

BEFORE THE INDEPENDENT COMMISSIONERS

UNDER the Resource Management Act
1991

AND

IN THE MATTER of the proposed Canterbury
Land and Water Regional Plan

**STATEMENT OF EVIDENCE OF TE MARINO LENIHAN
ON BEHALF OF NGĀ RŪNANGA OF CANTERBURY, TE RŪNANGA O NGĀI
TAHU AND NGĀI TAHU PROPERTY LIMITED**

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1. INTRODUCTION

1.1 My name is Shaun Te Marino Matthew Lenihan. I am from the Reuben family of Tuahiwi. Our whakapapa lines trace back to the earliest inhabitants of Te Waipounamu through Ngāi Tahu, Ngāti Mamoe and Waitaha ancestors. Our whānau has maintained strong relationships with our ancestral lands and waters, wāhi tapu and wāhi taonga over the generations, and we continue to practice and pass on our mahinga kai heritage as and when we are able.

Qualifications and Experience

1.2 I have a Bachelors of Arts and Law (1996) and for the last 13 years I have worked professionally as an advocate for our values, rights and interests in relation to resource management. From 2000 – 2005, I worked for the Auckland Regional Council and helped facilitate relationships between the Council and over 20 distinct hapū of the region. From 2005-2010, I facilitated relationships between the Pegasus Town developers and representatives of my own hapū (Ngāi Tūāhuriri) and iwi in respect of the development of the cultural landscape surrounding Kaiapoi Pā.

1.3 For the past three years, I have been employed by Te Rūnanga o Ngāi Tahu as a senior environmental advisor tasked primarily to work with our tribe's property company so that it might better recognise and provide for our culture and traditions with our ancestral lands, waterways, wāhi tapu, wāhi taonga and other interests affected by their developments. Over this period, I have been focussed primarily on two main tasks:

- a. Working with the rural division of Ngāi Tahu Property Ltd as it investigates how best to convert the tribe's extensive forestry estates to irrigated agriculture in a manner that gives effect to cultural values; and
- b. Working alongside flax-roots Ngāi Tahu engaged in the Canterbury Water Management Strategy so that we might also give effect to those same cultural values within the regulatory regime that governs land and water use into the future.

- 1.4 I have given evidence before the Special Tribunal convened to hear the application for a Water Conservation Order on the Hurunui River and Lake Sumner (Hōkā-kura) in 2009.
- 1.5 I am familiar with the Code of Conduct for Expert Witnesses in the Environmental Court Practice Note (2011) and I agree to comply with the Code. This evidence is within my area of expertise except where I state I am relying on information provided by another party. I have not knowingly omitted material facts which might alter or detract from the opinions expressed.

Scope of Evidence

- 1.6 I have been asked by Te Rūnanga o Ngāi Tahu to prepare evidence in relation to the management of land and water from a cultural perspective, both traditionally and contemporarily.

2. NGĀI TAHU VALUES IN LAND AND WATER

- 2.1 Perhaps the most simple and explicit way to illustrate how close Ngāi Tahu view our relationship with land and water is to look at perhaps the most fundamental expression of our world view: our language.

Land / Whenua

- 2.2 Iwi, hapū or whānau who hold *mana whenua* (traditional authority / sovereignty) within a given area (*takiwā*) are known as *tangata whenua*, the people (*tangata*) of the land (*whenua*).
- 2.3 *Whenua* also refers to the human placenta.
- 2.4 These two examples illustrate how fundamentally important land is to Ngāi Tahu. It is the source of life and an expression of our core identity.

Water / Wai

- 2.5 To ask perhaps the most fundamental question “Who am I?”, Māori say “*Ko wai ahau?*” When these same words are stated, not asked, they mean “I am water”.

Ko wai ahau? – Who am I?

Ko wai ahau. – I am water.

People / *tāngata*

2.6 The fundamental relationship between Ngāi Tahu, land and water finds further expression in three distinctly Māori forms of communication and instruction:

- a. *Whakataukī* (proverbs);
- b. *Pepeha* (expressions of identity);
- c. *Whakapapa* (genealogy).

These are set out further below.

2.7 Whakataukī:

Toitū te marae o Tane	<i>Healthy Land</i>
Toitū te marae o Tangaroa	<i>Healthy Water</i>
Toitū te iwi	<i>Healthy People</i>

2.8 Pepeha:

Ko Maunga Tere ki uta	<i>Mt Grey to the west</i>
Ko Te-Tai-o-Mahaanui ki tai	<i>Pegasus Bay to the east</i>
Ko Waimakariri te awa	<i>Waimakariri the river</i>
Ko Ngāi Tūāhuriri te hapū	<i>Ngāi Tūāhuriri the sub-tribe</i>
Ko Ngāi Tahu Whānui te iwi	<i>Ngāi Tahu Whānui the tribe</i>
Tihe i mauri ora	<i>Behold the essence of life</i>

2.9 Whakapapa (genealogies) are the almanacs and encyclopedias of te ao Māori. Whakapapa is used to rationalize and record both the genesis of life in this world as well as how people (Ngāi Tahu in our case) relate to that world and to each other.

2.10 Our culture conceptualises people as mere descendants of the natural world around us, not as masters of it. Our deities are not cast in the reflection of man. Instead, they are simply personifications of the various realms of the natural world (e.g. air/*Ranginui*, land /*Papatūānuku* and water/*Tangaroa*), that is the source and sustenance of all life.

2.11 The whakapapa below was recorded in 1849 by Ngāi Tahu's preeminent sage of the 19th century (Matiaha Tiramorehu) and explains the creation of life through a distinctly Ngāi Tahu lense.

Specifically, it illustrates how Ngāi Tahu (the descendants of Tahu Pōtiki) are first and foremost the product of the original unions between water (Tangaroa), land (Papatūānuku) and air (Ranginui).¹

Ehara i a Raki tēnei wahine a Papatūānuku, nā Tangaroa kē ia. Tēnei wahine, a Papatūānuku, he mea i noho ai i a Raki, ka hori a Takaroa ki waho ki te kawē i te popoki o te tamaiti. Hoki rawa mai a Takaroa, kua noho noa ake a Papatūānuku i a Raki, kua puta noa ake a Rehua, a Tāne, me te katoa hoki o ngā tamariki a Raki rāua ko Papatūānuku. Heoti, ka tae mai a Takaroa, te tangata nāhana te wahine, ka tukutuku mā tātahi a Takaroa rāua ko Raki, ka tū a Raki i a Takaroa, e rua ngā papa o Raki, puta rawa te huata ki tua. Ko Raki kīhai i mate, i ora anō ia, no konei i aitia tūoitia ai e ia tana aitanga i a Papatūānuku, ka puta ki waho

Ko Te Whānau-tūoi
Ko Te Whānau-takoto
Ko Tāne-kupapaeo
Ko Tāne-tūturi
Ko Tāne-pēpeke
Ko Te Oi
Ko Upoko-nui
Ko Upoko-roa
Ko Upoko-whakahu
Ko Tāne-i-te-waiora.

No kōnei i piri tonu ai a Raki ki runga ki a Papatūānuku. No kōnei a Raki i kī atu ai ki a Tāne rātou ko ōna tāina kia tīkina mai ia, kia patua, kia ora ai kā tāngata.

2.12 Tiramorehu then explains the genealogical relationship between people and water.

Kei a te pō te tīmatanga mai o te waiatatanga mai o te Atua
Nā te Pō, ko te Ao
Nā Te Ao, ko Te Ao Marama
Nā te Ao Marama, ko te Aoturoa,

¹ Matiaha Tiramōrehu, “Te Waiatatanga mai o te Atua: South Island traditions” (1849). Edited by Manu Van Ballekom and Ray Harlow, Volume 4 of Canterbury Maori studies, Dept. of Maori, University of Canterbury, 1987

Nā Te Aoturoa, ko Te Kore tē whiwhia
Nā Te Kore tē whiwhia, ko Te Kore tē rawea
Nā Te Kore tē rawea, ko Te Kore tē tāmaua
Nā Te Kore tē tāmaua, ko Te Kore matua
Nā Te Kore matua, Ko Te Mākū (“The Moisture”)
Nā Te Mākū, ka noho i a Mā-hora-nui-ā-tea, ka puta ki waho
ko Raki
Nā Raki anō, nā Papatūānuku i puta atu ai ki waho a Tāne, no
muri mai i a Rehua
Tāne
Paia
Wehi-nui-a-mamao
Tū-taka-hinahina
Te Aki
Whatiua
Tū
Roko
Rū
Ū-ako
Hua
Puna
Wherei
Uru
Kakana
Wai-o-nuku
Wai-o-raki
Aio-hou-taketake
Ka-mau-ki-waho
Ka-mau-ki-tahito-te-raki
Kai-roa
Kai-pehu
Kai-akiakina
Tapatapa-i-āwhā
Te Manu-waeroa-rua
Toi
Rauru
Ritenga
Whatonga

Apa

Rokomai

Tahatiti

Ruatapu

Pipi

Te Ara-tū-maheni

Rakiroa

Rokomai

Poupa

Te Raki-whakamaru

Hou-nuku

Hou-raki

Hou-atea

Uenuku

Kahutiateraki

Ruatapu

Paikea

Tahu Pōtiki

Heoti anō, nā te kotahi o Paikea a Mātou e noho nei, otirā tērā anō tetehi pūtake, he nui noa atu ka rerenga mai ki te ao nei.

2.13 Tiramorehu's whakapapa describes the decent lines from the creation of the universe (from darkness into light), through the primary elements of the world (including water, air and earth) and on to our own human ancestors.

- a. Water is personified as '*Te Mākū*' (literally, 'the dampness' or 'moisture').
- b. Earth and air are the omnipresent *Rāki* and *Papatūānuku*.
- c. Eventually descent lines trace themselves to *Uenuku*, the father of *Kahutia-te-raki* and ancestor of both *Paikea* (the whale-rider) and his descendant, *Tahu Pōtiki* (Ngāi Tahu's eponymous ancestor).

2.14 Whakapapa is sacrosanct, and so, by relating people to the world around them through whakapapa, a strong sense of sanctity and religious association is established between people and place. Resource use and management is imbued accordingly with codes of behavior (*tikanga* and *kawa*) that seek to preserve and enhance those

associations, and a sustainable cycle of reciprocal nurture and care is effectively formed.

- 2.15 In summary, therefore, whakapapa explains and establishes the relationship between people and their place and, in turn, becomes the basis of one's rights and responsibilities to manage and use the natural resources within any given area.

3. PATTERNS OF SETTLEMENT AND NATURAL RESOURCE USE

- 3.1 The physical value of good water and land to Ngāi Tahu can be seen within the patterns of settlement and occupation throughout Canterbury.
- 3.2 Traditions and archaeology inform us that our ancestors largely settled along the coast, on high ground, close to potable water, fertile soils and waterways that not only provided ready access to the regions natural resources and related communities, but also the facility to defend those settlements from incursion and attack.

Case Study (Kai-a-poi)

- 3.3 When Ngāi Tahu first migrated onto the Canterbury Plains (*Ngā Pākihi Whakatekata o Waitaha*), the decision was made to establish their chief settlement within the relatively temperate climate of the vast wetlands that ran between the mouths of the Waimakariri and the Rakahuri (Ashley) rivers.
- 3.4 The site chosen was already occupied by Ngāti Mamoe, and traditions and archaeology alike suggest that it was settled earlier still by the various clans of Waitaha.
- 3.5 Notwithstanding those earlier choices and time-honored patterns of settlement, the founder of this new 'Ngāi Tahu' settlement, Tū-rākautahi, was criticized by his contemporaries for choosing to establish their primary foothold within a wetland. His response was simple: he proclaimed that all the resources (*kai*) that would be required by his people could be procured around them and 'swung' (*poi*) back into their pā, which he then named Kai-a-poi.

- 3.6 In time, Kai-a-poi was to become the spiritual, political and economic capital of Ngāi Tahu throughout Te Waipounamu (the South Island), the surrounding wetland effectively providing:
- a. Access to and from their stronghold via the deep channels that ran throughout the wetlands;
 - b. Security for around their pā, much like moat around a castle;
 - c. Fresh water springs for drinking (these are found throughout the lowlands between the Waimakariri and the Rakahuri);
 - d. Wild foods, found in abundance throughout the wetlands, dunes, forests, estuaries and coastal eco-systems associated with that landscape; and
 - e. Seams of fertile soils (e.g. at Te Tuahiwi) upon which could be established cultivations of to grow kūmera and other cultivated foods.

4. VALUES AND EXPERIENCES

- 4.1 Those fundamental relationships between people, place and *mahinga kai* (natural resources) have not disappeared, and indeed, they continue to characterize Ngāi Tahu culture and identity today.
- 4.2 When my mother (Gloria Waimarie Reuben) grew up in Tuahiwi following the Second World War, mahinga kai was still the principal source of food for her whānau – both nuclear and extended. The reality for our whānau at that time, and indeed Ngāi Tahu generally, was to be marginalized from the dominant culture and economy. Employment opportunities were, generally speaking, as laborers and often only ever seasonal (e.g. freezing works, shearing). Mahinga kai – from the sea, rivers, swamps, estuaries, lakes, off-shore islands, hills and forests – all played a vital part in ‘putting food on the family table’, just as they had done for generations before them.
- 4.3 One generation on, however, and that inter-dependent relationship between our people and mahinga kai has diminished extensively. Most hapū members now live outside of traditional communities within urban environments that rely on shops for food. Those that remain in touch with their traditional communities and practices have had to

compromise their values and behaviors as the abundance and variety of mahinga kai have diminished further. Wetlands continue to be drained for agriculture (e.g. there is less than 10% of the region's previously extensive wetlands remaining²). Waterways continue to be polluted with industrial and domestic waste from both rural and urban developments. Resource management rules and regulations have effectively prioritised and facilitated land use development over Ngāi Tahu values, rights and interests in our waterways including even the protection of clean potable water.

- 4.4 While my own children still get to experience some of our traditional mahinga kai practices (*tuna, pātiki, pāua, inanga, tuaki, tuatua, kōwhitiwhiti/watercress, harakeke, hua-manu*), the opportunities for them to do so are constrained by the effects of past and present land use activities which have limited the abundance and quality of our mahinga kai. Given the degraded state of particular corners of our environment, I believe it is time that resource management rules actively incentivize resource users to actually 'avoid' adverse effects at the very least, and that we agree that it is no longer enough to simply mitigate and/or remedy those effects or if we are to turn the state of our environment around.

5. FORMAL RECOGNITION AND PROVISION FOR VALUES

- 5.1 Ngāi Tahu values in water and land have been recognised, guaranteed and set out in a number of formal documents including:
- a. Te Tiriti o Waitangi / the Treaty of Waitangi (1840);
 - b. The Sale and Purchase Agreement for Canterbury (1848);
 - c. Te Whakatau Kaupapa: Ngāi Tahu Resource Management Strategy for the Canterbury Region (1990);
 - d. The Ngāi Tahu Claims Settlement Act (1998);
 - e. The South Island Eel Management Plan (1997);
 - f. The Ngāi Tahu Freshwater Policy (1999);

² Canterbury Water Management Strategy – Strategic Framework 2009, page 5 (Key Challenges).

- g. Te Mahere Tukutahi o Te Waihora: Waihora Joint Management Plan (2005); and
 - h. Te Pōhā o Tohu Raumati: Te Rūnanga o Kaikōura Environmental Management Plan (2009).
- 5.2 Article II of the Treaty of Waitangi guaranteed Ngāi Tahu the on-going exercise of our property rights over all our land and water resources:

(English)

*Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof **the full exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession (...)***

(Māori Text)

*Ko te Kuini o Ingarani ka wakarite, ka wakaae ki nga Rangitira, ki nga hapū, ki nga tangata katoa o Nu Tirani, **te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa (...)***

(Translation of highlighted section)

"... the unqualified exercise of their chieftainship over their lands, villages and all their property and treasures."

- 5.3 Eight years later, the Crown agreed again to preserve Ngāi Tahu's property rights associated with our *kāinga* (permanent settlements), *nohoanga* (seasonal camps) and mahinga kai for the express benefit of current and future generations.

Ko o matou kainga nohoanga ko a matou mahinga kai, me waiho marie mo matou, mo a matou tamariki, mo muri iho i a mātou; a ma te Kawana e whakarite mai hoki tetahi wahi mo matou a mua ake nei a te wahi e ata ruritia ai te whenua e nga Kai Ruri.

Our permanent and seasonal settlements and our mahinga kai are to be set aside for us and our descendants after us; and the Crown shall survey off any additional lands as it see fits.

- 5.4 In 1990, Ngāi Tahu prepared a regional resource management strategy for Canterbury in order to facilitate the recognition and provision of our people's relationship with their ancestral lands as a matter of national importance under the Town and Country Planning Act 1977. There are now a number of iwi management plans covering significant sites and resources throughout the Ngāi Tahu takiwā.
- 5.5 In 1999, after finally settling the tribe's Treaty claim, Te Rūnanga o Ngāi Tahu produced its first tribal environmental policy. Focussed on freshwater, it identified a number of tangible and intangible Ngāi Tahu values associated with specific water bodies, including:
- a. The role of particular waterways in tribal creation stories and historical accounts;
 - b. The nexus between waterways and sites of significant (e.g. wāhi tapu, settlements, etc);
 - c. The use of waterways as access routes or transport courses;
 - d. The value of waterways as traditional sources of mahinga kai; and
 - e. The continued capacity for future generations to access, use and protect the resource.
- 5.6 Collectively, these documents illustrate that Ngāi Tahu ancestors:
- a. Understood the importance of securing their governance and property rights to key resources such as kāinga, nohoanga and mahinga kai;
 - b. Successfully battled the Crown to acknowledge that those rights had not been honoured; and
 - c. Continue to advocate for the protection and enhancement of those rights as best we can and no doubt until they have been secured for the enjoyment and benefit of future generations.

6. KI UTA KI TAI

- 6.1 The concept of *Ki uta ki tai* (from mountains to sea) reflects Ngāi Tahu’s holistic perspective of the world and effectively describes our approach to natural resource management.
- 6.2 *Ki uta ki tai* is a paradigm and ethic that acknowledges the inter-dependent nature of life and, most importantly, how nature can be managed so that it remains balanced, resilient and ultimately available for the enjoyment and benefit of future generations.

<i>Mauri ora ana te wai</i>	Quality water
<i>Kirimaia ai te kai</i>	Abundant resources

- 6.3 In order to achieve these outcomes, Te Rūnanga o Ngāi Tahu have been focussed on influencing planning and policy frameworks so that a culture of integrated management is fast-tracked into ‘mainstream’ resource management frameworks and practices. Beyond that, Te Rūnanga o Ngāi Tahu is investing in the development of best practice monitoring, reporting and information system analysis, as well as area management and succession tools for key mahinga kai (e.g. *mātaitai* and *taiapure* reserves).

7. MAHINGA KAI

- 7.1 Early Crown interpretations of mahinga kai were confined to cultivated foods (i.e. gardens). For Ngāi Tahu, however, cultivated produce was essentially limited by colder temperatures of the South Island. Kūmera was grown in the Kaiapoi district, for example, but survival and prosperity required extensive knowledge of the entire landscape – *ki uta ki tai* from mountains to sea – coupled with an in-depth understanding of the cycles of life for each respective species hunted, gathered or harvested.
- 7.2 Ngāi Tahu has since set the record straight, and the following definition of mahinga kai is set out in the Ngāi Tahu Claims Settlement Act 1998:

“the customary gathering of food and natural materials and the places where those resources are gathered.”

- 7.3 This definition illustrates that '*kai*' refers to more than just food and in fact embraces all natural resource that sustain life including:³
- a. Fresh water (*wai-kai, wai-māori*);
 - b. Stone (e.g. *pounamu, pakohe*);
 - c. Weaving materials (e.g. *harakeke*);
 - d. Building materials (e.g. *kākaho*); and
 - e. Medicinal plants (*rongoā*).
- 7.4 While it is clear that mahinga kai were the basis of Ngāi Tahu's traditional economy, it would be inaccurate to conclude that mahinga kai was simply about economy. Mahinga kai was the 'class-room' in which core the values of manaakitanga and kaitiakitanga were passed down from generation to generation. Mahinga kai was the 'social-glue' that kept whānau together and communities alive. It required collective effort and delivered shared benefits which facilitated strong and resilient communities. Mahinga kai was guided by strict protocols (*tikanga* and *kawa*) fashioned over more than 40 generations of living throughout Te Waipounamu. Mahinga kai was, and continues to be, a way of life. It is a great source of pride and great shame can be felt when our papatupu marae are not able to put local delicacies on their table because they are either no longer present or are so polluted that the decision has been made not to harvest from those places.⁴
- 7.5 Yes, Ngāi Tahu ancestors made mistakes and learned lessons in respect of their relationship to natural resources (rights and responsibilities). The expression of those experiences was constructed in whakapapa (see above) and framed by an ethos of sustainable stewardship of the environment that recognised the needs of future generations. Ngāi Tahu culture became, and indeed remains, primarily a culture of mahinga kai.

³ Williams, H. W. "Dictionary of the Māori Language" (1957 edition), page 86: Kai (ii) 2. Anything produced in profusion; products. *Kua kite ia i te whenua, tona kai, he pounamu, he moa.*

⁴ I have been told that my mother's whānau of Tuahiwi, and two other whānau (local Māori and Pākehā), collectively decided to stop swimming and collecting food from the Cam River in the 1970's given that the town of Rangiora was using it to convey sewerage to the sea.

"In a world where cultural distinctiveness is continually pressured by the compressive globalisation of internationally shaped values, the markers of culture and identity become increasingly difficult to cleave to. The foods and feathers of Maori culture are such markers and the pressure on them makes them even more valuable".⁵

8. CUSTOMARY USES

"The arts of pawhera in the case of fish or tuna, the making of poha for manukai, the gathering and proper preparation of the materials, the exchange of the various recipes for flavouring *karengo* (sea lettuce) with native fruits - all these achieve something of a near religious significance especially in a context of interchange between young and old... the transmission of heritage knowledge. Doing it makes you more secure in your Māoriness, especially in tribal terms".⁶

8.1 Customary uses encompass both physical and spiritual elements, each designed to ensure sustained resources and successful harvests.

"Appropriate respect and recognition of the spiritual values of the materials used, even the most commonly available harakeke resources, are central to customary use and the need to respect the materials used is often expressed in terms of the concept of mauri".⁷

8.2 Hunting, harvesting and cultivation were all framed in *karakia* (incantations, prayers, ritual chants), designed to ground and inspire action with purpose and protocol by:

- a. Acknowledging the appropriate *atua* (the natural world personified);
- b. Seeking that any surrounding 'restrictions' be loosened;

⁵ NZ Conservation Authority, "Maori Customary Use Of Native Birds, Plants & Other Traditional Materials" (1997) quoting Sir Tipene O'Regan at page 97.

⁶ Sir Tipene O'Regan, *ibid* at page 98.

⁷ *Ibid* at page 97.

- c. Ordering what actions are required; and
 - d. Expressing the completion of the action.
- 8.3 All karakia were chants but it is very difficult to give the word karakia a literal English meaning. Probably incantation is the nearest we can get in English. They were used to cover almost all contingencies, from the loftiest purposes of bringing health to a sick child and bravery and strength to a warrior to the more plebeian task of expelling a fish bone from the throat of a glutton.⁸
- 8.4 Alienation of our people from their mahinga kai culture has contributed to a less resilient, spiritually, economically and culturally impoverished people. Te Rūnanga o Ngāi Tahu has recognised this and has, for example, prioritized funding for whānau mahinga kai initiatives (c.f. Ngāi Tahu Fund, Mahinga Kai fund) as a key strategic means to help strengthen our culture in the post-settlement environment we now live in. Further efforts are still required, however, from all agencies and authorities responsible for resource management. Remnant mahinga kai need to be protected and/or enhanced so that they can once again form the foundation of resilience and prosperity for communities throughout Te Waipounamu.
- 8.5 In terms of how we go about that, I believe that a marriage between contemporary and traditional ‘sciences’ is required so that our efforts can be as robust as possible for Ngāi Tahu whānau and their communities.
- a. All key well-beings need to be recognised – social, cultural, environmental and economic;
 - b. Research projects which focus on significant mahinga kai (species and/or places) need to be prioritised; and
 - c. Clarity around what our key outcomes are is required.
- 8.6 The goal, I believe, is not simply to engage better in the dominant socio-economic paradigm of today (i.e. exploit resources for short term, individual profit) or even to simply maintain particular scientific standards (e.g. water quality). The goal is ultimately to be able to

⁸ W.A. Turner, *Karakia Te Ao Hou*. No. 32 (1960)
<http://teaohou.natlib.govt.nz/journals/teaohou/issue/Mao32TeA/c22.html>

sustain our traditional values and practices that empower our whānau with greater pride and lead them towards greater well-being and holistic prosperity.

Healthy Land – Healthy Water – Healthy People

9. MAURI

"Mauri is the essential life-force, the power and distinctiveness which enables each thing to exist as itself. Everything in the natural world – people, fish, birds, forests, rivers, water, land, and even created things such as a house or wharenuī – has its own mauri".⁹

- 9.1 In essence, therefore, mauri is metaphysical: it is a force or power which is used traditionally to express the relative health and vitality of any given place or being. The maintenance and enhancement of the mauri is the primary resource management principle for Te Rūnanga o Ngāi Tahu.¹⁰
- 9.2 Comprehending such abstract notions and translating them into resource management plans and 'on the ground' actions is not easy, however, and is in part why Te Rūnanga o Ngāi Tahu has requested that the proposed Canterbury Land and Water Regional Plan (pLWRP) objectives refer to kaitiakitanga rather than mauri.

10. KAITIAKITANGA

- 10.1 *Kaitiakitanga* is the system of cultural practices, customs and rules that have been developed over time to protect and, where necessary, enhance the mauri of a place or resource for the benefit of present and future generations.
- 10.2 Traditionally, this system relied on spiritual guardians – *taniwha* or *kaitiaki* – that communicated the relative well-being of their respective environments to local experts (*tohunga* and *rangatira*) who then

⁹ Supra at footnote 5, page 85.

¹⁰ Ngāi Tahu Fresh Water Policy (1999), Section 4.2.1 (Mauri).

interpreted those signs and decided how best to manage those environments and resources accordingly.

10.3 Nowadays, taniwha and kaitiaki are not as well understood or respected by contemporary minds and resource management systems. They have been replaced by other key environmental performance indicators such as:

- a. The quantity and quality of indigenous flora and fauna;
- b. The presence/absence of invasive pests and predators;
- c. The productive capacity of mahinga kai and their fitness for cultural use; and
- d. The quantity and quality of surface and ground water, including both the velocity and continuity of flow from source to sea, and the aesthetic qualities such as smell, look, feel, taste, sound, depth.

10.4 The contemporary expression of kaitiakitanga by Te Rūnanga o Ngāi Tahu includes:

- a. The development of environmental management plans;
- b. The establishment of customary fisheries management areas (i.e. *mātaitai* and *taiapure*) and practices (e.g. *rāhui*, 'trap and transfer' programmes, re-seeding and species translocation);
- c. Wāhi taonga enhancement initiatives (e.g. wetland development at Pegasus Town);
- d. Advocacy for greater use of native flora within urban design and town planning (e.g. Wigram Skies); and
- e. Advocacy for greater acceptance of traditional resource management philosophies such as:
 - i. ki uta ki tai catchment management from source to sea;
 - ii. inter-connectivity between land and water;
 - iii. inter-connectivity between surface and ground water;
 - iv. protect breeders, harvest juveniles; and
 - v. treat waste on land, do not dispose of it in water.

- 10.5 In practice, this requires:
- a. The ability to define, monitor and celebrate success (e.g. co-governance, co-management);
 - b. Greater understanding of Ngāi Tahu values, objectives and traditional practices;
 - c. Regulatory / legislative backing (e.g. South Island Customary Fisheries Regulations);
 - d. Capacity and capability to be effective; and
 - e. Support from Crown agencies, regional councils and territorial local authorities who share similar responsibilities and are funded through rates to manage our natural resources.

11. WĀHI TAPU AND WĀHI TAONGA

11.1 *Wāhi tapu* are sites (*wāhi*) imbued with an element of sacredness or restriction (*tapu*). They include sites that are associated with the creation stories; the observance of ceremony (e.g. alters, baptismal waters); historical occupation (e.g. *pā*); human remains (*urupā, kōiwi*); archaeological and rock art sites (*ngā tuhinga o nehe*); and geographical markers of identity (e.g. significant mountains, mountain ranges, rocks and some trees).

11.2 *Wāhi taonga* are sites which are highly valued (*taonga*), but unfettered by tapu. Generally speaking, they relate to sites which either provide access to mahinga kai (e.g. *nohoanga, manu, wakawaka, tauranga ika, tauranga waka*) or are critical to the sustenance of mahinga kai species. With respect to the area covered by the pLWRP, recognised *wāhi taonga* are:

- a. Wetlands (*repo*);
- b. Freshwater Springs (*puna, waipuna, matatiki*);
- c. Headwaters (*hikuwai, hikuawa*);
- d. Estuaries / River mouths (*wai-mātaitai, ngutu-awa, kō-ngutu, waha-pū, pūaha*);
- e. Mudflats (*tai-koraha*);

- f. Riparian margins (*ākau, parenga*);
 - g. Coastal lagoons (*hāpua, pūroto*); and
 - h. Low-land streams (*wai, awa, manga, pūkaki*).
- 11.3 When wāhi taonga become degraded or disappear, papatupu marae communities (i.e. Ngāi Tahu whānau who maintain strong connections to their tūrangawaewae/ancestral lands and culture) lose their ability to provide for cultural, social and economic needs. When wāhi taonga are absent for more than one generation, the knowledge base associated with those places and resources also begin to degrade and disappear. Who would we be if it were not for our culture?
- 11.4 To help guard against any further loss of wāhi taonga, specific policies to protect them were adopted within Te Whakatau Kaupapa, Te Rūnanga o Ngāi Tahu's seminal Resource Management Strategy for the Canterbury Region (1990).¹¹ The spirit of those policies is reflected in our evidence today as we seek to identify policies and rules within the pLWRP which may inadvertently lead to further loss of wāhi taonga (e.g. riparian margins, coastal lagoons and low-land streams affected by hazard remediation and recovery activities).

12. **DISCHARGE OF CONTAMINANTS INTO WATER**

- 12.1 Unnatural discharges to waterways are opposed by Te Rūnanga o Ngāi Tahu if they result in the contamination of that water body.¹² Contaminated water contaminates life in that water (e.g. mahinga kai species), as well as those who may drink that water, whether by accident (e.g. while swimming) or by design (e.g. via domestic water supplies).
- 12.2 With respect to effluent, Te Rūnanga o Ngāi Tahu prefers that it is treated on land (including constructed wetlands) provided that the associated groundwater and any proximate surface waterways are not polluted in the process.¹³ It does not matter whether the effluent is human or animal, urban or rural. All effluent contamination in

¹¹ Te Whakatau Kaupapa, General Water Policies 10, 11 and 15, pages 4-20 & 4-21.

¹² Te Whakatau Kaupapa, General Water Policy 1, page 4-20.

¹³ Ibid. General Water Policy 4, page 4-20.

waterways has the potential to offend any associated mahinga kai values and should preferably be managed in order to avoid any adverse effects.

- 12.3 Land (including wetlands) can provide a natural filter through which contaminants can be treated. This capacity is sometimes referred to as 'environmental infrastructure' or 'eco-system services' and potentially provides the most effective treatment and fiscally sustainable option over time.

13. MIXING OF WATERS

- 13.1 According to Ngai Tahu tradition, it was the Rapuwai people who first classified the waters of Te Waipounamu.¹⁴ Areas of water were set aside for various types of use, either because of their location or because the waters were considered to have special qualities. That classification then determined how each respective waterway would be used. It would, for example, be inappropriate to drink water from a stream that was used for embalming the dead, or to cleanse oneself of tapu (e.g. after battle) within a *tauranga ika* (fishing ground).
- 13.2 Te Rūnanga o Ngai Tahu consider it unacceptable, therefore, to mix waters that are perceived to be 'incompatible'.¹⁵ Such aversion to the mixing of waters relates back to Ngāi Tahu's policy to oppose the unnatural contamination of waterways. Traditionally, such 'contamination' may have been physical or metaphysical. Today, our dislike of any 'mixing of waters' is more likely to relate to a wish to preserve the natural characteristics of traditional waterways and/or avoid any transfer of contaminants (e.g. didymo) from one to the other.
- 13.3 Where the mixing of two or more distinct waterways is proposed, then it is important to work with local Ngāi Tahu representatives in order to determine how best to manage the situation and avoid any potential adverse effects.

¹⁴ Ibid, Spiritual Values, page 4-15.

¹⁵ Ibid.

14. CULTURAL LANDSCAPES

- 14.1 Natural landscape features – mountains, rivers, lakes and harbours – are all used by Ngāi Tahu to express who we are by identifying where we come from.

Ko Aoraki te maunga *Aoraki the mountain*

Ko Waitaki te awa *Waitaki the river*

Ko Ngāi Tahu te iwi *Ngāi Tahu the people*

- 14.2 ‘Natural’ landscapes are thus transformed into ‘cultural’ landscapes. The land and her waterways, forests and coastlines are understood both physically and spiritually. They provide us with an immense sense of place and belonging which is not bound by lines on maps that define urban limits or district boundaries.
- 14.3 Our landscapes are celebrated within tribal stories of creation and migration and even where modified, will be valued by Ngāi Tahu (c.f. MaungaTere / Mt Grey’s pine forests, trig station and transmission tower). As such it is vitally important to Te Rūnanga o Ngāi Tahu that regional land and water plans do not offer protection only to those water bodies and other natural features that are regarded as pristine or unmodified; but that we look to what was in the past as inspiration for what can be again in the future.

15. CONCLUSIONS

- 15.1 My evidence has endeavoured to illustrate the intrinsic relationship between Ngāi Tahu and our cultural landscapes, drawing on key aspects of our customs and unique world view to describe how those lands, waters, wāhi tapu, wāhi taonga and mahinga kai were managed traditionally and are being managed today.
- 15.2 My intent has been to ground our technical evidence in our culture and traditions so that our collective words and wishes today are seen unequivocally in the light which they have been crafted; namely, to strengthen the shape and content of the pLWRP such that it can best fulfil Canterbury Regional Council's obligations under Part 2 of the RMA, including, but not limited to, the needs:

- a. To recognise and provide for the relationship of Ngāi Tahu and our culture and traditions with our ancestral lands, water, sites, wahi tapu, and other taonga (Section 6(e));
- b. To have particular regard to our kaitiakitanga responsibilities (Section 7(a)); and
- c. To take into account the principles of the Treaty of Waitangi (Section 8).

Te Marino Lenihan

February 2013