

# Te Mana o te Wai – Raukawa Case Study

Prepared by Tūānuku Ltd.



The intellectual property in this document remains in the ownership of Raukawa and cannot be duplicated without our written permission.

## CONTENTS

1. Wāhanga Tuatahi: Ngā Kōrero Timatanga - Introduction .....	3
Context .....	5
Project background.....	6
Methodology .....	7
2. Wāhanga Tuarua: Raukawa Kia Mau, Kia Ora! .....	10
3. Wāhanga Tuatoru – Freshwater Management .....	13
Freshwater Management in Aotearoa .....	13
Te Mana o te Wai .....	13
4. Wāhanga Tuawhā – Te Mana o te Wai & Raukawa.....	18
Ngā Wai o Raukawa – Raukawa Understandings of Wai.....	18
Te Rautaki Taiao o Raukawa – The Raukawa Environmental Management Plan.....	19
Te Ārohirohi o Raukawa i Waikato – Raukawa Freshwater Assessment Tool.....	22
Te Mana o te Wai - Raukawa perspectives.....	23
5. Relationships – Engagement and Decision Making .....	27
Co-management and the Waikato River .....	27
Joint Management Agreements .....	28
Relationships and engagement .....	28
Raukawa and Waikato Regional Council.....	30
6. Policy and Process – Technical matters .....	33
National Objectives Framework .....	33
Freshwater Management Units.....	34
7. Wāhanga Tuarima – Key Findings and Summary.....	42
Findings for the implementation of Te Mana o Te Wai .....	42
8. Summary.....	44
9. References .....	46

# 1. Wāhanga Tuatahi: Ngā Kōrero Timatanga - Introduction

*Raukawa are a people of three main rivers: Waikato, Te Waihou, and the Upper Waipā. Raukawa have maintained our association with these taonga and their surrounds for over 500 years. We consider that water is not separate from people, is not separate from its surrounds and therefore cannot be separated, or assessed in isolation, from the environment as a total entity. We regard all water as a connected and living entity, including constituent parts (i.e., surface, banks, bed, flood plains etc.), intrinsic values, and meta-physical being. Freshwater is essential to our physical, social, cultural, environmental, and economic wellbeing of Raukawa. Our rivers, groundwater, lakes, and wetlands have provided our people with food, spiritual nourishment, cleansing, modes of transport, and communication as well as medicinal, building, and weaving materials. Water is a sensitive and complex taonga that Raukawa has a duty to respect, protect, and restore. Our mana whakahaere is balanced by the inherent responsibilities that come as guardians of our waterbodies. This places the expectation that each generation leaves our waterbodies in a healthy and balanced state for future generations. (Te Rautaki Taiao a Raukawa).*

Raukawa Charitable Trust (RCT) have been involved in a range of complex processes pertaining to freshwater most of which have been set externally. National Freshwater Reforms, Healthy Rivers Plan Change 1, Waikato and Waipā River Restoration Strategy and Iwi Priorities and Waikato River Co-Management mechanisms, as they relate to Raukawa, are just a few of these processes that RCT engaged in. In addition to these processes RCT have been involved in submissions on consents and plan changes, statement of positions, sought policy outcomes and changes through joint management arrangements with Councils. By and large, however, the agenda for freshwater management in the rohe has been set by local and central government and Raukawa has been placed in a reactionary position.

The development of the Raukawa Fisheries Plan (2010) and the Raukawa Environmental Management Plan (2015) have seen RCT proactively position Raukawa Iwi aspirations for Te Taiao (the environment) and specifically Waimāori (freshwater). More recently the Ngā Wāhi Tūturu Programme, Te Ārohirohi o Raukawa Freshwater Assessment Framework and Raukawa Kaitaki Rōpū freshwater monitoring programmes have seen an increased focus on initiatives and programmes of work that are Raukawa centric and put Raukawa freshwater aspirations and initiatives at the centre of freshwater management in their takiwā.

The National Policy Statement-Freshwater (2020) is significant shift in the way that freshwater will be managed and requires important changes to prioritise the principle of Te Mana o te Wai. Raukawa has been engaged in the NPS-FW development process over the years and is now considering the opportunities and challenges that may be presented in the implementation of Te Mana o te Wai within

the context of the planning and policy documents and the flaxroots initiatives that we have been engaged to date and considering the aspirations that we have for our waters and our people.

This case study has been developed to support a deeper understanding of the key issues, opportunities, and potential mechanisms for transformation for Raukawa in the context of Te Mana o te Wai and seeks to contribute to a broader discussion of implementation across mana whenua in Aotearoa. The case study is part of the Our Land and Water National Science Challenge as described below.

In 2014, the National Science Challenge was established as part of the Government's science investment. It brings together multidisciplinary leaders to address some of the most pressing science-based issues and opportunities in Aotearoa. There are 11 National Science Challenges that focus on specific issues of national importance. "Toitū te Whenua Toiora te Wai - Our land and Water" is the largest with research focused on three interconnected research themes: Future Landscapes, Incentives for Change and Pathways to Transition.

The overarching vision of Our land Our Water is to *"look to a future where catchments contain mosaics of land uses that are more resilient, healthy and prosperous than today. This is a future in which all New Zealanders can be proud of the state of our land and water and share the economic, environmental, social and cultural value that te Taiao offers"* (OLW 2021). To achieve positive and enduring change, the transition to integrating improved solutions and pathways for change requires urgency and collaboration between communities, sciences, tangata whenua and local government.

This project responds to the "Future Landscapes" theme of Our Land and Water which focuses on the concept of land use sustainability and the productive capacity of the land and water while considering the impacts on environmental, social, and cultural outcomes. As part of the Future Landscapes research theme, Our Land and Water established three working groups (Monitoring Design, Monitoring Technology, and Giving effect to Te Mana o te Wai through Mātauranga Māori) which aim to identify:

*...critical knowledge gaps in the design of environmental monitoring capable in verifying the impact of action on the ground, as well as the most appropriate technologies for facilitating the verification of these action/s. This includes improving the visibility of cultural values in monitoring design, and extending the technology currently used to support cultural indicators. (OLW EOI 2020).*

Tangata whenua have unique and enduring rights to wai Māori as a taonga that is inherited through whakapapa, and this was affirmed and should be upheld under Te Tiriti o Waitangi. This case study responds to the third working group listed above and aims to centre Te Mana o te Wai from a uniquely Raukawa perspective. Prioritising the enduring relationships Raukawa has with their wai, whenua and

wider taiao allows for Te Mana o te Wai to be articulated and implemented in a way that upholds Raukawa perspectives and aspirations for water in their rohe.

Part of this case study will support the translation of Raukawa freshwater frameworks and aspirations to Regional Council and stakeholders to demonstrate the application of a freshwater assessment tool and to look for opportunities for engagement regarding the development of freshwater policy and planning with Regional Councils. The Raukawa Case Study is one of five that contributes to Working Group three and feeds up into the Our Land and Water National Science Challenge.

## Context

As a result of sustained attention on the state of freshwater, Aotearoa is amidst a time of freshwater reform. Tangata whenua are crucial to driving the changes to current and future management of freshwater and continue to apply sustained pressure on the Government to address the fundamental issue of tangata whenua rights and interests for freshwater. Tangata whenua advocate for the importance of transformative and systemic change that is required to overhaul freshwater legislation and policy to reflect a fairer, treaty based and equitable framework for freshwater management that ultimately results in improved outcomes for the wai and for the interconnected ecosystems that rely in healthy waterways to thrive.

The operative NPS-FM 2020 signals the changing landscape of freshwater management with the concept of Te Mana o te Wai now carrying increased legislative weight from earlier versions. Now embedded as a Fundamental Concept, it offers new opportunities to shift from the status quo of environmental management that has prevailed for so long. The concept of Te Mana o te Wai is based on a hierarchy of obligations to help conceptualise, prioritise, and manage the way freshwater is managed and clearly prioritises the innate life of water - mauri:

- a. the first obligation is to protect the health and mauri of the water.
- b. the second obligation is to provide for essential human health needs, such as drinking water.
- c. the third obligation is to enable other consumptive use, provided that such use does not adversely impact the mauri of freshwater.

More than just an aspirational statement, Te Mana o te Wai now directs local authorities to embrace positive strategies, policies and practices that integrate Te Mana o te Wai across their freshwater management responsibilities as delegated decision makers. This requires Council to do a stocktake of sorts, to evaluate current plans and processes, relationships with tangata whenua and to consider implementation pathways that allow them to give effect to Te Mana o te Wai in a meaningful way.

## Project background

There are multiple processes currently underway from central and local government that seek to understand the ways in which Te Mana o te Wai can be given effect. The promotion to a “Fundamental Concept” and the hierarchy of obligations provides opportunities to re-imagine freshwater management to achieve improved outcomes however, the time pressures placed on Councils to respond and demonstrate NPS-FM implementation through Regional Plans is creating a surge in attention to the kaupapa and subsequently, increased requests for engagement with tangata whenua. Our Land Our Water (OLW) National Science Challenge (Toitū te Whenua Toiora te Wai) is an example of a Crown entity who have dedicated part of their work programme to understanding tangata whenua articulations of Te Mana o te Wai with the objective of feeding into a broader research and knowledge platforms.

OLW acknowledges that to contribute to the aspiration of a future where the taiao and the ecosystems within it, function in a holistic and interconnected system, the current critical knowledge gaps in the design of environmental monitoring need to be addressed. Environmental monitoring processes needs to be *“capable of verifying the impact of action on the ground, as well as the most appropriate technologies for facilitating the verification of these action/s. This includes improving the visibility of cultural values in monitoring design, and extending the technology currently used to support cultural indicators.”* (OLW EOI 20).

Importantly though, OLW note that any changes to monitoring approaches needs to give effect to Te Mana o te Wai and that that these *“advancements must occur within broader system changes that:*

- a) promote strong partnerships between mana whenua and regional decision makers; and*
- b) increase knowledge, understanding, and capability of what is required to give effect to Te Mana o te Wai”* (OLW 2020).

Three working groups within the “Future Landscapes” theme were established:

Working group 1: Monitoring Design The design of environmental monitoring programmes to enable a holistic and more certain understanding of freshwater outcomes resulting from land management actions taken within a catchment or a freshwater management unit (FMU).

Working group 2: Monitoring Technology Defining what technologies are available (or soon will be) that can successfully be used in the measurement of holistic freshwater values, as related to freshwater use or contaminant discharge; with specific regard to how useful these technologies would be for regulating water use or contaminant discharge.

### Working group 3: Giving Effect to Te Mana o te Wai through Mātauranga Māori

Ensuring the integrity of Te Mana o te Wai is upheld, supporting the mauri of our wai to thrive and flourish through creating the mechanisms and tools needed to ensure that Te Mana o te Wai is given effect in its implementation and how it can lead monitoring of freshwater quantity and quality through the mana whenua of that place/ waters.

It has long been expressed by tangata whenua that the pathways and associated opportunities to improve freshwater management lie within the mātauranga of iwi/hapū/whānau. Understanding the waterscapes and the varied articulations of Te Mana o te Wai is critical if Councils are to create meaningful partnerships with tangata whenua. The Raukawa Case Study will be one of five that contributes to Working Group three and feeds up into the Our Land and Water National Science Challenge. Collectively, the case studies offer insight into tangata whenua articulations of Te Mana o te Wai within the context of their unique relationships with the whenua, wai, and wider taiao.

### Methodology

Positioned within a kaupapa Māori framework, this project was designed to centre and prioritise the voices, perspectives, and position of Raukawa in relation to their wai. A key objective was to understand how Raukawa express and consider articulations Te Mana o te Wai generally and within the context of the National Policy Statement for Freshwater.

Te Pūtake Taiao is the environmental unit of Raukawa Charitable Trust. The rōpū *“provides strategic advice, advocacy, and positioning to ensure Raukawa values and interests are reflected in national, regional and district policy and planning processes and other environmental policy frameworks”* (RCT 2020). Tūānuku Ltd worked along Te Pūtake Taiao to develop this case study through the sharing of literature, resources, mātauranga a Raukawa and kōrero. It was important that the design and application of the research methodology was responsive and flexible to support the direction of the kōrero as determined by Te Pūtake Taiao members. While kanohi ki te kanohi was preferred, timeframe and Covid-19 precautions resulted in wānanga being hosted via zoom.

Tūānuku Ltd has an existing relationship with Raukawa. One of the authors of this case study affiliates to Ngāti Huri, a hapū of Raukawa, and as an Kaupapa Māori Environmental consultancy, Tūānuku has assisted with other pieces of work in the taiao space - most recently, with the development of the Te Ārohirohi o Raukawa I Waikato Freshwater Assessment Tool (mentioned in further detail in later sections). These relationships are important in providing a safe space based on respect and trust to



discuss kaupapa such as Te Mana o te Wai and what it means to Raukawa as mana whenua over their wai, whenua and wider taiao.

In preparation for the wānanga, an interview schedule was designed to guide, support, and encourage members of Pūtake Taiao to determine the flow, content, and direction of the kōrero. This approach to interviewing allows the nuances of members whakaaro and kōrero to be expressed. Key conversation prompts centred on Te Pūtake Taiao's understanding of Te Mana o te Wai, general kōrero about the NPS-FW 2020 and the opportunities, barriers, obstacles for implementation of TMotW including relationships with Waikato Regional Council.

A hui was also held between Tūānuku and Waikato Regional Council. This was an opportunity to focus on some of the challenges and opportunities from the Council's perspective regarding the requirements of the NPS-FM in relation to Te Mana o te Wai. It provided a useful snapshot of their current thinking and importantly, to discuss their intentions and timeframes for engagement. This was an important component of the case study development as it contributes to the wider picture of potential implementation pathways and how this case study can advocate for key support mechanisms to assist with implementation.

The case study has also engaged the services of an internship position taken up by an Uri o Raukawa who has provided an in-depth review of existing documentation to understand the historical positions that Raukawa has taken in the past regarding freshwater. This has helped to inform the current 'stocktake' of issues, priorities, and opportunities for the Iwi with regards to the implementation of Te Mana o Te Wai.

Raukawa have several sources of good quality information that can be used to inform the case study and to help identify the key outcomes and position statements for wai Māori in the takiwā. There is a wealth of pre- and post-settlement mātauranga that provide crucial context and information to guide an informed and robust statement on freshwater management for the iwi. Over the past 10-15 years Raukawa have participated in many one-off Resource Management Act (RMA) and Local Government Act (LGA) processes that are related to freshwater.

The intensity and consistency with which RCT has had to participate in these freshwater management processes has meant that there has been little time and resource to consolidate important prior and existing knowledge and information held by Te Pūtake Taiao (The Environment Group) of RCT. Further, information relating to freshwater is not always held in one location —or by one person— and was, at

that time, deemed to be fit for purpose. The problem is the information is diverse and not collated in one place; and was used to inform historic one-off processes over time.

RCT are therefore at an important point in time to consider what has already been promoted, protected, and advocated through formal processes and to move this prior and existing knowledge forward in ways that highlight a uniquely Raukawa perspective and that is grounded in mātauranga Raukawa.

## 2. Wāhanga Tuarua: Raukawa Kia Mau, Kia Ora!

Raukawa Kia Mau, Kia Ora is the 2030 Vision of the Raukawa Charitable Trust the iwi authority. “Raukawa Kia mau” – means to hold firmly and tells us to preserve and cherish our unique identity and the traditions and values that make us who we are. Let us maintain and actively celebrate the virtues of our tikanga, mana, wehi, whenua, and most of all – our aroha for each other. Let us hold firmly to the things that we value and cherish as a people.

“Kia ora” – means to prosper and represents the idea of growth, sustainable development, and fostering the best opportunities as we move into the future. Holistic wellbeing, in its many forms, will play a key role in the future direction of our organisation and will shape the kind of outcomes that will best resound with our members.

*Taku ara rā ko Turongo,  
I wawaea ki te Tai-Rāwhiti,  
Ko Māhinaarangi, ko te rua ra i moe ai a Raukawa.  
He kāwei tautika mai ki ahau*

*My path is Turongo who went to the East.  
and Māhinaarangi in whose womb Raukawa slept.  
A line direct to myself*

Raukawa descends from Tūrongo and Māhinaarangi. His descent traces directly back to Hoturoa the captain of the Tainui waka and through his mother back to the Takitimu Waka. Raukawa was born about 20 generations ago within the Kaimai region and grew up at his father’s home of Rangiātea, near Ōtorohanga. Early tribal history centers on the children of Raukawa – Rereahu, Whakatere, Kurawari, and Takihiku. These ancestors are marker points in Raukawa history.

Contemporarily, Raukawa is a large iwi associated within a significant area of the Central North Island that is rich in natural and cultural heritage, as well as being a key area for energy and primary production for the country. The Raukawa takiwā comprises some 530,000ha and Raukawa is an iwi of more than 24,000 members. The iwi is represented by four traditional rohe each with their own unique, but interrelated, histories and geographic features: Te Pae O Raukawa, Wharepūhunga, Maungatautari and Te Kaokaoroa O Pātetere. These four areas include locations such as Mōkai, Atiamuri, Whakamaru, Mangakino, Tokoroa, Putāruru, Tīrau, Tāpapa, Matamata, Kēmureti, Kihikihi and Te Awamutu.

Today Marae within the Maungatautari area represent their own interests outside of the Raukawa Settlement Trust mandate. We also acknowledge Ngāti Raukawa ki te Tonga who settled the Ōtaki, Manawatū, and Waikanae area and have chosen to represent their own interests.

The rohe is represented in the tauparapara below:

*Ki te Wairere*  
*Horohero*  
*Pōhaturoa*  
*Ko Ōngāroto*  
*Ko Whāita e*  
*Nukuhau*  
*Ki Taupō-nui-a-tia*  
*Ki runga o Hurakia*  
*Hauhungaroa*  
*Titiraupenga*  
*Arowhena*  
*Wharepūhunga*  
*Whakamarumarū*  
*Te Pae o Raukawa*  
*Titiro atu ki Te Kaokaoroa-o-Pātetere*  
*Maungatautari*  
*Ka titiro ki Wharepūhunga*  
*Ko Hoturoa, Ko Pārāwera*  
*Ko te Manawa rā o Ngāti Raukawa e*

In recent years Raukawa have begun a transformation due to the Treaty settlement process. This has included the signing of the *The Deed of Settlement of Historical Claims 2012* between Raukawa and the Crown (including the Central North Island Forestry Settlement). Raukawa and the Crown have also agreed to a *Deed in Relation to the Co-Management Framework for the Waikato River 2009*. These agreements have provided momentum and wherewithal for the iwi to actively pursue, social, cultural, environmental, and economic aspirations. It is important to note that the settlement is a small compensation for the losses incurred because of Crown actions and the challenges Raukawa face are significant within the context of addressing a range of historically driven capacity issues.

Raukawa Settlement Trust (RST) is the post settlement governance entity (PSGE) of Raukawa and is the representative/governance entity of the Raukawa Group. RST was formed in 2009 and represents 16 affiliated Raukawa marae and numerous hapū.

RST has a representative role for Raukawa and is the “iwi authority” for resource management purposes. The RST is a vehicle to advance the collective social, environmental, and cultural aspirations

and interests of its members and to ensure that the benefits of our Treaty of Waitangi Settlements are protected for the benefit of present and future members.

The Raukawa Charitable Trust (RCT) is the social services arm of the South Waikato based iwi – Raukawa. The organisation has been providing quality environmental, health and social development initiatives throughout the South Waikato since 1987. Within RCT is Pūtaka Taiao. Pūtaka Taiao is the responsible body for advocacy, influence, and leadership of environmental matters for the Raukawa Charitable Trust. Pūtaka Taiao is tasked with representing the best interests of Raukawa in the management of natural resources. The team seeks to ensure resources are sustainably managed for present and future generations, according to the tikanga and mātauranga of Raukawa. Further to this, Pūtaka Taiao provides support and resources to ensure iwi members can act as informed and influential kaitiaki proactively managing their environment.

Pūtaka Taiao are charged in all aspects of the resource management sector at national, regional, and local levels. Pūtaka Taiao targets specific policy development and implementation processes, legal processes, operational activities, networks, and forums to deliver the most effective and beneficial results to the Raukawa Settlement Trust, the Raukawa Charitable Trust and iwi members. Pūtaka Taiao is split into two groups – the Policy and Strategy group and the Projects and Implementation group.

### 3. Wāhanga Tuatoru – Freshwater Management

#### Freshwater Management in Aotearoa

The National Policy Statement for Freshwater provides Councils with direction on how freshwater should be managed under the Resource Management Act 1991. In September 2020, the National Policy Statement for Freshwater Management 2020 (NPS-FM) came into effect and replaces the National Policy Statement for Freshwater Management 2014 (amended 2017). The operative NPS-FM signals the changing landscape of freshwater management as it strengthens Te Mana o te Wai from the previous iterations through the promotion from the preamble to a “Fundamental Concept”. Unlike the earlier versions of the NPS-FM, the hierarchy of obligations are now explicit in the NPS-FM 2020 with the prioritisation of the health and wellbeing of wai and that of the people taking precedence over the use of water *by* people. Councils are legislatively compelled in their development and implementation of their Regional Plan and associated freshwater policies to demonstrate how they are giving effect to Te Mana o te Wai as directed by the NPS-FM 2020. Councils are required to implement the NPS-FM 2020 in their policies and plans by 31st December 2025.

Raukawa welcome the Government’s commitment to strengthen New Zealand’s freshwater management regime. Raukawa acknowledge that the NPS-FW 2020 is a further step along the path to improving the management of our freshwater resources more generally, noting that cultural values and the relationship between tangata whenua and wai must be provided for. There is an intergenerational legacy of exclusion of Māori with water management so in a time of reform, step change is required to ensure that freshwater planning proactively give effect to those relationships.

Treaty settlements have established co-management arrangements for the Waikato River through the Waikato Raupatu Claims (Waikato River) Act 2012, Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and the Nga Wai o Maniapoto (Waipā River) Act 2012. These arrangements must be given practical effect and not be encumbered by the NPS-FW. Raukawa believe addressing iwi rights and interests in freshwater is fundamental to establishing a robust, durable, and certain freshwater management regime for Aotearoa and support the Crown continuing to work with iwi to establish a process and timeframe to fundamentally resolve iwi and hapū rights and interests in freshwater.

#### Te Mana o te Wai

Prior to the adoption of the operative NPS-FM 2020, Te Mana o te Wai (TMotW) featured in earlier iterations, however it was strongly challenged by tangata whenua for failing to give the necessary weight to influence positive change. Consequently, local authorities struggled to adequately provide

for Te Mana o te Wai in a meaningful way. This sustained attention and concerted effort applied by tangata whenua to integrate Te Mana o te Wai as a korowai over freshwater management has occurred through multiple local, regional, and national processes over the space of a nine-year period.

Te Mana o te Wai is one of the foundation principles of the Freshwater iwi Leaders Group (FILG) Ngā Mātāpono ki te Wai framework. Raukawa has been actively involved in processes that led to the 2017 amendments of the NPS-FM 2014 and were explicit in stating Te Mana o te Wai must be an overarching objective —or korowai— and necessarily apply to all objectives and policies in the NPS-FM. While the NPS-FM 2014 (2017) was amended to “*consider and recognise Te Mana o te Wai in the management of fresh water*”, criticism by regional councils and primary sector stakeholders centred on the claim that implementation of Te Mana o te Wai was too ambiguous and did not easily align with the delivery of the National Objectives Framework (NOF). Therefore, the opportunities that Te Mana o te Wai offered remained unrealised as the predominant “siloeed” approach to freshwater management prevailed which saw most freshwater plans continue to be manage water quality and water quantity separately.

In 2019, the Kahui Wai Māori report recommended establishing Te Mana o te Wai as the fundamental concept of any re-drafted NPS-FM. Entitled “*The Health of our Wai, the Health of our People*”, Kahui Wai Māori provide a list of clear principles and obligations to guide all freshwater activities. These principles are anchored by Te Tiriti o Waitangi - as the founding legislation between the Crown and Tāngata Whenua - Te Tiriti upholds Te Mana o te Wai. The recommendations of Kahui Wai Māori were broadly supported by iwi throughout the motu. Raukawa was explicit in supporting Te Mana o te Wai as the fundamental concept and the application of the hierarchy of obligations to all parts of the NPS-FM.

Now embedded as a “Fundamental Concept” in the operative NPS-FM 2020, the concept of Te Mana o te Wai is based on a hierarchy of obligations to help conceptualise, prioritise, and manage the way freshwater management is considered which very clearly prioritises the innate life of water - mauri:

- a. the first obligation is to protect the health and mauri of the water.
- b. the second obligation is to provide for essential human health needs, such as drinking water.
- c. the third obligation is to enable other consumptive use, provided that such use does not adversely impact the mauri of freshwater.

This relationship is concisely depicted in the following diagram:

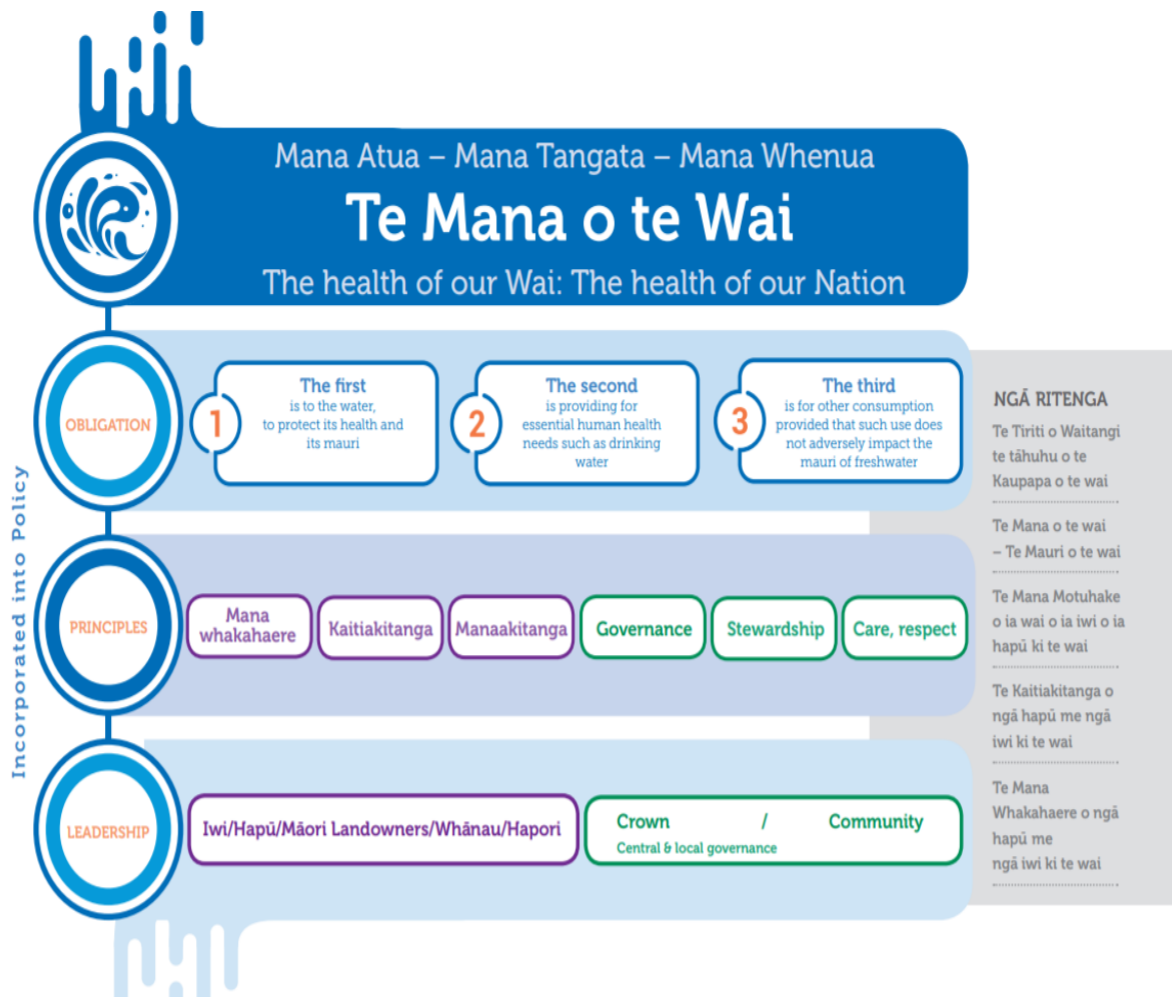


FIGURE 2 THE HEALTH OF OUR WAI, THE HEALTH OF OUR PEOPLE. TE KAHUI WAI MĀORI 2019.

The diagram above expresses how tangata whenua understand the mana that exists within the wai, and the whakapapa which binds mana whenua with and through the waters of their takiwa to ngā atua. The mana atua, mana tangata, mana whenua model sees the mana of water understood in a unique context which centre on the responsibilities handed down from tūpuna to mana whenua to protect, preserve and maintain ngā wai o te atua as captured in Ngā Ritenga above.

Importantly, this diagram depicts the relationships that are essential for successful management of our freshwater. It delineates not just the responsibilities of tāngata whenua but the obligation of the Crown as a Treaty Partner and the subsequent requirements for the Crown to acknowledge, respond and embed Te Mana o te Wai as the foundational base for all freshwater decision making.



Kahui Wai Māori send a clear directive to the government for immediate structural and system reform. Kahui Wai Māori advocate for a values-based approach which upholds the integrity of Te Mana o te Wai. This requires a suite of changes that need to be collaboratively integrated to affect progressive freshwater management – of which, Māori as leaders are central.

The critique of the current approach to freshwater management is well documented with some of the more pronounced issues centred on the complexities of freshwater rights more generally, which is being exacerbated by a system of legislative policies that are ineffective in sustainably and fairly managing the use of freshwater resources. This is underpinned by the inadequacies of the Resource Management Act to provide clear direction to local authorities.

A necessary starting point for effective system and structural reform is the recognition of iwi/hapū rights. Te Kahui Wai Māori speak to the urgent need to address this kaupapa and that Māori have been in a state of readiness for a long time.

Other mechanisms put forward are:

- A declaration of a moratorium on further water takes and any further intensification of land use that will increase discharges to waters.
- Resource Management Act reform due to the inadequacies to accommodate for Māori water rights, interests, and obligations in RMA processes.
- Establishment of a Te Mana o te Wai Commission.
- Improve accountability and partnership of local Government.
- Develop te Mana o te Wai capability and best practice strategies.
- Allocation system founded on the hierarchy of Te Mana o te Wai.

A definition of Te Mana o te Wai is provided in section 1.3 (NPS-FM 2020 5) followed by a framework based on six principles:

## **CONCEPT**

(1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

(2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.

## FRAMEWORK

(3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.

4) The 6 principles are:

(a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater

(b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations<sup>10</sup>

(c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others

(d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future

(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations

(f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

## 4. Wāhanga Tuawhā – Te Mana o te Wai & Raukawa

### Ngā Wai o Raukawa – Raukawa Understandings of Wai

The recently completed Te Ārohirohi a Raukawa Freshwater Monitoring Tool project provided the opportunity for Raukawa uri and kaumatua to share their understandings of water and its significance. These wānanga were held in the context of assessing the wellbeing of water within the rohe. The outcomes of this project have helped to consolidate the freshwater management framework for the iwi and has provided clear and significant statement of associations with WaiMāori for the iwi. This is described below.

*Water represents the beginning and sustenance of life. Over generations Raukawa have developed tikanga that embody a profound respect for their tribal area and associated resources and all living things within it. This tikanga is founded on a reciprocity and responsibility with te taiao that is unique and enduring and that is kaitiakitanga. Kaitiakitanga is both an inherited right and responsibility to ensure that our environment, including water, is protected, and enhanced for present and future generations.*

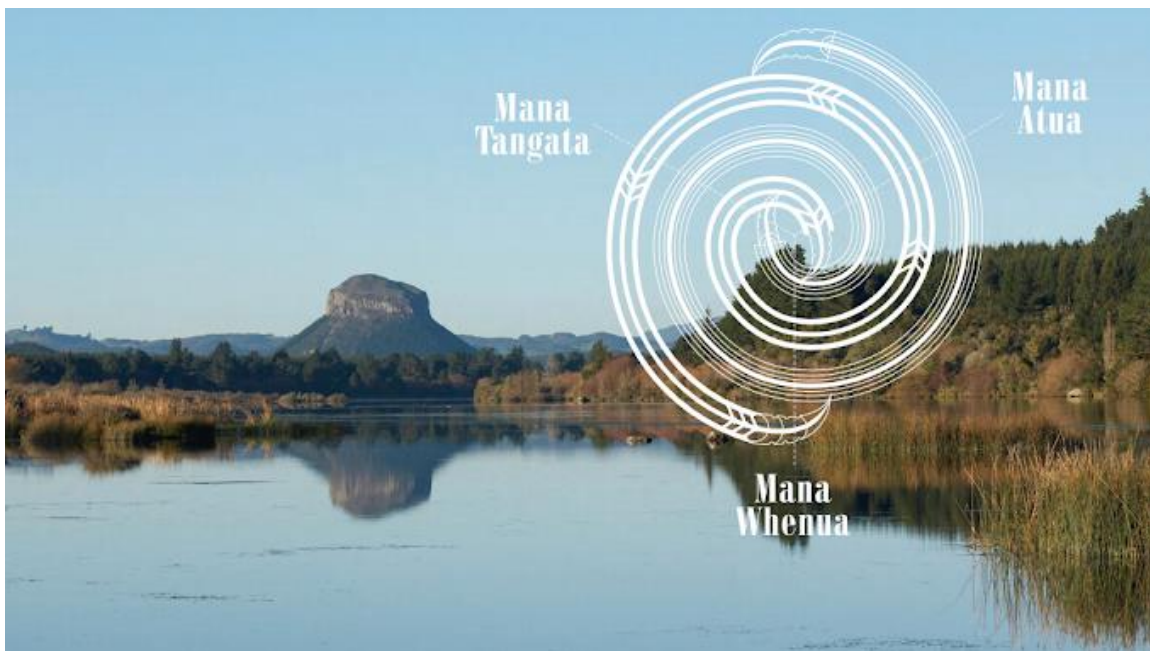
*Our rivers, groundwater, lakes, and wetlands have provided our people with food, spiritual nourishment, cleansing, modes of transport, and communication as well as medicinal, building, and weaving materials. Water is a sensitive and complex taonga that Raukawa has a duty to respect, protect, and restore. Our mana Whakahaere is balanced by the inherent responsibilities that come as guardians of our waterbodies. This places the expectation that each generation leaves our waterbodies in a healthy and balanced state for future generations.*

*The effects of the last 174 years upon the mana and mauri of our waters within the Raukawa takiwā cannot, and should not, be understated. Issues associated with water are inherently complex and interconnected. Raukawa are concerned with addressing overall water management, including the mauri of water, water quality and health, water allocation, addressing and protecting our customary rights and interests in water, and the wider aspects of education and awareness of water-based issues. For Raukawa the management of wai Māori is an intergenerational responsibility that is taken seriously. We see our relationship with the environment (including waterways, flora and fauna and landforms) as inherently connected to our identity as Raukawa and to the maintenance and enhancement of our cultural knowledges and practices. Our responsibility is to both generations past and generations to come and therefore 'speaking' on water related issues extends beyond the here and now in both directions. Raukawa have always and continue to advocate for the management of water in ways that recognise the interconnectedness between land, water and other ecosystems and we promote the intrinsic value of water as a taonga in and of its own right. (Te Ārohirohi a Raukawa – Freshwater Assessment Tool)*

## Te Rautaki Taiao o Raukawa – The Raukawa Environmental Management Plan

The Raukawa Environmental Management Plan (REMP) is one of the most recent assertions of Raukawa kaitiakitanga and sets out the aspirations, principles, and values that Raukawa Charitable Trust have for te taiao and specifically for Wai Māori. In this plan the significance of wai Māori is described – connecting wai Māori back to its purest form at the beginning of time and space.

*In the beginning all was water the most ancient and tapu state of existence. This is water in its purest state. The second waters or amniotic fluid refers to that of a woman in childbirth. The breaking of her waters signifies the next most important event in the cycle of humanity as it brings forth life. Tihei Mauri Ora – the breath of life. From these two states comes forth wairua, the spirituality of people wairua (spirit) or hau (the breath of the divine spirit) and is the source of existent being and life.*



**Figure 3: Nga Mana o Nga Atua (REMP p. 40)**

The REMP goes on to position the Nga Mana o Nga Atua framework as a core foundation for the enactment of kaitiakitanga for Raukawa in contemporary times. This framework stresses the interrelationship between Raukawa uri, the whenua (and all that it encompasses including Wai Māori) and nga atua. This interrelationship reminds Raukawa that any relationship with Wai Māori we have cannot purely be about the physical and the here and now but must encompass the spiritual, the atua and our ancestors past and generations to come. It also signifies the importance of the collective and that advocacy and outcomes sought for wai Māori must be about the wellbeing of the collective.

There are several key principles in the REMP that also provide important guidance pertaining to the unique relationship that Raukawa have with the environment and with Wai Māori. Some of the key principles are reiterated below (for a full list see the REMP pgs. 51 & 52):

- *The environment and all natural systems are interconnected – elements cannot and should not be viewed in isolation.*
- *A long-term approach is adopted at all times, keeping in sight our collective intergenerational responsibilities.*
- *A pre-cautionary approach underpins decision-making at all times.*
- *The Raukawa worldview is shared, acknowledged, and applied in environmental matters that affect our takiwā.*
- *RCT will uphold relationships and maintain our own path when working with other iwi/hapū.*
- *Government agencies and local authorities will uphold their statutory and regulatory responsibilities.*
- *An expectation is placed on industry and sector groups to apply or exceed best practice at all times.*
- *Local authorities will ensure that monitoring and enforcement is equitably and consistently applied.*

The Raukawa vision for water is set out in Te Rautaki Taiao o Raukawa, the Raukawa Environmental Management Plan and in part states:

*Raukawa are able to express our multidimensional relationship with water, including the social, cultural, environmental, and economic relationship that we have with the waterbodies within our takiwā ... Raukawa knowledge is an integral part of a whole of community approach to the management of waterbodies. Our cultural and spiritual associations with water are reflected in our tikanga, cultural practices, and day to day living. These are understood and respected by our broader communities and form the basis for the management of all water resources within our takiwā (Raukawa Environmental Management Plan 2015 60).*

Within the Raukawa Environmental Management Plan there are a series of principles that have naturally aligned with many of the key issues and opportunities identified in this case study report. These values and principles, as guided and informed by our worldview, influence and impact on all decisions pertaining to environmental and resource management issues.

### **Mātauranga Raukawa**

Mātauranga is ancestral and traditional information and knowledge that has been developed through the centuries and generations.

### **Wairuatanga**

Wairuatanga is about understanding and believing that there is a spiritual existence in addition to the physical.

### **Tikanga**

Tikanga is established customs, obligations, and conditions of an iwi. Within the environmental context these particularly relate to an established suite of practices of moderation, conservation, regulation, and prohibition (tapu, noa, rāhui). Tikanga is the vehicle of management that is built into our customs, traditions, rituals, and karakia.

## **Whakapapa**

Whakapapa refers to genealogy in its widest sense. Whakapapa demonstrates that the integration of the physical world and the spiritual world is seamless.

## **Whanaungatanga**

This is about being part of a larger whole and our relationships to all living things. In a Māori world view the individual never moves alone, but as part of the collective. Interdependence rather than independence is the goal, as well as coexistence with the natural environment.

## **Rangatiratanga**

Rangatiratanga is the expression of the attributes of a Rangatira including humility, leadership by example, generosity, altruism, diplomacy, and knowledge of benefit to the people.

## **Kaitiakitanga**

Kaitiakitanga means guardianship, protection, preservation or sheltering. It is a way of managing the environment, based on the traditional Māori world view. By implementing kaitiakitanga we protect the natural environment for our descendants which also allows us to meet our responsibilities and hopes of our ancestors.

## **Manaakitanga**

Manaakitanga is the expression of mana in the way Raukawa conducts its business. It includes the ethics of hospitality to visitors and treating people with respect and ensuring their safety.

## **Te reo me ōna tikanga**

The Māori language is an important mode of expressing, transmitting, and articulating the knowledge, customs, rituals, and songs of Raukawa for present and future generations. The language carries the culture and traditions of our people. The language has its own rules and nuances or tikanga.

## **Ūkaipō**

Ūkaipō is the places that we belong, where we can go to find sustenance, strength, and energy.

## **Pūkenga**

Raukawa possess an immense knowledge of our environments, based on centuries of living close to nature, this is our storehouse of knowledge or pūkenga. Living in and from the richness and variety of complex ecosystems, we have an understanding of the properties of plants and animals, the functioning of ecosystems, and the techniques for using and managing them that is particular and often detailed. Equally, our knowledge and perceptions of the environment, and our relationships with it, are often important elements of cultural identity.

## **Kotahitanga**

Kotahitanga is unity of purpose, direction, and avoiding division. Within the context of the Plan, it requires oneness of mind in our vision for the environment.

## Te Ārohirohi o Raukawa i Waikato – Raukawa Freshwater Assessment Tool

Recently developed by and for ngā uri o Raukawa, Te Ārohirohi o Raukawa i Waikato is a freshwater assessment process that supports Raukawa to carry out freshwater monitoring in a way that reflects and prioritises the unique worldview and practices of Raukawa. The purpose of developing Te Ārohirohi o Raukawa Freshwater Assessment Project was to research, develop and test a monitoring tool to assess and monitor the health and wellbeing of wai Māori through a Raukawa lens and to use the results to develop restoration and protection strategies.

Te Ārohirohi o Raukawa Freshwater Assessment Framework serves first and foremost as a resource for ngā uri o Raukawa and has been designed to maximise its potential application to serve the multiple and ongoing conversations regarding freshwater management within their rohe.

Te Ārohirohi o Raukawa i Waikato Freshwater Assessment was developed in collaboration with Raukawa kaumatua, rangatahi and wider whānau through a series wānanga, site visits, testing and feedback. The results of these wānanga and testing informed the framework development and the key principles and guidance notes that accompany the process itself.

There are six key principles that this project has identified as 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. These interconnected principles are:

- Whakapapa: Water represents the beginning and sustenance of life. Our whakapapa provides the foundation and affirmation for our rights and responsibilities as kaitiaki and mana whenua.
- Kōrero-a-tupuna: The movements, experiences, practices, triumphs, and challenges that our tūpuna faced hold important lesson, models, and guidance on how to be with our environment. Learning and understanding who they were, what they did and how they related to wai and te taiao can shift our understandings and actions in the here and now. Embedded within our whakatauki, tauparapara, karakia, waiata, haka, are tohu of who we are, our histories and legacies and how and why we must protect and preserve our taonga tuku iho.
- Tikanga and kawa: Over generations Raukawa hapū and marae have developed tikanga and kawa that embody a profound respect for their tribal area and associated resources and all living things within it. This tikanga is founded on a reciprocity and responsibility with te taiao that is unique and enduring. Restoring the place of tikanga in our freshwater management practices is critical to the health of our waters and of ourselves.

- Te reo o te taiao: To assess the wellness of our Taiao requires us to listen, hear, feel, touch and smell – to take our cues from what our wai, ngāhere, manu and various other ecosystems are telling us. It also requires us to restore the place of te reo Māori in our relationships with our taiao because within te reo Māori are answers and directions to an environmental management system that is interconnected, holistic and enduring.
- Ngā tohu o ngā atua: the interrelationship between wai, whenua, tangata and ngā atua is crucial to assessing freshwater health and wellbeing. This interrelationship reminds us that any relationship with Waimāori cannot be about the physical alone but must encompass the spiritual, our atua and our ancestors past and generations to come. Determining a state of wellbeing, be it a place, thing or our people requires us to draw upon and entrust in nga tohu o nga atua, whenua, tāngata that have continued to guide and ground us since our creation.
- Rongo: Unique to this Water Assessment is its ability to take for granted sensory experiences beyond the common privileging of sight. Te Ārohirohi o Raukawa i Waikato enables an opportunity to consider, connect, imagine, live and just be in the Taiao, to allow the instinctive feelings, emotions and senses that come with being in a certain space to be pronounced.

The Freshwater Monitoring and Assessment process enables whānau at any stage with any level of experience to participate through the entire process and to firstly connect with their waters and taiao and secondly to assess and monitor the state of their environment and importantly to think forward and set aspirations and make plans for future protection and restoration.

The process itself has supported whānau to connect with waterways they have never visited and has provided another pathway for the implementation of the Vision for Waimāori for Raukawa that is set out within the Raukawa Environmental Management Plan.

Te Ārohirohi o Raukawa i Waikato Freshwater Assessment Framework has diverse application potential. There are numerous processes and groups that the Te Ārohirohi can be utilised and applied to support Raukawa, whānau, hapū, marae and kura to assess waterways and plan water restoration projects. It can also serve as a tool to engage whānau in resource management processes such as resource consent issues, local, regional, and national policy changes and to build understanding with external partners and stakeholders about the state of the health and wellbeing of freshwater from a Raukawa perspective.

### Te Mana o te Wai - Raukawa perspectives

Given the urgent need to reform the way freshwater is managed in Aotearoa, and the legislative weight of the NPS-FW 2020, Raukawa recognise that iwi Māori are critical in all decision making about how to



care for the wai to lead the way in realising the potential of Te Mana o te Wai as an overarching freshwater management approach.

Raukawa remain present and active in local, regional, and national freshwater planning processes that have helped transform the NPS-FM into a legislative framework that encompasses Te Mana o te Wai. However, Raukawa continue to voice the importance of the transformational shift required by Councils to enable effective implementation of Te Mana o te Wai. If Councils are not in a state of readiness to accommodate the changes to policy development that Te Mana o te wai requires, then they run the risk of breaching their legislative responsibilities - but of much greater concern, the state of the wai and the interconnected life systems it supports will not improve, compounding the intergeneration trauma for tangata whenua as mana whenua kaitiaki.

As part of this case study, a literature review of various submissions, documents, statement of evidence produced by Raukawa provides context and helps to establish a timeline of policy changes and how the high-level aspirations of Raukawa as well as more technical elements of freshwater management have helped to shape the current freshwater management direction. It also provided a base for focused discussions with Pūtake Taiao on Te Mana o te Wai from their perspective as a responsible body for advocating and representing the interests of Raukawa in the management of freshwater and wider taiao.

A key point raised by the rōpū was the importance of acknowledging the whakapapa of terms like Te Mana o te Wai and the politics behind the use of kupu Māori. The genesis of the term can be linked to “Te Mana o te Awa” which emerged as part of the Waikato/Tainui Settlement Process. In this context it was considered as:

*“The power and prestige of the awa, and recognising that it is a tupuna, there is a human element to it, giving its own personality as a human being. It recognises that if the water is healthy then the people are too” ( Pūtake Taiao Member).*

However, the rōpū noted that concepts such as Te Mana o te Wai, Mana whakahaere, kaitiakitanga are integrated by western institutions where tangata whenua may have little influence over how the concepts are being applied and considered. The rōpū noted that due to a legacy of historical appropriation of these terms, it often meant tangata whenua took a precautionary and often sceptical approach with regards to the consequences if the policy detail that falls under these kupu does not align with the meaning and intent of the concepts as understood by tangata whenua:

*“What does it do to that concept when it’s put in a policy framework, that isn’t owned by us?”  
(Pūtake Taiao Member).*

*“You can’t just add kupu and concepts and not couple it with whole system change” (Pūtake Taiao Member).*

The rōpū noted that it was sometimes a challenge to talk about Te Mana o te Wai within the confines of the legislative framework such as the NPS- FM as they are more easily articulated through experience and connection based on relationships with the whenua, each other and with the wider taiao. It was noted that discussions about the mana and mauri of their wai while being near to the energy of their wai would have provided a rich, inspired and a more comfortable setting than discussing Te Mana o te Wai within the office. Reference to the recently developed freshwater assessment Tool (Te Ārohirohi o Raukawa) was made, and how being able to engage the senses was a key component to enabling a sense of how well the water was, and in turn, how well it made them feel across their physical, mental, and spiritual markers of wellbeing.

To engage in kōrero about Te Mana o te Wai, the rōpū turned their attention to the kupu and their interpretations to them – while noting that they are multiple interpretations:

*“By using the word “mana” we are giving the wai a human characteristic so it’s a living entity, like ourselves” (Pūtake Taiao Member).*

*“The use of the word mana, it’s acknowledging that wai holds its own mana, it its own right and this is first and foremost a priority to be protected” (Te Pūtake Taiao Member).*

This is a fundamental shift from conventional western frameworks of environmental management where water is considered a resource to be used to serve human interests. Importantly, a participant noted that if something has mana, then that mana can be taken away. This provides an important insight in terms of degradation and exploitation of wai and the mauri that it holds. Restoration, when considered in terms of restoring the mana of a waterway and the life-giving properties that other ecosystems rely on, presents a critical shift in perspective. It moves away from the sentiment of “already degraded” which is often used to justify and avoid obligations of responsibility to heal the wai through mana enhancing practices.

It is also an important consideration regarding the far-reaching properties of the wai through cyclical processes e.g., when the mana and mauri of the wai is well, the mana and mauri of the interconnected ecosystems are well. This extends to the mana whenua who are afforded the responsibility as kaitiaki.

This sentiment was echoed by a participant who spoke to the embodiment of wai quality and that, as mana whenua, the state of the water is reflected in the people: *“when the water is well, so too are our people” (Pūtake Taiao Member).*

With specific regard to Te Mana o te Wai within the NPS-FM 2020, it was described as an instrument in which iwi could speak more easily to the purpose, direction, and details of the NPS because the hierarchy of obligations provided more clarity as to how Councils should be operating in order to give legislative effect to Te Mana o te Wai – however it was noted that this still only provided high level direction. The rōpū noted that effective implementation relied heavily on how Regional Councils develop their Regional Plans and the policies within it to acknowledge, reflect, given effect and sustain Te Mana o te Wai.

Concerns were multi-faceted. Firstly, there was concern that Councils will struggle with the integration of both mātauranga and western based sciences, due to the reliance on conventional freshwater monitoring frameworks based on scientific indicators of waterbody health rather than the integration of a more holistic framework. This was raised not as a direct criticism of existing freshwater monitoring methods but spoke more to the need for transformation of the structures that fall under the Regional Plan. Participants noted that in a time of reform, there were wider discussions concerning iwi rights and interests that should be given priority because although Te Mana o te Wai has been promoted in the NPS-FM 2020, there was still a level of concern that without a transformation shift that Te Mana o te Wai requires in order for successful implementation, then status quo would remain – which would see iwi Māori remain in an reactive space to Crown led processes. This has far reaching impacts as iwi/hapū as it detracts from the ability to focus internally on important work to reconnect with and restore waterbodies that are vital for a thriving hapū/iwi.

The rōpū noted the importance of adaptive management in terms of how Council accommodates Te Mana o te Wai in their regional plans. There was collective concern for the risk of disconnection between high level directives and “on the ground” rules and regulations which would ultimately impact on Council’s ability to give effect to Te Mana o te Wai in the way that recognises the spirit and intent of Te Mana o te Wai as a korowai of Freshwater management.

*“Council are still focused on things like minimum flow rates, they are still relied on yet Te Mana o te Wai sits above it, so how will this work? There will always be a disconnect if things don’t change” (Pūtake Taiao Member).*

*“When we think about our tupuna awa, what are the new policies going to do to acknowledge that? or are we just going use what is currently happening now as the closest thing we can get to wai Māori? I think it will be a difficult space for us now based on where it is at the moment. Returning to our traditional uses of wai Māori, for cleaning, for nourishment, for nurturing our whānau is Te Mana o te Wai, so it’s s about bringing those practices back” (Pūtake Taiao Member).*

*“We the have mana to make the decision for our wai. Tino rangatiratanga, mana motuhake – re. limit settings, “the wai will take care of itself, it will clean itself” when the wai is unable to take care of itself, that is where there is an issue, that is where the wai no longer holds the mana for itself, that to me, that says something really powerful. The only way we can know that is when we are taking care of the wai ourselves” (Te Pūtake Taiao Member).*

## 5. Relationships – Engagement and Decision Making

### Co-management and the Waikato River

Recent arrangements between the Crown and Iwi within the Waikato Region have brought in a new era of Crown-Iwi co-management of the Waikato River catchment. Co-management provides iwi with mechanisms to govern and manage the Waikato River in partnership with central and local government. Progress towards co-management of the river began in late 2009 when the Crown and Waikato-Tainui signed a revised deed of settlement in relation to their historical Treaty claims over the Waikato River. The deed of settlement provided for an enhanced co-management arrangement. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 brought into force the deed of settlement and covers the Waikato River and its catchment from Karāpiro to Te Pūaha o Waikato (Port Waikato). It also covers the lower Waipā River up to the Puniu River. In parallel with the Waikato-Tainui process was the development of Deeds for Co-management between the Crown and respectively Ngāti Tūwharetoa, Raukawa, Te Arawa River Iwi and Ngāti Maniapoto. The Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi (Waikato River) Act 2010 (the three Iwi agreed that one piece of legislation was preferable) gives effect to the co-management deeds entered between the Crown and Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi. The co-management arrangements related to the upper river cover the Waikato River from te Waiheke a Huka (Huka Falls) through to Karāpiro. The Crown and each Iwi have agreed to the establishment of a co-governance framework, and participation of each iwi in it. The policy objectives intended to be achieved by the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi (Waikato River) Act 2010 include:

- Providing legal mechanisms for Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi to participate in the governance and management of the Waikato River given the significance of the River to Iwi.

- Recognise that the Crown has a responsibility in terms of the principles of the Treaty of Waitangi to provide for the relationship of Ngāti Tuwharetoa, Raukawa and Te Arawa River Iwi and their culture and traditions with the Waikato River.
- To restore and protect the health and wellbeing of the Waikato River.
- To streamline and improve governance and management arrangements for the Waikato River to support its strategic importance to New Zealand's social, cultural, environmental, and economic wellbeing Provide clear direction and certainty about the co-governance and co-management of the Waikato River.

Raukawa have their own unique relationship with the Waikato River.

#### Joint Management Agreements

Joint Management Agreements are a mechanism developed under Ngāti Tūwharetoa, Raukawa, Te Arawa River Iwi Waikato River Act 2010 and give effect to Te Ture Whaimana – the Vision and Strategy for the Waikato River. Pūtake Taiao has negotiated six Joint Management Agreements between the Raukawa Settlement Trust and the Waikato Regional Council, Waipā District Council, South Waikato District Council, Taupō District Council, Rotorua District Council, and Otorohanga District Council. The current focus is on implementing the commitments and actions outlined in these agreements.

The co-management framework has changed the freshwater management framework within the Waikato, particularly regarding restoration and protection. There has been some flow on effects, such as the two seats on the Waikato Regional Council now reserved for Māori. The current CEO and chair of the regional council consistently express a willingness to explore pathways to improve relationships with tangata whenua. It has also been recognised that there are some good platforms that exist in planning documents (including iwi environmental plans) in our rohe for recognising Māori values in resource management. Our case study demonstrates that even within this positive framework, stronger tools and resourcing are needed than those that currently exist to enable the exercise of rangatiratanga and kaitiakitanga.

#### Relationships and engagement

It is important to note a key issue expressed by Raukawa – the expectation to participate in these detailed and time bound processes that have had a legacy of little to no provision of resource capacity allocated to tangata whenua. This is a consistent message that flows through all kōrero that was shared as part of this case study which points to an inherent systematic barrier for tangata whenua to fully participate to the extent they expect to as Treaty partners.

A common theme was the difficulty for the rōpū to actively engage across multiple local and central Government processes within the environmental management space. There are several components

that make participation challenging such as internal capacity of team members relative to the numerous requests for their contribution, demanding legislative timeframes, and multiple processes on the same Kaupapa without clarity about how the processes may or may not interweave or inform each other.

The technical components of the National Objectives Framework for example, required tangata whenua to either have suitably qualified people in house or else they must seek external support from scientists and researchers to assist with development of their formal feedback. The rōpū expressed that this can lead to a sense of engagement fatigue and a frustration with processes that do not provide adequate resourcing or space to address key issues, perspectives, aspirations as articulated by them as an iwi collective. Requests for engagement are received across local and central government entities and participants noted that it was often a challenge to understand how these multiple and similar plans, initiatives, policies, legislation interweaved together and often, external representatives would be asking similar questions which added to the frustration as the value of what iwi were sharing and contributing. It often left them feeling like they were simply in a revolving process where traction in terms of affecting positive change was difficult to see. This point also spoke to the differing motivations, obligations, etc of Council, and the demand for tangata whenua to respond to agendas that were not set by them.

Participants also noted their scepticism of successful implementation of the NPS-FM 2020 due to what they see as ineffective implementation of current mechanisms – such as the Vision and Strategy. The development of the Vision and Strategy was a comprehensive process which required intensive contribution from Raukawa and yet, they were not seeing evidence that demonstrates that the intent of the plan is being given effect to the extent expected and so this:

*“Impacts our confidence in terms of the successful implementation (by our definition) of other legislations, processes and policies” (Raukawa Submission 2019).*

Raukawa Iwi and Hapū understand that Waimāori is a taonga that hapū, iwi and Māori were guaranteed rangatiratanga over as partners to the Treaty of Waitangi. Treaty settlements to date have gone some way in recognising the historical injustices and continuing effects of these on Māori communities. There is, however, an intergenerational legacy of exclusion of Māori within water management that we are still combating today. One opportunity for us to regain control and create accountability is to assess and monitor the state of our waterways from our own unique perspective and using an integrated and holistic approach that a mātauranga Māori approach provides.

*“Cultural values and the relationship between Māori and these catchments must be provided for. There is an intergenerational legacy of exclusion of Māori with water management, so step change is required to ensure that rules proactively give effect to that relationship” (Raukawa Framework for Success- Healthy Rivers Plan Change, 2015).*

Raukawa have continuously asserted our mana Whakahaere in relation to our rohe and have sought in various ways to have this recognised and protected. Raukawa continue to hold mana whenua and express mana Whakahaere, kaitiakitanga and ahi kaa roa throughout our rohe and continue to be guided by the future health and wellbeing of our waterways.

*“Raukawa knowledge is an integral part of a whole of community approach to the management of waterbodies. Our cultural and spiritual associations with water are reflected in our tikanga, cultural practices, and day to day living. These are understood and respected by our broader communities and form the basis for the management of all water resources within our takiwā” (REMP 2015).*

#### Raukawa and Waikato Regional Council Capacity and capability

Raukawa notes the frequency in which capacity and capability is raised through and across environmental Kaupapa. It is seen as a key inhibitor in effective engagement with Council and other external entities. This was raised by Waikato Regional Council too, who also expressed concern for their ability to adequately resource engagement processes due to government funding allocation. It was added that the level of change required of Council processes to respond to NPS-FW directions were not accompanied with an increase of resource support, and this was a key concern when paired with the tight deadline to deliver on implementation of the NPS-FW in 2024.

*“We are past the point of the “wai will come back, the ngahere will come back”, there is so much out there that is challenging, so much going on that is too much for the wai to handle. There is so much damage to repair, I think both systems can work together. Time and space to be given to Raukawa to exercise their kaitiakitanga. Capacity building needs to occur in Councils. Problem is we don’t get to choose the workload, there is so much coming in that we have to respond to” (Te Pūtake Taiao Member).*

#### Timeframe

A predominant theme across all kōrero with Raukawa and Waikato Regional Council is the imposed timeframe set for the implementation of the NPS-FM. The NPS-FM has already been live for a year and so there was as strong acknowledgment from Council that this creates pressures as it requires change

to occur immediately to consider current policies and the level of amendment, replacement or restructuring that will be required to give meaningful effect to Te Mana o te Wai.

Council noted that this presents a real challenge and one that was being felt across all areas of Council. However, it is important to note that Te Mana o te Wai is not a new concept, it has been present within the NPS since 2014 and in terms of an approach to water that values the life-giving properties of the wai for the sake of the health of the water itself, this is by no means a new message. It could be argued that there has been sufficient evidence and commentary by tangata whenua about the failure of Councils to acknowledge Te Mana o te Wai as a concept and the opportunities it provides. Anticipating adaptive change given this increased attention of current freshwater management frameworks may have prepared Councils for a more efficient transition for the impending 2020 version of the NPS-FM. As voiced in numerous other planning processes, Raukawa hold concern that pressure placed on Councils by unrealistic timeframes may result in substandard engagement processes as plans and policies are rushed to meet legislative deadline. While on the one hand, it does not allow for inaction or delayed processes by Council, but it does, however, roll over the pressure to tangata whenua to work to Government and local authority led engagement timeframes yet again, without clear indication of resource support.

As noted by Waikato Regional Council, the first iteration of policies and plans will not be perfect. While this may be interpreted as potentially offering an extension of time to refine the plan past the initial delivery due date, what is more concerning is that statements such as these support the legacy of rushed policy and plans development as opposed to an attempt to “get it right” the first time. Despite the opportunities for improved process, if Council does not commit to systemic transformation, then there is the *“very real risk that the legal requirements in existing Treaty of Waitangi settlement legislation may be compromised if freshwater plans were developed at pace”* (Raukawa Submission 2020).

While there will be varying levels of ability to integrate Te Mana o te Wai across different Regional Councils, the value of existing relationships and the mechanisms available to utilise should provide a foundation to continue conversations between Council and tangata whenua. WRC spoke to Treaty settlements and some of the existing co-management arrangements between the Council and river iwi, pointing to the influence of these key processes in preparing, and in some cases, indicating possible implementation pathways through the content and authoritative direction they provide.



*“The Vision and Strategy is the preeminent policy direction across the region” (WRC staff member).*

*“We (WRC) have a really good platform in those areas – JMAs and clear protocols around how they work together” (Te Pūtake Taiao Members).*

While current timeframes present a significant obstacle to effective implementation, there are opportunities to approach policy development that resonates more with an integrated ki uta ki tai approach. For example, rather than waiting for an internal drafting of policies to be completed and then presenting this to tangata whenua for feedback (which, based on historical processes, appears to be the status quo method of policy development), Raukawa noted that Council could provide the space for dedicated wānanga between Raukawa and Council to inspire policy co-development. Given the time pressures and the limited capacity for all parties, it was deemed more efficient to get guidance now on issues and pressure points regarding key issues (like Freshwater Management Units) rather than anticipating Raukawa perspectives. This can cause significant delay in the engagement phase and if not resolved, can trigger additional processes (e.g., Hearings) and detrimentally impact relationships and future planning processes.

FMUs provide a good example, the decision making around how FMUs are determined has significant consequences for the policies, rules and regulations that fall within the bounds of each FMU. While the NPS-FW compels Council to specifically determine monitoring sites relating to Māori freshwater values in collaboration with tangata whenua (3.8 (3b)), Raukawa strongly recommend Council take the opportunities presented in the NPS-FM to co-design FMUs so that the preferences of Raukawa in terms of criteria are captured, considered, and given effect in decision making around how ngā wai o Raukawa are included within FMUs. Raukawa note the risk that if status quo prevails, particularly due to time and budget constraints, then they would likely be told what, where and how the FMUs will look like in their rohe.

*“Getting those (FMUs) defined in a way that works for iwi/hapū and what that means. We have been advocating that iwi/hapū have the opportunity to figure out what is the best freshwater management unit for themselves as opposed to that being led and driven by Council but what we can see is happening is that councils have the science and resources to say this is the best model and we are left to react regardless of if that fits with our vision or not” (Raukawa Submission 2020).*

## 6. Policy and Process – Technical matters

A new requirement of Councils under the NPS-FM 2020 is the development of a Long-term Vision for freshwater through engagement with tangata whenua and communities. Section 3.3 stipulates that the Vision must be set at the FMU (or part FMU) scale and explain what the FMU will look like when the vision is realised. The vision must also be informed by environmental pressures within a catchment, including the history of those pressures (e.g. the development of urban centres, industrial activities, intensive agriculture etc). Raukawa note the importance of co-development of FMUs as the process of how long term visions will be developed remains unclear at this point – especially concerning multiple river catchments. Raukawa note that perhaps a likely scenario would be the adoption of multiple long-term visions for each river catchment which may produce similar processes as Te Ture Whaimana where the vision is discrete to the Waikato and Waipā catchments. Raukawa supports the emphasis placed on integrated management and the requirement to prepare the long-term vision. This requirement will assist in the shaping of the Regional Policy Statement and subsequently, Regional and District Plans. This offers more consistency across plans in respect of achieving environmental outcomes for water bodies and receiving environments.

### National Objectives Framework

The national objectives framework (NOF) in the NPS-FW 2020 requires regional councils to identify freshwater management units (FMU). Within those FMU, the Compulsory Values (Ecosystem Health, Human Contact, Threatened Species and Mahinga Kai) values must be applied to each FMU as well as other values listed in appendix 1B<sup>1</sup>. Environmental outcomes must be set as objectives through Regional Plans. As part of objective settings, baseline states for the attributes of each value within an FMU are required as well as the preparation of action plans of how to achieve those environmental outcomes.

Regional Councils are required to “engage with tangata whenua” and “apply the hierarchy of obligations” that Te Mana o te Wai requires (NPS-FM 2020 sec 3.7) at each step of the National Objectives Framework. Raukawa understand this to mean that the identification of FMUs within the rohe o Raukawa and the environmental outcomes (and subsequent values, attributes, environmental flows, and other criteria) requires a commitment from Council to apply an engagement approach that is premised on their role as kaitiaki mana whenua and enables them to be actively involved at all levels of FMU planning and implementation.

---

<sup>1</sup> 1 Natural form and character 2 Drinking water supply 3 Wai tapu 4 Transport or tauranga waka 5 Fishing 6 Hydro-electric power generation 7 Animal drinking water 8 Irrigation, cultivation, and production of food and beverages 9 Commercial and industrial use.

As with submissions on previous iterations of the NPS-FM, the support of Raukawa is conditioned on the need to “continually review the NOF attributes —to insert additional/new attributes to improve the granularity of freshwater management— and, ultimately to ensure the delivery of the NOF gives effect to Te Mana o te Wai (Raukawa Submission 2020).

#### Freshwater Management Units

Defining FMUs are of central importance under the current NPS-FW 2020. It is through this process that determines the parameters for how to manage freshwater. Section 3.8 of the NPS-FM notes the specific requirements for the identification of FMUS which states that “every water body in the region must be located within at least one FMU”, and in addition to the Compulsory Values, every regional council must identify the following, if present within an FMU:

- a) Sites to be used for monitoring
- b) Primary contact sites
- c) The location of habitats of threatened species
- d) Outstanding water bodies
- e) Natural inland wetlands

Regarding freshwater monitoring within FMUs, there is provision for the monitoring of Māori freshwater values that must be determined in collaboration with tangata whenua.

Raukawa are currently in the final stages of confirming their own freshwater monitoring tool “Te Ārohirohi o Raukawa”. This assessment tool will be lodged with Waikato Regional Council as a key iwi planning tool that will be utilised by ngā uri o Raukawa for the purposes of monitoring, documenting, and responding to the health of ngā wai o Raukawa. This monitoring tool is discussed throughout this report but is noted here in relation to reference to how Te Ārohirohi o Raukawa provides a key expression of kaitiakitanga and will serve to contribute to the identification, assessment, and future protection of Raukawa freshwater values within confirmed FMUs within the Raukawa takiwā.

The importance of co-development of FMUs between Council and Raukawa was a common theme expressed by Pūtake Taiao. Given that FMUs provide the parameters for setting environmental outcomes and the subsequent markers of how to achieve that outcome, it is important that decision making about the delineation of the FMUs are done collaboratively with tangata whenua. Raukawa have indicated their preference for FMUs through their submission to the Healthy River Plan Change 1 where place-based monitoring, analysis and action can respond to specificities of an FMU as opposed to a process of averaging across FMUs:

*The FMU’s must be set so that future monitoring of water quality is meaningful and able to tell a story of water quality improvements e.g., results not diluted by the main stem of rivers assimilative capacity which can mask results. The Raukawa view is that the Upper Waikato River should be split into 2 catchments at the northern end of Lake Ohakuri and that the tributaries*

*should be a separate FMU from the main stem of both the Waikato & Waipa rivers” (Healthy River Plan Change 1 Raukawa Submission 2015).*

The following sections speak to some of the components under the National Objectives Framework.

Freshwater Value setting, Limit Setting, Attributes.

To achieve the environmental outcomes for each value identified for each FMU, the NPS- FM prescribes a technical process of defining “attributes” for each value, and “baseline states” of those attributes. This involves determining environmental flows and levels and in turn assists with the setting of limits as rules and the preparation of action plans to ensure that the overarching environmental outcome is achieved.

The setting of environmental flows and levels (which must be set at a level that achieves the environmental outcome of the value relating to the FMU) are critical to the next step of identifying take limits. This determines the rate at which water may be “*taken or diverted from a FMU or part of an FMU*” or “*dammed in an FMU or part of an FMU*” (NPS-FM 2020 3.17 (2)).

Monitoring and the assessing of trends is essential to gauge the progress towards achieving environmental outcomes and to identify methods to address any deterioration. If the trend is one of degradation, then this triggers a requirement of Council to respond, “*as soon as practicable, take action to haul or reverse degradation*” (NPS-FM 2020 3.20).

Raukawa have consistently maintained degraded water bodies in the takiwā require improvement over time to a level agreed by iwi and the community. The NPS-FM 2020 provides for this in section 3.4 and enables not just high-level environmental outcome settings but the opportunity to be involved in the more technical aspects. This is a critical part of improved freshwater management as history demonstrates differing levels of acceptability between Council, stakeholder, community and tangata whenua. Determining acceptable limits and water take allowances needs to be made in the context of what best provides for the first obligation under Te Mana o te Wai, that is, for the health and well-being of waterbody and associated freshwater ecosystems. This is critically important in terms of understanding how much is then available to meet the needs of people, and what remains for the people and communities to “*provide for their social, economic, and cultural well-being*” (NPS-FM 2020 2.1).

It is the expectation of Raukawa that the Waikato Regional Council will consider Te Ārohirohi o Raukawa I Waikato in its obligation to include measures of mātauranga Māori. As noted in their submission to

the Draft NPS “the targets and limits must be able to be reported to indicate both western science and mātauranga Māori values within the rivers and tributaries” (Raukawa 2020). It is also expected that in initial preparations of Environmental Outcome, key iwi planning documents such as Te Rautaki Taiao a Raukawa are considered a key guiding document. Noting that it is to support direct engagement with Raukawa, not to replace it, and that any assessment of how well plans are provided for can only be undertaken by Raukawa.

Raukawa acknowledges that the attention paid to the process of limit setting in the context of overall take limits is important as this has direct bearing on current and future water users. Targets and limit should encourage innovation and adaption, but not at the expense of improved water quality improvements within the lifetime of the plan. Furthermore, it is noted that:

*“An important amendment from the NPS-FM 2014 was the inclusion of “within limits” which became a point of contention between the primary sector and FILG at the time of drafting. The language of Policy 15 is important as “communities are enabled to provide for their social, economic, and cultural well-being”, but only “in a way that is consistent with this National Policy Statement”. This implies that the “social, economic and cultural wellbeing” of communities is a necessary product of applying the hierarchy of obligations. Therefore, it would be inappropriate for a regional council to implement the NPS-FM 2020 by using the social, economic, and cultural wellbeing of the community —expressed as a right to do something based on capital investment or generational use of land— as the starting place for freshwater management (Raukawa 2020).*

In the Raukawa submission to the Draft NPS in 2019, Raukawa highlighted the importance of the sequencing of the NOF which sees an environmental outcome determined for every value identified within an FMU. Raukawa state that the process of defining environmental outcomes for waterbodies must be based on the desired state of a waterbody as defined by tangata whenua and that the subsequent setting of flow, limit setting and attributes to achieve the environmental outcome necessarily needs to reflect a commitment to achieving the environmental outcome. The submission states that this aligns well with the hierarchy of obligations of Te Mana o te Wai as avoids “the risk of a regional council setting default environmental flows by setting take limits based on existing use of a resource (Raukawa Charitable Trust 2019).

With regards to national target<sup>2</sup> setting (set out a Priority 12 in the NPS-FM 2020), Raukawa note the that the current NPS-FM does not provide clarity on how national targets will be used and or what is required by each regional council to meet these targets. The risk of “averaging” still exists without

---

<sup>2</sup> Policy 12: The national target (as set out in Appendix 3 of the NPS-FM) for water quality improvement is achieved.

specificity for how this national target process is undertaken and this leaves the process potentially susceptible to a horse-trading scenario where regions with a higher quality of water could be used to offset lower quality waterbodies in other regions. Raukawa state that it could potentially affect the dedicated work undertaken by Raukawa uri to improve the quality of their wai in the area that they exercise mana whenua kaitiakitanga. The suggestion to reflect a less compromising process by adding a more regional focussed approach was not adopted in the current operative NPS-FM and so this remains an outstanding concern for Raukawa.

Turning to the of addition of Mahinga Kai as Compulsory Value, Raukawa note that the practice of mahinga kai is broader than simply gathering kai from an awa and that it provides for a multifaceted and layered process of determining the conditions or indicators of the health of local wai. Mahinga Kai as a compulsory value means that the interests, aspirations, and values of mana whenua need to firstly, be identified, but secondly be reflected in the freshwater planning documents through objectives, policies, and methods to provide for those values:

*“Raukawa hold mana whenua and express mana whakahaere, kaitiakitanga and ahi kaa roa within their rohe. The ability to gather kai that is healthy and abundant is an expression of our tikanga in practice, and the decisions we have made over time in caring for our taonga” (Raukawa Submission 2019).*

#### Freshwater accounting

Regional Councils are required to develop a freshwater accounting system for every freshwater management unit that is capable of recording and aggregating information on freshwater quality and quantity. The purpose of a freshwater accounting system is to:

- inform decisions on the setting and reviewing of freshwater objectives and limits
- inform decisions on the granting of resource consents and managing within limits, once these are set, to determine where reductions in discharges are needed, or where quantity is over-allocated
- provide feedback to communities on progress against set freshwater objectives and to act as a trigger for any needed changes in management practices
- provide information for investors about catchments where there are freshwater resources available, where constraints exist for further development (i.e., where storage may be necessary)

(Ministry for the Environment 2014).

To provide accurate quantitative data, information on how much water is being used and for what purpose, is critical. Importantly, the system must enable methods that not only account for water allocated under resource consents but report on how much of that water is actually being used (this

includes permitted water-take activities and non-consented uses (including unauthorised uses). The system must also account for the relevant discharge contaminants into freshwater from both point sources and diffuse sources.

Raukawa supports the requirement for regional councils to establish, operate and maintain an accounting system. This will provide more confidence in the management regime set of each FMU and will help provide key information about how the Council is tracking towards achieving the intended environmental outcome. In previous submissions Raukawa have stated that Freshwater accounting systems:

*“provide the necessary information for tāngata whenua and the community to assist in the processes of setting limits, target attribute states and action plans, assess over-allocation and provide transparent information to potential resource users (e.g., water abstraction and land use) and support operational decision-making (e.g., decisions on whether to grant resource consents that may impact on limits [water allocation] and target attribute states [water quality]) (Raukawa Submission NPS-FW 2018).*

Raukawa recommends that the freshwater accounting system utilised by Waikato Regional Council should have the capability to “communicate” with the outcomes of Te Ārohirohi o Raukawa freshwater monitoring tool (and vice versa) through a process determined by Raukawa. This aligns with the “Partnership” Principle<sup>3</sup> of Freshwater Accounting released by MfE (2014).

Monitoring and enforcement.

Raukawa have consistently advocated for the importance of monitoring of their waters using high quality and reliable data to inform decision making. For Raukawa, contemporary understandings about the state of the wai are informed by the wealth of tupuna mātauranga that has guided an enduring approach to kaitiakitanga. Within the contemporary frameworks of environmental management, Raukawa have contributed extensively to freshwater policy and planning, committing knowledge, time, and resource to multiple and varied processes. It is this inherited responsibility that ensures they remain present and active in freshwater processes.

---

<sup>3</sup> Partnership - Accounting systems should be developed and information collected in partnership with stakeholders, iwi and the community. This will help to ensure that the accounts produced are well understood and accepted. It will also help to minimise duplication of resources and ensure that appropriate aggregation is used to protect individual and commercial privacy (MfE - A Guide to Freshwater Accounting under the National Policy Statement for Freshwater Management 2014).

Te Rautaki Taiao o Raukawa is a key iwi planning document that serves as a statement of Raukawa issues, aspirations, priorities in relation to the environment. Section two is dedicated to Wai and details a vision statement for the many waters that follow under, on and within the whenua of Raukawa. Te Rautaki Taiao o Raukawa highlights the importance of mātauranga informed frameworks for freshwater monitoring and for ngā uri o Raukawa to lead through participation in both external and internal processes as expressions of mana whakahaere and kaitiakitanga.

The plan notes that the freshwater management approach in Aotearoa has had a legacy of privileging and prioritising western knowledge systems over mātauranga Māori in the assessment and monitoring of water. As emphasized by Pūtake Taiao, the outcomes for the whenua, wai and wider taiao are of a result of an environmental management approach which has been the antithesis of the current hierarchy of obligations under Te Mana o te Wai. That is, human interests and in particular economic interests have been the primary driver at the expense of the mauri/mana of the waterbody itself. Raukawa insist that under a model of Te Mana o te Wai, any discussion of allocation, limit settings etc needs to be based on a more integrated approach to the health of wai. In addition, a more accurate assessment of the state of a waterbody requires assessment indicators that reflect both western science and mātauranga - with equal weight applied to both assessment frameworks.

As mentioned in earlier sections, Te Ārohirohi o Raukawa i Waikato – Freshwater Assessment Tool, has recently been developed by ngā uri o Raukawa with support from the Waikato River Authority. It has been a long-time aspiration of Raukawa, to envision, realise and implement a tool that allows for ngā wai o Raukawa to be assessed according to the determinants of wellbeing set by whānau themselves. In the past, Raukawa have utilised other freshwater monitoring tools to provide a snapshot in time of the health of their waterways (e.g., SHMAC Test) but it has always remained a goal to create a uniquely Raukawa tool that enables whānau through the generations to embrace a sense their whakapapa, autonomy, and mana whakahaere in their role as kaitiaki.

Te Ārohirohi o Raukawa i Waikato broadens the scope of consideration in terms of the how to assess the state of a waterbody. The tool enables whānau to apply a multi-sensory experience that extends through space, place, and time to produce a Raukawa informed assessment. The outcome of the monitoring produces a cultural map of sorts that reports on how the wai was, utilising the imaginary and consolidated by historical narratives, what is; by using sensory and spiritual gauges and what could be; by dreaming of a future once experienced by ngā tūpuna o Raukawa.



Te Ārohirohi o Raukawa i Waikato Freshwater Assessment Framework serves first and foremost as a resource for ngā uri o Raukawa and has been designed to maximise its potential application to serve the multiple and ongoing conversations regarding freshwater management within their rohe. A primary conversation is how this tool can be utilised to inform the implementation of Te Mana o te Wai.

#### Enforcement

Currently, the Waikato Regional Council is required to regulate environmental activities under the Resource Management Act 1991 through the development of Regional Plans. That obligation is met, in part, through the Council's regulatory team, the Resource Directorate (RUD). The RUD's work involves processing resource consent applications, undertaking monitoring and enforcing compliance with resource consents, and confirming activities that are permitted by the Waikato Regional Plan or Regional Coastal Plan.

In 2019, Waikato Regional Council commissioned a report to test the viability of a proposed a "Honorary Iwi Enforcement Officer" which would have aligned with the incident response service with the RUD. The intention was to use the Honorary Fisheries Officer programme as a comparative programme. Raukawa note that they were not included in any related engagement of this Kaupapa, only Ngāti Tūwharetoa and Waikato-Tainui were included. This is problematic itself but for the purposes of this report, Raukawa express the following comments in relation to compliance and enforcement functions.

Under a model of co-management between tangata whenua and Council, discussions pertaining to compliance and enforcement necessarily should be included with attention paid to how more culturally appropriate models might be integrated into non-compliance management. Under a kia uta ki tai model of environmental management, it is expected that these conversations would include approaches that focus on a broader scope of compliance assessment.

In a time of change regarding RMA and three waters reforms, Raukawa are unclear about what enforcement may look like in the future and so expect a level of communication and transparency from WRC as we transition into new ways of managing water. Regardless of what the future looks like for regulatory processes, involvement from Tangata whenua is essential and must be paired with fair allocation of resource. It also must be considered within a wider suite of co-management/ partnership and transfer of power mechanisms available. Raukawa also reiterate that it is a prime time to explore opportunities to do things differently and improve the way noncompliance is dealt with. Raukawa are supportive of approaches to compliance, monitoring and enforcement that are inclusionary of

Mātauranga Māori as determined by mana whenua. This should be explored further as part of the changes under the NPS-FM 2020 requires to give effect to Te Mana o te Wai.

## 7. Wāhanga Tuarima – Key Findings and Summary

This case study provided an opportunity for Raukawa to document and discuss what Te Mana o te Wai means in the context of our unique rohe. Based on our discussions, experience, current proposals for Resource Management Act reforms, and the approach of councils and corporates in our rohe, and even in the context of co-management arrangements and governance positions reserved for Māori on the regional council, we conclude that for Raukawa there is a clear and strong case for the strongest tools available to recognise our rangatiratanga and roles in managing freshwater. In what follows below are a synthesis of the key findings and messages that we have emerged through this process.

### Findings for the implementation of Te Mana o Te Wai

*“We have had to sit on the side-lines for years and trust Councils to try and look after our wai, our whenua, our taiao” (Te Pūtaka Taiao Member).*

#### Raukawa Mātauranga & Leadership

- Raukawa have demonstrated ability to uphold the mana, tikanga, whakapapa, the integrity of our tupuna, we are given the autonomy to live by this and let this be the driver to find the balance for our waters and Te Taiao. Implementation of TMotW must enable this and support Raukawa into leadership roles in this space.
- 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.
- Mātauranga Māori freshwater management frameworks stand in and of their own right and should be recognized and prioritized in decision making and policy development. This knowledge system requires that Councils recognize that those who hold mātauranga should be at the decision-making table leading conversation on Te Mana o te Wai. Mātauranga cannot be considered independent to the iwi and hapū who hold it - *“Listen to the people who speak to the land” (Te Pūtaka Taiao Member).*
- Integrated management frameworks – Successful implementation of Te Mana o te Wai requires Mātauranga models of freshwater monitoring to be prioritized as a fundamental method of assessing and monitoring the health of the Wai and as critical to decision making.
- There is a legacy of caution within Councils to hand over decision making power and leadership to iwi and hapū. There are no grounds for this caution and thus Raukawa hold firmly that the Councils need to entrust us to lead these processes and that we will do the right thing. In fact, Raukawa have been enacting the principles of Te Mana o Te Wai for generations, even though

we have not called it that. It is timely that the formal power for decision making is shared more equitably and in recognition of status as tangata whenua. *“There needs to be an element of relinquishing that control from Councils so that iwi are the ones that drive the mahi”*. (Pūtake Taiao Member).

#### Working in partnership with Councils

- Prioritized, early and integrated engagement – Conversations about potential co-developed implementation pathways of Te Mana o te Wai need to occur as a matter of urgency between WRC and Raukawa to avoid the engagement mistakes of the past which has had a legacy of speaking *to* rather than *with* Raukawa.
- Implementation options should reflect the understandings of and aspirations for wai Māori that Raukawa have. This includes high level, long term aspirations such as co-management, partnership, and transfer of powers opportunities as well as practical and tangible planning mechanisms such as the setting of Freshwater Management Units. If decision making does not reflect the relationships of Raukawa with their wai, Te Mana o te Wai will continue to be compromised. This will have a snowball effect on the planning provisions that fall from the NPS-FM 2020 (e.g., RPS, Regional Plans etc)
- This is an opportunity for Raukawa and WRC to demonstrate leadership within the freshwater management space by engaging in a truly co-design framework that recognizes and resources the unique expertise and responsibilities that Raukawa hold.
- Resourcing Raukawa to have the same expertise and information as Councils must be prioritized in freshwater management (e.g., limit setting and catchment management). This would enable Raukawa to come to the conversation on an equal footing. A dual process whereby Raukawa can engage with the various knowledges to put forward options alongside Council means that the conversation is informed and equitable.
- While Raukawa have existing Joint Management Agreements with local authorities in their rohe, the application of transferring functions/powers to Raukawa in respect of the management of freshwater could be a long-term option [e.g., like the transfer of specified water quality monitoring functions for Lake Taupō to the Tūwharetoa Māori Trust Board]

#### Resources and Capability

- Raukawa seek time and resource, away from current systemic pressures, to build iwi capability and capacity in this space and to be able to step up to manage freshwater in a way that they want to as opposed to investing resources and energy into upskilling councils to try and do that for them.

- Provision of capacity and capability support – the continued expectation of iwi to contribute extensively to legislative processes is no longer acceptable under an engagement framework based on partnership and commitment to improved outcomes through Te Mana o te Wai. Provision of support and resources must be prioritised as a key success factor for the implementation of Te Mana o te Wai in the same way that collection and analysis of data, information and knowledge is prioritised.
- Lack of cultural competency has far reaching impacts for Council’s ability to fulfil its engagement responsibilities. Raukawa have concerns about the ability within Councils to truly engage in the timeframes available with the limited capabilities they have at hand.

#### Systemic and Future Change

- Transformation of Council Policy and Plan development –Council need to be responsive and innovative in their ability to respond to the level of change to give effect to Te Mana o te Wai in a meaningful way. A change in the ways that policies and plans are developed should be considered to provide a more flexible future for freshwater management in the Region.
- The principles in which TMotW is based on for the Waikato Region should be strong enough to withstand the changing landscape of Resource Management. The principles should remain the same even if the structures and processes look different and should have the capacity to flex and mould without losing the intent of TMotW to improve our freshwater.
- Raukawa believe it is prime time to reconsider and audit the shortcomings of the current approach to freshwater management and to invest in opportunities through partnership arrangements or other mechanisms which support tangata whenua in their kaitiakitanga and to ultimately lead freshwater reform in Aotearoa.
- The upcoming review of the Vision and Strategy 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.
- There needs to a focus on intergenerational thinking, that its flexible enough for future generations to take it up and make it work. The decisions that we make now – matter and we must always think of this in the implementation.

## 8. Summary

Key to improved processes and decision making and ultimately, better outcomes for the environment, is a commitment from the Government and Council to listen and trust iwi Māori with the care, preservation, and restoration of the taiao. We seek that the findings and key messages in this case study report be explored further, either via an extension to the case study, and/or as part of the merged priority work stream Te Mana o Te Wai. This case study has brought together evidence from prior

strategic documents, plans, submission and through discussions with Pūtake Taiao and the Waikato Regional Council. The results of the case study are perhaps unsurprising as they are the same iterations that Raukawa have been making for many years. The vision that Raukawa has set out in the Environmental Management Plan holds true in the new context of the NPS-FW 2020 as do many of the principles, challenges, and opportunities they have identified over and over again through various processes and projects. To conclude we reiterate the vision of Raukawa for their waters:

The Raukawa vision for water is set out in Te Rautaki Taiao o Raukawa, the Raukawa Environmental Management Plan and in part states:

*Raukawa are able to express our multidimensional relationship with water, including the social, cultural, environmental, and economic relationship that we have with the waterbodies within our takiwā ... Raukawa knowledge is an integral part of a whole of community approach to the management of waterbodies. Our cultural and spiritual associations with water are reflected in our tikanga, cultural practices, and day to day living. These are understood and respected by our broader communities and form the basis for the management of all water resources within our takiwā. (Raukawa Environmental Management Plan 2015, 60).*

## 9. References

- Awatere, S., and G. Harmsworth. (2014). *Ngā Aroturukitanga tika mō ngā Kaitiaki: summary review of mātauranga Māori frameworks, approaches, and culturally appropriate monitoring tools for management of mahinga kai*. Landcare Research contract report LC1774. Landcare Research, Hamilton, New Zealand.
- Bennett, C. (2020). *Ngā kōrero a ngā poupou o te whare : how to improve Crown and local authority-initiated environmental planning engagement, from the perspectives of Ngāi Tahu environmental kaitiaki*. Thesis: University of Canterbury.
- Freshwater Iwi Leaders Group. (2017). *Te Mana o te Wai Report*.
- Harmsworth G. R., S. Awatere, and C. Pauling. (2013). *Using mātauranga Māori to inform freshwater management*. Landcare Research Policy Brief. Integrated Valuation and Monitoring Framework for Improved Freshwater Outcomes (C09X1003). Landcare Research, Lincoln, New Zealand. [online] URL: [http://www.landcareresearch.co.nz/\\_data/assets/pdf\\_file/0003/74433/PolicyBrief-7-Using-Māori-to-inform-freshwater.pdf](http://www.landcareresearch.co.nz/_data/assets/pdf_file/0003/74433/PolicyBrief-7-Using-Māori-to-inform-freshwater.pdf).
- Harmsworth, G., Awatere, S & Robb, M. (2016). *Indigenous Māori values and perspectives to inform freshwater management in Aotearoa-New Zealand*. Ecology and Society 21 (4) Resilience Alliance Inc.
- Kahui Wai Māori. (2019). *Te Mana o te Wai*. Report to Hon Minister David Parker.
- Land and Water Forum. (2017). *Land and Water Forum Commentary on Implementation of the NPS-FM*. Retrieved from: <http://landandwater.org.nz/includes/download.ashx?ID=148664>.
- Ministry for the Environment. (2005). *Wai Ora: Report of the Sustainable Water Programme of Action Consultation Hui*. Wellington: Ministry for the Environment.
- Ministry for the Environment. (2014). *A Guide to Freshwater Accounting under the National Policy Statement for Freshwater Management 2014*. Wellington: Ministry for the Environment.
- Ministry for the Environment. 2017. *National Policy Statement for Freshwater Management Implementation Review: National Themes Report*. Wellington: Ministry for the Environment.
- Ministry for the Environment and Ministry for Primary Industries. (2018). *Essential Freshwater: Healthy Water, Fairly Allocated*. Wellington: Ministry for the Environment and Ministry for Primary Industries.
- Ministry for the Environment. (2020). *Limit setting and action plans factsheet*. Wellington: Ministry for the Environment.
- Ministry for the Environment. 2016. *Next steps for fresh water: Consultation document*. Wellington: Ministry for the Environment.
- Ministry for Environment. (2019). *Interim Regulatory Impact Analysis for Consultation: Essential Freshwater Part II: Detailed Analysis*. Retrieved from. <https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/national-policy-statementfor-freshwater-management-2020.pdf>. 27 February 2020.
- Ngā Matapono ki te Wai. (2012). Retrieved from: <https://ngaitahu.iwi.nz/wp-content/uploads/2013/06/Nga-Matapono-ki-te-Wai.pdf> on 26 February 2021.
- New Zealand Māori Council (2019). *Closing submissions in reply to Waitangi Tribunal National Freshwater and Geothermal Resources Inquiry*. Wai 2358, #3.3.52', 22 February.
- New Zealand Government. (2020). *National Policy Statement for Freshwater Management 2020*. August 2020.
- Perception Planning. (2019). *Āpiha whakaū ture taiao ā-iwi - Honorary iwi enforcement officer programme*. Report prepared for Waikato Regional Council.
- Raukawa Charitable Trust (Date unknown). Raukawa Framework for Wai Māori.

Raukawa Charitable Trust (Date unknown). *Effectiveness Review for wai Māori – a Raukawa perspective*. Raukawa Charitable Trust.

Raukawa Charitable Trust (2015). *Healthy Rivers Plan for Change / Wai Ora He Rautaki Whakapaipai*.

Raukawa Charitable Trust. (2015). *Raukawa Framework for Success – Healthy Rivers Plan Change*. Submission by Raukawa Charitable Trust.

Raukawa Charitable Trust. (2019). *Action for Healthy Waterways discussion document 2019, NPS/NES Freshwater Management 2019*. Submission by Raukawa Charitable Trust.

Raukawa Charitable Trust (2020). *Briefing Paper – National Policy Statement for Freshwater Management 2020 29 October 2020*.

Raukawa Charitable Trust. (2019). *Resource Management Amendment Bill November 2019*. Submission by Raukawa Charitable Trust.

Te Wai Māori. (2008). *Discussion on freshwater: a Wai Māori perspective*. Te Wai Māori Trust, Wellington, New Zealand. [online] URL: <http://waiMāori.Māori.nz/documents/publications/Freshwater%20-%20Summary.pdf>



