

NORTHLAND TANGATA WHENUA FRESHWATER VALUES

A LITERATURE REVIEW



April 2015

This is the first of two reports completed as part of the Northland tangata whenua freshwater values study. The second is titled “Northland Tangata Whenua Freshwater Values: A Framework to Guide Decision-Making”.

The study was undertaken as part of a joint venture between the Northern Regional Council, the Ministry for Primary Industries and the Ministry for the Environment.

The study will contribute to Northland Regional Council’s Waiora Northland programme, its integrated programme for freshwater management in the region. It will also inform the current review of the Northland regional plans.

Northland Tangata Whenua Freshwater Values – A Literature Review

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1) INTRODUCTION

This literature review is the first stage of a project to identify and describe Taitokerau tangata whenua freshwater values, and to then develop frameworks for those values for use in implementation the National Policy Statement for Freshwater Management (NPS-FW) and the National Objectives Framework (NOF) for the Northland Region.

The purpose of the literature review is to identify published material relevant to tangata whenua freshwater values. Where possible literature specific to tangata whenua in Taitokerau has been sourced, but there is a limited range of this material. Literature from other regions, which may contain values consistent with those of tangata whenua in Taitokerau, has also been surveyed and the results are presented.

As well collating published information on freshwater values, this literature review presents a number of kaitiakitanga frameworks that have been used for freshwater or other environmental management analysis.

Subsequent to the literature review a series of hui and other discussions with tangata whenua will provide further detail of relevant values. From the literature, and from these direct interactions, a current set of freshwater values will be identified and described. A framework to specifically represent these values will then be developed. The frameworks in this literature review will provide options for the development of a framework for Taitokerau tangata whenua values.

In this literature review the term “Taitokerau” has been used when describing tangata whenua in the Northland Region. Some iwi and some larger hapū have rohe in both the Northland and Auckland Regions. Use of “Taitokerau” is standard in literature referring to iwi and hapū of the region, and it does not impose the formal legislative boundaries which often divide the rohe of the tangata whenua entities. However when there is reference specifically to the Northland Region, or its Council, the term “Northland” is used.

1) SUMMARY

NPS-FW and the NOF

- Implementation of the standards requires recognition of Te Mana o Te Wai, but no description, detail or direction is provided.

Values

- The relevant values in the literature are expressed as high level concepts, and there is little in the Taitokerau literature that is directly relevant to freshwater.
- These high level values are consistent with similar values in literature from other regions.
- The high level values can give overall guidance to development of freshwater specific values.
- The values of mahinga kai are used in other regions as a proxy for freshwater values. The Taitokerau literature gives some support for this approach.
- The NRC report on tangata whenua issues and options for the review of their regional plans identifies a set of tangata whenua freshwater issues.
- The environmental management plans of tangata whenua in the region were used in determining the issues and options in the NRC report. These plans, and iwi economic development plans in Taitokerau contain high level values consistent with the other literature.
- Two strong values are persistent themes throughout the literature:
 - The need for an integrated management approach. This can be helped through applying integrated catchment management and ecosystem based management practices. These processes need to be set within the broader environmental context – ma uta ki te tai (from inland to the sea).
 - Water quality should enable two basic activities – swimming and drinking. Swim in the big rivers, drink from the small ones

Frameworks

- Many frameworks and models have been developed for kaitiakitanga and for freshwater. They provide useful examples from which an appropriate framework for Taitokerau can be developed.
- These frameworks have been developed in terms of values or issues identified outside Taitokerau. They aim to provide effective kaitiakitanga input into environmental management.
- The inputs from kaitiakitanga into mainstream environmental management can have dual benefits. This provides the opportunity for Māori environmental concerns to be addressed; and it offers an enhanced method for mainstream management.
- This project seeks to determine tangata whenua values for freshwater, and to establish RMA management mechanisms presented in a useful framework. The

literature review on frameworks seeks useful exemplars and commentary to assist in that task. It does not lead to creating a fully integrated kaitiakitanga / western science model.

Interests

- Tangata whenua interests in freshwater include consideration of property rights.
- The legal concept of property rights differs from the tangata whenua perspective.
- The Waitangi Tribunal Claim on freshwater property rights has supported tangata whenua but no government policy or legislation has been developed in response. Tangata whenua groups in Taitokerau involved in the Claim have expectations of their property rights being recognised.
- The initial Tribunal report Wai 1040 Claim determined that Māori did not cede sovereignty by signing the Treaty in 1840. Again no government policy or legislation has been produced in response. For tangata whenua in Taitokerau this finding will give further impetus to establishing co-governance and co-management arrangements.

2) NATIONAL POLICY STATEMENT FRESHWATER MANAGEMENT

In the Preamble to the NPS-FW it states:

Freshwater objectives for a range of tangata whenua values are intended to recognise Te Mana o te Wai. Iwi and hapū have a kinship relationship with the natural environment, including fresh water, through shared whakapapa. Iwi and hapū recognise the importance of fresh water in supporting a healthy ecosystem, including human health, and have a reciprocal obligation as kaitiaki to protect freshwater quality.

This is followed by a brief section specific to Te Mana o te Wai:

National significance of fresh water and Te Mana o te Wai

This national policy statement is about recognising the national significance of fresh water for all New Zealanders and Te Mana o te Wai ... A range of community and tangata whenua values ... may collectively recognise the national significance of fresh water and Te Mana o te Wai as a whole. The aggregation of community and tangata whenua values and the ability of fresh water to provide for them over time recognises the national significance of fresh water and Te Mana o te Wai.

Te Mana o te Wai, or at least the concepts and values underpinning it, is clearly intended to have some prominence in the NPS. However although earlier Ministry for the Environment discussion papers had further detail of what was intended by “Te Mana o te Wai” the final NPS-FW contains no definition or description, or advice on how it is to be implemented in a region.

The sole tangata whenua provisions in the Policy Statement are:

D. Tāngata whenua roles and interests

Objective D1

To provide for the involvement of iwi and hapū, and to ensure that tāngata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

Policy D1

Local authorities shall take reasonable steps to:

- a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;
- b) work with iwi and hapū to identify tāngata whenua values and interests in fresh water and freshwater ecosystems in the region; and
- c) reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.

Given that the Policy Statement requires recognition of Te Mana o Te Wai, this needs to be principally achieved through the provisions of Part D above.

Further, the requirement in this section in D1 c) is to reflect tangata whenua values and **interests**. While interests will in practice intersect with values in many ways, broadening the scope of this project to include identification of interests and to consider provisions in response to them is necessary.

Part CA of the Policy Statement sets out policies for developing regional objectives for managing freshwater bodies including relevant values such as tangata whenua values.

Policy CA2 b) expressly allows for inclusion of “any national values or other values that the regional council considers appropriate” in developing freshwater objectives for freshwater units”. This enables the scope for inclusion of tangata whenua values in regional planning for freshwater management.

3) VALUES

a) Determining values

Values, both as the norms of a society or culture, or of an individual, are held and usually expressed in high level and conceptual terms. What is sought through this project is how freshwater values are, or can be, translated into practical consequences for the management of freshwater.

In the literature, values are generally either expressed in a high level conceptual form, for which interpretation is needed to determine implementation details for freshwater management; or they are indirectly expressed as practical outcomes for freshwater management, and the underlying values behind that expression need to

be induced. Both of those expressions of value are in the literature, so both the relevant processes need to be applied.

In practice “value” can have a range of meanings as set out in the table below¹:

Meaning of value(s)	Definition	Example
Evaluative norms or principles	A belief or norm that guides human action	Water use efficiency is an important value to guide policy.
Contribution towards fulfilment of an objective	The extent to which a particular state contributes to a user-defined objective	What is the ecological value of this river, i.e. what is its value for ecology?
Magnitude of preference	The quantity or intensity of preference from a given state	How much value does the community put on a wetland in this state?
Ways of meaning or orienting oneself to the world	Ways in which environments matter to people	Why is this river of value to tangata whenua?
Things that have value or meaning	Things that are deemed worthy of protecting or enhancing	Swimming, fishing and irrigation are all values of this river.

The stages of values identification and application can include:

Identifying values – identifying ways that freshwater bodies matter, and where these values are located across an area of interest.

Understanding values – gaining a deeper appreciation for the meanings of values, i.e. why they are important, and improving knowledge about how a system works, i.e. how one part influences another.

Assessing values – evaluating the significance or magnitude of a value relative to the same value in other places or relative to other values, and how the value would change if management changes.

Balancing values – making decisions about how to accommodate multiple values or reconcile competing values, e.g. by comparing their respective magnitude or significance.²

Processes using these or similar stages will be needed for using the values identified for freshwater for tangata whenua in Taitokerau in the development of management

¹ Cawthron Institute 2014, page 3

² Cawthron Institute 2014, page 5

responses. As the first part of this project, the literature review cannot verify the current tangata whenua values, but provides a starting point for that work. Hence the values that have been found in the literature are not put through the stages described above at this stage. That work will be done following their verification through the hui and other feedback. The values from the literature are in some cases not directly linked to freshwater management, but are included for their potential to do so, or because literature from outside Taitokerau has identified the same or similar values in relation to freshwater.

b) Overview of the literature

The literature relevant to determining values includes:

- i) *Publications on Taitokerau tangata whenua cultural and environmental issues including:*
 - Māori Marsden's *The Woven Universe*
 - *He Pepeha, He Whakatauki no Taitokerau*
- ii) *Wai 262*
- iii) *Reports from other regions and national level reports including:*
 - Reports from Landcare and other agencies
 - The work of the Iwi Leaders Group
Waikato River
 - Auckland Council Unitary Plan reports
- iv) *Tangata whenua responses to RMA regional planning in Taitokerau including:*
 - Response to NRC's review of the Regional Policy Statement
 - Response to NRC's review of the three regional plans
- v) *Tangata whenua environmental management within the region including:*
 - Reports on the Kaipara Harbour
 - Report on Lake Ōmāpere
 - Ngā Kaitiaki o Ngā Wai Māori
- vi) *Iwi development planning:*
 - Individual iwi strategic planning
 - The regional iwi CE's development strategy

4) STATEMENTS ON VALUE FROM THE LITERATURE

a) Publications on culture and the environment

i) *The Woven Universe*³

Māori Marsden identifies three categories of value: spiritual, psychological and biological.

Spiritual values are aspirational, and not in practice achievable – “there is always a gap between the ideal and the practice”⁴.

From the spiritual dimension the two attributes of mana and tapu arise.

The psychological dimension includes the sense of belonging, approval and identity.

The biological dimension refers to basic needs of food, shelter and clothing.

Mauri is a core concept of kaitiakitanga. Māori Marsden describes mauri as:

Immanent within all creation is *mauri* – the life force which generates, regenerates and upholds creation. It is the binding element which knits all the diverse elements within the Universal “Procession” giving creation its unity in diversity. It is the bonding element which holds the fabric of the universe together.

ii) *He Pepeha, He Whakatauki no Taitokerau*⁵

In this collection, the marine environment appears far more frequently than the freshwater environment. Relevant whakatauki are:

- Kotahi anō wai e horoia ai, ko te kōpua I Puakorekore [*This refers to a pool at the entrance to the Kaipara which is appropriate for washing in*]
- Ko Wairoa tangata e haere, ko Wairoa ia e kore e haere. [*People pass away, but the Wairoa remains*]
- Tēnā te wai o Kokohuia te inumia ra a te kokopu, toretore ki taku korokoro [*I long for the kokopu which drinks the waters at Kokohuia*]

Other relevant whakatauki are likely to be identified in the engagement phase of the project. Some are in other existing documents, such as “Ma te mauri kei Ōmāpere ka ora te whenua” [*When the mauri of Ōmāpere is strong, the land is healthy*]. Whakatauki for specific water bodies have the potential to both identify values as well as associations and identifications.

³ Marsden 2003 page 174

⁴ Or “kia eke ki tōna taumata”

⁵ Department of Māori Affairs 1987

b) Wai 262

Of the six original claimants for the Wai 262 claim into native flora and fauna, three were from Taitokerau iwi⁶. The Tribunal reported on Wai 262 in 2011. There are no direct references to freshwater values of tangata whenua in Taitokerau in the report. However there was a collaborative process for the claim involving all claimants, and support was given for evidence across the claimant groups. The following explanation was given by Murray Hemi for the relationship between Ngati Kahungunu and their waterways:

Water is a priceless taonga left by our ancestors for the life sustaining use of their descendents. We, in turn, are charged with a major kaitiaki duty, to ensure that these treasures are passed on in as good a state or indeed better to those following. The hereditary responsibility is to protect, preserve and enhance the mauri (life-force) within all natural resources and, thereby, assist in the growth of Ranginui and Papatuanuku. The preservation and the restoration of mauri ... is pivotal to the ongoing relationship between us and our environment, is a rightful expression of rangatiratanga, and a base function of our mana whenua, mana moana over our rohe.⁷

c) National reports and reports from other rohe

i) Landcare

Garth Harmsworth and Sean Awatere have written many reports on tangata whenua freshwater issues. Many of their findings are summarised in a 2014 report.⁸ In this, as in some of their other reports they propose the health of mahinga kai as a proxy for the health of water bodies.

Their description of mahinga kai is derived from the Ngai Tahu settlement process:

‘mahinga kai’ refers to the production and gathering of all foods and other natural resources, as well as the areas from which they are sourced. Mahinga kai is an activity as well as a physical location from which food is gathered, harvested or cultivated. For the current project we are interested in mahinga kai in freshwater ecosystems.⁹

The extent to which this definition is consistent with Taitokerau understandings needs to be tested. Similar meanings for mahinga kai are found in the Taitokerau literature¹⁰, and the values associated with mahinga kai are identified. For this

⁶ Witi McMath of Ngatiwai, Del Wihongi of Te Rarawa, and Saana Murray of Ngati Kuri

⁷ Waitangi Tribunal 2011, page 244

⁸ Landcare Research 2014

⁹ Landcare Research 2014, page 13

¹⁰ For example in the RPS tangata whenua report, responses to the regional plan review, the Ōmāpere report, Kaipara reports, and Ngā Kaitiaki o Ngā Wai Māori

project a means of linking values to practical freshwater management practices associated with mahinga kai may be able to be established.

Mahinga kai are included in the NOF:

Mahinga kai – Kei te ora te mauri (the mauri of the place is intact).

For this value, freshwater resources would be available and able to be used for customary use at some places (but not everywhere). In freshwater management units that are highly valued for providing mahinga kai, resources would be available for use, customary practices able to be exercised to the extent desired, and tikanga and preferred methods are able to be practised.

ii) *Cawthron Institute*

The following set of values for freshwater derived from work of the Hawke's Bay TANK¹¹ group are included in a recent report¹²:

- Life-supporting capacity
- Mauri and taonga
- Habitat/indigenous biodiversity
- Kaitiakitanga
- Mana

iii) *Iwi Leaders Group*

The national iwi chairs have created a sub-group to focus on freshwater. Much of their work to date has concentrated on property rights issues. Their over-arching principles for freshwater are:

Ngā Mātāpono –Principles

ILG Engagement guided by 5 Key principles (agreed Feb 2012):

- Ko te Tiriti o Waitangi te tāhuhu o te kaupapa o te wai
- Te Mana o Te Wai
- Te mana motuhake o ia wai o ia iwi ki te iwi
- Te kaitiakitanga o ngā hapū me ngā iwi i te wai
- Te mana whakahaere o ngā iwi me nga hapū ki te wai

These principles place the Treaty as the core of the kaupapa for water, endorse the Mana o Te Wai concepts, and recognise individual iwi and hapū independent kaitiakitanga and management of water in their rohe.

iv) *Waikato River*

The Waikato River settlement created a co-governance arrangement for the river's management. That result was supported by many background research documents. Similar preparation has been made for Maniopotō's role for the Waipa river. A feature of this work is that it supports ecosystem based

¹¹ The TANK group is named after the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.

¹² Cawthron Institute February 2015

management and integrated management as being consistent with kaitiakitanga.

v) *The Auckland Unitary Plan*

The Auckland Unitary Plan is the single RMA planning instrument for the new Auckland Council's region. In preparation for the plan the Council commissioned issues and options papers from the manawhenua groups in the Auckland Region.

Ngati Whatua o Kaipara identified the following key principles:

- Aroha – requiring respect for and linking people and the natural environment
- Manaakitanga – acknowledging mutual respect for people, and the requirement for hospitality
- Kaitiakitanga – embracing all social and environmental dimensions
- Tiakina Papatuanuku – being the actual practice of caring for the natural world

d) *Tangata whenua responses to RMA regional planning in Northland*

i) *Preparation for the review of the Regional Policy Statement (RPS)*

To prepare for the RPS review, NRC commissioned a report on tangata whenua issues of significance¹³. That report identified as issues of significance:

1. The mauri of water is in serious decline
2. Mahinga kai are degraded
3. Access to clean drinking water is compromised
4. Cultural and traditional practices are being restricted
5. Tangata whenua are under-represented in decision making
6. Tangata whenua have not ceded property rights over water resources

Water is considered a taonga which pervades all aspects of the environment. Healthy people and communities depend on water being in a healthy state. Use of cultural indicators, rahui and traditional practices, integrated catchment management, and full tangata whenua engagement are all recommended.

ii) *NRC report on regional plan change review*

NRC has three regional plans – Air Quality, Water and Soil and Coastal. They are all currently in the early stages of their statutorily required ten year review. In preparation for the review NRC sought to determine relevant tangata whenua issues, and management options for responding to those issues.

An initial report was drafted on the issues and options, feedback was sought,

¹³ Taitokerau Natural Resource Managers 2011 *Proposed 2nd Generation Regional Policy Statement for Northland – Resource Management Issues of Significance to Tangata Whenua*

three hui were held (which included district councils), a revised report was provided for feedback, and a final report adopted.¹⁴

The main sources for these issues were found in the eleven iwi management plans lodged with NRC.¹⁵ The issues identified were often found independently from several iwi documents, and are not attributable to single sources.

This report contains the most comprehensive detail on tangata whenua freshwater concerns in Northland. Those are:

- 1) Use of rahui: *use of rahui, as a temporary, long term, or permanent constraint on use of a resource or an area, can be considered in regional plans. Prohibition is a tool available in RMA planning, and this may be able to be used for some instances of permanent or long term rahui. Short term rahui are more difficult to provide for in RMA planning. No examples of the need for specific rahui were identified in the hui or through feedback.*
- 2) Drainage of wetlands: *historically for Māori wetlands resources had high value, and several iwi plans confirm their current value. Specific wetlands may require provisions for their maintenance and enhancement. This can be considered in the Water and Soil Plan.*
- 3) Impacts on tuna and other indigenous fresh water species and their habitats: *can be addressed in water quality management provisions in the Water and Soil Plan.*
- 4) Disposal of waste water to land: *can be addressed in waste water management provisions in the Water and Soil Plan. This is an issue which can be addressed by general provisions, and no tangata whenua specific examples were identified in the hui.*
- 5) Water take consents, and period of consent when tangata whenua water rights may be affected: *tangata whenua property rights in fresh water is an emerging issue.*
- 6) Monitoring by tangata whenua: *provided for in Method 8.1.8 of the RPS.*
- 7) Sedimentation impacts: *can be addressed in the Water and Soil plan; and to an extent in the Coastal Plan. This is a general issue, but one specific example was identified by tangata whenua in the hui: increased sedimentation over traditional kaimoana from resulting from marina operation.*
- 8) Seasonal restriction on earthworks (eg in the summer months only): *can be considered in the Water and Soil Plan.*
- 9) Integrated catchment management: *is supported in the RPS and can be implemented in the Water and Soil Plan.*

¹⁴ See NRC February 2015

¹⁵ The RMA refers to “iwi planning documents”. In practice these include documents from hapū, marae and other entities. The plans lodged with NRC are in Appendix Two. The more recent *Patuharakeke Hapu Environmental Management Plan 2014* was not available for the NRC analysis, but is referenced in Appendix Four.

10) Able to swim in big rivers and drink from small rivers: *this was stated as an aspirational goal in one of the hui, and reflected in general tangata whenua feedback on fresh water management. This would require, at least for specified water bodies, standards above those in the National Objective Framework of the National Policy Statement on Fresh Water Management.*

e) **Tangata whenua environmental management documents in Taitokerau**

The documents lodged with the NRC relevant to freshwater management have been discussed above. Other documents, which have not been formally lodged and have a formal requirement to be taken into account in RMA plan change processes include:

i) *Lake Ōmāpere*¹⁶

Kaitiakitanga is described as a kaupapa in which “humans and nature are not separate entities, but are related parts of a unified whole”.

“Lake Ōmāpere is more than a body of water, it is a taonga”. (page 224)

“Reduced access to sites of significance and traditional Māori raw materials, the loss of traditional food species tuna, inanga (whitebait), kanae (mullet), torewai (mussel) and no longer being able to use the waters for social and recreational purposes, have all contributed to a loss of cultural knowledge.” (page 225)

“Eco-health, holistic health, bio-diversity and determinants of health are all concepts familiar to the ways Māori think about health and wellbeing, even if the terms are not commonly used. They relate to interconnecting factors that influence health and the interdependency between people and cultural and physical environments.” (page 225)

“a catchment-wide approach, ma uta ki tai; the notion of catchments comprising a variety of ecosystems and characteristics and having a self-restorative character by way of constant cleaning and flushing with fresh water. This could be summed up as those “... connected to the lands and waterways that stretch from its catchment to the sea and beyond.” (page 227)

ii) *Kaipara Harbour*

“The Integrated Kaipara Harbour Management Group (IKHMG) is a collaborative process led by the Ngāti Whatua hapū Te Uri o Hau and Ngā Maunga Whakahii. This kaupapa was born from the hapū aspiration to restore the mauri of Kaipara Moana coupled with the community's desire to improve the health and well-being of the Kaipara Harbour.”¹⁷

This integrated management process spans the whole Kaipara and its catchments, which administratively lie in both the Auckland and Northland

¹⁶ Henwood, Wendy and Remana 2001

¹⁷ From www.kaiparaharbour.net.nz

regions. A number of reports¹⁸ have been written addressing the environmental issues arising.

Their vision for the Kaipara is:

*'Ka mau tonu nga taonga tapu o nga matua tupuna
Koinei nga taonga i tuku iko, na te Atua'
'Hold fast to the treasures of the ancestors
for they are the treasures that have been handed
down to us by God'*

The Kaipara is a sacred taonga and Kaitiaki are responsible for protecting it for the benefit of all people. Their vision is focused on 'the realisation of rights as Te Uri o Hau' and Ngāti Whatua Ngā Rima o Kaipara and 'a natural environment that is rich in diversity and life supporting capacity'.¹⁹

In the same document the following key issues are identified:

Eight key issues for the Kaipara Harbour

- Declining fish stocks
- Declining biodiversity
- Increasing sedimentation and declining water quality
- Increasing resource use and development pressure
- Limited socio-economic opportunities
- Limited opportunities to practice kaitiakitanga
- Climate change impacts
- Lack of integrated management and coordination of action.²⁰

iii) Ngā Kaitiaki o Ngā Wai Māori

This group was initially established by Ngati Hau at Whakapara in response to water management issues for the Hikurangi swamp, and in particular to the impacts on tuna. The extent of the catchment (through to the Kaipara) and the scale of the necessary response led to a widening of the group to include Te Parawhau, Te Uri-ro-ro-i Te Kahu o Torongare, Ngati Hine, Ngati Hau, Te Orewai.

Their vision²¹ is for:

Kaitiakitanga

- Asserting Mana Motuhake – We are still asserting our rangatiratanga

Environment

- Crystal clear water / the ability to drink out of the awa and for the children to swim in any piece of the rohe awa - area
- The water-ways to be natural learning and playing places
- For the mokopuna to look out at the Hikurangi Swamp and see it as it should be, in its natural state
- Environmental Education in Schools –water programmes.

¹⁸ See also Environs Holdings Ltd / Landcare 2011

¹⁹ Kaipara Harbour Integrated Management Group 2010, page 15

²⁰ Kaipara Harbour Integrated Management Group 2010, page 9

²¹ From Ngā Kaitiaki o Ngā Wai Māori 2011, page 7

f) Iwi development planning²²

Individual iwi strategic planning documents do not contain direct statements of water or environmental values. However the regional iwi CE's economic growth strategy²³ addresses the intersection of development and environmental management.²⁴

The five tikanga mahi strands create a platform of strategic interventions that will be used to disrupt the status quo and create an environment for the Maori economy to grow:

- Mana is the assertion of influence to advocate for a political and policy setting that enables the Maori economy to grow.
- Whai pono is the pursuit of growth from an informed evidence based position.
- Matauranga builds the capability and capacity for whanau to create their own intergenerational wellbeing and independence.
- Whai rawa is the leadership platform of cultural and commercial excellence to build intergenerational equity.
- Mahi ngatahi collaborates with trusted friends of similar ideologies to pursue shared outcomes.

Tikanga applies across all levels of Maori social order. With whanau being the most fundamental unit, He Tangata, He Whenua, He Oranga is in essence whanau-centric. This template could be replicated at a whanau, Hapu or Iwi level yet still be relevant and transformative in terms of wellbeing. (page 25)

There are potential new opportunities in aquaculture, eco-tourism, geothermal energy, horticulture, properties, social housing stock on a commercial basis, infrastructure, water and waste management, water storage and irrigation, honey, mineral extraction and management of underutilised Maori freehold land. This means that Maori will play an even bigger role in the wider Northland economy. (page 21)

The outwards flow of human capital to the major cities contributed to the loss of rural leadership and capacity to fulfil traditional roles of cultural, social and environmental stewardship. (page 11)

Prior to 1840, Taitokerau Maori were an integral player in the region's economy. Their approach then, as it is now, was driven by culturally distinct values focussed on more holistic outcomes. Their pursuit of gain was purposed by the sacred obligation to uphold the intergenerational wellbeing of people while upholding the capacity of tribal resources to sustain life. (page 6)

The degree to which these values inspire tribal endeavour has not diminished. Indeed, the adherence to these values has enabled the cultural distinctiveness of Maori to endure. (page 10)

A traditional Maori economy premised on the sustainable management of natural resources including horticulture and fisheries. (page 10)

²² For further guidance on development and kaitiakitanga values see Appendix Three

²³ Iwi Chief Executives Consortium 2015 *He Tangata He Whenua He Oranga*

²⁴ Note: "kaitiakitanga" should not be regarded as a simple equivalent to conservation or preservation of the environment. Kaitiakitanga is equally about the use of the environment. See Appendix One.

5) CONCLUSIONS ON FRESHWATER VALUES FROM THE LITERATURE

Two strong values are persistent themes throughout the literature:

- The need for an integrated management approach. This can be helped through applying integrated catchment management and ecosystem based management practices. These processes need to be set within the broader environmental context – ma uta ki te tai (from inland to the sea).²⁵
- Water quality should enable two basic activities – swimming and drinking. Swim in the big rivers, drink from the small ones.²⁶

There is a lot of common ground between regional and national statements on the high level concepts representing or embodying values. These include:

- Mana
- Tapu
- Aroha
- Rangatiratanga
- Kaitiakitanga
- Manākitanga
- Mātauranga
- Mana motuhake
- Mauri
- Taonga
- Te Tiriti

Consistent with these values and concepts some other values are:

- Intergenerational responsibility
- People are not distinct from the natural environment but are an intrinsic part of it
- Maintaining biodiversity
- Human health depends on environmental health
- Integrated management and ecosystem management

Tangata whenua are clear in seeking an enhanced role in decision making, and greater participation in the practices of management. These roles are sought for tangata whenua, but are intended to benefit all.

Many tangata whenua responses are to the overall degradation of the environment and the resultant restriction on traditional cultural practices with loss of cultural knowledge.

²⁵ Or “No nga tihi o nga maunga ki te hohonu o te moana” – from the peaks of the mountains to the depths of the oceans.

²⁶ A suggested translation for this, which could serve as a whakatauki for the project, “Kia pai te kaukau i nga awa nui, kia inu pai i nga awa iti”. Personal communication, Maiki Marks

Whakataauaki in the literature recognise the special value of specific places.

The nature of mahinga kai, their importance, and the potential for their role as a proxy for cultural values is recognised.

While the Iwi CE Growth Strategy does not focus directly on freshwater or environmental issues, its stated values are consistent with those found elsewhere in the literature.

6) FRAMEWORKS

a) The nature of frameworks

Most environmental management is implemented in terms of specific resources, impacts, locations and measurements. Frameworks are useful in providing a matrix of quantitative and / or qualitative means of categorising these factors and considering interrelationships between them. The NOF is an example of a framework. This framework has commentary on specific matters, for instance mahinga kai (as in 4.c.1 above). Then a table is presented with attributes and their numerical measures, either as measured values or on a relative scale.

In attempting to create a framework for tangata whenua water values there are some theoretical challenges. As is evident in the discussion of values above, the tangata whenua concept of the environment is as a connected whole, which is itself connected with and includes people. Isolating specific qualities and measures in a reductionist scientific approach will generally fail to provide for this connectivity.

This dichotomy is reflected in the literature. Some material is at a highly conceptual level, with components consistent with values such as mana and manaakitanga, but does not provide direct detail for framework development. Other documents provide checklists of qualities that can be observed or measured, but the frameworks do not provide the inter-connections within them and between them, and the higher level values.

Often those developing such frameworks and modelling claim that they have integrated mātauranga / kaitiakitanga and western science. In reality what is generally achieved is a way of injecting or aligning some tangata whenua knowledge or values into a western science paradigm. While this has a legitimate use and provides a means of achieving at least some limited accord, it should not be considered to be an integration.

Kaitiakitanga is an integrated and holistic discipline. Western science is analytical and its implementation reduces the environment down to its component parts. Any true integration would need to fully consider the epistemologies of each knowledge system, determine the commonalities and differences, and develop a model to encompass any synergies and contradictions. That work has not yet been done.

Notwithstanding, in implementation of the RMA and in other contexts in which kaitiakitanga inputs are required for environmental management, information or

evidence sourced from mātauranga or kaitiakitanga can be and often is used to inform policy development and decision making. Those exercising kaitiakitanga have often been open to a reciprocal process, readily receiving science based information that can assist them.

The inputs from kaitiakitanga into mainstream environmental management can have dual benefits. This provides the opportunity for Māori environmental concerns to be addressed; and it offers an enhanced method for mainstream management.

This project seeks to identify and describe tangata whenua values for freshwater, and to establish RMA management mechanisms presented in a useful framework for implementing the NPS-FW. The literature review below on frameworks seeks to identify useful exemplars and commentary to assist in that task. It does not lead to creating a fully integrated kaitiakitanga / western science model.

The framework developed needs to be appropriate for the tangata whenua values identified. It is not appropriate to fully pre-determine a framework prior to knowing the values it is being developed for. The final framework needs to be able to effectively inform the regional implementation of the NOF, but is must not be determined by the NOF.

Modelling mātauranga Māori

A key challenge in contemplating the modelling of mātauranga Māori is deciding whether this is a valid pathway to pursue and whether modelling can be conducted in a culturally appropriate manner. Modelling will inevitably involve the deconstructing of mātauranga and korero into component parts that are appropriate to inform ecologically based models. Given the sensitivity of this activity there will have to be a clearly defined value proposition before it could be progressed. We would also have to consider the consequences of exposing mātauranga to the prospect of being tested for its accuracy and robustness. Some would consider this a way of enhancing the mana o te mātauranga Maori while others would feel it undermines mātauranga.²⁷

b) Te Mana o Te Wai / Mana Atua Mana Tangata

This framework appeared in the Second Report of the Land and Water Forum²⁸ and was included in the Ministry for the Environment's original proposals for reform of freshwater regulation.²⁹ Apart from the images below, little information was provided.

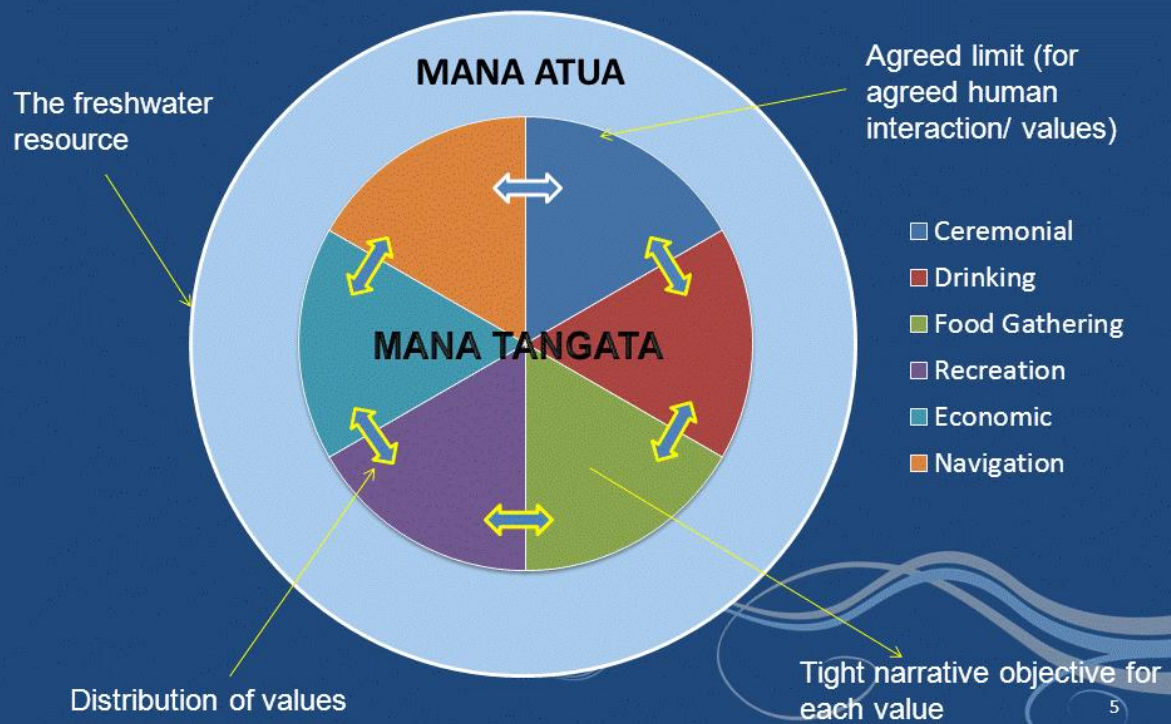
As noted in 2) above the NPS-FW still refers to this framework, but without any detail as to how it is expected to be implemented. In common with a number of framework proposals, it provides a list of possible attributes or qualities.

²⁷ University of Waikato 2013, page 7

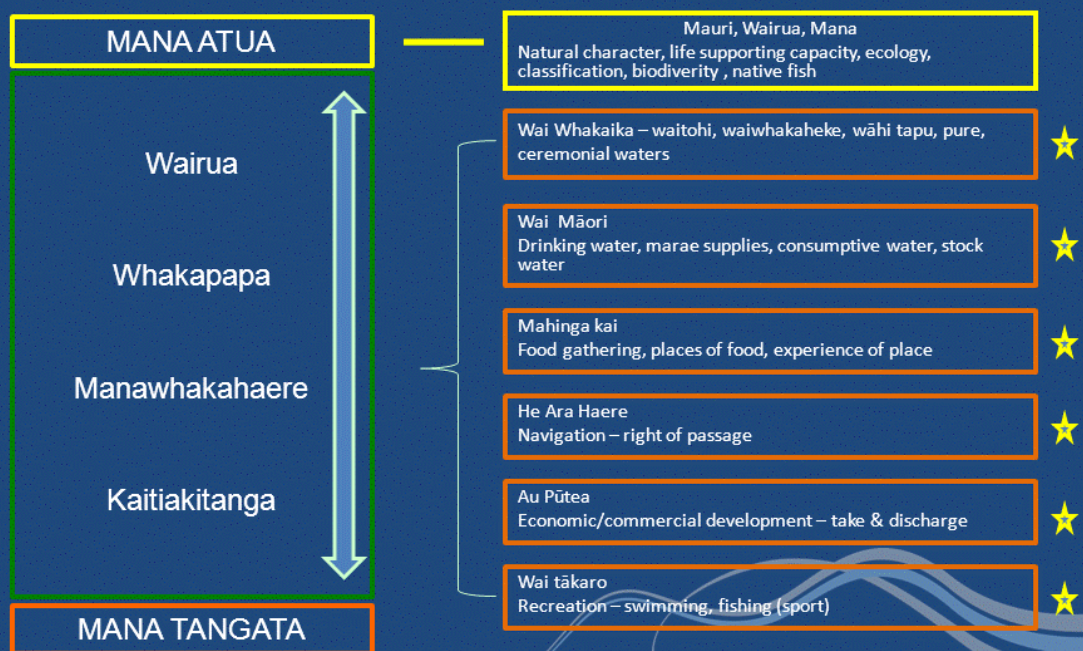
²⁸ Land and Water Forum 2012

²⁹ MfE 2013

Mana Atua Mana Tangata



Mana Atua Mana Tangata



★ - Non Hierarchical

c) The Mauri Model³⁰

The Mauri Model was developed by Kipa Morgan and applied to specific environmental situations, such as the Rena sinking and a lake in a pine forest polluted with paper mill wastes. The model determines categories of environmental, social, cultural and economic effects related to the local tangata whenua values and activities which have been impacted.

The four types of effect identified in the Mauri Model are aligned with the standard quadruple bottom line evaluation. While this may be a sufficient and appropriate set of categories for evaluating specific impacts, they cannot be assumed in advance to be able to be used without adaption for Taitokerau tangata whenua water values.

The Mauri Model is a mechanism for including tangata whenua values in environmental decision making for specific activities or impacts. It does not provide direct guidance for identifying those values; rather it provides a template for classifying them once determined.

As with other frameworks, the list of possible attributes and qualities may be useful.

d) Mauri Compass

The Mauri Compass was developed by Ian Ruru. It has been applied to a wide range of environmental issues.³¹

The following quotes are from the Mauri Compass website:

"The Mauri Compass evaluates Mauri in a Resource Management Act context.

"The Mauri Compass is made up of 12 compass points. In the RMA freshwater Planning world we call these points, "Attributes".

They are:

Kete 1: Tangata Whenua

1 Tangata Whenua

2 Wairua

3 Mahinga Kai

4 Cultural

Kete 2: Tane (land-based effects on the water body)

5 Habitat

6 Biodiversity

³⁰ There are a number of publications on the Mauri Model including Hikuroa et al 2011, Khan 2012, Morgan 2004, Morgan 2007, Morgan 2012

³¹ See www.mauricompass.com

7 H2O Biology
8 H2O Chemistry

Kete 3 Tangaroa (For freshwater our sentinel is the humble eel - the Apex Predator)

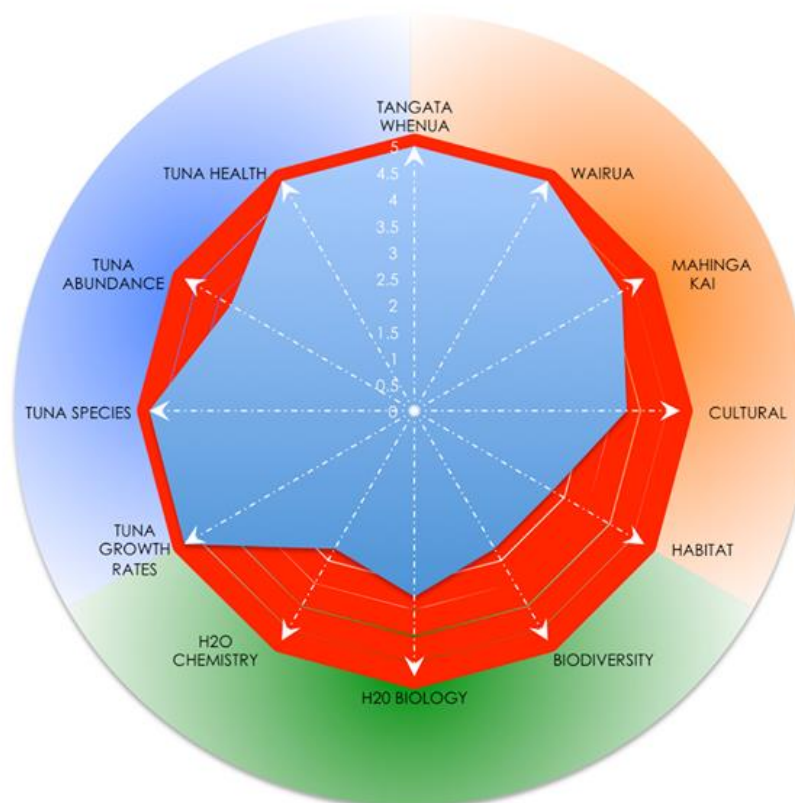
9 Tuna Growth Rates
10 Tuna Species
11 Tuna Abundance
12 Tuna Health

The “Whakapapa” of the Mauri Compass*:

Toitu te Marae o Tane
Toitu te Marae o Tangaroa
Toitu te Tangata Whenua (People)

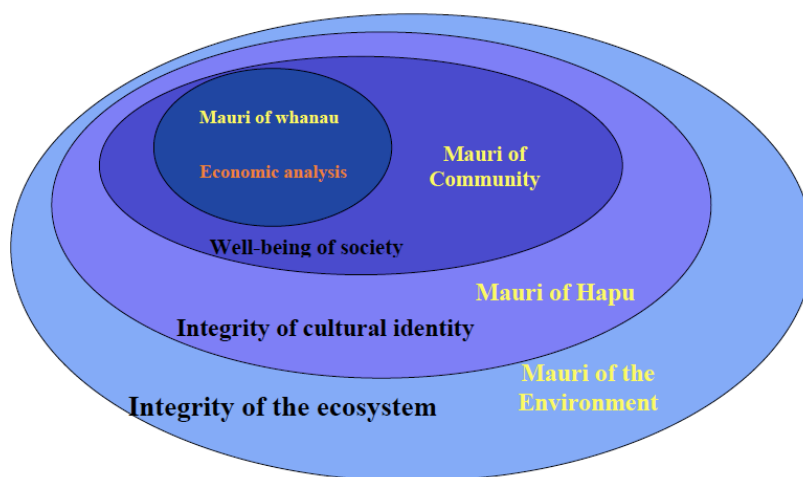
The Mauri Compass provides some categories of attributes and guidance which can be used in identifying tangata whenua values in a framework.

The Mauri Compass attributes are portrayed as:

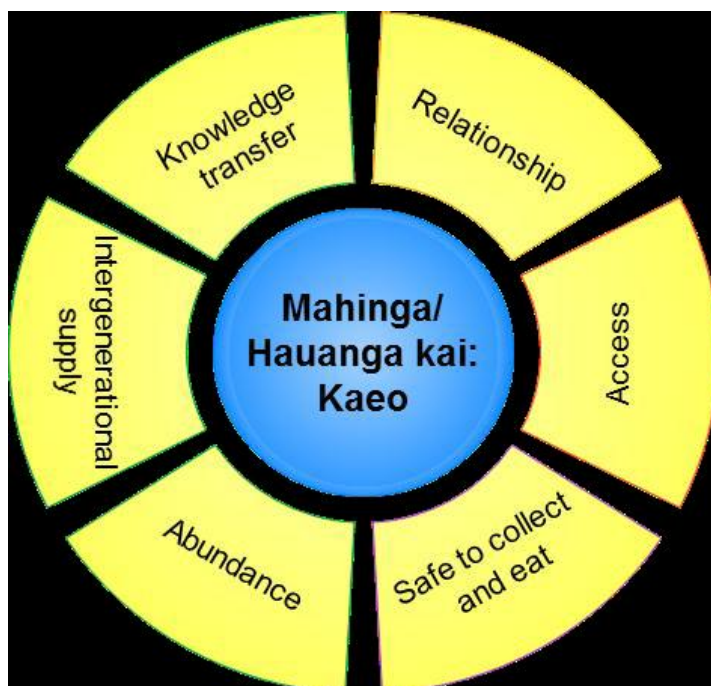


e) Framework structures from other documents

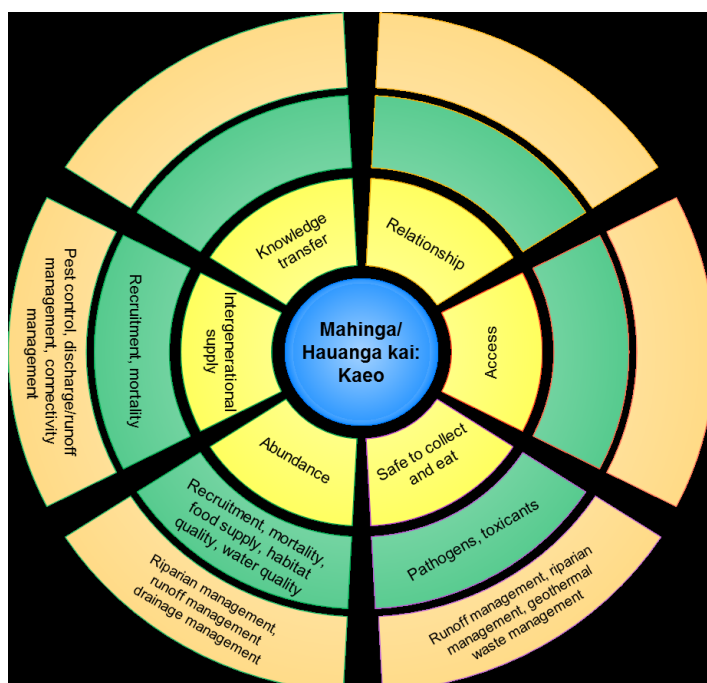
- i) *Kaipara Integrated Management Group*³² This diagram is sourced from Kipa Morgan and depicts the Mauri Model processes.



³² From KHIMG 2010, page 41

ii) *Nga Tohu o te Taiao*³³**Logic Wheel – Mechanisms**

Ngā Tohu o te Taio: Sustaining and Enhancing Mahinga Kai and Wai Maaori is a research project funded by the Ministry of Business Innovation and Employment (MBIE) that aims to develop knowledge, tools and processes for setting freshwater limits for mahinga kai. Mahinga kai, known as Hauangaa kai in the Waikato-Tainui region, is one of a number of significant Maori values identified within the National Objectives Framework for Freshwater Management.

Logic Wheel – Management

³³ University of Waikato 2013, pages 21&22

iii) *Landcare KEIA-R framework*

A case study approach has been used to develop the Kaitiaki Environmental Impact Assessment and Reporting (KEIA-R) framework. It is driven by local issues and identifies a Maori community's aspirations, values, needs, and expected outcomes for their hapū and representative marae. The framework was developed collaboratively with Maori organisations under the umbrella of the Waahi Whaanui Trust (an established Maori Trust within the tribe of Waikato-Tainui) and with six Marae that have a strong genealogical connection to their ancestral river and lands.³⁴

This is a work in progress which can be monitored for further development and potential contribution to this project.

iv) *Monitoring and Indicators*

A number of cultural or tangata whenua indicators have been developed for freshwater. Those indicators are designed to reflect then measure in a manner consistent with the underlying tangata whenua values. This work was led by Tipa and Tierney in their Cultural Health Index which was designed in response to a need by identified by Ngai Tahu³⁵.

In a more recent publication Nelson and Tipa have compiled a summary of twenty-one monitoring tools. This contains some discussion of freshwater values.³⁶

7) CONCLUSION ON FRAMEWORKS FROM THE LITERATURE

It is evident that there are a range of formats and types of frameworks that have been developed for tangata whenua freshwater values, or for more general input of kaitiakitanga information for mainstream environmental management. Once the Taitokerau values are confirmed, those exemplars can inform the development of the framework for this project.

With the frameworks cited above, and in many other documents, there are lists of attributes, qualities and values that may have relevance for the Taitokerau. These sources can be used as check lists for developing categories and details for the framework for this project.

³⁴ <http://www.landcareresearch.co.nz/science/living/indigenous-knowledge/keia-r>

³⁵ Tipa, G and Tierney, L 2003

³⁶ Nelson, KD and Tipa, GT 2012

8) INTERESTS

“Interests” can be understood in an informal sense, and providing for tangata whenua values is likely to be consistent with or identical to providing for their interests. However, in a formal and legal sense, there are also interests of importance to Taitokerau tangata whenua.

The Westminster law concept of property rights is not fully congruent with traditional Māori understandings of mana over a natural resource. However property rights such as those pursued and gained in the fisheries settlement have served as a proxy for the traditional rights.

The nature of property rights in fresh water are complex and differ across the cultures.

These different contexts give rise to different perspectives. One example is the use of the term ‘water rights’ in New Zealand by water users and agencies. This term suggests a permanent property right to water, when it actually refers to time-limited resource consents to use water. In contrast, many Māori groups challenge the notion of water rights held by others, arguing that iwi and hapū never relinquished their aboriginal rights to water [Māori have] lodged claims with the Waitangi Tribunal, which has found that iwi do have continuing rights and interests in fresh water. Exactly how these rights might be expressed remains a matter of discussion and negotiation, as shown through the Land and Water Forum process and direct negotiations between iwi and the Crown.³⁷

Tangata whenua from Taitokerau have been involved in this Claim, and iwi in the North are engaged with the issue through the national Iwi Leader Group.

Further, the initial Tribunal report to the claim Wai 1040 has found that rangatira who signed Te Tiriti did not intend to cede sovereignty as understood by the Crown.

Although neither of these claims have resulted in legislation or policy, they are of critical importance to Māori in Taitokerau. This will be likely to drive initiatives for greater participation in decision making through transfers of powers or joint management arrangements.³⁸

³⁷ Cawthron Institute 2015, page 2

³⁸ Pursuant to s33 and s36B of the RMA

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NRC February 2015 *Tangata Whenua Issues and options*

[http://www.nrc.govt.nz/Download/?file=/upload/19267/Tangata whenua issues and options Draft December 2014.pdf](http://www.nrc.govt.nz/Download/?file=/upload/19267/Tangata%20whenua%20issues%20and%20options%20Draft%20December%202014.pdf) [Note: At the time of writing this was the most recent on line version. I will replace this with the final version when it is on the web after 23 Feb]

Taitokerau Natural Resource Managers 2011 *Proposed 2nd Generation Regional Policy Statement for Northland – Resource Management Issues of Significance to Tangata Whenua*

University of Waikato 2013 *Ngā Tohu o te Taiao: Sustaining and Enhancing Wai Māori and Mahinga Kai*

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Waitangi Tribunal 2012 *The Interim Report On the National Freshwater and Geothermal Resource Claim*

APPENDIX ONE

The following is from *He Maara Mataitai – Ngangaru Ana* of the Aquaculture Steering Group.

Kaitiakitanga is already acknowledged in legislation and is defined as follows:

“...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, Resource Management Act 1991); and

“...the exercise of guardianship; and, in relation to any fisheries resources, includes the ethic of stewardship based on the nature of the resources, as exercised by the appropriate tangata whenua in accordance with tikanga Maori” (section 2, Fisheries Act 1992)

Concern has often been expressed however that present legal definitions do not fully express what kaitiakitanga is about, and that any attempt to define it in anything other than te reo Maori will always be insufficient.

The Aquaculture Steering Group offers the following ideas in order to generate discussion on the concept of kaitiakitanga and what it means for the aquaculture reform.

Kaitiakitanga contains many elements that can be described as:

- mahi tapu – god given and handed down through our tipuna
- founded in whakapapa - the relationship between everything and
- everybody in the natural world – there is no distinction between people
- and their environment
- exercised on behalf of, and for the benefit of all who are related through whakapapa
- a set of inalienable responsibilities, duties and obligations that are not able to be delegated or abrogated
- a web of obligations: to the taonga, to the atua and to ourselves and our uri. Kaitiaki have a responsibility to provide for everyone and ensure everyone benefits

- independent of “ownership” in a European sense. As on land, kaitiaki responsibilities are independent of others who hold “ownership” or use rights under the law. For example, although as kaitiaki, Iwi/hapu may “own” only a percentage of the total marine farming space in a region under existing law, they still hold kaitiaki responsibilities over the whole area in accordance with tikanga
- seamless and all encompassing – making no distinction between moana and whenua
- given effect at whanau and hapu level
- expressed in ways that are appropriate to the place and to the circumstances, according to tikanga
- wider and more complex than existing legal definitions
- given practical effect by:
 - exercising control over access to resources,
 - sharing the benefits of the use of those resources
- enabled through rangatiratanga, which includes the authority that is needed to control access to and use of resources, and to determine how the benefits will be shared. This means that it can be expressed in part through the concepts of “ownership”, “property”, “title” or “stewardship” - however it is much wider than any of these.

Kaitiakitanga has been exercised since before the Treaty. Article II of the Treaty guaranteed that Iwi/hapu would retain the authority they needed – that is rangatiratanga - to continue to exercise kaitiakitanga.

While the Crown gained the right to govern and to make laws (including for the purpose of resource conservation) under Article I of the Treaty, the Crown must heed the guarantees it made under Article II when designing and implementing its policies and laws

APPENDIX TWO

IWI PLANNING DOCUMENTS

The following iwi planning documents have been lodged with NRC and must be taken into account in plan changes to implement the review of the regional plans:

Kia matau, kia mohio e ora ana Te U Kai Po – Nga Hapu o Whaingaroa
Environmental Plan – Patuharakeke Te Iwi Trust
Nga Tikanga me te Taiao o Ngati Hine – Ngati Hine
Environmental management plan 2007 – Ngati Rehia
Te Iwi o Ngatiwai Iwi Environmental Policy Document – Ngatiwai
Ngatiwai Aquaculture Management Plan – Ngatiwai
Te Uri o Hau Kaitiakitanga o te Taioa – Te Uri o Hau
Nga Hapu o Mangakahia Plan – Mangakahia Maori Komiti
Working Draft Hapu Environmental Management Plan – Kororareka Marae Society
Hapu Environmental Management Plan – Nga Hapu o Te Wahapu o Te Hokianga Nui a Kupe
Whakatakoto Kaupapa mo te Hapu o Ngati Kuta – Ngati Kuta ki Te Rawhiti

APPENDIX THREE

The material below is from McMeeking, S. *Practical tools for Iwi and Maori organisations* (see www.kaupapa.org)

Page 5

The tools in this section compile resources and ideas about how Iwi and Māori organisations can **‘practice what we preach’** through policies, procedures and practices:

- Give effect to kaitiakitanga through an environmental management system
- Employ principles of accountability through participatory mechanisms
- Embed kaupapa into governance decision making
- Incorporate kaupapa into human resources management

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21st century commercialism is important. Iwi Māori commercialism seeks to balance:

- generating revenue to fund tribal programmes that contribute to the kaupapa,
- reasserting our place in our ancestral landscapes,
- living our values, vision and priorities.

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Kaupapa Investment Policy

The [name of entity] shall refrain from investments and active businesses that are inconsistent with the traditions, vision and values of [iwi/hapū/collective name] as set out below and confirmed by [name of board] from time to time:

- **Kaitiakitanga** – the [name of entity] shall refrain from investments that have the following environmental affects:
 - Materially contribute to water quality falling below [mahinga kai or other] standards
 - Materially affects indigenous species that are endangered or of concern status
 - Materially decreases the coverage of indigenous forests
 - Are inconsistent with an Iwi Management Plan or other environmental management instrument developed by the iwi or hapū

APPENDIX FOUR

THE PATUHARAKEKE HAPŪ ENVIRONMENTAL MANAGEMENT PLAN 2014

This plan was lodged with NRC after the completion of this draft report. It contains the following content relevant to tangata whenua fresh water values:

Guiding values, principles or practices (page 13):

<i>Whakapapa</i>	The foundation of our framework for managing resources, this demonstrates the relationships between the various elements of the world around us, including human beings.
<i>Kaitiakitanga</i>	Our duty of care and responsibility toward our taonga tuku iho.
<i>Whanaungatanga</i>	Building ongoing positive relationships.
<i>Manaakitanga</i>	Our ability to care for and sustain our whanau and our manuhiri
<i>Matauranga</i>	To protect, revive, enrich and utilise our knowledge in our capacity as kaitiaki
<i>Mana Whenua</i>	Our right to exercise authority over our rohe and the resources therein.
<i>Mauri</i>	Protection of the 'life force' contained in all places, species, minerals, ecosystems in our rohe. It can also be understood as a measure of the health and vitality of those elements.
<i>Tikanga</i>	To retain the traditions of our tupuna in all our operations.

Issues (page 53):

- a) Water is perceived as a public utility and infinite resource rather than a taonga tuku iho.
- b) The Mauri of water is in serious decline and needs enhancing and protection.
- c) Mana whenua are increasingly unable to feed their whanau and our mana is being eroded through inability to manaaki manuhiri due to degradation of mahinga kai in our waterways.
- d) Mana whenua access to clean drinking water and access to safe sanitation is at risk due to over allocation and the pollution of water resources in their rohe.
- e) Mana Whenua are increasingly unable to carry out cultural and traditional activities on, within and around water resources.
- f) Patuharakeke are not represented in decision-making over water management in Te Taitokerau.
- g) Patuharakeke have never ceded sovereignty over our water resources and do not accept that it is a "common resource".
- h) Patuharakeke have not shared any of the economic benefits derived from commercial use of our water for infrastructure or commercial purposes.

These issues have objectives, policies and methods in response.

Other sections, such as vegetation clearance and infrastructure, have provisions relevant to freshwater management.