

# TE MANA O TE WAI CASE STUDY SUMMARY

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IWI CASE STUDIES  
2020





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## 2 Mana Whenua Case Study Overview

This report provides an overview of confluent and divergent experiences of the four mana whenua case studies involved in this program Giving Effect to Te Mana o Te Wai. The case studies provide insights and nuanced learnings in better addressing barriers and challenges they have experienced in freshwater management as well as sign-posting important features of a transformative regime that can be enabled through and by Te Mana o Te Wai (TMOTW).

The four mana whenua case studies are:

- Ngati Raukawa
- Te Tau Ihu
- Ngati Rangiwewehi and
- Ngati Porou – focusing on the Waiapu River catchment

The reader is encouraged to read each case study available at [www.poipoia.co.nz](http://www.poipoia.co.nz).

The key elements each case study was asked to consider were;

- Introduction of Iwi and any other relevant parties, including a map;
- Purpose of the case study, including specific theme or focus that the case study will address;
- A summary of how Te Mana o Te Wai is currently understood by relevant partners;
- The interface between Treaty Settlements and Te Mana o Te Wai;
- The process of identifying how to achieve Te Mana o Te Wai from the perspective of IWI.
- Identification of tools to support the reduction of barriers to Te Mana o Te Wai.
- Mātauranga Maori and its use and application and challenges and potential solutions across freshwater Management;
- Capacity and capability to address freshwater management;
- Water quality, quantity, and allocation;
- Water storage;
- Water use/take (industry uses);
- Discussion around Freshwater Management Units;
- Value setting, limit setting, attributes;
- Monitoring and enforcement;
- Current state of the relationship that iwi has/ have with the Councils regarding the management of freshwater;
- How the collaborative processes work or doesn't work;
- Engagement approaches;
- Barriers to partnership approaches: propose solutions and resourcing;
- Shared decision making (if any);
- Local authority decision making;
- Capacity and capability to address freshwater management;
- Engagement approaches;
- Barriers to partnership approaches: propose solutions, including resourcing;
- Guidance for councils and central government; and
- Any other matters and general conclusions.

The case study lead authors retained full license to address these case study elements as they felt appropriate.

### 3 Mana whenua relationship/s to wai and their understandings and expressions of mana and whakapapa

Mana whenua hold customary authority for all natural and spiritual taonga through whakapapa and as te ahikaaroa of their respective takiwa and rohe. Mana whenua uphold their whakapapa and mana in and with Wai through the day-to-day and generation by generation relationship and reliance on their wai for life, sustenance, livelihoods, ceremony, and enjoyment. Wai and whenua are intrinsically part of whakapapa through identity, belonging and ways of living, knowing and being. Their relationship is of central importance. The multiple dimensions of these relationships/s are expressed through whakatauki, pepeha, purakau, karakia, waiata, placenames, te reo me ona tikanga, food gathering amongst other expressions. Together these all contribute to bodies of knowledge held by whanau, hapu and iwi (matauranga-a-whanau, matauranga-a-hapu, matauranga-a-iwi). Therefore matauranga-a-whanau, a-hapu, a-iwi is critical to informing how mana whenua will define and give effect to TMOTW and will strengthen their ability to lead in and transform freshwater management.

Mana whenua participation in freshwater management is a necessary element and extension of their relationship with their wai and requires of them obligation/ duty to “demonstrate ability to uphold the integrity of their mana, whakapapa and tikanga” (Ngati Raukawa Case Study, 2021).

### 4 Current Understandings of Te Mana o Te Wai

As a concept within the NPSFM policy framework TMOTW is received with caution. Hapū are wary with the use of te reo Māori in legislation and policy and the consequent skewed interpretations by those with statutory responsibilities of the essence of our values and concepts in their management of the regulatory framework.

*"Mana" is intrinsically linked with and determined through whakapapa - who can whakapapa to WAI to uphold mana? The first two principles are clear as a whakapapa relationship is established. The third-tier allocation of wai for development uses does not align well with 'mana'. " (Ngati Porou Case Study, 2021)*

While there is potential for the tiered obligation hierarchy to be viewed as a means to treat water like an asset rather than a taonga mana whenua value do align with the principles of TMOTW particularly in terms of *the first right to water being to and for water* and then the second obligation *to meet our livelihood needs*. The intrinsic link between mana and whakapapa provides for strengthening the place of mana whenua as “those who have whakapapa with the wai” as key decision-makers. The third obligation that provides for other uses of water and who determines this and how this will be managed to improve mauri ora outcomes for our waters lies at the core of mana whenua concerns.

Te Mana o te Wai must be an overarching objective —or korowai— and necessarily apply to all objectives and policies in the NPS-FM. Te Mana o te Wai should be the driver of improved and mauri ora aligned freshwater management outcomes and not just a hopeful result or destination.

Te Mana o Te Wai’ for Ngāti Rangiwewehi is

*“the ability to continue our mana whakahaere and our role and responsibilities as kaitiaki of the waters within our rohe; this includes the needs of our community and our mokopuna” (Ngati Rangiwewehi Case Study, 2021).*

## 5 Relevant Parties

The relevant parties we are introduced to through the Mana Whenua Case Studies involve Iwi (comprising of the array of post-settlement governance entities and their subsidiaries); Hapu (and their associated entities); local authorities including territorial authorities and regional councils. Other parties are referred to for particular role/s they played in the freshwater management experience/s of mana whenua. These include crown research institutes, government agencies and to a lesser degree, applicants. The relevant parties pertaining to each mana whenua case study are:

- Ngati Rangiwewehi - Te Tāhuhu o Tawakeheimoa, Rangiwewehi Charitable Trust and Rotorua Lakes Council;
- Ngati Raukawa - Raukawa Charitable Trust including Putake Taiao and Waikato Regional Council;
- Te Tau Ihu – Ngāti Apa ki te Rā Tō, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāti Tama Ki Te Waipounamu, Te Ātiawa Manawhenua Ki Te Tau Ihu and Manawhenua ki Mohua (representing Ngāti Tama ki te Waipounamu, Ngāti Rārua and Te Ātiawa Manawhenua ki Te Tau Ihu in Mohua Golden Bay). A watching brief was maintained by Rangitāne o Wairau and Ngāti Toa Rangatira. The local authorities are Tasman District Council, Marlborough District Council, Nelson City Council;
- Ngati Porou - Te Runanganui o Ngati Porou; nga Hapu o Ngati Porou focusing on two hapu collectives’ entities Te Papatipu o Uepohatu Trust and Hikurangi Takiwa Trust, Gisborne District Council (unitary authority); other parties include the Ministry of Primary Industries, Department of Conservation, and applicants RuaBioscience and Fulton Hogan.

## 6 Relationships between mana whenua and Council

Mana whenua want effective relationships with Councils that are enabling, involve co-designed planning frameworks reflective of their Treaty partnership/s, that gives effect to Te Mana o te Wai. Together these relationships and planning framework/s shall:

*“enable whānau, hapū and iwi to fulfil their responsibilities as kaitiaki, will enhance customary practices and values, and will deliver improved outcomes by strengthening the mauri and wairua of the wai, waterways and taonga in the rohe” (Ngati Raukawa Case Study, 2021).*

Ngati Porou have secured the provisions for co-development partnership but are yet to fully implement and reap the benefits of partnership in decision-making. Te Tau Ihu noted a significant improvement in working with council and there is an increasing willingness to engage in Treaty informed relationships and obligations however recognition as decision-makers is still being sought. Ngati Rangiwewehi currently model a working collaborative partnership yet note their Council relationship in the past was fraught with tension and legal action. Importantly they document that this partnership is still prone to vulnerability unless the capability and capacity required to maintain and transform the way they work and the outcomes for their wai is sustainable.

Relationships between mana whenua and Councils have been fraught to varying degrees but all are seeking to establish or to give effect to and improve the collaborative or co-management relationships

on a Treaty partnership basis. TMOTW provides further onus of Councils to better acknowledge, recognise the need for these relationships in order to give effect to TMOTW. Mana whenua have been clear in recommending that Council's need to invest in these relationships through resourcing acknowledging the capability and capacity required for mana whenua to participate and lead in freshwater management.

## 7 Treaty settlements interface Strategic/ Foundation Documents

Treaty Settlements and post-settlement contexts that iwi and mana whenua find themselves operating within significantly influence mana whenua participation in freshwater management. All mana whenua case studies identify a range of redress mechanisms – relationship protocols, strategic partnerships, vesting of sites, overlay classification, statutory acknowledgements, deeds of recognition and co-management provision (Joint Management Agreement under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010). While these in themselves do not guarantee improved mauri ora outcomes for mana whenua and their wai they are distinct as foundational underpinnings for strengthened participation in freshwater management. The consequential/ resulting tools and infrastructure such foundations inform is critical. Examples of these are decision-making models and processes and cultural monitoring tools and/ or approaches. Ngati Rangiwewehi refers to their *Tikanga. Punahi and Mahi* decision-making model, Ngati Porou has developed a joint management agreement (under Resource Management Act section 36B) from the *Waiapu Accord* and Ngati Raukawa have developed a freshwater assessment tool *Te Arohirohi o Raukawa i Waikato*. Again, effectiveness and mauri ora outcomes are not guaranteed by Treaty settlement redress elements but the foundation that is developed post-settlement should be factored as a contributing determinant of the infrastructure that mana whenua require to participate and lead in freshwater management. Resourced capability and capacity is still the critical consideration.

Te Mana o Te Wai strengthens the place of mana whenua in partnering in freshwater management and achieving mauri ora outcomes for their wai. Council's need to recognise the need to invest in mana whenua relationships and lifting capacity and capability across the board. Also, that such investment and sharing of power is not a cause to divest themselves from their statutory responsibility to give effect to Te Mana o Te Wai. Freshwater management may start to look different and doing things differently and that due consideration for the nature of Treaty of Waitangi based partnerships will require them to grow additional relationship practices and have these flow on into implementation of freshwater management.

## 8 Freshwater Management

The current freshwater management system is flawed. There are numerous barriers and challenges that all mana whenua case studies experienced include:

A lack of data and information with poor or no participation by mana whenua in determining monitoring and research programs;

Relationships are process-driven and transactional in nature rather than the Tiriti-based partnership sought.

Allocation based on first in first serve or grandparenting models is unsustainable and opposition to TMOTW

Procedural harassment where applicants leverage and council as consent authorities allow the statutory process to be used in a way that attains different results and favourable consent conditions. Mana whenua are usually operating in a voluntary or under-resourced capacity and bear more of the process “load.” Applicants express an interest to develop relationships and meet various requirements but ultimately want a license to operate with viability and without triggering hearings provisions.

The limited capability and capacity of mana whenua to manage freshwater according to their values and aspirations.

Council’s existing relationships, lack of competency across cultural capacity and capability and timeframe constraints are a real risk. For example, mana whenua not participating in a consent application (post-lodgement) is likely due to a lack of capacity to respond and less likely to be a case that the effects of the activity are “less than minor” and so no response was warranted. Council accepting assessments of environmental effects that frame the effects of an activity on cultural values as “less than minor” when cultural values are not identified to be assessed for impact. Such shortcomings cause concern in understanding how Councils will provide for Iwi voices to be included and applied to a National Policy Statement that purports to stand for and uphold Te Mana o Te Wai. The new and impending Three Waters Reform Programme, with its ‘bottom line of public ownership’ is disconcerting as is the broader resource management reform climate mana whenua are operating with/ in.

## 9 Water Allocation

In terms of water allocation, the mana whenua case studies detail a spectrum of positions:

In Ngati Porou the Waiapu is one of very few catchments within New Zealand that is under-allocated (less water takes than water available). Ngati Porou are concerned with the risk of the impacts of increasing water demand before appropriate measures can be put in place. It is unsatisfactory that allocation limit setting be based on limited data - a precautionary approach is required. A regenerative framework to govern all water take and use is preferred aligning with Te Mana o Te Wai and a distinction between Ngāti Porou customary and commercial practices and other users is specified.

Ngati Rangiwewehi reports that while the Lakes District freshwater management unit, is not over allocated, that consenting authority/ ies audit and review the status of consents including non-active and/ or underutilising the allocation. Such reviews should also cover monitoring and reporting by consent holders on their water extraction. and that planning for water allocation required for Māori development be considered.

Most other catchments are over-allocated. Suggestions to manage allocation include water allocation reviews, taking legal action to hold councils and / or water users accountable for the degradation and cumulative effects of insufficiently restrained uses. Other strategies, such as working directly with councils and water users in the rohe, may be more productive of good outcomes.

Te Tau Ihu emphasises the need to consider the impacts of climate change – another complicating dimension with high uncertainty in determining appropriate systems for sustaining healthy waterways into the future.

Establishing a cultural flow for each waterway provides a comprehensive resolution for all the challenges raised by the mana whenua case studies. Such a flow would be endorsed to

“sustain and enhance the cultural values and mahinga kai values and would effectively be the first priority in the hierarchy of uses established under Te Mana o te Wai. The idea was further expanded with the concept of a decision-making matrix for water allocation to different kinds of use, with specific criteria to ensure the wai itself is protected, and weightings for each kind of use value to bring the intangible cultural and spiritual dimensions and tikanga considerations into better balance with the more easily quantifiable commercial uses”. (Te Tau Ihu Case Study, 2021)

Ngati Rangiwewehi have established a kaitiaki flow and advise that water quality, water quantity and water allocation are determined in the conditions of the joint consent they hold with the Lakes District Council in relation to the Awahou catchment. Ngati Rangiwewehi aspirations are given effect to explicitly by way of resource consent conditions while others are addressed internally. The following matters are considered (please note the author has clustered these matters and the order is not a representation of what has priority):

- The flow regime should vary from place-to-place in the Awahou springs complex and vary over time preserving the natural variability. The Kaitiaki flow should be at least 90% of natural flow;
- Water quality should be preserved; therefore, land use should not be intensified in the Awahou springs catchment
- Whole of river focus for Ngāti Rangiwewehi. That long-term sustainability of the springs are maintained
- Iwi defining the cultural context of monitoring. Return the watercress and the raupo to the waterways
- Monitor using tikanga and mātauranga in conjunction with science. Monitor flow, levels, sediment, and quality. Watercress monitoring. Maramataka monitoring. Rangatahi involvement in monitoring and management.

One can see the integrated and comprehensive regime put in place to enable the Kaitiaki flow and as mana whenua who are leading an operating model this insight and experience is invaluable for other mana whenua aspiring to establish cultural flows for their wai.

There is also a shared/ common position across mana whenua case studies that a moratorium on water extraction consents until the NPSFM has been determined be put in place to ensure water takes will comply with cultural standards, that strengthen ‘Te Mana o Te Wai’ while enabling tangata whenua to share in its own taonga as per Te Tiriti.

All the options identified above should be explored and further developed in wānanga amongst whānau, hapū and iwi first and is able to inform engagement and discussion with council partners and key resource use groups in the community.

## 10 Water Storage

Mana whenua associate water storage with celestial, terrestrial (natural) and physical or “built” states and locations and all realms have care and management regimes associated with them. Water take is intrinsically linked to water storage whereby natural storage at the terrestrial state includes groundwater puna. Built forms of storage include dams (farm) and tank storage across individual household, marae and papakainga through to commercial and municipal scale operations.

Perhaps due to mana whenua with Climate Change scenarios identifying drier trends for the eastern areas of the country, the Te Tau Ihu and Ngati Porou case studies emphasise the need for water



storage and greater efficiencies in water use including the alignment with water availability especially where seasonality is a key determinant.

*“...tangata whenua could develop proactive initiatives, potentially with business potential for whānau employment and skills development. The overall aim must be to eliminate water wastage, and to manage water use intelligently around seasonal flow fluctuations. These options could be explored in partnerships between ngā iwi and councils.” (Te Tau Ihu Case Study, 2021)*

For rurally isolated iwi who do not utilise a municipal water supply and associated infrastructure the considerations need to be tailored to independent household, papakainga, marae and farm/landowner levels. Water storage capacity, conservation measures and recycling practices should be standard information requirements for all water take applications.

Managing the groundwater puna source in a sustainable way is critical for Ngāti Rangiwewehi who detail a range of considerations to assist with sustainable management including monitoring of water takes in the area and participating in consenting process to ensure cultural impacts are considered, monitoring data of historical and current water take of consent holders, being informed of data related to current and future water allocation related to the source of water and aesthetics and cultural connectivity of any infrastructure.

## 11 Freshwater Management Unit/s (FMU's)

Freshwater planning is underpinned by the Freshwater Management Unit so determining these needs to be done in partnership with Mana Whenua. In the NPS-FM 2020 the FMU is deemed to facilitate connectivity through integrated catchment management and:

- sets target attribute states, and flows and levels, for waterbodies;
- develops interventions (limits specified in rules, or action plans) to achieve the target attribute states, flows, and levels;
- monitors waterbodies and freshwater ecosystems; and
- takes steps if deterioration is detected.

Mana whenua want the statutory provisions to be appropriated but recognise that the basis for determining FMU's is a subset of the relationship that the Mana Whenua have with their wai, so a “reframing” is required around how FMU's resonate and diverge from mana whakahaere and how this is best implemented including the consideration for implementation alongside others with mana whakahaere and/ or statutory responsibilities in the FMU. Wananga are essential in working this through.

The mana whenua case studies highlighted that FMU's have not been set with any input by or in partnership with mana whenua. In the Ngati Porou case study the Waiapu Catchment Plan is being co-developed (commencing August 2021) and so FMU's will be worked through in partnership with mana whenua. However, 25 hapu across five hapu collectives are the mana whenua within the catchment so management considerations at the collective level requires further considerations in the process. Mapping workshops as part of wananga-a-hapu are being convened to assist hapu in determining FMU's and the broader catchment planning process.

Ngāti Rangiwewehi, for the Kaituna River, provides insight for circumstances where they are one of a number of mana whenua interests within a catchment and/ or FMU. A key means of addressing this situation has been to establish Te Maru o Kaituna River Authority

*“a co-governance entity made up of iwi representatives from Tapuika Iwi Authority Trust, Te Kapu o Waitaha, Te Pumautanga o Te Arawa Trust, Te Tāhuhu o Tawakeheimoa Trust, Ngāti Whakaue, and council representatives from the Bay of Plenty Regional Council, Rotorua Lakes Council, Western Bay of Plenty District Council and Tauranga City Council. It is a permanent joint committee of the four Councils. The purpose of Te Maru o Kaituna is the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Kaituna River. This co-governance model for managing the catchment of the river with the appropriate mana whenua and Council bodies had taken time to fully establish and evolve as an effective Board for our representatives to be heard and find common ground for cultural aspirations and negotiate management priorities.” (Ngati Rangiwewehi Case Study, 2021)*

Ngati Rangiwewehi’s examples highlight that there are multiple layers and multidimensional provisions required to be in place to begin to work towards achieving Te Mana o Te Wai.

Te Tau Ihu and Ngati Porou also suggest an overlay approach to FMU’s and while that approach needs to be developed further it secures a “catch-all” response while the FMU and the freshwater planning process is being reconciled with our understandings of mana whakahaere. For example, the provision for the action plan may serve as a similar means to give effect to the overlay approach.

Given the FMU is focused on management considerations, resourcing capacity and capability remains of central concern.

## 12 Limit Setting

This is a technical element that only the Ngati Rangiwewehi case study discussed in terms of utilising a matauranga and science integrated process to determine flow and then set limits by way of setting the Kaitiaki Flow at 90% of the natural flow. In effect this would give effect to the first tier of the hierarchy of obligations established by TMoTW and is supported by the other mana whenua case studies that a precautionary approach is required particularly with the need to better understand and reframe the freshwater planning process, the uncertainty relating to poor or a lack of baseline data and climate change impacts.

## 13 Capacity and Capability – in current freshwater management and transformative regime

The capacity and capability across mana whenua ranges across the spectrum from hapu members working with kaitiaki in a voluntary capacity to established Taiao units supported by their iwi.

In attempting to move beyond a voluntary basis Nga Hapu o Ngati Porou have directed a technical group to be established with a mix of policy and science expertise to support them as hapu in freshwater management. They want to retain their role as mana whakahaere (authority) and kaitakawaenga (liaison, mediator), kaitiaki and as matauranga experts and enjoy the rights of autonomy as well as remaining connected and benefitting from the learnings and progress each hapu collective achieves in their response to kaupapa Taiao.

Ngati Rangiwewehi identifies the broad frame of capacity and capability across the following:

- Development of planning documents
- Participation in decision making
- Implementation, monitoring and response

- Maintain cultural relationship and continuation of connection to lands and waters.
- They then outline a range of improvements to the capacity and capability they have established:
- Advisory Role: Have resources to enable the Iwi to actively advise and mitigate on kaupapa within the Ngāti Rangiwewehi catchment, including consent applications, input into plan changes, and influence on policy statements.
- Tautoko – Support other Iwi: To respond and assist with request that are made to Ngāti Rangiwewehi from organisations and interests outside of the Iwi, who seek support to work through similar processes to ourselves. To work with our whakapapa or connected Iwi / hapū to present our combined efforts.
- Kaitiakitanga: Robust monitoring of our flow regimes and water quality. Being robust in our role of kaitiaki and working with external environmental agencies to provide the best quality, and most effective, monitoring systems.
- He Taonga Tuku Iho: Developing succession planning in the form of scholarships, educational packages and resource kits that allow our knowledge to be shared with our tamariki mokopuna for intergenerational relationship and mātauranga related to our environment and aspire to raise Ngāti Rangiwewehi scientists/hydrologists and ensure the continued guardianship of our taonga.

## 14 Monitoring

All mana whenua case studies highlight the central importance of monitoring, across a wide range of indicators, to provide the necessary baseline of information to guide effective management of wai. Where there is a dearth of data and information held about the state of wai cultural monitoring approaches are integral to establishing baselines. Both western science and matauranga bodies of knowledge are sought to be integrated into monitoring regimes

*“... disciplines of Western science and the mātauranga of the ancestors are needed ... and are complementary, reporting from different perspectives and values frameworks.” (Ngati Raukawa Case Study, 2021).*

Ngati Porou, through wananga-a-hapu, have initiated the determination of freshwater values and how these should be monitored (using cultural and western science-based methods) to inform monitoring regimes. Ngati Raukawa has developed a freshwater assessment tool Te Arohiohi o Raukawa i Waikato to support Raukawa to carry out freshwater monitoring in a way that reflects and prioritises the unique worldview and practices of Raukawa. This was developed in collaboration with Raukawa kaumatua, rangatahi and wider whānau through a series wānanga, site visits, testing and feedback. The framework encapsulates six key principles – whakapapa, korero-a-tupuna, tikanga and kawa, te reo o te Taiao, nga tohu o nga atua and rongo - critical to a Raukawa framework for assessing the health and wellbeing of freshwater in our rohe and underpin the entire Freshwater monitoring and assessment process (Ngati Raukawa, 2021).

Te Tau Ihu identified a range of monitoring tools they consider useful including cultural health monitoring (CHI), site visits and cultural monitoring – land disturbance activities. The latter are utilised in culturally sensitive areas and where adverse effects of activities may impact cultural heritage sites. Te Tau Ihu also express convening wananga to develop cultural indicators and upskill in the implementation of a matauranga-informed regime.

Ngāti Rangiwewehi have detailed their monitoring program integrating science and mātauranga considerations:

- Consenting conditions by way of an operational and tangata whenua plan are followed;
- Science monitoring from sites that Ngāti Rangiwewehi have determined; Mātauranga-a-Iwi monitoring using our own sets of formal and informal indicators including:
- Depth, flow, and regeneration of the awa is told intergenerationally in an active not historical view;
- Overall wellbeing, including riparian, smell, clarity, and visibility of the water source is not in decline;
- Rangatahi and resident's recreational interaction with the waterway is an intergenerational experience;
- Mokopuna of our onsite Kohanga Reo, continue interacting with the awa which has the same or better qualities that their parents have experienced;
- The mauri of the wai is strong, its mana is maintained or enhanced, and we continue to share pūrākau and waiata that depict its mana and mauri;
- Visitors still want to experience the awa because of its positive attributes;
- The awa continues to be acknowledged and is made known that it is a taonga tuku iho and is cared for and respected by kaitiaki, ngā uri o Ngāti Rangiwewehi, and anyone who visits;
- The water flows swiftly out to Lake Rotorua, not upstream;
- The new co-joint water consent for municipal supply is applied and managed in a way that further enhances the physical and cultural attributes of the water source and outflow;
- That land use intensification is limited and mitigated to reduce further impacts of contaminants;
- That Ngāti Rangiwewehi are resourced to ensure the mana and mauri of the wai is promoted, maintained, and endures positive intergenerational experience of cultural and physical qualities;
- Watercress returns to the awa for the health and sustenance of the awa and the people;
- Freshwater mahinga kai can be experienced intergenerationally on the awa;
- Mana to call 'rāhui' or prohibit activities where necessary to uphold the tikanga, mana and mauri of the wai or aligning of events or monitoring according to maramataka;
- The people of Ngāti Rangiwewehi and wider community continue to be proud of the water quality, quantity, spiritual and cultural characteristics of our awa; r. Water regulation and policy statements that have influencing factors on the awa align with Iwi aspirations, tikanga and mātauranga-a-Iwi frameworks;
- Rongoā Māori can continue to be expressed through the healing waters and associated flora and fauna that are supported by the mana and the mauri of the awa

## 15 Tools and Solutions

The mana whenua case studies outline a range of tools and solutions that can progress their effective participation in freshwater management and Te Mana o Te Wai. These can be both characterised as tools and solutions that improve the effectiveness of the current freshwater management system as well as key considerations for transforming the freshwater management system.

Te Tau Ihu (2021) raise the following considerations:

- Government and Council committing to listen and trust iwi Māori with the care, preservation, and restoration of the Taiao.
- Tangata whenua be given a meaningful place in the decision-making processes of councils.
- Tangata whenua being equal partners on all governance bodies with responsibilities for wai and waterway management, and must receive commensurate revenue derived from freshwater use in the rohe
- A single council for Te Taihū rather than three separate councils, each with their own systems, styles, and approaches.
- Investing in future relationships and outcomes should not be overlooked - the importance of alliances with like-minded people and groups – community groups, sector groups, NGOs, schools and rangatahi, science researchers, health service entities – was highlighted as a way to generate momentum for new ideas and align thinking around the core values.

Ngati Porou have mechanisms for joint decision-making within the Waiapu Catchment but have not yet established infrastructure to facilitate Ngati Porou capability and capacity in freshwater management. Ngati Porou believe the infrastructure design should be informed by its central focus being on the mana whenua - wai relationship/s. If we reframed this manawhenua-wai relationship as “whakapapa”, what do whakapapa-based cultural monitoring regimes look like? What do whakapapa-based objectives, policies and limits look like? What does whakapapa decision-making look like? What does the freshwater management planning process look like if we placed a whakapapa lens over it? Further wananga are required and Ngati Porou expects to see an improvement in how they respond and participate in this context but potentially could be the basis for transforming their involvement and leadership also.

## 16 Tools

The mana whenua case studies outline their use of a range of mechanisms that strengthen their capacity to participate in freshwater management such as joint management agreements, transfer of powers, and iwi-led management systems. All mechanisms need to be underpinned by governance, expertise, administration, and on-the-ground capacities in place.

Another mechanism identified was a strategic plan for capacity building towards future co-management. Ngati Rangiwewehi (2021) outlines their use of a water resources capability plan with purpose to outline the pathway to succession planning for them. Key elements that comprise the plan include:

- an assessment of potential opportunities for them that aim to utilise the mātauranga gained from their current projects;
- feedback received on these opportunities (developed through hui);
- consideration for current governance structures, internal processes, and planning to determine the best structure and decision-making processes for this mātauranga to be utilised locally, nationally, and internationally.

## 17 Decision-making models

Mana whenua have significant concerns that there is poor to no provision for them to be decision-makers in freshwater management. All mana whenua case studies are striving towards the

development of appropriate and recognised decision-making models. In the case of Ngati Rangiwewehi they are managing and strengthening the decision-making position and models and processes they have in place.

Decision-making models need to incorporate endorsed decision-making frameworks and processes that enhance and preserve mana whenua values and guiding principles. They will likely be more collective in nature. There also needs to be a means to evaluate and monitor the impacts of decisions made.

*“Tangata whenua must be given a meaningful place in the decision-making processes of councils. This is absolutely necessary, to respect the rangatiratanga, mana and kaitiaki responsibilities of ngā iwi, and to fulfil the obligations of the Treaty partnership.” (Te Tau Ihu, 2021)*

The freshwater assessment tool Te Arohirohi o Raukawa i Waikato discussed above enshrines key elements that will inform freshwater decisions by Raukawa.

Ngati Porou through their Joint Management Agreement are able to preside as co-decision makers in notified consent and planning hearings. The co-development of the Waiapu Catchment Plan is critical for decision-making within the catchment. Further to this there is a preference by hapu entities, Te Papatipu o Uepohatu and Hikurangi Takiwa trusts, to develop the guiding principles provided for in the Nga Rohe Moana o Nga Hapu o Ngati Porou Act 2019, Toitu te mana atua, Toitu te mana whenua me te mana moana, Toitu te mana tangata, Toitu te mana Tiriti into a decision-making model.

The Tikanga Punaha and Mahi model was developed by Ngati Rangiwewehi defining how they interpret kaitiakitanga, matauranga Maori and Putaiao/ western science – practices and knowledge and is exemplary of an integrated and operational decision-making model that supports the comprehensive freshwater management regime in place for Awahou and Te Wai Mimi o Pekehaua.

## 18 Guidance for Councils

Councils need to commit to Tiriti-based partnerships with mana whenua including the acknowledgement of the mutual benefits to be gained and that Council investment of resources is required.

Council’s need to support and enable mana whenua to determine what TMoTW means for them and that they will require their own wananga process prior to engaging with Council. Mana whenua are indicating that this could take at least 12 months before re-engaging using collaborative process/es to co-develop what TMoTW is and how it should be achieved.

TMoTW-based partnerships going forward is not to be mistaken as a cue for councils to divest themselves of the statutory responsibilities they are tasked with. TMoTW calls for a sharing power approach – be prepared for things to look and be done differently.

## 19 Directions for giving effect to TMOTW

Te Mana o Te Wai requires wānanga – deep, inquiry-focused, mana enhancing open engagement and korero to discover innovative ways of responding, addressing and leading change to complex challenges. The learnings from those wananga can then be used to inform mana whenua participation in freshwater management and the various priorities before them.

A “first principle” for freshwater management that achieves Te Mana o Te Wai must be focused on upholding the relationship of mana whenua with their wai. All regimes, policies, relationships, and tools need to preserve and enhance this relationship. Any commitment to giving effect to TMoTW needs to have this as the First Principle.

“The relationship that Raukawa have with their waters must be a physical and tangible one and not something that is simply words in a policy or plan. Implementation of TMotW must provide for this in new and innovative ways where action and access take priority over simply awareness.” (Ngati Raukawa Case Study, 2021)

For Ngati Raukawa the upcoming review of the Vision and Strategy (for the Waikato River) should be considered as an opportunity to put into action and make tangible moves forward for achieving the vision for the Waikato but also with regards to TMoTW.

Te Tau Ihu articulates a series of recommendations outlining how they will progress TMoTW. These recommendations frame a range of actions addressing freshwater values development, active participation, the incorporation of matauranga in freshwater management, capability development and monitoring. They have also sought to progress collectively, and these actions are targeted across multiple levels of collectives including specific direction for their iwi collective, the local authority collective, an Iwi – local authority collective and other government agencies and representatives.

Ngati Rangiwewehi looks forward to robust discussions as to how Te Mana o Te Wai should be given effect in freshwater management in accordance with kaitiakitanga, tikanga, mana, mauri and mātauranga a-Rangiwewehi.

For Ngati Porou the development of the Waiapu Catchment Plan affords them the ability to “hold the pen” as plan makers that exerts most influence over how decisions will be made. For the Waiapu, the development of the Waiapu Catchment Plan - relating to land and water use in the catchment - is the essential “next step” in this journey towards mana motuhake. This work program is a current vehicle to progress TMoTW in Ngati Porou.

Finally, it is critical that mana whenua are resourced to ensure they can build and grow the capability and capacity for the expression of the Tiriti partnerships they want in place and to enable them to fully participate and lead TMoTW in accordance with their (respective) rights, responsibilities, tikanga and kaitiakitanga roles.