing everybody – the public, the ratepayers, tangata whenua, business, farming – and expanding that out to everybody. There was a lot of compromise, there was a lot of ‘we’ll do that if you do this’ so it’s kind of about socialising it ... If you’re talking about tangata whenua, it’s really up to tangata whenua to convince tangata whenua that this is a good idea and it really is up to business to convince business that this is a good idea. But at the same time, all of that’s umbrella’d by the regional council because water quality is their bag.

Apathy

The forum facilitator agreed that the signatories have a responsibility as leaders to both promote the Action Plan amongst their constituents, and represent the views of their constituents to the group. In his mind, some signatories, such as Federated Farmers, did not work as actively as they could have to build understanding of the Action Plan amongst the people they were representing. He found their apparent apathy frustrating because ‘a lot of farmers feel hard done by’, but their support, as was noted by another participant, is ‘the critical one for the Accord to work’. He saw that the job of the leaders was:

To bring them [your constituents] with you, but also you probably do need to show some leadership rather than just going back to everyone saying “I don’t know what to do, tell me what to do”. I think by being part of a process like that you learn and then you have a responsibility to take your knowledge and understanding back to the people you’re representing and work it through with them and build some agreed stance, you know, and I felt that was lacking in some cases.

Collaboration is fragile

The regional council Chief Executive considered that leadership will be critical to the forum seeing 'it's journey through'. He expects that 'the forum will have some bumpy times' and strong leadership will be needed to keep the group focussed on achieving its goals. He was mindful that if the forum has 'reasons to fracture and lose the leadership', 'the journey will be halted very quickly'. He regarded collaborative initiatives such as the forum as being 'very fragile' and:

only as good as the last conversation you've had and in the early stages there is a compelling urge for people to pull away because it's safer and easier ... it's easier for me to sit over here and throw stones at somebody else than [to] actually engage and be part of the problem and they're so fragile that it doesn't take much for people to find an excuse to pull away.

The complexity of the task

The forum facilitator recognised the delicate nature of the collaborative process the forum has embarked on, but also the complexity and enormity of their task. He said:

Cleaning up the Manawatū River is bloody difficult you know! It's a polluted river and without getting into any arguments about how polluted, there's a lot of misunderstanding about the science around it and there's so many different factors. There's town sewage, there's dairy farming, and sheep and beef farming, there's just all [these] things, so trying to get (a) everyone to understand what's going on here and then (b) get them to agree on what should be done about it is very difficult. And we've made a start but it's going to be a long process.

Conclusion

Far from being a level playing field, the Manawatū River Leaders' Forum is a hierarchical institution in which there are significant inequalities between the participants. The regional council is the most powerful of these participants, because they have all the capitals that are valued in terms of managing the river: statutory authority, economic resources, science, and staff. Furthermore, the regional council controls the forum: the council set the forum up, it selected the participants, and it funds and administers the group. The district councils, the farmers, and Fonterra are also highly influential. They are significant economic actors in the region and polluters of the river. Their commitment to the Action Plan is the most critical, but it also the most tenuous. Representatives of these parties have actively resisted pressure in the forum to agree to actions that threaten their own agendas. They have struggled and strategised to keep the game being played in the forum, if not working completely in their favour, then not working dramatically against them.

Iwi are structured into a weak position in the forum. The forces that structure iwi into this position bear striking similarity to those that structure iwi into the same position in the broader fields where decisions are made about the river (see Chapter 5), and about natural resources across New Zealand (see Chapter 2). The first of these forces relates to capital, that is, iwi lack economic resources and the cultural capital that is valued in the forum, such as science. The second force relates to the relationship between Māori and Pākehā. Pākehā forum participants – who generally occupy more powerful positions on the forum than iwi representatives – have contested iwi attempts to advance their aspirations and Treaty and indigenous rights in the forum. Pākehā forum members also do not understand, and therefore cannot value, iwi perspectives

of and contributions to the river. Moreover, if iwi representatives behave in an adversarial manner – a manner that is consistent with a marginal position in the field and a habitus that is structured by the experience of being colonised – they are more likely to be ignored by the Pākehā participants. All these forces serve to re-produce the inequality that already exists between iwi and other forum participants.

Collaboration may be a useful strategy for iwi to use to pursue their aspirations for the river. It provides a platform for iwi to build relationships with powerful actors and to influence these actors, particularly if iwi representatives work in unison. However, unless collaboration can enable iwi to acquire valued river capitals, its transformative potential is limited. Collaboration is not a game-changer.

Collaboration could, however, provide a process through which all the parties can work together to restore the river. Early progress has been positive, but the challenges ahead are significant. Mostly, these have to do with the possibility that the most influential actors in the forum will withdraw, because they cannot advance their agendas – which are essentially anathema to the river – in the group. The implications of these findings, and those in Chapters 4 and 5, are discussed in the following chapter.

CHAPTER SEVEN: POWER

Power structures the contributions of iwi in multiple ways into a marginal position in the field where decisions are made about the Manawatū River. These ways are stable and persistent, and despite positive, incremental changes that have happened in this field and in the broader resource management field over time, they remain intact and unyielding. While many other researchers have written about all of these aspects (see Chapter 2), they have not necessarily bundled them together and examined them as expressions of power that work to position Māori in a particular manner in resource management. Bourdieu's concepts of field, capitals and habitus have been used to undertake this analysis. These concepts form the main part of the lens that is used in this chapter to discuss the research results.

In keeping with the kaupapa (subject) of the research, the theoretical framework has proved to be fluid and malleable and able to move easily from past to present and between different groups of people. For this reason, the discussion presented in this chapter is also fluid. The chapter begins with a conversation about the usefulness of Bourdieu's theories for examining how power structures iwi contributions to decisions about the river. The second part of the chapter starts with a focus on the local field where decisions are made about the river, but quickly moves out to the national field where broader decisions are made about water. It then returns to the river, and continues to ebb and flow between these local and national fields, and from past to present. The chapter ends with a discussion of collaboration that is centred on the Manawatū River Leaders' Forum. Here, the question of how power structures the contributions of the river iwi to the forum is answered. Answers to other

questions are also hinted at. These questions concern how power structures the positions of certain actors and their agendas in forum, and what this may mean for the river in the future.

The theoretical framework: Bourdieu

The concepts of field, capitals and habitus (see Chapter 1) have provided a holistic and flexible framework for analysing how power shapes iwi contributions to decisions about the Manawatū River. These concepts have enabled the researcher to develop an understanding of power: what it is, the many guises that it assumes, and how it operates to produce inequality between iwi, and between iwi and other actors. Inequality is a pervasive theme in the research and is the principal issue that the research has come to highlight.

Field

Field has provided a framework for examining power in the spaces where Māori struggle to restore and reclaim resources, such as the river. Three ideas relating to field have been particularly helpful for analysing and understanding how power is operating in these sites:

- 1) There are many fields and sub-fields that overlap one another and are structured by the same structures.
- 2) Fields are unequal and so are the actors who populate them. This inequality is produced by the types and volumes of capitals that these actors possess.

- 3) Fields are sites of struggle in which actors compete against each other in a game-like fashion for stakes they are playing to win.

Fields and sub-fields are structured by the same structures

The spaces in which Māori struggle with the Crown, local authorities and other actors to restore and reclaim the river and other resources can be conceptualised as overlapping fields and sub-fields all shaped by the same structures. This idea has provided a means of explaining similarities in the experiences of Māori at national and local levels. For example, the use of strategies by Māori at the national level to restore and reclaim resources is no different from the use of strategies by river iwi at the local level to restore and reclaim the river. While the individual strategies differ, the use of strategies is the same, as is the struggle. The struggle is generated by the structure of both fields, which are organised more or less in the same way and by the same forces. Principal among these forces is the colonial relationship between the Crown and Māori.

The Crown acquired power over water and other resources from Māori in the process of colonisation, and vested it in itself and other actors, such as local bodies and settlers. In doing so, it completely re-structured the field. Iwi and hapū who once occupied the dominant position in the field were all but excluded from it. While iwi, including the river iwi, now have a presence in the field as a result both of strategies they and others have used and related transformations that have occurred, the structure of the field is largely the same. In the national field, the Crown and local government dominate. In the catchment, regional and local bodies, farmers (as the descendants of settlers or the beneficiaries of land that was first acquired by the Crown for settlers),

Federated Farmers and dairy corporates hold dominant positions, while iwi struggle and strategize out on the margins.

Inequality in the field

Such inequality has been highlighted in the research by examining the different types and volumes of capitals that the actors in the field possess. In the field where decisions are made about the Manawatū River, the research clearly shows that the regional council, district councils, and actors associated with farming are powerful because they possess large volumes of valued capitals: economic capital, mainly, but also highly valued cultural capital. In the national field, the story is the same. The Crown and local authorities dominate the field because they have acquired significant quantities of the types of capitals that enable them to do so. Iwi tend to lack these capitals (as shown in Chapters 2 and 5), and consequently tend to occupy a marginal position in the field. Treaty settlements present a game-changing strategy for iwi to restructure the field and improve their position in it. As a result of this process, some iwi now possess valuable capitals that make them more powerful players in resource management (see Chapter 2). In the Manawatū River catchment, Ngāti Apa have finalised their settlement, and all the other river iwi are pursuing settlements to acquire similar capitals and therefore, power.

Inequality is not confined to the relationships between iwi and other actors; it also exists between iwi. Inequality between the river iwi can be identified in three areas: (1) resources; (2) capacity; and (3) the quality of the social relationships that iwi have with the regional council. For many years, it appears that TMI have been strategizing to acquire various capitals that will enable them to achieve their aspirations for the river and other resources. These

capitals also appear to have given them an advantage over other iwi, and include: a structure that statutory bodies can engage with (cultural capital); a small number of paid staff with expertise in science (cultural capital); the means to pay these staff (economic capital); and a long relationship with the regional council that has been developed over a number of years (social capital). The latter has also helped TMI in their Treaty settlements negotiations, which if finalised, will enable them to acquire additional economic and cultural capital.

As well as proposing that fields and the actors in them are unequal, Bourdieu also posited that actors compete against each other for capitals, and for particular stakes that they enter the field to win (see Chapter 1). These ideas have been particularly helpful for understanding inter-iwi politics. During the interviews, iwi participants spoke frankly about instances of conflict between iwi (see Chapter 5). One of these examples involved TMI's formal relationships with local authorities giving them preferential access to resource management processes in areas where other iwi have customary authority. Following Bourdieu, this situation can be explained as competitive behaviour between iwi for recognition (cultural capital). Such recognition is powerful because it can allow the iwi that acquires it to accumulate other capitals such as contacts (social capital), experience (cultural capital), knowledge (cultural capital), income – if such recognition leads to contracts to undertake work such as Cultural Impact Assessments (economic capital) – and acknowledgement in local policy documents (cultural capital). Accumulating these capitals then enables the iwi concerned to improve their position in the field relative to other iwi, and increase the possibility of achieving the outcomes they are seeking.

Stakes and game-playing

The notion of actors strategizing to win stakes has also been useful for understanding game-playing between actors, and for challenging the assumption that game-playing is eliminated in collaborative arrangements like the Manawatū River Leaders' Forum. Participants in the research were forthright about the stakes they believed forum members were playing for and strategizing to win: (1) maintaining farm profitability; (2) keeping rates down and ratepayers happy; (3) avoiding spending money on farms and district council infrastructure that would improve the state of the river; (4) improving the profile of the regional council; (5) increasing the visibility of elected representatives; (6) enhancing working relationships between forum members; (7) restoring the river and having a plan to do so; and (8) sharing the blame and responsibility for the river's poor health.

As in a game, the stakes in the field are not equal – some are high and some are low. In the Manawatū River Leaders' Forum, members collectively accepted the blame and responsibility for the poor state of the river. One explanation for their willingness to admit culpability for the river's condition is that there were no costs involved; the members did not have to relinquish anything tangible to admit to polluting the river. For other, higher stakes, however, it seemed that such collective agreement would be more elusive, if not impossible, to secure, and forum members would selfishly pursue their own agendas using various strategies. The Chief Executive of TMI and a former regional council manager both anticipated that the district councils and actors associated with the farming sector would resist actions to restore the river that imposed costs on them. As it turned out, the district councils were reportedly reluctant forum

participants who had to be dragged through the process (see Chapter 6), and Federated Farmers initially refused to sign the Accord.

Capitals

Using capitals has provided a wider and more flexible framework for understanding what power is, and how it works. In the co-management literature, power is commonly interpreted as the authority to manage resources and make decisions (see Chapter 2). In the participatory governance literature, power has been theorised as taking visible, invisible, and hidden forms (Gaventa, 2006), such as policy decisions, agenda setting, and the socialisation of ideas that those in power wish to promote. Using capitals to think about power has allowed for a broader, more concrete and more adjustable set of sources of power to be considered than those discussed in these bodies of literature. These sources include: economic resources such as revenue, profit, land holdings, land value, and rates (economic capital); contact with science, planning and other technical experts and relationships between actors in the field (social capital); and statutory management authority, access to scientific and other technical information, and the belief that agriculture is vital to the regional economy (cultural capital).

Other ideas about capitals, such as the idea that some capitals are more valuable than others, have opened a way of thinking about power that allows for a deep and nuanced analysis. For example, it was evident that TMI had put considerable time and energy into forming a relationship with the regional council, and had worked on developing this relationship over a decade into one that they believed was positive and beneficial for them. Equally, senior regional council staff identified Rangitāne o Manawatū as the iwi with whom the council

has the strongest relationship. However, when it came to inviting leaders to attend the first meeting of the Manawatū River Leaders' Forum, the regional council neglected to invite TMI. Using capitals, there are various ways that this oversight could be explained. Three explanations might be that: (1) TMI's social capital is less valuable than the social capital possessed by other actors; that is, the regional council values relationships with other actors more than it values its relationship with TMI; (2) TMI has less social capital than other actors with whom the regional council may have had longer relationships or more contact; and (3) social capital is not the most efficacious form of capital in the field. Social capital is a capital that TMI have pursued and that some iwi participants believe is the most important form of capital for them to obtain. However, other forms of capital may more efficacious, such as economic capital and certain forms of cultural capital.

Habitus

Habitus has provided a means of analysing and understanding how actors' 'ways of acting, feeling, thinking and being' (Maton, 2008, p. 52) work as power to influence the contributions that iwi can make to decisions about the river. In the research, the attitudes, decisions, and behaviour of actors have been able to be conceptualised as the habitus that then works with the position of actors to structure Māori into or out of the field. For example, the resistance of senior regional council staff towards forming relationships with Māori worked with the position of those staff to structure TMI out of a relationship with the regional council. Conversely, the employment of new senior staff who were open to relationships with Māori worked with their position in the council to enable a Memorandum of Partnership to be signed with TMI. Clearly the

habitus and seniority of staff within the regional council are factors that can transform the field for iwi, or keep it the same.

How power structures Māori and iwi in the field

The fields in which Māori struggle with the Crown, local actors, and each other over the Manawatū River and other water resources are highly unequal. In the field where decisions are made about river, power structures the contributions of all the actors in the field into a hierarchy. The regional council is the most powerful actor in this field, because they have all the capitals that are valued in terms of managing the river. These capitals are economic capital in the form of economic resources, and cultural capital in the form of statutory management authority, science, and staff. Among the council staff, scientists and managers have power. Scientists carry out the science that is needed to manage the river and managers have budgets and the authority to approve expenditure.

Elected representatives from the regional and district councils, particularly the district council mayors, are also dominant actors. They have the authority to make political decisions about how much money is spent on activities to restore the river, and about the substance and implementation of policy relating to the river. Consistent with the national field of Māori representation in local government (see local election data in Local Government New Zealand, 2007b) Māori are almost completely structured out of local government decision-making roles in the catchment. At 2013, Māori comprised 17% of the population in the Tararua, Manawatū, Rangitikei and Horowhenua districts (Statistics New Zealand, 2013a, 2013b, 2013c, 2013d). However, between 2010 and 2013, only one councillor out of 57 in those districts and in the regional council identified as Māori (but not tangata whenua). At less than 2%, Māori

are woefully under-represented in local catchment politics. This extent of representation is lower than at the national level, where Māori make up 4% of elected representatives (see footnote 2 in Hayward, 2011b). Almost 150 years since Māori were first able to be elected to local bodies, it appears that little has changed. As in the 19th century, Māori still have ‘almost nothing to do’ (Ward, 1995, p. 269) with local government decision-making.

After the regional council and along with the district council mayors, farmers, the provincial Federated Farmers representatives, and the dairy corporates are the most powerful actors in the field. These actors are powerful for several reasons. First, farmers own three-quarters of the land in the catchment, or 450,000 hectares. Second, as significant landowners and businesses in the catchment, farmers also comprise an important constituency of ratepayers. Consequently, farmers have serious economic capital that they have been able to convert into two other types of capital: political capital, in the form of a majority of elected representatives on the regional council; and highly valued cultural capital, in the shape of the belief that farmers are vital to the economic stability and growth of the region.

The river iwi are one of the least powerful actors in the field. Iwi have significantly less economic and cultural capital in terms of economic resources, technical expertise and staff than the regional council, for example. Māori landholdings in the catchment are few,⁹³ and consequently, it is unlikely that Māori would comprise a significant body of ratepayers. Iwi differ between one another in the amount of economic and cultural capital they possess, with TMI

⁹³ See map on Māori land online (Māori Land Court, 2014).

(as a Rangitāne service provider) possibly having more capital than other groups, but still not much. Some groups are operating under such severe resourcing and capacity constraints that they cannot engage in planning processes at all, or they can only engage to a very limited extent that is not sufficient to protect their relationships with water.

The experience of iwi in the catchment is similar to the experiences of iwi throughout the country, as reported by Maynard (1998), the Parliamentary Commissioner for the Environment (1998), Tutua-Nathan (2003), and Te Puni Kōkiri (2006). In addition to that body of research, this research also highlights three other issues: (1) the subtle resource and capacity differences that exist between iwi and the implications of these differences for the extent to which iwi who have less capitals can contribute to decisions about the river; (2) the poverty of resources and capacity that some iwi and hapū experience; and (3) the massive inequality that exists between iwi and local and central government bodies, and between iwi and powerful stakeholders, such as farmers and the provincial branches of Federated Farmers.

Despite being in a marginal position in the field, iwi have the potential to re-structure the field by negotiating Treaty settlements with the Crown. A Treaty settlement enables an iwi to acquire valuable capitals in the field, particularly economic capital in the shape of the financial redress that is part of a settlement package, and cultural capital through possible co-management arrangements with the Crown and regional councils. The Horizons Regional Council is aware that it is highly likely that the pending settlement between Rangitāne o Manawatū and the Crown will elevate the iwi into a stronger position in the field compared with other actors, including other iwi who have yet to settle. For

all the iwi who are negotiating settlements, however, those settlements have the potential to be game-changers.

Environmental interest groups are the weakest actors in the field. Like iwi, these groups have limited economic and cultural capital, and despite being vocal, are not powerful. Nevertheless, these groups adopted an attitude of superiority towards iwi, and contested the outcomes that iwi were proposing in the Manawatū River Leaders' Forum. As one iwi representative saw it:

In the acquisition of land, Pākehā have assumed they usurped the water rights as well, which has flowed on through society ... a number of non-government agencies and community groups, Pākehā community groups ... feel they have a greater right and responsibility to the river than iwi Māori.

Feelings of superiority are part of the habitus. They have been laid down in the process of colonisation and the privileging of settlers in that process, and are reproduced over generations. Even though the Manawatū River Leaders' Forum is a collaborative institution, all the participants in it bring their habitus into the group. In the case of the environmental interest groups, the habitus manifested itself as behaviour that was resistant and competitive towards iwi. Had the representatives of these groups been more powerful, their way of being towards iwi might have been detrimental to iwi involvement in the forum.

The field of power: the colonial relationship

The field in which decisions are made about the Manawatū River, and the subfield of the Manawatū River Leaders' Forum, are structured by an overarching field of power. This field comprises the colonial relationship

between the Crown and Māori. Local government and Pākehā are also actors in this field.

After the signing of the Treaty of Waitangi, the Crown acquired the dominant position in the field using the instrument of the law (as discussed in Chapter 2). Through the law, the Crown declared itself the owner of the beds of navigable rivers and the minerals beneath them, and vested in itself a wide range of rights to use water. These use rights included: rights to use water, and transfer the right to use water, to generate hydro-power; rights to dam, divert, or take water; and rights to discharge water and contaminants to water.

As well as assuming a dominant position for itself in the field, the Crown also elevated local authorities into a prominent position using the law. From the mid-1800s, the Crown granted to a range of local bodies, such as provincial councils, drainage boards and river boards, extensive use and alienation rights in land and water. These rights included rights to: divert and dam rivers, sell the beds of rivers and streams that had been diverted, build structures on the beds and banks of waterways, alienate, modify and enter land to build and maintain drains, take land and water to prevent flooding, and change the course of rivers and streams to prevent flooding. Furthermore, the Crown empowered local authorities to plan – to manage and control the interaction between people and the environment – again, through the passage of a series of planning laws. Collectively, these Acts of Parliament have enabled local government to assume a dominant position in the field. The passage of comparatively more recent statutes, such as the Resource Management Act 1991, has served to re-produce this dominance. In the Manawatū River catchment, local government, particularly the regional council, maintains the most powerful position in the field, a position that is the direct by-product of the Crown's colonisation agenda.

Not surprisingly, Māori were not part of the re-structured field in which the Crown assumed the right to control water. As stated in Chapter 2, the Crown wanted to acquire resources and authority from Māori, not share them. Over a period of almost 140 years, Māori were progressively and unrelentingly pushed into a marginal position in the field, and in response, struggled and strategized against the Crown's agenda, and the effects of this agenda on Māori people, water and other resources. The passage of the Treaty of Waitangi Act in 1975 and the establishment of the Waitangi Tribunal signalled the beginning of transformation in the field. These changes were followed by others that included the incorporation of section 3(1)(g) into the Town and Country Planning Act 1977, important court decisions, the publication by the Waitangi Tribunal of a series of significant environmental reports throughout the 1980s, and resource management reforms in the latter part of that decade that led to the Resource Management Act being passed in 1991. Positive developments in the area of planning practice have followed, along with various improvements to the Māori provisions in the Act.

In the Manawatū River catchment, groups and individuals representing iwi and hapū now have relationships of varying strengths with the regional council, when there were either no relationships or strong resistance to forming relationships from the regional council before. The establishment of the Manawatū River Leaders' Forum has created a new sub-field that actors, such as Te Kāuru, have been able to enter and develop a relationship with the regional council that did not exist previously. Iwi, the regional council, and the Department of Conservation have entered into projects that facilitate relationship-building and enable them to learn more about one another. In the past, the council employed experienced people who knew how to build relationships with Māori, and there have been elected representatives on the

council who supported the council building relationships with Māori. These are positive transformations that have occurred in the field.

The structure of the field has not changed, however. As Māori have struggled and strategized, the Crown and local government have resisted. At the national level, Māori called for equal representation in resource management decision-making during the resource management reforms, and got consultation. No section 33 transfers of power to iwi have occurred since 1991. Although local authorities have been able to establish Māori seats since 2002, only two out of 78 councils have done so. In the river catchment, none of the local authorities voted in favour of establishing Māori constituencies and wards. The regional council resisted developing a formal relationship agreement with TMI for 5 years. Elected officials express racist attitudes towards Māori, and Pākehā stakeholders subvert Māori strategies to advance their aspirations by dismissing Māori for various reasons. These reasons include: if iwi representatives disagree with one another or contest one another's mana whenua to an area; if they get angry in meetings (a tendency that is consistent with the experience of being colonised and marginalised); if they articulate their ideas in a way that Pākehā stakeholders deem to be vague; or if they attempt to promote their rights as indigenous peoples or as signatories to the Treaty of Waitangi (see Chapters 5 and 6).

The structure of the field is re-produced by complex forces, one of which is the legacy of resource dispossession that Māori have experienced in the colonisation process. Through the acquisition of water and other resources, the Crown stripped Māori of an economic base, and vested this base in itself and others, such as local authorities, corporates, and settlers. Without this base, Māori could not accumulate the economic capital that would enable them to

reclaim a more dominant position in the field. This connection between the past and the present was recognised by at least one participant, who observed that a lack of resources is 'a historical problem that iwi have had all along'. Lack of resources limits the extent, and undermines the sustainability, of iwi involvement in planning processes decisions about the river and other resources. It also means that iwi cannot recruit enough people with the necessary expertise to represent them on issues relating to water and the wider environment. In the catchment, Ngāti Raukawa and two branches of Rangitāne have been able to employ a small group of people to undertake environmental work. Others work in the field in a generally unpaid capacity. Consistent with a 2006 report by Te Puni Kōkiri, the people in the latter group tend to have their own jobs and use their own resources, such as private vehicles, basic computer equipment and office supplies, to participate in planning processes.

The difference between the resources iwi can use to participate in resource management, and those the regional council, for example, has at its disposal are marked. In 2011/2012, the regional council estimated its total revenue to be \$49,041 million (Horizons Regional Council, 2012a, p. 180), and forecast this to increase to \$63,827 million over the decade. At that time, the council's Chief Executive employed 200 full-time equivalent staff, approximately half of whom were based in Palmerston North (p. 19). Iwi participants observed the inequality between the council and iwi, with one remarking that the council has 'got all the people, they've got all the financial resources'. In contrast, former and current council staff who also commented on the resource constraints iwi experience did not explicitly recognise this inequality between the council and iwi. That is, they recognised that iwi were grossly under-resourced, but not that the council had significantly more resources than iwi.

Such inequality also exists in the difference in technical capacity between iwi and the regional council, and also has its roots in the past. Using the law, the Crown established various local bodies, such as drainage and river boards in the 19th century, and more recently, district and regional councils and unitary authorities. The Crown vested wide powers in these bodies to affect, control, and plan for water, and in doing so, enabled these authorities to accumulate what they would determine to be valuable cultural capital, in the form of technical expertise, over a century and a half. Māori, on the other hand, were virtually excluded from resource management and planning until the passage of the Resource Management Act 1991, and consequently, were not able to develop this type of cultural capital.

Several authors have discussed the limited capacity Māori possess to participate in resource management and planning (Maynard, 1998; Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2006; Tutua-Nathan, 2003). This research extends the existing knowledge in this area in two ways. First, the research links a lack of Māori capacity to colonisation. As has already been discussed in relation to economic resources, colonisation operated to re-structure the resource management field and position local government as the dominant actor by enabling local bodies to accumulate valuable capitals, one of which was technical capacity. Second, the research identifies technical capacity as cultural capital, and therefore as currency and power in the field. The concentration of technical capacity in local authorities makes them powerful, while a lack of technical capacity has the opposite effect for iwi. Moreover, the dominance of local authorities and other statutory agencies, such as the Department of Conservation, enables them to determine those iwi with which they will engage, for example, iwi that 'have a structure ... they have staff, they have environmental staff who do resource consents and that sort of thing'. Iwi,

then, who do not have staff 'and an office' are potentially structured out of the field because agencies are much less likely to want to work with them.

Possessing limited technical capacity has other implications for iwi. In the worst case scenario, iwi cannot contribute to planning processes in a way that would enable them to assess the effects of activities and policies on their ancestral waterways, and therefore, to protect them. Where iwi have some capacity and can contribute to planning processes, they will be selective and strategize to involve themselves with the projects and groups that enable them to achieve the outcomes they want.

In addition to technical capacity, the regional council also possesses another type of highly valued cultural capital – statutory management authority. The power to regulate the river is a capital that regional councils have obtained through legislation, and that iwi hope to gain, but in a smaller quantity, through Treaty settlement negotiations with the Crown.

Consistent with research conducted by Sullivan (2003) and Local Government New Zealand (2007b), Pākehā – particularly older, Pākehā men – dominate the decision-making positions in the regional council and other local authorities in the catchment. The power of the ratepayer franchise prevails in the catchment, as it has since the mid-nineteenth century in other parts of the country (Mulgan, 2004). Because Pākehā dominate decision-making roles in local government, for the most part they make all the decisions, and can structure iwi out of decision-making. Pākehā may make deliberate decisions to exclude Māori from decision-making, for instance, by voting against the establishment of Māori wards and constituencies. Pākehā may also unconsciously exclude Māori, for

example, by not inviting Māori to participate in decision-making groups, such as the Manawatū River Leaders' Forum (as discussed in Chapter 6).

The regional council's oversight of iwi in the process of calling together the actors who they believed would constitute a leaders' group, might be explained by drawing on the concepts of field, capitals, and habitus. The regional council occupies the most dominant position in the field in which decisions are made about the Manawatū River. Its relationships with iwi vary. With the exception of TMI, who strategized to develop a long-standing, solid and formal relationship with the regional council, the council's relationships with iwi in the catchment range from minimal to fledgling to 'reasonably good'. Of all the groups representing iwi in the catchment, TMI has the most social capital to leverage off in the field to achieve the outcomes they want, because they have the strongest relationship with the regional council. As mentioned earlier, however, having this relationship did not enable TMI to get invited to the first meeting of the forum. Two conclusions might be drawn about this oversight. The first relates to capitals and has already been discussed. The second relates to habitus.

The habitus of the regional council officials who decided who to invite to the first forum meeting may have worked with their position in the field to lead them unconsciously to exclude iwi from that meeting. In the catchment, iwi have a presence in the field, but this presence is not established or uniformly strong. For far longer than iwi have been in the field, iwi have been structured out of it. It might be surmised, therefore, that iwi would not have been in the consciousness of the regional council officials when they decided who to invite to the forum. It is highly likely that officials did not deliberately neglect to invite iwi; rather they were pre-disposed not to invite iwi because iwi are virtually

absent from the structure of the field, and that structure has become embedded within the officials.

The dominant position of Pākehā in the field also means that they can decide how the game is played on it. In the workshops that were held to develop the Manawatū River Leaders' Action Plan, Pākehā participants chose to abandon a new meeting format that iwi representatives favoured, and revert to the meeting format with which they were familiar. Some Pākehā forum members had some understanding of iwi perspectives of the river, and valued the cultural capital in the form of mātauranga Māori (Māori knowledge) that iwi representatives brought to the forum. However, most did not. Other capitals, such as economic capital and forms of cultural capital, such as statutory management authority and beliefs that the farming sector keeps 'the region going', are much more highly valued. To be understood by the Pākehā forum members and to have their cultural capital valued by them, Pākehā participants believed that iwi representatives needed to articulate their views clearly, be factual, be reasonable, build relationships with others, explain tikanga-based events that reflect the connections of iwi to the river, and be solutions-focused. None of them spoke, however, about how Pākehā forum members might proactively improve their ability to understand iwi and therefore value their knowledge. The onus was on the iwi representatives to make themselves understood.

Power in the Manawatū River Leaders' Forum

The structure of the Manawatū River Leaders' Forum as a collaborative arrangement replicates the structure of the broader field in which iwi contest the management of the river. In the same way that power structures the

broader field, it also structures the forum as a sub-field. Thus, power structures iwi and hapū contributions into a marginal position in the forum. Iwi will accumulate some capitals in the forum, and achieve a measure of some of the outcomes they want for the river. However, because iwi have fewer valued capitals than other actors and occupy a minor position in the field, the likelihood of iwi achieving all of the outcomes they want in the forum are slim, unless iwi can acquire capitals and improve their position in the field. Participating in the forum, however, will not enable iwi to acquire these capitals. Perhaps for this reason, iwi participants were relatively silent about the benefits or otherwise of the forum, compared with the other participants. Key informants connected with the regional council, for example, were able to speak at length and in detail about the forum. One explanation for their enthusiasm for, and knowledge of, the forum is that the regional council established the forum as a strategy to fulfil their particular agendas. The council also administers and funds the forum.

While a collaborative institution like the Manawatū River Leaders' Forum may have limited transformative potential for iwi, there are still benefits for iwi of joining such groups. The forum has provided at least three benefits for the river iwi: (1) a platform for iwi to strengthen their relationships with other actors in the field; (2) a pathway for iwi who have not been in the field to enter the field; and (3) a space in which iwi can pressure others to commit to actions to restore the river, particularly when acting in unison. Kotahitanga (unity) is a strategy iwi can use to support each other and gain respect and support from others to advance the outcomes on which they can collectively agree. Like collaboration, however, kotahitanga will not eliminate the tendency for iwi to compete against each other. This competition will be for capitals, such as recognition, and ultimately for the agendas that individual iwi want to pursue.

Participants identified several benefits of forming the Manawatū River Leaders' Forum. These benefits included diverse participants being able to agree on a range of issues and historically opposed participants being able, potentially, to resolve long-held disputes. Following Bourdieu, these benefits can be explained by thinking about high and low stakes, and the rules of the game. When the Chairman of the regional council called the forum together, he set the rules by declaring that 'we want everybody to listen' and 'we all need to agree that we are part of the problem and the solution' (as cited in Galloway, 2010b). At that time, agreeing to these rules, particularly the latter, would have been relatively easy. It is easier for individuals to collectively accept culpability for a problem than it is to bear that blame alone. Second, the incentives to accept responsibility, rather than deny it, were probably quite strong. Rejecting involvement in the forum would have been tantamount to admitting to being a polluter, which none of the parties would have wanted to do. Finally, there were no financial implications of accepting these rules. At the beginning of the process, no agendas were really being threatened.

Another benefit identified by participants was the successful bidding by the regional council for Crown money to clean up the river. By establishing the forum, the regional council was able to obtain \$5.2 million from the Crown to partially fund 12 projects required to improve the river. This funding, however, was \$25 million short of the amount required to fully fund all of the projects (\$30.15 million). Projects to upgrade sewage treatment structure owned by the Manawatū, Tararua, and Horowhenua district councils were by far the most expensive of these projects, totalling approximately \$28.4 million. Crown funding for these projects was \$4.34 million, meaning the three district councils will have to spend \$24.05 million to upgrade their infrastructure. Although the district councils 'are willing to do things', avoiding spending money on

wastewater infrastructure is a strong driver for their elected officials, and being required to spend this money will potentially undermine their involvement in the forum. While participants hailed the acquisition of the Crown funding as a success, the level of the funding is insufficient to restore river. Rather than precipitate an improvement for the river, the funding may, in actuality, not be enough to incentivise the councils to change.

The use of peer pressure (social capital) and forms of cultural capital by members of the forum has the potential to be transformative. Participants were hopeful that the forum would provide a space in which pro-river members could place peer pressure on others to implement actions; that is, that those members would use the relationships they acquired through the forum to advance the particular stakes they were playing for, and to which all the actors had agreed in the forum's early stages. Some members of the group would be more adept at acquiring social capital and building relationships than others, and this would make them influential. Others would have other valued capitals, such as the ability to suggest workable solutions (cultural capital), that would give also them influence in the group.

The incentives are strong for the district councils and the farming sector to run from their commitments to the Action Plan and pursue the stakes they are playing for in the forum. Elected officials seek re-election and they will avoid undertaking actions that potentially make them unpopular, even if they have agreed in principle to these actions. Because the district councils are highly influential as polluters, the elected officials need incentives to play the game and uphold their commitments, otherwise the likelihood that they will evade them is strong. The most powerful of these incentives, money, does not appear to be forthcoming.

The same might be said for the representatives of the farming lobby. Perhaps for the same reason as the district councillors – to avoid becoming unpopular – representatives of Federated Farmers did not do as much work as they could have to socialise the Action Plan among their constituents. One explanation for their apathy might be that these representatives are motivated to protect the rural sector and the ability of individual farms to operate as profitable businesses. The river is unlikely to be their top priority. Following Bourdieu, it could be argued that these representatives used strategies in the forum to advance the interests of their constituents, not of the river. These strategies included: avoiding actively promoting the Action Plan to their members; resisting some actions; initially refusing to sign the Accord; attending meetings intermittently; and outside the forum, taking the regional council to court to prevent it from implementing rules that would require farmers to reduce their nutrient loadings to the river, and therefore improve the river's health (as discussed in Chapters 4 and 6).

The Manawatū River Leaders' Forum is fragile. While the forum has achieved important outcomes, the risk of the forum falling apart and failing is real. It is critical for the forum and the river that the district councils, in particular, uphold their commitments to the Action Plan during the plan's implementation phase. The Accord, the Action Plan, and the forum tie these actors to their commitments to improve the river, but these ties are tenuous. Much stronger forces pull them in other directions. While these actors are signatories to the Accord, ultimately they are not in the game to play for the health of the river – they are playing for other stakes. Because they are the most powerful actors in the forum (apart from the regional council and the farming sector), the likelihood that they could win these stakes is high. Should this eventuate, it would be to the river's detriment.

CHAPTER EIGHT: CONCLUSIONS

Colonialism was always unfinished business, but it is an ongoing business too (M. J. Stevens, 2013, p. 308).

Three themes have been central to this thesis – power, inequality, and transformation. The story that has been told in this thesis with regard to power and inequality has not been a happy one, and the messages concerning transformation are hopeful, yet measured. The hopeful part of those messages hinges on the idea that change *does* happen, albeit very slowly and, most often, in small ways. Persistent pressure on multiple fronts is required to produce transformation. The structures that reproduce inequality and keep power concentrated in the hands of institutions and actors that have benefitted from colonisation are stable and resistant to change.

This research has been driven by a single question, *how does power structure iwi contributions to freshwater planning and decision-making?* Originally, the researcher was focussed on answering this question using an example of a collaborative group, the Manawatū River Leaders' Forum. Inevitably, therefore, some of the findings relate to collaboration. However, there are other answers to the research question that the researcher was not anticipating when the study began. These conclusions relate to the following matters: colonisation and the reproduction of colonial power; what power is and the multiple ways in which it works to create and maintain inequality; the persistent use of strategies by iwi to generate transformation; how power structures the political dynamics between and within iwi; and the value of using Bourdieusian theories to critically analyse power across time and space and between multiple actors.

Findings

This study has revealed that power structures the contributions of various actors to decisions about water into a hierarchy. In this hierarchy, iwi tend to be structured into a disadvantaged position. This position is a legacy of colonisation; it is structured by the colonial relationship between the Crown and Māori. In the mid-19th century, the Crown re-structured the field in which decisions were made about water and positioned itself and other actors, such as local bodies and Pākehā farmers, into dominant positions. Iwi were pushed out of the field, and have only really re-entered it in the last two decades. In the interim, the Crown, local bodies, and farmers have been able to accumulate vast quantities of valuable capitals in the fields where decisions are made about water. Māori, on the other hand, were either dispossessed of these capitals, or could not acquire them because they were excluded from the fields.

Thus, in the contemporary contest for water, the Crown, local authorities, and farmers have come to the game with a significant advantage over iwi. This advantage is re-produced by complex and multiple forces that can be conceptualised as power. Chief among these forces is the possession by local authorities and actors associated with farming of significantly more capitals than iwi. Possessing these capitals reproduces the dominance of these actors in the field. From this position, these actors can structure iwi out of or into relationships with councils and other statutory bodies, and out of or into decision-making positions in local government. From this position also, these actors can ignore, oppose or overlook Māori, change the game for Māori, or be ignorant of Māori knowledge and understandings, mostly without serious repercussions for themselves.

Collaboration will not enable iwi to exercise greater control over water, unless it provides them with valuable capitals that enable them to restructure the field. The structure of the field tends to be reproduced rather than reconfigured in collaborative arrangements. The dominant actors acquire more highly valued capitals in addition to those they already possess. Less dominant actors also acquire capitals, but these tend to be of lower value. Thus, inequality in the field is maintained. For iwi, the advantage of collaboration is that it enables them to acquire more social capital and to leverage off this capital to pursue other outcomes, such as restoring degraded water bodies. However, while social capital is beneficial, it is not the most efficacious form of capital in the field. Other capitals, such as economic and highly valued types of cultural capital, are more generative of change in the structure of the field. For iwi, changing the way the field is organised means acquiring these highly valued capitals.

Iwi have been using multiple strategies to acquire capitals and achieve the stakes they are playing for in the field. Using these strategies has produced important transformations over a long period of time. This research has shed light on the range of strategies iwi have employed, on their strengths and limitations, and on the strategies that have been successful and those that have failed. Strategies that enable iwi to acquire the capitals that will allow them to restructure the field are essential. These strategies include: litigation; advocating for legislative change; Waitangi Tribunal claims and Treaty settlements; campaigning for iwi representation on local bodies, particularly the regional council; and promoting initiatives that enable iwi to increase their capacity in areas related to water and resource management and planning. The latter could include workforce development programmes delivered by the tertiary sector and technical support funding for groups representing iwi and hapū. While the Māori provisions in the Resource Management Act represented

an important transformation in the field at that time, they have effectively structured Māori out of decision-making roles in councils. Legislative change is needed to compel local authorities to have compulsory Māori constituencies or wards.

The use of these strategies by groups representing iwi can give them an advantage over others who are also representing iwi, and therefore cause conflict. These types of struggles are not new in Māori society. Today, as in the past, groups will sometimes use the Crown and other mechanisms, including those involving local government, to gain advantage over others and achieve the outcomes they are seeking. At other times, it will make sense to unite to fulfil a common objective. For statutory agencies, it is unrealistic to expect these groups to act in unison all, or even most, of the time. It is more productive for agencies to take steps to understand the tribal landscape, so they can operate knowledgeably and respectfully in it. These steps might be: gaining an understanding of the histories of the tribes that have mana whenua in the rohe; forming an appreciation of the contemporary politics among the iwi and the groups representing them; identifying with whom the council does and does not have relationships; assessing the strength of these relationships; and developing a plan to build both nascent and existing relationships in a way that is consistent with iwi and agency aspirations. The practicalities of undertaking the latter will include: ensuring there are senior people in the organisation who are open to and have experience of building relationships with iwi; having a succession plan (possibly through a Human Resources policy) to replace those people should they leave; recognising there are significant resourcing and capacity differences between agencies and iwi and forming arrangements where those inequalities are addressed; and approaching individuals or groups

representing all iwi with connections to a waterway when Cultural Impact Assessments are required.

This research suggests that collaboration cannot be used as a method for addressing significant and highly contested causes of water pollution. The stakes are high and the actors who are playing for those stakes will do so relentlessly, despite being part of a collaborative agreement. Where collaboration may have more success is in remediating comparatively minor sources of water degradation. As has been shown in this research, however, the actors causing this degradation will still resist investing money to address it. Thus, arrangements are necessary to assist and compel these actors to change. Such arrangements include adequate funding support, accountability agreements, and a robust policy and legislative framework that support regional councils and the courts to protect the environment using planning processes and litigation. The government's recent and proposed changes to the RMA and newly introduced National Policy Statement for Freshwater Management weaken this framework. To strengthen it, a new government with a different policy direction will be required.

Collaboration will not neutralise the political agendas being advanced in relation to water. The protagonists of these agendas will still pursue them, and compete for them both inside and outside the collaborative group if those agendas are threatened. In this research it is argued that challenging significant causes of freshwater pollution can only really occur when hard tools and adversarial environments, such as regional rules and litigation, are used. For regional councils and the courts to protect the environment, laws with environmental protections are required. In this research, the Resource Management Act was a capital that river advocates could use to secure the

outcomes they wanted for the river. The government's recent and proposed changes to the RMA and introduction of the National Policy Statement for Freshwater Management will likely reverse this situation. The resource management and freshwater reforms convert the Act into capital that economic development advocates can more readily use to their advantage, and to the detriment of the environment.

Bourdieu's concepts of field, capitals, and habitus provide a highly useful theoretical framework for understanding power in freshwater and other planning contexts. Field can be applied to specific groups and processes, such as the Manawatū River Leaders' Forum, as well as much broader and less clearly defined contexts, such as the national field where iwi engage with the Crown in relation to water. Capital is a helpful concept for identifying sources of power and for quantifying power, particularly with regard to economic capital, but also with regard to cultural and social capital. Habitus is a sophisticated theory for explaining the origins and reproduction of hidden and deep-seated sources of power. It is especially useful for analysing racism and the ongoing impacts of colonisation in planning situations.

Possible trajectories

There are three directions future research might take. First, it would be useful to examine the transformations that have occurred in the field as the result of a Treaty settlement. In this study, the researcher argued that Treaty settlements would provide the river tribes with capitals that would then enable them to restructure the field, but because only one of the tribes had settled, the argument remained just that. A future study would analyse a settlement that included redress relating to water. A focus of the study would be the capitals

acquired by the group that received the settlement and subsequent transformations that unfolded.

Second, it would be interesting to research the New Zealand Māori Council's contributions to Māori development in resource management and planning. The council's submission on an amendment to the Town and Country Planning Act 1977 was likely instrumental in improving the way that ancestral land was understood by planning institutions. The council's 2012 claim to the Waitangi Tribunal on Māori proprietary rights in water demonstrates that it remains active in the environmental area. Clearly, the council has made important contributions to the field that the researcher has only glimpsed in the course of this study. Future research would be designed to provide a fuller understanding of the council's work as it has related to the environment.

Third, at the beginning of this study, distinguished Māori academic Professor Sir Mason Durie suggested to the researcher that she examine indigenous contributions to freshwater sustainability. It has to be said that at the time, the researcher really did not understand the scope of what Professor Durie meant. That understanding did not come until about a year before this thesis was finished. Consistent with the focus of much of Professor Durie's work, the emphasis behind his suggestion was Māori development. Now, having spent much of this study coming to terms with the reproduction of colonial power and inequality, the researcher may be ready to take up that suggestion and see the work entailed in this thesis as a new beginning rather than an end.

Appendix A



MASSEY UNIVERSITY

7 December 2010

April Bennett
School of People, Environment & Planning
PN331

Dear April

Re: HEC: Southern B Application – 10/61
Ko au te awa ko te awa ko au: Iwi contributions to freshwater sustainability

Thank you for your letter dated 6 December 2010.

On behalf of the Massey University Human Ethics Committee: Southern B 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

Dr Nathan Matthews, Acting Chair
Massey University Human Ethics Committee: Southern B

cc A/Prof Christine Cheyne
School of People, Environment & Planning
PN331

Mrs Mary Roberts
School of People, Environment & Planning
PN331

Te Kunenga
ki Pūrehuroa

Massey University Human Ethics Committee
Accredited by the Health Research Council
Research Ethics Office, Massey University, Private Bag 11222, Palmerston North 4442, New Zealand
T +64 6 350 5573 +64 6 350 5575 F +64 6 350 5622
E humanethics@massey.ac.nz animalethics@massey.ac.nz gtc@massey.ac.nz
www.massey.ac.nz

Appendix B

Ka manawatū te awa, ka manawa ora te iwi: power and iwi contributions to freshwater sustainability

Information sheet for key informants

Tēnā koe,

Thank you for taking the time to consider taking part in my research. This sheet contains information about my research that will help you decide if you wish to participate. Participation is voluntary. If you do decide to take part, you can withdraw from the research later.

What is the research about?

I am doing this research as part of my doctoral studies in the School of People, Environment and Planning at Massey University. I want to look at how iwi are contributing to freshwater sustainability now, and how they might contribute in the future, using case studies (examples) of iwi in the Manawatū River catchment.

How will the research be carried out?

For this research, I would like to interview people who are involved in the governance of the Manawatū River. Should you be happy to be interviewed, the interview will take around 1 hour and be held at a time and place that suits you. The interview will be informal, and questions will focus on decision making about and management of the Manawatū River. If you agree, I will audio-record our interview to ensure that I have an accurate record of it. At any time during the interview, you may ask to have the recording equipment turned off. The interview will be transcribed. If you would like a copy of your transcript to review and amend, I will be happy to send one to you. The interview recording and transcript will remain secure in a locked office or on my computer, which is accessible by password only, both during the research and after it is finished.

What will happen to the information?

I will use the information from the interview for my PhD thesis. I may also use it in publications arising from the research, such as articles. In the event that I would like to use some of the quotes from our interview in a publication, I will ask your permission first.

Your rights

You are not obliged to accept this invitation to participate in this research project. If you decide to participate, you have the right to:

- decline to answer any question;
- withdraw your information from the study up until three weeks after participating in the research;
- ask any questions about the study at any time during participation;
- provide information on the understanding that your name will not be used in the final thesis unless you give me permission;
- be given access to a summary of the research findings when it is finished;
- ask for the recorder to be turned off at any time during the interview.

Participant confidentiality

Your identity in the written thesis will remain confidential, unless you specifically state otherwise. You will also not be identified by name in any publications arising from the research, unless you give me permission.

Because I will be carrying out the research with people who are likely to have connections to one another, either professionally or through whakapapa, it may be possible for participants to identify one another and difficult to maintain confidentiality outside of the written thesis.

For more information

If you have any queries about this study, please feel free to contact me or my supervisors: Associate Professor Christine Cheyne ph. 06 356 9099 ext. 2816, email C.M.Cheyne@massey.ac.nz and Dr Huhana Smith ph. 06 362 6360, email makareta@me.com.

Thank you for your time. Nākū iti nei, nā,

April Bennett
PhD Student
School of People, Environment & Planning
Massey University
ph 06 356 9099 extn 4825
cell 021 911 015
A.L.Bennett@massey.ac.nz

This project has been reviewed and approved by the Massey University Human Ethics Committee: Southern B, Application 10/61. If you have any concerns about the conduct of this research, please contact Dr Karl Pajo, Chair, Massey University Human Ethics Committee: Southern B, telephone 04 801 5799 x 6929, email humanethicsouthb@massey.ac.nz

Appendix C

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Ka manawatū te awa, ka manawa ora te iwi: power and iwi contributions to freshwater sustainability

PARTICIPANT CONSENT FORM

I have read the Information Sheet and have had the details of the study explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.

- I agree/do not agree to the interview being sound recorded.
- I wish/do not wish to have a transcript of my recording returned to me for checking.
- I wish/do not wish to have a summary of the research sent to me when it is completed.

Confidentiality

I understand that that it may be possible for participants to identify one another and difficult to maintain confidentiality outside of the final thesis.

- I would like my role to be kept confidential in the final thesis. YES / NO
- I would like my identity to be kept confidential in the final thesis.
YES / NO
- I agree to participate in this study under the conditions set out in the Information Sheet.
- I understand that taking part in this study is voluntary and that I have the right to withdraw my data from the study up to three weeks after interview, and to decline to answer any questions in the interview.

Signature: Date:

Full Name - printed

Email contact
details for sending
information to you:

Appendix D

Ka manawatū te awa, ka manawa ora te iwi: power and iwi contributions to freshwater sustainability

Schedule to guide the interview

Nature of iwi contributions

- How is the iwi involved in the work to restore the Manawatu River?
- Iwi-led initiatives?
- Collaborative initiatives?
- What role is the iwi taking in these initiatives?

Key people within iwi

- Who are the people that are driving the work that the iwi is doing?
- What are their roles?
- How have they come to be in leadership/driving role?
- What attributes do they have that make them good at what they do?
- If they were no longer able to be involved in certain initiatives, would this affect those initiatives?

Freshwater governance arrangements: Institutional characteristics

- How are these arrangements set up?
- Purpose?
- Structure?
- Status (informal, formal, voluntary, statutory)?
- Resources?
- Conflict resolution mechanisms?

Freshwater governance arrangements: Stakeholders

- Who participates in these arrangements?
- Individuals
- Groups
- Are some groups and/or individuals more influential others? If so, how do you know and why do you think this is?
- Do some groups and/or individuals have less influence than others? If so, how do you know and why do you think this is?

Power and politics

- What are the motives of the different stakeholders?
- What resources do they have/use?
- What tactics or strategies do they use to achieve their goals?
- Elements supporting and challenging iwi
- What are the factors that are supporting iwi to contribute?
- What are the barriers to iwi contributing?

Appendix E

Michael McCartney
Chief Executive
Horizons Regional Council
Private Bag 11025
Manawatū Mail Centre
Palmerston North 4442

Dear Michael,

Official Information Act request

Pursuant to the Official Information Act 1982, I would like to request the following information for the purposes of my PhD research:

- The agenda, minutes and papers (such as reports and other documents) from all of the meetings of the Manawatū River Leaders' Forum.

I understand that to meet my request, staff may have to compile a large number of documents. Should it be helpful, I would be happy to receive these items on a CD, or to discuss with staff the easiest format in which the items can be made available to me.

I can be contacted on tel: 06 356 9099 extn 4825 or email: A.L.Bennett@massey.ac.nz. My work postal address is below.

Thank you for your time. Yours sincerely,

April Bennett

Appendix F

9 August 2013

April Bennett
School of People, Environment & Planning
Private Bag 11222
Palmerston North 4442

Dear April

OFFICIAL INFORMATION ACT REQUEST

I refer to your letter dated 9 July 2013.

In this letter you have requested copies of agendas, minutes and papers from all of the meetings of the Manawatu River Leaders' Forum. A copy of this information is attached.

If you have any further questions, please do not hesitate to make contact.

Yours sincerely


Craig Grant
GROUP MANAGER CORPORATE & GOVERNANCE

Encl



Private Bag 11025
Manawatu Mail Centre
Palmerston North 4442

File ref: RAI 05 05
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CAG:SAB

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F 06 952 2929
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Kairanga

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Palmerston North

Tairāhapa

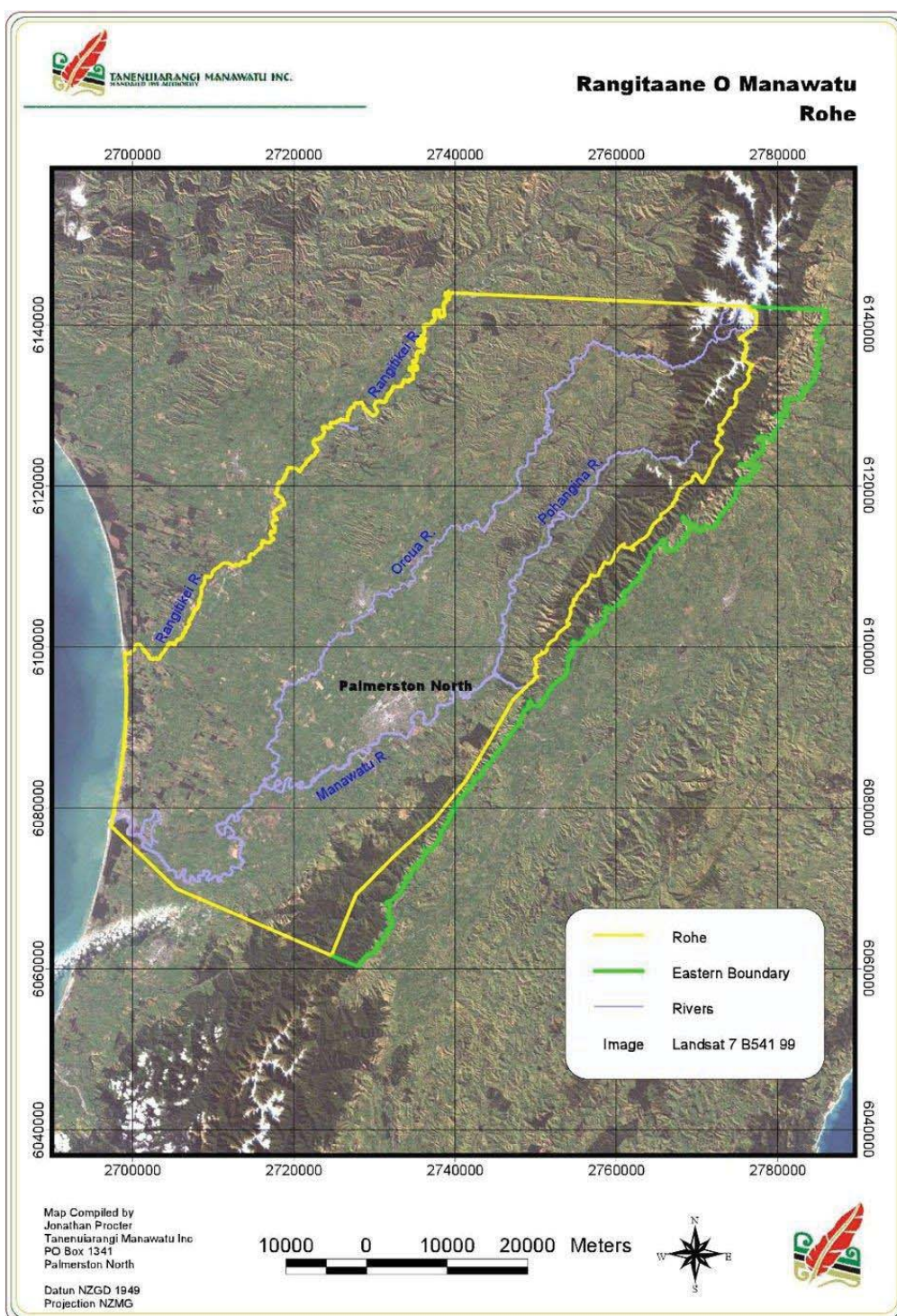
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24hr Freephone 0508 800 800

Appendix G



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