Abstract

Environmental management in Aotearoa New Zealand has had a very generic application since colonisation began in 1840. Prior to this, Māori (the Indigenous peoples of this land) had been practicing environmental management methods since their arrival in New Zealand. Their practices were influenced by the relationships they shared with their environments. Post colonisation we see the cumulative effects of the inability of Māori to look after their lands, further resulting in the destruction of land and waterways for human benefit. Lately, through the Treaty Settlements processes and other relevant legislation, Māori have been able to express their rights as kaitiaki to look after the lands with which they identify. Recently, some geographical features have been recognised as ‘legal identities’. This means that they now have all rights, powers, duties, and liabilities of a legal person. That grants Te Urewera, Whanganui River and soon Mount Taranaki their own personhood. This practice has altered the way in which we see the environment as it transitions from a resource to a living entity.

The present research aims to provide understanding around how we can manage our co-existence with the environment through a case study of Te Urewera. To do so, an in-depth analysis of literature will be presented as well as interviews with key informants. The key informants are selected based on their knowledge of resource management in New Zealand and either Te Urewera or legal entities in general. Through developing an understanding of how to co-exist with the environment, this research attempts to promote the sustainable management of the environment through legal entities as an appropriate alternative method for environmental management and conservation.
Acknowledgements

Ehara taku toa i te toa takitahi engari he toa takitini
My strength is not of one, it is of many

As I sit and reflect on one of the most challenging yet rewarding journeys I have had the privilege to experience, I cannot help but wonder, who would have thought I would be able to write a thesis? This was when I realised the amount of people who I have met on my journey to this point and how they have supported my growth and development as a student, an academic, a professional and as a Māori.

To those before me who have challenged systems and influenced change so I may be able to write this thesis, I thank you.

Thank you to the Division of Humanities and the University of Otago who have supported me financially throughout my Masters journey.

To the MPlan class of 2018, thank you all so much for being on this Masters journey with me. It has often been a pleasure, and only sometimes a chore. The late night battles are now over, the war has been won and I wish you all luck in your future endeavours. To my office, thank you for the most random discussions and for putting up with mine and Ekrina’s constant harmonies while singing two different songs at the same time. May all you suckers be rewarded with your favourite flavour Chupa Chup, skrrrt.

Ekrina, thank you for keeping me (mostly) sane throughout our MPlan journey. These two years have been a rollercoaster ride and I am so happy you were on it with me. Congratulations my friend, we made it.
Michelle, it has been such a privilege to be under your supervision this year and I am so grateful for all the guidance you have given. Thank you for all your patience and encouragement throughout this entire process, especially when I was adamant that I was going to reach every single deadline. I’m sorry that I missed all of them. But just a friendly reminder that diamonds are made under pressure and this thesis is an absolute gem.

To my participants, thank you so much for sharing your time and knowledge with me. It has been my absolute privilege and I will be forever thankful.

To all my friends, thank you for giving me the time and space to write this thesis. You have all motivated me to cross this finish line and I will be forever grateful. I apologise for all the ‘seen’ messages, the absences, the sporadic appearances and all of the, “I should really be writing my thesis” statements.

Last, and certainly not least, to my whānau. You were all my ultimate motivators throughout this journey and I cannot thank you enough for all you have done for me. There are no words to describe how grateful I am for you all and all of your support. You have been the distractions and the motivations I needed to get through this journey. Mum, Dad and Kara, thank you for giving me the strength to complete this thesis. You will never know how valuable any and every text message, phone call and visit home was for me and I am so privileged to have you all in my life. Pāpā, thank you for instilling in me the same desire you have to learn. Throughout my life, you have taught me the value of education and instilled in me a desire to improve the lives of our people. I cannot thank you all enough for everything you have done in your life so I may succeed in mine.
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Chapter One

1. Introduction

I remember as a child, growing up on our family farm in Wainuiomata, my Nēni taking me for a walk through the bush. As we walked she would name all the plants and their role in the environment. I recall the kōwhai tree and its branches, “hei kainga mō ngā tui e tiu mai ana ‘me kapu tī tatou’ (a home where tui sing out for a cup of tea).” And its seeds, “hei kai mō ngā kereru e mōmona haere ana kia pā atu ki te wini (food to fatten up the kereru until it hits a window)” We collected many different leaves, seeds and other pieces of plants and trees that day and stuck them in a scrapbook to keep recorded forever.

Nēni grew up in Tūai, Waikaremoana at the southern section of Te Rohe Pōtae o Tūhoe (Tūhoe tribal boundary) and Te Urewera. She was a native speaker who grew up during the period where Māori children were punished at school for speaking Māori and at home for speaking English. Much of her role as a grandmother revolved around ensuring her mokopuna (grandchildren) were connected to their tūrangawaewae (place of standing), no matter where we were. Every chance she got, she would take us back to Tuai to be reconnected with our tīpuna (ancestors) and our tūrangawaewae.

In Tuai, we would spend a lot of time with our whānau (family) and at Te Kūhā Tārewa, our marae (meeting house and surrounding complex) with the big brass bell. I would later come to learn the history behind that bell and its stature as a symbol of a Ringatū faith. As I reflect on some of these memories of my Nēni, I see resemblances of her in the environment, as if her wairua (spirit) was manifested from Te Urewera. When she spoke, it was as if the wind was whispering through the forest and the wrinkles on her face, a reflection of the ripples on the surface of Lake Waikaremoana. Her eyes, a window to days of old seen by her, her mother and their ancestors before them.
As Nēni’s life was coming to a close, mist began gathering around our farm. Each day it got closer. As the mist began nearing our house, where Nēni was resting, she announced that her whānau, who had already passed on, were coming to get her and take her home. The night she died, mist covered the entire farm. Ngā Tamariki o te Kohu (the children of the mist) had arrived to accompany Nēni to the realm of our ancestors. This was when I understood the intrinsic connection between Tūhoe and Te Urewera. Our ancestors roam the forest. They ensure safe passage and provide continued teachings through memories and understandings. Therefore, it is our duty, responsibility and obligation to protect and care for Te Urewera, because Te Urewera is a kainga (home) of our ancestors as well as descendants of the future.

1.1. Background

In 2014, the New Zealand government did something previously unheard of – they identified Te Urewera, a geographical feature, as a legal entity. This happened again in 2017 with the Whanganui River, Te Awa Tupua, and is set to happen again with Mount Taranaki becoming a legal entity in the near future. In this sense, these geographical features have all the rights, powers, duties and liabilities of a legal person. However, because these features cannot speak for themselves, boards have been established to represent each legal entity. For example, Te Urewera is represented by Te Urewera Board. The beauty of the legal entity model is its recognition of Indigenous knowledge and perspectives. In this instance, the legal entity models allow iwi (Māori tribes) to show the rest of New Zealand the benefits of having a relationship with their surrounding environments.

The holistic and cyclic nature of a Māori worldview connects Māori to the environment. This connection is evident in the dual meaning of the word whenua (after-birth and land), as well as the act of burying a child’s placenta in the earth. The meaning behind this act stems from the spiritual connection Māori have with the earth and with the earth mother, Papatūānuku. Narratives have told Māori that Papatūānuku and Ranginui’s (the sky father) separation allowed their children to be free to control their own domain. One narrative describes one of the sons, Tāne Māhuta who claimed the forests as his domain and using his mother’s fertility created life in the flora and fauna that now exist there. There are countless narratives describing Māori histories, many of which have been transmitted through storytelling and all of which provide explanations about why things occur and how people
should behave. *Iwi* (tribes) have their own narratives that explain their connections to their landscapes.

Ngāi Tūhoe people trace their *whakapapa* (genealogy) to Te Urewera. For them, Te Urewera is a physical representation of their ancestors, Hinepukohurangi and Te Maunga whose union remains visible in the mist that continues to adorn the rugged landscape of Te Urewera. Their union begat Tūhoe-pōtiki, who would become the eponymous leader of Ngāi Tūhoe (the descendants of Tūhoe). Therefore, the relationship between Tūhoe people and Te Urewera is inherited as virtue of *whakapapa* (genealogy). The connection between Tūhoe and their ancestors has influenced their identification as Ngā Tamariki o Te Kohu and Ngāi Tūhoe.

Te Urewera is,

*A vast expanse of primordial bush and forest-covered hills, dissected by numerous small streams and a few large rivers. This ecological treasure chest of flora and fauna is set against the backdrop of formidable mountains and peaks (Mataamua and Temara, 2010: 96-97).*

According to boundaries established by the colonial system, Te Urewera transgresses two regions, Hawke’s Bay to the south and the Bay of Plenty to the north. However, according to Māori accounts, Te Urewera exists entirely within Te Rohe Pōtae o Tūhoe. Still, there are areas that were contested by bordering *iwi* such as Ngāti Porou and Ngāti Kahungunu. Figure XX shows the location of Te Urewera within the Tūhoe tribal boundary. From the late 1800s to early 1900s, New Zealand’s colonial government sought to remove Tūhoe’s occupation of Te Urewera so the Crown may own it. For conservation purposes, Te Urewera became a national park under the mandate of Crown legislation intent on its conservation.
In 2014, Te Urewera was released of its title as a national park to be recognised as a legal entity. This means Te Urewera is no longer governed by the National Parks Act 1980 which governs all other national parks, instead, Te Urewera governs itself. This change is significant as it reframes how we see the environment and how we may come to care for it. Now, the Western system, governing New Zealand since 1840, has come to realise the advantages of Indigenous knowledge to conservation practices. As supported by the personal account above, Te Urewera is ingrained in the livelihoods of Tūhoe in the knowledge that no matter where they live, whether within or outside the boundaries of Te Urewera, their obligation to protect and care for the environment around them is inherently fundamental to who they are as Tūhoe.
1.2 Research Aim and Key Research Questions

The primary aim of this research is to critically analyse legal entity models as a method for environmental management and conservation and the role of Indigenous peoples in this process. To do so, this research intends to take the reader on a journey through the past and present to identify opportunities for the future. The research will focus specifically on Te Urewera as a legal entity model and the efforts Tūhoe and Te Urewera Board are undertaking to conserve Te Urewera. As a result, the research will present an analysis of the processes which enabled Te Urewera to become nationally recognised as a legal identity. Prior to this, the thesis identifies themes from international literature comparing Indigenous knowledge with Western practices, Western dominion of Indigenous peoples and Indigenous self-determination. These themes seek to identify the difficulties for Indigenous peoples in attempting to look after lands which are of utmost significance to their identities. Ultimately, the themes establish a theoretical foundation to help answer the following three research questions:

1. What benefits and restrictions do legal entities have on resource management in Aotearoa?
2. To what extent does making geographical features legal entities ensure their sustainable management?
3. How are iwi able to assert their own values of environmental guardianship within their rohe (area)?

Question One hopes to identify why legal entities were chosen as a method of resource management. To answer this question, there is an evaluation of current resource management methods compared to Indigenous knowledge and practices. The research addresses this question from a historical context of land confiscation in New Zealand as well as the contemporary context of Treaty of Waitangi Settlements. Data collected from key informant interviews with people both aware of the historical context and involved in the Settlements left the research with invaluable perceptions of the legal entity model. Furthermore, insights into this process endeavours to identify a transformation of resource management in New Zealand.
Question Two seeks to analyse the impact legal identification of geographical features has on their sustainable management. The research will investigate this impact through an evaluation of literature, statutory documents of specific relevance to Te Urewera as well as key informant interviews. Perspectives from key informant interviews will also be presented to identify the ways in which the legal entity models can ensure their own sustainable management.

Finally, Question Three evaluates the ways in which iwi can be involved in environmental management and conservation practices regarding the environments within their regions. The research examines how Indigenous peoples can reframe environmental management and conservation practices to better suit the values they strive to live by.

1.3. Thesis Structure

This thesis is comprised of six chapters including the present introduction chapter. Chapter Two addresses the methodological design of the research, outlining the ways in which data was collected and analysed. These methods are also justified with an explanation as to why they were appropriate for the research at hand. The theoretical framework is constructed within Chapter Three. This chapter submits an analysis of international literature relevant to the topic that has been analysed and presented thematically.

To narrow the scope of the research, Chapter Four presents a contextual analysis of literature and statutory documents specifically relevant to Te Urewera and Tūhoe. This chapter highlights the rationale behind recognising Te Urewera as a legal entity. Chapter Five introduces the research findings as analysed from the key informant interviews. Finally, Chapter Six discusses the research findings in relation to the existing literature. The purpose of this is mostly to address the research aim and answer the research questions. Chapter Six also seeks to synthesise the research to draw conclusions and determine how this research is relevant to the existing literature.
Chapter Two

2. Methodology

2.1. Introduction

The present chapter seeks to outline the methodology employed in this research to address the research aim and three research questions introduced in Chapter One. The Chapter first introduces the research design which establishes the guiding foundations of the study. Following this, the Chapter presents an evaluation of the data collection and data evaluation methods undertaken. This will follow with a description of ethical measures taken into consideration and concludes with a reflection of the adopted research approach.

2.2. Research Design

Due to the nature of the research, a qualitative approach was most appropriate. Winchester and Rofe (2010), claim qualitative methods are used mostly in research illustrating human environments, individual experiences, and social processes. In addition, Leavy (2017) describes qualitative methods as a useful approach for research aimed at generating meaningful conclusions. According to Winchester and Rofe (2010: 6), “qualitative geographers balance the fine line between the examination of structures and processes on the one hand and of individuals and their experiences on the other.” Qualitative methods have also been used by Indigenous and non-Indigenous writers to express Indigenous voices in a realm where they were once ignored (Winchester and Rofe, 2010). The aim of the present study is to understand the legal entity model as a method for environmental management and conservation. By examining Te Urewera as well as Ngāi Tūhoe’s involvement in the process, the research attempts to provide meaningful conclusions around the validity of the model. Therefore, a qualitative approach is best for this research.

Because of the nature of qualitative methods, subjective discourse is often visible. In many instances, subjective discourse adds a greater depth of value to the research through involvement of personal opinion (Dowling, 2010). However, the subjectivity of qualitative research designs raise questions around the credibility of such an approach thus, triangulation is suggested as a technique to support data (Leavy, 2017, Bradshaw and Stratford, 2010). Leavy
(2017) presents three types of triangulation; data triangulation, theoretical triangulation and investigator triangulation. This study uses theoretical triangulation to interpret the data through an analysis of literature.

2.3. Kaupapa Māori

As an Indigenous researcher undertaking research in an Indigenous context, it was important for me to take a decolonised approach. Therefore, it was pertinent that I adopted a research framework that was relevant to me as a young, Māori woman conducting research that could be of significance to one of my iwi. This framework had to be based on all aspects contributing to a Māori worldview such as, yet not limited to, tikanga (the correct way to do things), kawa (protocols) and reo (language). For this reason, a Kaupapa Māori approach was adopted. Kaupapa Māori research is framed from a Māori worldview and presents an alternative to Western approaches (Pipi, Cram, Hawke, Hawke, Hurivai and Matak, 2004). As a framework, Kaupapa Māori provides security and reassurance for Māori researchers who may not feel represented by Western approaches (Smith, Hoskins and Jones, 2012).

Pihama, Cram and Walker (2002) highlight six key pillars of Kaupapa Māori research; tino rangatiratanga (self-determination) taonga tuku iho (cultural aspirations), ako Māori (culturally preferred pedagogy), kia piki ake i ngā raruraru o te kāinga (socioeconomic mediation), whānau (extended family structure) and kaupapa (collective philosophy). While aspects of all pillars contribute to this research, taonga tuku iho is the most relevant. Taonga tuku iho represents the receiving of knowledge and treasures from tīpuna, kaumātua (elders) and tohunga (experts in a field). This aspect also acknowledges the duty to care for knowledge and treasures (Pihama et al., 2002). In relation to the research, this aspect recognises the knowledge my participants bestowed upon me and how I represent the perspectives of my participants. Therefore, Kaupapa Māori also demonstrates tikanga around how researchers taking this approach should behave, these are shown below in Table 1 (Smith, 1999: 120).
Table 1 Tikanga to follow for Kaupapa Māori research

<table>
<thead>
<tr>
<th>Tikanga</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aroha ki te tangata</td>
<td>Respect for people</td>
</tr>
<tr>
<td>Kanohi kitea</td>
<td>Commitment to communicating and meeting with people face to face</td>
</tr>
<tr>
<td>Titiro, whakarongo…kōrero</td>
<td>Look first, listen second and then speak</td>
</tr>
<tr>
<td>Manaaki ki te tangata</td>
<td>Showing generosity towards people and sharing knowledge</td>
</tr>
<tr>
<td>Kia tūpato</td>
<td>Being aware of your environment, both culturally and politically</td>
</tr>
<tr>
<td>Kaua e takahia te mana o te tangata</td>
<td>Do not disrespect others</td>
</tr>
<tr>
<td>Kaua e mahaki</td>
<td>Do not flaunt your knowledge</td>
</tr>
</tbody>
</table>

The tikanga identified in Table 1 were followed within the study so the researcher and participants were all comfortable to share and receive knowledge.

2.4. Data Collection

Secondary Research

The investigation of existing research, key debates and theories within a desired field is an important part of any research project. Often referred to as secondary data collection, this stage of research reviews existing literature of relevance within a desired field (Heaton, 2008). There is criticism around the ability of secondary data to create ‘real knowledge’ as it does not contribute anything to existing understandings (Szabo and Strang, 1997). However, secondary data collection seeks to reveal themes and gaps within literature to help frame primary research (Heaton, 2008). For this research, secondary data was collected in the form of a literature review as well as a contextual analysis of literature and statutory documents pertinent to this study. Ultimately, this data determined a conceptual framework for the study established through identifying the existing knowledge.

*Literature Review*

A review of literature tends to help provide a theoretical framework for research projects and allows the researcher to visualise the relevance of their study to the existing
knowledge on the topic. This then offers the basis on which primary research is built upon (Davidson and Tolich, 2003). The literature review for the present research critically analysed topics relevant to the study which could then be condensed into four themes; Indigenous knowledge, Western practices, Western domination over Indigenous peoples, practices and knowledge and assertions of Indigenous self-determination. These four themes form the theoretical framework that is discussed in Chapter Three. That chapter presents an analytical understanding of how Indigenous knowledge was silenced in favour of Western systems and the impact this had on Indigenous communities around the world.

**Contextual Analysis**

A contextual analysis was conducted in this research to probe key literature and statutory documents pertinent to the topic. This analysis is presented in Chapter Four and seeks to provide a deeper understanding of Tūhoe and their history with Te Urewera to appreciate the significance of the legal entity model. Concepts such as *whakapapa*, confiscation and displacement were reviewed in this Chapter. The following statutory documents were also reviewed:

- National Parks Act 1980;
- Tūhoe Claims Settlement Act 2014;
- Te Urewera Act 2014; and
- Te Kawa o Te Urewera 2017

**Primary Research**

Following the review of secondary data, it was important to collect primary data guided from a clear understanding of the existing information (Heaton, 2008). Therefore, primary data collection was used to gain differing opinions and understandings of legal entities from people with informed perspectives on the topic. For this research, primary data was collected in the form of key informant interviews between July 16 and September 21, 2018.
Key Informant Interviews

Interviews allow the researcher to gain access to information about events, opinion and experiences. Because opinions and experiences vary between people of differing demographics, interviews provide perspectives from different view-points (Dunn, 2010). Participants in this research came from different backgrounds which meant they had different opinions and experiences to share about Tūhoe, Te Urewera and the legal entity model. Table 2 presents a list of key informants and their position from which their perspective arises.

Table 2 List of Key Informants

<table>
<thead>
<tr>
<th>Key Informant:</th>
<th>Ethnicity</th>
<th>Tūhoe?</th>
<th>Relation to Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tahi</td>
<td>Māori</td>
<td>Y</td>
<td>Academic, negotiated on behalf of Tūhoe in Treaty of Waitangi Settlement</td>
</tr>
<tr>
<td>Rua</td>
<td>New Zealand European</td>
<td>N</td>
<td>Academic, conducted research on legal entities from legal perspective (Te Urewera and Whanganui River)</td>
</tr>
<tr>
<td>Toru</td>
<td>Māori</td>
<td>Y</td>
<td>Academic, conducted research on legal entities from a surveying perspective (Te Urewera and Whanganui River)</td>
</tr>
<tr>
<td>Whā</td>
<td>Māori</td>
<td>Y</td>
<td>Negotiated on behalf of Tūhoe in Treaty of Waitangi Settlement, member of Te Urewera Board as well as the Tūhoe Tribal Authority</td>
</tr>
<tr>
<td>Rima</td>
<td>New Zealand European</td>
<td>N</td>
<td>Practicing lawyer, represented the Crown in negotiations for legal entities (Te Urewera, Whanganui River and Mount Taranaki)</td>
</tr>
</tbody>
</table>

As Table 2 shows, five participants were involved in the interview process of this research. Participants were carefully selected based on their knowledge and understanding of Te Urewera or the legal entity models. Also taken into consideration was their past or present involvement in the Tūhoe-Te Urewera negotiations toward settlement. This criteria ensured that participants involved in the research were aware of the background that led to the identification of legal entities however, it also limited the amount of participants involved. It was important to have representation from academic researchers external to Tūhoe as well as
representation from Tūhoe and the Crown. The varying backgrounds of participants provide deeper understandings of the research from widely different view-points.

The interviews followed a semi-structured format which allowed for flexibility within discussions and promoted the flow of conservation. This structure worked really well as it was more engaging for participants and gave them the opportunity to ask me questions too. Interviews with Tahi, Rua and Whā were conducted in person however, due to time constraints and conflicting schedules, interviews with Toru and Rima were conducted over the phone. The semi-structured nature of interviews enabled following a list of questions (Appendix 3) as well as asking questions based on statements participants made. Therefore, it did not affect the response from key informants.

2.5. Data Analysis

Key informant interviews were recorded and then transcribed. This process made it easier to identify key ideas that emerged from the interviews. These ideas were then analysed and sorted into distinct themes. The themes, unlearning, rediscovery and relearning, were identified in the analysis of one of the statutory documents, Te Kawa o Te Urewera. Data was categorised into these themes in Chapter Five to allow the researcher to make sense of the information for meaningful analysis and interpretation of the results. This was then discussed and synthesised in Chapter Six.

2.6. Ethical Considerations

Research methods involving human participants raise potential issues in regard to the ways in which studies can disadvantage and also take advantage of people (Dowling, 2010). As a result, there are two aspects of ethical considerations within research; procedural ethics and ethics in practice (Guillemin and Gillam, 2004). Procedural ethics has regard to seeking approval for the human involvement in research which should be gained before any research takes place. Ethics in practice include any ethical problems that may arise while conducting research (Guillemin and Gillam, 2004). In regard to the research at hand, these procedures were considered at the beginning of the research within a proposal that was submitted to, then approved by the Department of Geography, University of Otago. Included in this proposal was
an outline of the research problem and questions, the proposed methods, an interview schedule and a description of how any conflicts or potential harm would be prevented or minimised. Throughout the study, measures were taken to reduce the risk and potential harm the research may cause to both participants and researcher.

Ethical consideration and safety is important for both the researcher and those being researched (Dowling, 2010). Ethical practices were maintained throughout the research period, with participants being given copies of the research outline and ethics form, and being asked to sign a consent form before taking part. This ensured that participants had the information in front of them to make a clear choice about whether to participate or not. It was also made clear that they would remain anonymous and that it would be to no disadvantage to them to refuse to answer any questions or withdraw from the research at any time. With regard to ethical practice, the researcher upheld both the University of Otago Code of Conduct and the New Zealand Planning Institute Code of Ethics at all times throughout the entirety of the research process.

2.7. Reflections

Reflecting on research serves a dual purpose. First, it allows the researcher to declare any limitations of the study. This is important as it has the potential to facilitate further research, within the field, that can address the limitations. Limitations to the research include time constraints and location. The writing time for the Masters of Planning course is limited to eight-months. This meant that not all literature on the topic or relating to the topic was analysed. In addition, time constraints limited the time frame for conducting own research. Location was another limitation as it restricted the amount of participants as well as the ability to practice the ‘kanohi kitea’ tikanga with two participants.

Secondly, reflection also allows the researcher to identify their own position within the study. As an Indigenous researcher, it is important to portray Indigenous perspectives from the understanding that Indigenous stories and perspectives were often left out of research (Louis, 2007). I am a Māori researcher conducting research within a location I descend from thus indicating the data was mostly examined from the perspective of an insider. However, I was
not raised within the Tūhoe tribal boundary so some examination was conducted from an outsider’s perspective.

2.8. Conclusion

Chapter Two has provided an outline of the methodology used within this research. In doing so, a rationale for the qualitative design and Kaupapa Māori approach to the research was presented. Ultimately, these two approaches were selected as they allowed for the collection of opinions, beliefs and experiences of participants to be analysed. Key informant interviews were then triangulated against the existing secondary sources that are analysed in Chapters Three and Four. The results of this, discussed in Chapter Six, will highlight aspects of the literature and theory that are challenged or supported.
Chapter Three

3. Theoretical Framework

3.1. Introduction

This chapter seeks to identify relevant themes and ideas pertaining to Indigenous peoples and the effects of colonisation on their knowledge. It sets a broader contextual understanding for the overall topic of legal entities. It follows a chronological order from pre-colonial Indigenous knowledge to identifying processes of Western dominion of Indigenous peoples and concludes with the assertion of Indigenous self-determination. This order was selected because it allows the reader to understand the trials, tribulations and successes of Indigenous peoples. In no way does this chapter encompass the entire history of Indigenous peoples through colonisation to self-determination to autonomy but hopes to set the scene for the reader.

3.2. Indigenous Knowledge

Historically, Indigenous knowledge has been dismissed by western science as it was assumed to be based on “superstition, irrationalism, and tribalism” (Mauro and Hardison, 2000). However, Indigenous knowledge forms the basis of life for Indigenous peoples as it helps to shape an individual into a complete man or woman (Cajete, 2000). Ultimately, Indigenous knowledge is built upon peoples relationships with their environment. Indigenous knowledge is transferred through Indigenous education and pedagogies which emphasise the learned relationships that indigenous peoples have within different contexts. What must be recognised is that Indigenous knowledge is not the same amongst all Indigenous peoples. But there are similar themes that encapsulate the different aspects of Indigenous knowledge (Battiste and Henderson, 2000). Cajete (2000: 184), highlights five foundations of indigenous education. These are; community, technical environmental knowledge, the visionary or dream tradition, the mythic foundation, and spiritual ecology. All foundations interweave to form the basis of Indigenous knowledge. They are not independent of each other (Cajete, 2000). This section seeks to analyse the foundations of Indigenous knowledge to provide a basis of understanding Māori knowledge and Tūhoe relationships with Te Urewera.
Community

The kinship structures within indigenous groups form the structural foundation for how members of the collective interact within the community. In some instances, the kinship relationship begins with the individual, then the family and extends to clan and village (Cajete, 2000). However, when Maori espouse their pepehā (tribal sayings) the order in which it is said recognises that the individual is a biproduct of all that has come before them (Leoni, Wharerau and White, 2018). What this means within both examples is that an individual’s relationship within the kinship structure is intimately connected with the collective.

This position is further supported by Henderson (2000: 269);

*Aboriginal worldviews teach that everyone and everything is part of a whole, and each is interdependent with all the others. Each person has a right to a personal identity as a member of a community but also has a responsibility to other life forms and to the ecology of the whole. It is inconceivable that a human being can exist without a relationship with the keepers of the life forces (totems), an extended family, or his or her wider kin.*

Henderson (2000) highlights the holistic nature of human relationships with the environment and the endeavour to live in harmony with each other. The recognition of ecological relationships being part of the community is integral to an indigenous worldview. Henderson (2000: 257) even goes as far to say, “plants, animals, and humans are related, and each is both a producer and a consumer with respect to the other, in an endless cycle.” This perspective places indigenous peoples as being dependent on the environment as opposed to independent of it. The importance of community is to guide the individual to become what they were created to be (Henderson, 2000). The community aspect informs the identity of an individual and links it to place and surroundings. In this sense, Indigenous peoples recognise their relationship with the environment, acknowledging the environment as their community and themselves as members of it.
Technical Environmental Knowledge

Technical environmental knowledge\(^1\) was characterised by Cajete (2000: 184) as “making a living in a place by understanding and interacting with it.” Cajete (2000) notes how a person’s relationship with their environment aids their personal growth. Pueblo people are known for residing in the desert environments of New Mexico, Colorado and Utah and placed sacred status on water bodies as they knew that water is essential to sustain life. This understanding began to form the basis of life for Pueblo peoples and their knowledge of environment was reflected in their baskets, pottery and architecture. Put simply, Pueblo people “began to evolve technologies based on our growing understanding of the elements within our environment” (Cajete, 2000: 183).

Knowledge of the environment is fundamental in the survival of Indigenous peoples. Technical environmental knowledge has enabled Indigenous peoples to survive in environments where non-Indigenous settlers were absent (Barrett, 2016). This knowledge is mostly held by elders and ancestors and passed down over generations through oral retellings of narratives. Often times knowledge was recorded in art form. Cajete (2000) acknowledges Pueblo pottery is used to remind people of the connections with the things that help to sustain the life of an individual or community. Technical environmental knowledge is an important aspect of indigenous knowledge and helps inform an indigenous worldview. As summarised by Henderson (2000: 256);

*Aboriginal worldviews, languages, knowledge, order, and solidarity are derived from ecological sensibilities, so an understanding of these forces is essential to an understanding of Aboriginal contexts and thought.*

Henderson’s sentiment acknowledges the intrinsic connection between many Indigenous peoples and their environments which is visible within many aspects of their culture. Gadgil, Berkes and Folke (1993) identify this aspect of technical environmental knowledge as significant to Indigenous knowledge. Identifying the value Indigenous peoples have for the environment is ingrained in their belief “of humans as a part of the natural world” (Gadgil et al., 1993).

\(^1\) Also known as traditional environmental knowledge
Visionary or Dream Tradition

The visionary or dream tradition is based on an understanding that one learns through visions and dreams (Cajete, 2000). In the Australian context, the dream tradition is of high importance to Indigenous groups/peoples. This is because it holds their knowledge of the land through the stories of the Dreaming (Barrett, 2016). According to Rose (1992), Dreaming refers to various concepts and entities that cannot be described by the same term. However, in most instances, they contain features from similar themes. These features include;

- the creative beings who were born of earth and who walked first, creating geographical features, different species, and the Laws of existence;
- The creative acts of these beings;
- The period in which these things happen;
- Many of the relationships between humans and other species (Rose, 1992: 44).

Another key element highlighted by Rose (1992) is the idea that Dreaming helps to maintain the balance and connections within different relationships. This is clearly exemplified in the relationship between people and land; “the person takes care of the country and the country takes care of the person” (Rose, 1992: 107-108). Rose (1992) uses an analogy to provide understanding of this notion. She retells a story of an elder who witnessed the natural destruction of a Dreaming Tree after the death of another elder. This analogy emphasises the belief of Indigenous Australians that there is an inherent relationship between people and land (Rose, 1992). This relationship stresses the need to protect people in order to protect the land and protect the Dreaming.

Mythic foundation

Mythic foundation reflects the indigenous perception of the world through mythic traditions (Cajete, 2000). Mythical stories are a way for Indigenous peoples to share their knowledge. Although Indigenous peoples share similar stories, their stories are not the same and have many differing traits. Because of this, many argue that Indigenous stories are not mythical, rather they are spiritual accounts of a pre-history that hold relevant knowledge for the present and future (Barrett, 2016; Hogan, 2000). Most accounts of mythic foundation
contain narratives of the creation of the world. The various accounts from different Indigenous communities associate the earth’s creation with a raven, eagle, turtle, the wind, the creator or other spiritual elements. Knowledge of these stories was mostly transmitted through oral retellings or visual art forms then attributed to features of nature as a reminder (Coates, 2004).

It is common for different Indigenous groups, of reasonably close proximity, to describe slightly different accounts of a similar story (Barrett, 2016). One such example is the story of Kokopelli. Kokopelli is a figure that denotes procreative processes and energy in nature. It is thought that Kokopelli travels from village to village with a sack of seeds. At each stop, Kokopelli plants seeds and then collects seeds to plant at the next village (Hill and Montoya, 1995; Cajete, 2000). Cajete (2000), argues Kokopelli is metaphor to describe Pueblo people. The idea of planting seeds and collecting seeds is a symbol for sharing knowledge. Where people travel, they share their knowledge and then collect the knowledge of others. Kokopelli is a common figure amongst Indigenous peoples throughout New Mexico, Arizona, Utah and Colorado (Hill and Montoya, 1995). His behaviour has similar depictions throughout these areas yet, there are still many differences to his character.

**Spiritual Ecology**

According to Cajete (2000: 184), spiritual ecology “underlies the variety of expressions of Indigenous religion that we find around the world. It is the intimate relationship that people establish with place and with the environment and with all of the things that make them or give them life.” Indigenous knowledge with regard to environmental management is not independent of spirituality and beliefs. In most instances, Indigenous knowledge is informed by Indigenous peoples’ spirituality and beliefs. Barrett (2016) highlights the spiritual connection between people and the land through the different perspectives between White Australians and Indigenous Australians in the film, One Night the Moon (Perkins, 2000). On the one hand, White Australians are claiming ‘the land is mine’ yet on the other, Indigenous Australians are stating, ‘the land is me’. The belief that ‘the land is me’ is not confined to Indigenous Australians, it is one shared amongst most Indigenous peoples across the world.

In New Zealand there is a tribal saying amongst Whanganui Māori, ‘ko au te awa, ko te awa ko au’ (I am the river and the river is me). This saying demonstrates the connection
between Māori, the Indigenous group of New Zealand, and the land (Puketapu-Dentice, 2013). The statements highlight the indigenous worldview that blurs the line between the tangible and the intangible, so much so that the two almost coexist. Neeganagwedgin (2013: 323) uses her own experiences to inform readers of the coexistence between the tangible and intangible saying, “I remain grounded in the knowledges and spirit of my ancestors, and their guidance sustains me.” The importance of ancestors in indigenous knowledge and belief is prevalent amongst many indigenous peoples; Māori, Indigenous Australian and First Nations to name a few. This draws the conclusion that ancestors can be seen to be a connection between the tangible and the intangible realms.

As this section has highlighted, there are five key pillars to Indigenous knowledge, none of which are independent of the other. Rather, Indigenous knowledge is a combination of all five pillars. Indigenous knowledge is relevant to this thesis as it provides understanding of Indigenous knowledge and beliefs which provide a foundation for the continuation and validity of this research. This analysis of Indigenous knowledge assumes the importance of land to Indigenous peoples through their intrinsic connections to their environments. The following section introduces Western practices that have come to compromise Indigenous knowledge.

3.3. Western Practices

The phrase, “the land is mine” represents a common assumption of non-Indigenous peoples (Barrett, 2016: 29). This assumption can be attributed to the non-Indigenous focus on separation. That is, the belief that humans are separate from the environment (Gablik, 2001). This belief contrasts that of Indigenous peoples, who acknowledge their connections with the environment. It also assumes that the environment is available for human consumption and monetary gain. It is an anthropocentric conviction that has had detrimental effects on both the environment and Indigenous peoples. As previously mentioned, much Indigenous knowledge has been influenced by five fundamental factors. All these factors highlight the relationships that Indigenous peoples have with their environment. To separate human life from the environment has been shown to have adverse consequences for non-Indigenous peoples (Coates, 2004).
Separation of human from environment

Many newcomers in colonial contexts took liberties to explore the new lands that they had ‘discovered’. However, without knowing the environment, climate, or landscape, newcomers soon found themselves in peril (Calloway, 1994). This was a result of the lack of knowledge and understanding of the environment. Coates and Fisher (1998) describe instances of newcomers who, unwilling to adopt the traditional practices and lifestyles of Indigenous peoples, were found dead or in near-dead states in arctic and desert expanses. The unwillingness to learn traditional lifestyles and practices emphasised the newcomer’s idea that they understood unfamiliar environments while Indigenous peoples were uncivilised and unlikely to have more sophisticated understandings of the local situation. Instead, newcomers overestimated their technological advancements as they were ineffective in these new lands (Coates, 2004).

Human interaction with environment

Leopold (1987) explains that the human interaction with the environment is one of owner and possession. From his explanation, Leopold (1987) argues that human interaction with the environment should be one of equality where both the environment and the person are of the same community. Traer (2012) further elaborates on Leopold’s (1987) argument based on two differing views of environmental ethics. The first is an anthropocentric view where only human life is valued. In regard to the environment, it is only valued based on the welfare of human life. The second view is non-anthropocentric where nature has its own value which should be acknowledged and respected. Rather than exploiting resources until there is no more, non-anthropocentric ethics takes a holistic approach to ensure that natural habitats are preserved for the welfare of other organisms (Traer, 2012).

Another argument presented by Leopold (1987) is that an environmental ethic cannot reverse the effects of human behaviour, nor can it prevent the alteration, management and use of soils, waters, plants and animals. Instead, an environmental ethic affirms the value of the environment and its ‘right’ to continued existence (Leopold, 1987). Leopold (1987) also highlights that an environmental ethic is based around the treatment of the environment. Rather than treating the environment as a possession, one must treat the environment as part of a wider community. In this sense, Leopold (1987) suggests that the environment must be recognised
Beyond an anthropocentric viewpoint and acknowledgment of its intrinsic value must be made (Palmer, McShane & Sandler, 2014). “To say that the environment has intrinsic value is to say that it is not valuable on account of its relations to things other than itself, but rather that it has value in its own right” (Palmer et al., 2014: 422).

**Power and Control**

Ultimately, colonisers had a desire for power and control. The more land one had, the more power one had (Kelly, 2003). As explorers began to find new lands, they started alienating the Indigenous peoples of those lands so that they could control the land (Kelly, 2003). There is a common perception among Indigenous peoples that European colonial settlers only have one perspective on land; that it is a commodity to be used for monetary gain. The need for control and power influenced the ways in which non-Indigenous people treated land. By viewing land as a commodity, it assumes that it is available solely for the purpose of human consumption. This is further emphasised through the use of the term resource to synonymously represent the environment. Resource management further emphasises the human idea that humans think they are doing right by the environment by ‘managing’ it. Yet, managing the environment now commonly describes the way in which the environment is managed for its ‘sustainable exploitation’. That is, so the environment may be used for monetary gain for generations to come (Dudgeon and Berkes, 2003).

Western practices of environmental management and conservation are framed by a perception which separates human from the environment. This is notably different to the Indigenous understanding of land where there is an intrinsic bond with the land. It is important to understand Western practices so we may identify the extent of the differences between Indigenous knowledge and Western practices. This knowledge will help inform the reader of Te Urewera’s context and the different perspectives between Tūhoe and the Crown. The contradictory elements of both knowledge bases ignited an ‘us versus them’ situation where one perspective began to succumb to the other.
3.4. Western domination over indigenous peoples, practices and knowledge

The need for power and control by colonial settlers, or newcomers, has had severe impacts on Indigenous peoples. Western desire for land displaced Indigenous peoples from their own lands which they had been working for generations. The displacement from land has negative effects on the wellbeing of Indigenous peoples. As previously highlighted, Indigenous peoples have a strong connection with the land through ancestral heritage and spiritual connections. The exclusion of Indigenous peoples from their ancestral lands creates both a physical and spiritual disconnection with the land and the environment. This also makes it difficult to share knowledge between generations due to processes of assimilation.

The Noble Other

There was an instant perception of uncertainty held by Indigenous peoples upon the first meeting between themselves and newcomers (Kalland, 2003). In the case of Māori, Indigenous Australians as well as North America’s Indigenous peoples, many were astonished by the pale skin and blue eyes of the newcomers. The shock from the differing appearances was nothing in comparison to the guns and cannons that these newcomers brought with them (Coates, 2004). Newcomers, on the other hand, had a differing opinion of Indigenous peoples. Newcomers were of the opinion that these Indigenous peoples were primitive in their behaviours and lacked the newcomer’s technological advancements (Coates, 2004). Although they were seen to be primitive by newcomers, Indigenous peoples were also recognised by these non-Indigenous peoples as noble savages.

The term ‘noble savage’ is a descriptor for people who are seen to be living in harmony with the environment. It is also a term that is most commonly assigned to Indigenous peoples as recognition of their relationship with the environment (Kalland, 2003). The term ‘noble’ depicts their endeavour to care for the environment, something greater than themselves. The term ‘savage’, a reference to their uncivilised nature in comparison to the civilised Western invaders (Kalland, 2003). According to Orlove and Brush (1996), there are four key reasons why Indigenous peoples have been assigned the term, ‘noble savage’. First, Indigenous peoples are known to have lived on their lands for thousands of years without significantly disrupting ecosystems. Leading to the second reason, Indigenous peoples were able to create their own traditional environmental knowledge. Third, employment of specific management practices
based on traditional ecological knowledge. Finally, the use of flora and fauna is founded upon the concept of reciprocity and request wherein a request for something is made from a higher spiritual being and once received an offering is provided back. This acts as a form of honouring the gift and also acts to maintain a sense of balance (Dudgeon and Berkes, 2003).

In broader society, Indigenous knowledge remains a less-favoured alternative to western scientific knowledge (Kalland, 2003). The mere term, ‘noble savage’ is a testament to this. Regardless of the fact that Indigenous peoples have been living in harmony with nature for thousands of years, with little damage to the environment, they are still seen as savages (Headland, 1997). Kalland (2003: 57) suggests this perception may be due to the differing treatments of the land where Indigenous peoples use it as “a subject of labour” in comparison to non-Indigenous peoples who use it as “an instrument of production.” Through this understanding of land, non-Indigenous peoples began colonising new lands to maximise production through mining and deforestation. As a result, they also began exploiting Indigenous peoples’ ancestral lands.

**Enabling Dominion of Indigenous Peoples**

Misunderstandings of Indigenous peoples and knowledge influenced newcomers’ behaviour on new lands as well as interactions with Indigenous peoples. However, these interactions were again shaped by the way in which newcomers perceived Indigenous peoples (Coates, 2004). The less civilised Indigenous communities appeared, the more assistance newcomers believed they needed. To contextualise, Chinese, Japanese, Incan, Aztec and Thai peoples were seen through their magnificent buildings and technological advancements. From the perception of a newcomer, they were regarded as innovative and advanced societies (Kalland, 2003). In contrast, those Indigenous to Australia, New Zealand and North America were seen through their facial markings and tattoos, nomadic tendencies as well as their ‘less-magnificent’ structures. As a result, they were “assigned the lowest rung on the ladder of humanity” and seen as less-civilised societies (Coates, 2004: 94). Yet, as previously highlighted, the behaviours of ‘less-civilised’ Indigenous peoples were integral to their understandings of their own environments and ensured their co-existence with nature. Therein lies the beginning of the non-Indigenous peoples’ misunderstanding of Indigenous peoples and their knowledge.
To help the ‘less-civilised’ Indigenous peoples, newcomers attempted to alter their perceptions of the world and environment (Kalland, 2003). However, due to a lack of understanding, newcomers tended to mistake Indigenous peoples’ culture and traditions for violent acts and often responded in a violent manner (Olssen and Reilly, 2004). One example of this is New Zealand’s Boyd Incident in 1809. As punishment for the captain’s mistreatment of a young, Māori chief aboard the Boyd, a group Māori killed most of the crew and passengers (Ministry for Culture and Heritage, 2014). More often than not, however, newcomers were equipped with the most advanced weaponry leaving them better off in violent outbreaks. Eventually, these violent outbreaks were perceived by Indigenous peoples as acts of barbarism so Indigenous peoples were untrusting of newcomers (Kalland, 2003). Such perceptions transcended generations and a bitter taste in the mouths of Indigenous peoples remains.

Violence was not the only occurrence to have detrimental effects on Indigenous peoples. Indigenous peoples were also inflicted with illness and disease which, in most instances, resulted in the deaths of large portions of Indigenous populations (Coates, 2004).

**Treaties/Legislations or Lack Of**

Dominion of Indigenous peoples was enabled by the newcomers’ assertion of military, economic and political ascendancy over Indigenous peoples already afflicted by foreign diseases and prolonged armed combat (Coates, 2004). The perceived lack of ‘formal’ ownership or control Indigenous peoples had of land further enabled colonial dominion. In this sense, early settlers were typically effective in stripping the Indigenous autonomy and asserting colonial authority. Yet, there still remained uncertainty around the legal authority of colonial power on Indigenous lands.

For many Indigenous peoples, treaties or peace agreements were negotiated (Coates, 2004). These treaties varied significantly across the different Indigenous communities that were colonised. Ultimately treaties were written by the colonial party and often Indigenous peoples will sign without being completely aware of the finer details (Wright, 1992). Such instances have occurred throughout history. In 1626, a Treaty was signed between the Dutchman, Pieter Minuit of New Netherlands and the Metoac of Manhattan. This treaty was described by Coates (2004: 174) as “hastily crafted” and resulted in the Dutch purchase of land for a pittance. The Two Row Wampum treaty signed between the British and Iroquois
Confederacy in the 1640s was perceived by Iroquois people to enable co-operation with the British (McGregor, 2008). The Treaty of Waitangi signed between British and New Zealand Māori in 1840 was written in two different languages with two different portrayals (Orange, 2015). Treaties were mostly used with Indigenous peoples who put up some form of resistance to early settlers or had some form of claim to the land. Alongside this remained the perception that Indigenous peoples were of a lesser status to the newcomers. Therefore, treaties were a way to demonstrate legitimate colonial occupation of new lands to the rest of the world (Coates, 2004).

For other Indigenous peoples, treaties and peace agreements were inexisten. Many colonial powers occupied new lands without legitimate agreements as a response to economic demands as well as the pressures of increasing populations back home. In some ways, it was also to assert dominion of a new territory (Orange, 2015). Often, Indigenous peoples would retaliate against some acts of the newcomers. However, if an Indigenous group was seen to lack the military prowess or innovative technology to assert their own dominance, treaties would not be sought (Coates, 2004). Most commonly, newcomers would occupy new territories and assume their authority based on the advancement of their own technology and the perception that they were superior (Coates, 2004). In the instance of Indigenous Australians, their lands were deemed *terra nullius* (nobody’s land) by the British settlers who occupied them (Nicoll, 2002).

**Colonial Power**

Through the occupation of new territories, whether legitimate or not, the early settlers held the power of these new territories. The transition of power now meant that Indigenous peoples were also under colonial control. Instead of treating Indigenous peoples as subjects under colonial governance, they were treated as “uncivilised peoples capable, with effort, of being transformed into valuable, contributing members of the colonial order” (Coates, 2004: 181-182). However, in many instances, colonial governments did not want to completely eradicate Indigenous peoples or cultures rather, they were dislocated into marginalised settlements without legal identity (Kalland, 2003). Colonial governments also established entities to assist in the management of Indigenous peoples such as the creation of the Bureau of Indian Affairs in the United States of America and Canada’s Department of Indian Affairs.
These two entities were established and managed by non-Indigenous peoples yet governed Indigenous rights and lands (Coates, 2004). The establishment of colonial entities to manage Indigenous peoples was not isolated to North America only. Similar entities exist in Brazil, the Philippines, Japan, Malaysia, Australia and New Zealand.

Regarding matters pertaining to Indigenous lands, colonial governments appeared to support Indigenous peoples’ assertion of their identity, so long as they practiced on their own land (Sandercock, 2004). Due to colonisation, the colonial powers were in control of all the land in their particular nation and would assign parcels of land to Indigenous groups. These lands were generally quite small of poor condition, isolated from main centres as well as other Indigenous groups and tended to be only a portion of what Indigenous peoples had in pre-colonial times (Lyver, Davies and Allen, 2014). Often, this was a result of the colonial perception of the land where it was deemed too beautiful to remain under Indigenous control. In this instance, Indigenous peoples would be forcibly removed from their ancestral lands (Lyver et al., 2014). Such was the case for Cherokee people in an event known as the Trail of Tears march in the 1830s which resulted in the death of around half of the Cherokee population (Perdue and Green, 2007). In other instances, beautiful Indigenous places were confiscated from Indigenous peoples for the creation of roads, schools, medical centres as well as national parks (Dominy, 2002). This action was enforced by the idea of common spaces to be enjoyed or utilised by all (Regan, 1988).

Western colonisers were clearly more technologically advanced than their Indigenous counterparts. This made it easier for colonisation to occur in many areas whether it be through Treaties, peace agreements or belief the land was not already occupied. This had extremely negative impacts on Indigenous peoples. The death of approximately half the Cherokee population is only one example of this. However, the pain of colonisation that Indigenous peoples were afflicted by instilling in them a sense of self-determination to stand up for themselves and fight back. Discussion of Indigenous grievances and self-determination will be presented in the following section.
3.5. Assertions of Indigenous Self-Determination

The effects of colonisation left many Indigenous peoples hurt. Through disconnections from land, language, culture and knowledge to name a few - Indigenous peoples have become marginalised in their own lands. This pain has ignited a desire to assert their indigeneity through many different outlets. In many instances, colonisation has contributed negatively to the livelihood of Indigenous peoples. Because of this, Indigenous peoples are doing whatever it takes to overcome this negativity and sense of marginalisation. This section will highlight indigenous assertions of self-determination as a result of colonial-inflicted grievances. Ultimately, this information will inform the reader of current methods employed by Indigenous peoples to assert their own sense of self-determination so they may achieve autonomy.

Origins of self-determination

The notion of Indigenous self-determination is an assertion of Indigenous peoples’ rights on their lands which have been removed from their control. In early cases, Indigenous efforts to uphold self-determination can be identified through acts of protest or retaliation against colonial powers. It was not until after World War Two that other countries began to become aware of treatment of Indigenous peoples across the world (Lam, 1992). This provided Indigenous peoples with a wider platform for the rest of the world to see what was going on behind closed doors. In response to the events of World War Two, there was an overhaul of human rights, which lead to the establishment of the United Nations.

Shortly after its inception, the United Nations adopted the United Nations Declaration on Human Rights. This document sought to challenge the perceptions of the past, especially the idea that one race, culture, religion or ethnicity is superior to others. As highlighted by Coates (2004: 232-233):

For the first time, the global community was put on notice that attempts to destroy societies and peoples faced the criticism and animus of the world and that international mechanisms had been developed to define, explain, and defend the fundamental human rights of all peoples.

However, the United Nations Declaration on Human Rights was not established with Indigenous peoples in mind. Rather, its purpose was focused on genocide, hence its...
establishment after World War Two which came as no surprise to Indigenous peoples as the powers that established the United Nations were the same powers that colonised Indigenous peoples. But, while the world was preoccupied with the reconstruction of human rights, a platform for Indigenous peoples to be heard was created.

Effects of self-determination

The post-World War Two radicalism in the 1960s provided Indigenous peoples with an opportunity to express their views at a local, national and international level (Lam, 1992). The radicalism in this decade was a built-up frustrations from minority groups who believed they were not being heard. Campaigns in this period covered a whole spectrum of issues from environmental protection, civil rights and women’s rights to name but a few. Interestingly, many radical movements were headed by youth who believed that those in power were turning a blind eye to the injustices and inequalities plaguing societies (Brayboy and Castagno, 2009). From an Indigenous perspective, their radicalism was designed to create public awareness of their historic and present treatment. It provided a means by which they could assert their indigeneity and show their colonial oppressors that they were still present on their lands ultimately leading to a desire to decolonise the colonial system.

We agreed to share. We lived up to the terms of our agreement. We kept the peace, paid honour to the European sovereign, allowed the white man to settle and live according to his laws, and permitted his religions and cultures to be introduced to our people. You agreed to share. You said our rights would never be lost. You did not live up to the agreement. You took most of our land, outlawed our religious beliefs and practices, destroyed much of our animal life and forest, restricted our movements, stopped us from using our languages, and tried to convince us that our music, dances and arts were barbaric. Despite these overwhelming odds, we have survived the elements of conquest. Your cultural genocide is about to end. (Wright, 1992: 204)

Decolonisation of the colonial system, in its early stages, was revealed through political acts of self-determination. Laenui (2000) conceptualises decolonisation into five phases, these are; rediscovery and recovery, mourning, dreaming, commitment and action. Phase one, rediscovery and recovery, highlights the initial acknowledgement of colonisation and is the founding stage for the eventual decolonisation of a society. Phase two, mourning, is recognised as a period of healing following the initial discovery of the acts and effects of colonisation.
Phase three, dreaming, is described to be the most integral part of the decolonisation process as it conceptualises the plethora of possibilities for Indigenous peoples to create the foundation of a new social order where their cultures, knowledges and peoples are valued. Phase four, commitment, reflects the dreams from the dreaming phase that are being enacted through encapsulating the commitment that Indigenous peoples have in fulfilling that dream and ensuring that all ideas of a single dream maybe shared through one voice. Phase five is the actions undertaken by Indigenous peoples in fulfilling their dreams. Laenui (2000: 158) warns that the action phase “can be properly taken only upon reaching a consensus of commitment in the fourth phase. Otherwise, the action taken cannot truly be said to be the choice of the colonised people.” Laenui’s (2000) statement is addressing the need for Indigenous peoples to come together so their dreams may be realised.

Rise in Recognition of Indigenous Rights and Knowledge Internationally

As a result of Indigenous protest and assertion of self-determination, Indigenous autonomy began to be recognised on an international scale through the creation of international declarations concerning Indigenous peoples’ rights. In the 1980s, the Declaration and International Convention on the Elimination of Any Form of Racial Discrimination authorised the ‘Study of the Problem of Discrimination against Indigenous Populations’ (Mauro & Hardison, 2000). Prior to this, many race-related studies did not include Indigenous peoples as it was assumed that universal human rights were adequate enough that Indigenous minorities did not need their own special protection for their rights (Mauro & Hardison, 2000). This study, conducted by Indigenous man, Jose Martinez Cobo, took place over a 10-year period with chapters being released periodically throughout this time. One of the most influential recommendations of this report, as paraphrased by Mauro & Hardison (2000:1264) was that, “states should respect traditional laws and customs; indigenous peoples should have control over their own traditions; and such ownership and rights should be protected by national and international laws.” The outcome of this study influenced the United Nations Commission on Human Rights to establish the Working Group on Indigenous Populations. The Working Group was tasked with reviewing the evolution of standards concerning the rights of Indigenous peoples, providing a forum where Indigenous peoples can express grievances, and promote the protection of Indigenous peoples’ rights. It would later lead to the establishment of the United Nations Declaration on the Rights of Indigenous Peoples (Mauro & Hardison, 2000).
Even in draft form it had been described as an influential document that reframes Indigenous rights. “Its provisions have been incorporated into other instruments… that construct Indigenous rights and link rights to culture, language, religion, land, and resources, including biodiversity” (Mauro & Hardison, 2000: 1265). Of particular interest are the following three principles:

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States.

These principles recognise and acknowledge the past treatment of Indigenous peoples and the need for nation-states to assist Indigenous peoples in their assertion of their knowledge, values and practices. Ultimately, UNDRIP consists of 46 articles that articulate the rights of Indigenous peoples to “self-determination in the pursuit of economic, social and cultural development, as well as Indigenous peoples’ rights to maintain and strengthen their relationships to their traditional territories” (Porter & Barry, 2016: 1) . However, Champagne (2013: 19) highlights that “UNDRIP is designed to accommodate the primary ways in which nation-states manage relations with minority groups or ethnic minorities.” Champagne (2013) further emphasises that UNDRIP seeks to integrate Indigenous peoples into the institutions of the nation-state. Where that may be accepted by some Indigenous peoples, others see it as withdrawing from their own culture and practices.

While most indigenous peoples may be willing to join into national government and culture, most indigenous peoples will also want to maintain their cultures, forms of self-government, and claims to territory that ensure their present and future economic prospects (Champagne, 2013: 20).
While UNDRIP was still in its draft stages, other International declarations began highlighting Indigenous rights. Two of particular interest are the Brundtland Report and the Rio Declaration. These two declarations have been described in relation to soft-law as they are nonbinding declarations used to establish international norms and are subject to national ratification (Mauro & Hardison, 2000). The Brundtland Report, or the report of the World Commission on Environment and Development, was released in April 1987 and is said to have had “tremendous impact around the world” (Jull, 2003: 21). It is widely known for producing propositions on the world environment, and establishing the term, ‘sustainable development (Jull, 2003). This was also a ground-breaking report for Indigenous peoples through its section, ‘Empowering Vulnerable Groups’ (Brundtland Report, 1987: 114-117). This section acknowledges the existence of isolated, Indigenous groups whose survival has depended on their relationship with the environment and the preservation of traditional practices (Jull, 2003). The report recommends;

The recognition of traditional rights must go hand in hand with measures to protect the local institutions that enforce responsibility in resource use. And this recognition must also give local communities a decisive voice in the decisions about resource use in their area (Brundtland Report, 1987: 115-116).

Furthermore, the report also highlights the marginalisation of Indigenous groups as “a symptom of a style of development that tends to neglect both human and environmental considerations” (Brundtland Report, 1987: 116). As a result, the report cautions leaders to be more careful and sensitive of the interests of Indigenous peoples. The Rio Declaration on Environment and Development (Rio Declaration) was an output of the 1992 Earth Summit (Mauro & Hardison, 2000). It recognised Indigenous participation in the achievement of sustainable development as “a vital role” (Rio Declaration, 1992: Principle 22). On top of this, it urges nation states to “recognise and duly support their [Indigenous peoples’] identity, culture and interests and enable their effective participation in the achievement of sustainable development” (Rio Declaration, 1992: Principle 22).

Indigenous Participation in Decision-Making Processes

On their own, the Brundtland Report, United Nations Declaration on the Rights of Indigenous Peoples and the Rio Declaration may seem insignificant. Yet, together, they show
people that Indigenous knowledge can inform western science. They have provided Indigenous peoples with an avenue to express autonomy and indigeneity on a national level, resulting in the inclusion of Indigenous participation in decision-making processes. In some instances, this may be confined to consultation with Indigenous communities, in other instances, it may involve Indigenous groups joining with decision-makers at a local, regional or national level. Recently, however, Indigenous participation in decision-making processes has reframed the Western construct that Indigenous knowledge is invaluable (Lyver et al., 2014) and scientists, managers, and policy-makers have started to take Indigenous knowledge on board resulting in the creation of joint and collaborative management practices in colonial societies.

Joint management and collaborative management (co-management) are shared governance practices between two different groups. For the purpose of this research, joint management and co-management will be regarded as the shared governance between Indigenous groups and colonial powers. Lyver et al., (2014) have acknowledged that the two terms are often used interchangeably within literature but there is a distinction between the two. According to Lyver, et al., (2014: 90), joint management is “the vesting of power, authority and responsibility in a pluralistic governance body.” Whereas co-management is “a less specific and more flexible construct, characterised by ‘various forms of pluralistic influence’”. Co-management may also be seen to have three benefits (Pinel & Pecos, 2012, 593):

(a) to manage conflicts between indigenous, state, and other resource interests;

(b) to incorporate local and indigenous knowledge and cultural perspectives into the state’s resource management plans; and

(c) to facilitate shared responsibility for resource management.

Co-management and joint management practices have been seen to be employed in North America, Australia, New Zealand (Lyver, et al., 2014; Porter & Barry, 2016). Many Indigenous Australians have been working with the Australian government to protect their sacred areas. These have been identified as Indigenous Protected Areas and make up 25% of Australia’s national protected areas (Lyver, et al., 2014). Indigenous Protected Areas were created as a way to restore the country through collaborative processes between Indigenous peoples and the Government. The creation of Indigenous Protected Areas also enables the
conservation of the environment, cultural heritage and indigenous livelihoods while also allowing public use of the space (Lyver, et al., 2014). Collaborative and joint management arrangements have been regarded as “innovative power-sharing arrangements that reconcile indigenous rights and conservation” (Lyver, et al., 2014: 103). Pinel and Pecos (2012: 598) argue that, “co-management promises reduced conflict over state, Indigenous, and local resource management interests, inclusion of Indigenous and local knowledge into plans, and combined local and state management resources over time.” Their argument is in support of co-management practices occurring at Kasha Katuwe Tent Rocks National Monument in New Mexico, America. In this context, co-management occurs successfully and enables the Indigenous, Pueblo de Cochiti people to work with the United States Department of Interior and Bureau of Land Management to protect their significant areas (Pinel and Pecos, 2012).

Indigenous Autonomy

Efforts to decolonise societies have given Indigenous peoples a sense of empowerment in their attempts to maintain their cultures. Their past ‘radicalism’ ignited an international movement that would address the rights and voices of Indigenous peoples (Lam, 1992). This would then lead to the initiation of international declarations such as the Brundtland Report, the Rio Declaration, and the United Nations Declaration for the Rights of Indigenous Peoples (Jull, 2003). Once Indigenous rights became recognised on an international stage, Indigenous dreams began to be realised on a national level. However, positive shifts were also achieved independently of the international stage as many colonial governments started including Indigenous peoples into decision-making processes. In some instances, Indigenous peoples were not only involved in the processes but were involved in the decisions through collaborative and joint management practices (Lyver et al., 2014).

3.6. Synthesis

Throughout history, there have been countless events of non-Indigenous peoples colonising Indigenous peoples. A lot of the time, there was a misunderstanding of Indigenous peoples by newcomers. Mostly, there was the idea that Indigenous peoples were uncivilised and needed to alter their way of living so that they could live a more civilised life. However, newcomers were unaware of the traditions and knowledge held by Indigenous peoples. Through assimilative processes, Indigenous peoples lost their
traditions and knowledge as newcomers believed their knowledge was more civilised and therefore better. The understanding of the environment held by Indigenous peoples is inherited through thousands of years of living as a part of the environment. This understanding was not valued by newcomers who had their own agendas. Through acts of protest, rebellion, ‘radicalism’ and self-determination, Indigenous peoples have been able to assert their indigeneity. As a result, Indigenous knowledge has been proven to be of great value and can be used in tandem with Western knowledge and science which is shown through the establishment of collaborative and joint management practices.

The theory presented provides a basis of understanding for the reader as we continue this journey through Te Urewera. Of particular importance to the research are the contrasting perspectives of the environment to Indigenous and Western peoples. These contrasting perspectives will continue to be acknowledged throughout the research as they present a key argument around the validity of Indigenous knowledge. The following chapter seeks to refine the information presented in this chapter. It presents an analysis of literature pertaining to the topic in an attempt to contextualise resource management in Aotearoa New Zealand, and the initiation of legal entities.
4. Contextual Analysis

4.1. Introduction

As previously highlighted in Chapter Two, Indigenous peoples have a special relationship with the environment. This relationship is influenced by the range of values of the different Indigenous communities. New Zealand’s Indigenous peoples, Māori, are no different. The term, ‘tangata whenua’ is often used to describe Māori. In its purest form, this term is translated to mean ‘people of the land’. This, in itself, highlights the non-anthropocentric worldview of Māori people that is holistic and cyclic in nature (Ka’ai and Higgins, 2004). This chapter seeks to appraise the context of Te Urewera as a legal entity. Doing so will introduce the reader to Māori understandings of the environment. To understand fully the depth of respect Māori have for the environment, one must understand multiple Māori cultural concepts and ideals. For this reason, the concept whakapapa will be used to explain other concepts such as kaitiakitanga (environmental guardianship), tapu (restricted by spiritual elements), rāhui (temporary restriction on environment) and mauri (life force). Following this, a commentary of land confiscations and other matters will be discussed which will then lead into the effects of confiscation on Tūhoe people. After this, there will be discussion on Te Urewera, it becoming a national park and then introducing Te Urewera, the legal entity. Finally, the chapter will present Te Kawa o Te Urewera, an innovative environmental management document that reimagines environmental management.

4.2. Whakapapa

In Te Urewera, the Ngāi Tūhoe people live amongst the mist of the surrounding mountains (Mataamua and Temara, 2010). Tūhoe people trace their origins to their tūpuna (ancestors), Te Maunga (the mountain) and Hinepūkohurangi (the maiden of the mist). The eponymous ancestor, Tūhoe-Pōtiki is a direct descendent of these two ancestors. Through this genealogy, Ngāi Tūhoe have come to describe themselves as ‘ngā tamariki ō te kohu’, the children of the mist. In this respect, Ngāi Tūhoe have come to behave in a manner that is reflective of both their beliefs and understanding of their environment and their ancestry (Mataamua and Temara, 2010).
Tūhoe identity is encapsulated by its environment. The way Tūhoe understands themselves, the manner in which Tūhoe interact with each other and express themselves has, since the foundation of the tribe, been influenced by the environment (Stokes, 1986: 11).

This belief has moulded Tūhoe and its people for centuries as it shows a deeply rooted understanding and connection with the environment (Mataamua & Temara, 2010). This connection stems from an understanding of whakapapa. Whakapapa is often known to be genealogy however, it is a lot more than that. Whakapapa is about the connections that living things have with both the physical and spiritual environments (Ka’ai & Higgins, 2004). Extending beyond human connections, whakapapa transcends to a human connection with place, highlighted in the recitation of pepehā and the use of te reo Māori (Māori language). For example, if I were to recite my pepehā, ‘ko Panekire te maunga, ko Waikaretāheke te awa, nō Waikaremoana ahau’ I would be saying, ‘I connect with the mountain, Panekire, and the river, Waikaretāheke. I am from Waikaremoana’. The use of language in pepehā is important as it reveals the whakapapa between person and place on both a physical and metaphysical level. Furthermore, the language reveals that Māori are of a place and belong to a place rather than own or control a place. This is further highlighted in the lack of a Māori word for ownership as it is an introduced concept that does not resonate with the holistic and cyclic nature of a Māori worldview.

The notion that the Māori worldview is holistic and cyclic is important to understand in regard to environmental ethics and sustainability in traditional Māori society. Certain methods for sustainability were implemented in traditional times for the preservation of the environment so future generations could prosper (Williams, 2012). The idea that we do not own the land as it is on loan from our descendants is central to the importance of kaitiakitanga. In this instance, the role of the kaitiaki (guardian of the land) is given to the mana whenua (people who belong to and gain authority of a certain area) and it is up to them to ensure the environment is looked after in order to continue to sustain life in the future (Mutu, 2010). Knowledge of the environment is of high importance as it influences the way in which the environment is looked after. Relevant to this context is the concept of mauri. Mauri is the essence of life that is held by any living thing. Kaitiaki are responsible for protecting the mauri
of living things, such as the environment (Ka’ai & Higgins, 2004). Tūhoe recognise the mauri of Te Urewera and believe it is their responsibility to look after it.

Leopold’s (1987) description of environmental ethics almost perfectly aligns with the Māori perspective of land. In Māori society, the land is known as the atua (god), Papatūānuku (Earth Mother). Māori have a lot of respect for Papatūānuku as she is the one who supports, nurtures and sustains human life by providing sources of food, and other factors that are important for all forms of life. Not only does Papatūānuku provide sustenance for the living, but is also known to house and nurture the dead (Orbell, 1995). Acknowledging the land as an ancestor provides a deeply spiritual connection between the person and the environment. This connection is also symbolised at birth when the baby’s placenta (whenua) is buried in the ground (whenua) with a tree or plant. The use of the word whenua to mean both placenta and ground or earth implies a physical connection between person and the land. Placing the placenta into the earth is symbolic of giving back to Papatūānuku and allows her to provide sustenance for new human life (Ka’ai & Higgins, 2004). It is not only land that is respected. When hunting or fishing, Māori pay homage to the god of the forest, Tāne-Mahuta and the god of the ocean, Tangaroa, either in prayer or freeing the first animal that is captured. Doing so shows respect to the atua and their children (species that dwell in their habitat) (Barlow, 1994). What is important to understand is that through the concept of whakapapa (genealogy), Māori can trace their heritage to the gods like Tāne-Mahuta, Tangaroa and their brothers, then their parents, Ranginui and Papatūānuku and on through to Io, who is the supreme being and creator of the world (Barlow, 1994). It is whakapapa that enables Māori to form a connection to the environment which is holistic and sustainable for future generations.

There is a common understanding among many iwi throughout New Zealand that the land is on loan to us from our grandchildren (Williams, 2004). This understanding is relevant to this context as it shows the Māori desire to care for the environment and underpins the practice of kaitiakitanga. This understanding also opposes the European notion that the environment is available solely to provide for human sustenance and existence. It is not to say that Māori do not exploit the environment to provide for their own livelihoods and wellbeing. However, through continued existence in New Zealand and traditional practices that have been implemented to ensure the sustainability of the environment, Māori have had less involvement
in the degradation of the environment (Williams, 2004). Practices of kaitiakitanga, such as rāhui (temporary restriction), help to ensure the continued existence of environments and all that live within them. Rāhui were established to temporarily restrict access to certain resources, allowing for a more prosperous reproduction period (Williams, 2012).

In most instances, rāhui were assigned to an ecosystem to protect the different species living within it. Often, if there were signs of population loss of a species in a certain area, a rāhui would be assigned for a certain period of time to allow for the species to repopulate (Williams, 2012). Through a history of co-existence between nature and human, Māori have come to possess the knowledge and skills to understand the environment and many signs of the environment’s wellbeing. For example, during breeding seasons, if a breeding site that is often highly populated by birds is seen to be distinctively less populated, a rāhui will be placed on it to encourage repopulation. In other cases, rāhui have been assigned to protect species from the negative tapu (spiritual restriction) associated with death. For example, if a person were to drown at sea, a rāhui would be placed to protect both people and the different organisms living in that ecosystem from that form of tapu (Williams, 2012). Traditional or technical environmental knowledge is what allows Māori to recognise the dangers of these circumstances. Because the nature of this knowledge is based off a trial and error process, Māori have become aware of these dangers through their own lived experiences as well as the experiences of those before them. Oral traditions have enabled the passing down of this knowledge so that signs may be recognised by future generations (Williams, 2012).

These signs can be seen in the reaction of different living organisms to the changing seasons and weather patterns. Oral traditions of astronomy also helped direct Māori in their practices of kaitiakitanga and survival. Mataamua (2017) discusses the Matariki (Pleiades) constellation and how it has been read by Māori throughout their existence to determine Māori interactions with the environment. According to Mataamua and Temara (2010: 99), “each year during the rise of Matariki (Pleiades) in the eastern sky, Tūhoe tohunga invoked the ‘te mata o te tau’ ceremony where new shoots of growth were taken from the forest and burnt on an altar to ensure a plentiful harvest.” This was described as an example of consultation with the atua and was performed to reaffirm the relationship between Tūhoe and the environment. To be Tūhoe is to acknowledge and respect the relationship between yourself and your environment.
This relationship is inherent in a Tūhoe identity. Although it may not be realised by those who are living beyond their tribal boundaries, the inherent relationship between human and the environment, as well as the physical and spiritual realms, remains deeply rooted in a Tūhoe identity (Te Awekotuku and Nikora, 2003).

4.3. Raupatu – Confiscation of Te Urewera

First contact between Māori and Pākehā were generally positive. Hostility and animosity arose due to Pākehā misunderstandings of Māori practices. As a result, violence between the two peoples erupted and the European desire for power grew (Miles, 1999). At first, a Declaration of Independence was created and signed between the Crown and Northern Māori in 1835. Due to ongoing grievances between tribes as well as European settlers, overcrowding in the United Kingdom and many other issues occurring at this time, the Treaty of Waitangi was drafted (Hayward, 2004). Throughout 1840 the Treaty was signed by over 500 chiefs from the various iwi. Tūhoe were not signatories of the Treaty, however, they were still privy to the effects of colonisation and land confiscation (Miles, 1999). Thus, the confiscation of Te Urewera was a tense process full of many factors. This thesis will not attempt to explore all factors instead, it seeks to highlight some of the main contributing factors in a condensed analysis.

Confiscation of Tūhoe lands began in 1866 after an Order-in-Council was issued by the Crown so they could confiscate Tūhoe’s lands at their northern boundary. This was a response to the Crown punishing Tūhoe for their participation in the Waikato wars as well as the deaths of Reverend C. Volkner and James Te Mautaranui Fulloon in 1864 (Binney, 2009). From this point onwards, the Crown began to manipulate and alienate Tūhoe out of their lands. In 1871, the Crown had reached the final phase in their search for Te Kooti Te Ariki Te Turuki (Te Kooti). It was believed that he had taken up sanctuary in Te Urewera thus, the Crown, under the authority of the then Native Minister, Donald McLean, led a scorched earth campaign through Te Urewera (Binney, 2004). In order to do so, an agreement was made between Tūhoe chiefs and McLean. The chiefs were required to leave their settlements to live temporarily on reserves while the Crown swept through Te Urewera. This campaign had devastating effects on Tūhoe people as they were left vulnerable while their chiefs were cooperating with the
Crown. In return, the Crown would come to recognise Tūhoe’s autonomy in Te Urewera and the chiefs’ authority to govern their own rohe (area/district).

In June, 1872, at a hui (gathering) in Ruatāhuna, Te Whitu Tekau was formed to reaffirm the agreement made between Tūhoe chiefs and McLean. Te Whitu Tekau was a union of the chiefs of the different hapū (subtribes) of Tūhoe. Paerau, one of the chiefs, wrote to McLean informing him of Te Whitu Tekau and formalising the union (Binney, 2004: 242). Te Kooti had a lot of influence in Te Urewera throughout this period. The ideologies behind Te Whitu Tekau, although steeped in Tūhoe tradition, reflected Te Kooti’s teaching of the Ringatū faith. Te Kooti also issued a warning to Tūhoe upon his return in 1884 and presented in one of his compositions, ‘Kāore te pō nei mōrikarika noa’ (Binney, 2004). This waiata tohutohu (song of instruction) advises Tūhoe to remain cautious of the Crown and warns, “if the newly created regional Land Boards should ever gain authority within the Rohe Pōtæ, then the land would indubitably vanish through their hand-in glove relationship with the Native Land Court” (Binney, 2004: 244).

As Te Kooti’s influence in Te Rohe Pōtæ began to be realised by the Crown, the Crown became less willing to allow Tūhoe to assert autonomy. An example of this is John Ballance retracting his promise that the Native Committees Act 1883 would create a separate district for Tūhoe. Reasoning for this rested in the belief that Te Kooti’s principles “are to keep the land locked up” and unapproving of “Lands being surveyed, or passed through the Court” (Binney, 2004: 244). In 1889, the Resident Magistrate at Wairoa, Samuel Locke, visited Te Urewera with the intention of surveying it so there may be access to the land and its resources. Tūhoe had been strongly opposed to the surveying of their lands out of fear they would be confiscated. The desire to prospect Te Urewera was due to rumours of gold within Te Urewera’s rugged terrain. As a result, Tūhoe began developing ways to manage prospecting attempts to survey and alienate the land (Binney, 2004, Bright, 1997). In 1895, the threat of a small war approached Tūhoe as the Crown began surveying Tūhoe’s external boundaries for a strategic road to Waikaremoana. After the impending arrival of Police from Auckland and Wellington as well as military troops, negotiations were sought for Tūhoe to allow the Crown to continue surveying. This agreement resulted in the creation of the Urewera District Native Reserve Act in 1896 (Miles, 1999). The purpose of this Act was to uphold the 1971 agreement made
between Tūhoe and McLean. Yet, as recorded by Binney (2004: 242), this Act became “the means by which successive governments would devour Tūhoe’s lands.” The foundations of this Act lay in Seddon’s acceptance that the whole of Te Urewera should become a reserve, recognising that Tūhoe have autonomy in this area. Thus, the Act reflected and legislated the promise made by McLean to Tūhoe in 1871 (Williams, 2010).

The Urewera District Native Reserve Act 1896 made Tūhoe’s lands exempt from the Native Land Court. Instead, the Crown were able to manipulate Tūhoe directly through this Act. Firstly, the Act established an authoritative committee of seven members consisting of five Tūhoe and two Crown representatives (Binney, 2004). At face value, this Act was progressive for Tūhoe and gave them legislative autonomy within their boundary. Yet, the parameters set in the Act opened a door for the Crown to take control of Tūhoe lands. Through the Act, Tūhoe had the power to elect a general committee to represent Tūhoe in matters regarding their lands. This Committee were also given “the sole authority to alienate land – and then only to the Crown – and to give ‘cession for mining purposes’” (Binney, 2004: 245). Binney (2004) argues that Tūhoe had authority in Te Urewera before the Act was passed and lost authority after it was enacted. Binney (2004: 246) continues, stating, Te Urewera “was the last area in the country where the ‘Queen’s writ’ did not run.” Binney’s sentiments are acknowledging that in Tūhoe’s struggle to maintain autonomy within their rohe, they turned a blind eye to the desires of the Crown. The Crown had the first right to purchase Tūhoe lands, they could outbid any opponent and they also had all the resources to mine the land. All they needed was a little instability and uncertainty between Tūhoe chiefs elected to the general committee overlooking their lands.

Continued speculation around the unknown wealth that may lie beneath Te Urewera created the need for Tūhoe to maintain their authority in the area. To ensure the maintenance of Tūhoe authority, Rua Kenana Hepetipa emerged as Te Kooti’s predecessor (Miles, 1999). Rua absorbed the teachings of Te Kooti and claimed to be the sole leader for Mataatua. Rua’s claim was not accepted by all chiefs as many were suspicious of his intentions and saw him as self-seeking. In 1907, Rua offered to sell some land to the Crown so he could raise money for

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2 Mataatua was one of the many waka (canoes) that travelled the Pacific Ocean to New Zealand and is recognised as a kinship group for those whose ancestors arrived on that waka.
his new community, City of God, at Maungapōhatu. This offer created a lot of division and tension amongst other Tūhoe leaders such as Numia and Te Pouwhare Te Roau (Miles, 1999; Binney, 2004). At this time, there had been no election of members for the general committee that was legislated under the Urewera District Native Reserve Act 1896. As a result, there was a rush to elect members to the committee and a desire to shut Rua out of this committee. Some chiefs wrote to the Crown, sending caution about Rua as well as alerting them that he had contacted European prospectors, allowing them to explore Te Urewera (Binney, 2004). This went directly against the legislation by going around the Crown on a mining-related prospect. However, this action had little effect on the Crown. What these leaders did not realise was that there were two differing perspectives with the same goal in mind, how best to preserve Tūhoe control.

The Crown could see that there were two different perspectives, one guiding Rua and the other guiding Numia and Te Pouwhare. This resulted in pitting the two against each other so the Crown might take ownership of Te Urewera (Binney, 2004). This was further achieved through the division of land into land blocks as well as manipulating and influencing the decisions of the union of Tūhoe leaders that the Government had appointed Rua to. The appointment of Rua to the general committee to represent Tūhoe was facilitated by Apirana Ngata who was the Member of the Executive Council representing the Native Race during this time. Ngata was motivated by knowing that Rua’s involvement would be the only means by which the Crown could begin to exercise its capacity to purchase land within Te Urewera (Binney, 2004). Between 1910 and 1912 Native Minister, William Herries, began purchasing lands from individual owners rather than through the general committee at the Crown’s nominated price. Doing so emphasised the monopoly held by the Crown in regard to land purchase. According to Binney (2004: 251), “state capitalism had placed them [Tūhoe] as absolute dependents on the government’s offers.” After Rua’s arrest in April 1916, the Crown continued to purchase Tūhoe lands based on the understanding that:

*The best way to assist Rua’s people and to help European settlement at the same time will be to send the Land Purchase Officer into the district to continue the purchase of their surplus lands (Binney, 2004: 253).*
Between 1915 and 1921 the Crown had acquired over half of Te Rohe Pōtae. The consolidation process for these lands began in 1921 and alienation of the land was not permitted, unless by the Crown, until the completion of this process. The Urewera District Native Reserve Act 1896 was repealed and its general committee abolished (Miles, 1999). Although strong in their determination to maintain autonomy in their lands, the final result left the descendants of Tūhoe-Pōtiki essentially landless in their own rohe. However, this is the non-Māori perspective. As previously discussed, the concept of ownership is foreign to Māori and their understandings of land. Legislation, therefore, is an inappropriate way to recognise Māori ownership of a place. ‘Ownership’ of a place, in a Māori paradigm, is reflected in the Māori held knowledges and understandings of certain places. Therefore, although the Crown may have acquired Tūhoe lands, Tūhoe people never lost their intrinsic bond with Te Urewera, no matter the effects of displacement and exclusion from their ancestral homelands. The restrictions in place limited the physical relationship between Tūhoe and Te Urewera. The intrinsic relationship that Tūhoe people have with Te Urewera through right of whakapapa still remains. This made the longing for the place and the desire to look after it so much stronger than the Crown would have thought.

4.4. Ngā Tau Mokemoke – The Years of Longing

The depth of knowledge and understanding Tūhoe peoples have for the environment, as mentioned previously, goes beyond their inherent relationship with the landscape. A Tūhoe whakataukī (proverb) encapsulates this concept almost perfectly; Tūhoe moumou kai, Tūhoe moumou taonga, Tūhoe moumou tāngata ki te pō. I have come to understand this whakataukī to mean, ‘Tūhoe with an abundance of food, Tūhoe with an abundance of treasures, Tūhoe with an abundance of people’. When integrated into this context, the whakataukī can be seen to demonstrate Tūhoe’s relationship with their environment. Essentially, Tūhoe people know their environment so well that they can harvest an abundance of food to sustain an abundance of people. Whenever I return home to Tuai in Waikaremoana I see the realisation of this whakataukī through the amounts of vegetables growing from the very fertile soil. This whakataukī was also used during the Tūhoe claims process;

Tūhoe moumou kai – Tūhoe, renowned for generosity. Tūhoe moumou taonga – generosity that has seen the lands and people of Tūhoe become living bastions of culture and language for all Māori people. Tūhoe
moumou tangata ki te pō – Tūhoe, renowned for steadfast determination, resilience, fearlessness (Sharples, 2013).

Following the Crown’s consolidation of Tūhoe lands in 1921, Tūhoe people had limited access to the most fertile lands of Te Urewera. Instead, they were restricted to small, untenable lands, forcing Tūhoe people into poverty. From 1954, Te Urewera was designated a National Park, to be enjoyed by all (Coombes and Hill, 2005). The present section seeks to discuss the impact of Tūhoe’s displacement from Te Urewera as a result of the Crown’s acquisition of Tūhoe lands. It will also introduce the legislation that governed Te Urewera from 1954 until 2014, the National Parks Act.

Physical Displacement from Place

Displacement of Tūhoe from their ancestral homelands was a result of colonisation, loss of land and economic destitution (Te Awekotuku & Nikora, 2003). Tūhoe descendants were thus forced to disperse themselves throughout New Zealand. There are still Tūhoe people living in small pockets within the rohe, however, the majority live outside of this area. Ngahuia Te Awekotuku and Linda Waimarie Nikora (2003) address six key characteristics of displacement. These are; landlessness; joblessness; homelessness; marginalisation; food insecurity, morbidity and mortality; and loss of access to common property resources and community disarticulation. Landlessness was a catalysing shackle that influenced the other characteristics of displacement. Although Tūhoe were not entirely landless, there were still restrictions on the way in which they interacted with the land. As a result, there was an inability for Tūhoe to practice their role as kaitiaki of Te Urewera. European settlers brought a variety of introduced species of flora and fauna with them which had a negative impact on the indigenous species. This was seen through the infestation and destruction of habitats and livelihoods of indigenous flora and fauna (Te Awekotuku & Nikora, 2003). In pre-colonial times, Tūhoe would have been able to take their time to understand the new species and put traditional methods in place to protect the indigenous species through their practice of kaitiakitanga. Yet, as Tūhoe people had restricted access to their lands, they were unable to take part in the management and protection of their environment.
Displacement from Community

The displacement of a person from a place instils a sense of disconnect of person from the community to which they belong. The displacement of Tūhoe from Te Urewera resulted in the dispersing of Tūhoe people throughout New Zealand (Te Awekotuku & Nikora, 2003). This created another characteristic of displacement which I will argue is a type of loneliness. However, in this sense, it is more than just loneliness, it is stronger than loneliness. It includes a sense of longing and intimate love for something. This is called mokemoke. Mokemoke is a Māori term that does not have a distinct English translation. It encompasses every emotion that comes with loneliness and the best way to describe it is the emotion one feels when a loved one passes away. Mokemoke is a common emotion felt by those living away from their tribal homelands. As someone who has grown up away from my tribal area, I am acutely aware of this disconnection. Now, it is a lot easier for people to return to their ancestral lands. In the past, however, this privilege was not always available. For Tūhoe people who lived outside of the rohe, they began to come together and form communities where they could express their Tūhoetanga (elements that make up a Tūhoe identity). In Wellington, for instance, some Tūhoe people came together to maintain their Tūhoe reo, kawa and tikanga in the form of a kapa haka (Māori performing arts) group, Tū Te Maungaroa (Black, 2016).

Tū Te Maungaroa performed the waiata (song), ‘Te Aumangea’ at the Festival of the Māori Performing Arts (now known as Te Matatini) in Hawera, Taranaki, in February 1994. This waiata was composed in 1993 by Tīmoti Karetu, (Ngāi Tūhoe, Ngāti Kahungunu, Ngāti Raukawa) a stalwart in the revival, use and prosperity of te reo Māori and is a lament for the many Māori leaders who have passed on (Kāretu, 1995). There are three themes embedded within this waiata. First, the lost connection to the leaders who have passed on. This is the distinct message of the waiata. Second, the waiata recognises the disruption to the forest and the impact that has on the ecosystems, specifically the birds, living within the forest. This is an example of technical environmental knowledge. Finally, this waiata recognises new growth of the forest so that prosperity may occur and that the birds may sing once more. The lyrics and translation to ‘Te Aumangea’ are below in Table 3.
<table>
<thead>
<tr>
<th>Lyrics in Māori</th>
<th>English Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>E koutou, e te aumangea</td>
<td>You, my towers of strength,</td>
</tr>
<tr>
<td>Kei hea koutou hei āki</td>
<td>Where are you to oppose</td>
</tr>
<tr>
<td>l ngā hau kino o te wā?</td>
<td>The negative element which assails us?</td>
</tr>
<tr>
<td>I te wao tapu nui a Tāne</td>
<td>In the sacred forest of Tāne,</td>
</tr>
<tr>
<td>Urutapu ana, ururua ana, matomato ana</td>
<td>In a natural state, in the undergrowth, lush and green</td>
</tr>
<tr>
<td>Te tipu mai o te kahikatoa</td>
<td>Grew the kahikatoa</td>
</tr>
<tr>
<td>O te tōtara haemata</td>
<td>And the sturdy tōtara</td>
</tr>
<tr>
<td>Nō te hinganga, tūpapahū ana te whenua</td>
<td>When felled, the earth resounded with their crashing</td>
</tr>
<tr>
<td>Ka kore koutou kei hea he taunga</td>
<td>Without you, where is there a perch</td>
</tr>
<tr>
<td>Mō te manu kaewa?</td>
<td>For the wandering bird?</td>
</tr>
<tr>
<td>Kurupūkara ana tērā te māra a Tāne</td>
<td>The garden of Tāne, once filled with the noise</td>
</tr>
<tr>
<td>l te pekī, i te tihau a ngā manu</td>
<td>Of the twittering and the chirping of the birds</td>
</tr>
<tr>
<td>Kua kore nei i tiu, kua kore nei i topa</td>
<td>Are no longer able to soar and swoop</td>
</tr>
<tr>
<td>Kia pātai noa ahau</td>
<td>Thus causing me to ask,</td>
</tr>
<tr>
<td>Kei hea aku manu tōiori,</td>
<td>Where are my sweet sounding birds,</td>
</tr>
<tr>
<td>Aku manu taki, aku manu tāiko</td>
<td>My sentries who guarded the flock</td>
</tr>
<tr>
<td>l te kāhui e pōkaikaha nei</td>
<td>Now confused, now unsettled?</td>
</tr>
<tr>
<td>Aue! kia tōiori noa mai</td>
<td>Ah me! If only the birds would sing sweetly once more,</td>
</tr>
<tr>
<td>Ko te manu</td>
<td>If only the kākā would once again sing and chatter,</td>
</tr>
<tr>
<td>Kia kōkī, kia ketekete mai anō</td>
<td>If only the bell-bird would again sing</td>
</tr>
<tr>
<td>Ko te kākā</td>
<td>At the dawning of a new day</td>
</tr>
<tr>
<td>Kia korihī mai anō</td>
<td>How I do mourn you all.</td>
</tr>
<tr>
<td>Ko te kōparapara</td>
<td>Perhaps one should keep their memory alive</td>
</tr>
<tr>
<td>l te pāaotanga o te rā</td>
<td>And remember what they had to say</td>
</tr>
<tr>
<td>Te tangi kau nei te mapu.</td>
<td>Thereby will rise</td>
</tr>
<tr>
<td>Tērā pea me kapo ko te mahara</td>
<td>Another sapling, another sturdy tree</td>
</tr>
<tr>
<td>Me kapo ko te kupu</td>
<td>And the birds of the forest</td>
</tr>
<tr>
<td>Mā reira e tu mai anō ai he māhuri</td>
<td>Will once more soar and sing</td>
</tr>
<tr>
<td>E tiu anō ai</td>
<td></td>
</tr>
<tr>
<td>E korihī anō ai</td>
<td></td>
</tr>
<tr>
<td>Ngā manu o te wao.</td>
<td></td>
</tr>
</tbody>
</table>

Ultimately, the *waiata* shows a distinct connection between people and the forest, comparing people with the trees. As the trees disappear, so does the singing of the birds. As the people disappear, so do the memories of the past and of the place. With his connections to Tūhoe, I imagine that Karetu envisioned Te Urewera throughout the composition. The silence of bird song a reminder of the impact of introduced species into Te Urewera, and an impact of Crown governance over an area they only admired for the vast expanse of its beauty.
4.5. Te Urewera National Park

In 1954, Te Urewera was legislated as a national park, under the jurisdiction of the National Parks Act 1980, so that it may be enjoyed by all. Section 4 of the Act declares that all parks identified within this legislation are “to be maintained in natural state, and public to have right of entry.” Section 4 (1) states the purpose of the Act is:

Preserving in perpetuity as national parks, for their intrinsic worth and for the benefit, use, and enjoyment of the public, areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique or scientifically important that their preservation is in the national interest.

This section of the Act highlights the importance of preserving national parks for many factors. Notably, cultural significance is not explicitly identified in this section thus, showing disregard toward Māori relationships with their environments. Furthermore, Section 4 (2) of the Act declares that:

Having regard to the general purposes specified in subsection (1), national parks shall be so administered and maintained under the provisions of this Act that-

(a) They shall be preserved as far as possible in their natural state:

(b) Except where the Authority otherwise determines, the native plants and animals of the parks shall as far as possible be preserved and the introduced plants and animals shall as far as possible be exterminated:

(c) Sites and objects of archaeological and historical interest shall as far as possible be preserved:

(d) Their value as soil, water, and forest conservation areas shall be maintained:

(e) Subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the native plants and animals or for the welfare in general of the parks, the public shall have freedom of entry and access to the parks, so that they may receive in full measure the inspiration, enjoyment, recreation, and other
benefits that may be derived from mountains, forests, sounds, sea-coasts, lakes, rivers, and other natural features.

This aspect of the Act shows the Crown’s duty and desire to care for the national parks as well as the ecosystems living within them. Section 4 (2) (e) also grants freedom of access to the public. Again, however, it does not explicitly refer to cultural matters.

Section 5 declares indigenous plants and animals to be preserved, stating in subsection (1):

No person shall, without the prior written consent of the Minister, cut, destroy, or take, or purport to authorise any person to cut, destroy, or take any plant or part of a plant that is indigenous to New Zealand and growing in a national park.

And in subsection (2) states:

No person shall, without the prior written consent of the Minister, disturb, trap, take, hunt, or kill, or purport to authorise any person to disturb, trap, take, hunt, or kill any animal that is indigenous to New Zealand and found within a national park.

Te Urewera has traditionally been a life source for Tūhoe people since time immemorial. Section 5 therefore inhibits Tūhoe from practicing traditional methods of food harvesting and other practices important to Tūhoe culture.

Section 5A (1) allows for the introduction of biological organisms as a method to control wild animals or animal pests or plant pests in any national park. The introduction of biological organisms must be consistent with subsections (2) and (3):

(2) Before granting an approval under subsection (1), the Minister shall-

(a) consult the New Zealand Conservation Authority; and

(b) have regard to whether –

(c) any introduced organism will itself become a problem or adversely affect any other indigenous organisms, or have a negative impact on any ecosystem; and

(d) there is sufficient scientific advice, supported by research, to indicate that none of these will occur.
(3) An authority granted under subsection (1) shall not be inconsistent with any provision in-

(a) any other Act applicable to the import, genetic modification, or use of the organisms concerned; or

(b) any general policy adopted under section 44; or

(c) any conservation management strategy or management plan.

As these examples demonstrate, the Act envisages a duty to care for the environments within national parks. However, the National Parks Act 1980 is a single legislation for multiple environments thus, expecting each national park to fit one method of conservation. This Act also disregards Indigenous knowledge and attitudes towards land. Hence we see this legislation take the mana (supernatural force in a person, place or object) to care for Te Urewera away from Tūhoe, who have an intrinsic bond with the landscape. This Act will later be discussed in comparison with the Te Urewera Act 2014.

4.6. Te Mana Motuhake o Tūhoe

The Treaty of Waitangi Act 1975 was passed as a result of the Crown not honouring the Treaty of Waitangi. The purpose of the Act is to allow Māori to seek retribution for Crown actions which contradict the principles of the Treaty of Waitangi. Through this Act, the Waitangi Tribunal was established to listen to claimants and make recommendations to the Crown around how they may rectify their past wrongdoings (Hamer, 2004). Many of these wrongdoings include confiscation of land, assimilation of culture and treatment of Māori. At the beginning, the Tribunal could only look at current issues from 1975 onwards until 1986 when the Tribunal could address historic grievances of the Treaty dating back to its signing in 1840 (Hamer, 2015). This section seeks to explore the Treaty of Waitangi Act 1975 and the way in which it impacted New Zealand legislation, in order to understand the context of how Te Urewera came to be identified as a legal entity.

Due to the discrepancies within the two different versions of the Treaty of Waitangi (English and Māori), it was difficult for the Waitangi Tribunal to address issues as there was
no basic understanding of the Treaty for both Māori and English. For this reason, there were five key principles identified within the Treaty (Treaty of Waitangi Act, 1975). These principles are (in no particular order), active protection, partnership, consultation, redress and government (New Zealand Office of the Parliamentary Commissioner for the Environment and Waitangi Tribunal, 1988). If Crown actions are seen to prejudicially contravene any of these principles, iwi are able to submit a Treaty claim to the Waitangi Tribunal. In 1986, after the Tribunal’s scope was extended to the signing of the Treaty in 1840, Māori began to seek redress for any land confiscated or any impact on resources or taonga (treasured item). The term taonga is important in this context as it can apply to anything tangible or intangible that is significant to Māori which can range from natural resources such as water or land, carvings or language. In most instances, something is identified as a taonga if its importance has been identified within songs, storytelling or if there are designated kaitiaki of it (Hamer, 2015). The tribunal has explored a plethora of Treaty Claims which have resulted in an array of different outcomes such as, yet not limited to, the acknowledgement of te reo Māori as a taonga and an official language of New Zealand. The most common type of Treaty Claims are in regard to issues around land which was one of the key reasons behind extending the Tribunal’s scope.

Tūhoe Claims Settlement Act 2014

The Tūhoe Claims Settlement Act was enacted in July, 2014. The settlement addresses a combination of 40 Treaty claims lodged by iwi and hapū living in Te Rohe Pōtae o Tūhoe between 1987 and 2003 (Waitangi Tribunal, n.d.) . The background of these claims were discussed within Te Urewera Report which was released in eight volumes. The report analysed the history of Tūhoe, Te Urewera as well as the impact Crown manipulation, land confiscation and loss of mana motuhake had on the social, economic and environmental prosperity of the people and place (Waitangi Tribunal, n.d.). The purpose of the Tūhoe Claims Settlement Act 2014 is to record the Crown’s apology to Tūhoe and ensure that the provisions of the Deed of Settlement give effect to Tūhoe’s historical claims. The Tūhoe Deed of settlement is the final settlement of all of Tūhoe’s historical Treaty of Waitangi claims against acts or omissions of the Crown between February 1840 and September 21, 1992 (Tūhoe Claims Settlement Act 2014). It is made up of four key features. First, an agreed historical account between Tūhoe and the Crown, as well as Crown acknowledgements and apology. Second, redress over Te Urewera and other cultural redress. Third, redress in relation to mana motuhake. Finally, financial and commercial redress. The outcomes of this Deed of Settlement were negotiated by
Te Kotahi ā Tūhoe, whose mandate was recognised by the Crown in 2007. This Deed of Settlement was ratified by Tūhoe people in June, 2013 and implemented in 2014 after the passage of the Tūhoe Claims Settlement Act (Tūhoe Claims Settlement Act 2014). One of the key outcomes from this settlement was the recognition of Te Urewera as its own person as legislated within the Te Urewera Act 2014.

Te Urewera Act 2014

Te Urewera Act 2014 was established to grant Te Urewera status as a legal entity (Section 4). The Act recognises Te Urewera as a forest that spans almost the entire Tūhoe rohe from Waikaremoana to Ruatoki. Te Urewera is of spiritual value to Tūhoe, who dwell within the forest, and has its own mana and mauri. The belief that Te Urewera is the heart of the North Island is central to Tūhoe’s perception that Te Urewera should have legal recognition. The Crown also shares this same view that Te Urewera should have the rights of a legal entity. For this reason, the Crown and Tūhoe have sought to protect Te Urewera in a manner that reflects the culture and values of New Zealand (Te Urewera Act 2014, Section 3).

Although Te Urewera has been declared a legal entity with all the rights, powers, duties, and liabilities of a legal person, Te Urewera Board exercises and performs the rights, powers and duties of Te Urewera on its behalf. The liabilities of Te Urewera are also under the responsibility of Te Urewera Board (Te Urewera Act 2014, Section 11).

The Te Urewera Board has a duty to act on behalf of, and in the name of Te Urewera, and the Board maintains this role with full capacity and all the powers necessary to achieve its purposes and perform its functions as the voice of the living personality of Te Urewera (Te Kawa o Te Urewera, 2017: 9).

Te Urewera Board functions to ensure that appropriate measures are made to manage the best interest of Te Urewera such as creating and implementing a management plan, preparing and initiating proposals and recommendations for any land interests to name but a few (Section 18). For the first three years after the settlement date, the Te Urewera Board followed a co-management structure where four members of the Board were appointed by the trustees of Tūhoe Te Uru Taumatua (Tribal Authority Group), and four members were
appointed by the Minister of Conservation and the Minister for Treaty of Waitangi Negotiations. After three years, the co-management structure of the Board changed to six members appointed by Tūhoe Te Uru Taumatua and three members appointed by the Minister, allowing Tūhoe to exercise rangatiratanga over Te Urewera with some guidance from the Crown (Te Urewera Act 2014).

Section 4 of the Act sets out its purpose:

To establish and preserve in perpetuity a legal identity and protected status for Te Urewera for its intrinsic worth, its distinctive natural and cultural values, the integrity of those values, and for its national importance, and in particular to –

(a) strengthen and maintain the connection between Tūhoe and Te Urewera; and

(b) preserve as far as possible the natural features and beauty of Te Urewera, the integrity of its indigenous ecological systems and biodiversity, and its historical and cultural heritage; and

(c) provide for Te Urewera as a place for public use and enjoyment, for recreation, learning, and spiritual reflection, and as an inspiration for all

In contrast to Section 4 of the National Parks Act 1980, this section of Te Urewera Act 2014 positively reflects the relationship between Tūhoe and Te Urewera. Additionally, it identifies Te Urewera as a legal entity and declares its protection. In this sense, the Act completely reflects the values of Te Urewera, as a legal identity, within the legislation. Following the Act’s purpose, section 5 establishes the principles for the implementation of the Act:

(1) In achieving the purpose of this Act, all persons performing functions and exercising powers under this Act must act so that, as far as possible, -

(a) Te Urewera is preserved in its natural state:

(b) The indigenous ecological systems and biodiversity of Te Urewera are preserved, and introduced plants and animals are exterminated:

(c) Tāhoetanga, which gives expression to Te Urewera, is valued and respected:
(d) The relationship of other iwi and hapū with parts of Te Urewera is recognised, valued, and respected:

(e) The historical and cultural heritage of Te Urewera is preserved:

(f) The value of Te Urewera for soil, water, and forest conservation is maintained:

(g) The contribution that Te Urewera can make to conservation nationally is recognised.

Section 5 allows the public to have freedom of entry and access to Te Urewera. In its explicit reflection of the values of Te Urewera, the Act is reframing Western perceptions of environmental management and conservation. Ultimately, the legislation shows an attempt to reconnect the human-nature relationship. Hence why the most significant part of the Act is section 11(1), which declares “Te Urewera is a legal entity, and has all the rights, powers, duties, and liabilities of a legal person.”

This section is significant because for the first time in New Zealand’s colonial history, a feature of our environment is being recognised as a person through legislation thus, removing its recognition as a national park. Māori lore has always acknowledged the intrinsic value of all living things through the understanding of wairua and mauri. Yet, colonial law has only recently started to identify this.

Section 12 revokes the mandate of Te Urewera through any other legislation that is not the Te Urewera Act 2014, such as the Conservation Act 1987, Land Act 1948, National Parks Act 1980, and Reserves Act 1977. Also important is section 13 which declares Te Urewera to be inalienable.

The use of property rights to regulate human disputes arising from human society is no longer permissible in and of Te Urewera. Te Urewera may never again be owned by people (Te Kawa o Te Urewera, 2017: 12).
Part 2 of the Act establishes the governance and management of Te Urewera. As previously mentioned, Te Urewera Board was established for this purpose. One of their functions is to create a management plan for Te Urewera, this being Te Kawa o Te Urewera.

4.7. Te Kawa o Te Urewera

Iwi Management Plans have previously been established so iwi have an opportunity to be involved in resource and environmental management. However, to be involved, iwi generally have to compromise to Western values and present their Iwi Management Plan’s so they may be read and understood by Western Powers. Thompson-Fawcett, Ruru and Tipa (2017: 260), Māori researchers in resource and environmental management fields, discuss the efficacy of the strength of Iwi Management Plan’s, questioning whether the intended audience hear what iwi are saying, “are Māori pandering to the desires of a Colonial system while draining their own resources… and all to limited effect?”

Thompson-Fawcett, Ruru and Tipa (2017: 260) question whether the planning system allows indigenous groups to develop a more culturally appropriate style rooted overtly in Indigenous values, practices and tools. One with a stronger emphasis on “an integrated indigenous model of planning, from mountains to sea, physical to spiritual, past to future. But what would this look like?” Where the authors argue iwi management plans, I argue Te Kawa o Te Urewera.

Te Kawa o Te Urewera (Te Kawa) is a recent environmental management plan that challenges New Zealand’s current resource management practices and “serves to disrupt the norm” (Kruger, 2017: 7). The ‘norm’ that Kruger, chairperson of Tūhoe Te Uru Taumatua, is highlighting is the current anthropocentric view that humans have in regard to environmental management.

*The use of property rights by the western legal system has hidden from view the concept of nature; rendered her parts as natural resources now capable of rival priorities competing with other household choices (Te Kawa o Te Urewera, 2017: 12).*

Because we, humans, put ourselves before the environment, the Te Urewera Board believes that human kind has lost touch with our relationship with the environment. Te Kawa
challenges norms because it is not a management plan, it is a kawa. It is a series of protocols established to promote the human-nature relationship. In doing so, it also establishes a way of life for those who have a relationship with Te Urewera.

Deliberatively, we are resetting our human relationship and behaviour towards nature. Our disconnection from Te Urewera has changed our humanness. We wish for its return (Te Kawa o Te Urewera, 2017: 7).

In resetting our human relationship and behaviour towards nature, Te Kawa o Te Urewera suggests we manage the relationship humans have with the environment than the environment itself. Te Kawa argues that humans are the cause of negative impacts on the environment so we should alter our behaviours so we have less of an impact.

If Te Kawa has a true purpose it is one that hopes to draw people closer to Te Urewera; respecting the role that people play in achieving nature’s balance if we have a wish for a secure future; and to encourage progress that inspires sustainable and disciplined prosperity (Te Kawa o Te Urewera, 2017: 12).

Reimagining the human interaction with nature and environmental management is not a process that can occur over night. It is going to be a long process of unlearning, rediscovery and relearning.

Implementing the new Te Urewera Act and Te Kawa o Te Urewera will involve a process of unlearning, rediscovery and relearning to seize the truth expressed by our beliefs. Enjoying the confidence to cope with elements of uncertainty and contrast nevertheless staging our approach respectably (Te Kawa o Te Urewera, 2017: 9).

This process is an example of technical environmental knowledge as it shows an indigenous approach to understanding of the environment. By unlearning current practices, Tūhoe can rediscover old practices and learn once more how to care for the environment. However, this is not an opportunity for Tūhoe alone. It is an opportunity for Tūhoe and anyone else who has an interest in Te Urewera to commit to this process so Te Urewera may prosper once more.
Together, tanata whenua and manuhiri will work to establish proof of success and with that creative models and redesigned methods of tested approach (Te Kawa o Te Urewera, 2017: 9).

By providing a management plan that is intended for Tūhoe and non-Tūhoe peoples, there is an ability for others to understand Tūhoe perspectives of the environment. This is identified in Te Kawa through the simplicity of text that is easily understood by all. The difference between Te Kawa and other environmental management plans is that Te Kawa is not based on laws or policies. “Rather, Te Kawa records principles as law, and traditions and beliefs as the sense of a better future” (Te Kawa o Te Urewera, 2017: 9). Thus, recognising the duties of humans to care for the environment and the advantages that has for people.

*Humanity has much to gain from reigniting a responsibility to Te Urewera for within these customs and behaviours lies the answers to our resilience, to meet a forever changing climate. Through committing to Te Urewera values, we are innovating our instincts and adjusting our behaviour to ensure a prosperous future that is secure (Te Kawa o Te Urewera, 2017: 11).*

Te Kawa o Te Urewera also seeks to help people realise the impacts of our actions or inactions have on the environment.

*Te Kawa guides us through understanding our tanata whenua and manuhiri responsibilities to enliven Te Urewera, with due recognition to the pressures our lifestyles are having now so-often negative on Te Urewera (Te Kawa o Te Urewera, 2017: 11).*

The use of the words *tanata whenua* (people of the land in Tūhoe dialect) and *manuhiri* in this document allude to the need for Māori to work as one with non-Māori on issues such as this. Doing so provides perspectives, knowledges and understandings from differing worldviews and opinions.

*With a united sense of responsibility and new eyes we perceive new pressures, notice neglected areas in urgent need of attention, judge broader*
urgencies and seek to reorder priorities by which to encourage the true health of Te Urewera (Te Kawa o Te Urewera, 2017: 12).

Furthermore, working in partnership with non-Māori makes both parties accountable for each other and the environment. If there are issues with Te Urewera, both parties can come together to find solutions and both can celebrate the success of any implemented environmental management or pest control practices.

Together, we will pioneer tomorrow’s answers today and as we reconnect and bind ourselves to all life around us, our sense of duty and responsibility for Te Urewera grows (Te Kawa o Te Urewera, 2017: 12).

This is important because it shows how determined Tūhoe and Te Urewera Board are in protecting the wellbeing of Te Urewera. This is a lifelong commitment and it has the potential for influencing the way in which New Zealand manages the environment as a nation. Where “Te Kawa… looks to excite the human relationship with the living system of Te Urewera,” New Zealand may look to excite the human relationship with the living system of Aotearoa (Te Kawa o Te Urewera, 2017: 11).

4.8. Synthesis

This chapter sought to highlight the relationship Tūhoe people have with their environment and with Te Urewera. In doing so, the chapter provided a brief account of some of the histories of the confiscation of Te Urewera which influenced the ways Tūhoe were disconnected from the environment. This relationship and history, although already known, must be continually emphasised to ensure the prosperity of Te Urewera and Tūhoe people. The inherent bond between the two knows no bounds and will remain between the two in perpetuity. This is not to say that others may not share in a similar relationship with Te Urewera. That is the purpose in recognising the legal personhood of Te Urewera, so all who wish to, may enjoy a relationship with Te Urewera. Creating a legal entity also removes the desire for ownership. From now on, Te Urewera belongs to and of itself. As a result, Te Urewera is inalienable.
Te Urewera Board, established under the Te Urewera Act 2014, have created a management plan, Te Kawa o Te Urewera, that reframes the way in which we care for the environment. Rather than managing the environment so humans may exploit it, Te Kawa seeks to manage the human relationship with the environment. This is done through an understanding of Māori concepts as well as a process of unlearning, rediscovery and relearning. By reframing our perspective of the environment, we are able to look after it as we would another person. Thus, opposing the Western perspective that sees the environment as a resource.

The following chapter will present the data collected from key informant interviews. This collected data seeks to support and enhance the information presented in this chapter by presenting it in a model based on the three themes of Te Kawa o Te Urewera, unlearning, rediscovery and relearning. Doing so allows for greater discussion around the key themes and issues presented in this chapter and ultimately aims to answer the three research questions established earlier.
Chapter Five

5. Results

If you have that feeling and that sense of belonging, irrespective of how many times you go there, that’s still quite a powerful connection. As we become more global, there will be more and more Tūhoe kids being born in this world, and they never ever visit Te Urewera, but hopefully in their hearts, they feel like they belong (Toru, 2018).

5.1. Introduction

Chapters Three and Four have presented an analysis of information highlighting the importance of land to Indigenous peoples and the importance of land to the people of Tūhoe. The quotation above emphasises the importance of Te Urewera to a Tūhoe identity. In this description, Toru hopes for a future where Tūhoe children, no matter where in the world they are, feel a connection with Te Urewera. This was identified as a key reason behind the Tūhoe-Te Urewera Settlement and the legal identification of Te Urewera. The current Chapter seeks to present the key findings from the Key Informant Interviews that were conducted. The results will be presented in three phases that follow the processes highlighted in Te Kawā o Te Urewera in order to reach mana motuhake. The phases, unlearning, rediscovery and relearning have been conceptualised within a model to support their explanation. The first phase, unlearning, will address themes such as ownership, governance and removal from the Western System. Rediscovery will provide discourse around legal entities, management boards and the re-introduction of indigenous systems. The progression from unlearning, to rediscovery results in relearning. This phase discusses the three themes; human/nature relationship, evaluation of models and mana motuhake.

5.2. Harakeke Model

Harakeke (flax) is a staple of Māori culture whose fibres, when woven together create, durable yet beautiful, mats, cloaks and baskets to name only a few examples. However, the way in which Māori tend to and care for harakeke is encompassing of the worldview that connects humans with nature. A flax bush has three distinct layers, rito, āwhi rito and ūpuna which grow in the centre and move outward (Puketapu-Hetet, 2000). Rito is the young shoot in the centre of the plant. To ensure continued growth of the plant, the rito is never cut. Āwhi
rito grow on both sides of the rito and seek to support its growth. Sometimes, awhi rito are referred to as mātua, or parents, of the rito as they are seen to take on a parental role in the growth of harakeke. For this reason, awhi rito also must not be cut. The outermost layer of a flax bush are referred to as tīpuna. These leaves may be cut as the tīpuna are no longer required to support the growth of harakeke (Puketapu-Hetet, 2000). Once cut, these leaves may be given life in another form through weaving processes. Puketapu-Hetet (2000), a master of the weaving art form, shares her knowledge of harakeke and the ways in which it can be cared for where she explains:

When a woven article is completed, it is time to give thanks to Tane Mahuta for the material whose life force has been given another dimension so that it lives again in another form, to give pleasure and usefulness to human kind. When we take from Tāne Mahuta, we have a responsibility to this life force. This custom helps explain why flax should not be burnt. Material that is not required should be allowed to die natural, returned to papatuanuku to begin the cycle again (Puketapu-Hetet, 2000).

This quotation describes the holistic and cyclic nature of a Māori worldview. It also displays how Māori may use elements of nature as a resource but do not see it solely as a resource. With harakeke, Māori are not so much ‘using’ the tīpuna leaves, instead they are repurposing them to give them life in another form. Returning unused material back to the earth to stimulate growth shows another aspect of Māori relationship with the environment, recognising the consequences of their actions and seeking to limit any negative impacts. This practice has influenced the structure of this Chapter to follow the life cycle of harakeke.

The Harakeke Model, Figure 2, conceptualises the process which enables the success of legal entity models. Phase One, Unlearning, is shown in the Model through the tīpuna leaves which have done their job to nurture the awhi rito and the rito. They may now be removed to be given life in another form. Phase Two, Rediscovery, is shown through the Model to be awhi rito as it allows for and supports the growth of young shoots. Phase Three, Relearning, can be seen as rito, the young shoot. Now it is up to people to allow the harakeke to grow. In doing so, we must unlearn and remove all which seeks to inhibit growth and repurpose it to support the growth of rito. We must also be careful as to not remove the rito and awhi rito so our harakeke can continue to grow and flourish.
5.3. Unlearning

Unlearning is the process of removing previous knowledge and habits to enable the learning of something different and hopefully better. The removal of this knowledge and habits enable Tūhoe to fully care for Te Urewera in a way that is of utmost benefit to Te Urewera. It also recognises the need to care for the environment for its own benefit rather than the human benefit. In doing so, this process also reflects the need to acknowledge the philosophies, ideologies, values and principles of Indigenous peoples and the environments they have been living in for centuries.

“Our approach and philosophy has largely been ignored as voodoo. Because it’s seen as non-science, it’s undervalued. And I think what we should do is understand that we do not need anybody’s help or anybody’s permission, we do not need law to make it practice-able. We just do it. So there’s a lot of unlearning we have to do and there’s a lot of relearning. The unlearning is thinking that we need permission to do this” (Whā, 2018).
In this context, Whā is reflecting on the inability for many Indigenous peoples to make decisions on behalf of their ancestral lands because they do not legally own their lands. Furthermore, many Indigenous peoples must compromise their own practices in favour of Western practices. Thus, resulting in an unlearning of Western practices and removal of Western practices from environmental management. Within the context of Te Urewera, this phase explores the need to remove understandings of ownership and governance of land in order to remove Western systems of environmental management from management of legal entities.

Ownership

Unlearning the Western understanding of ownership is integral in this phase to enable due care of the environment. As previously identified, Māori did not have a word for ownership in regard to land because land could not be owned. Terms such as tangata whenua as well as mana whenua emphasise this idea. However, as highlighted by Whā;

"Mana whenua, in its true form, does not mean you own it, because the whole concept of ownership is foreign. Mana whenua is just like kaitiaki whenua, that you care for the land. And in order to care for it, you don’t need to own it."

This quotation recognises a Tūhoe understanding of the phrases mana whenua and how it has changed to fit into a Western understanding of ownership. Mana whenua recognises the responsibility of Māori to look after their lands rather than the Western perception of land as an asset. This perception also threatened the Tūhoe/Te Urewera settlement. Toru recalls the negotiation process:

"We had some pretty clear directions from the iwi themselves where ultimately we had three bottom lines that people talked about. These were mana motuhake, Te Urewera and quantum. We had some very strong signals from the people that if we didn’t come home with those three things then don’t bother coming back."

For Tūhoe people to tell their negotiators to not return without the three bottom lines emphasises how important they all are. When Te Urewera was removed from the negotiations
John Key and I had an argument over the phone. So, he rings me up and he says to me:

“I know you’ve been working on this Te Urewera thing for a couple of years, look, tomorrow morning I’m going to walk into my caucus and I’m going to tell my caucus they are not to approve Te Urewera coming back to Tūhoe. I am not going to put it to a vote.”

I said to him, “you put it to a vote because I am confident that I will win because I have talked to all of your caucus and over half of them will support the return of Te Urewera to Tūhoe.”

And he said, “I’m not going to put it to a vote. I’m going to go in there as the Prime Minister and tell them no. I’m going to cut it short.”

I said, “Why are you going to do that?”

“Because I won’t win the next election. Because white people in this country believe that they now own Te Urewera, it’s public land and if they see my party giving away, what Pākehā people regard as, their National Park to black people, I will never get into office. So I’m not going to do it… the issue here is that we Pākehā’s have come to understand that we own it. We don’t care that you can prove that we stole it, we don’t care. We got it now, it’s ours. And I ain’t giving it to you”

… See, I figured out that his problem was ownership. White people do not like giving away to black people, things that they believe they own. So it’s an ownership issue. So, what if nobody owns it? He’s not giving away anything. And that suits my tikana because we don’t have a tikana that says I own.

John Key’s refusal to give Te Urewera back to Tūhoe out of fear that his voters will not like the change in ownership shows how strong a desire Western peoples have to own land. Toru further speculates on this situation and suggests that if Te Urewera was returned to Tūhoe then non-Tūhoe people may feel like they are excluded from the place:

Part of the reaction was kind of stewed up by people suggesting, as part of [Te Kotahi a Tūhoe], we were going to barricade people out of Te Urewera. With it being a National Park and people going there and tramping and starting to build their own relationships with the land, there was a sense that we were going to retrench our historical tendencies of locking it down and not letting people in. Then of course, wanting mana motuhake, kind of
creating this whole kind of separate state. So that of course scared people, and people lobbied and momentarily it was taken off the table (Toru, 2018).

This belief that Te Urewera would be inaccessible once ‘owned’ by Tūhoe influenced the creation of Te Urewera as a legal entity. In recognising Te Urewera as a legal entity, Tūhoe would continue to have the same relationship with it and so would other people who have interests in Te Urewera. As Whā said, “that suits my tikana because we don’t have a tikana that says I own.” The statement shows that Whā viewed this outcome as a win-win situation for both Tūhoe and the Crown where Tūhoe could still maintain their mana motuhake and the Crown does not cede ownership to Tūhoe. The outcome of creating a legal entity was also endorsed by Tahi:

I think it was a really important negotiating tool to create a win-win solution. The Crown had that bottom line that they own those places and from an iwi perspective it was like, well you don’t own it, this is this place. It was a real fundamental clash there I think. Neutralising that ownership became an important negotiating tool and in the context that no one owns it is absolutely hopeless because it’s still seen as Crown owned. Legal entities neutralises that sort of ground.

Tahi’s statement encourages the legal recognition of features of nature as legal entities. This statement also shows that no one worldview has to be compromised instead, two differing worldviews can come together to share knowledge and values for a greater good - that greater good being the wellbeing of Te Urewera. Toru explains this idea further:

The purpose and the drive for things like settlement is around ensuring a better future for our tamariki and our mokopuna and the ones who haven’t been born yet. How do we do that? And how do you instil the same sort of ideologies into those people? Into your descendants? Because they haven’t gone through the struggle necessarily so they might have a different value set if we owned it as an asset. So you can’t always guarantee that Te Urewera might not be sold off by our descendants if something happens and that’s our only asset. It was a way of trying to bring through how to maintain the integrity of Te Urewera, and that’s where the legal identity comes from.

If ownership of Te Urewera were to lie with Tūhoe, then there would be uncertainty into how it is cared for by future generations. As circumstances and values develop, the
integrity of Te Urewera becomes uncertain. Through recognition of Te Urewera as a legal entity, its mana is maintained in perpetuity as the management of Te Urewera is conducted under the best interest of Te Urewera. It does not take into consideration the values of those appointed to manage it.

**Governance**

This idea of governance is linked closely with ownership and must be unlearnt to some extent. Currently in New Zealand, the Crown has the majority of power in decision-making processes. As a result, the Crown dictates how people may or may not manage and conserve the environment. Whā reflects:

> Well I think we are practicing for example a convention that presumes that the State is best conserver tool. So when you look at the country, most of the conservation estates are in purview of the Crown and the Crown has created a system by which it decides what it's priorities are and how it will go about governing, managing and operating conservation. It has a singular plan for all National Parks, it doesn’t matter where it is.

The singular plan that the Crown has administered for all National Parks previously included Te Urewera. Therefore, Crown governance in this instance did not recognise Tūhoe values or allow Tūhoe any responsibilities in the management or conservation of Te Urewera. This is not a stand-alone situation in New Zealand as it has been occurring since 1840. Tahi recounts a discussion, from one of the Government’s Hampstead documents, had between MP’s in Parliament:

> In the 1920s there was this fascinating conversation that came up in the house in regard to the Tongariro National Park and they were saying it would be really neat to have a Māori village in this National Park and so on. Then one of the Māori MP's said, well if we're going to bring Tūwharetoa in and have a little village and so on, I would assume that they're going to have rights to be able to take the birds and so on from there. And there was just this no, no, no, no, no. It's all about just the image, the tourism, the tokenism, the exploitation really.

Although there were Māori MP’s in parliament at this time, they made up the minority of people whose ideas were overruled in many decisions as shown in the above quotation. It is clear to see that the MP’s at that time were only interested in including things Māori if they
were economically justified. In this instance, the inclusion of a Māori village was only for tourism purposes and the *iwi* of the area, Ngāti Tūwharetoa, were not involved in the decision for this. Economic justification also disregarded other matters in favour of some projects and developments. Rua discussed a court case in the North Island about the implication of hydro-power stations on rivers and Māori customary title. According to Rua:

> the Courts had to determine whether the power stations on those rivers were going to affect Māori customary title, if ever Māori customary title was going to be recognised on those rivers, was the existence of the power stations going to make a difference.

Ultimately, the Courts decided that the existence of power stations would not make a difference.

> The economic justification for some of those dams was quite strong and not many people were thinking about how that was going to affect the ecology, the fish movement, the biodiversity and the cultural aspects of the river. It's only now that they're being argued more coherently about what's being lost (Rua, 2018).

This decision disregarded the ecology, fish movement, biodiversity and cultural aspects of the river. This is also relevant to Te Urewera with Genesis Energy having hydropower stations on the Waikaretaheke River which flows from Lake Waikaremoana.

> In short, Genesis has inherited a position of great power and influence where they make an obscene amount of money every year and they've been giving back, for the last 50 years, $200,000 for it (Whā, 2018).

In addition, Whā (2018) addresses the example of Genesis Energy’s hydropower stations in Waikaremoana.

> I had the opportunity to meet their new C.E. He’s been in the job about a year and a half and we’ve just started talking about a necessary relationship between Genesis and Tūhoe. You would be right to assume that his position would be to say that ‘I am not implicated in the history of Waikaremoana, I did not kill your people, I did not murder your people and I did not steal your stuff. I’m just a businessman. I just operate a commercial operation and make money for my beneficiaries and are you a greedy ‘Mow-ree’ who wants to come and ask for heaps of money?’ So his attitude would be something like that. My attitude would be, ‘you are not an innocent
bystander. You cannot divorce yourself from the fact that you have profited from the marauding greed of other people and I don’t care that you were not related to them but you are the beneficiary of their actions. Morally, you are corrupt and you need to fix yourself up and I’ve got the fix’. So he and I had to start talking about ideas on how you would be a more decent company if you were making a contribution to Te Urewera. So we just started that conversation. We’re not interested in owning dams, we’re not interested in that. But we do think that a good relationship with Genesis would be where, of their free will, they recognise the profits that they have made and that the most respectful thing to do is to contribute.

In this recount, Whā is highlighting that although people in power now had nothing to do with the events that allowed them to be in power, they should still contribute to Te Urewera. Te Urewera is not going to survive unless everyone with an interest in it wants it to. Genesis are benefitting from Te Urewera’s waterways and only providing economic contribution to Tūhoe that is small in comparison to their annual profit. Essentially, Whā wants to have a relationship with Genesis Energy that ensures the prosperity of Te Urewera for Te Urewera where Genesis Energy do not see Te Urewera’s waterways only as a resource.

The Department of Conservation (DoC) have been tasked with the general management and facilitation of conservation in New Zealand. Monitoring of National Parks is also under the jurisdiction of DoC. So as a result, Te Urewera was managed by DoC too. Whā discusses DoC’s management of Te Urewera from the perspective of the singular plan for multiple places:

> It has national objectives, national goals and then behind that lies the machinery of DoC which nobody can drive. Nobody understands, basically, how it operates. This machine then dictates the rules of engagement in conservation and so far, we’ve lost more species than ever before. We struggle with all kinds of issues. Whether it’s our reaction and response to climate change, or we’re talking about what our strategy and approach is to weed and pest control. But essentially, at this time, one could describe DoC as engaged in pest and weed control. Not conservation.

Under DoC management, Te Urewera was seen to be suffering. When Te Urewera suffers, so do the people of Tūhoe. The singular plan that DoC had been administering was not fulfilling the needs of Te Urewera. For this reason, management of Te Urewera should be conducted by and for Te Urewera. This is where the unlearning of DoC’s governance occurs.
We’re still working out with DoC the funding that should come over to us which is their contribution. So what happens is that the New Zealand public has been guaranteed access to Te Urewera. That access by the NZ public is dependent on the Crown’s contribution every year towards the operations within Te Urewera… At the moment, Tūhoe puts in an equal amount of money into Te Urewera as the Crown does (Whā, 2018).

DoC’s contribution to Te Urewera is currently monetary. This contribution grants all non-Tūhoe people access to Te Urewera. However, there are still issues with this contribution.

So DoC has been underspending their contribution to Te Urewera because the machinery of DoC has got crips and caverns all over the place with lots of money and we’ve been spending the last four years trying to track down the fair amount they should be contributing… But at the moment, DoC has no place in the governance of Te Urewera, they have no place in the management of Te Urewera, they just contribute to operations. And their contribution is basically handing over those resources and those funds and grants without condition. They don’t tell me, here’s $10 and you should spend it on this, that, that- no. The rules are they just give it. We will determine how we will spend it and what our priorities are. And it’s taken us 4 years to get to those operational issues (Whā, 2018).

DoC governance is no longer existent in Te Urewera. The only responsibility they have is the allocation of funds and resources to Te Urewera Board for the Board to administer.

For iwi, part of the unlearning is recognising that their voices, histories, values and tikanga are important.

Te Urewera means that Tūhoe have got more responsibility for management decisions and certainly in relation to some recent resource use, that is quite different to how it was under the National Park. Similarly for the Whanganui River, the management, Te Pou Tupua have got other responsibilities that might give them some different opportunities than those available under the RMA 1991 (Rua, 2018).

This quotation of Rua’s is saying that both the Tūhoe and Whanganui people have responsibilities for their own features of nature, Te Urewera and Whanganui River respectively. Their responsibilities extend beyond what is known in the RMA into the unknown. Their responsibilities are part of the rediscovery.
I think it’s far from perfect but one of the ways it’s improved things is by giving Māori and particularly the local hapū and iwi a stronger feeling of control of what they’re doing. From that, I expect that the management regime will change for the better. So, it’s interesting how it’s been set up and whether it will provide a route. I’ve argued in some stuff that I’ve written that the legality of what’s been set up doesn’t really deliver much in terms of a property right for the iwi. But, it certainly does open up some more opportunities for management decisions (Rua, 2018).

For iwi, part of the unlearning is realising that their knowledge of their own environments have value. It is also recognising that they are able to use their own tools and mechanisms in environmental conservation. Thus, removing them from a series of Western systems and ideals that had previously disregarded their knowledge.

Removal of Western Methods of Conservation

The unlearning of ownership and governance now allows for a removal of Western methods and ideals that set the basis for environmental management and conservation in New Zealand. The unlearning of such systems allows for the rediscovery of Indigenous methods that may have been lost throughout the years of colonisation. In most cases, the Treaty settlements process allowed for the removal of Western thinking. However many Māori were wary of Crown actions due to historic wrongdoings.

To start off with, Tūhoe were ambiguous and ambivalent about engaging in Treaty settlements. There was a high view that the Crown could not be trusted because of the history that we had. So there was a lot of work to do just to get Tūhoe to the point of having a go at the Treaty Settlement (Whā, 2018).

Negotiating with the Crown in Treaty settlement processes meant reliving the mamae (pain) of land confiscations and scorched earth campaigns. In enduring that, Tūhoe people also had to come together to present their claims. At first, there were two groups, one group with a singular claim and another with over 30 claims. However, the Crown would only deal with one group.

Group A here had their own claim, a singular claim which was basically a financial settlement, and there was another group here carrying more than 30 other claims which were more political, cultural, social based.
So the two were contesting each other. We went through the Tribunal hearings, at the end the Tribunal said, ‘hey look, Tūhoe, if you want to negotiate a good settlement, you need to come together and go as one, not as two’. That message was heeded, so the two groups came together and created one group to negotiate. So the problem was, how do you go in and negotiate on 30+ claims. Well you’ll be there for a hundred years. So a round of meetings then took place to concentrate the 30+ claims into a manageable number (Whā, 2018).

The 30+ claims were then reduced to three key objectives; the return of Te Urewera, quantum compensation, and *mana motuhake*. In this instance, the Treaty settlements process enabled Tūhoe to remove Western methods of management from Te Urewera. At the very least, it made the Crown realise the depth of pain their historic wrongdoings had left on Tūhoe people. The presentation of Te Urewera as a legal entity provided Tūhoe with an opportunity to practice unlearning.

Well, the idea of legal entities could work completely outside of any discussion about Māori management or Māori control or anything like that, in theory. But, at the moment I don’t see any other group being in a position to push that through the Government. I guess at the moment, it’s kind of inextricably linked with a Treaty settlement I think. If anything else is going to continue from these models, I think it’s going to be from a Treaty Settlement negotiation. What change is that going to mean? Well, I think it’s contributing to a shift of cultural perspectives for Pākehā NZ and especially if Pākehā NZ can see that the river is going to be managed more successfully now than under the regional council’s decisions. The Regional Councils have got a lot to answer for in terms of letting our rivers deteriorate to the state they’re in. Hopefully, an example like this is going to show that public ownership and regional council management hasn’t been successful and therefore this legal entity and Māori management might be able to be much more successful. But again, it’s gonna have to be proven (Rua, 2018).

Due to the newness of legal entities in New Zealand legislation, Tūhoe were able to start afresh. This situation gave them the opportunity to unlearn Western methods of conservation that do not work in the Te Urewera environment. It also provided an opportunity for Pākehā New Zealand to unlearn their own methods and think more about their relationship with their environment. As Rua has alluded to in this description, the Treaty Settlement environment enabled the process of unlearning of Western methods.
Another Western method that is being unlearned in this instance is co-management. As described by Tahi, “co-management starts with the beginning point of the Pākehā worldview” (2018). The unlearning in this instance is realising that co-management should come from an Indigenous perspective.

I think it’s distinctly different from a co-management regime in that the starting off point now is a Māori understanding of place. That’s fundamentally different. It disrupts the grounding for knowing a place. I think that is really important. And then, I know that you then start to get into the mechanics of how this is going to work. You have a representation that enables the Crown representatives and iwi representatives to manage or care for the place. That can look like a management regime and you can look to see which values are going to have prominence here (Tahi, 2018).

For Tūhoe, part of the unlearning was also recognising that although they may have an inherent connection with Te Urewera that spans generations, there are other, non-Tūhoe people with a similar relationship. Therefore, co-management may be seen to be a viable option.

We weren’t, initially, all that interested in co-management. But… there is the provision that eventually those non-Tūhoe members will be removed and then replaced by Tūhoe. So, there’s a transitional period to that and we kind of agreed to co-management initially and eventually it comes under Tūhoe themselves. It’s a small concession to play the longer game (Toru, 2018).

As Toru describes here, co-management of Te Urewera was essential to maintain trust between Tūhoe and the Crown. Tūhoe realised that there were other people who had shared interests in Te Urewera. The issue with this is in regard to English common law “saying that the property of the Indigenous peoples must be respected. It cannot be taken, or confiscated, at least in times of peace” (Tahi, 2018). For this reason, Tahi (2018) argues that “colonisation has been entirely in breach of that fundamental common law component.” Tahi (2018) also claims that:

It’s not essential that we had the Treaty of Waitangi, cos there was already that legal protection in there, but I think the Treaty has added, or made more visible that compact, that agreement, the fact that our ancestors signed it, so I think the Treaty has been incredibly important. So to have had that in 1840 and to be able to ground and to move through Treaty of Waitangi negotiations from that point and understanding has been significant.
Tahi is arguing that common law gave Māori legal protection against historical wrongdoings but the Treaty has enhanced and provided a legal document to enforce Crown retribution. In addition, Rua (2018) argues;

_Everybody when they're arguing these Treaty Settlements say you shouldn’t take land because property rights are sacrosanct, well it’s all very well for Western beneficiaries to say that property rights are sacrosanct but, this land was already stolen, it was already confiscated. No matter how you look at it, it was confiscated._

Rua is arguing another factor of Common Law that declared what was owned and what was not. Rua questions the Common Law that protects Pākehā owned lands that were confiscated from indigenous peoples. However, the intention of the Tūhoe-Te Urewera settlement is not to confiscate the lands once more. The intention is to recognise the deeply entrenched value of Te Urewera for its protection. Therefore, the unlearning in this instance is again recognising that you do not need to own land to care for it.

_You know, when we did the legislation, our greatest supporters were all of the entities and the affiliates that have had over 60 years of contact with Te Urewera. Wairoa Boating Club, Deer Stalkers Association, Game and Fish, Forest and Bird, all of these entities, they all wrote in support for the Tūhoe legislation. Because they too feel like that. It’s not about owning, they don’t want to own anything, but as grandchildren, their grandparents used to take them there and they love the place, they love it as much as you and I do. I don’t have a Tūhoe tikana that says to me that only Tūhoe people can love Te Urewera. I don’t have one of those tikana (Whā, 2018)._ 

Part of the unlearning that Whā is addressing is understanding that all knowledge and perspectives are valid and that the management of Te Urewera should be for the prosperity of Te Urewera itself. Doing so removes the idea of ownership and acts to displace the Western styles of governance that disenfranchise Indigenous peoples and their knowledge and behaviours. As a result, Indigenous peoples are able to remove Western methods of conservation to rediscover other methods and practices that seek to conserve the environment for the sole benefit of the environment.
5.4. Rediscovery

Unlearning provides a clean slate for rediscovery to occur. In this context, rediscovery is an opportunity for Tūhoe and Te Urewera Board to find methods, practices and systems of conservation for Te Urewera. This is the second phase.

The context here has to be understood that this has come from a Treaty of Waitangi Settlement context. It’s come from a context of the Crown recognising historical wrongs. Absolute atrocities that have taken place and so, coming back to that time. It’s also about that healing time. I can imagine, for Te Urewera, for the river, for the mountain, we’re coming into a new context where the state is finally accepting what they’ve known all along and kind of giving some endorsement to that. There’s a whole lot of historical and contemporary trauma around that. Te Urewera, there’s the whole raids and everything in 2007. There’s a lot of hurt there, and I think there just needs to be that celebration of the iwi there, having that opportunity to just reconnect, be and of the place. That’s like Te Kawa o Te Urewera talks about losing that human dimension and wishing for its return back again. That’s part of that whole healing process (Tahi, 2018).

The rediscovery phase is a result of the pain from colonisation. In essence, it is a healing phase which later allows growth to occur. This differs from the unlearning phase which navigates itself through the pain to reach a point where discovery can occur. As such, rediscovery includes how Tūhoe can return, as much as possible, to a relationship they once had with Te Urewera. This phase explores the range of opportunities Tūhoe are able to explore as they rediscover Te Urewera and how to protect it. Here we see a development of ownership to legal entities; governance to management boards; and removal of Western methods to introduction of Indigenous methods.

Legal Entities

As previously stated, Te Urewera became a legal entity as a result of John Key not wanting to cede ownership to Tūhoe. Again, this was something that suited Tūhoe as it reiterated their understanding of Tūhoe as its own person.

The thing that happened was that the Government didn’t do this. This is an indigenous tikana, all over the world, this is a Tūhoe tikana. But all the law did was agree with it. That’s all the law did. The law didn’t create the tikana, they just agreed with it. This is the first time in New Zealand history, in fact the first time anywhere in the world that a Parliament, in legal process
has agreed with a Māori tikanga. So to make sure, myself and others wrote the legislation. Which is another first. We sat down and wrote the legislation and the Deed (Whā, 2018).

This quotation recognises that once Te Urewera became a legal entity, nothing changed for Tūhoe. All that changed was the legislation agreed with and enforced Tūhoe’s understanding.

*The legislation can only go so far, but I don’t see the legislation as changing my own ideologies or philosophies or connections to Te Urewera. That’s unchanged. That’s never changed. What it does do is stop everyone else trying to encroach and confiscate from me again (Toru, 2018).*

Toru is in agreement with Whā and adds that the legislation helps stop others from confiscating Te Urewera again.

*That’s what I find so exciting about Te Urewera, the Whanganui River, this whole reframing for all of us as a country, how to know our place. And it just gives a much deeper understanding for us all as to why Te Urewera, and the Whanganui River, are so significantly important (Tahi, 2018).*

Here, Tahi is in support of the legal entity framework as it gives iwi an opportunity to rediscover their relationship with their environment and share it with the rest of the country. Doing so enables the rest of New Zealand to discover a deeper relationship with Te Urewera and other legal entities.

*I often see this legal personality as this connective bridge. For all of us, coming in to the actual tribal federation of that particular place. For all of us to actually be able to understand the Tūhoe deep, long history and love for this place and how it forms their identity (Tahi, 2018).*

As Tahi is explaining, identifying Te Urewera as a legal entity helps other, non-Tūhoe people understand Tūhoe and their environment. This then enables others to understand the mechanics of legal entities based on their own knowledge. Although recognising the personhood of the environment may be inextricably linked to a Māori worldview, it can still be understood by non-Māori.
Obviously, it had a big impact, within New Zealand and internationally, in terms of people looking at both the Whanganui River and Te Urewera and saying, ‘wow, wow, look at that! That’s an amazing thing that these natural features have been given their own legal identity.’ But the whole idea of giving something legal personality is not novel in the law. Your classic example is a company. A company is a legal person in law and it’s owners are separate, they’re shareholders, and it has directors that govern it. The conceptual model is not that novel in and of itself. What’s novel is giving that personality to a natural resource like Te Urewera or the River (Rima, 2018).

Rima is comparing legal entities to companies to show that non-people have and are recognised as legal entities all the time. The only difference is that in this instance, it is Te Urewera, a past national park gaining legal personhood. Toru claims that for Tūhoe, the recognition of Te Urewera as a legal entity did not change their relationship with the place.

When we talk about our connection to whenua and being descended from that space is how do we ensure the integrity and the mana of those spaces and places can be maintained? Not just within ourselves, because as you know, irrespective of when Te Urewera was a national park, nobody in Tūhoe called it a national park. It was Te Urewera. We still believed we owned it, it was still ours and it didn’t belong to anybody despite legally belonging to the Crown under the National Parks system (Toru, 2018).

What Toru is explaining is that regardless of the legal status of Te Urewera, Tūhoe will continue to have a relationship with Te Urewera. However, the recognition of Te Urewera as a legal entity protects it.

I think the legal entity helps us to protect it from others… because spiritually and culturally and internally, Te Urewera is us. And no amount of legislation is going to tell me that it isn’t. It protects us as a people from others trying to encroach on that space again. In a way that also protects ourselves from ourselves. I can’t guarantee that my great, great, great grandchildren won’t have the same affinity to Te Urewera that I do. I hope and pray they do. But I can’t see that far ahead in the future. I suppose from my perspective, I hope that my tamāhine, my mokopuna who are still to be born and the ones who come after that do feel that sense of connection to Te Urewera like I do. But they don’t also have to fight to have that recognition because it has its own recognition and its own mana within the context of people who might not share or understand me or understand my belief system (Toru, 2018).
One aspect of rediscovery that Toru is alluding to is the need to protect Te Urewera so that future generations do not need to navigate through this process again. However, Rima argues that legal entities are not the only mechanism that allows this.

*The fact that people don’t have legal personality for their river or awa or maunga, that doesn’t mean that it doesn’t have the same level of intrinsic value. Legal personalities are just one mechanism you can use to recognise that intrinsic value. But it doesn’t define or create it and doesn’t mean that if you don’t have it, that values not there… Legal personality is just a mechanism to recognise something greater. It’s not the thing itself. I have thought quite a bit about this because there is a risk that people might jump onto this and say our resource has no mana and I just don’t think that’s right (Rima, 2018).*

As Rima is stating, legal personalities do not increase the *mana* or intrinsic value of a place or feature of environment, they are just different types of mechanisms to recognise something greater. For Tūhoe, Te Urewera becoming a legal entity helps to realise their goal of *mana motuhake*. One of the advantages that Tūhoe do have is in regard to management of Te Urewera through Te Urewera Board.

**Te Urewera Board**

*Te Urewera Board is the consequence of a National Park disappearing and then the Settlement of the fact that Te Urewera now has its own legal entity. So the Te Urewera Board was our formulation of a group that would articulate the future of what was the National Park. So that’s what it does, for all purposes you could describe it as the governance board of it. It has the full authority to make all of the decisions about the future, governance, management and operations within that area (Whā, 2018).*

Te Urewera Board, in its simplest form, is described by Whā as the governance Board for Te Urewera with both Crown and Tūhoe appointees. The use of the word appointee is to recognise that people from both Tūhoe and the Crown are appointed to Te Urewera Board. However, they are not representatives of either Tūhoe or the Crown because those appointed to the Board are representing Te Urewera.

*They don’t come in and serve the sectorial interest of another group, the whole Board operates as a voice of the land, of Te Urewera. So their only concern is Te Urewera. They speak on behalf of the land. So, they meet for*
that singular purpose. Some people may describe it to look like dual-governance or joint management but it’s not really (Whā, 2018).

This is an act of rediscovery as it shows people with differing values are forgoing their own interests to represent the interests of Te Urewera.

My observation of the Board is that it was a very powerful coming together of some very senior people on both sides and it worked for the benefit of Te Urewera. One of the things I think the Board really understands is, the Board’s there for Te Urewera. They’re not there to represent their own interests, they’re there for Te Urewera. From what I’ve seen, I’m not qualified to judge the Board really and I wouldn’t do that, but the thing they did with Te Kawa was very powerful. That was real leadership (Rima, 2018).

Rima’s observation of the Board endorses Whā’s idea behind Te Urewera Board, that they are appointed to solely represent Te Urewera. Rima’s endorsement also includes Te Kawa o Te Urewera which shows the thinking behind the Board. The Board also receives funding from the Government which grants all New Zealanders free access to Te Urewera.

That access by the NZ public is dependent on the Crown’s contribution every year towards the operations within Te Urewera. The Crown contributes money. At the moment, Tūhoe puts in an equal amount of money into Te Urewera as the Crown does, okay? Now, if I got a call from Jacinda Ardern tomorrow saying, ‘I’m sorry. We’ve changed our budget and we no longer are going to give you any money at all for Te Urewera’. Well that means that the New Zealand public can’t access Te Urewera because the money that I’m using, Tūhoe money, is for Tūhoe purposes. So that’s what would happen immediately. I will say to the NZ public, ‘I’m sorry but I’ll have to charge you because Jacinda is not paying your part in it’. So that’s one scenario in that (Whā, 2018).

So what Whā is describing here is that if the New Zealand government were to stop contributing funds towards Te Urewera, it is the Board who decides who has access. This is because Tūhoe are providing monetary contribution into the management and conservation of Te Urewera, they could limit access to just Tūhoe people.
Reconstruction of Conservation Methods

The majority makeup of Tūhoe on Te Urewera Board allows for a Tūhoe influence on methods for conservation. Although members of Te Urewera Board are appointed by Tūhoe and the Crown, Tūhoe people cannot be separated from Te Urewera. Therefore, their knowledge about Te Urewera is worth taking into consideration.

The idea of recognising a natural resource as having its own identity is not novel but what is novel is giving it legal personality. You wouldn’t want to characterise legal personality as the soul defining characteristic of those settlements because it’s actually not. There’s quite a lot else in them that is equally significant, at least in my view (Rima, 2018).

This quote is in reference to Tūhoe’s continued identification of Te Urewera as its own being. Therefore, having majority Tūhoe on Te Urewera Board allows Tūhoe to teach non-Tūhoe about their relationship so they can speak on behalf of Te Urewera too.

There’s a lot to learn from Indigenous practices on resource management. There are some examples where the law and science and policy makers have recognised that. There’s certainly some evidence that that’s being done but it’s also pretty sparse. It’s going to be a long fight I think to get full value out of all of these words that are being written about taking into account the principles of the Treaty and all that sort of stuff (Rua, 2018).

Here, Rua is explaining that Indigenous knowledge and practices have not always been ignored. However, in most instances they have been.

But there are obvious examples where Māori management regimes have been adopted, like the tītī harvest and other things like that. But, I think it’s going to be a long fight to acknowledge that Western science has not been able to protect all of our species. The Quota Management System I guess is a case in point that supposedly we have this perfect system where our fish and our fisheries are going to be protected because we’ve got this management regime but it’s not providing it protection at all. I guess the barrier is a lot of built in expectations that the scientific model is always the best, rather than a mātauranga Māori system (Rua, 2018).

Rua is stating here that there have been instances where Māori management regimes have been adopted successfully, such as the tītī (muttonbird) harvest. Despite this, it is still going to be difficult for Western science to acknowledge its flaws. The Quota Management
System is the example given in this instance because it is a scientific management of fish and fisheries for economic benefit rather than the protection of fish and fisheries.

What we can learn from matauranga Māori is developing new relationships with our connections with ‘nature’ or the ‘environment’. We’re stuck often with an ‘us’ and ‘them’ situation with nature/the environment as if we’re not part of it. If we actually do something to improve our relationship, specifically meaning that we are literally related to everything out there in the environment. Which is obviously the Māori perspective on everything originating from Papatūānuku and Ranginui. If we think about our environment as our relations, then obviously we’re going to treat it quite differently (Rua, 2018).

Rua then highlights the need to take into account the Māori perspective of land and the relationship that Māori have with land. By thinking of the land as kin, then we will treat it as kin. However, there is no reason why Tūhoe cannot combine their knowledge with Western science.

At the same time, we are testing out what we believe. So we’re doing a number of things. We’re doing nature’s road, working with Opus and doing some research with some chemists to come up with some alternatives to bitumen because bitumen is a waste-product of oil and petrol and dinosaurs and coal so it’s gonna run out… We’ve got two spots that we’re trialling it on and if it comes through the trial then we have the option of doing special purpose road 38 from Te Whaiti out to Waikaremoana and the whole thing and then all of the roads around the rohe. So we would own that recipe (Whā, 2018).

Nature’s Road is a current project being administered by Te Urewera Board that looks at a more organic form of sealing for roads. It is currently in a trial phase to see how viable an option it is. Another example of this is the living building and living villages being established throughout the rohe. These projects are part of the rediscovery phase and show innovative ways for people to work together towards creating better lives for Tūhoe people. In doing so, ensuring prosperity of and within Te Urewera.

5.5. Relearning

Relearning is the final phase on the journey to mana motuhake. It is a result of the process unlearning and rediscovery. However, where unlearning was the removal of
knowledge and rediscovery was the unearthing of the past and future, relearning is the process of developing what has been discovered or rediscovered.

In our stories, in our whakapapa we talk about coming from the land and everything that we are and everything that we have has come from there. We’re the youngest born so we walk quietly in the land, we don’t live off it, we live with it. We should know our place there. We are not the masters of it, nature is powerful. Nature doesn’t really need people. The planet was not made for human beings, it was made for life. Life has a gazillion forms and we’re just one of them. It does not mean we are the masters of it. So we have a reputation and our tikana teaches us and our place. And for Tūhoe, I think we are wanting to repatriate that, why? Because it’s right. That view, that philosophy and that ideology is right. So I would say to you, ‘I wouldn’t word it as the legal entity, I would word it as the Tūhoe way, Tūhoe whakapapa to the land’. We just use the legal instrument to make this happen (Whā, 2018).

In essence, the relearning phase is the growth that occurs once healing from the pain of the past is complete. Relearning is about recognising what was and recognising the duties and obligations we, as people, have to protect and care for the environment. As Whā explains, “the planet was not made for human beings, it was made for life. Life has a gazillion forms and we’re just one of them.” This section seeks to provide analysis around three features of the relearning process. First, the human-nature relations. Second, an evaluation of the models and finally, mana motuhake.

Human-Nature Relationship

One of the aims from the Tūhoe-Te Urewera settlement is recognising the human-nature relationship. Through the process of colonisation, Tūhoe relationship with the environment has become skewed. This is due to the Western-introduced concepts of ownership and governance. An outcome of legal entities is so Tūhoe may once again rediscover their relationship with Te Urewera and once discovered, the next objective is to learn how Tūhoe, and then non-Tūhoe, may come to strengthen their relationship with nature.

As a Tūhoe, I think it is the wisest thing to do. We don’t have a Planet B and we are so closely disrespectful to Papatūānuku and to our environment. We live in excess, it’s arrogant. I think there is something about a person who, doesn’t matter what their ethnicity, age or gender, but when somebody sees the land and their connection with the land as a kinship connection rather than a landlord or an owner, it does change them. I know that, beyond Tūhoe people and beyond Māori people, I know a lot who view the land with
that kind of respectability and awe. Where the land gives them a spiritual sense of belonging and place. These people love the land immeasurably and they understand that the cruellest thing that you can commit to the soul of another person is to deny them access to those places that cares for the soul, that cares for the spirit of the person (Whā, 2018).

This perception is also described by Rima (2018):

_...I think inevitably the answer is going to be yes, this will improve, partly because of the way people look at those resources. Ideally, they look at them as having their own life force and their own being and then think, hey we gotta look after this. In the old days, natural resources like rivers were seen as places to send ships up and down to carry logs and discharge into because they took waste away. They were seen through a very anthropocentric lens as these are there for humans to use. Whereas now we’re starting to move much more to a, ‘these are there to be respected for their own worth’ perspective._

Whā and Rima’s descriptions here are in relation to legally identifying Te Urewera as a person. For Whā, this was the best option that took into account the prosperity and wellbeing of Te Urewera and of Papatūānuku. When you recognise that nature is greater than man, and that man is nothing without nature, your duty to care for it increases. Not only this, but your duty to care for nature increases when you have an intrinsic connection with it. In many instances, this connection is similar to that of a kinship connection.

_The lifestyle in Te Urewera means that it’s going to be kinship based, it’s collective and it’s caring for the environment. It would mean a change in behaviour, it’ll even dictate what things you would buy and use in Te Urewera because there are some things that we just do not tolerate because it’s not biodegradable. So there’s going to be some intrusions into your habit (Whā, 2018)._  

Through recognising Te Urewera as part of ones kin, it adds another reason to care for it because you care for it as you would kin. As a result, you will change your lifestyle so it has the best possible opportunity. It is not dissimilar from what parents would do to care for their children. For Tūhoe, because there has been a disconnect from Te Urewera, there is more reason to look after it.
The whole history of iwi being denied that kinship relationship with the land, that’s how deep the hurt is. It’s not just a loss of property and a loss of opportunity, the deep heartache that you and I carry is the separation of spirit of that connection with the land. And who knows, it may not be reparable for a generation of people because you and I now live with relations who now, as Māori people, as Tūhoe people, see the land as nothing but property. Because that other connection is gone. It’s been taken away… And how do you bring that back? I thought to myself, I’m going to leap over two generations because I think they’re gone, they’re gone. Go for another generation and retrain. So that’s the legislation I was talking about. Number one purpose, reconnection. So your question, it’s not the legal entity, it’s the kinship relationship (Whā, 2018).

The deeply entrenched desire to maintain this kinship relationship contains fear that it will not come back. For many, the connection is already gone and irretrievable as they have either passed on or have been consumed by the addictions of a Western lifestyle. Although many Tūhoe people claim to want to live a Tūhoe lifestyle, they struggle to give up the opportunities that the Western lifestyle provides. For this reason, unlearning is a process that the younger generations will mostly be involved with.

I think one of the things I see is that, I must be working towards preserving for you, the option of a lifestyle that will always be there for your children and your great, great grandchildren, of a livelihood from Te Urewera. Where, when you wish to opt out of conventional, Western society, that there is this place you can go to and you cannot just live there but there’s a livelihood for you there. But the livelihood is tied to your Tūhoetana. It’s not just an alternative in that it’s more of the same of what you would get living in Grey Lynn in Auckland (Whā, 2018).

This idea is also supported by Toru (2018):

It was almost kind of future proofing, having gone through the travesties of how the Native Land Court has worked in terms of individualising title. And if we put it in a state where it essentially owns itself, the people who are liable for it are its descendants therefore it reminds us that we don’t own it like a commodity. That we come from it and we are responsible for its upkeep and protecting it for future generations. Although it was innovative at the time, in my mind, it does deeply entrench our own values of whenua and that we descend from it, just like our tīpuna. Therefore, we’re responsible for looking after it but we don’t own it as an asset as such.
On top of this, younger generations are more likely to share their lifestyles with their children. Te Urewera becoming a legal-entity instils a relearnt livelihood in Tūhoe people that strengthens the human-nature relationship. This livelihood is removed from Western society and is based around Tūhoetana. It is a livelihood that removes all notions of Western ideas of ownership, “where you can come back and whatever you build there is yours but the land is Tūhoe land” (Whā, 2018). This notion is based on the understanding of companies like Amazon who do not own anything but is the one of the richest companies in the world. “Amazon just connects all of these people together and does not own anything on that line and they are the biggest, wealthiest company in the world” (Whā, 2018). Whā is highlighting how global economics has shifted noting that you don’t have to own things to be prosperous, you just need to provide the connections - which is what Amazon provides. Whā argues that this model can work in Te Urewera.

*If you don’t own the land, you all have some responsibilities to keeping it good. Because you’re using it from your great, great grandchildren yet to be born. So, that’s the livelihood thing. So we since have that and you do those living buildings because you believe that you do have a real responsibility that has to manufacture action. It just can’t be talk, talk, talk (Whā, 2018).*

Te Urewera being recognised as a legal entity provides a connection between human and nature. Not only this, but it provides a livelihood that benefits both humans and nature which is shown by Tūhoe through their creation of living buildings. Buildings do not need to be bad for the environment, so Tūhoe are constructing living buildings with the aim of lessening their carbon footprint. They are committed to their beliefs and committed to changing their habits and behaviours so that they have less of an impact on the environment. Hopefully, by strengthening connections with Te Urewera, Tūhoe people maintain a deeply entrenched relationship with it.

**Evaluation of Models**

Part of the relearning phase includes an evaluation of the legal entity and management models. This is about understanding the model, its processes and the way it works to we may identify and eliminate any threats to these models. There are difficulties when measuring the success of the legal entity models as it is a continual and iterative process. Whā argues that it
is difficult to measure the success of Te Urewera because the goals are intangible and thus immeasurable.

Rather than, let’s just continue to do what DoC does. Let’s just go out and kill stoats, possums and shoot deer and dig new toilets and do the tracks and have more car parks and have holiday programmes. We could do all of that. But how do you reconnect Tūhoe with Te Urewera? Which is really the true measure of this (Whā, 2018).

Where DoC’s success was measured by the physical results of their processes, the main focus for the Tūhoe tribal authority is to allow Tūhoe people to reconnect with Te Urewera because the more Tūhoe that reconnect with Te Urewera, the more successful the model. However, this reconnection is not going to happen overnight. Tahi (2018) argues how important it is for Tūhoe to “be given the space and the resources to quietly figure it out themselves.”

Due to the difficulties in measuring the success of this model, an analysis of the discussions from key informants was conducted. Table 4 presents an analysis of the strengths, weaknesses, opportunities and threats identified within these discussions.

Table 4: SWOT Analysis of Te Urewera Model

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Strengths

One strength highlighted in key informant interviews is in regard to how influential Te Kawa o Te Urewera is.

*Te Kawa o Te Urewera,* that whole management plan which is about managing people rather than the land, I often talk about that as being the most exciting written piece of work in English that I’ve read. I just think it’s so fundamentally ground-breaking. It’s so innovative. That gives me enormous hope that Tūhoe are going to be able to do this so well. So the legislation was 2014 and that came out last year so only in 3 years they were able to completely reframe how we have seen the Western world do management plans. Even that concept around, ‘we’re managing the people, rather than the land’ just seems so basic. Why haven’t all our management plans and national parks been doing that (Tahi, 2018).

Te Kawa o Te Urewera is so influential because it reframes the Western perspective of resource management to human management. This is ground-breaking because it is the first time an environmental management plan has been so innovative, yet so simple.

*Ordinarily, DoC management plans are like big rule books. They don’t have a lot of wairua themselves. It’s just like reading a bit of legislation and often there’s a tangata whenua section in them. But Te Kawa was a whole new worldview and I think, again, I mihi to those [involved] because what they were able to do is show courage and say, we’re gonna do things in a different way, we’re gonna focus on not controlling nature for the benefit of humans but controlling humans for the benefit of nature. That was a really big change and that got rung through NZ conservation authorities and others who always had this sort of rule book approach, and everyone embraced it (Rima, 2018).*

Rima shares similar thoughts as Tahi and commends Te Kawa because it does not follow the standard Western approach followed by DoC in their management plans. In this, Rima recognises the influence of *wairua* intrinsically embedded within Te Kawa, which, in itself, acknowledges the humanness of Te Urewera.

The other strength highlighted is that the model emphasises a Māori worldview.

*The Māori worldview is now front and centre and embodied in legislation. If you look at the National Parks Act which formally governed Te Urewera as a National Park, it doesn’t deal with Māori at all; it’s*
virtually silent on Māori issues. Whereas if you go to the Tūhoe-Te Urewera legislation, so we had to write whole new legislation for that place. The first preface relates to Tūhoe and the connection between Tūhoe and Te Urewera. I think the most significant thing, for me, is it’s another step forward in having that Māori worldview over natural resources embraced, recognised and respected (Rima, 2018).

Te Urewera becoming a legal entity is an example of a Māori worldview being recognised, accepted and implemented. For so long, New Zealand has seen the repression of Māori identity and the role of Māori in environmental management and conservation practices. Not only is Te Kawa reframing perspectives on the environment, but the model itself is allowing leadership to be reframed to a position that can be fulfilled by Māori.

**Weaknesses**

One of the weaknesses identified was in relation to external perspective of the legal entity model.

*If there was a negative, it would be that people focus too narrowly on the legal personality without focusing on the other things that sit around it, so environmental regulations. Just making something a legal person will not deal with climate change. It might change the way people look at climate change but it won’t solve it. It needs to be seen as a very positive thing but it also needs to be seen in the context of everything else* (Rima, 2018).

Rima is highlighting the misconception that legal entities are a solution to a problem. In actuality, the legal entity model is a process to reframe the human perspective of the environment. The purpose of Te Urewera, as a legal entity, is to influence positive change in peoples’ behaviour with it. One barrier for people changing their behaviours is because they cannot see the results straight away.

*It’s like all these things are not going to happen overnight and sustainability is aspirational. We’re never going to reach sustainability. We just need to show that what we’re doing is taking us along that path a bit better. Inevitably, that takes time. That’s not to say that we should tolerate delays because there’s a lot to be done to restore our environmental ‘resources’* (Rua, 2018).
As Rua is arguing, we should not stop changing our behaviours just because we may be unable to see the results from it. But while we are waiting to see how the environment is improving from our actions, we can still be doing more to help its improvement. We should not be complacent and rely on the generic practices of the Department of Conservation.

*There's still a really narrow definition of conservation and you still have the absolute assumption of the Department of Conservation as being the only ones who can really care for and know a place. Te Urewera, Whanganui River and Mount Taranaki are going to show us that there are other ways (Tahi, 2018).*

Tahi suggests that people should not assume that DoC knows and practices the best methods for caring for a place. As we can see from the legal entity model is that there are other ways to care for a place.

*Opportunities*

The reconnection of Tūhoe with Te Urewera has been identified as a key opportunity with the legal entity model.

*The number one purpose is the reconnection of Tūhoe with Te Urewera. That’s the most important part. That’s the only true measurement. So, the legal entity thing was an instrument that we used to reach our destination, our purpose (Whā, 2018).*

Whā has described the difficulties with reconnecting Tūhoe people with Te Urewera. Whā (2018) is of the opinion that “the severance, isolation and distance between Tūhoe from Te Urewera is more extreme than once thought.” There is an opportunity that Tūhoe people who feel disconnected from their ancestral homelands may like the livelihood that is being created in Te Urewera. If so, they may find their way back to reconnect themselves with Te Urewera.

Another opportunity is the ability to present other solutions to environmental management and conservation.
The Te Urewera Settlement provides Tūhoe with quite significant management opportunities. They’re models that I think the Government are experimenting with. So if they’re successful then hopefully they can continue to provide for new solutions to management (Rua, 2018).

Although the success of legal entities is contextual, perhaps the models can reframe how we measure success. The current environmental management and conservation methods take a quantitative approach where, for example, they measure the amount of pests eradicated. The legal entity method takes a qualitative approach that measures its success based on the wellbeing of life living within the environment. This leads into the opportunity to validate Indigenous knowledge.

Maybe this whole legal personalities and legal entities is going to show New Zealanders what we are missing out on by not listening closely to the iwi, whānau, hapū of the particular area because they have incredible knowledge that ought to be valued in a way that’s not currently being able to be valued under the current Resource Management Act (Tahi, 2018).

The portrayal of Indigenous methods of conservation at the forefront of legal entity models has been highlighted above as a strength. However, it also provides an opportunity to validate Indigenous knowledge. Many past approaches to environmental management and conservation only incorporated Māori concepts at face value. As a result, it became difficult to explore its significance in that context. Perhaps, if legal entities are seen to be successful, then Indigenous knowledge and practices can be shared and valued at other levels.

Threats

Regardless of how successful the legal entity models are, there will continue to be threats until there is a shift in perspectives around the validity and involvement of Indigenous knowledge. The first threat is ‘the court of public opinion’ (Whā, 2018).

First, the court of opinion that would be pressure on the Crown and on the NZ public where the court of the public opinion would say, “God things have gone backwards since those Tūhoe’s have been in charge. The tracks are a mess, the bridges don’t work, the huts are crap, the people are unfriendly, you can’t park your car up at Waikaremoana because it gets defaced and stolen, it’s terrible. I think the Government should get it all back
because it’s unsafe for us publics to go there. So, court of public opinion can put that kind of pressure on (Whā, 2018).

The court of public opinion is in regard to the general public’s concerns about Tūhoe’s involvement in the management and conservation of Te Urewera. According to Whā (2018), New Zealand’s general public will be measuring Tūhoe’s practices against DoC’s and “will see immediately the difference. They will be the ones to say, ‘oh I don’t feel safe there anymore. Do they know what they’re doing?’” From this, Whā (2018) predicts:

*The DoC machine rising from the dead and saying, ‘we think we can do a better job than those Tāhōes. I think those Tāhōe’s been going around and around in circles and we’ve had enough of their mana motuhake and their tino rangatiratanga bullshit. I think we need discipline here. Discipline and order. Structure. I think overall, it’s best for the Crown to reclaim Te Urewera and run it. We’ll give those Tāhōe’s a couple of seats on the Board, but let’s change everything and things will run much better. Smoother, like it did in the good old days. So the rise of the machine (Whā, 2018).*

If this were to occur, it would unravel all the hard work that has occurred for Tūhoe to reach this point. The rise of the DoC machine threatens to rediscover the wounds of the past and once again deny Tūhoe access to their ancestral homelands. If this were to occur, the threat of discouragement among Tūhoe people may emerge.

*The third risk is, if Tāhoe people themselves lose heart and trust and faith in themselves. And Tāhoe people say, ‘oh this is too hard, we can’t do it. We’re all now urban. This is just costing us too much money and let’s give it back’ (Whā, 2018).*

If Tūhoe people were to lose faith in this method, the process will be deemed ineffectual. This, however, is the worst-case scenario. Rua (2018), argues that, “the Government should be working a lot more to building iwi capacity to take over management.” This sentiment suggests that rather than putting barriers in place, the Government should be enabling iwi to explore other methods of environmental conservation.
Mana Motuhake

*Mana motuhake* is the end result of this process. *Mana motuhake*, as previously stated, was one of the three bottom-lines of the Tūhoe-Te Urewera Settlement.

*Number three is that, we have to convince the Crown to work with us over the next unknown term to remove all laws, policies and procedures which inhibit mana motuhake, which is Tūhoe exercising maximum autonomy to determine their own future, minimise dependency and have a fight – let’s have a fight against ownership and dependence. We control our lives (Whā, 2018).*

As explained by Whā, the desire for *mana motuhake* is so Tūhoe can obtain the autonomy that enables them to control their future. As a result, Tūhoe are able to implement their own policies and procedures to govern their actions within their rohe. In practice, Tūhoe are showing us this through eco villages, medical centres, a methamphetamine response programme, a mending room programme for Oranga Tamariki Tūhoe children and many more initiatives. These initiatives are responses aimed at advancing the social wellbeing of the iwi.

*Our rohe is largely intact. It’s got scabs and scars that we have to address. There’s hurting and ache there and we have to fix all of that up because there are still parts of it that are not good. But, generally speaking, in principle of things, it’s intact and you can do some stuff with it. And because you can, in terms of planning, the cultural and social advancements you can make are limitless when you are the majority and you are the most economically and politically and culturally powerful in that rohe. You can make advancements that are unprecedented but you have to start off by doing a health check on yourself and be very, very honest about where you are in fixing that up. No time soon will we be buying casinos and hotels. Because all of our money has to come back in and rebuild infrastructure. What does that mean? Rebuilding hapū, whānau, communities and building the capacity and capability of regular Tūhoe people to take on responsibility because they’ve been without it for 3, 4, 5 generations. They don’t know how to make decisions because somebody else used to do it. They don’t know how to take risks, they’ve always had to ask somebody else to do stuff.*

Whā is acknowledging Tūhoe’s circumstance that their rohe was largely untouched by the Crown due to it becoming a national park shortly after its confiscation from Tūhoe. Thus, as of 2018, Tūhoe are the majority population with the most powerful, economic force and the strongest influence over the environment. There is still pain that needs to be addressed as well as healing that needs to occur however, this will happen over time. The main priority for Tūhoe
is to rebuild and strengthen hapū and whānau. This is enabled through mana motuhake which teaches them to be independent and take responsibility for their actions and their environment. However, reaching mana motuhake is not an easy road.

That agenda is highly disruptive. It’s basically civil warfare inside your iwi. You are declaring war amongst yourselves. Because there will be many of you that do not want to change because you are now comfortable with the current regime. So you will resist, you will have a fight. You do not want any change. So there will be civil disorder for at least two generations. That’s 40 years of fighting in order to go to that place called mana motuhake where you are not beholden to anybody, everything that you’ve built is by your own hand, you don’t owe anybody anything, you’re in charge. Maximum autonomy. Everything in the society you live in is constructed not to let that happen. So, that’s the answer to your question. Tūhoe has started by measuring and gauging the loss and committing itself and its resources to reducing the gap between where it is now and where it should be (Whā, 2018).

The comforts of Western lifestyles inhibit the process to mana motuhake. However, mana motuhake does not work in a Western lifestyle and a Western lifestyle does not work in Te Urewera. What Whā is explaining is that Tūhoe has started with conversations to reaching mana motuhake. Whā is also warning that if you are committed to this lifestyle, you need to be aware of the compromise you are making. Whā (2018) hopes:

That in 40 years’ time there will be a generation of Tūhoe people that will just see it as normal. That they are in charge, they just see that as normal. And in two generations time, you’re great-grandchildren will be sitting in this office saying, “explain to me again, what was a National Park? What was that? Can you explain why people had a problem with mana motuhake?”

Like many factors of the legal entity model, time is required to measure its success. Mana motuhake is not something that is going to happen over-night. It is a lengthy process that people must be committed to. But as Whā is alluding to, mana motuhake may be a livelihood that has the best possible outcome for Tūhoe people as well as Te Urewera.
5.6. Synthesis

The unlearning phase must take many factors into account. Ownership, governance and removal of Western methods of conservation are themes that have been identified within the key informant interviews. The themes have been systematically discussed to show the process of the unlearning phase. Removal of ownership is first because it allows for the introduction of legal entities. As a result of legal entities, Crown governance is no longer required. This makes way for the final process of the phase, removal of Western methods and ideals. Without Western governance, the need to base conservation methods off Western models is redundant, enabling Te Urewera Board to rediscover other models, methods and strategies that will eventually result in mana motuhake.

The rediscovery phase acknowledges the findings that Tūhoe and Te Urewera Board can make once unlearning has occurred. In this context, unlearning has allowed for the rediscovery of the personhood of the environment and its recognition as a legal entity. From this, we see a rediscovery of management boards and management systems in the face of Te Urewera Board as well as Te Kawa o Te Urewera. Finally, there is a rediscovery of reconstructed methods to conserve the environment. These methods often take form from combining Indigenous knowledge and values with Western science, such as Nature’s Road. Once rediscovery has happened, relearning can occur.

The relearning phase highlights the various practices that may be further understood once rediscovery has occurred. In this phase, we see a development from legal entities into the human-nature relationship; Te Urewera Board into an evaluation of legal entities and management boards; and finally, we see a reconstruction of conservation methods into mana motuhake. Ultimately, these phases together provide an analysis into achieving mana motuhake.

This chapter sought to highlight the process undertaken by Tūhoe to reach mana motuhake. The purpose for presenting this process in phases allowed for a deeper understanding of each phase. As highlighted within the chapter, mana motuhake encompasses phases of unlearning, rediscovery and relearning. However, mana motuhake is not an end goal.
It is a lifestyle that requires a lifelong commitment. *Mana motuhake* is the way in which Tūhoe interacts with their environment, with Te Urewera. It acknowledges the human-nature relationship through a lifestyle that promotes sustainable living. This lifestyle promotes the prevention of environmental issues with developments, rather than eradicating issues after they arise. Thus, navigating through the processes of unlearning, rediscovery and relearning.

Chapter 6 seeks to synthesise the findings from Chapters Three, Four and Five to answer the three objectives outlined in chapter one. It will then highlight the relevance of this research to the present literature and context of environmental management and conservation.
Chapter Six

6. Conclusion and Discussion

6.1. Introduction

This chapter seeks to synthesise the research findings. Doing so involves analysing findings against what is already present within the literature. This synthesis will be structured to answer the research questions that were introduced in Chapter 1:

1. What benefits and restrictions do legal entities have on resource management in Aotearoa?
2. To what extent does making geographical features legal entities ensure their sustainable management?
3. How are iwi able to assert their own values of environmental guardianship?

6.2. Benefits and restrictions of legal entities on resource management in Aotearoa

From the results, we see a key benefit of legal entities is the presentation of another approach to resource management in Aotearoa New Zealand. Te Urewera, the legal entity, shows a reframing of managing the environment as a resource to managing human interactions with the environment. The resource management aspect has been identified within the literature as an anthropocentric approach to environmental management (Leopold, 1987). The term resource alone insinuates this understanding (Barrett, 2016). The legal identification of Te Urewera recovers the lost connection between human and nature. In this context, Te Urewera is acknowledged and respected similarly to how one would their kin. Thus, recognising that there is no separation between human and nature. This perspective is one commonly shared by Indigenous peoples (Kalland, 2003; Dudgeon and Berkes, 2003; Cajete, 2000; Barrett, 2016).

The legal entity models have been empowered through the Waitangi Tribunal settlements processes then facilitated by iwi. This brings to light the second benefit which is the portrayal of Indigenous knowledge. More specifically, the recognition and acknowledgement of Māori knowledge within resource management in Aotearoa. In the past, Indigenous knowledge of place and environments had been overlooked by Western practices (Battiste and Henderson, 2000). So the introduction of legal entities into the Western system is
not ground-breaking in terms of Indigenous practices. Te Urewera has always been acknowledged as more than a forest. Te Urewera has and will always be an important feature of Tūhoe identity. This is shown through the ability of Tūhoe descendants to trace their whakapapa to Te Urewera. The acceptance of legal entities as a model for resource management in New Zealand validates Indigenous knowledge. However, external pressures can inhibit the benefits of this model.

Restrictions to legal entities around resource management in New Zealand stem from ‘the court of public opinion’. The court of public opinion is the platform where the general public are able to freely share their thoughts on the legal entity models. In this court, there are two possibilities. First, that management of Te Urewera as a legal entity is better than the previous, reactive approach employed by the Department of Conservation. Or, that management of Te Urewera as a legal entity is worse than DoC’s approach. If it is seen to be worse, it could initiate ‘the rise of the DoC machine’. This is where DoC believes that their methods are more appropriate and regain control of the management of Te Urewera. However, the main issue in this instance is the inability for people to see the physical change of Te Urewera. In their management, Te Urewera Board are undertaking a preventative approach. The Board represents Te Urewera. Therefore, everything they do is for Te Urewera and its environment. As a result, The Board are able to prevent any damage to Te Urewera which is why Tūhoe are adopting ecological approaches to their projects and developments. Living buildings and Nature’s Road are mere examples of this.

In relation to the Harakeke Model, these restrictions are part of the unlearning phase. The unlearning is people realising that there are alternative methods to conservation. Conservation methods should not be a one for all approach as exemplified by the National Parks Act 1980. Rather, conservation should be contextual to the environment involved, like Te Urewera for example. We know that Indigenous peoples have been living within their certain areas for generations, therefore they hold knowledge of the places to which they are connected. So why has it taken so long for Indigenous knowledge to be accepted and utilised for conservation methods? Irrespective of the answer, we must now unlearn the idea that Western knowledge and science is more applicable for the conservation of lands they colonised and confiscated from Indigenous peoples. Once unlearning is complete, we may then begin to
rediscover the facets of Indigenous knowledge lost to colonisation. Therefore, the benefits outweigh restrictions when you consider that the restrictions are understandings that can be unlearnt.

6.3. Legal entities as a method to ensure its own sustainable management

The legal entity model has the potential, as a method, to safeguard its own sustainable management. The preventative approach to conservation, which it follows, lessens the risk to the environment, thus limiting the use of reactive methods. In the example of Te Urewera, this approach is endorsed by the perspective that we should be managing the human relationship with the environment rather than managing the environment as a resource. Facilitating this perspective throughout Te Urewera is Te Urewera Board. The Board currently consists of six members appointed by Tūhoe and three members appointed by the Crown to speak on behalf of Te Urewera. Regardless of the Board’s makeup, all members are not representing themselves, or the values of the entity that appointed them. They are appointed to solely represent Te Urewera. To better facilitate involvement from others who have interests in Te Urewera, and under instruction of the legislation (Te Urewera Act 2014), Te Kawa o Te Urewera was created.

Te Kawa o Te Urewera is a management plan that does not follow the substandard template the Department of Conservation presents. This is because it is essentially a human management plan. The purpose of Te Kawa is to show how we may reframe our perspective of resource management. It acknowledges that human existence has no benefit for the environment and as humans, we have disconnected ourselves from the environment. This readdresses the sentiments made by Kalland (2003) surrounding the disconnection of human and nature. Te Kawa shows us how we, as people, may come to realise our duties to care for the environment. Again, this is a process that is going to take time as it means a change of habit and behaviour. However, it is a process that we all should endeavour to support so that we may once again hear bird song whistling throughout Te Urewera.

What must be understood is, legal entity models are entirely contextual. It is working in Te Urewera for two key reasons. First, Te Urewera had been relatively undisturbed between
the Crown’s acquisition of it and the Tūhoe-Te Urewera Settlement. Shortly after confiscation it was put into the conservation estate as a National Park and under the mandate of the National Parks Act 1980. Second, there is a willingness, on the part of Tūhoe, to change their habits and behaviours in order to ensure the sustainable management of Te Urewera in perpetuity. Ultimately, the context Te Urewera is within, enables the legal entity model to be successful. That is not to say that it cannot be successful elsewhere, it just means that aspects of the model need to be adapted to fit within any context. This is the rediscovery aspect.

6.4 Iwi assertions of values around environmental guardianship.

Western systems and ideals have restricted Indigenous management and conservation of their environments. Although we cannot remove the Western system of government which influences decisions and decision-making practices, there are processes in place that allow for recognition of Māori ideals. The Waitangi Tribunal Settlements process enables Māori to make claims against the Crown for historical wrongdoings. Settlement outcomes then provide Māori with a platform to assert their own values and principles. This is how Te Urewera came to exist as a legal entity from 2014 onwards.

As we know, Te Urewera has always been recognised at a human level through whakapapa. The beauty in this perspective is that it has been transported into a value respected and understood by Te Urewera Board. Te Urewera, as a legal entity, is a reflection of Tūhoe tikana. Tūhoe and Te Urewera are inherently bonded as Te Urewera is home for Tūhoe people. This is why it is of utmost importance that Te Urewera Board is mostly made up of Tūhoe members. Now, Tūhoe are able to speak on behalf of Te Urewera and also influence their own lifestyles to positively reflect on Te Urewera. Furthermore, it allows for a rediscovery of the Tūhoe relationship with Te Urewera.

Once there has been a rediscovery of Tūhoe relationship with Te Urewera, there must be a relearning of appropriate ways to care for it. This is where the concept of mana motuhake is introduced. Mana motuhake can be shown through Tūhoe creating an entire livelihood around the conservation of Te Urewera. This is accomplished through practices that advance the social, economic and environmental wellbeing of Tūhoe people. Tūhoe have already begun
their journey to *mana motuhake* through projects such as eco villages, Nature’s Road as well as healthcare initiatives to uplift the social wellbeing of Tūhoe people. The concept behind this came from the idea that what is good for Tūhoe should be good for Te Urewera. If it is not good for Te Urewera then Tūhoe people need to make changes so that it is good for Te Urewera, which is why the projects seek to improve the wellbeing of both Tūhoe and Te Urewera.

### 6.5. Conclusion and Recommendations

This thesis contributes in many ways to existing literature pertaining to Indigenous knowledge. First, the research presents additional information supporting the validity of Indigenous knowledge in environmental management and conservation practices. The term ‘natural resource’ as an identifier for the environment assumes ownership. It endorses the anthropocentric idea that certain aspects of nature are available and at the disposal of human consumption. However, we humans are not entitled to these features. They may be available for human consumption but that is not their sole purpose. This perspective needs to be removed from environmental management if we want to protect nature and Papatūānuku. Indigenous peoples have a very important role to play in this. For Māori, it comes down to the recognition of Papatūānuku who provides sustenance for us which enables our existence. Yet, our actions and response to environmental issues do not enable her existence. As humans, we have separated ourselves from the environment that allows us to live. Legal entities seek to unite human and nature once and forever more.

Second, the information presented endeavours to highlight alternative methods for environmental management and conservation through the understanding of Indigenous knowledge and application of legal entities. The legal recognition of geographical features has helped bring to light the practicality of Indigenous knowledge in conservation efforts. In doing so, it has also questioned the reactive nature of Western practices of conservation. Ultimately, Tūhoe are showing people how effective preventative measures can be in regard to conservation. Recognition of Te Urewera as a legal entity ensures continued care of the place by all. For Tūhoe, Te Urewera is ingrained in their *whakapapa* and is a feature of their individual as well as communal identity.
Finally, the research presents a practical application of how we may reframe the resource management model to provide alternative methods to sustainable living. Te Kawa o Te Urewera seeks to reframe resource management into managing human interactions with nature so there may be less of an impact on the environment. As a result, Te Kawa seeks to address human habits and behaviours to help influence change and assert mana motuhake. Ultimately, mana motuhake is being responsible for one’s own actions. It also provides a foundation to assert change amongst a community of people through the creation of a livelihood. The livelihood that Tūhoe are creating in their rohe supports Te Kawa’s doctrine of human management for environmental conservation. In doing so, it is a livelihood that ensures prosperity for Te Urewera. To attain mana motuhake, a process of unlearning, rediscovery and relearning must first take place. This process removes Western practices and ideals to support the reclamation of Māori knowledge.

Limitations

There were a variety of limitations to this research. The most significant limitation to this research was the time frame. This study was limited to eight-months which constrained the amount of research conducted. Had there been more time, more literature could have been analysed to provide a deeper understanding of other legal entity models as well as other relevant themes. The time frame also limited the research methods and quantity of participants. Therefore, methods were chosen based on how informative the outcome was perceived to be. Literature pertaining to this topic was also limited as legal entities in nature are a new concept to national and international research. Interviews were limited to five participants who had knowledge and informed perspectives about Te Urewera and the legal entity models in New Zealand. If time was not limited, more participants would have been sought. In saying that however, the participants involved in this research were extremely well informed about either legal entities, Tūhoe, Te Urewera or all aspects related to the topic. The final limitation to this research was the geographical distance between myself, in Dunedin, and Te Urewera. Had I been closer, I would have had more access to resources as well as more people informed on the topic.

Recommendations and Future Directions

Although this thesis has been mostly contextual to Te Urewera and the people of Tūhoe, there is no reason why legal entity models cannot work elsewhere. Since Te Urewera,
Whanganui River has become a legal entity and as I write this, Mount Taranaki is in the process of becoming a legal entity too. Each legal entity model will be entirely contextual to the place where they belong and the people who belong to it. However, there is still relevance of this research that must be shared.

First, Indigenous knowledge is of utmost relevance to environmental management and conservation practices. For years, Indigenous peoples have been fighting to be heard and fighting to protect the lands that they are intrinsically connected to. For years their cries have fallen on deaf ears. Let legal entities prove once and for all that Indigenous knowledge is valuable. Allow Indigenous peoples to share their knowledges in a space where they will be listened to. The context of Te Urewera proves how practical Indigenous knowledge can be for environmental management and conservation practices. Furthermore, it shows a coming together of Indigenous and Western knowledges to provide a prosperous future for the environment and the people who live within it. Most importantly, it is an Indigenous-led method on Indigenous terms.

Second, methods for environmental management and conservation, like the legal entity model, take time. In this case, it is a lifelong process that will take an estimated two generations before change is seen in terms of a truly holistic and integrated relationship between people and Te Urewera. The scale of change involves changing human behaviours and relationships. Therefore, it must be allowed the time it needs to prove that it is a valid method. Instead of comparing the legal entity model with current models of environmental management, New Zealanders should be supporting Tūhoe and Te Urewera Board in achieving a successful method for conservation.

There are always going to be avenues for future research around the topic of Te Urewera and legal entities. With Whanganui River as a legal entity and the emergence of Taranaki as a legal entity, there are going to be opportunities to do comparative studies of these models. Not to see which model works best but to see how aspects of each model can benefit each other. Environmental management and conservation is not a competition about who does it best. Instead, as the legal entities are proving, it is about sharing knowledge and practices to protect all environments. This requires the understanding that many elements of each legal entity
model are contextual to their respective environments. Additionally, there are opportunities to work out a matrix that may assist in the qualitative measurement of success of the legal entity models. This matrix should take social, economic and environmental aspects into consideration to identify where methods are working and where methods need improvement. In the international scene, this research presents an example for how other Indigenous peoples may assert self-determination through their own applications of environmental management and conservation practices.
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partial fulfillment for the degree of Master of Planning at the University of Otago, Dunedin, New Zealand.


TE UREWERA BOARD 2017. Te Kawa o Te Urewera.


Appendix 1 Information Sheet

Understanding legal entities: The Transition from Resource Management to ‘Human’ Management within Te Urewera and the struggle to maintain mana motuhake

INFORMATION SHEET FOR KEY INFORMANT PARTICIPANTS

Thank you for showing an interest in this project. Please read this Information Sheet carefully before deciding whether or not to participate. If you decide to participate, we thank you. If you decide not to take part there will be no disadvantage to you and we thank you for considering our request.

What is the Aim of the Project?

I am a Master of Planning student from the University of Otago conducting research that explores whether or not current resource management practices in Aotearoa New Zealand allow for the management of the newly established legal entities. I will be analysing the current management of Te Urewera as a legal entity and comparing it to past methods of resource management in Aotearoa to find out if granting elements of nature legal personhood is a viable option for future resource management in Aotearoa New Zealand.

What Types of Participants are being sought?

The participants sought for this research are iwi members and leaders, Te Urewera Board members, politicians, local and regional council employees and economics. The participants will be selected depending on their knowledge of resource management in Aotearoa New Zealand and/or Te Urewera.

What will Participants be asked to do?

Should you agree to take part in this project, you will be asked to participate in an interview that will last up to an hour, arranged for at a time and location that is convenient to you. This
The interview will be semi-structured, meaning that several open-ended questions have been developed to cover relevant areas in a discussion; however, the discussion remains flexible depending on the way in which the interview develops. With your consent, I would like to audio record the interview. You may decline to answer any question with no disadvantage to yourself. You may also withdraw any information within one month of the date of interview without any disadvantage to yourself.

Please be aware that you may decide not to take part in the project without any disadvantage to yourself.

**What Data or Information will be collected and what use will be made of it?**

The data collected during this project will be used to explore whether or not current resource management practices in Aotearoa New Zealand allow for the management of the newly established legal entities. The data will take the form of notes and audio recordings (if consent is granted) from interviews, as well as notes from site analyses, and notes from focus groups. The information gathered will be used in writing a Master of Planning thesis. The results of the research will be published and the thesis will be available in the University of Otago Library (Dunedin, New Zealand), but every attempt will be made to preserve anonymity. A copy of the thesis can be made available on request.

The data collected will be securely stored in a way that only the researcher will be able to gain access to it. Any personal information held on the participants, such as contact details and audio recordings, may be destroyed at the completion of the research even though the data derived from the research will, in most cases, be kept for much longer or possible indefinitely.

The research involves an open-ended questioning technique. You have the right to at any time decline to answer any particular question(s).

**Can Participants change their mind and withdraw from the project?**

You may withdraw from participation in the project at any time and without any disadvantage to yourself.

**What if Participants have any Questions?**

If you have any questions about our project, either now or in the future, please feel free to contact either:-

*Maiora Puketapu-Dentice* and *Michelle Thompson-Fawcett*

Department of Geography and Department of Geography

Mobile: 0276656382 and University Telephone: 03 479 8762

pukma044@student.otago.ac.nz and michelle.thompson-fawcett@otago.ac.nz
This study has been approved by the Department stated above. However, if you have any concerns about the ethical conduct of the research you may contact the University of Otago Human Ethics Committee through the Human Ethics Committee Administrator (ph +643 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.
Appendix 2 Interview Questions

What role do you play in resource management or the management of Te Urewera or other legal entities?

How can community/iwi/hapū/whānau members get involved in the management of resources/legal entities?

How would you describe your relationship with Te Urewera/other legal entities?

Do you sit on any relevant boards or committees who aspire to care for Te Urewera/other legal entities?

Do you think Aotearoa New Zealand demonstrates good practice in terms of resource management?

Does current legislation enable the sustainable management of legal entities?

What do you see are the positive and/or negative impacts on Māori in terms of current resource management in New Zealand?

What do you think are the positive outcomes of transforming natural resources into legal entities?

How can you measure the effectiveness of natural resources becoming legal entities?

What is your vision for the future of Te Urewera and/or other legal entities in Aotearoa New Zealand?

Are you satisfied that the current Te Urewera Board are adequately representing the views of Ngāi Tūhoe and the Crown?

Do you think that the Te Urewera Board is a positive reflection of co-management in Aotearoa New Zealand?

What implications (positive or negative) does Te Urewera and other natural resources that have become or are becoming legal entities have on Tūhoe and Māori Society as a whole?

Do you think that all natural resources should become legal entities?