

# **Te Runanga o Ngati Hine – Representations to the National Policy Statement for Freshwater Management**

**He Whakatakotoranga ki te Manatu Mo Te Taiao ki te**

**Proposed  
National Policy Statement for Freshwater Management**

- 1. The Rights of Ngati Hine**
- 2. The Role of Kaitiaki & Kaitiakitanga**
- 3. The Role of Central & Local Government**
- 4. Resourcing & Implementation**
- 5. Sustainable Management of Freshwater**
- 6. Research, TEK & Science**

## 1. THE RIGHTS OF NGATI HINE

1.1 "THAT THE BOARD OF INQUIRY RECOMMEND THAT IWI & HAPU OWNERSHIP OF WATER IS LEGISLATED"

1.2 "THAT THE BOARD OF INQUIRY RECOMMEND THAT MARAE, WHANAU, KAUMATUA AND TAMARIKI HAVE ACCESS TO CLEAN WATER FOR THEIR DAILY NEEDS, AND THAT NEED CANNOT BE USURPED IN FAVOUR OF NEW DEVELOPMENT". (referring to but not isolated to our comments on Objective 6)

1.3 As stated in the Ngati Hine submission the issue of ownership of water pervades all aspects of this proposed NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT and yet it does not rate one single direct mention. Ngati Hine is concerned that the proposed NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT in its current form extends a regime of permitting water rights to users on a first in first served basis with no consideration for the rights of Ngati Hine. This issue has already been raised with government in the Ngati Hine Environmental Management Plan lodged with councils and the Ministry for the Environment on October 28<sup>th</sup> 2008. Our Water Policy states that Ngāti Hine has never agreed to the transfer of our customary ownership of our water resources and that there is no proven basis to any claim by the Crown to own the water resources within our rohe.

1.4 Ngati Hine's ownership of freshwater resources is enshrined in Te Tiriti o Waitangi. Ngati Hine pursues this recommendation today and will be striving for water rights in our Treaty Settlement. As stated by the Waitangi Tribunal it was obvious and sensible that English 'ownership' was to be equated with Maori 'possession' and that "rangatiratanga" is the expressive of political autonomy in the management of the total of the people's affairs.

1.5 I would like to bring to the attention of the panel the Waikato Tainui Raupatu (Waikato River) Settlement Act and the subsequent management regimes within the Waikato Catchment. It recognizes the special and enduring relationship Waikato Tainui has with the Waikato River, historically, culturally and spiritually, manifested in the dual principles of te mana o te awa and mana whakahaere. In so doing it provides a legal structure within which that relationship can be protected and exercised in the future, and which also recognizes the connections that other iwi have with the river. Thirdly, it creates a framework within which all the communities of interest in the river can play a part in its stewardship. Each of the changes created by this Act focus on the goals on which all river stakeholders can agree, the restoration of the health and wellbeing of the Waikato River and its

sustainable management in the future. Ngāti Hine considers the Waikato Tainui Settlement Act to be our bottom line for the future.

1.6 These types of mechanisms empowering tangata whenua are further supported by the Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly and Human Rights Council, the result of more than two decades of negotiations, emphasizes that indigenous peoples' control over their lands, territories and resources will enable them to "maintain and strengthen their institutions, cultures and traditions" and to "promote their development in accordance with their aspirations and needs". Such Ngāti Hine aspirations and needs have again been expressed in the Ngāti Hine Environmental Management Plan which states that:

*Water, in all its many forms – rain, springs, wetlands, streams, lakes, estuaries and the sea itself – is central to our existence as Ngāti Hine. It is used to feed, sustain, transport, cleanse and purify all those that inhabit our ecosystems including people. Significant puna were named, some were tapu, some were associated with pā, and some were associated with gardens. Ngāti Hine history, strength and mana stems from water – water is a sacred resource and a taonga.*

*Traditionally, our tūpuna distinguished between many types of water – wai tapu or sacred water, wai noa used for everyday drinking and washing, etc. Water was used for ceremonial purposes, for daily consumption, for transportation and as the home of important mahinga kai and cultural materials. Waterways often form traditional boundaries between hapū and whānau rohe.*

*Our association with repo (swamp) is well known and recognised. The repo has a very special spiritual quality as well as its cultural and traditional significance. Our ancestral links with repo are varied. Such links could be an abode of a taniwha, a burial place, or a place utilised for its resources. Repo contain kai (tuna, kēwai, taro, and watercress), dyes (paru – black mud which is used for dyeing flax) and weaving materials (raupo, harakeke, kōrari, kuta).*

*All natural water has value and sustains some form of life. Water is a sacred resource to Ngāti Hine, to be given the highest level of protection.*

## **2. THE ROLE OF KAITIAKI AND KAITIAKITANGA**

### **2.1 "THAT THE BOARD OF INQUIRY RECOMMEND THAT IWI & HAPU MANAGEMENT OF WATER IS LEGISLATED"**

2.2 "THAT THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT BE CHANGED TO INCLUDE THE NGATI HINE COMMENTS ON SPECIFIC PROVISIONS RELATING TO KAITIAKITANGA" (referring to but not isolated to Objective 8, Objective 9, Policy 1(e), Policy 2)

2.3 Specifically when referring to management of water Ngati Hine advocates that the National Policy Statement must ensure full iwi and hapu participation in decision-making, monitoring, reporting, enforcement and enhancement of freshwater resources.

2.4 Ngati Hine has depended on the environment for long periods of time for the provision of a variety of resources. We have therefore developed interdependence on the environment, a stake in conserving and in some cases enhancing the environment. Our practises for the conservation of water were grounded in a series of rules of thumb which are arrived at through a trial and error process over a long historical time period. This implies that our knowledge base is indefinite and our implementation involves an intimate relationship with the belief system.<sup>1</sup> Such knowledge is difficult for western science to understand. Complex ecological systems vary greatly on spatial and temporal scales rendering the generalisations that positivistic science has come up with of little value in furnishing practical prescriptions for sustainable resource use. Science-based societies have tended to overuse and simplify such complex ecological systems, resulting in a whole series of problems of resource exhaustion and environmental degradation. Such "diachronic" observations can be of great value and complement the "synchronic" observations on which western science is based. It is vital, however, that the value of the knowledge-practise-belief complex of tangata whenua relating to the management of water is fully recognised if water is to be managed sustainably. Conserving this knowledge would be most appropriately accomplished through promoting the community-based resource-management systems of tangata whenua.

2.5 For many centuries Ngati Hine have created their water use, management and working techniques in order to operate and maintain these systems collectively. A basic fundament has been, and still is, the set of agreements among families and communities to equitably distribute rights and duties within the production system. Despite the immense variety of practices and customs related to customary water management the collectivity seeks to balance benefits and burdens with social justice.

---

<sup>1</sup> Indigenous knowledge for Biodiversity Conservation

2.6 Te Runanga o Ngati Hine acknowledges that this is no longer the norm for tangata whenua. After the incorporation of outside laws and practices there has been a loss of our norms, reciprocal working relationships and specific knowledge about the environment. However the whanau and hapu continue to express and gather community vision, despite the deep changes it has undergone during one hundred and fifty years of imposed foreign cultural values and foreign organisational structures. This is not irreversible; but exactly because of that, it is necessary to recognise and provide for our rights including the right to our culture and to recover and develop it. Our aspirations, visions and energy to make these systems the norm again is strong. Again, as stated within the Ngati Hine Environmental Management Plan, maintaining our mātauranga of kaitiakitanga and the teaching of that knowledge to our mokopuna is a matter of the highest priority for Ngāti Hine. And, the mātauranga of Ngāti Hine (Ngāti Hine knowledge base and knowledge systems) and the cultural, genetic or biological resources and practices to which that knowledge relates, are to be used for the betterment of Ngāti Hine now, and into the future. Te Rūnanga o Ngāti Hine has requested that the Ministry for the Environment prioritise development of tools to assist Iwi based policy development, management and monitoring of all aspects of kaitiakitanga.

2.7 Further matters relating to the practise of kaitiakitanga and traditional environmental knowledge will be discussed further in Section 6.

### **3. THE ROLE OF CENTRAL & LOCAL GOVERNMENT**

3.1 “THAT THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT BE CHANGED TO INCLUDE THE NGATI HINE COMMENTS ON SPECIFIC PROVISIONS RELATING TO THE ROLES OF CENTRAL & LOCAL GOVERNMENT” (referring in general to the NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT and specifically Policy 8)

3.2 As stated in the Ngati Hine submission central government needs to take on a more proactive role in terms of freshwater management by providing realistic facilitation, support and intervention. Facilitation is required to ensure the involvement of all stakeholders, at all levels in the management process for freshwater management. Applying intersectoral cooperation, recognizing all the interests of different water users (including environmental, social. and cultural requirements) will strengthen the foresight capacities of decision makers, including ourselves. Encouraging diverse political and institutional cooperation and interdisciplinary, bringing together kaitiaki, scientists and managers, to develop a holistic understanding of fundamental factors underlying freshwater problems and issues and explicit recognition that changes in the environmental conditions are directly linked to socioeconomic patterns and processes is a fundamental requirement if we are to

effectively change the current health and status of freshwater. As stated in the Ngati Hine Environmental Management Plan, Te Rūnanga o Ngāti Hine will promote and enhance partnerships between Ngāti Hine, central government and its agencies, and regional and district councils. And as stated above the relationships with Ngāti Hine need to be cognisant of our status as tangata whenua, kaitiaki and Treaty partner.

#### **4. RESOURCING AND IMPLEMENTATION**

4.1 "THAT THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT BE CHANGED TO INCLUDE THE NGATI HINE COMMENTS ON SPECIFIC PROVISIONS RELATING TO RESOURCING & IMPLEMENTATION" (referring in general to the NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT and specifically Policy 1(a))

4.2 As above, Te Runanga o Ngati Hine recommends that central government ensure that full resourcing will be available for the effective implementation of the National Policy Statement. We note that a full inventory of all freshwater resources of our rohe (let alone the whole of Northland) is not yet available and does not appear to be achievable in the short to medium term. Over the past two years Te Runanga o Ngati Hine has carried out a sites and areas of significance project, namely Nga Papa Pounamu, whereby we have recorded approximately 200 freshwater sites with many more to come. We have recorded their location, names, uses and significance to Ngati Hine. This information is yet to be made public; however we are cognisant of the benefits that this database would provide to freshwater management. The cost of this project to date has been funded by central and local government but we know that the on-going management of the sites and areas will largely lie with the kaitiaki of those sites and areas. This assumption is based on the growing environmental degradation that we experience in the north. And again is a reflection on the lack of capacity and capability of councils.

4.3 Further to this as stated in our submission the costs of kaitiaki and tangata whenua participation have been largely ignored and therefore the capacity, integrity and contribution that we make can also be assumed to be underestimated. To underestimate a population with the connections, knowledge and people power within catchment areas shows a deficit in the proposed National Policy Statement and supporting documentation. We recommend that central government consider the return on investment and legislate the provision of resources to tangata whenua to effectively take part in freshwater management.

4.4 Now I would like consider options for how government can ensure resourcing and implementation in relation to water pricing. Water pricing could serve the purpose of financial sustainability through cost recovery for the full supply cost, being the financial costs related to the production of the water, which consists of the operational costs and the costs of investments; the full economic cost, which in addition includes the cost of depriving the next best user of consuming the water and the damage incurred by other parties that is not taken into account; and the full cost, which in addition includes the environmental damage and the provision of reservations for future generations.

4.5 The International Water Institute recommends increased water prices to ensure water sustainability for the future. They state that if status quo continues we will be facing global water scarcity in the future. The Institute recommends an increase of 75% for industrial water use, 100% for agricultural use and 40% for household use<sup>2</sup>. Te Runanga o Ngati Hine understands that these percentage increases may not be exact for Aotearoa New Zealand but we recommend that such increases are proportionate to ensure sustainability of the water supply or eco-hydrological cycle as described above.

4.6 In deliberating on water pricing and the resourcing and implementation of the National Policy Statement for Freshwater Management we must also consider subsidies or other management regimes targeted to people within the low socio-economic range, to give due attention to equity considerations to prevent these people carrying too high a burden, which is again relevant to the resourcing inequities of the Northland Region.

4.7 This regime of water pricing recommended by Te Runanga o Ngati Hine must not be confused with 'water markets' promoted by the World Bank, nor legislating water as a commodity. We would like to reinforce that we are promoting water pricing as a system to ensure sustainability of the use and enhancement of the resource not the creation of resource commodity for economic purposes.

## **5. SUSTAINABLE MANAGEMENT OF FRESHWATER**

5.1 "THAT THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT BE CHANGED TO INCLUDE THE NGATI HINE COMMENTS ON SPECIFIC PROVISIONS RELATING TO THE SUSTAINABLE

---

<sup>2</sup> International Water Management Institute

MANAGEMENT OF FRESHWATER” (referring in general to the NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT and specifically Policy 1(d), Policy 4, Policy 9)

5.2 The Standards of Compliance within the National Policy Statement for Freshwater Management and how the policy will be monitored and enforced must consider all physical aspects of the water resources at different temporal and spatial scales (the integrity of the hydrological cycle and the related quality aspects). As stated in the Ngāti Hine Environmental Management Plan, Te Rūnanga o Ngāti Hine will work with all statutory agencies in investigating and initiating effective processes and monitoring of activities and developments to ensure compliance. And that freshwater quality standards that are acceptable to Ngāti Hine are developed and implemented by relevant agencies.

5.3 Secondly, Te Runanga o Ngati Hine is concerned with ensuring the avoidance of over-allocation of freshwater. The NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT should ensure the sustainability of the water resource.

5.4 There are many unknowns around what is required to sustain freshwater environmental ecosystems particularly underground waters, their flow, volume etc. A true needs assessment for users of water must be measured with the needs of the ecosystem as stated in section 4.4 above. We must make informed decisions for the most advantageous and sustainable uses of water in a broad societal context and promote methods such as:

- a) More effective use of rainfall;
- b) Higher water use efficiency, such as, industrial recycling, household/municipal water conservation and recycling, irrigation/gains from technology, management, institutional reform and investing for efficiency;
- c) Increased investment in household water supply systems;
- d) Elimination of groundwater overdraft;
- e) Setting an upper limit to the amount of water that may be used for a certain purpose;
- f) Subsidies, grants, and other economic incentives to stimulate the allocation of water to certain preferred water uses, or to make undesirable behavior less attractive; and
- g) Penalties, such as financial and legal enforcement incentives that provide the other instruments with “teeth.”

5.5 Te Runanga o Ngati Hine has carried out some research into how other indigenous peoples are managing freshwater, particularly those facing water scarcity and unprecedented water pollution. Some techniques that reside within the principles of Ngati Hine include user-based allocation. User-based allocation rather than regional council allocation is within the community decision making construct that is consistent with Ngati Hine principles.

5.6 Another example are the Berber peoples of the High Atlas Mountains and the Bedouin of the Negev Desert. Berber water management quantifies water in units of time rather than in units of volume. This method allows for local management of a fluctuating supply, and provides a means for water management without storage structures. Berbers and Bedouin also prioritize demand with a hierarchy of importance. This allows for less important uses to be cut off throughout a valley during low flow regimes, rather than entire down-stream villages, and protects investments in infrastructure. Berbers also allow only traditional diversion structures which, through their "inefficiency," allow for flow to continue downstream, while Bedouin concepts of equity address honor and pride, as well as right and wrong. Each group has sophisticated mechanisms of dispute resolution, from which modern international management might benefit. Techniques include recognition of a defined water authority, and "shared vision" exercises.

5.7 To avoid water scarcity and encourage freshwater enhancement Te Runanga o Ngati Hine promote the following objectives some of which have been touched on by the National Policy Statement.:

1. protecting areas with intact processes and high quality habitat (although Ngati Hine policy states that no hierarchical values will be placed on water bodies within any agencies planning documents we do support prioritising freshwater management areas);
2. reconnecting isolated high quality fish habitats, such as instream or off-channel habitats made inaccessible by culverts or other artificial obstructions;
3. restoring hydrologic, geologic (sediment deliver and routing) and riparian processes through road decommissioning and maintenance, exclusion of livestock, and restoration of riparian areas;
4. Instream habitat enhancement (e.g. additions of wood, boulders, or nutrients);
5. Improving research and monitoring with comprehensive physical and biological evaluations of restoration methods.<sup>3</sup> Monitoring needs to be constantly carried out and if monitoring

---

<sup>3</sup> Northwest Fisheries Science Center

shows that the National Policy Statement is inefficient or ineffective it should be reviewed at that time.

5.8 Again demand management besides efficiency should promote equity and environmental integrity. It is clear that a basic understanding of the trends in water resource use and their ecological consequences, in combination with the identification and application of basic environmental principles, is needed to formulate tomorrow's management and policy decisions.

## **6. MATAURANGA MAORI, RESEARCH & SCIENCE**

6.1 "THAT THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT BE CHANGED TO INCLUDE THE NGATI HINE COMMENTS ON SPECIFIC PROVISIONS RELATING TO MATAURANGA MAORI, RESEARCH & SCIENCE" (referring in general to the NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT and specifically Policy 1(b), Policy 7)

6.2 In this final chapter I would like to emphasise the importance of how Maturanga Maori, research and science must inform evidence based policy development regarding freshwater management. There are currently deficiencies about predicting the future vitality of altered environments. Central government must encourage and support the development of tools and mechanisms that will ensure the long term sustainability of freshwater.

6.3 Te Runanga o Ngati Hine recommends the following as research priorities – (research and management are most effective at the regional scale)

1. prediction of the effects of regional climate and landscape change on freshwater ecosystems;
2. development of an environmental perspective from which biophysical and socioeconomic kaitiaki and scientists can work cooperatively toward an understanding of regional aquatic problems;
3. resolution of regional freshwater problems through an understanding of underlying systemic factors;
4. Increase in investment in rain fed crop research;
5. the use of non-regulatory methods;
6. education and community participation and behaviour change;
7. quantifying cumulative effects;
8. linking multidisciplinary knowledge and models, and formulating effective monitoring and assessment procedures;

## **7. CONCLUSION**

7.1 To conclude Te Runanga o Ngati Hine is committed to ensuring the mauri of water is protected and enhanced in ways which enable Ngāti Hine to provide for our physical, social, economic and cultural wellbeing, for the generations as yet unborn, for those we host within our rohe, our plants, animals and other whanaunga. Water is a finite, vulnerable and an essential resource which should be managed in an integrated manner.

7.2 And finally, TE RUNANGA O NGATI HINE would like to thank the Board of Inquiry for the opportunity to make representations on our submission to the National Policy Statement for Freshwater Management, regarding such a crucial resource for which there is no substitute.