



MOURI TŪ MOURI ORA

WATER FOR WISDOM AND LIFE

**NGĀTI RANGI, THE TONGARIRO POWER SCHEME,
AND THE RESOURCE MANAGEMENT ACT 1991**

**RECONCILING INDIGENOUS SPIRITUAL WELLBEING,
CORPORATE PROFIT AND THE NATIONAL INTEREST**

**TE ATAWHAI O TE AO
INDEPENDENT MĀORI INSTITUTE FOR ENVIRONMENT AND HEALTH**

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Reconciling Indigenous spiritual wellbeing,
corporate profit, and the national interest

Edited by Āneta Hinemihi Rāwiri





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Published 2009

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Grateful thanks to contributors and their whānau for allowing their kōrero to be shared here.
Also to Hēmi Te Peeti, who encouraged me to complete this book.

For my son Riwai

ISBN 978-0-473-14634-4

Cover photograph is of the Wahiānoa River

Published by
Te Atawhai o Te Ao
Independent Māori Institute for Environment and Health
110 Matai Street
Whanganui
Aotearoa/ New Zealand

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Te Tai Whakarunga

Te Tai Whakararo

Te Tai i māturuturu mai i te kāuru o te rangi

Puai rā ko ngā roimata e rua

Te Wai inuinu nā Ruatipua

Te Wai tuku kiri nā Ruatawhito

Tēnei au te hōkai atu i runga i ngā tapuwae ha kui, ha koro mā

Ka tūturi ki te taha o ngā wai i pupū ake

Kei ngā rekereke o Ruapehu

Inumia ai i te wai ka rari

Inumia ai i te wai ka ngata

Tākina atu rā te whakapiki mouri ora

Tīehuehutia te wai ki te whatumanawa

Ka puta, ka ora ai taku iwi e

E te iwi, maranga mai kia kite ai koe

Te ngārara horohoro wai

Koia te tuiaua nā Kuini Erihāpeti

Te kaiā o te mouri wai

Te kaiā o te toto o papa whenua

Kia hiwa rā, kia hiwa rā

Kei riro koe ki te Rua o Pore

Ka ngaro ki te pō e

Nā Turama Hawira



Che Wilson, Gerrard Albert and Whakataumatatanga Māreikura,
at the opening of Whanganui District Inquiry Wai 903
Waitangi Tribunal hearings, Raketapauma Pā

FOREWORD

Te Mouri kei runga

Te Mouri e Rangī

Te Mouri ka puta

Ki te whaiao

Ki te Ao Mārama!

It is impossible to quantify the number of Whanganui and Ngāti Rangī pahake that have presented evidence to legal proceedings deliberating the ownership, use and protection of the Iwi's ancestral waters.¹ Indeed prior to the inception of the Resource Management Act (RMA) in 1991, Iwi pahake were already well practised at standing before Pākehā courts to protest against activities or proposals affecting our waters. Starting in 1877 with petitions to the Crown over the destruction of ancestral fishing grounds in the Whanganui River estuary, the Iwi has maintained unwavering opposition to the degradation of our waterways as undermining the values central to our identity and existence.

Thus the dawning of the 20th century saw numerous appearances by our old people before the Native Land Court, Māori Appellate Court, and Court of Appeal over 24 years, to determine ownership of the Whanganui River and its tributaries. The middle of that century witnessed continuous Iwi opposition to municipal waste discharges and gravel extraction from our rivers.

Water extraction by the Tongariro Power Scheme began in the 1970s despite Iwi opposition. By the 1980's, the diversion of the headwaters on both the western and eastern flanks of Te Kāhui Maunga resulted in protracted minimum flow proceedings before the Planning Tribunal. In 1994 the Iwi was granted urgency to present the Whanganui River Claim to

¹ Hereafter I will refer to Whanganui and Ngāti Rangī synonymously as 'the Iwi' in recognition of the common origins and identity of the River and Mountain peoples.

the Waitangi Tribunal in response to the onset of a new planning law framework under the RMA. The diversions were a central concern for Iwi.

The Waitangi Tribunal released its Wai 167 Whanganui River Report in 1999, recommending that the Crown recognise and provide for the Iwi's ancestral rights to the River in its entirety. This has yet to happen. In the meantime, protests have continued before resource consent hearings, the Environment Court, High Court and Court of Appeal in respect of the Tongariro Power Scheme. The Environment Court proceedings are the subject of this book.

Even the recent Waitangi Tribunal hearings of the Tongariro National Park and Whanganui Lands Inquiry Districts have revisited the western and eastern diversions. Without fail, at each proceeding, the repositories of tribal lore – our pahake – have stood to give voice to the ancient relationship between people and water.

As a somewhat jaded Iwi resource management practitioner I am often tempted to condemn the Iwi's legacy of legal protests as a sad catalogue of failure; testimony only to the futility of legal challenge within a system weighted heavily toward the social, commercial and environmental interests of others. Yet to do so would be to mistakenly conclude that discrete ends are more important to our Iwi than the moral obligation to maintain the fight.

When our old people sought legal ownership of the Whanganui Riverbed in the 1930's and 40's some would conclude that their objective was to seek a property right as a means unto itself. I doubt this was the case. To my view the old people saw the sense in using the legal system against itself and no matter how determined they were to win the case, that end was no more critical to upholding the mana of the River than the fact that they had taken up the fight. I am not at all suggesting that our old people were defeatist in their approach – nothing is further from the truth.

Precursory to the 1930's legal case the old people had determined that the people and the River would be united through whakapapa – hence the accentuation of the Tamaūpoko, Hinengākau and Tūpoho dynasty over the past 70 years. And which do you think has been crucial to ensuring that the

River's legacy flows through successive generations? The legal findings of the courts? Or the unification of the people, and therefore the River, under the children of Ruakā and Tamakehu?

This book is an important record and continuation of that legacy in respect of the Ngāti Rangi people and the waterways of the Ruapehu/ Karioi district. To my knowledge the Iwi has never extracted the individual contributions of pahake from official records and presented them for what they are – the mana and tapu of our waters rendered in the spoken and written word. That the contributions are exclusively those of Ngāti Rangi pahake is immaterial. Their words speak for the whole Iwi, and for all our waters.

In conclusion, I am reminded of the words of our late kuia Te Paea Arapata. Whenever she acknowledged her adoptive father and his people of Ngāti Rangi, she would use the simple elucidation,

*Nāna au i ora ai
It is they, who gave me life*

She would then use the exact same words in reference to the other sources of her physical and spiritual salvation – her God and her River.

People, spirituality and water acknowledged with the same simple words. It is no coincidence that the words of our Ngāti Rangi pahake contained herein follow the same simple edict.

Kāti, nāku ake,

Gerrard Albert



Ngāti Rangi welcome the Environment Court to Tiorangi Pā.
From left to right: Environment Court Commissioner Kevin Prime,
Keith Wood (Ngāti Rangi), Environment Court Judge Gordon
Whiting, Turama Hawira (Ngāti Rangi)

INTRODUCTION

NGĀTI RANGI BEFORE THE ENVIRONMENT COURT

“Our old people felt very deeply about our tūpuna awa and our tūpuna maunga. They were and continue to be part of who we are as Ngāti Rangi. They have a life-force as we do, and we share in each other’s sustenance. . . . Our old people didn’t so much teach us by telling us, but we were taught by being taken with them and watching them. You could tell by the way they touched the water – it was like a caress. There was and still is a sacredness about our rivers and springs, and the relationship we have with them. It is the same for all our kin of the natural world”.

These words are from our kuia, Ida (Morna) Taute, spoken on behalf of Ngāti Rangi before the Environment Court, at a hearing at Tirorangi Pā.

Early in the morning of 10 November 2003, Ngāti Rangi whānau gathered at Tirorangi to await the arrival of the Environment Court and other parties. Some had arrived the day before to prepare the marae, erect marquees, and begin preparing to host our visitors over the week ahead. While most lived locally, some had journeyed home to stay at the marae over the week and support the hearing.

Once the visitors had gathered at the far gate ready to be received by the home people, a keka was sent out to explain the tikanga of the marae. The pōwhiri then began. A kaihāpai mau rākau approached the visitors to lay a rau on behalf of the home people. Its acceptance was the first exchange of formal acknowledgements, allowing the kaihāpai to begin clearing a spiritual pathway for the visitors to proceed forward.

The exchange of reo pōwhiri brought the visitors onto the marae where whaikōrero and waiata took place. These exchanges recall and acknowledge the sanctity of each other’s origins – of people and land – and further to the beginning of creation. The astute and often quick-witted exchange of whaikōrero does not belie its sacred intent. Indeed, the natural ability of the people to convey the depth of who we are and our concerns –

with humility, goodwill and good-humour – resonated throughout the hearing.

Weaving the home people and the visitors together spiritually precedes the physical act of meeting and hongi. The sharing of food completes the process. Each part of the pōwhiri has its own distinct and special role in the process. These tikanga were not simply traditions from a time past – merely traditional ways to ‘open’ and ‘close’ the hearing. They express life principles that are timeless and unchanging; and convey spiritual understandings that give meaning to life, guiding and connecting us to a deeper understanding of who we are. These tikanga were fundamental to the Iwi case.

These understandings are learnt through sharing collectively as whānau, hapū and Iwi. By being hosted at Tiorangi, the Court not only experienced this collectivity but also gained an insight into the importance of community continuity, that is, how community is a collective of past, present and future generations and our ancestral homelands. Our pahake spoke about this during a hīkoi with the Court to our tūpuna awa after the pōwhiri. The hīkoi also allowed our rivers to speak for themselves, another important Iwi tikanga.

The presentation of evidence began in the wharepuni the next day, led by our pahake. Our old people speak in a very special way. They convey deep insights without revealing ancestral knowledge to be kept within the community. Our old people are highly respected. They are often very unassuming and people from outside communities may have difficulty in recognising or understanding the vital leadership role they play. Pahake are both men and women, and their respective roles are held in equal regard. Their knowledge has been passed on to them orally, and they have gained deep insights from living it. They are not all aged and often have a keen sense of humour.

Not all people are recognised as pahake; their recognition comes from the fact that they speak wisely, and act with integrity. Integrity means living and passing on a deep respect for all that is sacred and precious, connecting the land with the people. Whakapapa, names, places, kōrero, tuku iho, tikanga and waiata continually remind us of who we are. If the

depth of their meaning is lost, we will lose our sense of responsibility for our ancestral homelands and each other; and both will quickly be reduced to commodities to be bought and sold. Our old people understand the difference between beneficial or inconsequential changes, and those that affect community integrity. Our pahake are understood to be guardians of the future as much as they are of the past. They are cherished for their wisdom and leadership.

This book brings together the Ngāti Rangi evidence presented before the Environment Court at Tiorangi. It begins with the evidence of our pahake, the late Pāpā Colin Richards, Pāpā Turuhia (Jim) Edmonds, Kui Ida (Morna) Taute, the late Kui Te Nape (Nancy) Wood, and the late Pāpā Matiu Māreikura. Each kōrero is a reflection of growing up and living within their whānau, hapū and Iwi. Together, their collective experience is as rich as community-life itself. While never using the same words, they all speak about the same thing – a sacred respect for our tūpuna awa.

In their evidence they describe how ancestral heritage connects us with our ancestral rivers – and the mouri within, and around us. Through this connection we experience a deep sense of belonging to community collectivity, so much so that we do not separate our wellbeing from the wellbeing of our tūpuna awa. In this way, ancestral heritage is understood not only to be a precious source of belonging and identity, but also a land and people management system – that is, a way to live one's life based on respectful relationships.

Indigenous languages and cultures are a window on their natural environment. The term 'biolinguistic diversity' describes how a rich accumulated wisdom of the natural world is encoded in Indigenous ancestral knowledge. The only Iwi testimony not included here is that of Turama Hawira. His oral evidence, given in Māori, provided local examples of this. It is not included as they are not to be disclosed for public record outside the community.

In 1987 the United Nations World Commission on Environment and Development described the international acceleration in the loss of Indigenous ancestral knowledge as "cultural extinction". It is no accident that the extinction of ancestral knowledge coincides with the widespread

displacement of tāngata whenua from ancestral homelands worldwide, and a worldwide near total ecosystem collapse. This is not simply an environmental crisis as it is widely described, but rather it is a crisis in human values. A fundamental shift is required where Indigenous languages and cultures are accepted as an intrinsic part of the natural environment itself.

This will bring about a wider much-needed shift in thinking, to an understanding that people are part of the natural world, rather than separate to it. It will elevate an Indigenous resource management ethic of respectfully managing ourselves around natural values – as opposed to changing the natural world around us. Keith Wood discusses this further in his evidence. He argues that this shift can be achieved via the synergy of inclusive decision-making processes and advanced technologies.

Ancestral knowledge can only be maintained where we can maintain our whānau, hapū, marae and iwi. This can only happen where our interests are upheld. In my own evidence I explore how respecting the choices and decisions tāngata whenua make about our lives and the places where we live, is the only effective way to ensure this. I argue that this is not only more humanitarian in its approach, but more importantly, it promotes sustainability for all communities – not just some.

By 2003, our legislative recognition in the Resource Management Act 1991 (RMA) had not yet progressed our participation in decision-making much further beyond tokenism. In the Act's first ten years, court decisions upheld a limited obligation to 'consult' with tāngata whenua. Almost fifteen years on, we advocated for tāngata whenua participation in more meaningful and substantive ways. Without this, the RMA is arguably an exercise in rhetoric without any real change. The evidence of Dr Shane Wright, Alan Titchener and Molly Melhuish explore how change can be effected within ecology, landscape, and energy impacts assessments. They argue that a wider, more inclusive approach will not only more properly meet the intentions of the Act, but it will also greatly enrich resource management process and outcomes.

THE ENVIRONMENT COURT DECISION

In 2001, the Manawatū-Wanganui Regional Council granted Genesis Power resource consents to continue to divert water from the Whanganui, Whangaehu, and Moawhango rivers for another 35 years. Genesis Power is a Crown-owned corporation that operates the Tongariro Power Scheme. Ngāti Rangi, Whanganui Iwi and Tamahaki appealed this decision to the Environment Court.

Given the Iwi position that the Tongariro Power Scheme diversions should be closed to allow our ancestral rivers to flow their natural path unbroken from The Mountains to The Sea, we argued that at the very least they should be reconsidered within a time frame much less than 35 years. Where it becomes viable to do so because of advanced technologies and increased efficiencies in generation, the diversions should be reduced or closed given that Iwi have consistently opposed them for over 40 years.

In its 2004 decision, the Environment Court accepted that power generation is of national economic and social benefit. However it also found that under the RMA, sustainable management requires a balancing of economic, social, environmental **and cultural** considerations. Accordingly, it reduced the consent term to 10 years to give the parties time to work together, to try and come to an agreed resolution.

Genesis Power filed objections against this decision with the High Court. In 2006 the High Court found the Environment Court's grounds for decision to be unduly weighted in favour of Iwi and sent the 10-year term back to the Environment Court to reconsider. The Iwi appealed the High Court's decision. This has just been heard before the Court of Appeal – we are currently awaiting its decision.

SUSTAINABLE COMMUNITIES – SUSTAINABLE FUTURES

To understand the depth and significance of our Iwi case is to journey through many different dimensions – legal, political, historical and spiritual. Indeed it is to journey into another world and beyond, to observe two vastly different worldviews converging, seeking a pathway ahead. One, based on nation-state (majority) power and commercial imperatives;

the other, based on Indigenous sovereign nationhood and spiritual understandings.

Over the course of the hearing, the Court witnessed an affirmation of Indigenous nationhood. To recognise Indigenous nations as distinct peoples within a nation-state is widely considered to be separatist and divisive. Yet, forcibly denying us our ancestral heritage is not cohesive. A nation-state that embraces pluralism and cultural diversity is richer than one that denies it. Difference is not the problem, but rather a lack of respect for difference.

Sovereign Indigenous nations can coexist within the nation-state. Respecting the right of Indigenous communities to be self-determining is not only viable; more importantly, it forges a pathway ahead toward a just and equitable relationship between tāngata whenua and the nation-state. Not only will this facilitate respectful engagement between different peoples, but it will also assure sustainable futures for all communities.

Worldwide, tāngata whenua are advocating for respectful engagement with outside communities to build a world that affirms our dignity and presence. At the same time, we are engaged in whānau, hapū and iwi activities to retain our collectivity and integrity. Through community we come to know connectedness. We experience the totality of life because we live whole-life philosophies. These provide meaning to life and enable us to find our spirit within and nurture our wellbeing more completely. This is critical for effective action – within and outside community.

Community and spiritual wellbeing is at the core of Indigenous sovereign nationhood. Community wellbeing begins in our homes and our marae. Caring, loving families are critical to the survival of Indigenous communities. As we have learned from our pahake, so too will our children and grandchildren come to understand how mana and tapu are to be approached with care and respect through their experiences – through observation – and when they are treated this way. Self-determination will only be assured where our tamariki mokopuna continue to cherish and believe in their ancestral heritage and themselves.

Āneta Hinemihi Rāwiri



The Wahiānoa River and its source on Ruapehu Maunga,
one of the Whangaehu catchment rivers diverted by the
Tongariro Power Scheme



Colin Richards (left) and Hokioterangi Ngātaierua-Tinirau
at Rotokura, Karioi

1.

WATER FOR WISDOM AND LIFE

COLIN RICHARDS

Pahake, Marangai Pā, Ngāti Rangī

Whanganui Iwi mai i Te Kāhui Maunga ki Tangaroa

I often heard our old people speak of the streams and springs that flow from Koro Ruapehu, as toto (blood). They were referring to the life essence that flows in our ancestral streams and rivers, from The Mountains to The Sea. And if we look into the depth of that, they were referring to the life-force within water that provides all living things with their life sustenance. Without it, there can be no life. It is very simple to look at water and say that's just another river. That is a very Westernised view of things. As children, we were brought up on those rivers to learn about the life sustenance they bring, not only in terms of mahinga kai, but also as waiora, life-giving waters. As tāngata tiaki, our responsibility is to nurture and care for that life-force, so it may sustain all living things.

The life essence of our waters goes back to the beginnings of time. And so our association with our tūpuna awa goes back to the beginnings of time. This is the beauty of our tūpuna awa that has been handed down to us – mai raanō, mai raanō. Of all the elements, water is the first because without it there can be no life sustenance of Papatuanuku. If we disturb that, then we have upset the balance, and if we upset the balance then there is retribution. We have seen that not only in this country but all around the world. Each living thing has a mouri, a life-force, and if we upset the life-force then we have caused an imbalance in the world.

The life-force of the natural world cannot be separated from the life-force of people. And so, if you divert our streams or rivers, you are taking away their life essence – and by the same token, you are taking away ours. Take the Moawhango River for example. Before the dam was built she was a mighty and beautiful flowing river. Now that the dam has been built there

is only a small portion of the river flowing there. The life-giving sustenance of our tūpuna awa has been desecrated. Many of our old people fished in the Moawhango up where the dam is now. Below the dam, it doesn't hold the fish anymore – the kai that was once sustained by our ancestral river. It's like a dry bed. So if someone tells me that the dam doesn't have an effect, I question their reasons.

The natural world is based on balance. I think that materialism and money causes the imbalance. The life values we learned as children were to sustain a continuity of balance in the natural world. Those values are irreplaceable. If we can't sustain those values, then we will lose the tikanga laid down by our old people for us. The danger in te ao hurihuri (the changing world), or the challenge for us, is to be able to sustain that balance. It's very much like a vision. If we don't have a vision then life is a struggle. Our vision was laid down for us by our old people, to be passed on to our tamariki mokopuna.

Ko te taha wairua, te taha hinengaro, te taha tinana, me te taha whānau hoki – these are the cornerstones of life that our old people laid down for us. Our ancestral values are the foundations on which these cornerstones are based. If we can sustain our values then we will always sustain our wellbeing; and our unity as a people. Our ancestral values are about respect for life, respect for all those things around us. It's not only about learning or hearing the kōrero of our old people, but about living it. And if you live it then you come to understand those values. So we were brought up to live them, and that's why we still carry them today. Then naturally you care for the natural world because you understand and respect its life essence. So that naturally transfers on to your whānau, and your hapū and so forth.

In today's changing world it is our responsibility as mātua and pahake to pass these values on to our tamariki mokopuna, but not just verbally. We have to take them through it. We have to allow them to live it, so that they can experience the life essence of our tūpuna awa. That's the challenge today. Western technology is supposed to make our lives easier but at the moment it seems to be mostly used to undermine our value systems, and the whole reason why we wish to live with our tūpuna awa. This has very

much been our experience of the Tongariro Power Scheme. We can never relive the days of our old people because that was a different time. But the values of their day are still maintained today. It is those values that we take forward with us – that continue to sustain us today, and into the future.

Our rivers were given to us to enjoy. We were taught by our old people that we must always respect our tūpuna awa, and we must never desecrate them because of the very life essence that they give to us. When fishing, we were always taught to give back the first fish to Maru, and we still do that. We were taught to always give thanks for the kai our awa gives us. My father taught us to get only what we needed, not what we wanted. There is a difference between need and want. So he would say, ‘go and get three ika, that’s all you need’, and then we would bring that home and we would share that with our family. We learned a strict code of conduct for gathering kai. It didn’t apply to fishing only, it also applied to kai from the ngahere – you only take what you need. These are very simple values but they are also very respectful and very beautiful.

Fishing still plays an important role in our hospitality. Still today my tuakana goes out fishing for tangi or particular hui that we have in Ngāti Rangī. Tuna, inanga, ika – all our local delicacies. There is a saying that your hui is only as good as your kai. So hospitality is only as good as your kai. In terms of the Whangaehu, we know that it is sulphur, and so scientifically the Western world says there can be no life essence. This has been a debate that Ngāti Rangī has had over the years with Western science. Our tuna would travel up Whangaehu into her streams, and at certain times our people would catch those tuna. And also in the Tokiāhuru.

There used to be giant eels in the streams of the Whangaehu. Our kuia used to talk about them. She would say there are certain tuna and certain places, do not fish there, because they are the kaitiaki of that stream. You could see them sometimes, sometimes their tail would flick out of the water. And she would say, ‘you don’t fish there, you go upstream or downstream of there’. Every waterway has its kaitiaki. Those were the taonga that were put there to protect the mouri. And so, if our rivers are diverted then we upset the mouri, and we upset the kaitiaki that were put there for the very purpose

of protecting the mouri of those rivers. There are kaitiaki of all puna and streams; there are guardians for all things. Kaitiaki are a very natural and very important part of our wellbeing.

As children and young adults we lived in the water, as often as we cared. I very much enjoyed fishing and we have instilled that into our children. Our rivers are very much our playgrounds. We meet there as family, to enjoy the beauty of the awa, not just for her kai but also for her serenity. We often stay there all day.

Our old people always went to the Whangaehu for healing. She has always been very much respected for her healing properties. All the old people went there for healing, especially my wife's kuia and koro. The water has certainly changed today. Not just from the diversion of water but also because of other effluent discharges. When we were growing up she was very clear and blue in colour. You could see the rocks on the bottom, but not so much today. There are very few places left today where you can go for a horoi.

There was a tikanga for healing. You didn't just up and go down to the awa, there was always preparation and karakia that took place before you went to horoi. The old people would wānanga together to look for the reasons for an illness. And when they found the reason they would go to the awa or the puna to whakanoa. We were brought up on those tikanga. My wife would go with her koro to the Whangaehu when he took our people there for healing. There was a whole lot of discussion first to search for the reason why. Often the reason was known immediately, but sometimes they would wānanga for days. There were tohu, a manu, or a ngārara or a whetū mārama. They never did things without preparation first and they would always look for a sign. When they went to the water they would mihi to the kaitiaki. They would converse with the kaitiaki to prepare the ara, the pathway ahead.

All these tikanga that were handed down to us, and which we have lived by – they are still the tikanga and values by which we live today. And they are the tikanga and values that will continue to sustain our people – and our tūpuna awa – into the future.



Te Turi o Murimotu, Karioi



2.

LEARNING FROM THE RIVER, LEARNING FROM THE PEOPLE OF THE RIVER

TURUHIA (JIM) EDMONDS

Pahake, Te Puke Pā, Ngāti Rangi

Whanganui Iwi mai i Te Kāhui Maunga ki Tangaroa

I have heard the Whangaehu spoken about as a ‘dead’ river. This is untrue. She is very much alive. In Karioi, the streams that run into the Whangaehu were teeming with eels. Where there is plenty of fresh flowing water the tuna will be plentiful. Sometimes the tuna would be kept in pens, with fresh water running in all the time so they could clean themselves. And they would be there when you wanted one. Although not all eels migrate, there were migrating eels in those streams. They would have had to have travelled through the Whangaehu to migrate out to sea, and then come back through it again to return to their streams. How else would they survive in those tributaries?

They live in the streams for a couple of years until they are big enough. Around March/ April is usually when they start to migrate out to sea. They go through an internal change, getting ready for the change over from fresh water to salt. They clean themselves out so they don’t have anything in their stomachs. The eels of the Whangaehu streams have to get into the sulphur water. It would help to clean them out as they were migrating. The Whangaehu was ‘polluted’ (as some people say) only at certain times of the year. You could tell by the amount of grey froth on it, it changes colour and you can smell it. And other times you wouldn’t get a smell out of her.

We used a particular method to catch the migrating eels in many of our rivers in Ngāti Rangi. We would make a pā by building strong stonewalls that would channel the water into a poha, a type of funnel-net we made out of hoops of supple-jack and woven flax. The opening of the poha was securely fastened to trees, or posts set firmly into the pā. At the end of the

poha was a hinaki, a large net. These migrating eels are known to us as tuna heke. They float on top of the water. They don't eat food, they float with the froth and eat the froth – they get nourishment from it and it helps to clean them out. The tuna will follow the froth, so when you make your pā, you look for the froth. They only migrate at night, and they float on the current, especially when it is raining because it brings the river up. Tuna is a delicacy, especially the ones from the creeks of the Whangaehu in Karioi, as they have pink flesh and taste like crayfish. There were plenty of crayfish in those creeks.

We always go to get kai, whether it is tuna, pūhā or watercress. It's natural for us, even though we have money to buy it. There is nothing wrong with buying kai, but there is nothing as good as being able to get it yourself. I feel sorry for those that haven't experienced it. It is a way of life, it teaches you to be independent. It puts you more in touch with nature. You are aware of the changes in the seasons. If we lose these things, we will lose the value of life and why all those things were put in our rivers in the first place. We will take those things for granted. It's like those TV shows where people go and live on a Desert Island. If it wasn't for the reward at the end, which is quite a lot of money, they would probably hop on the first wave and take off. Our way of life gives you a deeper understanding, a better appreciation of nature.

Our people knew when to go out to fish. They went out on the Māori calendar and they really enjoyed it. The Māori calendar starts in July, when new life begins. Our people knew the natural cycles well. They knew how to survive wherever they were, what to do with the eels, how to put them in a hole so they would stay there and when you want one they'll be there. All those things, they are really neat. Not everybody is a hunter or a fisher. Everyone has their role. The old people often chose the food gatherers, and it would stay with that family for two or three generations. It was a form of survival but also a form of aroha, this was the tikanga, sharing. For whatever reason, others weren't able to go out and fish.

There are times in life when you are too young to know why, but you are taught how to get kai. Then you get to a stage when you can get the kai yourself, and you appreciate our rivers, our ngahere. And you take kai to the old people, they really enjoy it. You see them just about crying – it brings back memories for them. Then there comes another time when someone will bring kai to you. We talk about life and death. It's part of life. It's a cycle, and we're part of that cycle every day.

I spent my teenage years in the ngahere. Everyone knew when I was going out to get kai because I rode past their houses. And the kai would get shared out when I got home. That's how it went. When we had our children, we used to light a fire in our little smoke house, so everybody knew we had eels. Or everyone would see them hanging on the line. All the kids used to come and have a hot smoke or a cold smoke – Pākehā kids too. We would put golden syrup or brown sugar on them and smoke them. It would give them a sweet taste and an orange-brown colour. Even if family didn't stop at home, we would roll up two or three and take them over. This is what we would do, everybody shares their kai around. There is plenty to go around, you feed your family, and there is more than enough so you share it out.

We would go out all the time for kai. We would teach the kids not to be frightened of kai – of being bitten by eels or nipped by koura, and not to tease or frighten other kids with kai. Especially the little kids who don't know the difference. They learn that kai is there for our benefit and to be appreciated. It is still an important part of our lives. You see it more so at tangi and hākari when they bring out the eels. There are certain places that only a few of us know about, where the good kai is, and they are for those occasions. So the stock will be there for these times, especially because it is not as plentiful in the winter months.

How to get kai is a basic skill for our children to know, it develops their wit and skill. They enjoy it. It's you and your know-how against the eel's. You try all sorts of ways to get him out. You know he is there and you don't want to frighten him away. You put your meat out from the hole, not too close, or next minute your meat is gone. You figure out ways to improve

your skills, and you match your skill and wit against his or hers. The kai getters enjoy it. It's not a dying art, but it can become a dying art.

Our knowledge and tikanga need to be understood. It is important that we educate others about our understandings and insights. We find that scientists fit their research into their categories, and because our common sense doesn't fit easily, it gets thrown out. And if the scientist has qualifications after his name that makes his report look all that much better. These are some of the things that we come up against. When the Conservation Department was created, we asked, what do you do? They couldn't really spell out what conservation is. We said, if you really want to know about conservation, you come up here. We were conservationists before conservation was even thought of. We can tell you about how we survived, how we looked after our rivers and ngahere.

We tried to teach them. Some listened, learned, and understood how their scientific knowledge could be enhanced by our knowledge. Others didn't listen, or they already knew. That's why our old people stopped talking to them, because some thought they knew everything there was to know. Some of them now say, 'yes, now we know what you mean'. Others say that without progress we would still be running around in the bush. That may be so, but look what so-called progress has done, there is nothing to boast about there. If anything that's how the Conservation Department got their job. These are some of the things we are trying to teach others, and the main thing is just to have a little bit of respect for our people and our conservation practices.

And so, we have kaitiaki. To put it in simple language, these are beings left in a place to look after our rivers and ngahere. They are a natural part of life and they are there to do their job. There is a process to follow to acknowledge them as good guardians. Every good conservationist knows that.

So-called progress such as hydro-electricity generation was the start of the demise of our being able to live with nature as we once did. Now the water levels are unnaturally high and unnaturally low. They don't keep their normal flow where there was once a constant water flow. Our fish are our

testers of water quality. Aquatic life is not as it used to be. Our rivers and streams are not like they used to be.



3.

I AM THE RIVER, THE RIVER IS ME

IDA (MORNA) TAUTE (NÉE WILSON)

Kuia, Tiorangi Pā, Ngāti Rangī

Whanganui Iwi mai i Te Kāhui Maunga ki Tangaroa

Our old people felt very deeply about our tūpuna awa and our tūpuna maunga. They were, and continue to be gifts from our atua, part of who we are as Ngāti Rangī. They have a life-force, as we do, and we share in each other's sustenance. All our ancestral rivers and streams are important, and they each have their own particular spots of significance. There are a number of springs especially, but streams as well, that remain sacred. The old people didn't so much teach us by telling us the significance of our ancestral rivers, streams and springs, but we were taught by being taken with them, and watching them. You could tell by the way they touched the water – it was like a caress. There was and still is a sacredness about our rivers and springs, and the relationship we have with them. It is the same for all our kin of the natural world.

The Karioi region was strongly Ringatū in faith, and strict observance of tikanga, particularly tapu, was maintained. Karakia in relation to our tūpuna awa was of primary importance. The fear of transgressing tapu was fairly dominant in our childhood, but as we got older we realised that our learning was actually about respecting and sustaining the whanaungatanga relationships with all the living entities around us, including our tūpuna awa and puna, and our tūpuna maunga.

Fishing provided an important source of kai in the region. You greatly respected our streams for the healthy kai they provided. The act of fishing was also important to sustain our close relationship with our tūpuna awa as whanaunga. Although I didn't go out fishing myself, I know that it never took long to catch enough fish, crayfish or eel because the old people just knew when to go. They only ever took enough for a meal for our

families, or more when preparing to host visitors. Our parents also used to bottle fresh water crayfish as a delicacy for special occasions such as Christmas. It is much more difficult now to catch enough for a meal. The fish and eel are less numerous, and the crayfish are smaller.

Manaaki tāngata (hosting visitors appropriately) was a key value and taonga to Ngāti Rangi people. Whenever we were expecting visitors, fishing was a primary activity to ensure we could provide for our guests. Even when we had shearing gangs working at home, our local fresh water kai was important for looking after our workers. It is often misunderstood how manaaki tāngata plays an important role in uplifting our people's mana. The kai provided for our guests is often misperceived as an indication of our material wealth. Rather, our ability to provide kai, especially local delicacies, is an indication of our ability to look after and nurture our tūpuna awa. It is from our ability to maintain our role as tāngata tiaki that we draw our mana.

Our people bathed in particular spots in the Whangaehu for her healing properties. Our parents and other whānau used to bathe us in the Whangaehu to treat hākihaki (skin sores) and burns. The water was blue-y in those days and we used to enjoy bathing, and playing, and swimming in her. We became close friends with the Whangaehu and respected and loved her for her healing properties. The Ringatū faith utilised the water of the streams in Karioi for healing and baptism – particularly the Tokiāhuru and the Tomotomo Ariki.

As the illness inflicted on our awa from the diversion of water has crept in, so too has illness amongst our people. The diminished life-force of our tūpuna awa affects us as her whanaunga. This illness takes many forms affecting the physical, spiritual and cultural aspects of who we are. I think it has become more difficult to maintain our people's practices and values, as our ability to care for our ancestral waterways as we once did, has become more difficult. Our tūpuna awa are now predominantly viewed as a source of profit and they have been seriously affected because of this. We still feel an immense sense of sadness for our awa, and frustration at not being able to revive them. Our Ngāti Rangi world is a holistic one meaning that when our tūpuna awa and other aspects of the natural world are

negatively affected – so are we as a people. We feel the illness and diminished life-force that our awa feel from the diversion of water.



4.

WHANGAEHU – A HEALING TUPUNA

TE NAPE (NANCY) WOOD (NÉE MCLEOD)

Kuia, Tiorangi Pā, Ngāti Rangi

Whanganui Iwi mai i Te Kāhui Maunga ki Tangaroa

Most of the families in Karioi had hākihaki (skin sores). I don't know why, but it was a common affliction amongst Ngāti Rangi. In the summer-time when the Whangaehu was low my father used to take us down to bathe in it. This was when we were very young. We would walk in and sit in it. At other times we used to take the water home in big cream cans to bathe in it. We didn't wash in it, but we would bathe in it. We lost all our sores before we went to school. I was the only one in the family that didn't have this condition, but it came out in my children. I used to take them down to the Whangaehu at the Tangiwai Bridge when they were little to paddle, because it is sandy there. That's what my father did for us, and I did it for my children.

My eldest son, you wouldn't believe he was the same boy today. It went from him before he went to school. He was about four and a half years old when it went. I took him down on and off over four and a half years to bathe there. And if I couldn't take him down, my husband would bring flagons of it home on his way back from work. I was pleased that it had gone by the time he went to school otherwise he would have been teased by the other children. Ngāti Rangi has a very close healing relationship with the Whangaehu. The Whangaehu is different now, the water is no longer as it naturally was.

If we took water out of any of the Whangaehu streams for washing clothes or anything like that, the water was never put back into the stream, it was put onto the grass. We never put dirty water back into the streams because the rest of the Ngāti Rangi relied on those streams that then flowed into the Whangaehu and out to sea. All the values and teachings of our old people,

I have passed on to all my children and all my grandchildren. My great grandchild is too young as yet to know, but he will be taught about all these things, as my children and grandchildren have been.



Koro Ruapehu and Te Kara o Ngāti Rangi from Tirorangi Pā, Karioi



Matiu Māreikura with mokopuna Te Waiora

5.

TE AWA TUPUA WHANGANUI OUR SACRED CORD OF UNITY

MATIU MĀREIKURA

Pahake, Maungārongo Pā, Ngāti Rangi
Whanganui Iwi mai i Te Kāhui Maunga ki Tangaroa

The Ngāti Rangi people, we reach to The Mountain, for The Mountain has to us, the spiritual essence of our ancestors. It was there from the beginning of time. As Whanganui Iwi, the people of The River, we speak of the teardrops – the teardrops of Ranginui – and one of the teardrops was our River, the Whanganui River. Some people claim the Whanganui River comes out of the Tongariro Mountain. That's right, if they don't know how Tongariro got there. Before Tongariro was there, The River was there. So if we go back in history, we find that the teardrops of Ranginui were given to Ruapehu.

And so we go back to The River, and The River is the beginning, the beginning for our people from The Mountains to The Sea. It ties us together like the umbilical cord of the unborn child. Without that, it dies. Without that strand of life it has no meaning. The River is ultimately our mana, our tapu, our ihi, our wehi; all these things make up what The River means to us. It is our life cord, not just because it's water – but because it's sacred water to us.

Our people go to The River to cleanse themselves and they go to The River to pray. They go to The River, for everything leads back to The River. And The River, in return, suffices all our needs. Without The River we really would be nothing because of all that it gives back to us, and the history that has gone on in the past with our people. We have been taught to treasure The River for what it is, and what it has been given to us for. We are its caretakers. We have been given the responsibility of taking care of The River. And we care for it jealously.

Tribal karakia and rituals, poi, action songs and haka all go back to The River, and to The Mountains, and to The Sea. We have been given the task to hold and to preserve these things for our mokopuna – not for us, but for the generations yet to come. We do that because if we say it's for us, the time is only short, but if we say it's for our mokopuna, then that time is like a shadow. It starts to spread out and spread out and spread out, and when our shadow is long, we are in line with the old people, the ancestors.

The waters in the Whanganui River are different from the waters in the Mangawhero here, or the Mangateitei over there, or the Manganui-a-te-ao. Each river has its own mana and its own kōrero. It's not just water we're talking about, we're talking about the spirituality of the Whanganui River, the spirituality of the Mangawhero, the spirituality of the Mangateitei River, and the spirituality of the Manganui-a-te-ao. All have a reason to be there, and to run the courses they run for reasons far beyond us. Reasons that were put there right from the beginning.

To me, The River has been the ultimate part of my learning in the whare wānanga. It has been a source of spiritual things that even you and I can't discuss. It is something that has been discussed by the ancient ones, and the rituals that went on are not to be discussed outside the whare wānanga. People don't realise – it is hard to even begin to understand what we're talking about when we talk about the spirituality of The River. Ultimately, by diverting the water away from us, Whanganui Iwi, they have severed the cord of our unity. Now the spiritual cord has been cut, and that to us is sacrilege. It has created untold heartaches; tears have flowed. I remember the old man crying, our koro Taitoko shedding his tears, saying, 'my River has been severed, the head has been cut - what is there left for me?'

Reducing the headwaters has brought about algae because of the low waters. I remember taking our old people on to the water to look at it. They had never seen it before – they were astonished. And they knew it was choking The River. And when you come down The River by canoe now you're scraping down the rapids, whereas our old people never did, and they had heavier canoes, bigger canoes. And they came down The River all the time.

We have also had a downturn in fish. Piharau and ngaore are not so prominent now. We have less fish because we haven't got enough water in our River. The River is just like you and I, we can sustain ourselves up to a point, but when we get below that, we do start to feel the effects. The River has had that problem. When our fish don't come there's something wrong with our River. They tell us what is good. It's like the birds, when the birds keep landing on your tree, then your tree is healthy. When they don't come any more, there's something wrong with your tree. It was very important for our people to be able to fish and to supply. But you know I remember when the fish stopped coming up here. The old people were concerned. The fish stopped coming and we were wondering 'kei hea ngā piharau nei? Ā, he aha te mate?' You know, what was wrong?

And at the same time, they were still trying to teach us the ways of catching fish, catching them the right way, the old way. That was heartbreaking to see the old people, and to sit and listen with them, their aroha, because something had been taken away from them. Because, you know, the fish in our Whanganui River are caught differently. We still catch fish the way our old people caught it hundreds of years ago. And we prepare every year, we go to The River, and we prepare these pā, and we wait. Sometimes it's in vain, they're not coming.

Our old people wanted to teach us how to set hinaki so that the pā piharau or pā ngaore are ready for the higher waters when the fish come. You create a special current to slow the big current down, and they'll look for that. The fish will go across, backwards and forwards, and when they feel the right one they will all go to that one current. It's an ancient way of fishing. They like the water at a certain speed and you put the net at the bottom. That's how you catch them. That's how we teach our children. We show them how to secure it because you're just using stones. Even if there's only a little hole all the whitebait follow. And we pray. We always do that, because that's part of the spirituality of yourself with The River.

It is of ultimate importance to have inter-hapū, inter-whānau, and inter-tribal links and relationships. They are important for our wellbeing because it's not good for Ngāti Rangi to be okay and Ngāti Tūpoho not to be. It's not good for Hinengākau to be okay when Tamaūpoko is not okay.

It's important that we all know this. We need one another for strength, we need one another to be able to hold ourselves together as a people, as a tribe. Without that, we become individuals. That wasn't what the old people wanted us to do. They wanted us to always hold fast together, for united we stand, divided we fall. By being stronger together, it stops anything coming in from the outside, because when someone wants a hand, they know their cousins are there, their brothers and sisters are there, the whānau is there to help them in any way – so we don't have influences from the outside. It's important that we do those things and look after ourselves and our whakapapa. If you know your whakapapa, you can feel very good about being anywhere, because you know who you are, and you know where you're at. Wherever we go, we know how we're linked.

Ngāti Rangi link to each of the marae along The River. We're the guardians of The Mountain. We're not the owners of The Mountain, The Mountain belongs to all of us, but we're the guardians. And you know, we fight for The Mountain just like we fight for The River down the bottom reaches. When we go to The Mountains, it's never to play but to pray. For those places are the places that have been set aside, for very special reasons. That's why it is sacred for us not to go to the pinnacle of The Mountain. To go up to The Mountain is one thing, but to go right to the top – that was left alone. It was left alone because that is what the old people called 'Ngā Whakataumatatanga', meaning 'the place of ngā atua'.

You know, if you take away my kaitiaki, you might as well take away my life. I might as well give you my hand to sever from my arm because that's what you do to me. The kaitiaki are very, very important for us because they are our connection to our rights to go to The River. You see, you don't just go to the water, you have to talk to these things first. You sit, and you pray, and you ask for their help, their assistance, and their guidance, and they give it to you and then you go. Not the other way around. You don't go half way across The River and start asking. He might say no. Those are of ultimate importance to us because we know that we have many kaitiaki and we can inter-relate with them as we go up The River.

When the kaitiaki Tama Tuna said, ‘kei hea taku timatatanga?’ he was saying, ‘where is my beginning? I can’t taste the water of The Mountain that I was born in. It’s not there.’ We try to imagine the difficulties he’s in. Likewise, when he sees us without water because of the diversions. It’s been written about, how Tama Tuna is playing and talking to the people on their way down the River. But he eventually ends up on a rock because the water has gone, and he asks ‘kei hea te wai o ngā mātua tūpuna?’ – ‘where are the waters of my ancestors?’

The psychological effect of these raruraru is quite immense. It is quite immense because our people feel down, they feel deprived of their own things that belong to them. Going back to the kōrero of our tupuna Te Umuroa when he was imprisoned, he was asked, ‘What wrongs did you do?’ He said, ‘I thought it was right to fight for what was mine’. But apparently the authorities thought differently because they wanted what was his. He didn’t know that he was doing any wrong by fighting for what was rightfully his. And you know this is the same. How do you say that you have been deprived of something that is rightfully yours; that you are fighting for something that is rightfully yours?



6.

TĀNGATA WHENUA WATER RESOURCE MANAGEMENT: NGĀTI RANGI AND THE TONGARIRO POWER SCHEME

KEITH WOOD

Uri, Ngāti Rangi

Whanganui Iwi mai i Te Kāhui Maunga ki Tangaroa
Iwi Resource Management Practitioner

Mouri is the essence of life. It is the vital life principle that binds together the spiritual and physical elements of all things, both creating and sustaining life. Water holds a special place in the mouri it carries, bringing spiritual and physical wellbeing and vitality to all life it encounters along its journey. Our tūpuna responsibility as tāngata tiaki, is to sustain the integrity and flow of this connective life-force within all aspects of our tūpuna awa. The intangible values of our tūpuna awa are just as important to us as the tangible indicators of biophysical health that reflect a healthy mouri. Our tūpuna awa are inclusive of river beds, catchment land, habitat, fish and other biodiversity.

Our tūpuna awa teach, guide and instruct us. They are the focus of many valued Iwi practices and activities. These practices and activities teach a deep respect for the natural world and ensure a continuation of intergenerational kōrero. Through our kōrero, we come to know who we are and our relationships and responsibilities to our kin of the natural world, each other, and wider communities. Our kōrero brings an integration of spiritual, intellectual and physical vitality and wellbeing to our people. It enables us to understand and speak about life itself. It keeps us close to our tūpuna awa and steadfast in our commitment to pass our kōrero on to future generations, and to share its values and ethic with others. Our objective is to keep our tūpuna awa alive, by sustaining the flow of kōrero from The Mountains to The Sea.

I presented our Ngāti Rangi submission on the Tongariro Power Scheme (TPS) resource consents before the Joint Hearing Committee. A fundamental concern of our people was whether our kōrero would be given genuine and meaningful consideration. Our concern was that the depth and meaning of the things that we hold so dear would not be understood, and therefore not given proper consideration. Our fears were confirmed when the Chief Hearing Commissioner described the matters raised in our submission as not having relevance in the ‘modern world’. Questions from other Commissioners focussed on finding an alternative bathing site for our people’s medicinal practices as a suitable way to address our concerns.

Of critical concern to our people is the impact of the TPS on our ancient values. These values express inseparability, a persevering interconnectedness between people and the natural world. These values do not prohibit the use of our tūpuna awa, they simply prescribe that use should be designed first and foremost around our tūpuna awa, and the values they have determined for themselves. These values are to guide us in the activities that we as people set for ourselves. Our tūpuna responsibility as tāngata tiaki, is to uphold these values.

Our kōrero is the voice of our tūpuna awa in this ‘modern world’. The understandings we offer is that these tūpuna taonga are gifts, not only to Ngāti Rangi, but to all peoples of our wider communities. We remain resolute that these values have greater relevance today than ever before. And we are determined to fight for those values. Our ancient values and practices add unique understandings and perspectives to resource management practice. We seek to enter into processes that capture the synergies of our mouri kōrero and advanced technologies, to ensure best practice in sustainable development, and to contribute to the restoration of sustainable economies.

Whangaehu, Tokiāhuru, Wahiānoa, Mākahikatoa and Moawhango are tūpuna awa of Ngāti Rangi. We share mana wai interests (customary belonging) to Moawhango with our relations of Ngāti Whitikaupeka and Ngāti Tamakōpiri. The damming and diversion activities of the TPS severely diminish the mouri and mana of our tūpuna awa. Consequently,

our section 6(e) [of the Resource Management Act 1991 (RMA)] customary and traditional relationships with our tūpuna awa, and our section 7(a) tūpuna responsibilities as tāngata tiaki are fundamentally and profoundly affected by the TPS consents activities.

There is extensive material available explaining a 'Māori' way of relating with the natural world, as distinct from a 'Western' worldview. However, we as Ngāti Rangi will explain our world for ourselves. No other community, Māori or Pākehā, share the same historical, cultural and spiritual relationship that we do with our ancestral rivers, streams and springs. Our world is woven together by whakapapa relationships. For us, these relationships determine that personal identity and integrity is derived primarily from outside ourselves. At a practical level this gives rise to an ethic of generosity, collective responsibility and humility. As our pahake have explained, sharing and mutual enhancement between ourselves and our kin of the natural world means that no one individual becomes wealthy (with personal possessions) to the expense of kin, including our kin of the natural world. This is fundamental to kaitiakitanga.

While this presents significant challenges to Western thinking, it is very real to us. When we are unable to maintain our tūpuna relationships and responsibilities, this meaning is affected to the extent that our spiritual, intellectual and physical wellbeing is also affected. Our way of relating with the natural world challenges a Western worldview and Western scientific rationality. We do not reject that worldview; we simply ask not to be dismissed by it and its distinctive and particular values and ethics. We seek instead to be considered alongside it.

We strongly dispute the assessment of our tūpuna relationships and responsibilities by the Genesis expert cultural witness Buddy Mikaere, as "religious beliefs". As tāngata tiaki, our mouri kōrero is treated with great care and respect. We treasure and celebrate it. We live and breathe it – it is part of everything we do.

Ngāti Rangi shares a deep spiritual and cultural relationship with our tūpuna maunga, Ruapehu. The customary derivations of this ancient relationship are respectfully held within our wānanga kōrero. Whangaehu

is precious to us as she derives from our tupuna maunga, her waters originating from Te Wai-ā-Moe (Crater Lake) and the springs that rise from Ruapehu, bringing their spiritual and physical sustenance to our people. For centuries our people have practised our rituals in her sacred waters. Her water is highly mineralised and carries a distinct mix of health-giving qualities. We have bathed in her waters and used her healing power to heal māuiui. Her tributaries remain an important food basket for our people. As our pahake have explained, she is the focus of many valued Iwi activities that contribute to the cultural and spiritual wellbeing, and social cohesion of our people.

Our tupuna awa Moawhango, once magnificent and awe-inspiring, her mouri has been decimated by the TPS. She was traditionally an important fishing ground and a key waterway for our people of Ngāti Rangi and Whanganui Iwi when travelling to Ngāti Kahungunu to trade. The imposition of the TPS and other Crown policies and actions has cut us off from our tupuna awa and is a deep grievance for our people.

Our customary values prescribe that as people, we are to set our activities first and foremost around the values our tupuna awa have determined for themselves. This is fundamental to our responsibilities as tāngata tiaki. The natural processes and seasonal changes of our tupuna awa have been respected and lived with by our people for centuries, resulting in a closely lived ancestral knowing of them. This is expressed in our adaptive Iwi activities and practices, some of which our pahake have spoken about. Their kōrero explains how our close knowing of our tupuna awa is expressed in our fishing practices and healing use of them.

We respect our tupuna awa as being open and dynamic. We strongly dispute that they can be 'known' by applying Western scientific reductionism alone, and simply explaining them as the sum of constituent components. Our tupuna awa are to be respected as a whole, inclusive of their seasonal and natural dynamic processes. Western scientific tools are useful for analysing certain aspects of ecological effects, however, used alone to completely understand the environmental effects of activities on our tupuna awa, they are insufficient. Applying our customary values and

ancestral knowing will enhance Western scientific analysis, to ensure a more complete understanding of those effects.

We contend that our peoples' values and knowledge are just as philosophical, and just as systematic as Western science. Accepting these as Indigenous science, accepts that while being qualitatively different, our values and knowing are as equally scientific, and equally valid, as Western science. The term Indigenous science does not mean our values and knowledge can, or should, be proven or validated by Western science. To do so would miss the point entirely. Our science can only be explained within our own worldview. Just as Western science reflects and reaffirms a Western worldview, equally, to know our science is to know our world. Our world is steeped in our ancient knowledge and conceptions, respectfully held within our wānanga kōrero.

We contend that the tāngata whenua provisions of the RMA can only be properly recognised and provided for if our customary values and ancestral knowledge are accepted as being as equally scientific and valid as Western science. This will enable the different sciences (and worldviews) to meaningfully engage with each other. It will ensure that our science moves beyond being merely appreciated by applicants (and consent authorities), to being applied through our active participation in resource consent proposals. More importantly, it will ensure that all provisions of the RMA are given genuine and meaningful effect, thereby ensuring sustainability in the use activities of our tūpuna awa.

Genesis expert witnesses have explained how the TPS will only operate to their desired operational capacity as long as sufficient water is diverted from our tūpuna awa. Equally, we can only sustain our kōrero – our cultural and spiritual ways of life – as long as sufficient water continues to flow in our tūpuna awa. In this way, the terms and conditions of the TPS resource consents become a matter of our cultural and spiritual survival, or our cultural and spiritual demise.

We are seeking a balanced approach in the consideration of the TPS consents. We ask not to be dismissed by the hydro-power generation objective sought by Genesis. We seek instead to be considered alongside it. We consider the description of the TPS by Genesis expert witnesses, as

providing a “renewable energy source” to be somewhat inappropriate and inaccurate. Their description fails to convey the cultural, spiritual and environmental values lost through the TPS’s diversion of water from our tūpuna awa.

The imposition of the TPS and the diversion of water from our tūpuna awa into another catchment is a deep grievance for Ngāti Rangi. We are not prepared to wait another generation and a half before our concerns are properly assessed and addressed. While our tūpuna awa suffer, so do our people. Again, we remain resolute that our ancient values and ancestral knowledge and practices are of critical relevance today, given the extensive environmental degradation that has taken place over the last 150 years, and the global water shortages predicted to occur over the next ten years. We add our kōrero to support and endorse the kōrero of Indigenous peoples, being voiced consistently throughout the world in the Indigenous Peoples Kyoto Water Declaration (included below).

Our values and practices emphasise interconnectedness between the natural world and people. Any adverse effects to the natural world will affect all our mokopuna (future generations). We are seeking to ensure that resource use decisions ensure sustainability, by giving full effect to all the provisions of the RMA. This is for the benefit of all our mokopuna, of Ngāti Rangi and our wider communities. The Genesis expert cultural witness Buddy Mikaere contends in his evidence that,

“[Genesis] can never be expected to resolve or mitigate [the] deeply held [religious] beliefs [of Ngāti Rangi]. The RMA is bereft in providing measures to deal with such matters.”

Again, we strongly dispute that our tūpuna relationships and responsibilities are simply “religious beliefs”. It may be Genesis’ preference to not have to assess and address the TPS effects on Ngāti Rangi, however, our cultural and spiritual wellbeing is provided for as a fundamental component in determining sustainable use activities.

Ngāti Rangi resolves to sustain our customary and traditional relationships with our tūpuna awa, and as tāngata tiaki, to sustain our mouri kōrero and our tūpuna responsibilities. The RMA provides for this as a fundamental

component in determining whether the TPS resource consents are sustainable. This presents significant challenges to Genesis. It challenges ways of thinking, understandings, and even language. This should not however, be used as a justification to deny the requirement of proper assessment of these matters, and to appropriately avoid, remedy or mitigate adverse effects accordingly. A reduced consent term to 10 years, allowing for proper assessment of the TPS's effects on Ngāti Rangi and a reconsideration of the TPS consents in light of assessment would, we contend, provide a process that would meet those requirements.

We respectfully ask the Environment Court to give the same consideration and weight to both Indigenous and Western sciences in determining the TPS's environmental impacts. We are seeking for the kōrero of our pahake to no longer be misunderstood and dismissed as mere anecdotal narrative. We ask for the Court to listen carefully for the science within it.

INDIGENOUS PEOPLES KYOTO WATER DECLARATION ¹

Third World Water Forum, Kyoto, Japan

March 2003

Relationship to Water

1. We, the **Indigenous Peoples** from all parts of the world assembled here, reaffirm our relationship to Mother Earth and responsibility to future generations to raise our voices in solidarity to speak for the protection of **water**. We were placed in a sacred manner on this earth, each in our own sacred and traditional lands and territories to care for all of creation and to care for **water**.
2. We recognize, honor and respect **water** as sacred and sustains all life. Our traditional knowledge, laws and ways of life teach us to be responsible in caring for this sacred gift that connects all life.
3. Our relationship with our lands, territories and **water** is the fundamental physical cultural and spiritual basis for our existence.

This relationship to our Mother Earth requires us to conserve our freshwaters and oceans for the survival of present and future generations. We assert our role as caretakers with rights and responsibilities to defend and ensure the protection, availability and purity of **water**. We stand united to follow and implement our knowledge and traditional laws and exercise our right of self-determination to preserve **water**, and to preserve life.

Conditions of Our Waters

4. The ecosystems of the world have been compounding in change and in crisis. In our generation we see that our waters are being polluted with chemicals, pesticides, sewage, disease, radioactive contamination and ocean dumping from mining to shipping wastes. We see our waters being depleted or converted into destructive uses through the diversion and damming of **water** systems, mining and mineral extraction, mining of groundwater and aquifer for industrial and commercial purposes, and unsustainable economic, resource and recreational development, as well as the transformation of excessive amounts of **water** into energy. In the tropical southern and northern forest regions, deforestation has resulted in soil erosion and thermal contamination of our **water**.
5. The burning of oil, gas, and coal, known collectively as fossil fuels is the primary source of human-induced climate change. Climate change, if not halted, will result in increased frequency and severity of storms, floods, drought and **water** shortage. Globally, climate change is worsening desertification. It is polluting and drying up the subterranean and **water** sources, and is causing the extinction of precious flora and fauna. Many countries in Africa have been suffering from unprecedented droughts. The most vulnerable communities to climate change are **Indigenous Peoples** and impoverished local communities occupying marginal rural and urban environments. Small island communities are threatened with becoming submerged by rising oceans.

6. We see our waters increasingly governed by imposed economic, foreign and colonial domination, as well as trade agreements and commercial practices that disconnect us as **peoples** from the ecosystem. **Water** is being treated as a commodity and as a property interest that can be bought, sold and traded in global and domestic market-based systems. These imposed and inhumane practices do not respect that all life is sacred, that **water** is sacred.
7. When **water** is disrespected, misused and poorly managed, we see the life threatening impacts on all of creation. We know that our right of self-determination and sovereignty, our traditional knowledge, and practices to protect the **water** are being disregarded violated and disrespected.
8. Throughout **Indigenous** territories worldwide, we witness the increasing pollution and scarcity of fresh waters and the lack of access that we and other life forms such as the land, forests, animals, birds, plants, marine life, and air have to our waters, including oceans. In these times of scarcity, we see governments creating commercial interests in **water** that lead to inequities in distribution and prevent our access to the life giving nature of **water**.

Right to Water and Self Determination

9. We **Indigenous Peoples** have the right to self-determination. By virtue of that right we have the right to freely exercise full authority and control of our natural resources including **water**. We also refer to our right of permanent sovereignty over our natural resources, including **water**.
10. Self-determination for **Indigenous Peoples** includes the right to control our institutions, territories, resources, social orders, and cultures without external domination or interference.
11. Self-determination includes the practice of our cultural and spiritual relationships with **water**, and the exercise of authority to govern, use, manage, regulate, recover, conserve, enhance and renew our **water** sources, without interference.

12. International law recognizes the rights of **Indigenous Peoples** to:
 - Self-determination
 - Ownership, control and management of our traditional territories, lands and natural resources
 - Exercise our customary law
 - Represent ourselves through our own institutions
 - Require free prior and informed consent to developments on our land
 - Control and share in the benefits of the use of, our traditional knowledge.
13. Member States of the United Nations and international trade organizations, international and regional financial institutions and international agencies of economic cooperation are legally and morally obligated to respect and observe these and other related collective human rights and fundamental freedoms. Despite international and universal recognition of our role as caretakers of Mother Earth, our rights to recover, administer, protect and develop our territories, natural resources and **water** systems are systematically denied and misrepresented by governmental and international and domestic commercial interests. Our rights to conserve, recreate and transmit the totality of our cultural heritage to future generations, our human right to exist as *Peoples* is increasingly and alarmingly restricted, unduly impaired or totally denied.
14. **Indigenous Peoples** interests on **water** and customary uses must be recognized by governments, ensuring that **Indigenous** rights are enshrined in national legislation and policy. Such rights cover both **water** quantity and quality and extend to **water** as part of a healthy environment and to its cultural and spiritual values. **Indigenous** interests and rights must be respected by international agreements on trade and investment, and all plans for new **water** uses and allocations.

Traditional Knowledge

15. Our traditional practices are dynamically regulated systems. They are based on natural and spiritual laws, ensuring sustainable use through traditional resource conservation. Long-tenured and place-based traditional knowledge of the environment is extremely valuable, and has been proven to be valid and effective. Our traditional knowledge developed over the millennia should not be compromised by an over-reliance on relatively recent and narrowly defined western reductionist scientific methods and standards. We support the implementation of strong measures to allow the full and equal participation of **Indigenous Peoples** to share our experiences, knowledge and concerns. The indiscriminate and narrow application of modern scientific tools and technologies has contributed to the loss and degradation of **water**.

Consultation

16. To recover and retain our connection to our waters, we have the right to make decisions about waters at all levels. Governments, corporations and intergovernmental organizations must, under international human rights standards require **Indigenous Peoples** free prior and informed consent and consultation by cultural appropriate means in all decision-making activities and all matters that may have affect. These consultations must be carried out with deep mutual respect, meaning there must be no fraud, manipulation, and duress nor guarantee that agreement will be reached on the specific project or measure. Consultations include:
 - a. To conduct the consultations under the communities own systems and mechanisms;
 - b. The means of **Indigenous Peoples** to fully participate in such consultations; and;
 - c. **Indigenous Peoples** exercise of both their local and traditional decision-making processes, including the direct participation of their spiritual and ceremonial authorities, individual members and community authorities as well as traditional

- practitioners of subsistence and cultural ways in the consultation process and the expression of consent for the particular project or measure.
- d. Respect for the right to say no.
 - e. Ethical guidelines for a transparent and specific outcome.

Plan of Action

- 17. We endorse and reiterate the “Kimberley **Declaration** and the **Indigenous Peoples’** Plan of Implementation on Sustainable Development” which was agreed upon in Johannesburg during the World Summit on Sustainable Development in September 2002.
- 18. We resolve to sustain our ancestral and historical relationships with and assert our inherent and inalienable rights to our lands and waters.
- 19. We resolve to maintain, strengthen and support **Indigenous Peoples’** movements, struggles and campaigns on **water** and enhance the role of **Indigenous** elders, women and youth to protect **water**.
- 20. We seek to establish a Working Group of **Indigenous Peoples** on **Water**, which will facilitate linkages between **Indigenous Peoples** and provide technical and legal assistance to **Indigenous** communities who need such support in their struggles for the right to land and **water**. We will encourage the creation of similar working groups at the local, national and regional levels.
- 21. We challenge the dominant paradigm, policies, and programs on **water** development, which includes among others; government ownership of **water**, construction of large **water** infrastructures; corporatization; the privatization and commodification of **water**; the use of **water** as a tradeable commodity; and the liberalization of trade in **water** services, which do not recognize the rights of **Indigenous Peoples** to **water**.
- 22. We strongly support the recommendations of the World Commission on Dams (WCD) on **water** and energy development. These include the WCD report’s core values, strategic priorities, the “rights and

risks framework” and the use of multi-criteria assessment tools for strategic options assessment and project selection. Its rights-based development framework, including the recognition of the rights of **Indigenous Peoples in water** development is a major contribution to decision-making frameworks for sustainable development.

23. We call on the governments, multilateral organizations, academic institutions and think tanks to stop promoting and subsidizing the institutionalization and implementation of these anti-people and anti-nature policies and programs.
24. We demand a stop to mining, logging, energy and tourism projects that drain and pollute our waters and territories.
25. We demand that the World Bank, the International Monetary Fund (IMF), regional banks like the Asian Development Bank, African Development Bank, Inter-American Development Bank, stop the imposition of **water** privatization or “full cost recovery” as a condition for new loans and renewal of loans of developing countries.
26. We ask the European Union to stop championing the liberalization of **water** services in the General Agreement on Services (GATS) of the World Trade Organization (WTO). This is not consistent with the European Commission’s policy on **Indigenous Peoples** and development. We will not support any policy or proposal coming from the WTO or regional trade agreements like the NAFTA (North American Free Trade Agreement, Free Trade Area of the Americas (FTAA), on **water** privatization and liberalization and we commit ourselves to fight against such agreements and proposals.
27. We resolve to replicate and transfer our traditional knowledge and practices on the sustainable use of **water** to our children and the future generations.
28. We encourage the broader society to support and learn from our **water** management practices for the sake of the conservation of **water** all over the world.

29. We call on the States to comply with their human rights obligations and commitments to legally binding international instruments to which they are signatories to, including but not limited to, such as the Covenant on Civil and Political Rights, the Covenant on Economic, Cultural and Social Rights, International Convention on the Elimination of all Forms of Racial Discrimination; as well as their obligations to conventions on the environment, such as the Convention on Biological Diversity, Climate Convention, and Convention to Combat Desertification.
30. We insist that the human rights obligations of States must be complied with and respected by their international trade organizations. These legally binding human rights and environmental obligations do not stop at the door of the WTO and other regional and bilateral trade agreements.
31. We resolve to use all political, technical and legal mechanisms on the domestic and international level, so that the States, as well as transnational corporations and international financial institutions will be held accountable for their actions or inactions that threaten the integrity of **water**, our land and our **peoples**.
32. We call on the States to respect the spirit of Article 8j of the Convention on Biological Diversity as it relates to the conservation of traditional knowledge on conservation of ecosystems and we demand that the Trade Related Aspects of the Intellectual Property Rights (TRIPS) Agreement be taken out of the World Trade Organization (WTO) Agreements as this violates our right to our traditional knowledge.
33. We call upon the States to fulfil the mandates of the United Nations Framework Convention on Climate Change (UNFCCC) and to ratify the **Kyoto** Protocol. We call for the end of State financial subsidies to fossil fuel production and processing and for aggressive reduction of greenhouse gas emissions calling attention to the United Nations Intergovernmental Panel on Climate Change (IPCC) that reported an immediate 60% reduction of CO₂ is needed to stabilize global warming.

34. We will ensure that international and domestic systems of restoration and compensation be put in place to restore the integrity of **water** and ecosystems.



NGĀTI RANGI,
THE TONGARIRO POWER SCHEME, AND THE
RESOURCE MANAGEMENT ACT 1991

ĀNETA HINEMIHI RĀWIRI

Uri, Ngāti Rangi

Whanganui Iwi mai i Te Kāhui Maunga ki Tangaroa;

Ngāti Kōpaki, Ngā Puhī nui tonu

Legal Researcher

I began assisting our objection to the Tongariro Power Scheme (TPS) resource consents last year (2002), and was briefed on the previous two years of discussions that had taken place between previous Ngāti Rangi representatives and Genesis. At hui-ā-iwi, Ngāti Rangi had strongly opposed the proposed TPS consents 35 year term and conditions because of the devastating effect that damming and diversion has on the mouri and mana of our tūpuna awa, and the mana and wellbeing of our people. The Iwi's preference was for the full restoration of natural flows. Notwithstanding this position, it was agreed that the Ngāti Rangi Trust would enter into good faith discussions with Genesis, to develop a consultation process that would ensure our full and active participation in the TPS consents process.

Trustees met with Genesis representatives and proposed a consultation process that included an assessment of the extent to which the TPS consents affect our section 6(e) [of the Resource Management Act 1991 (RMA)] tūpuna relationships with our tūpuna awa, our section 7(a) tūpuna responsibilities as tāngata tiaki, and section 8 Treaty principles. An assessment of these effects would ensure that both Genesis and the Trust have the required information to assist in reaching agreement on ways to ensure our objective (of sustaining the wellbeing of our tūpuna awa, and the wellbeing of our people as tāngata tiaki) is reasonably recognised and provided for in the TPS consents. Where it is impossible to reasonably avoid or remedy identified adverse effects, this would then be made clear

allowing for other mitigation measures to be agreed to address those effects.

Genesis representatives proposed a 'long-term information-sharing relationship' consultation process whereby Ngāti Rangi would withdraw our objection to the TPS consents and accept the 35 year term and conditions as a precondition to consultation. The trustees advised that that was unacceptable, nonetheless, they were committed to continuing discussions in good faith, and continued to meet with them. Genesis financially supported the hui-ā-iwi, and an independent review of the Genesis AEE, which identified (among other things) that there had been no assessment of impacts on Ngāti Rangi customary and traditional knowledge and practices, in particular, native fish, traditional fishing practices, and the healing and medicinal use of our tūpuna awa.

Given the two years of discussions, the strong concerns voiced at hui-ā-iwi, the independent review, our submission to the Joint Hearing Committee, and our statement of appeal, it was disappointing when we met with Genesis representatives to continue discussions last year. Genesis again proposed a 'long-term information-sharing relationship' consultation process whereby Ngāti Rangi would withdraw our objection and accept the TPS consents 35 year term and conditions as a precondition to consultation. We were advised that as Genesis was likely to be successful before the Environment Court, we should agree to their proposal. We responded that that was unacceptable, nonetheless, we were willing to continue discussions, and continued to meet with them. Despite the Trust's repeated rejection of their consultation proposal, Genesis was unwilling to propose alternative, mutually-acceptable consultation processes.

We have recently met again with Genesis representatives who proposed a long-term relationship where Genesis would now provide financial assistance for Ngāti Rangi environmental and cultural projects, and our Iwi administration. Again, however, as a precondition, the Trust was required to withdraw our Environment Court appeal and, by implication, accept the TPS consents 35 year term and conditions. This proposal was presented to Ngāti Rangi for consideration at hui-ā-Iwi, and rejected.

Genesis spent 9 years engaging with the Department of Conservation to assess the TPS impacts on conservation values, and find ways to address

identified adverse effects within the TPS consents. In the Eastern Diversion this resulted in Genesis and the Department of Conservation agreeing to remedial (increased minimum flow) measures for Moawhango awa and other off-site mitigation measures for Whangaehu awa. No proposals of assessment and consultation of this nature were made to Ngāti Rangi at any time throughout the TPS consents process. The consultation process consistently proposed to the Trust was, by contrast, very narrowly focussed on accepting the 35 year consent term and conditions as a precondition for consultation.

Given our peoples' strong objections to the damming and diversion of our tūpuna awa, we asked Genesis to consider a reduced consents term. This would provide for a review with the benefit of a full TPS impacts assessment on Ngāti Rangi, within a time period which we considered to be more reasonable than 35 years. That proposal was rejected by Genesis. We then asked Genesis to consider including mechanisms which would allow minimum flows to be increased where energy efficiency measures improve the TPS's operations over the 35 year consents term. This too was rejected by Genesis. It may be Genesis' preference for their operational activities to be the overriding consideration in determining consents term and conditions, however, the RMA provides for our objective (of sustaining our tūpuna relationships and responsibilities to our tūpuna awa) to be recognised and reasonably provided for within the TPS consents.

Genesis claims to have undertaken good faith consultation discussions with Ngāti Rangi Trust. We strongly dispute their claim. Throughout the 3 years of discussions, Genesis consistently sought our agreement for the TPS to continue to dam and divert our tūpuna awa for 35 years, according to consent conditions which we would have no opportunity to consider or question. Genesis was unwilling to either propose, or consider, alternative consultation processes. This appears to us to demonstrate an unwillingness to assess and address our strong concerns in any genuine or meaningful way. This has been, and remains, a matter of immense frustration to us.

In his evidence, Genesis' cultural expert Buddy Mikaere, has assessed our Ngāti Rangi submission on TPS cultural impacts as being,

“conceptually flawed”, “represent[ing] a misunderstanding [of] mauri”; and that mauri is a “recently evolved religious issue”.¹

Other Genesis witnesses contend that over a period of 9 years Genesis,

“sought and obtained relevant information of the highest standard”;¹ and that,

“. . . the effects of the ongoing operation of the TPS have been comprehensively studied and assessed, and any adverse effects have been identified and appropriately mitigated.”²

We strongly dispute that the TPS effects on Ngāti Rangi have been comprehensively assessed and adverse effects properly addressed. The assessment of our tūpuna relationships and responsibilities as being “recently evolved” religious beliefs by Buddy Mikaere, is a direct contradiction to the strong and consistent submissions given by all Iwi who appeared before the Joint-Hearing Committee. All Iwi submitters to the Joint Hearing Committee strongly objected to a 35 year consents term because of the TPS’s significant adverse effects on the mana and mouri of their tūpuna awa, and the mana and wellbeing of their people as tāngata tiaki. His assessment is also contradictory to the findings of the Waitangi Tribunal that,

“Conceptually each water stream carries its own mauri and wairua, guided by separate taniwha and having its own mana. Of course the waters mix. . . . The Māori objection is the mixing of the waters by unnatural means, the mixing of two separate mauri”.²

At the Whanganui River hearings the Waitangi Tribunal considered extensive customary and anthropological evidence (including Ngāti Rangi customary evidence) and found that,

“Water has mauri, essential sanctity, both as wai maaori and wai tai. Water must be kept in its natural state as far as is possible to do so. The explanations of the origin of water, its different forms, types and so on, in Maaori science, emphasise that ethic. Water, as wai ora, sustains, protects and enhances life.”³

The assessment by Buddy Mikaere strongly contradicts the extensive customary evidence presented to the Whanganui River hearings, and the findings of the Waitangi Tribunal. It appears that his assessment has set out to grossly distort and invalidate our concerns rather than properly assess and address them. Ngāti Rangi is resolute that it is for us to explain our

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customary values, knowledge and practices for ourselves. Further, I note the principle established by the Waitangi Tribunal that,

“The spiritual and cultural significance of a river can only be determined by the tāngata whenua who have traditional rights over the river. It cannot be assessed in any other way.”⁴

Section 104(6) provides for effects to third parties to not be taken into account where those parties have given written approval to the resource consent proposal. In their evidence Genesis witnesses have contended that their financial mitigation agreements with other tāngata whenua,

“... are precisely the type of agreement contemplated by s104(6).”⁵; and,

“... these [tāngata whenua] agreements support a 35 year term of consent.”⁶

Both Ngāti Tūwharetoa and Ngāti Hauiti entered into tāngata whenua agreements with Genesis. Notwithstanding their agreements, they both made submissions to the Joint Hearing Committee that a reduced consent term to 10 years is more appropriate given the TPS’s significant adverse effects on the mouri and mana of their tūpuna awa, and the mana and wellbeing of their people as tāngata tiaki. It appears to us that Ngāti Tūwharetoa and Ngāti Hauiti have not accepted a 35 year consent term. Accordingly, unless this was expressly approved by those tāngata whenua in their agreements, we contend that these effects should be taken into account in determining an appropriate consent term.

Rangatiratanga is the customary authority of tāngata whenua to exercise our customary values and practices. Ngāti Rangi has filed Treaty of Waitangi claims, seeking legal recognition and provision for our rangatiratanga to exercise our customary values and practices for the wellbeing of our tūpuna taonga. Our claims maintain that the imposition of Crown laws and practices, without consultation or agreement, equates to an invasion – an invasion that has been devastating to Ngāti Rangi. While our culturally-specific customary values, knowledge and practices, accumulated over centuries, and which continue to be maintained today, are often criticised, devalued and dismissed, the inherent cultural values and ethic in Western assumptions are rarely acknowledged or questioned.

The RMA was passed to promote higher standards in determining sustainable resource use. It also signalled a significant shift in planning law and practice whereby tāngata whenua customary values and knowledge are now integral components in determining sustainability in resource management practice. The RMA provides an opportunity to reverse deeply-entrenched Western eurocentric assumptions, and reconsider past planning frameworks and decisions that ignored and dismissed our customary values, such as the approval of the TPS in the 1960s despite our strong Iwi objections.⁷

Our customary values are the basis for our Tribunal claims. As our pahake have explained, they provide the basis for our social cohesion and political systems. In our aspiration for self-determination, we are seeking full and equitable legal recognition and provision of our customary authority (rangatiratanga) to exercise our customary values and practices, in a decision-making partnership with consent authorities when determining sustainable use activities of our tūpuna taonga. Ngāti Rangi has filed Treaty of Waitangi claims over all our ancestral waterways. This includes all the ancestral waterways dammed and/ or diverted by the TPS in the Eastern Diversion.

I also note the Tribunal's finding in its Whanganui River report that Whanganui awa is a tupuna taonga of Whanganui Iwi, and the TPS's diversion activities are a desecration of our tupuna taonga. Further, it found that Whanganui Iwi has customary ownership rights and interests in Whanganui awa, and recommended that the Crown properly recognise and provide for this. Whanganui Iwi is currently negotiating settlement of the claim with the Crown.

In his evidence, Genesis' cultural expert Buddy Mikaere discusses how rangatiratanga (as opposed to kaitiakitanga which he refers to elsewhere) has been addressed in the TPS consent process. He contends that,

“[Tāngata whenua agreements] represent best practice in making provision for the recognition of iwi rangatiratanga [sic].”⁸; and,

“... the rangatiratanga of those [tāngata whenua] has not only been recognised but enhanced [by their agreements].”⁹

In further discussing rangatiratanga he goes on to say,

“[Agreements] have not been possible with all [tāngata whenua]. Nevertheless . . . there is sufficient similarity of issues in respect of those [tāngata whenua] who have [agreements] and those that do not, to ensure that any deficiencies in issues coverage are minimal or indeed, non-existent.”¹⁰.

We strongly dispute that our rangatiratanga, which we are seeking legal recognition and provision for in the future settlement of our tūpuna awa claims, has been addressed because of agreements with other tāngata whenua.

Another Genesis expert witness contends in his evidence that,

“ . . . there are no matters of wider public interest that relate [t]o the tāngata whenua agreements.”¹¹

We strongly dispute this assertion. It has not yet been made known whether the TPS’s actual and potential effects on those tāngata whenua were assessed to the extent that adverse effects were properly identified and addressed. We contend that it is a matter of wider public interest to ensure that section 104(6) is not misapplied to circumvent the requirement for proper assessment and for adverse effects to be remedied, avoided or mitigated accordingly.

Another Genesis witness states in his evidence that Genesis is committed to achieving excellence in all its environmental practices and has established a set of environmental management values as a cornerstone of its business. These stated values include to,

“a. Act with integrity at all times”

“g. Respect the role of tāngata whenua as kaitiaki of the natural resources and taonga within their rohe”¹²

We strongly dispute that Genesis has upheld these stated values given their lack of good faith consultation and assessment of the TPS effects on Ngāti Rangi. He further states that Genesis’ environmental management principles include,

“Adopting a consultative, rather than adversarial approach to resource consent issues”¹³

Their chosen approach to tāngata whenua consultation and assessment is at odds with this principle. Their unwillingness to properly assess, consider, and address our concerns in any genuine or meaningful way left Ngāti Rangi with no choice but to proceed to appeal. This has been, and remains, a matter of immense frustration to us.

The central issue at appeal has been described by Genesis' cultural expert Buddy Mikaere in the following way:

“Do the Māori cultural values attached to the . . . [ancestral] waterways involved in the TP[S] outweigh the needs of our wider society?”¹⁴

We strongly disagree with the disproportionate weighting given to the commercial and social value of the TPS, and the cultural, spiritual and environmental values of our tūpuna awa. The commercial and social benefits of the TPS's activities are a direct correlation of the losses suffered by Ngāti Rangi in the devastation to the mouri and mana of our tūpuna awa, and the mana and wellbeing of our people. We seek to not be dismissed by Genesis' objective to maximise their operational activities in the TPS consents. We ask instead, to be considered alongside it.

Buddy Mikaere's description treats Genesis' objective (of sustaining their operational activities) and our objective (of sustaining the wellbeing of our tūpuna awa, and our wellbeing as tāngata tiaki) as competing priorities to be traded-off one against the other. We strongly disagree with this approach. Both objectives are integral components in determining sustainability. We are seeking a balanced approach where our Ngāti Rangi objectives are considered alongside the Genesis objective, not dismissed by it.

As noted earlier, the TPS was commissioned at a time when resource use decisions denigrated and dismissed tāngata whenua values. The significant adverse impacts of damming and diversion on Indigenous peoples have been noted in the Report of the World Commission on Dams.¹⁵ While the Commission often refers to ancestral rivers and dams much larger in size than our tūpuna awa and the TPS, their identified adverse impacts have been just as dramatic to Ngāti Rangi. In discussing these impacts the Commission observed:

“Large dams have had serious impacts on the lives, livelihoods, cultures and spiritual existence of Indigenous and tribal peoples. Due to neglect and lack of capacity to secure justice because of structural inequities, cultural dissonance, discrimination and economic and political marginalisation, Indigenous and tribal peoples have suffered disproportionately from negative impacts of large dams, while often being excluded from sharing the benefits.”¹⁶

“In the past, if the expected benefits of a dam exceeded the predicted costs the project went ahead. The narrow nature of the technical and economic analyses undertaken **does not necessarily mean that the public authorities that chose dams as a development option were unaware of the social and environmental costs.** Rather, within the context of knowledge available and the value system of those making decisions at any given time, **the sacrifices were judged to be worth the benefits of pushing ahead with the project. This approach remains largely intact today.**”¹⁷ (Emphasis mine)

The Commission noted that when water use allocation affects Indigenous peoples, the cultural and spiritual values which form the basis of our social and political systems – our ways of life – take on the attributes of fundamental human rights, and our full and active participation becomes critical. This would ensure a better quality of life for all humanity, not just some.

Ngāti Rangi endorses the Commission’s recommended policy framework and strategic priority for ensuring Indigenous peoples full and active participation in damming and diversion proposals.¹⁸ The RMA provides for our participation in the TPS resource consent process, and we are seeking for those provisions to be given genuine and meaningful effect, in accordance with the Commission’s recommendations.

A Genesis expert witness contends that the TPS consents 35 year term and conditions,

“... achieve the purpose of the RMA and promote sustainable management.”¹⁹

We strongly dispute this assertion. The RMA validates tāngata whenua cultural and spiritual values as an integral component in determining

sustainability. Genesis' described lack of good faith consultation, and the described deficiencies in their assessment of these matters, demonstrates to us an unwillingness to assess and address these matters in any genuine and meaningful way. At best their approach greatly misunderstands our concerns. At its worst, it is an outright dismissal of them.

We are seeking a reduced consent term to 10 years to allow for the actual and potential TPS effects on Ngāti Rangi to be properly assessed, and for adverse effects to be avoided, remedied or mitigated accordingly. This will ensure that the TPS consents meet the requirement of sustainability within its full meaning as provided for by the RMA.

We accept that Genesis made an attempt 10 years ago to consult with Ngāti Rangi through their discussions with Whanganui Iwi (of which we are a tūpuna rohe) in the Western Diversion. Ngāti Rangi did not decide until 3 years ago to enter into separate discussions with Genesis regarding our tūpuna awa in the Eastern Diversion. However, their described lack of good faith consultation and assessment which appear to be reflected by and confirmed in their tāngata whenua agreements, and their apparent objective to maximise their operational activities in the TPS consents, indicate to us that even if we had started discussions earlier, our concerns would not have been addressed or provided for in any genuine or meaningful way.



Rangiteauria and Te Arohanui o Te Iwi, Tiorangi Pā, Karioi



TĀNGATA WHENUA AND ENERGY PLANNING

MOLLY MELHUIISH
Energy efficiency expert

I comment on Ngāti Rangi evidence on cultural matters as follows. Ms Rāwiri considers that,

“... the inherent cultural values and ethics in Western assumptions are rarely acknowledged or questioned.”¹

In fact, I have consistently questioned the cultural values that underlie the unsustainable developments in the electricity industry. Power planners have always assumed that electricity is to be supplied almost regardless of cost. The move to so-called free-market management of electricity went even further by substituting previous, narrowly defined national-benefit values, with commercial goals. Corporatisation was a Western culture change that was taken up enthusiastically by electricity market participants. Both power planning and self-regulated electricity markets consistently promote large-scale power generation and transmission, and ignore sustainable energy options – small-scale distributed energy generation and energy efficiency, and other demand-side options.

Eastland networks has reduced its dependence on centrally supplied electricity by way of distributed energy generation, with six one-MW diesel generators spaced throughout the network. This produces greater reliability in case of network failure, and enables decommissioning of one Transpower line to Tolaga Bay, with a savings of \$330,000 per year.² Collectively, distributed energy generation – namely small-scale power generators embedded in local networks – amount to around 100 MW of generation today. A study conducted by the Centre for Advanced Engineering predicts a potential availability of 750 MW of distributed generation within 12 years.³

The Energy Efficiency Conservation Authority (EECA) notes that wind already generates 150 GWh/yr of electricity, and could provide up to 7900

GWh/yr at costs of less than 10c/kWh within 10-15 years. Compared to the average generation from Tongariro Power Scheme (TPS) claimed by a Genesis expert witness, of 1850 GWh/yr, wind is already generating 8% of the TPS resource, and could generate over 4 times the total TPS generation.

Genesis evidence purports that “there is general consensus that significant new generation developments are needed in the next few years.”⁴ There may be “general consensus” but from a particular (Western corporate) culture only. New smaller-scale renewable energy sources can supply multiple services, leading to a more sustainable economy – financially, socially, environmentally and culturally. For small-scale sustainable energy options to find their place in New Zealand’s electricity market, another culture change is needed on the part of both electricity supply companies and consumers – a culture change that recognises the true costs of large-scale electricity supply including environmental, social, cultural and spiritual costs.

Another Genesis expert witness describes the “competitive and welfare benefit” of low-cost hydro power. This and other evidence by the companies purports to describe the operation of the electricity industry in national-interest terms. However, in my opinion, they tend to reflect their clear commercial objectives, as they are now required to meet under the State-Owned Enterprise Act 1986. The shift to commercial goals created a true culture change in the electricity industry, which has led the companies to be more dismissive of environmental, social and cultural impacts in their management of the electricity industry.

In this context, the “economics” of withdrawing generation from the TPS cannot be described in simple terms. In fact withdrawing of otherwise available generation is characteristic of New Zealand’s electricity market. When the motive for this is to drive up spot prices, the action is regarded as “gaming” the market. Gaming reduces the total benefit of electricity to the national economy thereby raising prices. It is a transfer of wealth from consumers to electricity suppliers.

Because motives are not disclosed, and today’s electricity market rules do not require the necessary information, gaming cannot be proved, but is widely accepted to have been a part cause of the New Zealand power crises of winter 2001 and autumn 2003. Furthermore the restructured companies

have decommissioned smaller power stations to withdraw generation and improve their commercial position, actions which led directly to the ability of companies to game the market.

As I understand the purpose of the Resource Management Act 1991 (RMA), it requires a balancing of the values of the natural resource (the river flows) to the various affected parties. Both the commercial value to Genesis and Mighty River Power of hydro generation, and the cultural and spiritual values to Ngāti Rangi and other Iwi, of the original river flows diverted by TPS, are matters of national importance – as persuasively argued by both Genesis/ Mighty River Power and Ngāti Rangi.

What the companies have not addressed is whether continuing consultation on the actual flow management regimes, and their adverse impacts on the cultural and spiritual values of the ancestral river flows, could lead to an improved balance between these equally significant values. Certainly the simplistic analysis suggested on behalf of the applicant – contrasting untrammelled rights to divert the flows, as opposed to continuous restoration of the flows – cannot possibly lead to a maximisation of the combined values from a national-interest perspective as provided for by the RMA. This suggests that a condition of the consent should be active and continuing consultation with affected Iwi regarding flow management regimes.

While preparing this brief I have obtained the new report of the Parliamentary Commissioner for the Environment (PCE), “Electricity, Energy and the Environment”. This makes many points which support my comments. The PCE has a statutory duty to examine the environmental performance of the electricity governance board (now the Electricity Commission), on an annual basis. He has chosen to use his powers under the Environment Act to go farther, and intends,

“... to certify that energy services from electricity are provided in an environmentally sustainable manner through ongoing environmental performance assessments of New Zealand’s electricity sector.”⁵

The electricity sector to be assessed includes not only the supply-side generators and network companies, but also electricity consumers, regulators and providers of electricity-using equipment including

buildings.⁶ The relevance to the TPS consents application of the PCE's intentions is that new, strong, and ongoing pressure to generate and use electricity sustainably has been created. This comprehensive and ongoing assessment will lead to substantial change in the current regulatory environment, creating some commercial uncertainty for businesses. However it will progressively encourage all parts of the electricity sector to work towards common goals, and therefore create less, not more, uncertainty in power supply over the longer term.

The PCE regards a sustainable electricity sector as a process rather than a goal, and summarises this as the "ability to get more, from less, for longer".⁷ The report notes that the electricity sector is still dominated by a focus on supply, as it was in the early years of this century. This "outdated" thinking assumes that electricity demand cannot be managed⁸. Evidence given on behalf of the applicant exhibits exactly that type of thinking when describing "the economic consequences of supply not being able to meet demand."⁹

The PCE instead gives equal emphasis to the efficient use of energy services, including use of sources other than electricity. He quotes EECA as saying that cost-effective electricity savings could amount to 19% in the residential sector, 30% in the commercial sector and 20% in the industrial sector.¹⁰ Given that the TPS amounts to 5% on average of New Zealand's generation, the savings potential could, in time, clearly cover even a full return of the diverted river flows. Ongoing tāngata whenua consultation is critical to adjust flow management regimes accordingly, and restore cultural and spiritual values as it becomes increasingly more reasonable to do so.

Genesis expert evidence takes it as given that economic growth will lead to load growth at the current levels of 2-3%. The PCE comments on that "commonly-held" view, suggesting that an integrated approach, balancing supply with demand management, will give a more secure supply as well as a more environmentally sustainable one.¹¹ The Commissioner has set a list of environmental priorities for performance assessment. The highest priority is to manage growth in electricity demand – by promoting energy efficiency in all segments of the electricity sector, and facilitating and promoting active demand-side participation in the wholesale market.¹²

The electricity market rules will be assessed as to whether the concepts of “environmental sustainability” and “sustainable development” are fully considered, understood and incorporated into them.¹³ Thus the wholesale electricity market will no longer be a “voluntary, self-regulating” market as described by a Genesis expert witness.¹⁴ It will be required to incorporate environmental as well as commercial objectives.

The report goes on to say:

“Any assessment by the Commissioner of the environmental performance of the electricity sector must take into account the concerns of the tāngata whenua.

“The most obvious concerns for Māori are related to the operation and development of electricity generation and transmission projects and how these impact on:

- rights of ownership and access to energy-related natural resources (for example see Waitangi Tribunal, 1998: 41-80)
- the values associated with taonga, wāhi tapu, and kaimoana.¹⁵

“However, there are other concerns of Māori that may also have an impact on the environmental sustainability of the electricity sector. These concerns relate to:

- access to electricity or alternative energy services (especially distributed generation for remote rural areas)
- access to energy efficiency and conservation measures (for low income households and health-related benefits).”¹⁶¹⁷

The Ngāti Rangi appeal focuses primarily on the first two points – rights of ownership of their tūpuna awa, and the restoration of cultural and spiritual values lost through the diversion of river flows. The PCE has emphasised that these matters of importance be addressed by the electricity sector in their operations and developments. This suggests that a condition of the consents should be active and continuing consultation with Ngāti Rangi on flow management regimes, as noted earlier.

The PCE has recognised the potential for both distributed generation and energy efficiency to replace generation from power supplied over the

national grid. I have noted in my evidence the multiple benefits of these alternatives to the TPS – not only the supply of kilowatt-hours, but also a more secure supply in remote areas, and warmer and healthier houses. And a national-interest benefit – in a truly (culturally) pluralistic society – of restoring precious cultural, spiritual and environmental values.

The report suggests that another condition of the consent should be significant and continuing funding by Genesis and Mighty River for energy efficiency upgrades of Ngāti Rangi low-income houses and marae.

To grant the TPS consents unconditionally would not promote energy and economic efficiency. Although the TPS does add value to New Zealand's hydro resources, alternative means of supplying energy, peak demands and ancillary services are practical, cost-effective, and already entering New Zealand's electricity market on their own merits. They provide benefits to New Zealand's electricity security, and health and welfare, additional to those provided by major generating stations remote from loads.

The existing management of the TPS by Genesis reflects Western corporate cultural values, by placing commercial goals above equally important national-interest matters (as defined by the RMA), particularly tāngata whenua cultural and spiritual values.

The regulatory system surrounding New Zealand's electricity sector is undergoing rapid change. The new Electricity Commission will replace industry self-governance, and Government will intervene in the electricity market to ensure security of supply. Thus the description by the applicants of the electricity sector regulatory environment is no longer accurate. An even more significant change is that the PCE will assess the environmental performance of the electricity sector on an annual basis. His highest priority is managing growth in electricity demand – growth taken for granted by Genesis – by promoting energy efficiency and active demand-side participation in the electricity market.

In this rapidly changing regulatory environment, granting even a 10-year consents term would be generous indeed to the applicants. The consents need to be conditional on continuing consultation with affected Iwi on flow management regimes, to ensure commercial values are balanced equally

with cultural and spiritual values. They also need to be conditional on the companies that benefit from the consents – Genesis and Mighty River Power – giving significant funding for energy efficiency projects that benefit the low-income households and marae within their areas.



ASSESSING TĀNGATA WHENUA INSTREAM VALUES AND IMPACTS

DR SHANE WRIGHT

Uri, Ngāti Rangi

Whanganui Iwi mai i Te Kāhui Maunga ki Tangaroa

Ecologist/ biogeographer

In their report responding to the Genesis Draft Assessment of Environmental Effects, Department of Conservation scientists noted that it is unlikely that sustainable use will be achieved if all the matters set out by sections 5, 6, 7 and 8 [of the Resource Management Act 1991 (RMA)] are not at the very least assessed, and identified adverse effects avoided, remedied or mitigated accordingly.¹

In determining suitable flow regimes, this requires an assessment of tāngata whenua customary instream values and uses. These range from seeking to protect or restore the mouri of tūpuna awa, through to preserving ecosystem support for customary uses such as significant mahinga kai species. These section 6(e), 7(a) and 8 matters are fundamental to determining sustainability; they are not simply additional matters for separate consideration.

The Ministry for the Environment (MfE) has published best practice guidelines for assessing and addressing tāngata whenua customary instream values and uses. Relevant extracts are attached. Where these regimes can be reasonably accommodated, they should be. Where it is impossible to reasonably do so, the reasons for this would then at least be made clear, allowing for other appropriate mitigation measures to be agreed.

The scientific evidence presented by Genesis expert witnesses on the Whangaehu catchment and Moawhango River overlooks these matters of importance. The Whangaehu catchment is partially derived from the acidic Mt Ruapehu Crater Lake. In this respect it is quite unique, and has a

unique and distinctive adaptive ecosystem. Arguably, these qualities demonstrate high and significant intrinsic values. Genesis evidence assesses the Tongariro Power Scheme (TPS) as diverting “a large amount of water” from 22 tributaries of the catchment.² This leaves a number of streams dewatered, the most significantly affected being dewatered for a 7km stretch;³ cumulatively dewatering 27km of streams, and causing a shift in the intrinsic values of some streams from a stream-habitat to a wetland-habitat. No reference is made to the importance of assessing and addressing impacts on tāngata whenua customary instream values and uses, in either the upstream or down-stream effects. Our pahake have spoken about some of these, in particular, maintaining the natural integrity of these waterways; as well as fishing, through to the healing and medicinal properties and use of the Whangaehu.

The Moawhango River has been significantly dewatered by the damming and diversion activities of the TPS, causing a severe degradation to the River’s intrinsic values. Genesis evidence assesses a 67% loss of river flows caused by the TPS.⁴ Following the identification of significant adverse effects on hydrology, sediment regime, water quality, aquatic habitat, and invertebrates, and then applying the MfE minimum flow guidelines, remedial (increased minimum flows) measures were agreed to between Genesis and the Department of Conservation to address the severe degradation caused to conservation instream values. No assessment has been presented by Genesis on TPS impacts on tāngata whenua customary instream values and uses for the Moawhango River.

The TPS cultural impacts assessment undertaken by the Genesis cultural expert Buddy Mikaere appears to dismiss, rather than properly assess the customary instream values raised by Ngāti Rangi pahake. In my view, the concerns raised by these deficiencies would be ill-served by a consent term of 35 years. It appears to me that this would simply allow Genesis to continue to ignore these important requirements. I reiterate that these matters are fundamental to determining sustainability; they are not simply additional matters for separate consideration.

It is my view that a reduced term of 10 years would be more appropriate to allow for full and proper research and assessment into TPS impacts on

Ngāti Rangi customary instream values and uses. Any identified adverse effects could then be avoided, remedied or mitigated accordingly.

I acknowledge the commercial benefit to Genesis of continuing the hydro-power operations of the TPS, and the social benefits of power supply. However, the losses to Ngāti Rangi caused by those operations should not be allowed to be overlooked. More importantly, the RMA requires those losses to be properly assessed and addressed in genuine and meaningful ways. The Genesis evidence demonstrates a chosen approach that significantly undervalues, and in so doing ignores these requirements. It also bespeaks a lack of meaningful consultation with Ngāti Rangi to date. It has not yet been made known whether these important matters were appropriately assessed and adequately addressed in the agreements Genesis entered into with other tāngata whenua.

MINISTRY FOR THE ENVIRONMENT FLOW GUIDELINES FOR INSTREAM VALUES

Flow Regime Requirements for Māori Instream Values ⁵ (selected extracts)

Instream management objectives

To set instream management objectives for Māori values and uses, water managers need to establish dialogue with iwi on (i) the uses of different reaches of water bodies and (ii) the ideological values that are relevant to those uses. Each iwi will have various uses and values associated with different reaches of rivers but there is likely to be some commonality between iwi.

Values that iwi are likely to want included in an Instream Management Objective are:

Mauri

- The mauri of water bodies and their productive capacity will be protected and, where necessary, degraded water bodies will be restored.
- The quality and quantity of water in all waterways will be sufficient to provide for the healthy functioning of associated ecosystems.

Mahinga Kai

- Flows will be adequate for mahinga kai.

- Flows will be adequate to allow access to mahinga kai.
- Where instream flows relate to the condition of wetlands, special effort is taken to ensure that wetlands are protected for mahinga kai purposes and as kōhanga of native species.
- Activities associated with the change of flow regimes, such as water takes, will not adversely impact on mahinga kai.
- Upstream and downstream passage of mahinga kai species will be maintained.

Wāhi Tapu

- Flows will protect wāhi tapu.
- Methods used to protect wāhi tapu will protect and accommodate tikanga Māori.

In some cases, iwi may prefer direct representation in decision-making and management activities rather than “consultation”, i.e. the **process** of setting the Instream Management Objective may be very important to iwi. In the decision-making process, the following are objectives that iwi may wish to achieve:

- Iwi rangatiratanga over water bodies within their rohe will be re-established.
- Iwi will be able to discharge their kaitiaki and manaakitanga responsibilities.

There will be a greater surety that Māori beliefs, values and uses will be protected and enhanced if Māori have a direct say in developments that affect the water resource.

Remedying and mitigating the adverse effects of flow regulation

An adverse effect may result when the flow regime will not adequately protect the instream values and uses that have been identified by iwi. It is likely that some values will be protected while others will not. In these instances it is for iwi and decision-makers to identify appropriate strategies for mitigating and remedying the adverse effects. Examples of actions that could remedy or mitigate the adverse effects on Māori instream values include:

- (a) Re-establishing flows in rivers or stretches of the river that have previously been de-watered as a result of damming, diverting or abstracting water.

- (b) The provision of fish passage through either:
- (c) Re-establishing or creating habitats appropriate or mahinga kai. This could see the council undertaking the restorative work or alternatively iwi could be funded to undertake the work. It could also entail the acquisition of land for habitats suitable for mahinga kai.
- (d) Putting in place a flow regime that incorporates flushing flows. For example the regime for the Lower Waiau River, in addition to the minimum flow of 12-16 cumecs, will have the flushing flows of 35 cumecs and, if necessary to ensure an open river mouth, flows of 150 cumecs in spring and autumn.
- (e) Committing to the improvement of water quality in water bodies where iwi have identified degradation of water quality as a particular issue.
- (f) Where the effects on iwi beliefs, values and uses is unknown or unclear, developing:
- A research programme, jointly with iwi, to ascertain the likely effect and scale of the effect and means of remedying or mitigating the effect;⁶ and
 - A monitoring programme, involving iwi, to monitor the effects on iwi beliefs, values and uses that are greatest concern to iwi.
- (g) Supporting research that is designed to increase the understanding of:
- The habitat requirements, breeding habitats and appropriate harvesting methods of native fisheries, mahinga kai plants and wildlife;
 - The traditional and contemporary relationship between iwi and mahinga kai resources, identifying appropriate means of enhancing this relationship.
- (h) Supporting programmes and activities for promoting, restoring and enhancing the social, cultural and economic relationship of iwi with the water bodies and their associated resources, within their rohe.

It is the responsibility of decision-makers to consult with iwi to explore the variety of options for remedying and mitigating the effects of flow regulation on cultural values and uses.



ASSESSING TĀNGATA WHENUA LANDSCAPE IMPACTS

ALAN TITCHENER
Landscape Architect

In his evidence to the Joint Hearing Committee, the Department of Conservation expert landscape witness Simon Smale, explained,

“....(landscape) has become a key consideration in many cases as an overarching framework that encompasses a range of more specific attributes and values including natural character and amenity values. The Court has expressed the view that landscape can be seen as a link between individual natural and physical resources and the environment as a whole. It has endorsed a broad and holistic approach to landscape evaluation that recognises it’s perceptual as well as its physical component. The following definition is representative of those currently employed as landscape professionals:

‘Landscape is the relationship between natural and human landscape patterns, human experience and perception of these patterns, and meanings associated with them’ (Isthmus Group – ‘Outstanding Landscape, Landscape Assessment of Hastings District’ (1996)).

“In line with this interpretation the Court has, at pp 46-47 of its decision in the Wakatipu Environmental Society Inc. v Queenstown–Lakes District Council case (Environment Court C 180/99, 2 November 1999, Judge Jackson), usefully refined a criteria set for assessment of landscape as:

- (a) The natural science factors – the geological, topographical, **ecological, and dynamic components of the landscape.**
- (b) Its aesthetic values including memorability and **naturalness.**
- (c) Its expressiveness (legibility): how obviously the landscape demonstrates the formative processes leading to it.

- (d) **Transient values:** occasional presence of wildlife, or its values at certain times of the day or of the year.
- (e) **Whether the values are shared and recognised.**
- (f) **Its value to tāngata whenua.**
- (g) Its historical associations.”¹ (my emphasis)

I will now consider the methodology applied in the assessment presented on behalf of Genesis of the Tongariro Power Scheme (TPS) landscape effects on the Whangaehu River catchment and the Moawhango River.

In my view, the methodology applied is a mix of what Daniel and Vining call the aesthetic model together with the psychophysical model, utilising the Genesis expert’s skills as an experienced landscape architect in assessing the visual impact of various built elements and other modifications to the landscape, coupled with consideration of psychophysical responses to, for example, the effect of reducing water flows. These perspectives have, in theory, been complemented through the use of the ecological model in the gathering and presenting of ecological evidence by other experts with specific competence in that discipline, that is, the discipline of ecology.

From discussions with Ngāti Rangi, I understand that their relationship with the landscape is best categorised as a mix of their cultural and spiritual values derived from their sustained interaction with their landscape (in Daniel and Vining’s terms, essentially phenomenological), and with a strong practical and observational basis in their role as tāngata tiaki (essentially ecological).²

What is missing from the Genesis assessment is a co-ordinated, multi-faceted landscape assessment which weaves together the various assessment strands where the various, sometimes conflicting, sometimes overlapping, perspectives are considered. This is the accepted mechanism through which, for example, the visual perceptions of a skilled landscape architect and the cultural/ spiritual and ecological values of the tāngata whenua who have a special relationship with this landscape, are evaluated and acknowledged.

This failure to integrate the various relevant aspects (as listed previously in Judge Jackson's check list), in my view, limits the value of the otherwise technically competent evidence to little more than a visual assessment. Given the complexity of the subject landscape and the significance of the landscape not only to tāngata whenua but as a landscape of outstanding scenic value, and given the Genesis expert's unquestioned skill and experience as a landscape architect, this deficiency of process and outcome is all the more perplexing.

If we accept the definition of landscape being more than an assemblage of physical elements but as having a cultural dimension including human experience and meanings associated with landscape patterns, and if we also accept the criteria set as outlined in the Environment Court decision above, it is clear that consideration of cultural factors and in particular the value of landscape to tāngata whenua is an essential consideration in a landscape assessment. In few landscapes of New Zealand is this more relevant than in the subject landscape which deals with a sacred ancestral mountain of the highest spiritual and cultural value and the land and waters associated with it.

It is clear, therefore, that in this case especially, there is a need for consultation between the applicant's representatives and the tāngata whenua and thorough assessment of the views of the tāngata whenua and their influence on the landscape values being assessed. In his evidence the Genesis landscape expert notes,

"While tāngata whenua values relative to land and water are extremely important considerations, these matters have been addressed as far as has been possible as part of wider discussions between Genesis and tāngata whenua, and consequently were excluded from the landscape investigations."³

This acknowledgement of the **extreme importance** of tāngata whenua values in relation to land and water effectively endorses the need for effective consultation with tāngata whenua to identify those values and their influence on the assessment of landscape.

Given that the responsibility for the assessment of tāngata whenua values was undertaken by Mr Buddy Mikaere, the focus shifts to the effectiveness

of that assessment in addressing landscape assessment issues. Mr Mikaere's evidence relating to sections 6(e), 7(a) and 8 of the Resource Management Act 1991 (RMA), appears to downplay the relevance and validity of tāngata whenua values. I will leave it for Ngāti Rangi to respond to Mr Mikaere's opinions. However, with regard to the connection between landscape and tāngata whenua values, nowhere in his evidence do I see an assessment of tāngata whenua values and their consideration in terms of landscape effects.

Tāngata whenua values, while being acknowledged by the Genesis expert as being "extremely important" appear to have slipped into the chasm – on one hand excluded from landscape investigations, and on the other not addressed as part of a broader assessment process relating to tāngata whenua values.

In my view, proper landscape planning practice requires due consideration to be given to the perceptions and values of all relevant parties, particularly in a physical and cultural environment of this significance. Not all landscape architects have expertise in the area of tāngata whenua consultation or in interpreting or weighting perceptions of landscape expressed by tāngata whenua. This does not preclude such issues from proper investigation. Without such consideration we are left with what Simon Smale in his evidence describes as "only half the story".

Equally, very few individuals charged with the responsibility of undertaking tāngata whenua consultation are equipped with the necessary skills to apply their findings in landscape assessment terms. A more appropriate approach would have been for tāngata whenua to prepare their assessment of the effects of the proposed uses on them and the landscape, and then for both experts to undertake their investigation work conjointly. Applying this more collaborative model, it would have been far more likely to have arrived at an assessment outcome that properly recognises tāngata whenua values and their validity to the landscape.

Failing that, specific acknowledgement of the absence of incorporation of tāngata whenua values in the landscape assessment in Genesis' evidence would have assisted the consent authority in reaching an informed decision. In view of this failure to provide proper consideration of tāngata whenua values, the request of the appellants with respect to this particular

issue (that is, reducing the consents term to 10 years to allow for both a more complete landscape assessment and for any potential adverse affects identified in that assessment to be assessed) does not seem to me unreasonable.

In my evidence I present suggested shortcomings in the process and outcome of the assessment carried out on this case. The question arises of how reasonable it is to expect such consideration to be a part of landscape planning practice. Dr James Ritchie, in his paper "Bicultural Responsibilities for Stewardship in a New Environment" presented to the 1990 Joint Conference of the NZ Institute of Landscape Architects and the NZ Institute of Parks and Recreation Administration wrote passionately and informatively about Māori relationships with the land and landscape of Aotearoa and gave some leads for landscape architects who may have been unfamiliar with concepts of tikanga, kaitiakitanga, te pūtahi, and puta noa to name a few. He concluded his remarks by saying,

"For me, the final considerations these days are almost always aesthetic. That is not a popular position nor easily communicated, but you know for you, what I am saying for me. The day can be full of moments as the eye sweeps to the distant dunes, or revels in the rich patterning of greens on bushland hillsides or captures my entire consciousness in appreciation of the flashing sweep of surf or dappled cool interior lighting of the bush. Then I get lost in it all, lose myself in respect and awe and wonder. Then the land owns me and I begin to understand something of what Māori people want."⁴

My own paper to the 1995 International Federation of Landscape Architects Eastern Region Conference in Christchurch explored further the relationship of landscape architecture to tāngata whenua values, and emphasised the importance of working **with** tāngata whenua **rather than in parallel**.⁵

Neil Challenger continued the theme in his paper presented to the 1998 Conference of the NZILA in Wellington. He concluded his paper by saying,

"[We must] . . . use the things that are unique about our country and its cultures to both adorn our landscapes and to determine what we do with these things from today. Through this, new landscapes will

emerge which will be more democratic, more representative, more particular and more culturally appropriate to who we are and where we live.”⁶

And finally, in this by no means exhaustive bibliography of relevant literature, Menzies and Challenger, in a paper presented in 2002 to the Australian Institute of Landscape Architects’ Conference entitled “Place, People and Prospect: Responding To Spirit” explored issues concerning emotional links with the land, differences between the links observed by Māori and non-Māori, and the prospects for future resolution of differences over place values. They concluded,

“With more of an eye to the future than the past . . .

- Firstly, the broader the scale of the development and the more ‘metaphysical’ the Māori relationship with its intended landscape, the more difficult it is to accommodate Māori within it.
- Secondly, and in happy corollary to this, Māori meaning is relatively easy to accommodate and express with site design.
- Thirdly, expressing Māori meaning within the landscape requires a degree of sharing in terms of knowledge that many Māori will not be comfortable with, but, it can be done without sacrificing the meaning’s cultural integrity.
- Fourthly, the changes in self identity that are currently occurring within Aotearoa/New Zealand’s Pākehā community now mean that many Pākehā as well as Māori appreciate and value elements of the Māori culture, albeit in a different way.
- Fifthly, instead of looking to design to express one set of meanings, it should be expected to express multiple meanings to multiple cultural users.
- Finally, while it isn’t easy or straightforward, different cultures can be accommodated in development and design – it requires practice, sensitivity and confidence.”⁷⁸

Clearly, the concept of valuing and collaborating with tāngata whenua in the planning, designing and management of landscapes is not new, quite apart from the requirement placed on practitioners by the relevant sections

of the RMA. It is not unreasonable, in my view, for a landscape architect to be expected to be aware of such considerations and, one way or another, to include them in the landscape assessment procedures used.

In my opinion, the assessment of the landscape effects presented on behalf of Genesis is accurate to the extent that it reflects that expert's personal expert perspective, and insofar as it focuses primarily on the visual component of landscape assessment. However, by stopping short of fulfilling his potentially more comprehensive, integrating role (in terms of the criteria set out in Judge Jackson's list of criteria), he fails to tell the full story and his evidence is consequently, in my opinion, deficient because of that.

In particular, the failure to effectively consult with the tāngata whenua, either by him or by others engaged by Genesis for that purpose, and to evaluate, or at least acknowledge a conflicting or alternative view, constitutes a major shortcoming in process and his evidence is weakened by that omission. In my opinion, there is a need for a far more thorough and comprehensive investigation into the effects of Genesis' proposal on both the landscape and on those directly affected by changes to that landscape and I support Ngāti Rangi in their request that the term of the resource consents be reduced to a period of 10 years to allow for these matters to be properly assessed and addressed.

NOTES

Turama Hawira has kindly provided the following translation of his mihi at page 1:

The tide of the Heavens, the tide of the Earth, the tide that came forth from the centre of the Universe. From which flourished the two teardrops, the sustenance of Ruatipua, the life form of Ruatawhito.

I traverse the historical imprint of my ancestors, to kneel at the embankment of the waters that spring forth at the heels of Ruapehu, to drink of the living waters, to drink of the waters of fulfilment. To recite the life giving ritual, sprinkle the water upon thy sacred font, that providence may be upon my people.

To the people, arise to observe that which consumes, the parasitic spawn of Queen Elizabeth, the thief of water's lifeforce, the thief of the lifeblood of the land. Be alert, be resilient, lest you descend into the pit of despair, lost into oblivion.

The chapters in this book are sourced from evidence briefs to the Environment Court on behalf of Ngāti Rangi, in RMA874/01 (2003). These have been edited for easier reading and to reach the widest possible audience. Readers may also wish to refer to the full evidence briefs, as well as those of the Genesis Power witnesses cited.

The evidence brief of the late Matiu Māreikura was first presented before the Waitangi Tribunal in 1994; and presented to the Environment Court by his whānau.

The framework and approach adopted in this book was adapted from Venne, S., I. Shulte-Tenckhoff, and A. Gray (1997) *Honour bound: Onion Lake and the spirit of Treaty Six: the international validity of Treaties with Indigenous Peoples*. Copenhagen: International Work Group for Indigenous Affairs. The work of the Elders and people of Onion Lake First Nation and the authors, is gratefully acknowledged.

Photographs courtesy of Keith Wood (cover), Gail Imhoff (pages 1, 2 and 26), Te Whetūrautau Wilson (page 6), Rangimārie Ponga (page 13), Puawai Thompson (page 20), Pikimai Māreikura (page 34), Rob Zorn (page 68), Garry Brandon (page 76).

Keith Wood

- ¹ When the terms ‘territory’, ‘land’ and ‘water’ are used in the *Indigenous Peoples Kyoto Water Declaration*, they are inclusive of all life such as forests, grasslands, sea life, habitat, fish and other biodiversity. See at: <http://www.indigenouswater.org/user/IPKyotoWaterDeclarationFINAL.pdf>

Āneta Hinemihi Rāwiri

- ¹ Brief of evidence of Tracey Hickman to the Environment Court on behalf of Genesis Power, in RMA874/01, 2003, at 2.9.
- ² Waitangi Tribunal. 1985. *Findings of the Waitangi Tribunal on the Manukau Claim (Wai 8)*. Department of Justice, Wellington, at pp 57–58.
- ³ Waitangi Tribunal. 1998. *The Whanganui River report: findings of the Waitangi Tribunal on the Whanganui River Claim (Wai 167)*. Department of Justice, Wellington, at p 45.
- ⁴ Cited in: Ministry for the Environment. 1998. *Flow Guidelines for Instream Values: Volume A*. The Author, Wellington, at p 81.
- ⁵ 2nd statement of evidence of Phillip Mitchell to the Environment Court on behalf of Genesis Power, in RMA874/01, 2003, at 3.5.
- ⁶ Above n 2, at 8.18.
- ⁷ See: above n 5.
- ⁸ Above n 1, at 4.94.
- ⁹ Above n 1, at 3.41.
- ¹⁰ Above n 1, at 4.95 and 4.96.
- ¹¹ Above n 7, at 3.5.
- ¹² Brief of evidence of Dean Carroll to the Environment Court on behalf of Genesis Power, in RMA874/01, 2003, at 7.1.
- ¹³ Above, at 8.2.
- ¹⁴ Above n 1, at 3.15.
- ¹⁵ World Commission on Dams. 2000. *Dams and development: a new framework for decision-making: the report of the World Commission on Dams, November 2000*. Earthscan, London.
- ¹⁶ Above, at p 110.
- ¹⁷ Above, at p 120.
- ¹⁸ Above, at pp 215–220.
- ¹⁹ Above n 3, at 4.45.

Molly Melhuish

- ¹ Brief of evidence of Āneta Hinemihi Rāwiri to the Environment Court on behalf of Ngāti Rangi, in RMA874/01, 2003, at 4.3.
- ² This also reduces peak loads. Tariffs were introduced May 2003 rewarding consumers for peak load reduction. See: Leyland, B and Mountain, S. 2002. *Electricity supply and demand to 2015*. Sinclair Knight Merz and Centre for Advanced Engineering, Christchurch, at p 30.
- ³ Above, at p 25.
- ⁴ See evidence of Jim Truesdale to the Environment Court on behalf of Genesis Power, in RMA874/01, 2003.
- ⁵ Parliamentary Commissioner for the Environment. 2003. *Electricity, energy and the environment: making the connections*. The Author, Wellington, Part A, at p 5.
- ⁶ Above, at p 48.
- ⁷ Above, at p 41.
- ⁸ Above, at p 42.
- ⁹ Brief of evidence of Michael Copeland to the Environment Court on behalf of Genesis Power, in RMA874/01, 2003, at 3.8 and 3.9.
- ¹⁰ Above n 5, Part A, at p 25.
- ¹¹ Above n 5, Part A, at p 46.
- ¹² Above n 5, Part B, at p 9.
- ¹³ Above n 5, Part B, at p 15.
- ¹⁴ Brief of evidence of Dean Carroll to the Environment Court on behalf of Genesis Power, in RMA874/01, 2003, at 4.3.
- ¹⁵ Above n 5, Part B, at pp 34–35.
- ¹⁶ Above n 5, Part B, at pp 34–35.

Dr Shane Wright

- ¹ Response from the Department of Conservation to the draft Assessment of Environmental Effects for the Tongariro Power Development. In, Genesis Power Ltd. 2000. *[Tongariro Power Development] resource consents application: an assessment of environmental effects*.
- ² Brief of evidence of Paul Kennedy to the Environment Court on behalf of Genesis Power, in RMA874/01, 2003, at 19.9.
- ³ Above, at 14.12.

- ⁴ Brief of evidence of Jarrod Bowler to the Environment Court on behalf of Genesis Power, in RMA874/01, 2003, figure 5, at p 48.
- ⁵ Ministry for the Environment. 1998. *Flow guidelines for instream values: volumes A and B*. The Author, Wellington, at pp 80–129, and 145–149.
- ⁶ An example of a joint iwi research programme is Te Waiau Mahika Kai Trust which is being funded to research the downstream migration of eels from the Waiau Catchment and to identify means of addressing the problems of downstream migration.

Alan Titchener

- ¹ Smale, S.J. 2001. Statement of Evidence [to the Joint Hearing Committee] prepared for the Tongariro Power Development Resource Consent Application, Genesis Power Ltd.
- ² See: Daniel, T.C. and Vining, J. 1983. Methodological Issues in the Assessment of Landscape Quality. In, Altman, I. and Wohwill, J. Eds. *Behaviour and the Natural Environment*. New York, Plenum Press, chapter 2, pp 39–83.

In summary, Daniel and Vining identify five categories of various landscape assessment methodologies: the **ecological model**, the **aesthetic model**, the **psychophysical model**, the **psychological model**, and the **phenomenological model**.

The **ecological model** holds that the environmental features relevant to landscape quality are primarily biological or ecological. The landscape is characterised in terms of species of plants and animals present, ecological zones, successional stage or other indicators of ecological processes. Human factors enter the model as modifications of the relevant environment/ landscape features that rather directly determine landscape quality.

The **aesthetic model** characterises the landscape in formal properties, form, line, unity, variety etc. Landscape quality is determined directly by the formal aesthetic features (although categorised according to human judgement) of the environment with no direct human influence.

For the **psychophysical model**, the relevant features of the environment are characterised in objective physical or biological terms. These features may be measured from photographs or by direct inventory procedures.

Relevant landscape features are in principle, objectively measurable. The person, characterised as an observer/judge, perceives the landscape and expresses preferences or relative appraisals that directly determine landscape quality.

The **psychological model** characterises the landscape in more subjective terms by usually relying on human judgements of complexity, mystery, legibility etc to determine landscape features. The judgement of humans, characterised as experiencers of the landscape, is also central in determining the nature of landscape effects expressed in terms of an array of cognitions and feelings. Landscape quality assessments may be left in multidimensional terms, or the multiple dimensions may be related to a single preference or landscape quality dimension.

Finally, the **phenomenological model** represents the extreme of subjective determination of relevant landscape features, with each individual serving as an interpreter of unique environmental encounters. The effects of any encounter are viewed as highly complex and subjective, depending as much on the state of the human as on the features of the environment. Each encounter produces a unique outcome for the individual interpreter and is valued in its own right.

- ³ Brief of evidence of Frank Boffa to the Environment Court on behalf of Genesis Power, in RMA874/01, 2003, at 2.12.
- ⁴ Ritchie, J. 1990. Bicultural responsibilities for stewardship in a new environment. Unpublished paper presented to the Joint Conference of the New Zealand Institute of Landscape Architects and the Waikato / Bay of Plenty Branch of the New Zealand Institute of Parks and Recreation Administration in Hamilton.
- ⁵ Titchener, A.D. 1995. Unpublished paper presented to the International Federation of Landscape Architects Eastern region Conference in Christchurch.
- ⁶ Challenger, N. 1998. Ideas on the move – globalism and the landscape of Aotearoa. Unpublished paper presented to the New Zealand Institute of Landscape Architects Conference in Wellington.
- ⁷ See: Menzies, D. and Challenger, N. 2002. Place, people and prospect: responding to spirit. Unpublished paper presented to the 2002 Australian Institute of Landscape Architects Conference, Darwin, Australia.

GLOSSARY

atua	nature's organising principles; higher being(s); god(s)
awa	river
haka	a type of ritual performance art
hākari	celebratory feast
hapū	sub-tribe kin-group of descendants from a common ancestor, who have lived in a geographical area for many generations; a hapū is made up of a number of whānau
hīkoi	journey; used here to describe taking the Environment Court on a site visit to our tūpuna awa
horoi	spiritual cleansing; the lifting of illness with water
hui	gathering
ihi	life energy; vitality
ika	fish
inanga	whitebait
iwi	tribal kin-group of descendants from a common ancestor, who have lived in an area for many generations; an iwi is made up of a number of hapū
kai	food
kaitiaki	guardian
karakia	prayer
kōrero	tribal narrative expressing ancestral values, knowledge and practices
koro	male elder
koura	fresh-water crayfish
kuia	female elder
mahinga kai	food gathering

mai raanō	since time immemorial
mana	respect, integrity
manu	bird
Māori	generic term commonly-used to describe the Indigenous peoples of Aotearoa/ New Zealand
marae	area in front of a whare tupuna where the rituals of welcome are observed; the entire area of the whare tupuna and its communal houses
mātua	parents; the generation below Elders
māuiui	illness
mauri	life-force
MfE	Ministry for the Environment
mihi	to give thanks and make acknowledgements
mouri	life-force
ngahere	native forest
ngaore	smelt (fish)
ngārara	insect; lizard
pahake	elder(s)
Pākehā	people of european descent
Papatuanuku	grandmother earth
PCE	Parliamentary Commissioner for the Environment
piharau	lamprey eel
poi	a type of ritual performance art
pōwhiri	rituals of welcome on the marae
pūhā	native edible thistle
puna	spring
raruraru	difficulties
reo pōwhiri	acknowledgements made, usually by kuia/ senior female elders, on the marae
Ringatū	Māori religious movement
RMA	Resource Management Act 1991
tamariki mokopuna	future generations
tāngata tiaki	Tāngata whenua carrying out their ancestral stewardship responsibilities to the natural environment of their ancestral homelands

tāngata whenua	Indigenous peoples, literally ‘people of the land’; most commonly used here to refer to the Indigenous peoples of Aotearoa New Zealand
tangi	funeral rituals
taonga	treasure, cherished heirloom
tapu	sacred; special; restricted
te taha hinengaro	intellectual wellbeing
te taha tinana	physical wellbeing
te taha wairua	spiritual wellbeing
te taha whānau	collective wellbeing
tikanga	correct way of behaving
tohu	sign
TPS	Tongariro Power Scheme
tuakana	elder sibling or relation
tuna	eel
tupuna	ancestor (singular)
tūpuna	ancestors (plural)
tupuna awa	ancestral river (singular)
tūpuna awa	ancestral rivers (plural)
tupuna maunga	ancestral mountain (singular)
tūpuna maunga	ancestral mountains (plural)
wairua	spirit; spiritual occurrences
wānanga	local term meaning ancestral philosophy, values and knowledge; higher learning
wānanga kōrero	tribal narrative expressing ancestral values, knowledge and practices
wehi	awe; awe-inspiring
whaikōrero	acknowledgements made, usually by koroheke/ senior male elders, on the marae
whakanoa	to lift tapu
whakapapa	genealogy
whānau	family, generally comprising two or three generations
whanaunga	kin; relative(s)
whanaungatanga	kinship relationship
whare wānanga	ancient school of higher learning

wharepuni
whetū mārāma

ancestral house
guiding star

