

**COMMENTARY**

# Navigating towards Te Mana o te Wai in Murihiku

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## 1 | INTRODUCTION

In 2015, Environment Southland became the first regional council in the country to include Te Mana o te Wai in a water plan's architecture. In this commentary, we reflect on how Ngāi Tahu ki Murihiku seized the opportunity to define Te Mana o Te Wai in local terms. We consider the consequences for staff and practitioners, relationships between Ngāi Tahu and Environment Southland, and for regional water management. To proceed, we first outline the Southland context and reasoning for Ngāi Tahu ki Murihiku to push for the inclusion of Te Mana o te Wai in the regional plan, before considering what that has meant in the short term, and what it could bring to the region long term.

## 2 | O TE WAI

Ngāi Tahu ki Murihiku regard water as a taonga or treasure of the people, noting that "It is the kaitiaki responsibility of tangata whenua to ensure that this taonga is available for future generations in as good as, if not better quality" (Ngāi Tahu ki Murihiku, 2008, p. 147). That means striving for the highest possible standard of water quality characteristic of a particular place and waterway. Such work might seek to restore water quality so that it is suitable for drinking and contact recreation (e.g. bathing or swimming) where it once was, and so that it can sustain healthy mahinga kai or customary harvest (Te Ao Marama Incorporated, 2019).

Management of water and its mauri (lifeforce) is a principal and constant concern for Ngāi Tahu ki Murihiku. However, in Southland, like the rest of the country, iwi/Māori have been marginalised from the

management of this key resource for many generations. Predominantly, the management of freshwater in Southland has been driven by land productivity. Resulting modifications to land and waterbodies, coupled with the devaluing and disregarding the mauri of water, has led to the degradation of water bodies (Environment Southland & Te Ao Mārama Incorporated, 2011).

These changes have impacted numerous cultural uses, including mahinga kai. Ngāi Tahu has continually expressed the fundamental importance of mahinga kai for the last two centuries. Mahinga kai is not only about species harvest but also about knowledge transmission, cultural practice and access to the environment (see Figure 1). Mahinga kai is vital to the identity, mātauranga (knowledge), social cohesion, survival and health of Ngāi Tahu:<sup>1</sup>

... it is about places, ways of doings things, and resources that sustain the people. It includes the work that is done (and the fuel that is used) in the gathering of all natural resources (plants, animals, water, sea life, pounamu) to sustain well-being. This includes the ability to clothe, feed and provide shelter. The loss of mahinga kai is attributed to habitat degradation, resource depletion, legislative barriers that impede access, changes in land tenure that affect ability to access resources and the introduction of predators that have severely reduced the traditional foods of Ngāi Tahu (Ngāi Tahu ki Murihiku, 2008, p. 126).

There has been great loss of freshwater-associated mahinga kai in Murihiku over several generations. This

**FIGURE 1** An illustration of the attributes of mahinga kai. Source: Williams and Crow (2016)



loss was the impetus for Te Kerēme, the historical Ngāi Tahu Land Claim lodged in 1986 (Fisher, 2021). In evidence presented to the Waitangi Tribunal at Te Rau Aroha Marae (Bluff) in April 1988, Taare Bradshaw described this loss and the failure to protect these environments:

Our rivers, lakes and wetlands or what is left of them, most of our wetlands have been drained, nearly all of our rivers have been interfered with, or would ‘meddled with’ be a better phrase to use at this time. I see raw sewerage, dead livestock, and other obnoxious materials, pouring down our waterways out to the open sea, little wonder that these areas of mahi kai are no longer fit for human consumption.

...Is this the heritage that we of this generation are going to bequeath to our future descendants? Who is responsible? (Wai 27, H-13, p. 29)<sup>2</sup>

Despite Ngāi Tahu having settled its historical Treaty Claims in 1997 and the introduction of the Resource Management Act 1991, Bradshaw’s comments from 1988 remain pertinent today. Freshwater degradation continues to harm Ngāi Tahu health, wellbeing, identity and cultural heritage.<sup>3</sup> The 2011 Southland State of Freshwater reports co-authored by Environment Southland and Ngāi Tahu ki Murihiku highlighted that water bodies were still degrading and that management responses were inadequate (Environment Southland & Te Ao Marama Incorporated, 2011).

The reports reconfirmed that Ngāi Tahu ki Murihiku needed to change the status quo from water being managed as a commodity and an enabler for land productivity to managing water in its own right, with the respect and reverence it requires. To help shift the conversation, whānau needed a ‘disruptor’.

### 3 | RISE OF THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

The continuing deterioration of water bodies became a public and highly politicised issue at the start of the 21st century, with calls for action by iwi, NGOs and scientists. There was recognition nationally that the management of freshwater needed to change. This led to the development of New Zealand’s first National Policy Statement for Freshwater Management (NPSFM) in 2011.

In 2014, the term *Te Mana o te Wai* was introduced to the NPSFM. It stated:

This national policy statement is about recognising the national significance of fresh water for all New Zealanders and Te Mana o te Wai.

.... The aggregation of community and tāngata whenua values and the ability of fresh water to provide for them over time recognises the national significance of fresh water and Te Mana o te Wai (New Zealand Government, 2014, p. 6).

Te Mana o Te Wai represented the inherent health of the water body (mauri) and its ability to provide for te hauora o te tangata (the health of the people), te hauora o te taiao (health of the environment) and te hauora o te wai (health of the water body) (New Zealand Government, 2017). Although the purpose of the NPSFM was to provide for Te Mana o te Wai, the term itself was vaguely framed, meaning that the concept could be advanced by tangata whenua and regional councils.

The 2020 revision elevated Te Mana o te Wai to a foundational concept for all freshwater management and provided a hierarchy of obligations, with the first priority

given to the health and wellbeing of water bodies and freshwater.

#### 4 | TE MANA O TE WAI AS A ‘DISRUPTOR’ FOR FRESHWATER MANAGEMENT

The description of Te Mana o te Wai in the NPSFM resonated with Ngāi Tahu ki Murihiku, who regarded it as a korowai or overarching principle for freshwater management. ... In my opinion, Te Mana o te Wai disrupts the regulation of the status quo by RMA tools as it makes the mana of water, its health and status, the paramount priority. It gives reverence to water, rather than regarding it solely as a commodity to benefit land-based production, economic development, and land use change (Cain, 2019, p. 21).

Te Mana o te Wai was not a term that Ngāi Tahu ki Murihiku had previously used, but it resonated in principle with Ngāi Tahu ki Murihiku. It was thought that if implemented within the context of the Ngāi Tahu worldview, Te Mana o te Wai could change the paradigm of freshwater management in Southland.<sup>4</sup> As Ken Swinney (Ngāi Tahu; Environment Southland Policy Planning Manager) urged whānau in 2014, “Define it before someone else does”.

Whānau also saw Te Mana o te Wai as a framework to be used beyond the Resource Management Act and applied to all freshwater management needs. This was a critical and practical point as Ngāi Tahu ki Murihiku were being pulled into multiple conversations and projects with agencies and researchers that did not have a Te Ao Ngāi Tahu (Ngāi Tahu worldview) ‘core’. Te Mana o te Wai could provide consistency in approach, thus reducing repetition and making freshwater management more efficient and aligned with Te Ao Ngāi Tahu. Te Mana o te Wai could be the circuit breaker that enabled Ngāi Tahu ki Murihiku to refocus freshwater management.

The Ngāi Tahu ki Murihiku expression of Te Mana o te Wai was developed through many wānanga (workshops) with Ngāi Tahu ki Murihiku, the Ngāi Tahu ki Murihiku environmental entity, local government, Te Rūnanga o Ngāi Tahu (Ngāi Tahu tribal authority) and Iwi Leader Technicians. Ngāi Tahu ki Murihiku drew on the experiences shared by Canterbury whānau about water processes in their region. Policies, statements, Treaty evidence and other data were collated, checked and considered by whānau to ensure the Ngāi Tahu ki

Murihiku worldview was reflected within Te Mana o te Wai, and in how it worked within the wider understanding of ki uta ki tai (the understanding that everything is connected in the environment), mauri, whakapapa and other key management principles and needs.

#### 5 | BUILDING THE FOUNDATIONS IN THE REGIONAL WATER AND LAND PLAN

Concurrently, Ngāi Tahu ki Murihiku was working with Environment Southland<sup>5</sup> to combine two regional plans for freshwater and land management. The plan change would align the regional plan with the NPSFM, thus becoming the Southland Water and Land Plan. Ngāi Tahu ki Murihiku used the plan drafting to enshrine Te Mana o te Wai throughout the provisions of the plan change. This did meet some opposition, but was largely supported through drafting. The process drew on the collective skills of Ngāi Tahu ki Murihiku and Environment Southland, as there was no precedent to learn from.

Ngāi Tahu ki Murihiku combined mātauranga Māori and science measures to assess the journey towards Te Mana o te Wai. It connected to the Murihiku Cultural Water Classification system that was being developed to express the state and thresholds for different freshwater cultural uses (Kitson et al., 2018). It also needed to be supported in the plan by additional tools to the NPSFM,<sup>6</sup> so Ngāi Tahu Indicators of Health were added. Mātauranga Māori and environmental science became the required bodies of knowledge to support freshwater management.

#### 6 | HAUORA: A PIVOTAL CONCEPT TO SET A BASELINE FOR FRESHWATER MANAGEMENT

In the Southland experience, hauora was initially copied from the NPSFM to articulate Te Mana o te Wai but was found to have wide reaching and pivotal importance in the plan architecture. Hauora set the baseline requirements for water quality and quantity.

Hauora can be thought of as meaning fit, well, vigorous and robust. An analogy used by Ngāi Tahu ki Murihiku in this context is that the human equivalent for hauora is that “you can take a knock, such as have a cold, and have the resilience to bounce back to a healthy and vigorous state” (Kitson et al., 2019, p. 5). It did not necessarily mean pristine or untouched by humans.

The Ngāi Tahu ki Murihiku understanding of hauora is that it references the state and is part of a continuum. As explained in Kitson et al. (2019, p. 5):

When a waterbody is no longer in the state of hauora, then is it degraded. If a waterbody continues to degrade over time it may come to a place where remedial actions to a state of te hauora o te wai is no longer possible or irreversible. Between the states of hauora and “terminal” is a continuum – degradation is both a state (i.e., it is either degraded or it’s not) and a process (i.e., a continuum of degradation).<sup>7</sup>

For Ngāi Tahu ki Murihiku, hauora removed the need for discussions around ‘from what point of time’ to maintain and improve water quality, and provided a greater range of words to describe objectives and outcomes and tools needed to meet the needs of a catchment. Expanding the focus beyond water quality parameters such as nutrients, sediment and *Escherichia coli*, hauora also required consideration of multiple attributes relating to Te Mana o te Wai, the mauri of water, with the aim being to provide for te hauora o te taiao, te wai and te tangata. Figure 2 captures the idea that imbalance within the qualities of water bodies can create

tipping points, and that all components work together for holistic well-being (Bartlett et al., 2020).

## 7 | INITIAL IMPACTS OF TE MANA O TE WAI IN THE WATER AND LAND PLAN

When the proposed Southland Water and Land Plan was released, there was very little opposition to Te Mana o te Wai. It was largely ignored by other parties and deemed to be ‘a Māori thing’ that did not affect anyone else. This was not the opinion of Ngāi Tahu ki Murihiku.

The vast differences in opinion on the role of Te Mana o te Wai in the plan architecture became visible through the subsequent Environment Court process, including those responsible for drafting the plan. While Environment Southland and Ngāi Tahu ki Murihiku had worked together, they had weighed the role of Te Mana o te Wai differently and Environment Southland did not understand its meaning as Ngāi Tahu ki Murihiku did. This difference became a point of tension in the Court proceedings and for the ongoing relationship.

In its interim decisions, the Court made it clear that all decisions on freshwater management need to be put through the lens of ki uta ki tai and Te Mana o te Wai:

We posit that all provisions of the plan are to be interpreted and applied in a manner that gives effect to Te Mana o te Wai and implemented in accordance with ki uta ki tai. This is what the plan means when it talks about Te Mana o te Wai being ‘fundamental to the integrated framework for freshwater management in Southland’ (Environment Court, 2019, p. 18).

The visibility and role of Te Mana o te Wai in the plan was strengthened through the Court interim decisions. The preparation and evidence gathering to develop Te Mana o te Wai provided the backbone and confidence to unequivocally frame the local expression of Te Mana o te Wai as being from the worldview of Ngāi Tahu ki Murihiku and connecting the spheres of culture, policy, science, mātauranga and planning.

## 8 | THE JOURNEY FORWARD

Te Mana o te Wai is a journey, or hikoi, that is likely to span generations. This hikoi requires the courage of local and central government, not to take the lead but to enable and empower mana whenua and community to

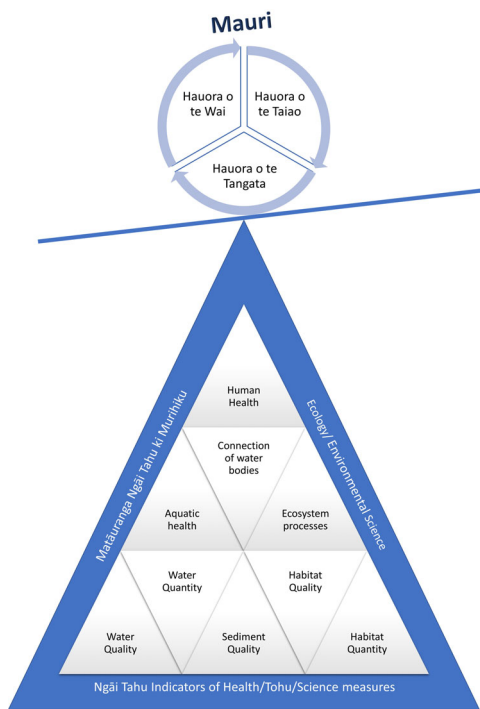


FIGURE 2 Balancing the multiple attributes to manage for Hauora for Te Mana o te Wai within a Ki Uta ki Tai management framework

understand and value water in its own right, and to work together in the restoration and protection of water bodies.

Establishing and embedding this change has had consequences. For Environment Southland and Ngāi Tahu ki Murihiku, it has resulted in a maturing of long-standing relationships established in the 1990s. Te Mana o te Wai was not the catalyst for forming these relationships but it has tested and grown them.

Mana whenua and regulatory authorities cannot walk away from their responsibilities in the region, and they will be working alongside each other for decades to come. There is recognition from both parties not to take the relationship for granted and that it takes strength, constant development and resourcing. The maturing of this relationship has been evidenced by the awareness of both parties that they have different mandates and roles, and that they can disagree on matters or work separately in different workstreams, but then come together when mutual needs require these streams to converge.

For example, Ngāi Tahu ki Murihiku developed six principles around hauora from a values and objectives report they compiled independently (Te Ao Marama Incorporated, 2020). These principles (see Text Box 1) lay a new foundation for scientists and cultural experts to work together to articulate freshwater objectives (Bartlett et al., 2020) that are required to enable management and governance to look after waterbodies first, rather than focusing on how much humans can get away with in terms of further degrading a system.

As a paradigm shift in resource management, it will take time for Te Mana o te Wai to reshape both regulatory and non-regulatory practices. This is now the space Southland is in and its communities are working through this with Ngāi Tahu ki Murihiku and Environment Southland. Not all moves to learn more about Te Mana o te Wai and hauora are being driven by the regional council. Community groups are being proactive and instigating their own learning opportunities to better understand the importance of Te Mana o te Wai and hauora and to consider what that means for their daily practices and local waterbodies.

In Murihiku, there have been the circumstance and spaces to enable the readjustment of management to focus first on what the water needs. Much more work is required as water bodies are still degrading, and this degradation still impacts Ngāi Tahu ki Murihiku connections and mahinga kai use. However, there has been a disruption to the status quo and a path is now set to have hope that the next generations will have waterways that support them in who they are and need to be, as Ngāi Tahu ki Murihiku.

**Toitū te marae o Tāne, Toitū te marae o Tangaroa, Toitū te Iwi**  
**When the land and waters are strong, so are the people.**

**Text Box 1: Ngāi Tahu ki Murihiku Six Principles of Hauora** (Bartlett et al., 2020)

Principle A: A state of hauora will be the result of the interaction of a combination of attributes, including Ngāi Tahu Indicators of Health.

Principle B: The nature and behaviour of particular waterbodies is important to understand when considering attributes.

Principle C: Nationally directed attributes alone cannot describe a state of hauora for waterbodies, so additional measures are needed, including assessing against Ngāi Tahu Indicators of Health.

Principle D: Where a water quality attribute is associated with risk of people getting sick, this risk will be reduced to the lowest possible level.

Principle E: Where a water quality attribute is assessing levels of toxicity or aspects of harm to aquatic species, in order to avoid harm to these species this risk will be reduced to the lowest possible level.

Principle F: Hauora is most likely to be provided for when waterbodies are closest to their natural condition, so an understanding of natural state or reference state is needed to help decision-makers.

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**ENDNOTES**

<sup>1</sup> Waitangi Tribunal 1991.

<sup>2</sup> H013: Waitangi Tribunal Collection: Ngāi Tahu Archive.

<sup>3</sup> We use this term in the future, present and past tense. Water and mahinga kai are an active part of cultural heritage.

<sup>4</sup> Note that this consideration by Ngāi Tahu ki Murihiku was before the 2020 incorporation of priority of obligations.

<sup>5</sup> Southland Regional Council.

<sup>6</sup> Such as the National Objectives Framework.

<sup>7</sup> The term 'degraded' is used here in relation to not being in a state of hauora. This is not equivalent to the use of 'degraded' in relation to the New Zealand Freshwater Policy Statement below the 'national bottom-line', which is the minimum acceptable state for some attributes.

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