

# **A Maori Experience of Natural Resource Management in New Zealand: Politics, Culture and the Legal Framework**

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## Abstract

The role of indigenous people in environmental management is subject to the legal framework imposed by a dominant ‘Western’ culture (McGregor, 2009, Kahn, 2013). Provision for indigenous participation in environmental decision making often allows for only a single voice, assuming homogeneity within a framework that seeks biophysical sustainability (Coombes, 2005). Indigenous people are disenfranchised from making a meaningful contribution from their perspective (Jackson, 2006). This has been the case for Maori in New Zealand who have been alienated from their lands and are reliant on statutory participatory processes to engage with environmental management.

The methods of participation, their operation and failures are well documented. Yet there has been little analysis of the ways in which indigenous participation occurs that explores the political context critically (Coombes et al, 2012). In particular there is little in-depth research that examines the ways in which indigenous people might try and find a place within the legal framework and the impact this has within their own tribe, with other Maori and on their culture and identity.

This ethnographic, participant observation aims to find out whether the New Zealand environmental management framework has space for distinctive Maori participation.

The tribe have to create identities that fit into the non-Maori legislative structure. The *iwi* identity is highly contested with other Maori tribal groups. There are often negative personal consequences of engaging in environmental management leading to considerable institutional fragility. As a result strategic relationships develop between Maori themselves and with non-Maori. The implementation of the resource management framework assumes Maori issues are ‘cultural’, fixed and historic. When tribes engage in the processes they find their potential limited by this implementation. This classification is reinforced both through participation in the system and broader environmental management practices.

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# 1 Introduction

At its broadest this thesis is about the ways in which planning laws and environmental management can change identity, culture and community. More specifically it tells the story of a group of Maori people in New Zealand struggling to find a place for themselves and their tribes in the mainstream world of environmental management. It asks difficult questions, both of Maori themselves and the State, and examines the structures in which they coexist. It is not, however, just another tale of the marginalised indigenous minority but instead a critical, new and distinctive look at the way in which different cultures are coming together in environmental management today. Ultimately the thesis reflects on the impact such processes have on Maori culture and identity as well as the lessons that all communities can valuably learn from this story.

The roots of research are firmly planted in the literature and strands of academic work that seek to understand multicultural approaches to the environment and its management. More particularly it focuses on indigenous or ‘first nations’ people living as a minority group in their country. Such people are marked out by a history of colonisation and now find themselves on the wrong side of most national statistics. This kind of work is part of the very broad spectrum in which environmental science operates and takes on the research of many disciplines. Like all academic disciplines such work starts at a philosophical and theoretical level considering the notions of environment, management, justice, politics and science. Then one can look at policies, and processes generally as well as those adopted by particular regions, countries or communities. Finally one can take an in-depth study of a particular project, a particular group and consider their local efforts against the general world view (see e.g. Baviskar, 2000, Memon et al, 2003, Taiepa et al 1997).

What follows is all of the above. The research suggests Maori people have a particular story to tell and cross-cultural issues as well as indigenous world views are part of that story. To understand how and why some fundamental concepts that underpin environmental science must be examined – is there an objective reality?

Latour (2004) says it really doesn't matter one way or the other, Braun (2000) demonstrates the ways in which ultimately environment or nature is another social object which, as Haraway (1992) will concur, is therefore something completely malleable and political that may be twisted and turned over and over until it meets the desired ends.

However everything around us is defined, life depends on interactions with the environment. The global view is firmly heading towards the Western led concept of environmental management. Wilson and Bryant (1997) present two different definitions for the term 'environmental management,' both of which are relevant here. The first is environmental management as a process of the active choices made by those who have control over what people do to the world around them. This process includes the ways in which everybody (including the managers), as users of the environment are regulated in their interactions with it. Secondly they consider the notion of environmental management as a field of study, the meeting point of many disciplines that converge from time to time. There are fundamental tensions in environmental management. One of these is facts and uncertainty. The facts/uncertainty dichotomy demonstrates the discipline's firm grounding in the Western scientific model from which evidence based policy has flowed (Jasanoff et al 1995). At its heart, and regardless of who the manager is, environmental managers are engaged in a process of analysing their knowledge and then making decisions based on their best predictions as to the outcome. Unfortunately this knowledge is always conditional and the degree of uncertainty can be vast depending on the scales involved – and depends on time, area, and breadth of knowledge.

Environmental management nonetheless impacts everybody, not just those making the decisions or those who will bear the ultimate consequences. Therefore decision making processes that have evolved are the concern not only of local, regional or national leadership but also have global implications. In New Zealand, the local decision is subject to local and regional policies and within the framework of national legislation and policies that are in turn influenced by global politics and policies (Miller, 2011). In this context a global policy such as the United Nations

Declaration on the Rights of Indigenous Peoples (2007), which New Zealand initially voted against but then endorsed in 2010, is one example.

Given the import of these decisions to everybody involved there is a growing recognition of the need to consider the whole community (at all scales) in the processes used (Abelson et al, 2003, Berkhout et al, 2003, Berkes and Folke, 1998). The ways in which this occurs will be set out in law, rules or guidelines as a part of the decision making process. However as social science so often attests, the law is one thing and reality another. The power and heart of decision making may not be obvious to the casual observer, or even to community members or those who play direct roles in the process. Flyvbjerg (1998), Latour (2004) and Crosby and Bryson (2005) in turn identify the true nature of democracy, politics and decision making. What becomes clear is that it is not easy to disentangle the threads that bind together what (in hindsight) can seem an obvious, even inevitable, outcome. This has critical consequences for environmental management principles. Who is making the decision? If not the environmental manager then what in fact is their role? How can disaffected environment users and would be managers achieve change? How can they do this from the particular standpoint held by indigenous people?

It is at this point that we reach a gap in the literature. The tussle to be decision makers is also a tussle to be, whether *de facto* or *de jure*, environmental managers. Here then is an opportunity to undertake valuable research that will both have an impact through its development of the literature in this field as well as practical value for those involved. A question must be asked – if this is so, then why has it not been done before? The answer may lie in the difficulty with which issues such as this are explored. This is a problem that can only be solved through qualitative research. Further, it requires an in depth knowledge of culture, not just that which can be found in books but that which governs the everyday lived life of those involved (Spradley, 1980, Geertz, 2000). This calls for ethnographic research. The ability to undertake successful ethnographic research, particularly participant observation research does depend significantly on the researcher and their relationship to the community in question (Creswell, 2007, Spradley 1980).

In the case of this PhD, the starting point was the author's intermittent engagement with her own Maori tribe Ngati Hikairo, and its environmental management aspirations. She was already a part of the community to be researched and therefore had the ability to take on the project. Further, and potentially more importantly, she had the desire to understand these issues not only for academic and personal curiosity but because she believes that a sufficiently rigorous researched and analysed thesis will be of benefit to her people regardless of its findings.

The work began in 2006 with what became a pilot study conducted as an MSc (Environment, Science and Society, UCL). A note summarising the MSc project is provided in Appendix 1. That work focussed on the Kawhia Harbour and environs. Figure 1 shows a Map of the North Island of New Zealand identifying the location of Kawhia and Kawhia Harbour. The MSc asked: what makes this place special - how do the people who live and visit Kawhia make connections to the place? In what ways does this sense of place vary amongst Maori and non-Maori? The answers were relatively straightforward. Kawhia is a product of its geographical location, and generally all residents placed cultural value on the harbour and sea as a link to past ancestors who arrived and travelled by boat before roads were built. They also all considered themselves to have a spiritual link to their environment and were proud of the role Kawhia had played historically as a site of important Maori settlements. Non-Maori particularly valued the history of Kawhia, both Maori and colonial. For Maori, connections were taken for granted and the recent history was less important. They felt certainty in their link and identity with place regardless of any modern barriers to the ways in which this might be expressed. From this original work a PhD was born and Chapter 3 discusses the background, history and current events that led to these research aims and questions in more detail.



**Figure 1.1: Map of North Island of New Zealand**  
([www.nztourmaps.com](http://www.nztourmaps.com)).

The aims of this thesis are threefold:

1. Describe and analyse the creation and operation of Maori tribal resource management collectives within a historical and legal context.
2. Discover the processes they and their participants are operating within and alongside.
3. Discover their limits and potential to be active participants in natural resource management.

The thesis is asking one big question:

**Can the New Zealand resource management framework make space for distinct Maori participation on their terms?**

Breaking it down the question has three further parts:

1. **Who will participate:** How do Maori decide who is eligible, willing and capable of participating in environmental decision making?
2. **Setting the terms:** Are Maori able to determine what participation will mean and what issues are of concern to them as Maori?
3. Finally, having determined the terms and identity of participants, **can the legislation and corresponding system accommodate Maori?**

The research presented in this thesis finds no easy answers to the above questions. There is a contrast between the rather static regulatory framework and Maori participation which is in a state of constant flux. Those involved and the institutions they are a part of must respond to and are changed by new and changing government objectives, relationships with other Maori groups and local communities, economic fortunes both local and national, and personal issues. Furthermore, Ngati Hikairo discover that the exercise of statutory rights is far more complex than simply following a process set out in the relevant legislation. Local government organisations responsible for implementing the legislation have determined their own processes and they too are organisations that change both as a response to their electorate and the coming and going of staff who have varying levels of experience and ability.

One might anticipate this type and degree of complexity in the research. Its documentation, particularly in Chapters 4, 5 and 6 is undoubtedly a useful opportunity for reflection by those who have an interest in the practice of environmental management and the ongoing evolution of policies and procedures. The issues encountered by all parties, in particular those of small interest groups and rural authorities are able to travel across time and space. Further, the analysis gives

new insights into the ways in which these issues can be understood by moving beyond the usual focus on conflicts between opposing views and the role of the State as decision maker and instead considers the ways in which seemingly like-minded interest groups can simultaneously work together and in opposition and the impact this has on their ability to influence the final decisions.

Beyond this, the thesis makes a further and more surprising contribution to a full understanding of not only the ways in which a Maori tribe is able to engage and participate in environmental management but also the impact that such work has on it, on its identity and ability to continue the work. The impact of participation in local environmental management issues on Ngati Hikairo people was far reaching and has become part of a greater political process in which they are seeking to re/create their identity in the eyes of the State. The law assumes the existence of tribes with pedigrees, cultural references and a historical knowledge that will enable them to participate within the terms of reference set out by the legislation, the Courts and local authorities. A primary requirement is that the “tribe” represents those Maori who make genealogical links within a defined geographic region. Instead however the State is faced with a range of Maori groups: tribes, incorporated societies, *Marae* committees and local elders who are able to meet part if not all of the requirements to mandate their participation in the process.

What is set out below, particularly in Chapter 5, is the process whereby Ngati Hikairo, by trying to enhance its participation in environmental management according to legislative provisions, also establishes a new public tribal identity through its relationship with the environment. Environmental management can be seen to play a role in both changing tribal identity and relationships to their environment as well as requiring tribes to crystallise their identity and environmental culture. The impact reverberates well beyond the environmental decision making arena. The sustainability of this work is yet to be seen and is explored.

There is potential for all involved to make something constructive out of these findings. Sadly there is no getting around the primary contribution this thesis makes to the academic literature. The resource management framework and its underlying



legislation is fundamentally inconsistent with Maori world views. In fact, as the data shows, it not only marginalises Maori in environmental management it perpetuates this status.

To do this project, the researcher spent one month and then six months in New Zealand, based in Hamilton, the nearest city and in Kawhia. She engaged in participatory observation research, involving herself in tribal and community activities and groups. Additional data comes from numerous official meeting records, press clippings and releases, legal material such as Legislation, Hansard, Court Judgments, Witness Statements and Statements filed by parties to legal action.

## **1.1 Outline**

The thesis follows a standard format. Chapter 2, titled ‘Conceptual Framework’ sets out in detail the literature, summarised very briefly above, upon which this research rests and into which it develops new ideas. In such a broad academic area, this chapter covers many subjects and starts with that philosophical inquiry as to just what ‘the world’, ‘nature’ and ‘the environment’ are. A discussion follows of the ways in which environments and peoples’ interactions with them are controlled, and the basis of their management from philosophical principle and through to planning laws. Finally the literature on indigenous peoples and their engagement with environmental management is made focussing on work from New Zealand, Australia, Canada and the USA. The key issues in this area set up the foundation for this project.

Chapter 3, ‘The Research Process’, also starts with philosophy. The principles that underlie the research method and approach are explored alongside their inherent weaknesses. Then the research methods which, as discussed above, are ethnographic research primarily through participant observation. Finally the history, geography and culture of the Maori people and place under study are introduced in more detail. This chapter is intended to provide a frank account of the ways in which a fairly mainstream approach to this type of research was in fact implemented in light of

individual circumstances and limits. In this way the data is given an additional richness and the reader greater insight and understanding of the thesis as a whole.

Chapters 4, 5 and 6 present, analyse and discuss the data through the themes of institutions, people and the resource management process. Case studies illustrate each and create linkages across the thesis. Structurally these chapters draw on Wolcott's (1994) description, analysis and interpretation (D-A-I) ideas with Chapter 4 being more descriptive and introducing many of the key organisations and data, and Chapter 6 being more interpretative.

Chapter 4 looks in detail at Ngati Hikairo, the tribe, as a structure and body that has an independent identity and purpose of its own. It is an institution. The data shows how Ngati Hikairo relates to the State, how it engages with various Government organisations and how those interactions impact on the tribe and its ability to participate in environmental management. The research then examines another important tribal institution, Waikato-Tainui. By considering this 'tribe' and its dealings with both the State and Ngati Hikairo one gets a better understanding of what is in fact a hierarchy of Maori interests and the ways in which each party makes use of the others to advance their own interests from time to time.

Chapter 5 considers the opportunities Ngati Hikairo has to participate in environmental management through the statutory *Iwi* Management Plan (IMP) process. Essential to this is the willingness of people to undertake the work. What this means for the tribe and for the individuals is the focus of the chapter. The IMP itself has considerable potential not merely as a tool for direct environmental management but also for all the fringe benefits that will occur alongside. However, it is a resource heavy venture that exists alongside the work on planning applications and other environmental issues that the tribe is dealing with. Anecdotal and documented wisdom suggests people choose not to become involved in environmental management as they lack sufficient capacity for this sometimes technical arena. This research finds, on the contrary, people choose not to become involved, or to resign their involvement due to a personal toll caused by conflict and

animosity that is an inherent part of planning and environmental management made worse in a very small community.

Chapter 6 brings Chapters 4 and 5 together by examining the environmental decision making process in more detail. Two case studies are presented involving different tribes in the region. This is a further attempt to analyse where the metaphorical table lies at which the crucial decisions are made and who is sitting at that table. How successful are local Maori at gaining admittance to these meetings? More importantly how successful are they in setting the table themselves? The case studies compare the different approaches taken by two tribes, one bringing a principled and cultural stand to the community, the other using an expert to do battle for them with ODC. Playing the system is what ultimately succeeds in these examples but how will that affect the long term prospects of the tribes? How ultimately can they be most effective operating within this legal framework and as they work to change it? There are costs and benefits on all sides and each application and subsequent decision is only ever a single battle. There is no end or assurance that it will not need to be fought again in due course.

Finally Chapter 7 concludes the thesis and answers the research questions by drawing together the findings from across the whole thesis. These findings are then considered in light of the literature analysed in Chapter 2 and the primary academic contributions of this thesis are set out. This is followed by further discussion of the ways in which a qualitative thesis based on ethnography set in a very small rural New Zealand community might have relevance for people working in Canada, Australia, the USA and other indigenous communities around the world. They may be very different people with very different cultures but their common experience provides the potential for useful comparisons to be made. In particular one can look at the different legal frameworks and environmental management systems in place. The experience and findings from this thesis are very relevant to those looking for meaningful ways to engage within their own situations.

A research agenda that follows up on this thesis and takes its finding into new arenas is proposed before some practical ideas are put forward.

Appendices contain notes and specimens referred to in the thesis. Various Maori words are used as well as abbreviations where they are considered to be more appropriate in the given context. A glossary of the Maori language and abbreviations used is given after the appendices.

## **2 Conceptual Framework**

In any study of environmental management and conflict resolution it becomes immediately obvious that trees are not just trees, the harbour is not just a body of saline water. Human survival is dependent on our ability to find, use, adapt and replace the things around us. In doing so knowledge and skills are developed and people discover that some things are more important than others. Values are arrived at and meanings are created. The ability to control access to, and use of the world around us quickly becomes a route to power and control of people. Humans thus develop social systems, cultural practices and norms that determine how they understand the world around them, their interactions with it and how they react to each other in this world.

The foundations for this project are in a body of work in the Social Sciences that examines the ways we construct nature and knowledge and the characteristics of the claims that societies make about nature and knowledge. These concepts are the theoretical structure through which the origins and consequences of these social systems, cultural practices and norms are analysed. It is necessary for this thesis to look in depth at this structure and the assumptions behind it as at its heart is a conflict between two world views: those of indigenous Maori and the descendants of British settlers. Different conceptual views lead to conflict and marginalisation when one group has control over the legal means by which environmental management is regulated.

These conceptual views are also the foundation for applied social sciences that provide methods and models for environmental management, decision making and regulation. These models are benchmarks alongside which the findings of this project can be placed, tested and understood.

## 2.1 Creating the world around us

When describing the world around us, words such as ‘nature’, ‘the natural world’ or ‘the environment’ are often used. They are understood quite simply to mean things that exist and aren’t human or entirely created by humans. There are grey areas, but in any event it is implicit that the terms refer to objective ‘other’ entities. However, when these ideas are taken beyond the realm of casual reference and description and into the fields of explanation, discussion and comparison, those grey areas become chasms and different ‘objective entities’ emerge.

How then can we understand and study ‘nature’ or ‘the environment’? What of objective reality?

### 2.1.1 How can we understand and study ‘nature’/‘the environment’?

The bases upon which we know and understand the non-human world are our own descriptions and observations. These are undertaken these personally as well as being learned about through other media. As Donna Haraway (1992) puts it:

*“nature, is a topos - a commonplace, and a tropos - a trope. ... It is a figure, construction, artefact, movement, displacement. Nature cannot pre-exist its construction. Nature is a topic of public discourse on which much turns, even the earth.”* (1992: 296).

We observe the world around us, we interpret it through the lens of the society we live in and we then describe it, give it names, properties, relationships to us and others and finally claim it. The collective pronoun ‘we’ is used deliberately. This process is played out in every society by every group of people across the world. It is necessary for our survival.

The results vary through the methods, purpose and the cultural lens that is used so that the same phenomena can create different descriptions. Which ‘results’ are the right ones? Is any type of description more accurate, more reflective of the ‘objective

phenomena’ that they presuppose? This can be assessed in two ways. In its own context: does this claim meet the philosophical and applied requirements for its own methodology? Or in a comparative context: which models of observing, describing and creating knowledge about the non-human world are better?

In the English speaking developed world the non-human is called ‘nature’ and more recently ‘the environment’. Through social science comes an understanding that this supposedly objective phenomena has been constructed by Society. There is also a political engagement throughout. This understanding has been arrived at in a number of ways. There are geographical and historical analyses of the ways in which claims are made about nature and their consequences such as those made by Haraway. Social construction analyses have been made of the different ways in which ‘nature’ is created and understood across cultures, and their interactions. Latour and Woolgar (1979), in their ground breaking research on the scientific process identified the means by which science is created and sustained. This production of science and scientific facts occurs at all scales from the personal and intimate through to public realms that can be local, national or global (Jasanoff 2005, see also Jasanoff et al 1995).

The concept of objective reality is necessary for those whose work is philosophically dependent on its existence. For this reason it must always subsist. It is also important to be reminded that new phenomena continue to be discovered and knowledge is always incomplete. For our purposes says Latour (2004, 2005), in respect of environmental study rather than philosophy, objective reality does not matter. People will only ever be interacting with those observations, descriptions and claims that have been made by those within the social realm. Once phenomena are identified they will become of interest. Before that they do not exist.

### **2.1.2 The classification of nature, its use and consequences**

One of ways that ‘nature’ has been created is by removing people from its ambit. What results is a phenomenon that is in human control and to which rights of ownership can be claimed. So, as Donna Haraway identifies, the classification of

things or areas as ‘nature’ is not a simple act of convenience but a demonstration of power and politics that has consequences (1992). At the time it was written, Haraway’s work was radical. She wanted to write new theory which opened up existing discourses and assumptions about science, nature, politics and power plays of identity and representation. She drew on historical analyses of the ways in which ‘nature’ was used as a tool of colonisation and developed the arguments through to new issues surrounding virtual worlds, microscopic worlds (bodies and biotechnology) and non-earth worlds (outer space).

‘Nature’ was a key part of the colonisation discourse. The discovery of new places was described, explained and discussed to those ‘at home’ in terms of the abundant natural environment rather than the human settlements that lay within. This natural environment was something to be claimed and exploited, the people that lived in these places were either entirely excluded (place as ‘wilderness’), or implicitly aligned with the non-Human (people as savages and natives) (Haraway, 1992, Braun, 2000). The creation of a nature available for exploitation was and continues to be possible due to a demarcation between human/‘man-made’/society and nature/non-human/environment.

Therefore when ‘nature’ is created as a place to be taken and controlled, the people who live there are removed from the discourse. Those people are also removed from decision making processes. Their authority to make statements or claims on the place, about the ‘nature’ is overridden by those who control the narrative (Haraway, 1992). It is an ironic fact that these people may well have assisted, guided and shared their knowledge with the explorers, scientists, engineers, geologists, officials and other academics providing them with the empirical foundation for their work (see for example Braun, 2000, Nabhan, 2000). They are left out of the subsequent reports and papers which translate this knowledge into the form and language in which decisions are made. Today, this is the language of evidence based policy.

Once nature is created and rights over it are asserted a management or decision making regime is established. These are discussed further below. In this story of ‘nature creation’ we can look at the ways in which the regimes allow certain classes



of people to take certain roles. Those who are the primary creators of nature (commonly scientists, conservationists, geologists and engineers), continue in that role. They develop further ones understanding of what nature is, and they develop models to answer questions as to how nature can be used, how it will respond to human actions, how we can get what we want, keep what we like and protect ourselves from adverse consequences. It is logical that those who have created nature be well placed to continue the discoveries, explanations, and descriptions. There are two aspects of their work which are noteworthy in this context. The first is that they then seek to represent their creation and they exclude other creations, other ways of understanding the phenomena.

One of nature's attributes is passivity. In order to understand non-human phenomena it is assumed to have fixed attributes which alter when change is imposed, by other phenomena or by humans. In this way 'passive' nature is something that people act on. It is also something that is not seen as proactive in relation to humans. For this reason 'nature' is deemed to need representation, or sometimes champions in the decision making process around how it is to be managed. People also perceive themselves as having a power to either destroy or irrevocably alter 'nature', (of course this is true as it is their creation). This vulnerability, particularly in relation to other living creatures<sup>1</sup> is a significant part of the discourse that has enabled scientists and conservationists in particular to establish themselves as nature's representatives. So as Donna Haraway says "*Nature legitimates the scientist's career*" (Haraway, 1992:312). Haraway cites Bruno Latour, a pioneer in the study of science and the scientific method. His role was to

*"sketches (sic) the double structure of representation through which scientists establish the objective status of their knowledge ... First, operations shape and enrol new objects of allies through visual displays or other means called inscription devices. Second, scientists speak as if they were the mouth piece for the speechless objects that they have just shaped and enrolled as allies in an agonistic field called science."* (Haraway, 1992:312).

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<sup>1</sup> Ie. flora and fauna as opposed to non-living entities such as landforms.

The spokespeople for nature are in a powerful position. For Haraway of course, the underlying philosophy is wrong. That anything needs representation or can't represent itself is a truism based on descriptions and definitions. Clark and Murdoch (1997) and Burgess et al (2000) also consider the representation of nature through different actors.

For other people, particularly those whose lives are intimately bound up with the nature in question, the appointment of others to provide input into decision making processes can be seen as a way to prevent them and their interests from being taken into account. This is exacerbated in situations where those people have a very different 'nature', because they explain, describe, understand and predict the world around them in different ways. If these different perspectives are fully taken into account, people act differently and in accordance with different priorities. The justification given for excluding local people from such roles is often that there must be a distance between the parties, a degree of disengagement (or objectivity). So the Forest tribes can't represent the forest. But the effect of this representation is that it reduces the status of the entity and those who are too close to it. They can never be co-actors or partners but always subjects. Instead the role of representation is given to 'experts', objective, unbiased, learned, distanced - the scientist is the perfect expert (Haraway 1992).

Haraway is arguing for a different way of seeing actors and actants (non-human actors) and the positioning of scientists and science. She sees social nature as unrepresentable. Through representation the world gets lost. It is not a question of moving back to nature but moving on from nature, which will always be a social nature. What we can do instead is articulate the world "*from people's points of view, through "situated knowledges"*" (at 313, citing herself, 1988, 1991). Donna Haraway wants to open up the discourse so that all contributors are clearly identified as well as their own interests which could never be the interests of 'nature'.

### 2.1.3 'social nature'

The phrase 'social nature' was used by Bruce Braun in *The Intemperate Rainforest* (2002). He shifts the conception of 'nature' from its position in a binary in which people and nature are two independent entities to a world of relationships in which society creates and interacts with nature which in turn interacts with and creates society. Or:

Society ↔ Nature

This allows us to question where different types of nature exist, what they are and, as our creation, what responsibilities we have towards nature. For Braun there is a social construction "*path of thought*" (2002: 15) described by Heidegger (1962, 1977), followed by Foucault (1970, 1979) then feminists such as (Haraway 1991, 1997) and Butler (1993). There are others such as Harvey (1996), working from a Marxist perspective, who see nature as primarily the product of the capitalist market driven society. That is, the market requires commodities. Nature and its components are easily shaped into resources and can then become subject to particular forces (demand, supply, good, bad). This is only one of the many discourses which together lead to the construction of nature in any community at any time, all coexisting.

Social construction theories allow one to break down and analyse the basis on which entities such as the environment are created and continue to be shaped through an ongoing process of discourse creating the entity which in turn shapes the discourse. One can pinpoint moments in this chain by reviewing policy documents and decisions, actions taken by individuals and the media, and the ways in which they construct their own 'stories' on the subject, the way terminology and framing changes over time, as seen in minutes from meetings of particular groups and individuals as well as correspondence. In retrospect, the genealogy can be established. By undertaking such retrospective analysis we in turn shape the future construction and are part of the chain.

What can be a greater challenge is to conduct the same process for alternative constructions. There is a dominant 'environment' but it is not the only 'environment'. Others exist and are also subject to ongoing change, adaption and reshaping. Further, the same processes or chain of events can (that is when placed into the discourse) create alternative environments. This must be so as we have more than one creation coming out of single countries, even - as per this research - single communities (geographically speaking). Therefore it is necessary to examine events as they happened, the papers, meetings, activities, visits etc. as well as their setting: cultural, historical and physical. This will vary for individuals and coalesce to become our different 'environments'.

The question therefore is how to join the dots, connect the various parts of the discourses and identify the alternative 'environments' to try and understand how and why people have come to create them. When these alternative visions are coming out of single places there has to be some cross-over, some common ground, some points of contact between world views. These might be entry points to cross-cultural understanding. They might also be flashpoints, sites of greatest conflict.

Where and how does the variation arise? There is a simple one word answer: culture. Unfortunately simple one word answers (like 'nature' or 'the market') do not withstand even a small amount of probing. The 'variation' is what this study is ultimately about. Within a small community different people have the same experience and create what are ostensibly very different explanations, descriptions and understandings. Further, there are some instances in which they seem to be completely unable to empathise with the alternative visions that their neighbours hold. Nature, in these circumstances, is entirely social. Social construction theory must be central to the analysis of this study, however there is a need to go further and ask a little more of this abstract noun 'culture' and in particular consider it alongside knowledge creation in theory and practise. These ideas are traversed by those involved in science and technology studies as well as cultural geography and ultimately lead to the applied fields of 'environmental or resource management' and planning.

### 2.1.4 Political nature

The concept of Nature has permeated throughout the social sciences, with each discipline looking at the phenomenon and its impact through their own lens. The work of social construction theorists has also led to the development of ecology and discussion of the ways in which nature and the environment are created and used for political ends. In many respects this crosses over Braun's social nature, taking the strain of social construction he describes and applying it to policy and decision making. This take on 'nature' starts from the point at which scientists or experts have become the conduit between the objective silent world and the human world. Latour uses the allegory of Plato's cave into which the scientist goes alone to uncover truths and into which no one else is allowed.

*"In him and through him, the tyranny of the social world is miraculously interrupted when he leaves, so that he will be able to contemplate the objective world at last; and it is likewise interrupted when he returns, so that like a latter-day Moses he will be able to substitute the legislation of scientific laws, which are not open to question, for the tyranny of ignorance. Without this double interpretation there can be no Science, no epistemology, no paralyzed politics, no Western conception of public life."* (Latour, 2004:11)

The first thing to do according to Latour is to get rid of 'nature' entirely. It is one side of a binary (the other is human), that creates inertia. Instead science and knowledge should be seen for what they are: an interpretation, a tool for understanding, a way of explaining the world around us. The world is not separate, but alongside many other things. It is important not to get too hung up on the binary and trying to draw lines and classifications.

This is not to denigrate science or to somehow deny or ignore the great benefits science and scientists have had for humankind. The great advantage of science is the way in which scientific facts can be analysed and manipulated according to its principles. Through these processes people have been able to transform their ways of life, create new materials and reshape themselves and the world around them with a

purpose of making their own lives easier or better in some way. This research does not dispute or question the good of science. Rather it is a question of how, through politics, science itself is analysed and manipulated (regardless of motivation) and why it will fail, even when measured by its own standards. See also Clark and Murdoch (1997) and Agrawal (1995).

The first manipulation is to place science on a pedestal, remove it and those involved from the realm of debate through its provision of truth and facts. By definition truth and fact must stand without question. A suitably qualified person (scientific peer) may review the method by which any such facts came about and from time to time there will be new discoveries about the underlying facts and it will be seen that the 'truth' or 'facts' in question are flawed. They will then be replaced with new 'truth' and 'fact'. Science is not alone in adopting this type of approach. Westminster legal systems, those in most countries once colonised by Britain, also operate on the convention that there is one 'common law' throughout time which is explained and described by judges working on the facts known to them at the time. From time to time judges realise that their predecessors were mistaken in their views. They then describe the law afresh, and the new law is treated as having always existed (albeit wrongly applied until now).

Thus once established, truth and facts are unassailable as a result of the claim to have divided questions of ontology and epistemology. Science relies on a veil of objectivity that separates what is known from how it became known. Those studying Science and Technology Studies can demonstrate how our understanding of facts and their creation are inextricably linked. The scientist is not some superhuman who, through rigour and method, is able to work in a value free environment. Instead they, like other academics, like politicians, like judges etc. make decisions, have flashes of inspiration based on a life's experience, take shortcuts and act pragmatically, respond to resource constraints and have at all times personal imperatives that come together as they do their work.

Despite this knowledge, environmental politics and decision making processes still operate on the basis that expert evidence, and scientific facts are paramount and

unarguable. The systems in which they operate rely on a fixed, constant non-human body of facts, aka 'nature', to which one can refer and rely on. As Latour notes, it is too scary for politics to imagine a world in which inhuman laws are challengeable. Thus the findings of Science and Technology Studies are accepted but not their import. How has this happened? For Latour the answer is politics generally, "*the genius of the model is in the role played by a very small number of persons.*" (Latour 2004:14). It is convenient and useful for many participants from environmental activists to politicians, policy makers and local stakeholders. A fact, absolute and fixed, occupies a higher status than opinion, feeling, cultural imperative or economic desire. It can be useful for any person whose viewpoint it supports. Scientists work for all types of people and organisations and therefore are choosing to create facts which support all sorts of arguments.

This is not however a conspiracy argument about the malevolent role of science in the world. Instead it explains why the flaws of science are overlooked in environmental decision making and why science is given a prominence beyond the knowledge and information imparted by other non-scientific participants. Jasanoff (2005) also documents the role of science and its dissemination through different cultures.

Any convenience however is short lived. Although this conception of nature as something to represent, something to protect from humans, something to be valued for itself, it is always much more about people and human beings than anything else. For those who want to break down the barrier and privilege that science sets up (with political support) the answer lies in a new conception of the non-human as something which humans live alongside in various relationships from mutual dependency to occasional interaction. To find this new relationship one can look to Latour and other proponents of actor-network-theory as well as various groups of people around the world who already live this way and whose knowledge system is not solely dependent on the scientific method.

Where does science sit in this world? The answer is: alongside everything else. Its role continues as the primary describer and explainer of the non-human, and the

ways in which its observations of past events can be analysed to create predictions of future actions are obviously useful. But it is not sacrosanct. It is not the only source of information about the non-human and it is certainly not absolute.

Does this matter? The way that evidence based policy serves to marginalise and diminish others' knowledge (particularly local knowledge) is discussed above. However the political use of science goes beyond these groups of people and organisations. Science and scientists have another great use: they can shut down debate. Recourse to facts is a way to end discussion of an issue. Appeals to objectivity allow decision making to be seen to be impartial and fair. Through science and evidence based policy, decision makers are able to absent themselves from issues and create a fog in which to hide the values, the exercise of power and the roles that individuals have played to reach the final decision. Through the scientific method, experts can become invisible once the facts are established, then in turn, through the evidence based policy paradigm politicians and decision makers can themselves become invisible.

There are ways in which to open this up and counter the debate. Science can be countered by more science. Experts and facts can be pitted against experts and facts. Their credentials, their choices and their methods are exposed, discussed and assessed for flaws. The underlying inconsistency of science and claims to fact supremacy are not questioned. This is the method adopted by those who Latour calls 'militant ecologists', those who claim to be acting in the interests of 'the environment'. This is of course a truism as 'the environment' is their creation, a social phenomenon rather than anything external or non-human. This is one of the modern means by which environmental issues are discussed and debated publicly. Different expert opinions are expressed through many media and other experts are needed to assess whose science is more credible. Climate change is the great phenomenon of our time in which this process is played out on a very large scale.

Another way is to examine the decision making process itself and expose the roles that individuals have played. An example of this comes from Flyvbjerg (1998). Through interviews, some participation and the paper records of a local authority



decision of where to site a bus station, he revealed the importance of the access particular groups had to individuals at different stages of the decision making process. Early intervention and setting the parameters and priorities for the process proved to be definitive but unseen drivers towards the final outcome. There is no suggestion of corruption or malign influence rather that existing networks, access and invitations to participate as well as the choice of questions to ask the experts are all decided early on and place early limits on possible outcomes.

An alternative way to open up the debate is to recalibrate the roles of participants and, in particular, to bring the expert back into the main arena to contribute alongside politicians, policymakers, stakeholders, individuals, community groups etc. In this model each participant's particular skills and knowledge are recognised and used to best advantage however no party, or their knowledge is given superior status to other equally valid knowledge. Latour sees this as one of his model's principal advantages. He gives the scientist and the politician equal status, not devalued nor elevated beyond the particular professional abilities they can apply. What does this mean in practice? The intention is to allow facts to be stated and predictions made but as a contribution and in a way that broadens debate rather than close it. An example of the inclusive approach was cited by Wynne (1992), who observed that scientists who made predictions on the likely impact of radiation in Cumbria following the Chernobyl nuclear disaster would have benefited from first researching local perspectives on the ways in which sheep graze and behave before reaching their conclusions.

In the world of 'nature', 'the environment' and 'resource management', experts tell us the facts about what is and what will be, and others give opinions as to the social imperatives and impacts of particular action. This broader debate would involve scientists giving opinions as to what is and what may be in respect of the non-human, based on their methods, and others doing exactly the same thing for both human and non-human as they see relevant to their methods. How such processes fit into different planning philosophies, particularly ideas around collaborative planning is discussed below.

### 2.1.5 Social construction of knowledge

A thread that has been running through this discussion is that of knowledge, its creation and the ways in which it is used. As we take Haraway's assertion that nature legitimates science alongside Braun's examination of different approaches to nature and other constantly changing and growing environmental discourses, one inevitably has to ask, who now knows what nature is? The processes operating within it? The ways in which we can live with it/use it/enjoy it? Is the cliché true and knowledge is power? One imagines that Haraway would say yes and suggests that western science has defined and taken the role of answering all of these questions, both locally in 'western' societies and globally through international organisations (both governmental and non-governmental) and movements.

Two types of knowledge are discussed here. They are scientific knowledge and a broad class of knowledge that is termed local, indigenous or traditional. Each is considered in light of their construction, the ways in which they are created and perpetuated as well as in the light of environmental discourses and the ongoing shaping of the amorphous 'nature'.

Clark and Murdoch (1997) discuss positive and negative influences that science has made on our society and suggest how we can best use scientific knowledge. They note that science plays an important role in offering solutions to problems and innovation. However it also operates to reduce natural diversity to a few categories that can be manipulated for narrowly defined exploitation. They argue that "scientific knowledge could be applied more efficiently and effectively if it opened itself up to non-scientific ways of thinking" (Clark and Murdoch, 1997: 40).

They think that

*"science is in fact the detailed study of local phenomena ... it then travels by reshaping the world to fit. ... It reshapes the world in its own image"* (Clark and Murdoch, 1997: 41).

Such manipulation can be seen in every aspect of our lives. The difference between scientific knowledge and other knowledge is its claims to universality and that it acts at a distance. Haraway (1997) looks at examples of science shaping our world in her discussion of the biomedical body and the way its everyday workings are framed. For example, the immune system is cast as a battlefield in which military operations take place as it defends the body from invaders. In this imagery there is a hierarchy. Then in the 70s Niels Jerne proposed a theory of a self-regulating immune system called the network theory. With this new imagery approaches to research and understanding changed. Haraway provides the example of AIDS research. Boundaries are being constantly adjusted, knowledge is not secure. Haraway also considers challenges to the expert monopoly on knowledge by subjects in the AIDS field which exists. Where this is the case how can 'nature' be 'saved'? We have no single or fixed understanding of what nature is.

Clark and Murdoch (1997) bring together three examples of attempts to apply scientific knowledge in the face of conflicting local knowledge and the ways in which events played out. There is an important question of starting points and problem definition. Who has identified the issues and what do they do next? The choices made will depend on the type of relationships assumed or envisaged between actants in the network. Further, when looking at the research or knowledge base it is extremely important to identify who is doing the recording (or data collection) and writing (communicating the results). Their perspective and background (positioning) makes a difference.

One example that Clark and Murdoch (1997) use is the classic case study by Michel Callon of scallops in St Brieuc Bay (1986). Callon sought to chart an experiment that had hoped to boost sharply declining scallop numbers and therefore benefit a lucrative industry, and analyse how and why it failed. An early example of actor-network analysis, Callon identified the main researchers, the scientific community, the scallop fishers and the scallops themselves as actors and then looked at the ways in which they were enrolled into the project by the researchers, how their interests were brought together and transformed and finally why they abandoned the project. At the heart of all of these processes was the concept of representation and, in

particular, who (or which subjects) were chosen to represent each of the groups and how that representation was taken over by the researchers for the purpose of the project. The project's failure could then be considered in light of the movement of interests and knowledge between the groups as well as, especially with regard to the scallops, the choice of representatives to whom the researchers had access.

Sheila Jasanoff has written extensively on the role of knowledge in western societies and the move from 'industrial society' to 'knowledge society'. In her recent book *Designs on Nature* (2005) she charts the role of science and politics in biotechnology debates taking place in the USA, the UK and Germany. She asks how knowledge in these Western societies has developed and continues to develop within the scientific community, the government/policy community and the public. Her book argues that science and technology is integral to any understanding of modern democratic theories. The book also uses ideas about the framing of problems and issues, boundary concepts, and relations between human and non-human actors in its analysis.

As Jasanoff shows, knowledge construction goes beyond individuals or institutions and their positioning and practices. It is directly linked to both the history and politics of the area concerned. She also identifies the ways in which there can be many knowledges on a single issue within a society, not to mention across three nations which in global terms share many characteristics. One example is the debate over research into genetic modification for agricultural use and the subsequent production of genetically modified animal feed and plants (GM products).

## **2.2 What kinds of natures are constructed?**

Together, 'nature' and 'knowledge' are used in a number of discourses around the non-human and its relationship to us. Pierotti and Wildcat discuss three: nature as a resource, nature as a wilderness or aesthetic and nature in a world of relationships (Pierotti and Wildcat, 2000).

### **2.2.1 A resource**

As a resource nature becomes an asset, a private entity, a source of wellbeing and something to which humans have free and unfettered access, save those restrictions they place upon themselves. Restrictions are justified when nature is privatised.

Thus it can be stated: Nature is economic potential (Pierotti and Wildcat, 2000). The primary questions asked of and about nature within this discourse are: How can one benefit? What can be done with X? What value does X have? Problems arise because people do not in fact have control over nature. It exists over timescales that are external to human life spans. People do not have a complete knowledge of the way in which resources interact, meaning that as they seek to control and adapt nature to their use they may in fact alter and destroy what for us was its value. This can happen in any society or system.

A second view often seen within Western discourse is the notion of nature as a wilderness space valued for its aesthetic and existence entirely separate from human activity. Within this approach human activity is not compatible with nature and an objective is to remove it entirely.

Thus one can state: Nature is priceless. Humans destroy nature. We need areas of nature in which humans are excluded in order to save it. Alternatively one asks: How can nature be saved from people? The key issue or problem within this discourse is how to make room for nature, how to get people to leave their land or give up entitlements to land for what is perceived as a 'greater good'. The answer is invariably structured around the ability to remove or limit people's access to nature. This may be a complete removal as in the example of reserves to which the public may only walk through designated paths which cover a tiny part of the whole area. Alternatively a limitation of activities may be involved such as marine reserves which allow recreational activities such as diving and boating but no fishing or removal of any flora or fauna.

There is almost always a scientific research exception to the way such places are managed. This is deemed necessary so as to know what the effectiveness of the reserve is. Or it may provide new insights into the 'natural' behaviour of species using longitudinal research that would not be otherwise attainable (see for example Muruthi et al, 2000 who have looked at the Amboseli Elephant Research Project based in a National Park since 1972). Such places and restrictions are undoubtedly useful to our understanding of 'nature' (although there will always be questions about how real or 'natural' such data is given the locations are cleansed of predators and animal behaviour must always be manipulated by the human managers). However they are always placed in opposition to the nature as 'resource' approach.

Pierotti and Wildcat suggest a third alternative, which is found within traditional ecological thought. They suggest that rather than a separate realm 'nature' is always a part of us. People live with the things around them and are as much shaped by their world as they are shaping it. In traditional ecological thought other beings and landscapes are related to us through our shared existence. People have no responsibility for non-human things nor do they have a claim over them. The challenge is to find a balance between interactions with the non-human and a way to live in the world rather than alongside or on top of it.

This model places human interdependence with the non-human at the forefront and there is a long tradition of observing and recording the interdependent relationships of other species as well. From these, people have made many advances and gained understandings of the world around them that have been subsequently 'discovered' by scientists many years later for example Nabhan (2000), Huntington (2000). The model takes away rights and responsibilities from people. Nature is not 'ours' nor do we have an obligation to save it. Instead we need the world around us and must ourselves behave in such a way that will ensure our own growth and development alongside the rest of the world.

This discussion seeks to highlight the differences between these models but as will be obvious there are similarities in practice between all three. Both 'resource' and 'wilderness' theories start with a philosophical separation from nature. Traditional

ecological thought has a different underlying assumption, however those looking through a resource based lens will identify with the need for people to use and be used by the non-human parts of the world. Wilderness advocates share a concern for the non-human world to be able to exist alongside rather than subject to human existence and all three are broadly agreed that all things on earth should be allowed to exist in the long term whether it's called sustainable development, conservation or just being.

The use, source and assumptions behind knowledge play a further role in the business of environmental claims making. As has been discussed, the ability to create a hierarchy of knowledge and the power to assert facts is carefully constructed over time, reinforced and jealously guarded by the scientific community. Environmental claims are neither objective, neutral nor made for the benefit of the natural world. An analysis of environmental claims therefore needs to start with those who make the claim. The privilege to make environmental claims has been further upheld politically through governance and decision making processes.

It follows, as Baviskar (2000) and Sundar (2000) have found working on different Indian forestry projects, that environmental claims made by indigenous people are similarly flawed. This must be the case if one accepts the assertions made by Agrawal (2002), Clark and Murdoch (1997) and Nygren (1999) that the fundamental distinctions in knowledge are constructed. Baviskar documents attempts by local people and an NGO to subvert political conservation intentions by elevating indigenous knowledge over scientific knowledge. They sought assistance from the law and ultimate success followed the locus of power amongst the various groups. Sundar reminds us that indigenous environmental claims are also made in political contexts and are subject to bias and self interest in demonstrating the ways in which local knowledge was changing over time as the political and legal landscape altered.

With colonisation came the discourse of an empty environment full of resources to be exploited. In a postcolonial time the discourse has shifted, rights have been established as emanating from the State and its legal instruments. The philosophy underlying these instruments is that nature is a resource for human exploitation that

is able to be commodified. One of the ways in which the resource is managed is to establish areas of wilderness, and a tension exists between those seeking exploitation and those seeking wilderness over the same areas. Further, legal instruments and political decisions created by States occur in an international context.

The postcolonial era is one in which rights have been established, asserted and imposed to govern, represent and use the 'environment'. The world around us is governed by central, regional and local authorities to whom planning and resource use applications are made. They are run by democratically elected members and therefore claim to govern our world on our behalf and in our interests. In some circumstances their decision making is informed by a panel of constituents or stakeholders who consider and provide their opinions on how the priorities should be set. In all cases decisions are guided by policies and documents which provide rules intended to ensure the 'resource' is used profitably but not destroyed.

The postcolonial discourse also provides for the non-human world to be represented to the decision makers by persons whose right to do so emanates from their knowledge of that world. These are the scientists who establish themselves as experts and whose work provides the underlying reasoning through which policy decisions are made.

Postcolonial environmental discourse sets boundaries between people and their world. Through governance, representation and use rights people are excluded from the free experience of their world. Those in Government make decisions for the destruction of habitats and the creation of people free wilderness areas. In some circumstances experts have privileged access to the world, and as described above use rights implicitly include exclusion rights. In every decision morality of individuals and society are incorporated. The assessment of right and wrong depends on underlying philosophy and will be a deciding factor in choices to exclude people from the world (Agrawal, 1997).



## **2.2.2 Context and culture creates knowledge**

In theory, method is a straightforward way to distinguish between different types of knowledge in theory. Yet as the above and in particular the work of Clark and Murdoch (1997), and Agrawal (1995, 2002) demonstrates, the boundaries are not always so clear. Another factor common to all types of knowledge is variation across space and people. An uncomfortable (but by no means damning) truth for proponents of the scientific method is that facts, abstracted and transported then arrive in different places to be understood and received in different ways. They are then developed, become the part of further scientific advances and through this process, from the same starting point, facts take on very different hues.

### ***2.2.2.1 The role of people and institutions in knowledge creation***

Latour and Woolgar (1979) pioneered the study of the scientific process in a way that would open up the content of knowledge from simply being the output of an experiment to findings laden with the history of the researcher and institution from which it comes. Subjectivity is embraced as an integral part of learning and developing. In this arena it makes sense to assert that knowledge about the same phenomena will vary according to the priorities and beliefs of the society it is created in. Context and culture are indeed an integral part of this knowledge and its purpose. What may be remarked on is the consistency across the world of the ways in which local knowledge has developed and can be used. Local knowledge indeed has common characteristics.

The differences between science and fact and theory are discussed above. For the scientific method, subjectivity is something of a necessary evil. However it is also the primary driver for all scientists – individual curiosity and desires to find out “why?”, “how?”, “what if?” Alongside public and political imperatives as to what needs to be known, people decide what knowledge is to be developed and what will be left for another day. Then resources are allocated limiting the ways in which particular projects may be undertaken, what equipment may be used and what people will be involved. The value and importance of data throughout the process and, in

particular, which findings drive the analysis and results will mean that some information is discarded and some relied on. Finally the new knowledge is produced to be published in journals; some prestigious and read widely, others niche or less well regarded. Alternatively the knowledge may be presented as a report for paying customers (such as the Government) who will then choose whether to file it or publicise the findings according to their own priorities.

This love/hate relationship between pure objective science and the real necessity of individual preference that makes science workable is, where possible, dealt with by erasing the roles that individuals or institutions have played (see Latour, 2005). This may well be done cosmetically by including subjective decisions and actions in such a way that make them appear merely necessary steps in the process, or logical and unavoidable outcomes. Alternatively subjectivity should be justified in a way that sets out the parameters within which decisions have been made. This is in order to enable transparency.

#### ***2.2.2.2 People and institutions carry baggage***

When considered at the level of individual researchers a depth of experience in a field combined with the ability to incorporate it into one's work in an intuitive rather than mechanical way is what distinguishes experts from those who are merely competent or proficient. So says the Dreyfus Model of learning (1986), cited by Flyvbjerg (2001). In this phenomenology based model, one's culture and context are acknowledged and indeed prized as the thing that will enable individuals to identify when their research has the potential to become important new knowledge and when it is not going anywhere.

One must note that it is not just individual subjectivity that is incorporated in knowledge making but also institutions (Latour, 1979, 2005). Institutions, be they research groups or universities, funding agencies, peer communities or political bodies are deeply involved in setting out parameters within which research and knowledge creation takes place – ie. expressing subjective preferences. They are also most easily erased from the findings, in particular where their role can be broadly

defined as creating or perpetuating the culture and contexts within which the knowledge creation occurs.

On a larger scale, as shown through the work of Sheila Jasanoff (2005), culture and context play a profound role in determining the particular scientific enquiry that takes place and its direction in different places.

### ***2.2.2.3 Culture and context creates the knowledge needed***

Above the scientific method is explored. Its inherent contradictions have been examined and the self-proclaimed distinctions have been broken down with local contextual knowledge. However this is not done with a purpose to denigrate or deride the process, the knowledge it creates or the value to our society of science. Rather, this analysis allows us to identify more precisely how we can benefit from different types of knowledge and, further, to open up spaces where they might be considered equally alongside each other rather than in translation or rank order.

The first point to note is that as Jasanoff (2005) demonstrates, a consequence of context and culture in knowledge creation is to shape the way in which issues are framed. In an arena such as environmental decision making, uncertainty is one of the characteristic features of all issues. The cultural basis upon which the knowledge has been formed, presented and frames the issue will have a profound effect on the process and outcome.

## **2.3 Managing People and controlling the land**

Having created nature and the knowledge to enable us to understand it our societies have found ways in which to govern the things that people do and don't do in and on the non-human world around us. This is done through 'resource management' and land-use planning frameworks that incorporate concepts of sustainability and democratic decision making to try and make decisions that are fair across time and space to all people who will be affected by them.

### 2.3.1 Environmental management

Environmental management has been introduced briefly in Chapter 1 with Wilson and Bryant's (1997) conception of it as a "*multilayered process*" or a "*field of study*" (1997: 5). Within the concept of environmental management as a process, a distinction needs to be made between environmental management and environmental use. Every person is a user of the environment but not necessarily a manager. The defining characteristic of an environmental manager is said to be those whose

*"livelihoods are primarily dependent on the application of skill in the active and self-conscious manipulation of the environment"* (Wilson and Bryant, 1997: 9)

The idea of environmental management as a multilayered process recognises the links between different scales. At the international or national government level decisions are taken as to what rules and liability will apply to sea level rise and hazard protection. These must be applied by the decision makers considering an application for coastal subdivision. They will then be implemented by the developer should they be granted permission to use the land in this way.

The second key strand of environmental management identified by Wilson and Bryant are the twin notions of uncertainty and predictability. Both exist to varying degrees, oscillating as our knowledge increases or decreases as events unfold. Uncertainty is both the bane of environmental managers who have goals to achieve as well as being the lifeblood of others who wish to take contrary or alternative actions to those decisions being made elsewhere in the hierarchy. (See Jasanoff, 2005 for examples of how the same potential uncertainty is dealt with in opposing ways). Predictability on the other hand is the goal of many researchers working in the broad field of environmental science. Its importance again varies depending on the role and aspirations of the environmental manager in question (Wilson and Bryant, 1997).

### ***2.3.1.1 Sustainability and New Zealand***

The ‘word’ sustainability is often discussed and defined in theses, policy documents and project reports only to disappear in the substance due to its inherent unhelpfulness as anything other than a guiding principle. The infamous Bruntland definition of sustainable development can be paraphrased as development that meets the needs of current generations without compromising those needs of future generations (UNWCED, 1987).

This concept was popular for its ability to mean what any particular government or organisation wants it to mean. It has uncertainty, since it incorporates future generations and their unknown needs, as well as a number of concepts such as society, economy and environment in respect of which there will inevitably be conflict, and winners and losers. In particular as Berkhout et al (2003) summarise, this definition was founded at a time when technical solutions were seen as the solution to any problems, markets were becoming increasingly liberalised and global political cooperation was facilitating this. In their words however: “*The 1980s sustainable development agenda has unravelled*” (Berkhout et al, 2003: 2). Conventional models were failing and social science was identifying new ways forward leading to more interdisciplinary responses. Importantly the way we think about the environment and environmental change reflects our social reality (Berkhout et al, 2003).

They suggest the new social science involves a reassessment of expertise and risk, an ability to respond to change both in a structural and measured way as well as in chaos and finally new structures of governance involving cross-boundary allegiances and shifting identities (Berkhout et al 2003). In this new social science Callon et al (2001) identify the change in attitudes towards government and academia as a result of the uncertainties and opaque nature of these organisations towards the general public. They instead posit the notion of ‘Technical Democracy’ in which self-forming and fluid groups come together on an issue and interest basis to challenge the status quo.

The concept of sustainability has developed to embrace its complexity and accentuate the integration of social, cultural and economic development (Freeman, 2004). As Sachs put it:

*“With the emergence of biophysical limits, sustainability has become a cornerstone of world citizenship, because sustainability is not simply about frogs or forests but is fundamentally about human rights.”* (Sachs, 2002:70)

In New Zealand the existing legislative framework for governing people and their use of the environment was developed in the late 80s as a world leading example of how to implement a sustainable framework (Miller, 2011). The Resource Management Act 1991 defines “sustainable management” as:

*“... managing the use, development and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic and cultural well being, health and safety while—*

*(a) Sustaining the potential of natural and physical resources for future...*

*(b) Safeguarding life support systems*

*(c) Avoiding remedying or mitigating adverse effects of activities.*

(Resource Management Act 1991, s. 5)

What is notable about this definition is the use of the term ‘management’ rather than ‘development’. New Zealand was ahead of the Rio Conference on Sustainable Development in this legislation and has since suffered for it, as the ‘management’ regime has led to a narrow focus on biophysical sustainability at the expense of a planning for social, cultural economic and environmental development (Freeman, 2004). In this way New Zealand has not kept pace with international conceptions of sustainable development.

Freeman (2004) sets out two further aspects of the Resource Management regime that affect New Zealand’s ability to work towards sustainable planning. They are the role of the State, which almost entirely devolved the role to democratically elected

regional environment authorities who had little to no expertise or experience in this type of planning. The result has been patchy and the State has not taken on a subsequent leadership or guidance role as it could do. The second point is “*the dominance of the biophysical ideology*” (2004: 316), which is both a very narrow view of sustainability but also an outdated approach to ‘the environment’ as a fixed or static thing that merely reacts to human intervention and should be maintained within set parameters. The role of the environment authority has been to set the ranges within which the environment is to be maintained. Scientists have been employed to conduct this task and provide ongoing monitoring.

### **2.3.1.2 Democratic decision making**

Democracy is the core of modern public life and the many ways in which it is implemented can be found in environmental planning and decision making. Traditionally democracy in environmental decision making has been exercised through the election of those to whom the decision making powers are given. This may be a central or local government. They in turn may appoint others to make decisions following their guidelines, make the decisions themselves, or indeed invite those constituents back to participate in the decision making process before making an independent decision or to make the final decision. Today, the devolution of power from central to local bodies and increased involvement of the public is seen to increase the opportunity for democracy in decision making with an improved outcome through local engagement and, ultimately, majority support (Abelson et al, 2003).

In the UK and New Zealand, the vast majority of environmental decisions are made by elected Councillors themselves in the form of Council Planning Subcommittees. They will receive advice from planning professionals employed by the Council, the applicant’s own professional advisors and supporting documents and submissions made by affected members of the public and their professional advisors. This is the routine way in which modern democracy is exercised. The public have rights to access to the decision makers and a set framework through which they may contribute to the decision. They then have an ability, through the democratic process,

to periodically review the appointment of Councillors. In New Zealand, Councillors are rarely members of national political parties nor are any alliances or groupings identified along national political lines. Personality politics drive local government.

However Dryzek (2005) suggests that deliberation and the opening of decisions to the public through deliberation or discussion is a necessary part of the modern and fashionable move towards democratic pragmatism. This is a world in which where decisions are opened up even further to the public and democracy taken a step further by inviting public participation in greater depth. These are usually exercises intended to build support for forthcoming documents such as new policies or plans with a view for developing broad or higher level policies from which decisions will be made as to implementation. Freeman (2004) cites the New Zealand city of Dunedin where a Council conducted a survey, held focus group sessions with community and interest groups, invited residents to join project teams and held public meetings in order to produce strategic and long term plans which set the priority areas for development and spending. In the UK this more intensive participation is also conducted by councils and government looking to develop policy.

Issues that arise from particular participatory decision making exercises are around representation and whether there has been a true opportunity for input from all parts of the public involved or alternatively whether the contributions are rather from 'The Usual Suspects' as Sherlock et al (2004) put it. Alternatively where extensive participation is required from resource poor communities a great burden can be imposed on a few individuals to participate and to provide a view that is representative of the larger community (Cheyne and Tawhai, 2007). This is particularly the case where participation takes a 'submission' form as in written consultations where a minimum degree of knowledge is necessary to be effective (Cheyne and Tawhai, 2007).



## 2.4 Land-use planning

People, no doubt, have always used some kind of framework for deciding what to do over the spaces they inhabit. Today the job is managed through a profession of ‘planners’ who have tertiary qualifications and supporting independent institutions. These people work in central and local government, advising on policy development and individual applications. They work in private practice advising clients who are making applications for permission to do things on land or who are opposing others applications and they work in academic institutions developing planning theories and testing the outcomes of existing policy and practice. Planning is a profession that has trends and changing ideas of how to achieve the best outcome, even changing ideas of what that outcome is. Ultimately government sets the priorities and structure within which the planners operate, nonetheless they play a significant role in the ‘system’ and can play a major part in the way any region ‘develops’.

Owens and Cowell (2002) set out three potential objectives that planning systems might seek to achieve. The first is to act in a minimal capacity and to impose restrictions on private property use only where justified by market failures. This model sits within neo-liberal economic agendas such as that which was particularly dominant in New Zealand in the 1980s and continues to play an important today. It assumes that economies will achieve optimal land-use outcomes for the communities that create them through aggregate consumer preferences and continual efforts towards efficient resource use.

The second goal of planning might be to provide a forum or “space for conversation between competing conceptions of the good” (J. O’Neill, 1988: 18, cited in Owens and Cowell, 2002: 7). In this pluralist model the planning forum is a neutral arena and planners are professionals tasked with helping the various ‘conceptions of good’ to be articulated and developed so as to contribute to the final decision. This is an idealised view of modern planning and is an underlying principle upon which those such as Crosby and Bryson (2005) discussed below and Healey (1997) propose

alternatives. Healey in particular considers that on the contrary, planners and planning is set up to fail.

The third goal Owens and Cowell outline is land-use planning that seeks to promote particular ends. This goal therefore introduces externally imposed conceptions of 'public good'. Once again the professional planners create a space to which 'conceptions of good' can be presented. The difference is that they will not be received or valued equally but instead considered against the overarching goals. In addition, the planner acting either overtly or covertly will seek to develop and promote those ideas to fit within the overall goal. All planning that occurs within a sustainable development context fits into this category. In fact all planning in countries such as New Zealand and the UK today fits into this category. While the neutral planning space of the second goal provides templates and ideals to which professionals may aspire, this third way of understanding the goals of modern planning is realistic acknowledging that not only is neutrality aspirational rather than possible, but that planning occurs within a political context and therefore will always be working towards some particular end.

Alongside the goals of land-use planning sits the exercise of power as developed by Michel Foucault (1977) and as identified in a planning context by Bent Flyvbjerg (1998). Planning is described as

*“a process through which power is exercised, both visibly, in defence of identifiable interests (Sandbach 1980), and more insidiously, ‘masked as forms of truth and knowledge’ (citing Richardson 1996: 281)” (Owens and Cowell 2002, 7)*

Patsy Healey (1997) traces planning traditions from strictly defined economic and physical management of urban spaces to pluralist traditions of policy analysis and then the “interpretive, communicative turn in planning theory” (1997, 28) which was seeing a simultaneous rise of neo-liberal instrumental rationalisation in economic spheres and new ways of understanding the world through social construction in the

planning world. Thus at the time of her work traditional planning was coming up against a new understanding of the social world and the idea that

*“planning work is both embedded in its context of social relations through its day to day practices, and has a capacity to challenge and change these relations through the approach to these practices; context and practice are not therefore separated but socially constituted together.” (1997, 30)*

Among the challenges Healey sets for planners is to find ways to adapt the tools of governance and planning such as ‘zones’, ‘bylaws’ and ‘permits’ “to be more sensitive to the diversity of ways in which we live and do business these days, and to how we now perceive our relations with the natural world” (1997, 91). Importantly ‘we’ must include not only those who are loudly and actively engaged in politics and democratic processes, but also those who are virtually invisible through their disengagement, marginalisation or inability to be proactive or approach planners.

Healey advocates for ‘collaborative planning’ and a system in which institutions are strengthened through the personal links of those within them and a system which seeks to foster learning about other’s cultures, thereby generating a more enlightened debate and setting for decision making.

In New Zealand the Resource Management Act provides great scope for local bodies to set up their own planning structures and approach. All are required to have a ‘District Plan’, the primary public document from which all land use decisions are made. District Plans provide a series of very detailed maps setting out current and proposed infrastructure, settlements, locations of heritage sites, conservation areas etc. The District Plan also states the rules upon which all land use decisions will be made. The scope of a District Plan is generally limited to ‘land use’ (Freeman, 2004) and reflecting the council’s perceived role which is limited to resource management’ within a biophysical ideology (Freeman, 2004). Most councils take a ‘zones’ approach to land use planning. This involves categorising activities, typically into residential, commercial (varying grades), industrial, rural etc. and then drawing lines over the map to create zones in which each kind of activity can take place. Zones

may be ‘mixed-use’. The District Plan sets out the parameters for any exceptions and usually provides a catch all exception for the council to act in extreme circumstances.

The ‘zone’ approach provides certainty for land owners and residents. The establishment and changing of zones is a great source of conflict. When presenting a draft Plan for consultation the council will usually propose a number of zone changes to reflect where it wants suburbs and industry to establish and grow. This may be regardless of the land owners’ wishes. A community meeting was attended during the course of this research in a town north of Kawhia to discuss the local council’s proposal to change the zoning of a large swathe of Maori land from *papakāinga* (a Maori zone which provides for land use akin to British ‘small holding’, primarily residential but with cottage industry allowed) to ‘light industrial’ without any prior consultation with residents. While a zone change will not force a land owner to change their land use it will affect the ‘rates’ (council tax) that they pay which are based on land value (valuations are carried out annually).

Freeman (2004) finds a weakness of the District Plans is that they, by and large, fail to take the broader concept of sustainability into account, particularly social and economic sustainability (there is nonetheless an opportunity for planners to consider it in their work). In 2002 this was addressed through the Government requiring a ‘Long Term Council Community Plan’ (LTCCP) to be created. The LTCCP is renewed on a three year cycle and is not directly linked to the District Plan, however is an indication of the Council’s priorities and goals. There is a much greater opportunity for the LTCCP to be community led in its content. However Freeman analysed the first LTCCP produced by the South Island City of Dunedin in which there were three stages of consultation which included questionnaires, focus group meetings and public meetings. Freeman found that it was reduced to a series of aspirational statements tempered by setting out spending priorities and:

*The promise of a new generation of plans under the Local Government Act 2002 focusing on higher goals such as sustainable development is not evident at ground level, where ideals are constrained by financial imperatives. Hence, the current community plan falls strongly within the dominant*

*paradigm as identified by Rees (1999) with its essentially economically deterministic character. The plan also falls under what Corbett & Corbett (2000) term “piecemeal planning”. Whilst the concept of sustainable development, with its key elements of economic, environmental and socio-cultural well-being, is the cornerstone of the Dunedin community plan the financial emphasis means that the plan in many respects becomes an example of reductionist financial planning, directed at specially targeted project areas. (Freeman, 2004: 321)*

#### **2.4.1 Decision making, rationality and power**

One of the underlying assumptions of modern planning frameworks is the central importance of rationality in decision making. The effect of this rational paradigm and the supposed equality of opportunity to take part is to camouflage the role of power, both as an abstract concept flowing through a process and as a factual statement of the positions various parties hold.

The notion that decisions must be made rationally is at the heart of ‘evidence-led policy’ which now dominates modern democracy (Jasanoff, 2005). It lies at the core of the pluralist model of planning and sits comfortably within a neo-liberal economic philosophical approach to land use and tenure. Thus decisions must be rational and efficient based on full information as supplied by participants as well as the political imperative underlying the planning rules and operational guidelines.

Critical assessments of evidence based policy, rationality and efficiency in decision making find those concepts to be inherently flawed rather than ideals to which we aspire but cannot achieve. Evidence based policy seeks to adopt the scientific method and apply it to social decisions. Like the scientific method it projects objectivity while taking on subjective decisions and notions from the start. Policy decisions are not made in a vacuum: they are the result of politicians’ direction and will. Taking that into account a decision must be made as to how the results will be assessed and what measures are to count and with what weight. As Healey (1997) identifies this

will rule out options and as Flyvbjerg (2001) found it may result in only one option being now viable.

Rationality is not of itself a good or a bad thing for Flyvbjerg. Instead,

*“the rule based, rational mode of thinking generally constitutes an obstacle to good results, not because rules and rationality are problematic in themselves, but because the rational perspective has been elevated from being necessary to being sufficient, even exclusive.”* (2001):

Thus the emphasis shifts from the issue and decision and how best to resolve them to questions around process and procedure and demonstrating that process through a paper trail.

Healey (1997), Crosby and Bryson (2005), Flyvbjerg (2001) and Latour (2004) have all suggested alternative ways to analyse and make decisions. They recognise the modern shift towards participatory decision making and local democracy. Crosby and Bryson (2005) in particular, offer a framework for a holistic analysis of power and its role in both formal and informal decision making processes. They identify ‘forums’, ‘arenas’ and ‘courts’ as sites of social practices. The forums are those spaces where ideas are communicated, issues are framed and common meanings and purpose settled. Forums give issues life and form views. They may be media, conversations at cafes, meetings, or brainstorming sessions. Arenas are then the site of policy making and implementation. Access to the issue is regulated in the arena which may be political or economic. A council is an example of an arena. The court gives final decisions and resolves any residual conflict. This can of course be an actual court, or any party who has a power of veto. What matters is that the most open part of the decision chain - the forum - is the gateway controlling what decisions or issues are taken to the arena for implementation. The arena in turn can refine or resolve disputes limiting access to the courts. Thus different dimensions of power can be identified and Crosby and Bryson suggest:

*“Leaders who can locate the pertinent forums, arenas, and courts and understand and explain their operation in relation to each dimension of power have a holistic and practical grasp of the power to affect and effect change.”*  
(Crosby and Bryson, 2005: 408)

## **2.5 Indigenous peoples and environmental management**

The discussion to this point has considered issues of knowledge, nature and environmental management in broad and general terms (as far as is relevant). These concepts and the way they are used take on greater nuances and have further political consequences when considered in relation to indigenous peoples. To finish this exploration of ideas this chapter now takes a more in-depth look at the ways in which the academic world is currently working with indigenous people, or merely observing and analysing their experiences of environmental management. The key issues and debates surrounding these ideas of knowledge, power and environmental management are discussed with a focus on literature that draws on research from New Zealand, Australia, Canada and the USA.

These issues and the literature examined are the points from which this thesis takes shape and indeed from where it leaps off from our current understandings into those new directions that need further analysis. First, the term ‘indigenous’ and what it means for this research is explored. Research in this area might generally be described as looking at the various ways in which indigenous peoples are participating in environmental management and decision making processes. An overview is given of the history and general pattern of the literature before engaging more critically with the key debates. This is done by breaking the issues into three themes: First, issues around the methods used both in research and in the acts of environmental management, second, the nature of the relationships formed between the parties involved; and finally, the broader theoretical and philosophical issues both that divide indigenous and non-indigenous participation as well the environmental management frameworks in which they operate.

### 2.5.1 Indigenous: definitions and post-colonial comparison

The first general note to be made about non-Western cultures is that the “*children of mother earth*” idealisation is a misrepresentation of meanings (Latour, 2004a). When one has an ‘earth mother’ as part of the creation myth it is about establishing a relationship or place in the world rather than setting up a society as the original environmentalists. Indeed Maori have a mother earth: Papatuanuku and sky father Rangiatea. They are the parents of the gods (not people) by whom the world is created (Hiroa, 1949). As Latour says;

*“Non-Western cultures have never been interested in nature, they have never adopted it as a category, they have never found a use for it ... Deep ecology means shallow anthropology”* (Latour, 2004a: 43).

Latour’s great point (that perhaps some have found difficult to take on) is that non-Western cultures can have a distinction between human/nonhuman and not really care about it.

*“To be unaware of a dichotomy is not at all the same thing as combining two sets into one”* (Latour, 2004a: 45).

Secondly, ‘Indigeneity’ is a modern construction, until it was needed as an object to classify and study it was meaningless (Flyvbjerg, 2001). Anthropologists such as Dove (2006) and O’Neill (2005) sharing some of Latour’s views, question the role of ‘indigeneity’ and its use as a political tool (Dove, 2006).

Regardless, indigenous is a global concept that links Maori and research about the Maori experience to that of other peoples around the world who live as groups that are now minorities following colonisation. Indigenous then creates a useful class for comparison in relation to environmental decision making, for, as Durie (2010) notes:

*“While there are significant differences between Indigenous peoples in their historic and recent experiences, there are also remarkably similar ways of*



*understanding nature and their part in it. A common starting point is a sense of unity with the environment (Kame'eleihiwa 1922: 23-25)" Durie, 2010: 241.*

Durie identifies four further characteristics that are common to indigenous world views. They are first, time and the notion of an endless relationship. In the Pacific particularly, he notes, places and things can be simultaneously be moving both into the future and past, reflecting each other in the present. Second, there is the environment relationship with human identity, third the indigenous knowledge system which is formed through the world view, and finally the role that the environment plays in indigenous languages (2010 see also Ellen et al, 2000). Pierotti and Wildcat (2000) describe the indigenous world view from a North American perspective as a single world in which we are intimately connected to all things and what we endeavour to understand are our relationships. In this conception there is no us and 'the environment' but rather a space in which we all, people, plants, animals, things etc. all operate together and sustain each other.

It needs to be acknowledged that this thesis, being about environmental management, has taken on the assumption that people have some right to govern or to control the non-human. This is a particular moral stance to our place in the world. In fact there are many differing views as to what relationship we have with the non-human. Durie, (2010), Pierotti and Wildcat (2000) describe a world in which there is no moral imperative or right held by people over anything else. That is we have no rights to own, to change, to manage or govern. We live and develop relationships and of course a good relationship is one of mutual respect and common good.

One of the great misunderstandings in environmental practice is the approximation of indigenous peoples' environmental values and positions with those of 'conservationists' (Coombes et al 2012). This can occur because the 'pro-conservation' group have themselves adopted symbols of the indigenous people (Braun, 2000). By and large it is because the assumption that people have a right to govern and manage the world is so ingrained, so taken-for-granted by the more powerful post-colonial rulers of such societies that people can't conceive of

alternatives to this conserve/exploit binary which rely on the moral right to control. Indigenous people themselves can also hold both positions, and their place in the world is one of relationships whilst at the same time supporting conservation or exploitation measures (see Hill and Coombes, 2004). This conflict and its consequences are discussed in greater detail below.

The literature discussed below is all drawn from research conducted in New Zealand, Australia, Canada and the USA. In these countries the indigenous populations were all subject to British colonisation and are now minority citizens in developed 'Western' nations. Further, these countries all use the Common Law system and, as a result, case law relating to indigenous rights can be applied or be influential in each jurisdiction. It can also be easier to translate legislation between these Nations. What one soon discovers on reading this literature is the remarkable similarity in indigenous experience and outcomes. The people of each tribe undoubtedly have their own unique culture. But as Durie sets out above there are distinct features of indigenous culture that contrasts with Western culture, and in the environment management world the academics from these jurisdictions tell the same stories. Rather than a country by country comparison the main point of difference between the research findings derives from the environmental management framework in place.

What these frameworks tell us is that those indigenous peoples who have some degree of actual property rights have the greatest potential to engage in meaningful environmental management. This is so whether they are in New Zealand (eg. Wilson and Memon, 2010), Australia (eg. Jackson and Barber, 2012, Wallis et al, 2012) or Canada (eg. Jones et al, 2010, Wyatt et al, 2013). It must be noted at the outset that these cases are rare (Fortier et al, 2013) and in all of these cases this potential may prove to be theoretical. At the other extreme, those indigenous people who are just another stakeholder or consultee (discussed below) within an environment management framework (discussed in Jones et al 2010, Fortier et al 2013, Hill et al, 2012) are the least engaged and have little influence. The legal and political rights held by indigenous people in these countries has depended on recognition, first by the Courts and then Parliament and the Government who established mechanisms to

enable their participation as far as is required by the Courts. It is commonplace for literature to cite the experience of indigenous peoples globally where there is a strong nexus due to historical and political experience, governance frameworks as well as the modern issues facing them.

### **2.5.2 Indigenous participation in environmental management and decision making**

The involvement of indigenous people in environmental management and decision making is a goal clearly stated by the legislation of those countries for which this is relevant. They are participating in a framework that has been created from a dominant non-indigenous perspective (Kahn, 2013). As a legal reference one can start with the 1992 United Nations Conference on Environment and Development which agreed a convention that States should promote indigenous communities' "knowledge, innovations and practices" (McGregor, 2009: 70). Some 17 years on from that Convention, McGregor, writing in a Canadian context found that:

*"Despite widespread interest in traditional knowledge in recent decades, there remain significant barriers to its incorporation in various governance structures including co-management agreements that specifically call for its consideration"* (McGregor, 2009: 76)

She summarised the key barriers as:

*"Aboriginal peoples are not accorded meaningful participation in studies and other work that should and in some cases does attempt to use traditional knowledge. As traditional knowledge from an Aboriginal perspective is not separable from the people, you need the meaningful involvement of the people in order to utilize it in environmental work."*

*Aboriginal peoples and their knowledge are viewed as objects suitable for study rather than as people for working with. It is time to begin building*

*positive long-term relationships with Aboriginal peoples rather than simply studying them and their knowledge at the mercy of project-by project funding.*

*Aboriginal peoples have little control over how the knowledge they share will be used. Such knowledge can be (and has been) used against its original holders, or otherwise abused, at a later date. Again, meaningful involvement of Aboriginal peoples is required for traditional knowledge to be implemented effectively and appropriately.” (2009: 77)*

Participation by indigenous peoples in environmental management and decision making continues to be an issue about which academic research observes, proposes frameworks and methods, and makes critical comment. McGregor herself made a range of recommendations. They included providing long term support to communities through funding and expertise to aid the development of capacity; respecting elders and those with the indigenous knowledge as well as their protocols, providing a governance structure that reflects indigenous perspectives in some way (she gives the example of a holistic approach), and recognising and respecting different forms of knowledge equally and forming relationships on a basis of honesty, respect and partnership.

The research in this area tends to focus on these issues. For the purposes of this literature review those issues are divided into three categories. First, those which go directly to the mechanics of environmental management (capacity development eg. Armitage et al, 2008, respect of indigenous knowledge eg. Smith, 2003, Cullen-Unsworth et al, 2012, and frameworks that reflect indigenous perspectives eg. Hill and Coombes, 2004, Jackson et al, 2012).

Second, those which are more interested in the nature of relationships between indigenous peoples and others involved in environmental management eg. Wyatt et al, 2013). The large volume of empirical research is qualitative coming from a range of academic disciplines: eg. Geography, Anthropology, Environmental Science, Conservation Biology, Planning. It broadly uses case study analyses that may be

comparative using a large team and multi-case approach (including international comparison) or in-depth single ethnographic studies.

Thirdly are the overview papers that provide a current analysis of fundamental and philosophical debates in indigenous environmental research. These include Dove (2006) from an anthropological perspective; Hill et al (2012), who take a multilateral case-study approach drawing on existing research rather than undertaking new empirical research, O'Neill (2005), who considers the canon from a philosophical perspective; or Coombes et al (2012) who make a critical analysis from a geographical perspective.

#### ***2.5.2.1 Knowledge, learning and management frameworks: the mechanics of environmental management***

The production of knowledge and its different forms has been discussed at some length above. There is a recognition that to be useful for planners and environmental decision makers, scientific knowledge should be able to sit alongside social (or cultural) knowledge (Cullen-Unsworth et al, 2011, 2012, Ens et al, 2012). The imperative to find out what indigenous knowledge exists and how it can be used by western science and in the management processes is often found alongside a desire to develop sustainable or conservation led practices (Cullen-Unsworth et al, 2011, Prober et al, 2011, Weiss et al, 2013). This strand of research often describes the goal as being one of 'integration' or bringing the cultural indigenous knowledge into the scientific or management framework.

The reference to 'integration' in this way is intended to be pejorative in accordance with a growing critical perspective of this type of research. Smith (2003) documents an attempt by an aboriginal community in Queensland Australia to claim land rights and the obligation on them to identify knowledge that fit a definition of either 'traditional affiliation' or historical association'. The distinction, so pivotal in the legal process, was entirely at odds with the aboriginal world view, their way of knowing their history and the land in question. Also in Australia, Jackson (2006), and Jackson and Barber (2013) demonstrate another fate of indigenous knowledge,

that it is classified as cultural. In a water management process, aboriginal participants were then excluded from participating in consideration of economic, environmental issues and general community issues.

The problem continues today, Watson (2013) documents ongoing failures in the co-production of regulatory knowledge by scientists and indigenous participants in Alaska, USA in which the privileged position of both existing scientific knowledge and method effectively erases the indigenous voice. Watson undertook participant observation ethnographic research which included joining the researchers in their data collection and observing meetings as well as regularly spending time with the community in Alaska. The joint research project was part of a co-management regime of the greater white-fronted geese between the tribe and a government agency. She found a considerable asymmetry between the parties. The voices of long term residents and their observations over many years as to the numbers and practices of these migratory birds were dismissed as subjective and unreliable. The monitoring practices were all taken from recognised scientific techniques such as tagging, despite the opposition by the Koyukon tribe to such invasive methods. Data collection was undertaken by a team that included indigenous members however their role was merely to be trained in the scientific method and participate accordingly. Watson also documents the sometimes haphazard and sometimes vague nature of scientific bird counting. Nonetheless this was the data that created the facts. The research tells a tale of a partnership in which one side is making up the numbers. The potentially valuable input that the Koyukon might make was lost unless it fitted neatly alongside the preferred process.

The story Watson tells is the latest in a series of similar tales. Rather than trying to force these 'methods' to fit, she advocates changing the research questions. Indigenous knowledge and its underlying world view could prompt a different approach that might be workable on both sides. In species management she suggests thinking about questions that are more interested in spatial patterns or having a goal that the indigenous knowledge should be more visible. Other researchers are also moving towards developing methods for shared understandings, the exchange of

knowledge and a need to address the power imbalance between the dominant cultural norms and minority indigenous approaches (Prober et al, 2011, Ens et al, 2012).

Another new strand of this research is to focus on modern or recently developed knowledge that can be seen as a distinctly indigenous perspective rather than traditional or local, eg. Canadian and Australian examples (Idrobo and Berkes, 2012, Vaarzon-Morel et al 2012). In New Zealand this has been particularly relevant for the management of invasive or exotic species in New Zealand. Rotorangi (2012) demonstrates that Maori have particular ways in which they wish plantation forests on their ancestral lands to be managed and developed. This might be contrasted with Wilson and Memons' (2010) finding that Maori management of non-ancestral land could be broadly aligned to that of any other commercial owner.

One of the much touted benefits of indigenous partnerships in environmental management and research is the opportunity for learning, initially as capacity development by the indigenous group (McGregor 2009), but also mutual learning in an area now called 'adaptive co-management'. As Armitage et al (2008) discuss, this is often talked about and incorporated into the management regime but not proved. This desire to enable systems which can learn and co-produce knowledge through an ongoing iterative process is philosophically desirable but, as Watson (2013) found, difficult to achieve. Central to its operation is the need for the dominant institution to listen openly and be willing to change. What is so often lacking in the research is any critical analysis of the power relationships between the indigenous and non-indigenous parties (Watson, 2013, Armitage et al 2011). As Coombes (2007) demonstrates, the New Zealand Department of Conservation came to accept a Maori tribes' knowledge and methods but on a strictly biophysical basis rather than on the more holistic basis that they have developed and are understood by Maori. This was a way in which the Department could avoid addressing broader cultural, development and land use issues.

What stands out in this discussion is the role played by the structure or framework within which the environmental management is occurring. The range of ways in which participation occurs are summarised by Fortier et al (2013) (see also Wyatt et

al 2013). Working in the Canadian Forestry sector they found three main types of collaboration: influence on decision making (which is largely stakeholder participation), treaties and formal agreements and planning and management activities. Two other forms, having tenure (limited rights to forestry assets) and economic partnerships were rarely encountered. These last two might be thought of as a form of environmental management in the terms described above by Wilson and Bryant (1997). Fortier et al (2013) found that with some regional variation individual tribes will often participate in a range of collaborative methods. This can give some security in the event that one method does not work for them however it requires a lot of the tribe's membership in developing expertise. The regional variation in collaborative methods reflects the fact that the indigenous people had to fit it to a framework determined for them by federal governments and industry.

Within the stakeholder framework indigenous views are always competing with a range of others. In New Zealand, Australia, Canada and the USA indigenous values and rights are officially recognised and sometimes given limited legal force. In these cases the outcome for indigenous people is merely an apparent right to participate and recognition of a valid interest. Thus in New Zealand Memon et al (2003) found that despite a customary fishing entitlement Maori interests were always competing with those of commercial and recreational fishers. More recently (Jackson et al 2012) water policies developed from the stakeholder model failed to address Aboriginal cultural issues despite national policy objectives. These could be contrasted entirely to an alternative inclusive model in which the Aboriginal group had vested rights in the water and developed their own stakeholder model (thus transforming themselves into co-managers).

The other main structure through which indigenous people participate in environmental management is collaborative planning or co-management of the resource. It should be noted at the outset that Coombes et al (2012) remind us that these methods of environmental management are "*biocentric and ethnocentric*" (2012: 815) and therefore inconsistent with indigenous understandings of the world (see further discussion below). The meanings of these terms vary widely but, regardless of the particular framework or name given to the method being used, as



Satterfield et al. (2013) set out, the partnership is often uneasy with indigenous communities sometimes participating in spite of flaws in the hope that some consideration to their views is made. Hill et al (2012) conducted a meta-analysis of indigenous engagement in environmental analysis in Australia. Their key findings were that those projects which are either driven or governed by indigenous people have the best chance of success. Cullen-Unsworth et al (2012), propose a research strategy to work in a co-management environment. One of the key determinants of their success in a co-management project is initial and ongoing involvement of both scientists and indigenous participants in “problem framing and conceptualisation”. As they note:

*“Cooperative problem-framing has been advocated but not demonstrated in previous studies. We argue that community engagement can and should begin at the problem-framing stage and continue throughout the research phase to feed in to the development of management strategies based on IEK.”* (Cullen-Unsworth et al, 2012:362)

In New Zealand the ability for Maori to frame the issues when participating in collaborative or co-management has been severely limited by the underlying regulatory framework that in one case promotes an underlying programme to improve biodiversity conservation (Coombes and Hill, 2005, Hill and Coombes, 2004) and in another the neo-liberal agenda that governs water and fishing policies (Memon and Kirk, 2012, Memon and Kirk, 2011, and Turner et al, 2013). Barbour and Schlesinger (2012), set out, from both Australian indigenous and ‘western’ perspectives the ways in which western views dominate and are privileged in land management and research. They too see a need to alter the balance by allowing indigenous groups to set the research agenda with participation by scientists.

#### **2.5.2.2 Relationships**

McGregor emphasised the need for relationships based on honesty, respect and a spirit of partnership. There is more to the role of relationships between the participants in environmental management. It is through participant observation and

other ethnographic work that these are able to be analysed in depth. Watson (2013) discussed above also documents an incident in which an ‘elder’ member of the co-management panel was stopped from contributing (indeed his microphone was physically turned off) for going off the topic. He was attempting to question whether the indigenous member of the research team was in fact from his tribe. For Watson, this demonstrates a power imbalance and the fragility of the partnership. Had she been focussing more on the relationships she might have gone on to discuss the substance of what the elder was trying to say. Two ‘indigenous’ members were at odds as to their rights to be there?

Jackson (2006, Jackson et al 2012, Jackson and Barber 2013) has been working on a water management project for many years in Northern Territory, Australia. Early in the process a break down in relationships and disagreement between participants saw a withdrawal by the aboriginal participants. They went on to formally constitute their own water reference group. They were then able to frame the way in which they would manage the process of working through their own knowledge and more importantly, their relationships with the whole landscape and role that water played within it. In this way they could come to recommendations and decisions about water management and allocation. The outcome has been in one sense revolutionary, a 25% allocation for the aboriginal community up from about 2% causing conflict with those who have a lesser allocation. However members of the aboriginal community too feel the allocation to be unjust given that they own 70% of the land. In any event the allocation awaits political approval which is not assured.

What Jackson demonstrates is the fragility of these institutions that are so reliant on the goodwill of individuals. Salmond et al (2014) suggest that in order for all such institutions working with indigenous participants to be sustainable they need to have structural transformation. In New Zealand Satterfield et al (2013) look to a time when scientists and Maori can have a meaning discussion about *mauri*, the life force in all things, but there is considerable institutional resistance to be overcome. Part of this institutional resistance and fragility might be understood historically. The development of participation and collaborative environmental management models has occurred alongside agitation for indigenous peoples’ rights and some recognition

in the law (Wyatt et al, 2011, Memon and Kirk, 2012). As Dove (2006) discusses, this is an ongoing struggle that influences the present day modes of participation and relationships of all concerned. That is, researcher and subjects, indigenous peoples and partners and well as between indigenous peoples themselves. These relationships between indigenous groups are little explored in the literature in the countries under consideration. The focus tends to be on the interactions of between indigenous groups and non-indigenous groups particularly government organisations.

### **2.5.3 Fundamental and philosophical issues**

This discussion is largely a record of failed attempts by both indigenous and non-indigenous people to participate in environmental management together. At its heart are the fundamental differences in underlying assumptions as to how to understand the world. These have been traversed already. Indeed, as Jackson and Barber (2013) note, academic opinion has been fairly consistent for the last 20 years that processes need to accommodate ontological difference, but it would seem that the practitioners simply don't agree. They continue to work on a basis that gives limited room for culture and holds fast to the nature/culture dichotomy. They are guided by a legislative framework that is part of a wider discord in society between indigenous and non-indigenous people. As Jackson and Barber put it:

*“Breaking the binds between economic disadvantage, cultural disrespect and misrepresentation will indeed be hard in a settler society such as Australia, where land management institutions that have their origins in processes of indigenous dispossession, disenfranchisement and eradication of cultural difference.” (2013: 450-451)*

Rational planning systems in postcolonial societies simply can't allow for indigenous claims as well as 'equity' and 'parity' (Jackson and Barber, 2013).

It needs to be remembered the 'indigenous knowledge' is a non-indigenous construction (Dove 2006, Coombes et al 2012). It, alongside 'environment' and 'management', are in fact concepts that should be themselves subject to critical

analysis. Thus, both Dove and Salmond et al (2014) question the imperative for indigenous knowledge and its production often being made in the context of the potential commodification of that knowledge. Another key driver to produce indigenous knowledge is legal obligations. As Jones et al (2010) note that while the Haida in British Columbia, Canada are working in partnership on marine planning after successfully claiming legal rights to their marine territory, tribes on the East Coast do not have the same opportunities. They do not possess similar legal rights and local governments do not have the same obligations to them.

Research resulting from and pursuant to legal obligations has often been framed in such a way as to fix indigenous knowledge in the past. As Smith (2003) documents this can be a result of land claims that rely on histories and knowledge from the past, but it also is a problem of those researchers who have failed to consider indigenous knowledge as a dynamic construction (Coombes et al, 2012). Even when that indigenous knowledge is attempting to record past activities, beliefs or understandings it is a modern and dynamic construction.

As discussed above, the traditional indigenous conception of nature and the way in which we should interact with it is not necessarily consistent with a biodiversity conservation ethos (Pierotti and Wildcat, 2000). Nonetheless as Braun (2002) notes there has been a conflation between indigenous world views and some elements of 'green' or conservation views. As Hill and Coombes (2004) note the concept of conservation has been constructed as an intrinsic good. The views can coincide and in Australia, Stoeckl et al (2013) note that while indigenous values are not necessarily conservation values, conservation land use was of more benefit to the aboriginal participants than "development" land uses. Thus it was in the aboriginal participants' interests to promote these uses over others.

Generally this double assumption, that conservation is good and indigenous environmental management will be pro-conservation becomes a straight-jacket on tribes involved. The collaborative management of a New Zealand National Park has then been framed in a 'biocentric' manner that means:

*“the conceptual basis for Maori involvement has been reduced to ecological needs”* (Hill and Coombes, 2004: 59)

In contrast, Hill and Coombes (2004) also set out the multiplicity of Maori values that might simultaneously support government conservation efforts and maintain their campaign to self-determination and sovereign management. They could for example incorporate land uses such as hunting. Yet it is a mistake to present indigenous people as only victims of environmental injustice by naïve researchers (Coombes et al 2012). To address these issues they suggest one needs to approach this work by looking beyond analyses of indigenous and local and instead seek to understand the broader political context and issues faced by the Indigenous community. These are not, they argue “... *mere resource conflicts*...” (2012: 818). Politics are embedded in the analysis of Turner et al (2013) showing how in both Canada and New Zealand indigenous peoples’ customary management processes and fishing rights are significantly impacted by the neo-liberal political regimes of both countries. Turner et al suggest that respectful and genuine participation would require participation of indigenous peoples in all stages of the management regime from initial planning and policy formation to their on-going application.

#### **2.5.4 A framework for research**

The research points to a clearly defined problem for indigenous people in environmental management. The system, or the legal framework, under which decisions are made is underpinned by post-colonial politics and western assumptions as to how the environment should be perceived. Environmental management is framed entirely as a series of rights, obligations and consequences that are biocentric and ethnocentric. Academic calls for changes to this regime and far reaching institutional changes have not been successful. Alongside this conclusion some success stories can be seen, the key message they impart is that the more control, the more decision making power indigenous people have, the more likely they are to achieve a modicum of meaningful participation. Indigenous led environmental management should clearly be the goal (eg. Hill et al, 2012).

While being on the one hand so clear in its prescription the research also leaves a number of openings and questions that should be explored in the absence of the great political upheaval that is called for. The law is set, but it is then interpreted and implemented by institutions which are themselves the construction of those participating in them. This further construction of the environment management framework should then have some flexibility. Are there circumstances in which the call Salmond et al (2014) has made for institutional change might be effected from both the inside and outside? Could this be another form of participation?

Fortier et al (2013) identify a range of methods by which indigenous people participate in environmental management and show that these multiple avenues are used as they prove more or less successful. However they focussed on the formal well defined roles that can be played as this was the scope of their research. What needs to be explored are how many more possibly less formal methods of participation are being used and to what effect. This brings up the overwhelming problem identified by Coombes et al (2012) that research to date struggles to both understand and reflect the multiplicity of identities indigenous people can and do have. This assumption of homogeneity is then easily transposed into as assumption that knowledge too is fixed.

Watson (2013) opens a window into this world, but a thorough analysis was also outside the scope of her research. As Coombes and Hill (2005), Jackson (2006), Coombes (2007), Jackson and Barber (2013), Salmond et al (2014) demonstrate, to fully understand the multiple identities of participants and the ways in which they are or are not able to take part in environmental management one must look further than the decision making process and take the historical and political contexts into account as well.

### **3 The Research Process**

This chapter sets out the basis for the research project: the motivations and beliefs that drive it, as well as the very practical actions that were taken in order to create this thesis. The chapter begins by setting out the philosophical ideas that underpin the whole project, and the ultimate assumptions upon which the conclusions, new findings and claims of the thesis are layered. The research questions, having been briefly introduced in Chapter 1, then foreshadowed through the issues set out in Section 2.5 are set out at Section 3.2, in terms of their potential within this specific research project and their potential for elucidating further valuable findings following the specific methods proposed. Those methods are discussed in considerable detail at Section 3.3 both in philosophical and practical terms, and particular consideration is given to the ways in which debates have been addressed over epistemological issues in cultural research. The role of reflexivity is also widely canvassed given its great importance when thinking about the considerable benefits and constraints of undertaking insider research. Finally this chapter provides the background to the research itself, the place, people and issues in a little more detail following the general introduction in Chapter 1 above.

The choice of methods are those advocated by a range of qualitative research practitioners, all intended to produce the optimal data to answer the questions and provide explanations and support for those answers in a way that is transparent and rigorous. Methodological choices will inevitably involve some compromise and the issues these raise are also discussed.

#### **3.1 Philosophical framework and underlying principles**

This research follows a series of events relating to a remote place in which a small community resides permanently and many others come and go. The purpose is to understand what led to these events and the ways in which they have evolved in light

of both the individuals and the communities involved as well as a broader regional and national context. What happened and why are ostensibly simple questions but of course the above discussion of others' work suggests a simple question will inevitably lead to many more questions as well as many complex answers. So one might then say 'what kind of responses did individuals and communities make?' and 'what consequences are still being played out today?' To both of these of course one asks why? and, perhaps, what kind of interventions or changed circumstances could improve these consequences and outcomes?

At the heart of the project are people and the relationships they have formed with each other and their surroundings. These people have views, perspectives and both capacities and willingness to act. They are also part of families, interest based groups, professional networks, and other organisations that come together on a regular or ad-hoc basis and, as a collective, produce alternative perspectives, create new capacities and willingly engage in new action. To find out what these views and actions are one can ask questions, observe actions and read documents produced both by the individuals and groups as well as summaries of local views such as those produced by policy officers who have summarised their submissions.

To learn beyond a superficial level one must understand not only the overt and stated reasons for people's beliefs and actions but also those actions, conclusions or assumptions that arise habitually and unconsciously. Such assumptions form part of the fabric of society as common beliefs and understandings that can serve to identify outsiders, that is those people who fail to understand cues or unsaid rules and go on to break taboos be they minor questions of social etiquette or misunderstandings with potentially serious consequences. This is, of course, culture (Williams, 1983) and this thesis assumes, as Williams describes it, that culture represents shared values and the ways in which those values are expressed. Importantly, culture is not fixed or singular; rather it is a contested space. What is good, popular, valuable, and the drawing of boundaries between peoples are matters of constant tension. Thus Hall (1997) advances the notion of culture as the space in which various influences within society are competing for a place in the popular world view. Massey (1995) provides



a useful summary of the perspective that underpins this work in four conclusions about boundaries:

*“First ... these lines do not embody any eternal truth of places, rather they are lines drawn by society to serve particular purposes ... They are just as much the product of society as are the other social relations which constitute social space ...*

*Second, boundaries inevitably cut across some of the other social relations which construct social space. The places they enclose are not pure. They gain and have gained, their character by links with elsewhere ...*

*Third, boundaries matter... They are part of the process of place-making ...*

*Finally, the drawing of boundaries is an exercise of power. ... Boundaries may be constructed as protection by the relatively weak; they may also be constructed by the strong to protect their already privileged position. Boundaries are thus an expression of the power structures of society. They are one among the many kinds of social relations which construct space and place.” (Massey, 1995: 64-9)*

Culture makes frequent appearances in this thesis. While not so overtly described it is set out in detail in the previous discussions of different approaches to the world around us, it is also the lynchpin whose name is used to drive actions both by and against Ngati Hikairo and Maori in environmental management in New Zealand. Throughout this thesis culture is deemed to be the concept outlined above, a contested space that is neither fixed nor independent. Rather it is the product of people and places.

Here, Chapter 3, which focuses on the nuts and bolts of how and why the research was conducted, is more concerned with the search for culture and the questions of how we might identify it, document it and then present it with any kind of certainty. This is ethnographic research. Much of the philosophical framework for the research

generally has been discussed above. It is worth briefly noting the ways in which the methods flow from both those theoretical ideas discussed above and other considerations that must be made when seeking to generate data that will provide sufficient breadth, depth and scope to be analysed and produce findings.

Finally the question of epistemology must be directly addressed. Chapter 2 has already discussed social construction in some detail and it is therefore only necessary to state briefly that underpinning this work is an agreement with Bruno Latour (2004, 2005) that such a thing as external or objective reality is irrelevant. Rather we can only know the world we live in through our experience, description and interpretation. The goal, according to Geertz (2000), is a thing called ‘thick description’, in which we get beyond a simple statement of ‘what is’, and instead we explain what that world means and what that meaning demonstrates about the society under study (Geertz, 2000: 3). Therefore the goals are to experience and describe and, as consequence of description and analysis, interpret that experience. Adding this last goal does, to some degree, depart from Latour who considers objective description to be the skill to which all researchers need aspire. This objective description is, he thinks, a sufficient activity to create new knowledge (Latour, 2005).

### **3.1.1 Agency and Culture in ethnographic research**

Culture is undoubtedly a social construction and cultural theory, as espoused by Geertz and others, is the primary lens through which the data and observations made in this research are understood. All research philosophies have limitations and cultural theory is no different. The most significant limitation and an important influence on this project is the question of agency raised by those such as Bruno Latour who advocates for the use of an alternative, Actor-Network-Theory (Latour, 2005). At its heart he offers a method that allows the researcher to describe the world around us and the ways in which that world transforms us and itself. He prescribes a method that involves detailed and disciplined observation and note-taking. This then leads to a descriptive work that through its impartial and in-depth perspective elucidates hitherto hidden relationships and realities. Such work involves a detailed

exploration of how actions and situations come into being; the long chain of events they say allows us to truly uncover what drives the world around us. He contrasts this with work that makes early or unnecessary recourse to culture when explanation becomes difficult or is elusive.

Whilst not being an ANT study, this research draws on these principles firstly because they reflect the nature of the study, being about the ways in which people relate both to each other and their world and secondly as it requires an objectivity in method which has proved of great assistance to the researcher who at times feels so deeply infused in the project under study.

In particular Latour advocates the following principles that have been influential. First he suggests we look beyond humans and consider the links with the ‘non-human’ actants as part of a cause and effect chain of action. Second, he does not accept any explanation that relies on an invisible underlying social force. We should instead, he says, follow the actions taken to their roots and, by uncovering them, we can uncover the actual forces and their respective influences. Finally is a desire to describe fully the world as seen by the researcher rather to break it down into subsets some of which may be disregarded while others are given greater prominence. This he calls “dispersion and deconstruction” (2005: 11). Latour might not agree with this statement but these ideas are consistent with this research and the methods described below. Therefore they are incorporated. For example, he is strongly opposed to any attempt to impose social structure upon the research process and data. People should not therefore be approached with labels such as ‘Ngati Hikairo’, ‘Farmer’, ‘Resident’, and ‘Maori’ but instead through the data collection and analysis, groups may or may not emerge on their own terms. This makes dealing with multiple identities much easier and opens the researcher’s mind to explore the types of identity that are actually in existence and relevant.

Secondly, to get beyond the resource to social science terms that have no concrete meaning as explanations he suggests asking why by finding out what happened before. How did this begin? Where was the impetus? The data being collected in this research should be seen as the end of the line and a result of many actions that need

to be explored in order to understand it. This can also be seen in the context of Foucault's genealogical analysis (1977) which questions any sense of development and change resulting from the steady march of progress, rather that our existing institutions are historically situated and the result of multiple influences coming together (also discussed in this context in Smith, 1998). Thirdly, as part of ANT, is the recognition that human agency is not one-way, and that people interact with the world around them and sometimes objects will be the source of action rather than the result. This is, he suggests, all consistent and understandable by those undertaking general ethnographic approaches (Latour, 2005: 87).

This thesis takes these principles from Latour's version of ANT. But the research itself in no way replicates or makes any claims to be an example of the method. As Prytherch puts it:

*"ANT is a potentially useful theory (in theory). But it remains much harder to translate – from laboratory to city, from philosophical discourse to applicability – than it ought to be."* (Prytherch, 2011: 855)

In reality the dogged 'ant-like' data collection that simply records what is and excludes concepts such as culture or norms is very difficult to achieve and was not feasible for this researcher. It would inevitably lead to its own limitations and flaws. Research design requires one to consider both principles and pragmatism that will rigorously test the questions and produce a sound result. ANT addresses the limitations inherent in cultural research practices described by Geertz (2000), Goffman (1971) and Spradley (1980) amongst many others. The relevant principles underlying ANT then strengthen the research by providing one plank of the reflection that must be considered and by guiding the decisions as well as fine-tuning the actual methods undertaken. Spradley (1980) and Latour (2005) both provide guidance for a systematic research process. In addition Goffman (1971) has contributed significantly in guiding the observations through his treatise on how people create and project their identities, the differences between individuals and those acting together, the roles that different people (including the researcher) play in

creating personas and linking people with their environments and how they are used to create and perpetuate identities.

ANT does not underpin this research. It too has limitations, particularly in its rejection of key concepts such as culture and power as well as a failure to allow for the subjectivity that inevitably exists in a project of this nature in which the researcher is a very present part and who is willing to acknowledge the contingent nature of its findings. The questions ANT raises about agency should still be addressed, indeed by analysing this further one can engage in the research process through this reflection on the underlying epistemology. The purpose of research theory (be it cultural or ANT) is to provide a framework upon which observations and other data can be laid down and new understandings drawn. It is a tool for the researcher. As Birchall (2006) makes clear, cultural theory does not claim to be unbiased, objective or simply factual. It is, like all knowledge, risky.

Latour and others make a valid critique of cultural theory. One is that it uses amorphous concepts such as culture in a lazy way. That is, when we can't understand a phenomenon we fall back on that "mysterious residual category of culture" (Marcus and Fischer 1999: 39). Another is that researchers jump to conclusions after making hasty assumptions. They generalise without justification (Seale, 1999). What Latour has added to this critique is that the assumptions are sometime so ingrained that they have become part of research culture which needs to change so that they may be remedied.

Neither of these criticisms strikes a fatal blow to cultural theory. They are matters for reflection both within individual research projects and by cultural theorists seeking to make useful contributions. Theorists such as Latour, Geertz and Goffman write accounts of how we can use different methods and ideas to understand the world in ways that make research seem so straightforward. This is of course essential to dissemination of theory and the encouragement of others to take these ideas on and expand them. But, (as Ortner sets out) making claims to 'culture' or using it as a means of explanation is not a lazy fall back option or a catch all. In fact, the

identification of culture is by no means simple. These claims, this thick description are the outcome of a process in which empirical observations are copious and deep.

Birchall directly addresses those criticisms by Latour (2004b), and Sokal (1993) amongst others. Whenever one does research that draws on culture and cultural theory the knowledge that is produced is done so within a specific context. The findings and knowledge produced are always dependent on the rigour of their production. There is always the possibility that the knowledge will prove to be illegitimate or ill-founded. Cultural theory recognises this possibility and its practitioners might reflect on their own practise. The critiques are indeed valuable, for this project at least. They remind the researcher of the assumptions within the method that should be avoided.

But of course ANT has its own culture and perhaps even assumptions! What is seen as dogged persistence and adherence to method may well be unrealistic (Prytherch, 2011). ANT claims to be a method that focusses on observations rather than drawing extraneous conclusions. For cultural theorists, this method insufficiently recognises the true nature of all knowledge, regardless of its epistemological roots. Theorists such as Birchall are so accepting of the potential for illegitimacy in the knowledge cultural theory produces because the same potential exists in all knowledge. This acknowledgement is of cultural theory's strengths and a significant weakness in ANT that makes it unsuitable for this study. Agency and actants remain an important consideration. The discussion has centred on whether an ethnographic approach in which culture provides the pivot around which the analysis takes place is preferable to that within an ANT approach where, the actants and agency behind their actions be the focus. A solution is provided by Ortner (2006). Rather than being ignored by this anthropologists, agency is, according to Ortner, essential to the understanding of complex relationships. Agency provides the link between cultural practices and power, a difficulty for researchers is to understand the role of agency, and different actants within their historical context. Simultaneously, there is a universal agency that drives humans that in any particular place and time is "always culturally and historically constructed" (2006: 136). Another useful concept for understanding the world is power. Theories such as ANT take a relational view of power which is seen

through observation and description. Within a cultural paradigm, agency and power are closely linked. Bringing them together within an analysis is one of the ways in which the researcher can find the balance between the seeming universal agency and its historical construction.

As Ortner says:

*“In one field of meaning, “agency” is about intentionality and the pursuit of (culturally defined) projects. In the other field of meaning agency is about power, about acting within relations of social inequality, asymmetry, and force. In fact “agency” is never merely one or the other. Its two “faces”- as (the pursuit of) “projects” or as (the exercise of or against) “power” – either blend or bleed into one another or else retain their distinctiveness but intertwine in a Moebius- type relationship. Moreover, power itself is double edged, operating from above as domination and from below as resistance.”*  
(2006: 139)

The way in which this research deals with the issues raised by Latour which are relevant and influential is not to take on the theory that they derive from but rather to consider them in the light of a cultural analysis. The result is to conclude that ANT is itself flawed and particularly so for research of this nature. The use of concepts as means to analyse the data allows for meaningful and insightful conclusions. They may be flawed but any problems should not be a stain on the theory per se but rather its implementation. For the ethnographer who uses cultural theory the ideas Latour introduces instead provide a useful way of considering the nexus between agency, power and culture. This perspective opens up the ethnographic process without shifting the epistemological paradigm.

### **3.1.2 Subject/Object: Issues and Approach**

The first point to make is that academic objectivity is a qualified concept. It may be a worthy aim in the context of the research but can never be achieved. In short, attempts to maintain a distance between the researcher and the researched will

ultimately fail (aka the subject-object problem) (Smith 1988). Following the discussion above questioning ‘what is the environment?’ this project is clearly one that is primarily about people and their relationships to a particular space. However it is being done from within that relationship rather than outside it. One consequence in this chapter is the use of the first person to discuss the way in which the research was approached and carried out. This is because this was an intensely personal project although underpinned by the guidance and instruction of those referenced below as well as academic mentors.

In all social sciences, this subject-object problem arises overtly and is dealt with in different ways. Solutions depend on the ways in which academic objectivity is interpreted for the discipline. The problem primarily is how to create a distance from those people comprising our objects who actively seek to draw us, the subjects, in by reacting to our presence and research activity. We are also influenced and alter both our presence and research activity through these actions (Smith, 1988). Environmental Sciences, the discipline of this thesis, is a broad church into which geography, psychology, sociology, economics and political science amongst others are often used as stepping or foundation stones to the study of the world around us and our place in it. Therefore there are various standards and measures of rigour to which one can pledge one’s troth according to the nature and aims of the research.

In this case, Human Geography and qualitative research standards are the dominant influence. The subject-object problem is not one of maintaining or establishing an artificial divide between me and those who participate in the research but instead how to ensure that I, the researcher, am able to view and record events as a researcher whilst taking a role as a participant. The answer lies in the methods and techniques used and in the time spent learning about ethnography and participant observation through practitioners such as Goffman, Spradley and Latour. Thus I have sought to simultaneously use objective practices in order to gather analyse and interpret the data whilst existing in a conscious and overt state of reflection and awareness of my position and influences.



### 3.1.3 Cultural Relativism

Under the microscope are two primary ‘cultures’ co-existing in the town, region and often in individuals. The way in which a study of two different cultures is approached opens up considerations of philosophy and a field of thought known as ‘cultural relativism’. Two particular points arise: The first is the question of how to understand, describe and discuss these two cultures. Are they distinct entities that should be understood solely on their own terms (and is this possible)? The second is one of critique. Can ideas about cultural relativism be used to enable an analysis of the role culture plays? Can it provide the opportunity to consider a culture from varying perspectives by breaking it down into elements that have a more universal character and those that are more distinct? Would this be more likely to lead to an understanding of conflicting decisions, actions and outcomes - positive and negative - for those involved?

“Cultural relativism” is a term used to describe the idea that different cultures and their mores should be considered and judged independently, on their own terms. It follows then that culture cannot be ranked or placed in a hierarchy nor should actions be judged as right or wrong outside of their own cultural context. This is a relevant consideration for those engaged in ethnography. In this case Maori and Pakeha cultures are being observed and described. The ways that they arise in this project is answered partly by personal circumstance. I, the researcher, am one of those individuals for whom both cultures co-exist, being ethnically both Maori and Pakeha and also having been brought up very much in both worlds. It would be unnecessarily contrived for me to do anything but consider questions of culture in light of their own roots and development.

The primary criticism of ‘cultural relativity’ as an approach is that it forgoes any judgment as to the moral value of different cultures. Actions are appropriate or not depending on the internal mores rather than any fundamental or universal standards. It follows, say the critics, that one cannot make the most useful insights as to others’ behaviour and possibilities for change that comparative and judgmental analysis would allow. It is impossible, say philosophers, for us to consider other cultures in a

truly neutral way, instead we either patronise or apply moral standards in the way that we construct and communicate our research.

Geertz (1984) refutes this view of relativity. He notes that relativism has not arisen solely from philosophers or backroom theorists. Instead it comes from the data, from empirical research undertaken time and time again by anthropologists undertaking field work and upon which the discipline has developed and continues to develop.

Latour (2000) would suggest that considerations such as culture are blind alleys that take us away from our primary task of observing and recording. We quickly start to lose our way, he suggests, if we stop taking note of ‘what is’ and the ‘how’ it came about in a physical sense and move towards personal or group motivations. This is because we then embark on a series of second guesses, questioning individuals’ stated motivations and apportioning values or degrees of veracity to different acts and actants. For this thesis ‘culture’, is, I suggest, the end point of such an analysis, it is woven into the following three chapters that discuss the work from different perspectives before finally these strands are then brought out and highlighted in the conclusions of Chapter 7.

One can nonetheless be assisted by our understandings of culture in the actor-network approach. Being aware that is being identified is cultural and not fundamental is a reminder to probe further and not take acts and reactions for granted. Further, the ideas behind cultural relativity are consistent with the notion that a description of local culture may be one outcome of this research.

A final issue on the question of culture is how this research is to be presented and communicated. While it is hoped many New Zealanders will take an interest in this thesis, the first audience is British – how will this affect the descriptions and explanations of events? The audience is of course under some pressure to set aside their own cultural assumptions and with the support of supervisors the most obvious areas for doubt or confusion should be addressed. Nonetheless decisions have had to be made as to how to describe things, particularly environmental features – are they animate relations or not? It is impossible to do this without some reference to cultural

context regardless of Latour's assertions and in this case the method adopted has been to use descriptions that are most appropriate to the matter under discussion. This has meant that a Maori syntax is the dominant one.

### 3.2 Research Questions

In 2006 the researcher completed an MSc project that asked about the relationship between the residents of Kawhia and their environment. At the same time, Ngati Hikairo were initiating their own work to develop their role in environmental management. They had been party to a difficult battle to stop a subdivision at an important historic location for the tribe. As part of this they took the case to the Environment Court (*Macpherson, 2007*) and suffered the process of giving evidence and contributing considerable resources being cultural knowledge, many peoples' time and personal effort as well as financial costs (a lot of *pro bono* work was undertaken).

The outcome was a partial success over the subdivision itself but left the tribe looking for a better way. One such way was to develop an entirely new conceptual model for decision making in the harbour region. In this model local Maori tribes working in partnership with local non-Maori would take control of local resource management, infrastructure, governance, strategic and relationship development. Local and regional government would provide a supporting role. Appendix 2 sets out the model they envisaged. Needless to say this new way has not been more widely adopted or supported. Nonetheless it provides a catalyst for this research. What is the potential for a tribe such as Ngati Hikairo to participate in environmental management and decision making processes? These ideas were developed into the research project being presented in this PhD thesis. As set out in the introduction the aims have been translated into one big question as follows:

**Can the New Zealand resource management framework make space for distinct Maori participation on their terms?**

Breaking it down the question has three further parts:

1. **Who will participate:** How do Maori decide who is eligible, willing and capable of participating in environmental decision making?
2. **Setting the terms:** Are Maori able to determine what participation will mean and what issues are of concern to them as Maori?
3. Finally, having determined the terms and identity of participants, **can the legislation and corresponding system accommodate Maori?**

### 3.3 Ethnographic Research

The methodological family into which this research fits is ethnography. That is, in order to obtain data on the people and places studied as well as understand and interpret that data in a way beyond the reaches even of those whose lives are described I will need to immerse myself in the place, attempting to both become an accepted member of the community whilst maintaining the eye of the researcher. As Spradley puts it: “rather than *studying people* ethnography means *learning from people*” (1980: 3)

He goes on to describe ethnography as follows:

*“The essential core of ethnography is this concern with the meaning of actions and events to the people we seek to understand. Some of these meanings are directly expressed in language; many are taken for granted and communicated only indirectly through word and action. But in every society people make constant use of these complex meaning systems to organize their behaviour, to understand themselves and others, and to make sense out of the world in which they live. These systems constitute their culture; ethnography always implies a theory of culture.”* (Spradley, 1980:5)

### 3.3.1 Using and designing a case study approach

The research questions seek to develop the literature, discussed above, by examining the ways in which indigenous people can engage in environmental management on their own terms through their relationships not only to the ‘non-indigenous’ organisations and people involved but also to the environment they are interacting with and to each other. Case studies such as those discussed in the literature allow for this type of in-depth understanding. Yin’s abbreviated definition sets out the key features of case study research:

*An empirical inquiry about a contemporary phenomenon (e.g. a “case”), set within its real-world context – especially when the boundaries between phenomenon and context are not clearly evident (Yin, 2009: 18).*

It is an ideal method for this research and indeed is a standard method. The case study gives a focus to the issues by providing the context in which they are to be analysed as well as some boundaries for the researcher although some blurring or pushing of those boundaries is possible as the research goes on.

Qualitative research is an iterative process. Its design needs to allow for adaptation to the circumstances as they arise and a general plan which takes into account the theoretical perspective and research questions needs to be made. In case study research this involves deciding whether to use a single case or to compare multiple contexts in which the phenomenon is found. Within the single or multiple contexts one can choose whether to take a holistic approach analysing the phenomenon as a whole or to identify embedded units of analysis, discrete objects of study that may or may not be comparable (Yin, 2012).

The research design process is one that happens, at least in outline, while identifying and considering potential actual case study options. The other prime consideration is the theoretical perspective informing the research. One seeks a case study that will not be merely ‘suitable’ but have potential to produce a significant piece of research that will add substance to the canon rather than merely confirming or providing a

point of difference to the existing theoretical base. The literature outlined above (particularly that such as Watson (2013), Jackson and Barber (2013) or Smith (2003)) give examples of single case study research with important findings for those working in the field of natural resource management by indigenous communities.

Multiple cases can give great breadth and confidence in the findings as they can provide an opportunity to replicate findings, to suggest explanations through comparison or even to use contrasts in order to test findings (Yin, 2009). However, even within a three year PhD research project a multiple case study project would place considerable limits on the possible depths to which the research might go and in this case whether the research questions might be adequately answered. During the research process consideration was given to multiple comparable cases as they became apparent, however in every case, and in light of the theoretical guidance given by the literature depth out-weighed breadth and the single case ensued.

The foregoing has also described the research context around the decision to work with the tribe of Ngati Hikairo and its resource and environmental management work within its tribal lands around the Kawhia Harbour. However it was not chosen merely for its convenience to the researcher. Tribes all over New Zealand are engaging in environmental management and many might be suitable for this study. Yin advises choosing a case that is as important, as significant as interesting as you can find (2009). What makes this phenomenon special is a group of people who were engaged in a range of methods to tackle what they saw as terrible failings in environmental management. Further, they themselves had identified what has also been shown in the literature reviewed above. That is, examples of Maori (or other indigenous people) wanting to start the debates and set an agenda in which they led a community that together becomes more proactive in environmental management processes. Further, as the research progressed opportunities for some comparison emerged with neighbouring tribes who are also engaging in environmental management. This comparison could be done as embedded units of analysis within the single case (Yin, 2010, 2012). This meant that the single focus could remain while the key questions that arose from early analysis could be considered from more than one perspective.

Another consideration is the ability to draw some boundaries. As Stake (2005) suggests even though they may be blurred or there are some areas in which even the researcher cannot draw a line, there is always an inside and an outside. Work with Maori tribes allows for a range of blurred boundaries. These are the traditional tribal lands, the people who claim membership of the tribe and the scope of activities that the tribe are attempting to claim rights to in their environmental management work. As boundaries they are constructions and therefore are not entirely set at the start of the research process. Instead they give the research design some shape and confirm the suitability of the chosen case while always being open to change.

This then has the potential to be a special case, however it also has the potential to be instrumental and therefore the findings might be of value to many others around the world. What Ngati Hikairo has and continues to do happens within its own cultural context. Its story is one that has shades of the indigenous peoples' stories discussed above. Ngati Hikairo are remotely based, but with a diaspora. Its people are trying to break out of a legal framework that was inherited from the British Common Law and a colonial past. The tribe lives entirely within New Zealand society rather than separately alongside it. Ngati Hikairo is introduced in more detail at Section 3.4 below.

### **3.3.2 Participant Observation**

Within this broad ethnography framework is participant observation, a research method in which the researcher takes on an active role within the community under observation. In this instance a key driver for the research was a desire to take part in the activity and work of Ngati Hikairo and use relevant skills to both further their ends but also further both their and others' knowledge about the ways in which minority and marginalised groups can assert their roles within planning and environmental management institutions. It is also a key part of ethnography. Spradley, who advocates the physical experience of taking part in activities, also describes the distinction between an ordinary participant and the participant observer. As he says, ordinary participants are concerned to learn the cultural rules to the point

at which they become tacit. Participant observers are learning the rules so as to document them. There are six major differences being:

- [1] the dual purpose of the researcher;
- [2] being explicitly aware, “overcoming years of *selective inattention* tuning out not seeing and not hearing”, (Spradley, 1980:55),
- [3] Using a wide angled lens, taking considerably more than what is needed to get the job done;
- [4] being simultaneously an insider and outsider, the degree to which either role is emphasised may vary at different times and places;
- [5] engaging in introspection, which enriches the data; and
- [6] keeping a detailed record.

The degree of participation can also vary at different times in the project from non-participation to complete participation. At both extremes are difficulties. Periods of non-participation (such as listening to a recording of a previous meeting) may be accompanied by notes that lack depth or understanding of the entire activity such as why certain actions were taken. When engaging in complete participation however, usually, Spradley says, when one is already a participant, the cultural norms are already known and familiar. It is easier to move quickly to more detailed observations but the researcher may struggle to shift between insider and outsider as necessary (Spradley, 1980).

### ***3.3.2.1 In the field: data collection and early analysis***

Part of the participant observation method is to be living the experience. During a period of maternity leave one month was spent staying with family in New Zealand during which time the potential to be living in Kawhia and fully involved in tribal environmental management was scoped. Six months were spent in New Zealand from December 2008 to May 2009, as is discussed in detail below (Chapter 5). Being part of ‘Resource Management’ as it is known does not tie one to a particular location (especially for Maori for whom the RMA refers to ancestral lands rather than location of residence). Meetings happen across the Waikato and Kawhia



regions. The people involved live in Auckland, Hamilton and some as far away as Christchurch in the South Island. As there were difficulties in obtaining accommodation in Kawhia during the summer holiday period (December and January), the initial two months were based in Hamilton before moving into Kawhia. There was a considerable amount of travelling to interview people and attending meetings and workshops with nights spent in their homes or at *Marae* (communal accommodation at the tribe's meeting house with all attendees).

Observations are the core of participant observation and to do these one needs equipment. One of the great practical contributions Latour (2005) makes to the fieldwork technique is the four diary method. It provides a way of initially categorising and sorting data particularly as between observations and records and reflections and ideas to follow-up. The first diary records appointments and general activities for the day. The second records the observations, trying to focus very much on 'the facts' what is being seen and done, who is and isn't there, how different people or things are coming together or not, description. Thirdly one keeps a diary for reflection and to track one's personal opinions, the questions running through one's head, any epiphanies or points to follow up. Finally the fourth diary records the effect of the research, dissemination and feedback.

For this project the first appointment diary is a physical, hardback diary. The remainder are a combination of audio files, recorded on a dictaphone, ideally immediately after the encounter (often in the car while driving) or that evening. Appendix 3 provides a sample 'diary' entry recorded in the car after attending a meeting. While some efforts were made to separate the audio entries between the 'diaries', the recording in Appendix 3 shows it can be very difficult when one is both recording immediately after the meeting to get an accurate record whilst also having all sorts of thoughts running through your head. Audio files were made to record formal meetings and informal discussions with the knowledge of those present and participating. A sample transcript extract of one such conversation is given in Appendix 4. In addition some conversation records were typed up directly into a computer, others were written directly into a notebook sometimes during and sometimes after the conversation.

Spradley (1980) sets out three principles for making ethnographic notes. They are first, the language principle: to identify different speakers with quotes and using their own language as much as possible when making one's own notes (one must remember that he was writing at a time when written notes were the only practical option for this research). Second, the verbatim principle: gather the terminology and argot of the speakers with verbatim records as much as possible, be aware of your own voice. Finally the concrete principle: "when describing observations, use concrete language" (1980:68), he warns (like Latour) that generalisations are the language of social science whereas observations need to be as descriptive as possible.

Alongside the different kinds of notes, Spradley also identifies different kinds of observations that will be made at different stages of the fieldwork and research process. Initially, one makes "descriptive observations" (1980: 76). These he describes as 'grand tours' in which one observes nearly every aspect of the experience: space, time, people, objects, activities, actions, feelings. They answer the question what did I see and do? These observations are also the opportunity to identify and use the methods set out by Goffman (1961) to note peoples' performances, individually and in teams, the props they use, the reactions and nature of audiences and what happens when people break out of character. Through observations nuanced in this way one gets a feel for social norms: what and who is valued, and how those values are expressed. Like Latour we dispense with assumed groups and instead ask who is on the team(s), who is auditioning and who are fellow audience members? Through these observations it is possible to question the term Ngati Hikairo and instead consider the different ways in which people who share common descendants are able to express that identity and how members of the community can both appear to be central to it whilst at the same time be in fact outsiders (see Chapter 5).

Then after a body of such observations have been made comes the time for what Spradley calls the 'domain analyses' that use semantic relationships. The task of ethnography is to identify and describe culture, therefore he says the basic unit of analysis is the 'cultural domain' and trying to identify 'cultural domains' is the object of early analyses. From here observations can become more focussed and pertinent

questions asked to properly understand those domains. The semantic relationships allow one to question exactly what the ‘thing’ that keeps cropping up in the observations is. During early analysis in this research the domain ‘heritage site’ was used and the following questions were then asked:

What are the different kinds of heritage site?

What types of place or space do they occur in?

What causes heritage sites?

What is the reason for heritage sites (their rationale)?

What locations are heritage sites?

What are heritage sites used for?

Heritage sites are a means to what end?

What are the steps or stages in heritage sites’ life span?

What are the characteristics of heritage sites?

From here one can start making focussed observations based on those semantic relationships that ask structural questions. The next type of analysis takes the domain analysis, expanded to take account of the focussed observations and then tries to sort it into points of similarity and points of contrast. These new subsets ultimately find what Spradley calls the cultural scene (1980: 117). This kind of analysis is not definitive or ever complete but provides the jumping off point for the next type of observation (which may occur three quarters of the way through the research and on a part time basis as other observations continue). These are interviews both formal (upon request at a set time and place) and informal (asking questions of people who you meet along the way). In this research there was one proper formal interview, a number of arranged discussions (through invitations to meals, seeking people out before and after meetings, arranging to meet to see notes/other written data) and many chance encounters at which questions were asked.

### **3.3.2.2 Writing and analysis**

In fact the development of focussed questions, further analysis and ethnographic interviews did not happen seamlessly. Transcribing was almost exclusively done after leaving the field and it was a great catalyst for further thoughts and analysis. Many of those questions that might now be thought of as ethnographic in the finished thesis were asked on the basis of interest, ideas and a need for clarification rather than a specific analysis. The final component of ethnographic research is writing up that research, For Walcott “... the real mystique of qualitative inquiry lies in the processes of *using* data rather than in the processes of *gathering* data.” (1994: 1). He describes this process as a combination of description, analysis and interpretation. This D-A-I approach was influential to this thesis, in which the three empirical chapters are seen as moving from having a greater emphasis first on description, then analysis and finally interpretation as they build upon each other, and the earlier data and findings. The final chapter – conclusions - is primarily an interpretation of those findings as it seeks to extrapolate those themes that cut across the whole thesis and provide perhaps the most important findings for those working in this area. This includes those who are then written about, and those actively engaged in the work of environmental management for whom this is also written.

### **3.3.2.3 Secondary data sources**

There are also many secondary data sources used in the project. The empirical evidence collected through recordings and contemporaneous notes provides the core through which the analysis unfolds. However there are also numerous documents which were instrumental in initiating conversations, providing context to observations and conversations, and during analysis have supported or contradicted the empirical data. These documents and their sources are as follows:

- National Parliament and Ministry for the Environment: Statutes, Policy Papers, Publications
- Environment Court: Claims, Judgments, Witness Statements, Counsels’ Arguments, Correspondence

- Waitangi Tribunal: Claims, Research Reports, Interim Statements
- Regional and District Councils: District Plans, Policy Statements, Maps, Publications, Consultation Documents, Minutes from Meetings of Council and Community Boards
- Interest Groups: Publications, Submissions to Consultations,
- Press: Local and regional press articles

### 3.3.3 Reflexivity and placing the researcher in the research

*Ethnographers need to convince us... not merely that they themselves have truly 'been there' but ... that had we been there we should have seen what they saw, felt what they felt, concluded what they concluded.* (Geertz, 1988: 16, see also Seale, 1999: 108)

When assessing whether they too would see the phenomena, have similar sensory experiences and be able to draw the same conclusions the reader of ethnography will always have to take into account their own position as well as that of the researcher. In this case, the researcher's own place in the world (Maori, Ngati Hikairo, mid 30's female, some knowledge of the Maori language with a baby on her hip and many other family members (close and extended) on the periphery) means that very few readers would have been able to undertake this research and test Geertz's assertion. Therefore readers, the ethnographer in this case seeks to convince you that if you had indeed been there, alongside the researcher, you would have made similar observations and come to similar conclusions (perhaps together we could be a research power house?).

Positionality, the bias and subjectivity with which the researcher begins the project is a matter that, as Watson (2013) identifies, the scientific process of knowledge production seeks to erase. Ethnographers too work hard to present an account that has at the very least a veneer of objectivity so that Geertz's aims can be achieved, and the reader at least believes they could too have come to the same conclusions. However no such pretensions can be maintained here partly because this is insider research. The role of the researcher is embraced as one which makes better research

and the status as an active member who can talk about ‘us’ not ‘you’ is seen as a significant advantage for this thesis.

Some 90 years ago, ground breaking anthropologists such as Malinowski (writing in 1922) considered it necessary for good ethnography to take place in a different culture (Gallinat, 2010). In the 70’s Paul Rabinow (1977) wrote the ground breaking *Reflections on Fieldwork in Morocco*, which sought anthropology’s release from positivism and advocated for the advantages that could be gained through work that is both reflective and critical (Rapport, 2010). As Rapport goes on, “*This kind of anthropological self-reflection has become well-known and widely rehearsed, not to say canonised*” (Rapport, 2010: 79).

Clifford and Marcus (1986) further opened up the role of the researcher – self – in ethnography. Understanding positionality and self-reflection or reflexivity remains the postmodern solution to the subject/object problem that arises as a researcher, regardless of their starting position begins to become enmeshed into the society they are working in (Collins and Gallinat, 2010). Through the process of active reflection the ethnographer can maintain the part they are playing as just that, a performance (see the discussion of Goffman at Section 3.3.2) in which the ethnographer’s personal and professional worlds are colliding (Sikic-Micanovic, 2010, Rapport, 2010). Another key role of reflection is to aid in the analysis during which those amorphous concepts (discussed at Section 3.1.1) – culture, power, agency and community – are constructed by the researcher. Through reflection unwarranted assumptions might be avoided and recognition of generalisations made.

In contemporary anthropology this reflection consists of observations of observations (Rabinow, 2007). The initial “first order” observations are rarely of any greater note than those made by many any social researcher or observer of society (Rabinow, 2007: 106). It is the second order observation: reflection that transforms the data into a useful ethnographic observation. Self-reflection, begins here with a discussion of the researcher and her position, the issues and the opportunities this poses for the research.

The first key point is that this is insider research. I, Huia Forbes am a member of Ngati Hikairo, the tribe upon which the thesis is based. Further I share the aspirations and goals of the tribal leaders and in particular the Resource Management Committee (“RMC”) for it to play a greater part in environmental management. Initially, as the tribe has no control over any land or other environmental resource this needs to be done through engagement with the wider community and through the statutory processes. Not only do I support this in principle but have played an active role in trying to make it happen by participating in the workings of the tribe and its committees. This role has no time limits, membership is eternal. At the same time, I Huia Forbes am a PhD student at the University of East Anglia in the United Kingdom. My aspiration in this context is to complete a high quality PhD that provides research credentials.

These are not conflicting roles although they do require management. It is now recognised that subjectivity is an inherent part of all ethnographic research (Collins and Gallinat, 2010, Gallinat, 2010, Sikic-Micanovic, 2010). It – subjectivity – is no longer a barrier to high quality research. Subjectivity is an element to be considered in all research. Insider research has a distinct advantage in that as Gallinat did (2010), one can use the ethnographic self as a resource particularly in the early stages of research.

The question that readers may be asking is whether this researcher is capable of seeing beyond her own bias and conducting a study which collects all the data and analysing it in a way that is open to all outcomes however unpalatable they may be to her and her tribe. As this is insider, participant observation research it is also worth taking others’ motivations into account. In particular, those motivations of Ngati Hikairo who do not play a passive role. In the modern world, those under observation can also engage in reflection (Rabinow, 2007) and as will be discovered in Chapters 4-6 Ngati Hikairo, through all of their activities have discovered the value of high quality evidence. A thesis with robust findings that can withstand claims of bias is in their best interests.

Reflexivity, as discussed above, is still the essential means by which any bias will be recognised and accounted for. The purpose is not to achieve objectivity, but rather to develop a way of thinking that allows me to be both inside and outside the research (Davies, 1999). In practice the roles of professional researcher and politically active tribal member come to the fore at different times. There are certainly moments of extreme bias, of finger pointing and despair over situations as well as great joy. At these times the tribal member is most active. But the researcher is never far behind. The factual account can be written up alongside a note of the feelings that accompanied my actions. Reflection and due consideration of the events in the round almost always points to a range of further questions. Some using the self as an ethnographic resource (Gallinat, 2010, Davies, 1999) by asking what exactly was the driver of any emotions? and were they universally shared?. Other questions almost always revolved around what I missed while being so engrossed in events. In seeking answers to these questions the research is enhanced. As an ethnographer I gain a complete sensory experience of those around me while also, albeit later, being hyper sensitive to the alternative perspective and experience.

There are further aspects of the researcher, Huia Forbes own life that will impact on the process. I am a student in the School of Environmental Sciences at UEA having previously qualified as a solicitor. I was a research assistant in maritime law at the University of Southampton before working in the City of London as a litigation solicitor in shipping and international trade. I left New Zealand in 2001 to come to the UK and the periods of field work starting with the MSc work in 2005 were trips back to New Zealand during which I always felt aspects of otherness having been away. From 2007 onwards I was travelling with a child. This too opened up new facets of New Zealand life to me as well as giving me great access to different parts of society. The location of fieldwork is one in which I had never lived in before but my ancestors had and various members of my immediate and extended family live/had lived or been involved with from time to time.

Another consideration for effective research is how accessible the community, or relevant parts of it will be to me with such a strong initial position. I clearly have a distinct advantage and access to the most important data for this research – the tribe.



But ethnography is done in the round and this was most effectively achieved thanks to an accident of birth. Alongside all of the above I am white skinned and look like the middle class university educated person that I am. I do not appear ‘maori’ and I can say with absolute certainty that some people spoke to me (a researcher working on environmental management issues, or a person with whom that have struck up a conversation in the street) in ways they would never have done with a Maori stranger. I never hid my identity or avoided questions but sometimes for effective research one goes with the flow (or adopts a simpler role, see eg. Rapport, 2010).

As a consequence of self-reflection and completing this thesis the researcher has had her perceptions challenged and her viewpoints have changed. This has been caused by the need to understand fully how and why people act and think as they do.

### **3.3.4 Other Ethical Issues**

Research ethics in this field are well traversed by professional groups and University guidelines. Spradley devotes a chapter to it (1980) with a list of principles taken from the American Anthropological Association that are largely aimed at protecting informants and those taking part in the research. Jacobs and Cassell (2006) compiled a handbook for the American Anthropological Association from 1996 to 2006 that no longer provides a list of principles but rather advises on others’ perspectives and sets out case studies. What will constitute acceptable ethical behaviour will, it seems, depend on the case in point. However Spradley’s comments are still relevant and protecting the participants must still be uppermost when undertaking this research. In particular he reminds us that participants may have very different interests that must be protected. They should know what the research is about. The legal protection that the University is very interested in is informed consent to participation. There has never been any attempt to hide the research, that it was being undertaken and its purposes. Sometimes this information preceded the introduction. Where possible, explanations and agreements have been recorded on the audio files.

Great lengths have been taken to protect the identity of individuals quoted. In a very small community this is not easy, and the choice of inclusion and description has

erred on the side of protection. Pseudonyms are used as they make for a more readable thesis. Sometimes a job or types of person are used where this has seemed more appropriate. It may be to avoid gender identity (which would identify the person). Not everything that was said or observed was written or recorded. Permissions in this context, where personal relationships were mingled with professional must have implicit conditions as to where the limits lie and when one is 'off the record'.

Finally, the researcher's own integrity comes into focus. There is considerable scope in a body of data that includes many hours of audio recording alongside the written records to use that data in a manner that does not truly represent its original intent. This may even be done somewhat innocently. After so much time has passed the unwritten or spoken context of a recording may be lost to the memory. That underlies the importance of the triangulation that comes with Latour's multiple diary method. Together they can go some way to ensure sufficient information is captured and to decide when quotation and reliance on the data is justified and when it may be inappropriate to do so.

### **3.4 Maori and the Environment, an introduction to Kawhia, Ngati Hikairo and current resource management issues**

#### **3.4.1 The historical and cultural context of Maori and the Environment**

As King, (2003), Stokes (2002) and Durie (1998) set out, the Maori creation story provides the basis for modern ideas and beliefs of environmental management. In summary, the sky father; Rangiatea and earth mother; Papatuanuku held their children locked in an embrace. Most of their children then, together, pushed them apart and our world was formed. These children are gods who each have their own domain such as Tane Mahuta whose domain is the forest, Tawhirimatea whose domain is elements such as wind and rain and Tumatauenga whose domain is people

(Durie, 1998). These gods are brothers and thus establish the original family relationship of all things living or otherwise. This is the foundation of an environmental belief system that starts with relationships and developed ideas of guardianship and reciprocity but never ownership (Stokes, 2002). As Stokes sets out:

*“Land rights were thus inextricably bound up into the networks of kinship, ancestry and a political and social structure that acknowledged leadership in senior lines of descent but with the leader unable to make autocratic decisions. Leadership was based on consultation and consensus.”* (Stokes, 2002: 36)

Different land tenure systems, Stokes contends, are one way of understanding the relationships people have with their environments and one can extrapolate the very different environmental management cultures that have developed between different people in the same place. As Durie (1998) explains, Matunga (1994) sets out “four fundamental Maori values” (Durie 1998: 23) that should be taken into account in environmental management. They are:

*Taonga*: the environment is a highly valued resource

*Tikanga*: These are the evolving processes, attitudes and knowledge that guide moral behaviour in relation to the environment. *Tikanga* can be agreed and change any time by consensus.

*Mauri*: The life essence of all things. Every object has a complementary physical and spiritual presence.

*Kaitiaki*: The obligations and accountability that *tangata whenua* or the people with tribal claims to a place have in relation to all *taonga*.

### 3.4.2 New Zealand's Resource Management Legislation, Operation and Structures

Chapter 2 above sets out the rationale and underlying principles of the Resource Management Act 1991 which is the primary environmental management legislation in New Zealand. Here its operation, the structures it creates and organisations that administer those structures are explained.

Central to this thesis are the provisions the Act contains to provide for a Maori perspective and participation in Resource Management. Figure 3.1 is a box containing the whole of Part 2 of the Act titled "Purpose and Principles". This section must be taken into account when the Act is interpreted. It states at Section 6 (e) that the relationship between Maori and their ancestral lands, water sites and *waahi tapu* (sacred places) is a matter of national importance. At Section 7 it provides that those administering the Act must have regard to *Kaitiakitanga* (stewardship rather than ownership). However the definition of *Kaitiakitanga* is much narrower than the Maori value described above, which encompasses obligations and accountability in addition to stewardship (Durie, 1998). Finally Section 8 refers to the Treaty of Waitangi, a document agreed between the Crown and Maori in 1840 and contested ever since. Its inclusion however is significant as an acknowledgement of the obligation by the Crown to protect Maori treasures (*taonga*) and to respect the principles of partnership between the Crown and Tribes in governing the country. Durie (1998) also notes that a key problem with the Act is the way in which its translations of Maori concepts fail to take their spiritual element into account and thus they exclude *mauri*, one of the four fundamental environmental management values.

It must also be noted that these matters are to be considered by Councils and Courts alongside all the other 'matters' that are set out and none are given an elevated or enhanced status. Therefore it may be that some matters are compromised for the sake of others or that an issue decided in the round will result in a contrary decision being made.

Figure 3.1:

Box: Part 2 Purpose and Principles, Resource Management Act 1991

## 5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

## 6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:
- (g) the protection of protected customary rights.

## 7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in

relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) *[Repealed]*

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

#### 8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi).



**Figure 3.2: Overview of documents and administering organisations in environmental management in New Zealand. From Ministry for the Environment (2009: 5)**

Figure 3.2 shows the different statutory and planning documents that apply to resource management, the hierarchy in which they sit and the organisations that are responsible for creating and administering them. The Act itself sits as an overarching document setting out the principles of planning and resource management in New Zealand as well as definitions, interpretation of terms and establishing the various documents and roles played by regional and local authorities. It gives little detail as to day to day environmental management. However it is the final word as to what is and is not lawful, its interpretation and such final decisions are made by the Environment Court; established by the Act to resolve any disputes. The main parties involved are:

**The Ministry for the Environment**, which, as well as administering the legislation, produces National Policy Statements and National Environmental Standards. These, alongside the National Coastal Policy Statement produced by the Department for Conservation, provide the broadest and most general

guidelines for environmental management and the effective bottom lines in sustainability. To date they have related to freshwater management, energy generation and transmission, and drinking and waste water. National Policy statements must be given effect to in Regional and District Policy Statements and Plans.

**Regional Councils** produce regional policy statements and regional plans. Within Ngati Hikairo territory the Waikato Regional Council has produced these documents alongside its ten year long term council community plan and annual plans. The Regional Councils have responsibility for “the rivers, the air, the coast and soil – resources that are not generally owned by individuals.” (Ministry for the Environment, 2009: 3).

Otorohanga, Waikato and Waipa **District Councils** administer land within Ngati Hikairo territory. They produce District Plans that are primarily concerned with land, its use and any proposed changes.

The Plans set out different classes of activity (section 77A RMA 1991). They may be either:

**Permitted:** in which case one may carry out the activity without a resource consent (although this may change during the course of proceedings if, for example archaeological material is found).

Or one of the following for which a Resource Consent Application must be sought and approved before the activity takes place:

**Controlled:** For which consent must usually be granted

**Restricted Discretionary, Discretionary or Non-Complying,** for which the Council will consider the application in accordance with the policies and rules of its plans and may decline the Consent Application or approve it subject to any conditions it considers necessary.



Finally they may be:

**Prohibited:** that is they are not allowed at all.

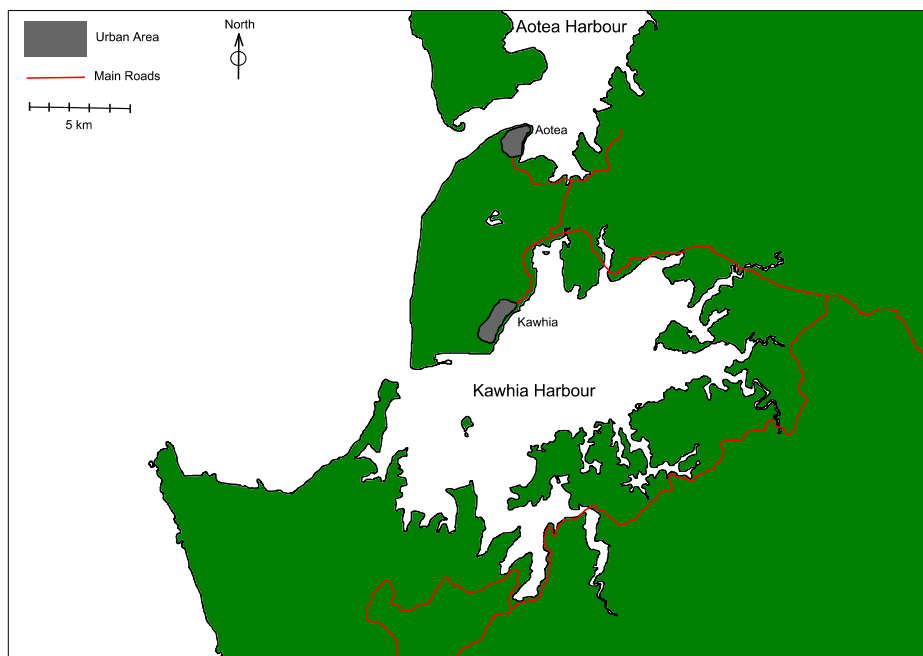
Consent Applications are either: Land use, Subdivision, Water Use, Discharge Use or Coastal Permit.

The Council receiving the application will determine whether it needs to notify any other parties of the application. The test is whether it is likely to have “adverse effects on the environment that are more than minor” (section 95A, RMA 1991). The vast majority of applications are not notified, therefore they are decided by the Council without giving any other party the opportunity to make a submission (they may be unaware of its existence) (Ministry for the Environment 2009). Where the decision is made to ‘notify’ the application it may be done on a limited basis, so that only those who are directly affected will be consulted (Section 95B, RMA 1991). Alternatively it will be notified publicly and should any party request that they be heard a hearing will be held.

Finally and for completeness the Treaty of Waitangi Claims being made by Ngati Hikairo must be mentioned. Ngati Hikairo, like all Maori, suffered after the Government breached the agreement enshrined in the Treaty of Waitangi 1840, to control land sales and protect Maori rights to their resources. Maori are in the process of making claims for compensation to a special Tribunal which makes a non-binding decision and recommendations to the Crown. Claims for ‘Historic Breaches’ as they are known relate to the early colonial period. These breaches have been settled with packages worth hundreds of millions of dollars although a pittance compared with the modern value of what was lost. Claims are against the Government and operate separately to the environmental management processes discussed here. They are also at an initial stage for Ngati Hikairo and did not progress very much during the course of this research (although at the time of completion hearings were under way). This process occasionally colours proceedings and arises from time to time in this research.

### 3.4.3 An introduction to Kawhia, Ngati Hikairo and current resource management issues

Figure 1.1 (above) is a map of the North Island of New Zealand. Its West Coast is broken up by a small number of harbours<sup>2</sup> that are havens where people have settled having first arrived by sea. Typically these harbours have a narrow a channel to the sea marked on one side by a constantly moving sand bar. This research centres on the Kawhia Harbour and surrounding regions see the map in Figure 3.3 below.



**Figure 3.3: Map of Kawhia Harbour: region and main roads**

Maori are Polynesian peoples, descendants of those who were the first colonisers of the Pacific Ocean. Their exploration and migrations went as far north as Hawaii, east to Rapa Nui (Easter Island) and south to Aotearoa (New Zealand) so that when their age of voyaging ended around the fourteenth century AD they “had become the most widely dispersed people on the planet” (King, 2003:37). The migrations to New Zealand occurred around 1250-1350 from Islands in the Eastern Pacific Ocean known to Maori as Hawaiki (probably those islands now known as the Society

<sup>2</sup> From the North they are Hokianga, Kaipara, Manukau, Whaingaroa, Aotea, Kawhia and Porirua.

Islands, the southern Cook Islands and the Austral Islands.) (King, 2003, Irwin, 2009).

Those who settled in Kawhia arrived on a great double hulled canoe called *Tainui* and were led by a captain whose name was *Hoturoa*. Kawhia was the final resting place of a journey that traversed a considerable portion of the Central North Island coast and along the way people left *Tainui* at many places to settle with their families, having finished journeying. These families established tribes (or *iwi*) who to this day remain linked to each other as descendants of *Tainui* (Taonui, 2009) and indeed *Tainui* is a mark of common identity amongst these people. Pei Te Hurinui Jones' map of 1795 Kawhia shows 19 *pa* or villages on the land over which today's town of Kawhia sprawls (and accommodates some 350 residents, Omimiti Park information board, Kawhia). At the seaward end of town are unmarked reminders of the *Tainui* canoe and its voyage. They are a *pohutukawa* tree, known as *Tangi te Korowhiti* discussed further in Chapter 4 and the stone posts that are the remains of the prow and stern where the canoe is buried at *Maketu pa* settlement.

Historians describe Maori settlement as having three stages: colonial, transition and tribal (King, 2003:66). The first, lasting 100-150 years, is characterised as a time of exploiting resources for food and fuel, especially the largest bird, the *Moa*, which is now extinct. Second was the time of transition when the people acquired new sophistication in their foraging and developed an expertise in cultivation. Part of this phase is exploring and settling over new areas. Finally the tribal phase is one that is especially marked by a cultural shift. With new settlements and agriculture, tribal structures and relationships with other tribes become increasingly complex, and the mourning or whimsical recollections of tropical island origins move into the realm of myth and legend as distinct new art forms, icons and norms develop. The East Polynesians have become distinct, indigenous, Maori (King, 2003).

The concept of ethnicity and ethnic difference was unknown until the exploration by Europeans. It was at this time that the word *Maori* (meaning 'normal') became a way of describing the indigenous people. For the first time they were being classified and considered as a common group of people, a notion they would not have recognised.

Between themselves, the indigenous people established connections through their genealogy (*whakapapa*), which was an essential part of each individual's identity and the land those ancestors came from (within New Zealand). Today *whakapapa* and making connections through ancestors is still a source of identity and part of greeting rituals. As *Maori* started to be used to mean 'us normal people' the corresponding word '*Pakeha*' was used to describe the white Europeans. The original meaning of *Pakeha* is the subject of debate and may not have a single origin. A widely held view is that it derives from words meaning, mythical white people from the sea (King, 2003). Today many non-Maori New Zealanders embrace the word *Pakeha* as a way of describing their distinct identity. Some consider it an offensive, pejorative term that suggests they don't belong or aren't 'real' New Zealanders. It is a mainstream word, used in academic literature, and is used throughout this thesis when necessary to describe non-Maori New Zealanders.

The stories that survive about the tribes living in and around the Kawhia harbour are mainly of great battles, triumphs and tragedies. There was conflict over resources and tales of terrible revenge as well as the power struggles and alliances formed through marriage and exchange of family members and slaves (Cummins, 2004). Such battles and conflicts continued well after the first contact and arrival of Pakeha when new weapons created new opportunities to gain power until the New Zealand wars in the mid-1800s which saw Maori lose their independence and control of the country (King 2003).

It is likely that those living on the West Coast saw the ships captained by the Dutch Explorer Abel Tasman in 1642 and British Explorer James Cook in the 1769 as they passed down the coast (Cummins, 2004). The establishment of a penal colony in Port Jackson (Sydney) in 1788 and an order that the Governor procure New Zealand timber and flax was to be the start of mutually and commercially successful relationships between Maori and Pakeha. The first Pakeha to visit Kawhia "is believed to be Captain Felix Tapsell in 1805 of whom very little is known" (Cummins, 2004:36). Then in 1828 Captain Amos Kent arrived on the Brig 'Henrietta'. In 1949, historian Leslie Kelly wrote:

*“The arrival of Kent and his ship was a welcome event to the Kawhia tribes, for they now saw a means of obtaining the much cherished new weapon, namely the musket, which they realised was necessary if they were to prevail against their enemies.*

*They immediately made their desire known to Kent with the result that he sailed for Sydney and later returned, bringing with him four companions named by the Maori, Te Kaora (John Cowell), Te Kanawa (probably Kavanagh), Te Rangitera and Tamete. These Pakeha were appropriated by various chiefs who provided them with wives and settled them at various places along the Kawhia foreshore where they acted as agents and arranged the bartering of flax for firearms.” (Kelly, 2007: 423-4).*

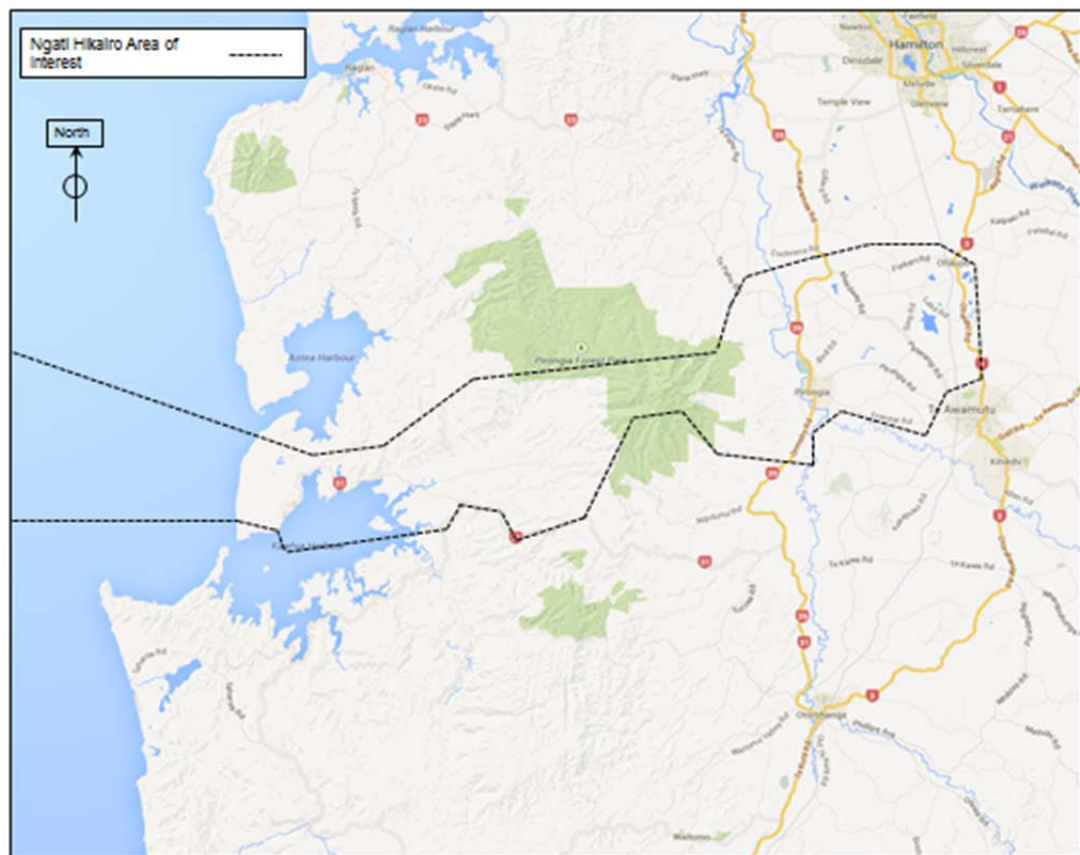
Other histories speak of John Cowell (and his English wife said to be the first white women in the area) as a Missionary and rope maker whose son became a flax trader and was later gifted a large tract of land (Cummins, 2004). Missionaries and traders were certainly the first Pakeha settlers in the harbour. Some married into Maori families and they were very successful. There was a thriving trade in both flax and food (pork and potatoes) sourced using Maori labour in the 1830s (King, 2003, Cummins, 2004). This was the high point in the town’s commercial history.

As the wars continued, the King Country chiefs demanded Pakeha leave their lands and in 1860 the Government declared the trading post in Kawhia to be closed. Non-Maori were made to leave although those who had married into Maori families remained for some time but by 1867 when the wars ended all Pakeha were gone from Kawhia and the region, which remained closed to Pakeha until 1882 (Cummins, 2004). War took its toll on the Maori population and this was compounded by the illnesses such as influenza and measles that the Pakeha brought with them, to which Maori had no immunity. The demand for agricultural land continued and in 1882 the New Zealand Herald published an article entitled “Birth of a Town”, announcing the sale of land to build what is now the town of Kawhia.

Expansion continued into the 20<sup>th</sup> Century and soon there was a school, hospital, newspaper, boarding house, butcher, general store, port and regular coastal shipping service. It did not however regain the commercial importance of the early 19<sup>th</sup> Century although there was still some local bonhomie between Maori and Pakeha (Cummins, 2004). The exclusion of Pakeha during the wars was not overwhelmingly supported by Maori who until that time had benefitted from their coming and had also been in control of settlement (King, 2004). This changed after the wars and saw the start of Maori protest to the government about the ways in which they had lost their lands began that continue to this day.

#### **3.4.4 Ngati Hikairo and Kawhia today**

One hundred and fifty years since the New Zealand wars, Ngati Hikairo as a tribe claims kaitiakitanga over the lands shown in Figure 3.4, although they only hold land titles to a minute portion either as a tribe, individually or by family groups. They therefore have a very small role in active environmental management through practice. Within the discipline of environmental management it could be said that they are land users rather than managers (Wilson and Bryant, 1997). Their ability to effect change through the democratic process was stifled during the times when they had the population, economic and land ownership advantage. Now at a time when none of these are the case, they are no longer constituents of their tribal lands. These were once extensive and their main settlement was Whatiwhatihoe, where modern day Pirongia is now located. Now Ngati Hikairo is reliant on the statutory resource management framework to open up an avenue for their perspective on the environment, land use and management to be taken into account when decisions are made.



**Figure 3.4: Map of Ngati Hikairo Area of Interest, remapped from Thorne (2012: 351)**

The town of Kawhia as seen across the harbour in Figure 3.5 (below) is the only one around the harbour to have survived the depression of the 1970s and massive rural urban migration of young Maori which followed a fundamental economic restructuring by the government in the 1980s. During this time a market-led philosophy was implemented across government leading to privatisation and subsequent job losses and benefit cuts on a grand scale. The share market crash in 1987 was a compounding factor and Kawhia became a shadow of its former self as residents moved to cities in search of jobs.



**Figure 3.5: Kawhia Town across the harbour looking North West.**

The 2006 national census recorded 390 permanent residents in Kawhia. This was down 23.1% from 2001 (507 residents) and 40% from 1996 (648 residents). They lived in 180 dwellings. The population comprised 25% (99) who were over 65 years old and 81 (20%) who were under 15 years old with a relatively even split between males and females. Over half (53%) were Maori and over 25% speak Maori language. This compares with the Waikato region, which has had a population increase of 9% and has a much younger profile. Some 21% identify as Maori and only 6% speak the Maori language. The highest education qualification in Kawhia is lower than the rest of the region with 137 of those aged over 15 (44%) having no formal qualification. Unemployment was twice the regional rate and there were fewer cars per household and reduced access to mobile phones and internet. Unsurprisingly median income was a very low \$15,300 compared with \$24,300 in the surrounding rural area (all data from Statistics New Zealand, 2007).



The overall picture is one of a deprived and declining community. The Ministry of Education too takes this perspective classing the school as being in a decile one community, its lowest socio-economic rating. In addition it is a Maori community with a majority population who also have high rates of Maori language as well as bilingual households. In the surrounding rural area the census recorded results which were largely aligned with the regional average although the population had increased by only 1%. That said, the function shown in Figure 3.6 is an example of many such occasions when the community comes together, in this case to farewell a local family who were moving to another part of the country.



**Figure 3.6: Singing after a speech at community function in Kawhia**

One can't understand Kawhia by just looking at its current residents. There are two further categories of people who are significant to, and often seen as members of, the community. They are the Maori diaspora (*tangata whenua*) and non-resident home owners. The Maori diaspora are members of the tribes and sub-tribes that have inhabited the area for centuries. They include people who themselves grew up in

Kawhia and left or indeed those whose ancestors left many, many years ago although they often come back on death to be buried in family cemeteries. The researcher is one of this group. My Grandfather grew up in Kawhia but moved North upon marrying my Grandmother. The link to Kawhia exists through *Marae* which were the centre of villages somewhat akin to a village hall/church complex. However the *Marae* is more than that. The buildings are ancestors in which everything happens, funerals, weddings, accommodation for guests, meetings etc. Figure 3.7 shows one such occasion when the diaspora gather every year to prepare for and welcome the Maori King on his annual visit (the *Poukai*). Inside more ancestors usually reside. Traditionally embodied through carvings, they are now also in residence through drawings and photographs. Maori have a phrase ‘*turangawaewae*’ which means the place where I can stand. Everybody has a *turangawaewae* and, for members of the Ngati Hikairo and Ngati Mahuta *iwi*, that place is Kawhia. Thus the diaspora call it home regardless of where they live, have lived or intend to live.



**Figure 3.7:** Ngati Hikairo preparing to welcome the Maori King and guests to Waipapa *Marae*

This sense of belonging is the common thread among these people. Not every descendant of *Ngati Hikairo* and *Ngati Mahuta ki Kawhia* would describe themselves in this way. But the door is always open for such people to engage with the tribes and become a member of the diaspora (conversation note, 15.03.09).

Alongside the 180 dwellings in which people live permanently in Kawhia town there are many more houses that lie empty for much of the year. Its waterfront location is considered attractive as the photograph in Figure 3.8 shows, and the houses in this picture are mainly second homes. Permanent residents advise that these properties are owned by people who use them for holiday accommodation. Some are rented out on a short term basis (attested by advertising) but the majority are occupied over a few weeks during summer (from Christmas to the end of January) and then on weekends.



**Figure 3.8: Looking down from Wetere St to waterfront properties on Pouewe St (at low tide)**

## **4 Ngati Hikairo: An Institution of Environmental Management**

### **4.1 Introduction**

This chapter examines Ngati Hikairo as an institution involved in the care and management of natural resources. The tribe's own RMC is the primary point at which environmental management takes place. It is a committee of the tribes managing organisation; the Runanganui of Ngati Hikairo (“the Runanga”) and its task is to make sure that the Ngati Hikairo history and perspective is part of environmental decision making in the area. It is the contact between tribes, local government and land owners. The RMC is the official and, in principle, only authorised group with whom formal consultation with Ngati Hikairo should take place (of course individuals may always make submissions on those applications that are publicly notified). Thus the RMC is also an important and recognised institution. Its members take on obligations and responsibilities.

Thus goes the generic and superficial description which might be applied to any RMC across New Zealand. But what of the Ngati Hikairo RMC? It was in fact a fragile institution. It sat, sometimes uneasily, amongst a hierarchy of Maori organisations and was often hard pressed to establish and/or maintain its status. Successful operation requires a respect and commitment to ongoing relationships from it as well as those other organisations it interacts with (McGregor, 2009, Miller, 2011, Stephenson, 2005). The roles and impacts of all the other bodies involved in environmental decision making are charted through their relationship with the RMC. In particular the focus is on the interplay between Ngati Hikairo, the State and Waikato-Tainui, another tribal organisation.

The next chapter shows how the RMC is re/formed as a personal response to environmental decision making. Here, the story considers the origins of Maori organisations in a post-colonial era and the current development of the RMC. Having



been formed as a response it is no surprise to find that the work that follows is largely reactive: making submissions, following up and finding out why things have or have not happened. This thesis cites the attempts to negotiate new ways of working on an institutional basis, to create policies and documents which must be taken into account (Chapter 5 below), to use external organisations such as the Historic Places Trust to force recognition of particularly important sites and even use the system itself with its own application (Chapter 6 below).

During the course of this research it became obvious that it did not seem possible to discuss Maori organisations (be they Ngati Hikairo or other tribes) without reference to either a Government organisation or Waikato-Tainui. The existence of messy relationships, oscillating hierarchies and mutual dependence became apparent. For the RMC to have an effective role in environmental management it also needs to have a status and identity that is recognised both in law and in fact. To examine this identity and the extent of the RMC'S ability to play a role, this chapter first describes the institutions involved and then considers their relationships as a tripartite. The move to deliberative democracy in environmental management, identified by Dryzek (2005), Abelson et al (2003) and Berkhout et al (2001) is certainly evident. However what has not been subject to the same rigorous examination is the way in which government interacts with similar organisations or the way in which those organisations can come alternately together or separate when dealing with government bodies.

The chapter identifies what is a battle for recognition of Ngati Hikairo as more than Waipapa *Marae*, a battle to establish Ngati Hikairo boundaries as encompassing the ocean to the west and then inland beyond Pirongia Mountain almost to the city of Hamilton. Through its relationships and interactions Ngati Hikairo determines what work to do, when to try and lead and when to walk away. It is important to remember and reflect on the fact that these Maori institutions (being incorporated societies) are creatures first of colonial structures and then of New Zealand Statutes "Resource Management Committee" is not a translation from Maori to English.

The data referenced in this Chapter comes extensively from the diary, conversation notes, interviews and meetings records as well as formal documents such as minutes and reports.

Time line of key events:

1840	Treaty of Waitangi between Crown and Maori throughout New Zealand
1858	First Maori King Crowned: King Potatau Te Wherowhero
1843-72	New Zealand Wars: Waikato invasion 1863-64
1925	Royal Commission calls Waikato Invasion a grave injustice
1946	Waikato Tainui Trust Board created by Government Statute
1995	Te Runanganui o Ngati Hikairo incorporated
	Waikato-Tainui <i>Iwi</i> created by Statute and agrees a NZ\$170 million settlement with Government over Waikato claim.

## 4.2 Ngati Hikairo and the Environment

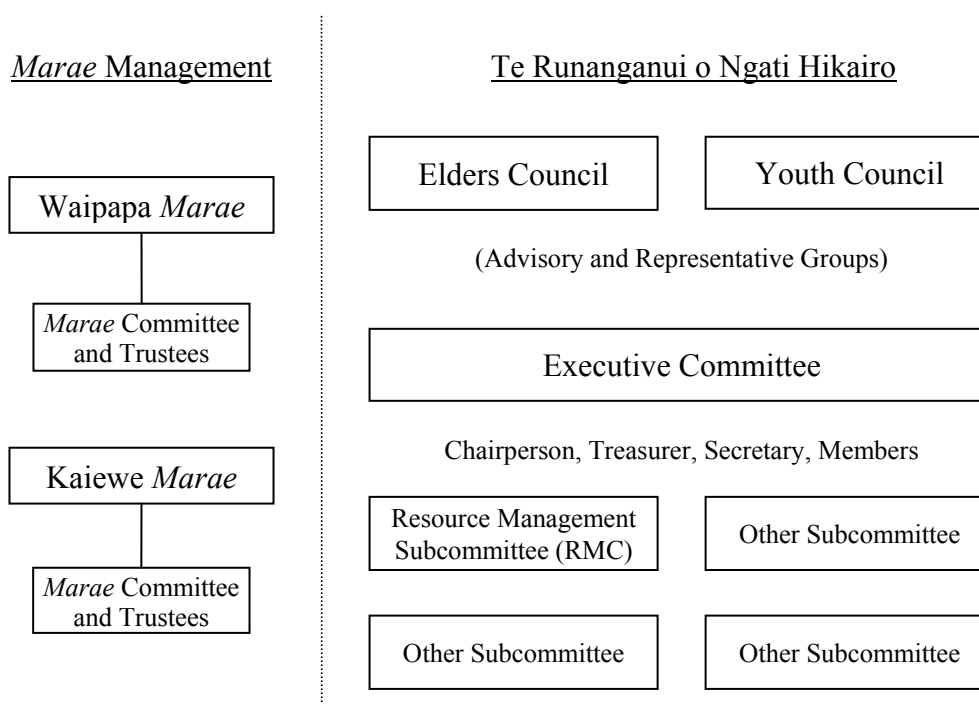
Once upon a time Ngati Hikairo occupied the area marked in Figure 3.4 above. They were in charge of all human activity within this area and established the norms by which people lived in, and with, their lands, rivers, lakes and seas. Now Ngati

Hikairo is dispersed globally, few live in Kawhia, or anywhere within the tribal lands. Nonetheless the land and waterways retain an importance to the tribe's members, wherever they may be living. As the Ngati Hikairo Heritage Management Plan states:

*“Our history is carved into our landscape. It is the landscape that defines who we are and what makes us unique. We are of the whenua, the whenua is of us. Our tupuna have lived, fought and died on this land, the land is in our whakapapa it is in our history, it is carved on the walls of our whare tupuna, it is in our waiata and in our karakia.”* (Barton and Thorne, 2010: 13)

Very little of this land is still in Ngati Hikairo ownership. This section describes Ngati Hikairo's tribal structures and the roles they play in maintaining, and protecting this land, and Ngati Hikairo's relationship with it. In order to understand some of the difficulties and choices the tribe has made in its environmental work, one must learn about the two arms of Ngati Hikairo tribal management shown in Figure 4.1: the *Marae* Committee and the Runanga. The RMC is a sub-committee of the Runanga.

### Ngati Hikairo Tribe: Management Structures



**Figure 4.1: Ngati Hikairo tribal management structures**

#### **4.2.1 The Marae Committee**

Ngati Hikairo has two areas of land registered as *Marae* reserves. They are Waipapa and Kaiewe. Kaiewe shows no physical signs that it is a *Marae*, now being grazed farmland. Waipapa is a typical *Marae* complex. It is a collection of three buildings, open spaces and a burial ground. The smallest of the buildings is the *whare tupuna*, an ancestor meeting house that holds photographs of more recently departed ancestors and contains the essence of all who have passed (Ngati Hikairo, 2011). There is also a large highly carved and decorative *wharenui* (meeting house) where people meet and sleep, and, a *wharekai* (kitchen and dining house). As their only remaining built up *Marae*, Waipapa is Ngati Hikairo's greatest physical asset. It is a sacred place and the centre for Ngati Hikairo activities and events. It is the place where Ngati Hikairo as a tribe can receive and accommodate guests.



Attending an event of some sort at the *Marae* happened at least once a week during the course of the fieldwork. These included funerals, residential courses (Maori language and *waka ama* (rowing outrigger canoes)), meetings, supporting Ngati Hikairo people coming to reconnect with their tribal roots and the annual *poukai* (a celebration of Ngati Hikairo and the Kingitanga). For those who don't live in Kawhia or are not members of the Runanga their most frequent contact with the *Marae* may well be at funerals, which may be once every few years to a few times a year. For those living locally, they will attend every function where possible in order to do catering (cooking, serving, cleaning) and other hosting duties (helping to prepare beds, making sure the bathrooms are clean, and generally looking after guests).

The physical *Marae* therefore requires ongoing maintenance and care and a body of people who will use it and perpetuate its position as the heart of the tribe. There is a statutory framework for the management of *Marae* in the Te Ture Whenua Maori Act 1993, which provides for *Marae* Reserves to be held in Trust for the benefit of the tribe and requires governance by Trustees. These Trustees are known as the *Marae* Committee. They are responsible to the tribe to run the *Marae*. In order to fund this, the *Marae* is hired out to many community groups or families for meetings, day events, residential weekends or even weeks. It also receives funding from Waikato-Tainui. Waikato-Tainui *iwi* is the tribe which all descendants of the Tainui canoe belong. Its members come from sub-tribes throughout the Waikato region. It has a substantial asset base and distributes funds to *Marae* based on the number of people registered as beneficiaries with Waikato-Tainui who claim affiliation to Waipapa *Marae* (all beneficiaries must nominate a *Marae*) (Waikato Raupatu Lands Trust, 2010). The relationship between Ngati Hikairo and Waikato-Tainui is discussed further below. In addition, the *Marae* Committee is able to apply to organisations such as the Lotteries Commission for funding where appropriate.

The *Marae* is also a political and social institution. Muru-Lanning (2010) describes the institution of *Marae* as: “Maori communities made up of clusters of extended families” (Muru-Lanning, 2010: 75) and has documented the rise of the status of *Marae* over that of sub-tribe within the Waikato-Tainui region. This discussion is continued below when trying to unravel the relationship that Ngati Hikairo has with

Waikato-Tainui whose governance is *Marae* based. Each *Marae* puts forward a representative to sit on Te Kauhanganui, the Governing body of Waikato-Tainui. Grants are made annually to each *Marae* in proportion to their population and in the future grants will be made to “*Marae* clusters”. This is a current issue and the indications are that Waikato-Tainui is looking to distribute larger amounts of money to fewer groups as part of a devolution process (Waikato Raupatu Lands Trust, 2010).

Within the community *Marae* are also the default unit used to bring Maori together. Another example of this is the Kawhia Moana *Marae* Games also known as 'Pa wars' (the *pa* or settlement used to surround the *Marae*). This was a family sporting tournament organised by the Ngati Hikairo's tribal health committee. It was held at Kawhia School and, as the name suggests, teams represented their *Marae* in sports such as netball, volleyball, basketball, golf, lawn bowls and touch rugby (Ngati Hikairo, 2009 and Kawhia School, 2009). *Pa* or *Marae* sports tournaments in which teams represent their *Marae* is a format common throughout New Zealand. Another community event at which local *Marae* were highly visible is the annual 'Kai fest' (food fest). This is an independent event also organised by members of Ngati Hikairo's health committee, where local *Marae* from all around the harbour have fundraising stalls selling traditional foods such as *hangi* meals (a meal cooked in an underground oven).

The *Marae* therefore is very much the public face of the tribe. It is the *Marae* – Waipapa - to which local people refer rather than Ngati Hikairo the tribe (various conversations). The *Marae* has a physical presence to be seen every time people drive in or out of Kawhia. It therefore is the first port of call for anybody trying to find Ngati Hikairo.

## 4.2.2 Te Runanganui o Ngati Hikairo – Ngati Hikairo's Runanganui

### 4.2.2.1 Background

The Runanga is an 'Incorporated Society' (pursuant to the Incorporated Societies Act 1908) since 1995. As the Heritage Management Plan states:

*“The need for a Runanganui was occasioned by the number of past and current issues that have arisen over the lands, seas, the natural resources and the question of mana whenua and kaitiakitanga moana over this area of the Rohe Potae and Waikato. The Runanganui provides a voice for tangata whenua so that confusion over responsibility and direction concerning such matters can be resolved.”* (Barton and Thorne, 2010: 23-24).

The glossary defines *mana whenua* as authority over land and *kaitiakitanga moana* as guardianship of the sea. Its constitution contains a vision that includes:

*“The desired future for Ngati Hikairo will be achieved when the majority of our iwi, through their own endeavours, are able to enjoy a quality of life where:*

*Their mauri or spiritual essence is strong and vibrant*

*They have fully developed their intellectual, emotional and physical well-being*

*They are conversant, secure and proactive participants in all facets of social, cultural, economic and political life*

*The whanau, hapu, iwi and the Marae have become the basis for their collective cultural, social and economic development as it was traditionally*

*They are comfortable and competent in both the Maori and Pakeha societies*

...

*Their Maori identity, culture and values are widely understood and respected by all New Zealanders*

*The Treaty of Waitangi is properly honoured as a covenant between Maori and Pakeha and other New Zealanders*

*They are able to live with dignity and harmonious content with all people in the cultural, social and physical environment they all share”*

(Te Runanganui o Ngati Hikairo, 1995)

The management structure provides for two Councils, one of elders and the other for Ngati Hikairo youth, and an executive committee. From the executive committee there are subcommittees which are Education, Health, Resource Management (the RMC) and Treaty of Waitangi Claims. It is these last two that are concerned with environmental issues. There is considerable cross-membership between the Runanga and the *Marae* Committee and they meet consecutively at the *Marae* on the first Sunday of every month. Any member of the tribe is welcome to attend either or both meetings, indeed greater participation is highly desired and encouraged. To facilitate this it was decided, during the course of this research, to remove the membership fee in this way anybody attending for the first time could also be welcomed as a member, the only qualification being that one is Ngati Hikairo. New attendees and members of the Runanga would also be given the opportunity to register on the Waikato-Tainui beneficiaries roll, and thereby increase the count for the purposes of calculating the *Marae* grant. The Runanga exists solely on volunteer labour and grants obtained for particular activities and projects.

The Runanga and *Marae* Committee are what Kahn (2013) identifies as the establishment of a political and governance structure that is taken from the dominant culture rather than having grown out of Maori culture. Of course the Runanga as an Incorporated Society has a legal personality with rights and obligations as stated in the law. But it does not entirely mirror equivalent organisations in mainstream New Zealand society. Its structure and the roles its members play in the Councils for

elders and youth reflect traditional Maori society. So too, its vision is aspirational in a way that is particular to Maori.

Although Waipapa *Marae* is very much the public face of Ngati Hikairo, the Runanga also has an identity, largely through the work of its committees. They seek financial support for projects and are the name at the bottom of all the letters sent out from Ngati Hikairo. Events were attended during the fieldwork at which the Runanga was introduced to others. This was also an opportunity to explain the full remit of its work as the management body for Ngati Hikairo.

#### ***4.2.2.2 Treaty of Waitangi Claims***

The Treaty of Waitangi provides the cornerstone of the relationship that Ngati Hikairo seeks to have with the Crown and all forms of Government that act in kind. This is a relationship of equal partners who work together in good faith to achieve an outcome that benefits all of society. This is not yet the way that every branch of government relates to Ngati Hikairo. However it is a long term goal. To this end an enhanced form of environmental governance has been proposed by Ngati Hikairo in which the tribe and the local community work in partnership with the District Council providing support and respect for decisions made. We come back to this issue when considering the relationship between Ngati Hikairo, local government and the Community Board below.

An ongoing and major project for the Runanga is the Treaty of Waitangi Claims. There are two main claims against the Government for historic breaches of the Treaty (Ngati Hikairo, 2008). There are a few more claims made by individuals in respect of particular events or areas of land.

One of the main claims is for the land, and the other for the sea and waterways. The claim over the land alleges that the Government imposed individual land tenure, removing tribal custodianship of tribal land and resources, enabled alienation of land and resources, failed to recognise Ngati Hikairo customary authority and leadership and reduced the tribe's ability to provide for its present and future needs (Ngati

Hikairo, 2007b). The claim for sea and waterways is that the Crown has failed to protect the waterways flowing to the sea leading to erosion, pollution, inundation of exotic species and loss of traditional resources. It has allowed drainage and extraction of the lakes and waterways and has failed to allow Ngati Hikairo to exercise its ownership and guardianship in the preservation of the sea and waterways (Ngati Hikairo, 2007a).

The claims, made to a special Tribunal, go through a statutory process that is slow and difficult. The Runanga have instructed lawyers as necessary but they must also understand and follow the legal procedures, find and file necessary pieces of evidence whilst also undertaking the historical research necessary to prove the claims. Special funding is available for them to do this but accessing that funding has not been straightforward. One of the stumbling blocks, particularly in relation to the claim for the sea, is concurrent work being undertaken by Waikato-Tainui who have experience making and negotiating claims for single natural resources affecting large numbers of tribes (such as the Waikato River). Ngati Hikairo must establish and/or maintain its status to guarantee its rights to bring the claim on its own account rather than being a beneficiary of those settlements reached by either of the two trust boards Waikato-Tainui or Maniapoto.

The Government will only accept one claim for each geographic location and this requires the Runanga to establish a mandate from the people of Ngati Hikairo as well as show that it has an identity as a tribe that has the credentials to manage and conduct such business. There is therefore a continued assertion of rights and identity through any and every public interaction. Sometimes these are very public as in the reading of the Maori Purposes Bill (which became the Maori Trust Boards Amendment Act 2008) when a group went to Parliament and an MP spoke to promote an amendment (Scoop, 2008 discussed further below).

Members of the Runanga have ambitions and dreams that they will be successful with this claim. It could give them the possibility to be involved in the development of Kawhia town. Ideas floated included: scholarships for teachers, business development, new ideas for industry, and growing crops. Essentially they hope that

there will be assets to provide a financial base from which the Runanga can further its vision and support the Ngati Hikairo region as well as the vast majority who live elsewhere. Thus after a prominent and historic Kawhia property was put up for sale one member dreamed

*“wouldn't it be great for Ngati Hikairo to buy Rosamund House ... to be our base in Kawhia ... this is Ngati Hikairo!”*. (Michael, 17.01.09)

It would indeed be Ngati Hikairo, not a *Marae* but a tribe occupying a building, and not just any building but one that is recognised nationally for its non-Maori heritage value.

At the heart of these claims is the alienation of people from their environment and their culture that derives from that environment and is intrinsically a part of it. This alienation came about through the invasion by the colonial government's forces in the 1860s after which land was confiscated, and then various mechanisms by which tribes were made to claim land and then have it transferred to settlers. To achieve this, successive governments broke their previous agreements with Maori and established tests and mechanisms by which Maori would be either forced to sell that land or that legalised the possession and taking of land by local organisations. In order to produce the evidence necessary for the claims to succeed tribes must undertake and/or commission historical research. Some of this has already been undertaken in scoping reports (see Thorne, 2012).

As the land was taken in this way there is still a great yearning for it amongst the Runanga. The taking of these areas of land still *“hurts ... we feel an obligation as our ancestor was involved”* (Hemi). The development of modern day towns, milking sheds and other rural buildings on village sites, on places where important pre-European battles were fought and dead were left, on places considered sacred due to their role in rituals and rites to mark births, deaths and other important life milestones, are all part of the driving force to continue these claims. These sites are almost entirely unknown to Pakeha living on or nearby and only very little known to many Ngati Hikairo Maori. More than that however the Runanga Strategic Plan

hopes to promote holistic wellbeing that includes education, jobs, health and family all as matters the Runanga will be a part of. Settling the claims will help to do this on a much larger scale.

#### **4.2.2.3 The Resource Management Committee – The RMC**

The RMC is a subcommittee of the Runanga. To quote the Heritage Management Plan:

*“Te Runanganui-o-Ngati Hikairo Resource Management Committee was initially established in 2001 as a result of a hui held at Waipapa Marae following concerns raised about poor council consultation and environmental issues. Since that time the ropu (group) has been through many changes, but its function and priorities have remained the same.” (Barton and Thorne, 2010: 25)*

Those goals are to act as guardians and

- *“To protect and preserve all waahi tapu, (sacred sites) waahi tupuna (ancestor sites) and other sites of spiritual, historical and environmental significance ki Nga uri katoa o Tainui Waka (All the descendants of the Tainui Waka).*
- *To oppose developments within Ngati Hikairo rohe (area) that may have an actual or potential adverse effect on areas identified as spiritually, historically and environmentally significant.*
- *To direct development within Ngati Hikairo rohe in ways that promote the protection and preservation of areas identified as spiritually historically and environmentally significant.*
- *To consider the preservation of all Taonga (resources) for the present and future generations of Ngati Hikairo.*
- *To actively participate in and encourage the tikanga related to traditional resource management practices.*



- *To collectively participate in resource management, with other iwi, hapu, and affected agencies, particularly in relation to Kawhia moana (sea) waterways and tributaries.*
- *To develop effective communication with other iwi, hapu and affected agencies.”* (Barton and Thorne, 2010: 25)

The RMC has a mandate to act as the primary party with which outside parties may interact formally with the tribe on environmental management issues. It receives notice of resource consent applications and if they require a submission by Ngati Hikairo the RMC will seek input from the Runanga or the relevant members. At the time of this research the RMC had two core members and a number of others who took up roles or acted in certain matters on an ad hoc basis. It has the support of the Runanga whom it represents and is also aware that it may act only within the given mandate. Reports are given orally at meetings and over the telephone. Official communications and minutes of agreements are in writing.

Dealing with resource consent applications takes up a great degree of time. In addition, during the period of this research, the RMC completed and published its Heritage Management Plan, developed projects and consulted with the Otorohanga District Council (ODC) about the ways in which resource management will be dealt with. The RMC has sought greater national recognition of sites of great historical significance through the Historic Places Trust, and has created links with scientists with a view to measuring, quantifying and describing scientifically the region, particularly the harbour and environs. Finally the RMC has a major part to play in the claims Ngati Hikairo has made against the Government for alienation of land, sea and culture.

The RMC therefore exists under the umbrella of the Runanga, the tribe's main social, economic and political managing organisation. In principle the Runanga, by way of the RMC and Waitangi Claims, is Ngati Hikairo's voice on environmental decision making and management. Through its work with many other organisations and

individuals, the RMC plays a key role in creating, and recreating the Runanga of Ngati Hikairo as its own tribe and organisation of standing across its entire region.

However alongside it, and with many of the same members, is the *Marae* Committee. The *Marae* Committee manages the land and buildings that comprise the *Marae*. They have the responsibility to care for the physical and spiritual wellbeing of this space that is a focal point of the tribe and the place around which much tribal activity is focused. A representative from the *Marae* Committee has a seat in Te Kauhanganui, Waikato-Tainui's governing body and (at the time) was, also a member of Te Arataura the executive body. The *Marae* Committee too has a voice in these matters of tribal management. This influence of the *Marae* Committee can be linked to the culture of management seen in the Waikato-Tainui and Maori Trust Boards. They have emphasised the role of *Marae* Committees as an integral part of the governance structure. For those tribes with many *Marae* this is one way of trying to ensure representation within its governance structures across all members. Other options exist, the same influence could be accorded to *hapu* or sub-tribes (see eg. Muru-Lanning, 2010).

### 4.3 Institutional Relationships

Developing good constructive institutional relationships is one of the RMC's goals. This would mean that there are established protocols, procedures and acceptance of mandate and that each party works in accordance with its principles. Of course it helps if those principles are aligned or at least do not conflict with those of Ngati Hikairo.

One might expect that the RMC would have some advantages when working with other Maori organisations in that there are fewer cultural barriers, and greater acceptance of Maori norms and values. Certainly the kinship ties and historic links described in the next chapter about the role of individuals can help, but Maori organisations too have their own goals and visions. It is not a question of whether the parties' environmental decision making policies are in accord but rather what are the

implications of this arrangement, what will the consequences be and who should have the final say. In the end where are the lines of respect and power drawn?

When it comes to dealing with the State - Central Government, District Councils and their agencies - the law and politics underpin the entire relationship. The State institutions seek to operate in ways that are politically expedient whilst at the same time entirely within the law. This is a topical issue in Otorohanga where, during the course of the fieldwork, a dispute resulted in considerable expense for the Council after a local Maori group brought the ODCs wrongful action to light. Although it has been difficult for all parties, the outcome may very well have some benefits for the tribe in the long term (this issue is discussed further in Chapter 6 below). Relationships between the RMC and the different branches of government get better as they become more local. There certainly is still a long way to go and institutional continuity is a continuing problem on both sides.

### **4.3.1 Maori Organisations**

#### ***4.3.1.1 Waikato-Tainui***

Ngati Hikairo is a tribe with links to two great pan-tribal organisations, Waikato-Tainui to the north and Ngati Maniapoto to the South. Both of these consider Ngati Hikairo to be one of their sub-tribes and its status is a live and relevant issue. Ngati Maniapoto does not feature greatly in this thesis. There is certainly an ongoing relationship between the Runanga, the RMC and Ngati Maniapoto (meeting, 04.04.09). It is possible that Ngati Maniapoto, as an institution, does not impact so heavily on this thesis because it has not yet reached a settlement with the government for Treaty of Waitangi claims. This means that it does not have the resources to fund equivalent governance structures or distribute such large sums of money to *Marae*. Nor does it have such a large administration or development programme. The Ngati Maniapoto claims will be decided alongside those of Ngati Hikairo.

Waikato-Tainui on the other hand has settled large claims for compensation with government and have considerable assets and resources. Waikato-Tainui's origins are

in the Tainui Maori Trust Board created by Government in 1946. This was an attempt to compensate Waikato-Tainui for land confiscation after the New Zealand wars of the 1860s. The Board was tasked with managing a cash settlement and annual payment for all tribes affected by the confiscations. The invasion and subsequent confiscation of the tribal lands had been described, as early as 1925, as a “grave injustice” by a Royal Commission (Waikato-Tainui, 1995: 3). Ngati Hikairo agreed to the compensation and became a member of the Trust. Its representatives have served on the Executive over the years (Barton and Thorne, 2010). The issue of confiscations, loss of land and the consequences has never truly been resolved and in 1995 the Trust Board negotiated a new 'full and final' settlement with the Crown. As the deed of settlement (Waikato-Tainui, 1995) sets out, this time it included an apology, land (still owned by the Crown and available for disposal) and rights of first refusal over other Crown owned land as well as a cash settlement for a total value of around \$NZ 170 million. The value is very small when compared with current values of what was lost.

The 2010 Waikato-Tainui Annual Report provided that the net assets were worth \$NZ 538 million. They are managed by a company that is wholly owned by the Waikato-Tainui Lands Trust. It has made considerable investments and commercial developments on its land in the Waikato and South Auckland region. The high profile commercial ventures include a hotel and casino in central Hamilton, and an out of town retail development and shopping mall on Hamilton's northern border. Dividends have funded a range of projects from a tertiary institution now known as the Waikato-Tainui College for research and development, to the *Marae* grants already covered in great detail.

Institutions on this scale require infrastructure and Waikato-Tainui is no exception. Te Kauhanganui, or the tribal Parliament is made up of three members elected from each of its now 68 *Marae*. Each *Marae* elects a *kaumatua* (elder), a *rangatahi* (younger generation) and a *Marae* representative. Te Arataura is its executive board being ten members of Te Kauhanganui and one representative nominated by the Kingitanga. Day to day management is delegated to an employed Chief executive officer and staff who provide a secretariat, run the College and the following units:

- Claims and Environment;
- Communications;
- First Rights of Refusal Process; and
- Tribal Development (Waikato-Tainui, 2011).

#### **4.3.1.2 The Kingitanga**

The Kingitanga plays a peripheral but influential role in links between Ngati Hikairo and Waikato-Tainui. As Barton and Thorne state

*“Ngati Hikairo played a major role in the establishment and support of the Kingitanga in 1858. The election of the Maori King to unite the Maori people was to put an end to uncontrolled land sales, and to cease bloodshed. The Government interpreted this as a direct threat to its authority”* (2010: 21)

In 1863 the Waikato was invaded in the land wars after which the confiscations occurred. The Kingitanga today enjoys recognition nationally as a respected if little understood institution. The Government accords it recognition and Tuheitia Paki 'The Maori King' (although not a Maori sovereign) has a full time role as leader and ambassador. Its base in Ngaruawahia is in the heart of the Waikato-Tainui region and the King<sup>3</sup> is Waikato-Tainui.<sup>4</sup>

The relevance of the Kingitanga to Ngati Hikairo and the RMC is the role it plays in the governance of Waikato-Tainui. Some tribes staunchly support the Kingitanga, as the 2010 Annual Report shows, while there are individuals who have a growing sense of concern about it. Within Ngati Hikairo very mixed views were heard. While the King has no formal power, the Kingitanga has a representative within the Waikato-Tainui governing structure and considerable influence. Those within the Kingitanga are also present in the corridors of power in Maoridom. It may well be an

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3 Or queen as the case may be.

4 The role is not strictly hereditary and the King is anointed by leaders (NZ Herald, 16.08.06), although to date all have been direct descendants of the first King.

institution whose relationship with Ngati Hikairo could help in their attempts to assert their own tribal identity.

#### **4.3.1.3 Other Tribes, Sub-tribes and Maori Groups**

One of the early interests of the RMC was harbour management. Ngati Hikairo claims authority over a section of the harbour (see Figure 3.4) and of course attempting to care for a section of harbour is an impossible task. The RMC, some of its members having recently returned to Kawhia, decided to call a meeting and propose a new group who could try and establish harbour wide Maori management. The meeting, held at Maketu *Marae* in Kawhia, was very well attended. Unfortunately the proposal was not supported. Some of the reasons for this are the characteristics of the volunteers, which are discussed in the next chapter. In this case we know that lack of institutional history and absence of strategic relationships played a significant role in the failure of the initiative.

When, sometime later, a meeting with the Parliamentary Commissioner for the Environment was held at Waipapa very few people turned up. A conversation with a participant about the day was as follows:

*“Really no one turned up for that meeting, very few people turned up and, you know that's where the harbour continuity or coming together, really people just didn't see it happening. And there were just too many different interests and groups who are quite happy with the status quo” (08.04.09)*

The status quo includes a group called Nga Tai o Kawhia who are a cluster of Ngati Maniapoto *Marae* and whose lands surround Ngati Hikairo. The implications of this cluster and potential usurpation of Ngati Hikairo authority over their land is of great concern to Ngati Hikairo and there is a degree of conflict between the two groups over boundaries and the decision by Nga Tai o Kawhia to become part of the Maniapoto Trust Board (see below). Nga Tai o Kawhia is actively engaged in resource management and makes submissions over consent applications. Here is where the conflict is played out despite the two holding common positions.

Dispute and discord is not a defining factor in Maori interrelationships. It is worth noting the collaboration of tribes around Aotea Harbour to the North of Kawhia. Working together with the Ministry of Fisheries they established the harbour as a Mātaitai reserve which restricts commercial fishing operations and allows for customary management. The Ministry of Fisheries Officer who handled the application described it in glowing terms, “there was only one objection and that was from Roberts (*pseudonym*) who didn't really know what it was about.” (Research diary, 05.02.09). The successful partnerships continue and Aotea sub-tribes are engaged in environmental monitoring and collaborating on resource management and claims research whilst also retaining their individual status as guardians over their own lands (meeting, 20.04.09).

## 4.4 Government

The importance of government relationships, which is discussed below, is the ability the state holds to make determinations about institutions. Tribes, sub-tribes and *Marae* are all proclaiming identities and self determination to a degree in order to fit into statutory roles and definitions. Parliament has the ultimate law making power and given its complete sovereignty over the legislation it chooses to pass (there are of course some limits such as its international obligations), it has the ability to decide how matters will stand regardless of the various tribal positions. Ngati Hikairo's experience of this in 2008 is discussed below. Locally, the two District Councils Waipa and Otorohanga, whose boundaries cross Ngati Hikairo land have very different approaches to Maori consultation and resource management and this has led to two very different responses by the RMC (as illustrated in Figure 4.2) . The matters discussed in this section are briefly summarised in Figure 4.2.

Branch of Government	Date	Interaction with Ngati Hikairo
Central Government	2008	<b>Maori Trust Boards Amendment Act</b> Ngati Hikairo protest Act setting up harbour collective. Act passed without change. Government applauds other Maori working together
Waipa District Council		<b>Nga Iwi Toopu o Waipa</b> Council's process for consulting with Maori on planning applications through single forum. Ngati Hikairo seeks independent consultation on relevant matters. Council refuse and Ngati Hikairo no longer represented
Otorohanga District Council	2005-2007	<b>Kawhia Harbour Subdivisions</b> Ngati Hikairo opposes two subdivisions of land around the harbour. Environment Court refuses one and reduces the other
Otorohanga District Council	2008	<b>Kawhia Town Subdivision</b> Council proposes a residential subdivision in town. Ngati Hikairo believe it is Maori land and occupy the site in protest. Further research reveals no issue, opposition withdrawn
Otorohanga District Council	2010	<b>Agreement for heritage information</b> Memorandum of understanding between Ngati Hikairo and the Council of planning processes, standards and protocols.
Historic Places Trust (independent Crown entity)	2008-9	<b>Applications for registration of sites</b> Ngati Hikairo seeks to register important cultural sites for protection. Undertake research and consultation 3 sites registered.

**Figure 4.2: Government Organisations and Ngati Hikairo interactions**

#### **4.4.1.1 Central Government**

In modern times Ngati Hikairo's relationship with central government has revolved around the Treaty of Waitangi Claims. Ngati Hikairo has had to become a letter writing group asserting and reasserting its position as an *iwi* (tribe rather than sub-tribe) who has authority and guardianship over its region which runs from the ocean to its eastern boundary in South Waikato. It does this in letters to Ministers and in submissions on various pieces of legislation and policies. The response has been poor and nothing appears to have changed as a result of this work. However this role



communicating with the government may play an important part as the claims process (the breaches now being 140 years old) continues. An element of establishing today's Ngati Hikairo Runanga as the party with whom the government should be negotiating is to prove that Ngati Hikairo has maintained its occupation of the land and its role as guardians and Maori authority. Where this is not possible Ngati Hikairo needs to keep asserting those rights to have some claim.

In 2008 the relationship with central government took on a new dimension. It was before the period of fieldwork, when the researcher was kept up to date with progress by email contact with the Runanga. The government published the Maori Purposes (No2) Bill 2007. It then became the Maori Trust Boards Amendment Act 2008 and had added a regional management committee called Nga Tai o Kawhia and five *Marae* around the harbour to the list of Maniapoto *Marae*. This included Mokai Kainga which is sited near the Northern boundary of Ngati Hikairo's tribal boundaries. The remainder of Ngati Maniapoto is to the South and this meant that the Ngati Maniapoto *Marae* map might now look like it covers Ngati Hikairo territory. For the *Marae* involved there could then be funding from the Maniapoto Trust Board, recognition of their role in Harbour Management and a seat on the Trust Board. The Minister for Maori Affairs claimed:

*“The establishment of the regional management committee will not—I repeat, will not—redefine tribal boundaries or diminish mana whenua. It will not be representing the interests of other Maraе in the area, or of any iwi other than Ngāti Maniapoto. Its purpose is simply to represent the Maniapoto interests of five Maraе from Kāwhia Harbour, and facilitate their participation as beneficiaries in the decision making of their trust board.”* (Hon. Parekura Horomia, Hansard, 2008: 647/16035)

Ngati Hikairo had fought against this, attended a Select Committee Hearing and even agreed an amendment with Nga Tai o Kawhia that would state:

*“that Ngati Hikairo through Te Runanganui o Ngati Hikairo exercises a mana whenua relationship within the Kawhia rohe, and that nothing in this*

*bill shall be interpreted as diminishing their mana whenua status in that rohe*". (Hansard, 2008: 647/16035)

However the overwhelming view was that any changes were the will of the people and the people would ultimately prevail. As the co-leader of the Maori Party said:

*"The Māori Party is consistently overwhelmed by the willingness of whānau, hapū, and iwi to demonstrate manaakitanga—to live by time-honoured practices that reflect and respect the status of relationships with each other. We acknowledge Ngāti Maniapoto, Ngāti Hikairo, and Ngā Tai o Kāwhia for their efforts to work with the process, to do all they can to ensure their concerns are heard, and to work productively for the benefit of the Kāwhia rohe and its people. We believe that the issues between Mōkai Kāinga Marae, between Ngāti Hikairo and Ngāti Maniapoto, belong with the people themselves. It is their authority, their mana, that will ultimately sort any unresolved issues through. Kei a koutou te tikanga."* (Dr. Pita Sharples, Hansard, 2008: 647/16035) (*Kei a koutou te tikanga*: It's over to you now Researcher's translation).

This conflict saw Ngati Hikairo call on all its resources. It wrote to many MPs and, following the select committee hearings, had further contact with the Ministry who then advised the Minister that the amendment was not necessary. It also attended Parliament to protest. It has the above assurances on record in Hansard that Ngati Hikairo authority and boundaries are unchanged and that Ngati Hikairo asserts rights over the area. However Nga Tai o Kawhia also has the recognition of its important role as a collaboration of *Marae* working on harbour issues. As Dr Sharples indicated, Parliament looks to Maori groups to work together to resolve issues and was willing to support the efforts of those who appeared to be proactive and wanting to improve their position and that of the harbour (without intending to affect others).

#### **4.4.1.2 Waipa District Council**

Ngati Hikairo is a tribe whose traditional lands ran from Kawhia Township in the West inland through modern day Pirongia Township (see Figure 3.4) and towards Ohaupo. At the time of the New Zealand wars of the 1860s a Ngati Hikairo village called Whatiwhatihoe was situated adjacent to modern day Pirongia on the river. It was Ngati Hikairo's commercial hub with a thriving river trade and was the birth place of a Maori King. After it was taken by the New Zealand Government Ngati Hikairo retreated to Kawhia leaving their settlements and *Marae* (Barton and Thorne, 2010).

The story of Waipa District Council and the RMC is a tale of mismatched principles and policies. There is first of all an issue of tribal boundaries. The research diary records a Maori elder being very certain about 'our boundaries', because they have been determined by the Waipa Council and we have no real ability to change them.

*“They have drawn the maps for all the iwi and said right this is your area of interest. They have made a decision and they're very much of the view that well we're in Kawhia and we don't have many Marae in Waipa itself. Now we don't have any Marae in Waipa because our land was confiscated”* (Tina, 09.04.09).

Or as Hemi said: *“I've been to one of those meetings. They asked me who I was to be talking about that thing and I said well who the tupuna (ancestor) is!”* (Hemi, 09.04.09).

Nonetheless Ngati Hikairo has recognition over some of the area it claims and a representative from Waipapa *Marae* is welcome to attend meetings of the tribal collective group: an organisation called Nga Iwi Toopu o Waipa (NITOW). The Council goes exclusively to NITOW when it is consulting on relevant planning applications and issues. A Council employee 'Te Takawaenga' attends the meetings (as well as various other events as the Maori Liaison person) and reports back to the Council 'Iwi Consultative Committee'. The *Iwi* Consultative Committee receives the

reports and takes an interest in NITOW, they also discuss many other Council functions and their implications for Maori.

The arrangement certainly has merits. The Council has one 'go to' body with whom it can carry out all its Maori consultation on planning and environmental issues. It also has their own conduit, Te Takawaenga, who reports back on the meetings as he or she has recorded them. The Council needs only to take note of the final decision rather than come to know or understand any conflict or issues within NITOW. The model is a source of pride for the WDC, as the minutes show. The Mayor said it has:

*“worked very successfully”* (Waipa District Council, 2004: 6),

and the Chief Executive: *“Council has consulted with Nga Iwi Toopu o Waipa (NITOW) on every resource consent received and a great working relationship has evolved”* (Waipa District Council, 2005: 12)

and more recently a committee member commented: *“the Conference highlighted quite clearly how advanced Waipa is in terms of engagement with Tangata Whenua and all Maori issues”* (Waipa District Council, 2010: 2).

Finally Professor Ritchie of Waikato University has said: *“Waipa District’s Iwi consultative arrangements have been exemplary and worked very well over the last 10 years.”* (Waipa District Council, 2004: 7).

Professor Ritchie did go on to say that a forthcoming review could take recent thinking into account and more consultation was better than less (Waipa District Council, 2004: 7).

So where does Ngati Hikairo fit into NITOW? It is no longer represented through their RMC and nor will they be as it currently stands. It is possible that other members of Ngati Hikairo attend and indeed they are recorded as attending *Iwi Consultative Committee Meetings* (Waipa 2004, 2005). As the Heritage Management Plan states:

*“The operation of Nga Iwi Topu-o-Waipā, a Waipā District Council structured consultation body, presents ongoing issues for Ngāti Hikairo in regards to consultation and recognition in our Waipā rohe. Marae representatives, not hapu or iwi, sit on a panel to discuss and decide upon resource consents, consultation and issues within the Waipā District. ... We believe that this enables the council to by-pass consultation and relationship-building with individual iwi. The process does not acknowledge the rangatiratanga, kaitiakitanga and manawhenua of each iwi.” (Barton and Thorne, 2010: 27).*

When speaking to members of Ngāti Hikairo, and current and past members of the RMC it became clear that they were not comfortable with the way in which NITOW functions although others within Ngāti Hikairo have played constructive roles in the group (research diary, 17.01.09, 9.04.09, 03.05.09). The Heritage Management Plan states:

*“The decision making regarding the kaitiakitanga of Ngāti Hikairo should be made by Ngāti Hikairo and Ngāti Hikairo alone.” (Barton and Thorne, 2010: 27).*

Ngāti Hikairo has tried to establish direct lines of communication with the Mayor and Chief Executive of the Council but these have been unsuccessful (05.04.09, 09.04.09). This research did not gather sufficient empirical data to make any judgment about NITOW. Clearly it is a perfectly satisfactory arrangement for some and the reports include reference to support being given to NITOW by Te Puni Kokiri (Ministry of Māori Development) in the form of training, and minutes record regular sessions working with Council staff (see eg. Waipā, 2004, 2005, 2010). There is no reason to doubt that relationships between NITOW and the Council are indeed good.

However Ngāti Hikairo is not alone with its concerns. The *Iwi Consultative Committee Minutes* show that in 2004 the Raukawa Trust Board:

*“asked to be directly consulted on all matters of cultural, environmental, economic and social significance within their rohe. He (Council Staff Member) said NITOW have been approached by Raukawa and asked that they be directly consulted on resource management matters within their rohe.”* (Waipa District Council, 2004: 7).

The initial response (shown in the minutes) by Te Takawaenga was: *“NITOW would be meeting with the Raukawa Trust Board and all other Iwi represented in the Waipa District early in 2005 to review the situation when it was hoped there would be “a calming of minds”.* (Waipa District Council, 2004: 7).

June 2005 Minutes record two other entities: Pohara Marae and Te Mana Taiao Trust *“seeking direct consultation rather than through the approved channels”* (Waipa District Council, 2005: 11).

Following a resolution about the planning issue in question, *“The Chief Executive said his understanding of the resolution was that the existing process for Iwi consultation is the process that Council needs to follow because it has worked well in the past.”* (Waipa District Council, 2005: 12).

There is certainly scope for more good qualitative research on NITOW.

#### **4.4.1.3 Otorohanga District Council**

The relationship between Ngati Hikairo and the ODC has come a long way. Relatively soon after its establishment, the RMC was involved in legal action over applications for consent to subdivide two areas of coastal land. One case was partially successful and the other completely successful in their outcomes, although they did not set a precedent that could have been valuable as to the role of Ngati Hikairo or the RMC. Nonetheless the Court was very critical of ODC and its processes (*Macpherson v ODC* (2007), *Kawhia Harbour Protection Society v ODC* (2007)).

In 2008 ODC applied to subdivide a large piece of land it owns in Kawhia town. This was at the height of the coastal property boom and again it set ODC up against Ngati Hikairo, who believed that the land was Maori land that had been either taken unlawfully, in which case ODC should hold on to it to keep it available for any future Treaty of Waitangi settlement, or if it had been taken through the 'Public Works Act' ODC should in the first instance offer it to the original Maori owners to buy it back. This was disputed by ODC and in the absence of any agreement the tribe decided that this time they would take direct action. They proceeded to occupy the land. They subsequently accepted that it was not Maori land and the proposal continued. As was recorded from a participant:

*“Council expecting raruraru (trouble) but with issues addressed Ngati Hikairo agree.”* (Research diary, 05.04.09).

The first and ongoing hurdle that the RMC has with ODC has been recognition that first it is the mandated consultee for Ngati Hikairo and secondly that Ngati Hikairo is the sole Maori guardian within their boundaries. As the research diary records:

*“Otorohanga has such a high turnover of staff that these people come in and have no knowledge of who the hapu are around the harbour, who the iwi are around the harbour, ... it's always back to square one in terms of them just sending out blanket letters to all and sundry when there's an issue ... every new appointment means re-asking for consultation etc. No institutional knowledge”* (05.04.09).

Or as Liz put it: *“They just send it to people that they know”* (25.03.09). The lack of stability within ODC was commented on community wide. At the time of the fieldwork ODC was employing two planners based in Hamilton who each worked part time and did some of their work from Hamilton (one hour's drive north from Otorohanga: see Figure 1.1). So as an Otorohanga holiday home owner said:

*“I'd gone to the Council to get information and the files weren't there. They were in Hamilton, probably with the other person. And these people really*

*don't know the town. ... They mustn't be able to get local planners."*  
(Research diary, 16.03.09).

Unfortunately a new planning graduate from Otorohanga looking for work was told that ODC does not have the capacity to offer a graduate adequate supervision and training (Research diary, 16.03.09), which of course was correct, but also an unfortunate state of affairs.

In 2008 therefore there was certainly a need for relationship building between the RMC and ODC. The RMC has had two strategies. The first is to make sure that all its communications are in writing, The Council likes this, as noted:

*"They write letters so they deal on the basis that works for the Council because they write, like to write a lot of letters they like to get things on paper and evidenced. That is a real problem for other people ... who just don't have the literacy skills ... you know to read a 20 page report, really understand it and write a response is too much for some people. ... and if you can't understand the report, if you can't really understand the proposal and you're not able to write a big long submission then you're really not right to say we've read it and we think it sounds fine"* (Research diary, 06.04.09).

*"Resource consents are the main source of communication from Councils."*  
(Barton and Thorne, 2010: 60)

Since 2009, the Resource Management Act provides a statutory time frame within which applications must be dealt with. In particular submissions must be made to ODC within ten working days of notification. This can put considerable strain on the RMC if it needs to consult with the Runanga. This was implemented due to a change in government who had been very vocal about the need to amend the Resource Management Act to remove 'red tape', cut the costs of development and drive projects through rather than allowing them to get caught up in appeals and hearings. The result is difficult for tribes such as Ngati Hikairo. It emphasises the importance



of the relationship with ODC as ODC is in a position to direct developers and landowners to the tribe before any application is made.

The RMC's second strategy is to be consistent in its approach. That means:

*“... they've been saying the same things for ever and, one of the issues around other people is you kind of don't know what you're going to get in response, I mean by and large they (others) don't ever object to stuff but you really don't know what you're going to get in response ... with the RMC you know what the response is going to be, I mean you may not like it (but you know it's about a principle rather than nepotism or doing favours)”*  
(Research diary, 05.04.09).

For its part ODC commissioned a report from independent contractors to:

*“Assess the existing heritage provisions and to make recommendations on a future heritage framework for the area”* (Opus, 2008: 1).

The report covered 'heritage' generally but had a significant focus on Maori heritage as this was a weak area. It was then used as a way to educate Council staff and Councillors about their responsibilities and different options for meeting them. As a staff member said *“things are changing”* (09.04.09).

The notes go on to say: *“There had been criticism in the past but now there was a real good intent and an ability to know. Peoples' ignorance can sometimes make them defensive.”* (Research diary, 09.04.09)

The report proposed an agreement be made between ODC and tribes regarding the collection and use of information about sacred sites.

At the same time the RMC had sought funding to create a Heritage Management Plan, which would in part provide a resource for ODC and also set out the policies and processes that would guide Ngati Hikairo to establish consistent practices and to

reassure parties about what they might expect from the tribe. This work has culminated in an 'Agreement for Heritage Information' signed on 7 June 2010 (Barton and Thorne, 2010).

There is therefore now a basis for a constructive working relationship between Ngati Hikairo and ODC and it is one that can survive changes in individuals on either side. Ngati Hikairo will of course always reserve its right to take legal action where necessary and as discussions below will demonstrate, issues around identity and outcomes still exist. The agreement is also very limited in its scope but it does contain one key sentence when it describes the parties:

*“Te Runanganui-o-Ngati Hikairo (Ngati Hikairo) is a recognised iwi authority in the rohe shown in Appendix 1 to this document. Ngati Hikairo had maintained unbroken occupation of the area for 300 years.”* (Barton and Thorne, 2010: 80)

It is another link in the chain of evidence that cements Ngati Hikairo's identity and authority.

#### **4.4.1.4 Historic Places Trust**

The Historic Places Trust is an independent Crown entity funded by the Ministry of Culture and Heritage. Its role is to protect New Zealand's historic heritage. One of its tasks is to maintain a register that *“identifies New Zealand's significant and valued historical and cultural heritage places”* (NZ Historic Places Trust, 2011). It has a Maori Heritage Council to assess applications for registration of Maori sacred sites and places. Registration is an *“information and advocacy tool”* (NZ Historic Places Trust, 2011) and requires all applications for resource consent to be notified to the Trust who can then provide conservation advice. It is also a stepping stone to a property being listed as a heritage site on District Plans. Applications must meet statutory prescribed standards. Through continued work with the Trust, institutions such as the RMC are able to change the ways in which they make their applications, both by improving their own consultation processes and by tailoring the written

application itself to align more closely with the requirements and the processes involved.

The Historic Places Trust will also act as an advocate for sites on the Register, both in general and Maori forums. In this regard it can work with tribes to help guide them through relevant resource management processes and be another voice when the tribe is in discussion with land owners or Councils.

*“The Māori Heritage Council does not seek to act as kaitiaki, but is committed to supporting the kaitiakitanga of iwi, hapū and whānau with respect to their land-based and built heritage.”* (NZ Historic Places Trust, 2009:12).

As a Maori Council Member said in an interview for this research:

*“There aren’t enough applications from there (the Kawhia region). They should do more, there should be heaps. I’m not just there for (her tribe) I’m there for all Maori ... it doesn’t have to be sacred, just historical ... you tell them to go for it.”* (26.04.09).

## **4.5 Discussion: Ngati Hikairo, Maori Hierarchies and Government Organisations**

The relationships between Ngati Hikairo, leading tribal organisations such as Waikato-Tainui, and the Government at different levels, are complex. This discussion focuses on the links and issues set out above and how they interact to produce a tribe that simultaneously works with Waikato-Tainui and against it, and initiates and fosters state interventions while also activating protests from members. The first point to note is that Waipapa representative Kingi Porima is a former Chair of Te Arataura, the Governing Executive body. He is also the Chair of Ngati Hikairo Runanga, a highly respected leader of Ngati Hikairo, Waikato-Tainui and a former Borough Councillor in his home of Murupara (in the Central Eastern North Island, outside of both Waikato-Tainui and Ngati Hikairo boundaries). Ngati Hikairo is on

the periphery of the Waikato-Tainui region geographically but historically has been at its political centre. Waipapa *Marae* is supported financially by an annual grant from Waikato-Tainui and many Ngati Hikairo people have been the beneficiaries of individual Waikato-Tainui grants or community projects funded by Waikato-Tainui. The 2010 Annual Report records that Waipapa *Marae* had 1836 registered beneficiaries out of some 57,000 for all Waikato-Tainui. This makes it the seventh largest *Marae* by registered population, out of 68 (Waikato-Tainui, 2010).

On this basis Ngati Hikairo and Waikato-Tainui have a considerable common ground and many positive and constructive elements to their relationship. Ostensibly the main area of breakdown is a question as to each party's status as tribe or sub-tribe and the implications this has in its dealings with government, especially on questions around environmental decision making. Muru-Lanning, 2010 and Barton and Thorne, 2010 are researchers who have charted the changing identity of the Waikato-Tainui Maori Trust Board 1946 to become the Waikato-Tainui *Iwi* in 1995. As Hemi said:

*“in the 1940s Trust Board Act, (it) didn't talk about everybody being hapu, (sub-tribe) it talked about tribes, the word was tribes you know and the purpose of the Tainui Maori Trust Board was compensation for tribes that had their land taken and then it was the 95 Settlement Act that established everybody as hapu so you know this is actually recent. ... and again it's the crown. You know it's a statutory thing which has become a Maori thing by default.”* (Research diary 14.04.09).

Barton and Thorne (2010), note that the former Trust Board legislation gives equal status to all “tribes” without distinguishing between tribes and sub-tribes. This is perhaps an example of what Durie (1998) describes as legislation simplifying or altering Maori concepts merely through their use. Today some of those “tribes” retain that status and others such as Ngati Hikairo are engaged in a struggle to do so. The issue arises from the 1995 Deed of Settlement, the parties, which are the Crown and a new body called 'Waikato-Tainui' (Waikato-Tainui, 1995). Muru-Lanning goes

further reminding us that the deed was the outcome of a series of actions and negotiations by the parties. She suggests:

*“When Robert Mahuta filed Waikato Maori's comprehensive claim on 16 March 1987 for confiscated Waikato lands, coals and minerals ... and the West Coast Harbours, he did not do so on behalf of the Kingitanga or the various hapu whose lands had been confiscated in the 1860s, but on behalf of himself, the Tainui Maori Trust Board, Nga Marae Toopu and the iwi identity, Waikato-Tainui. However some five years before the claim was lodged, no such iwi as Waikato-Tainui existed. It was a category brought into existence by Robert Mahuta in the early 1980s that effectively subsumed the various hapu along the river.”* (Muru-Lanning, 2010: 75)

It must also be remembered that Waikato-Tainui sought and was given a mandate from the affected *Marae* before the Deed could be signed. Nonetheless, as Muru-Lanning notes, the modern 'corporate' *iwi* such as Waikato-Tainui, which keeps records and registers of its beneficiaries and has a permanent paid staff has become one with which Governments can work with more easily. This is not lost on Ngati Hikairo whose Heritage Management Plan notes:

*“By default, Government agencies turn to Waikato-Raupatu for consultation in and around Kawhia Harbour. This plan will assert our rangatiratanga in order to ensure that day to day functioning of our mana whenua and kaitiakitanga can be practised, upheld and acknowledged.”* (Barton and Thorne, 2010: 23)

For Ngati Hikairo and the RMC the:

*“1995 legislation creates uncertainty over who has jurisdiction over local heritage sites, our rivers and streams, our lakes, our mountain and forests and the towns and settlements within our rohe.”* (Barton and Thorne, 2010: 25)

Indeed to the bystander it may seem that if Ngati Hikairo is a member of Waikato-Tainui then it would work through or even with Waikato-Tainui in its resource management. However the local context is such that Ngati Hikairo alone is able to assess the impact of proposals and make the appropriate submissions. Waikato-Tainui, through its *Marae* clusters project, seems to be working towards greater devolution in the future that may reflect the difficulty for a pan-tribal body to act in cases of very local cultural identity and local links to the land and waterways.

Far from looking to Waikato-Tainui for collaboration in environmental decision making, Ngati Hikairo and the RMC have taken a clear stand that they alone have any authority to be consulted with and to decide the position of the Maori guardians in respect of any place or process. In order to do this they must make continuous efforts to present the RMC and foster its identity with the relevant authorities as an independent tribe as well as a member of Waikato-Tainui. Muru-Lanning (2010) describes the loss of sub-tribes (*hapu*) to the new Waikato-Tainui. Hana, at a meeting, agreed “*It wasn’t the old way*” and the tribal representatives present agreed that minutes recording the meeting should refer to the names of tribes rather than *Marae* (20.04.09).

This may yet leave a role for a larger body such as Waikato-Tainui to play when thinking about broader questions of environmental management and policy and larger natural resources which cross many tribal boundaries. On this basis they have settled a claim for the Waikato River on behalf of many of their tribes and seek to do the same for the West Coast harbours including Kawhia. During a discussion about the efforts being made by some coastal *Marae* (including Ngati Hikairo) to join forces and work together on the Harbours Claim, the research diary records a conversation with a female elder as:

*“Nanaia Mahuta (local Maori MP) and Tukuroirangi Morgan (Head of Te Arataura) are pushing ahead with the West Harbours claims and they will seek the mandate from the people following ... regardless of what anybody thinks ... because it's happening, because it's reality”* (research diary 14.03.09)

The Treaty of Waitangi Claims are the true focus of Waikato-Tainui's ongoing work in respect of the environment. While resource management may well be a growing concern, it is through the Treaty of Waitangi and the potential for a claim settlement that both of these Maori groups look to in order to give themselves a prominence throughout the community and therefore give them greater access to real resource management. Waikato-Tainui considers the West Coast Harbour Claims to be awaiting negotiation. They interpret the Deed of Settlement 1995 as “including” these harbour claims (Waikato Raupatu, 2008) and it certainly includes claims made by Waikato-Tainui. Kawhia is one of those West Coast Harbours and in this regard they are in conflict with Ngati Hikairo which has its own separate claim in respect of Kawhia harbour. This is the point at which the Runanga and Waikato-Tainui may have future disputes. The government will negotiate with a single party that must demonstrate their mandate from the people. It is not clear who this will be.

These apparently contradictory positions currently sit somewhat uneasily together, and they have done so for some time. As Ngati Hikairo lands lie outside the region settled in 1995, Ngati Hikairo has an opening through which it can sit right inside Waikato-Tainui and also have an identity outside. It is relevant that for the duration of this research Waikato-Tainui has been preoccupied with the Waikato River Claim. In the future, as foreshadowed above we may see a new identity emerge.

The relationships and issues between Ngati Hikairo and government on one hand and Ngati Hikairo and Waikato-Tainui on the other can be simplified by looking at how they have played out with the Historic Places Trust and sites on the Register.

On the Kawhia foreshore are two Pohutukawa Trees. They are significant to all tribes that descend from the Waikato-Tainui canoe as it was originally moored to these trees upon its arrival into Kawhia. The trees are very old and occupy a special place in the town and nation. A track runs past the trees around the waterfront into town and it is:

*“... one of the last remnants of a track that connected early Maori settlements around the Kawhia harbour”* (Historic Places Trust, 2009)

The papers prepared for the Historic Places Trust when they were considering the Pohutukawa trees, describe how in 2005 the Community Board sought to repair a groyne at the foot of the trees to protect them from car damage. Later that year the one tree was damaged by fire caused by children (possibly playing with fireworks). In 2007, an arborist considered the adjacent road needed to be closed to traffic to protect the trees and, at the end of 2008, the Community Board agreed to talk to Waikato-Tainui about protecting the trees, and boulders were put in place. Ngati Hikairo had already started work on an application to the HPT to register the trees as a historic site. This would give added protection by restricting development on all the properties within 100m. The application was made at about the same time as the boulders were erected. By February 2009 the boulders had been removed by ODC due to complaints from some residents that they impeded car parking. ODC did this in consultation with Ngati Mahuta, another *iwi* whose representative lives in Kawhia. ODC officer:

*“...said that Ngati Mahuta were consulted on all matters to do with the trees”*  
(Historic Places Trust, 2009: 3).

Ngati Hikairo claims guardianship over the land on which the trees stand and as such claim guardianship over the trees. They made the application to the HPT as the Maori tribe with standing on the matter. It was something of a rear-guard action as ODC’s consultation was with Ngati Mahuta, more particularly with their local resident who was in agreement with the other residents who complained about the boulders impeding the parking (research diary, 19.04.09). At the same time, the community board sought assistance in the protection of the trees from the tribal organisation with the best resources: Waikato-Tainui. Waikato-Tainui supported Ngati Hikairo’s application. Simultaneously:

*“Nga Tai o Kawhia Moana Regional Management Committee are working in collaboration with ODC to include appropriate rules to help them exercise a kaitiaki (guardianship) role.”* (Historic Places Trust, 2009: 4)



Four different Maori groups were each claiming a leading role in the decision making process about the trees. The rules governing Maori consent over resource applications referred to “*iwi/hapu/kaitiaki*”. This multi-dimensional reference allows each party to stake an effective claim. Further, the various government organisations were able to interact with each Maori group as they found convenient. For the HPT, a memorandum of understanding with Waikato-Tainui ensures they are advised of all such registration applications. Ngati Hikairo and the HPT were able to work together in order to progress the application to its successful conclusion. ODC, seeking resolution to complaints, first looked to Ngati Mahuta and its local representative who facilitated the removal of the boulders and second clarified their work with Nga Tae o Kawhia, the group endorsed and encouraged by Parliament.

All parties have gained something from this process as they all supported protection of the trees (Historic Places Trust, 2009). They have all been able to enhance a relationship with another organisation with whom they would like to continue working. Further, for ODC, there is still a grey area regarding consultation to give continued flexibility and develop their relationships with all parties (as discussed in a meeting, 14.04.09). For Ngati Hikairo, its name is on the application which it can chalk up to its credit. Waikato-Tainui, Ngati Mahuta and Nga Tae o Kawhia all had their roles confirmed through both the process and official papers.

#### **4.5.1 Creating one's place in the world: *Marae*, boundaries and identity**

As has been previously set out, Ngati Hikairo is a tribe that is working to create and maintain its status rather than fall in entirely under the Waikato-Tainui or Ngati Maniapoto mantles. It also fights to retain its pre-invasion tribal boundaries that extend inland. One of the underlying problems it faces is its lack of built up *Marae*. When the invasion came to Whatiwhatihoe and surrounding Ngati Hikairo lands, the people moved to the coast. Their *Marae* and all obvious evidence of their settlements and existence over that land were erased from what have become rural towns, settlements and farmland. However in today's world of the post-settlement 'new' pan *iwi* such as Waikato-Tainui, *Marae* have become the default unit that operates below the pan *iwi* level. Waikato-Tainui has 68 *Marae*, Ngati Maniapoto has 55. Both

include Waipapa *Marae* in that count. It is not only *iwi* who have moved towards *Marae* as a unit below *iwi*. As Tina said: “*They like to do things Marae based, the crown are very interested in Marae based everything*” (Group discussion). On a per capita basis Ngati Hikairo is under-represented in the Waikato-Tainui tribal parliament.

What must be remembered when trying to understand the workings of these Maori organisations is that their structures and governance requirements have been set down by government. They have to compromise on their traditional models to some extent. This has given an advantage to Waikato-Tainui and Nga Tae o Kawhia. The Waitangi Tribunal process on which so much hope for the future rests is entirely dependent on government agreeing that their claims are valid, that they are the entities who may make the claims and then have a willingness to negotiate the claims. The outcome is likely to include some form of co-management of the harbour (see Miller, 2011 describing this as the trend in environmental settlements). The negotiating party will have the ability to set the terms of this.

This considerable power is of course held by a government that at the time of these events included the ‘Maori Party’ with 4 MPs including the Minister for Maori Affairs. The other main political parties also have Maori MPs. Clearly, this is not a case in which one can simply posit Maori against the Government (regardless of what individuals are involved). Rather on an issue by issue basis, Maori groups and government organisations engage with each other in ways that will be most mutually beneficial. The Government called for Maori to work together. In fact sometimes Maori work together and sometimes government and Maori work together to disadvantage other Maori.

## **5 *Iwi* Management Plans, people and culture in resource management**

### **5.1 Introduction**

This chapter is set against the backdrop of the Ngati Hikairo IMP that was finally published in 2010 as Te Tahuanui: Ngati Hikairo Heritage Management plan. An IMP is a document created by Maori tribes that has some statutory force and may be an opportunity to change the terms upon which they are involved in resource management. Chapter 2 discussed the way in which engagement with indigenous groups in environmental management can often be side lined as ‘cultural’. In this way the ability of indigenous groups to be among those who set the agenda is reduced. This case study examines that process and provides an opportunity to take a closer look at the mechanisms by which tribal groups approach and evolve their resource management processes.

To begin with they need people to undertake the work. This chapter considers the way in which a collective develops alongside the issues around capacity and involvement of resident and non-resident Maori. The problems facing Maori communities were highlighted by Freeman and Cheyne (2008) and KCSM (2004) and the roles of resident and non-resident Maori explored by Tawhai (2010). Membership of tribes is exclusive being a matter of birth or marriage. Therefore there is a limited pool of people to whom the tribe may look to as members of the committees that run these projects. A suggestion has been put forward that capacity within the tribe is part of the problem in attracting local involvement KCSM, 2004, Memon et al (2003), Miller (2011). However capacity is not found to have as much impact on how well people are able to contribute to resource management as does conflict and community and where one lives. Those involved are inevitably the fall guys that Healey (1997) identifies within a system that sets them up for failure.

A predicted limit in scope to “Heritage” Management (following Jackson, 2006) is documented, and the potential of the Plan and its implementation analysed. The Plan may well have already had as its significant impact enlarged networks and knowledge exchanged during its development. The way in which the RMC has worked alongside and with other groups such as Council projects and local community organisations all play a part in the creation of networks. These networks, it is seen, can contribute to the final outcome of the plan. They are also the primary conduit by which those factors which matter most to Ngati Hikairo are communicated. The success of the plan will depend on the degree to which it can become part of the local resource management culture rather than “sit on the shelf gathering dust” (RMC member, 04.04.09). Further, the door remains open for the tribe to step back into the realm of greater resource management should they be in a position to take the next steps.

## **5.2 Case Study: The *Iwi* Management Plan**

### **5.2.1 Background**

An IMP is a generic term to refer to “any relevant planning document recognised by an *iwi* authority” (Resource Management Act 1991, ss. 61, 66, 74 – see figure 13). As the Ministry of Environment states:

*“Iwi management plans may be a formal planning document similar to council policy documents, or they may be a statement of iwi policies in a less formal and detailed memo or report.”* (Ministry for the Environment, 2003: 4).

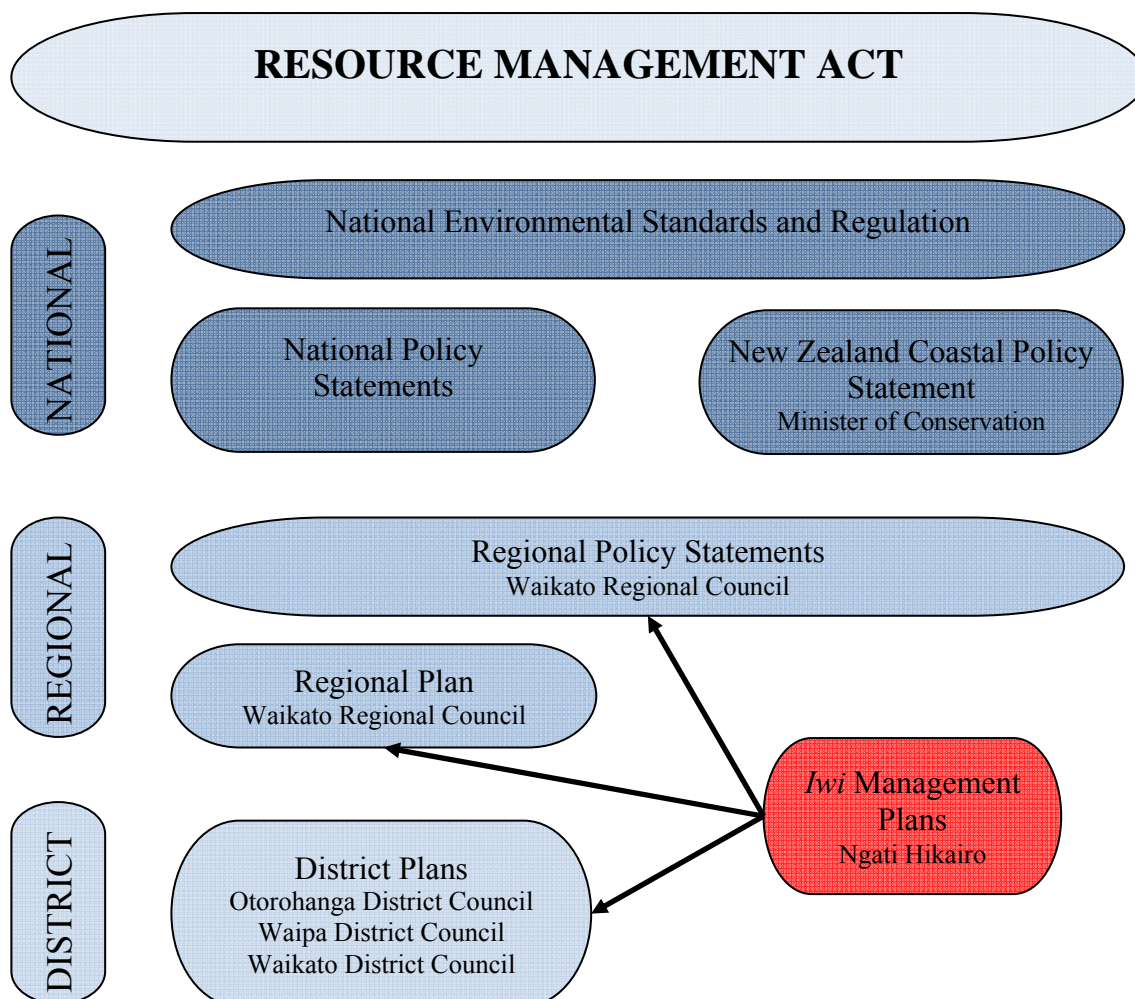
**Figure 5.1: Resource Management Act 1991 - *Iwi* management plans -  
Relevant extracts.**

<p><b>s. 61 Matters to be considered by regional council (policy statements) ...</b></p>
<p>(2A) <u>When a regional council is preparing or changing a regional policy statement</u>, it must deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region: the council must take into account any relevant planning document recognised by an <i>iwi</i> authority; ...</p>
<p><b>s. 66 Matters to be considered by regional council (plans) ...</b></p>
<p>(2A) <u>When a regional council is preparing or changing a regional plan</u>, it must deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region: the council must take into account any relevant planning document recognised by an <i>iwi</i> authority;</p>
<p><b>s. 74 Matters to be considered by territorial authority ...</b></p>
<p>(2A) <u>A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an <i>iwi</i> authority and lodged with the territorial authority</u>, to the extent that its content has a bearing on the resource management issues of the district.</p>
<p>(Emphasis added)</p>

IMPs may be very general, focussing on principles and guidelines, and relate to single resources such as water, or single issues of local controversy. They can be developed in conjunction with the local council (Ministry for the Environment, 2003).

When any such documents are presented to local authorities by tribes, they take on IMP status. IMPs are important, not merely as a stand-alone piece of work, but also for the role they play in the planning system and, in particular, to the development of Regional Policy Statements, Regional Plans and District Plans that are the cornerstone documents of resource management. Figure 5.2 shows these documents,

their authors, the hierarchy and scale at which they exist and those to which the IMP is relevant.



**Figure 5.2 Government Bodies, Planning Documents and IMPs**

Regional Policy Statements are produced by Regional Councils. Their purpose is to provide:

*“...an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.” (RMA, s 59).*

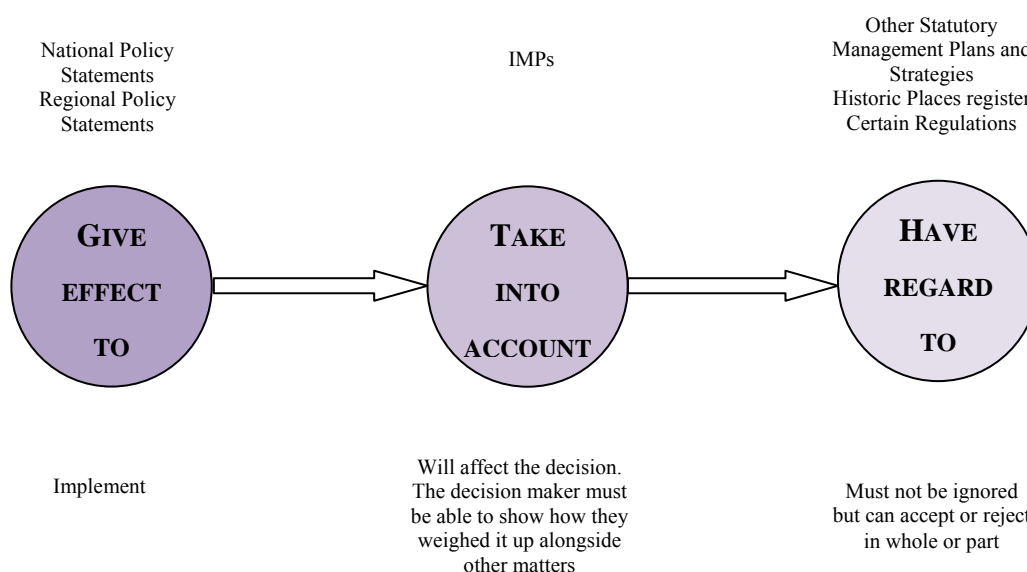
Amongst other matters they must state the resource management issues of significance to *iwi* authorities in the region (RMA s 62(1)(b)), and they must also give effect to any national policy statement (RMA s 62(3)).

Regional Plans, and the process of their creation assist the Regional Council to carry out its functions and achieve the purpose of the Act (RMA, s 63). They must give effect to any National Policy Statements as well as the Regional Statements of that Council (RMA, s 67). The purpose of District Plans and their creation is to assist District Councils to carry out their functions and achieve the purpose of the Act (RMA s. 72).

The IMP has risen in prominence following its inclusion in the Resource Management Act. An IMP, as set out in the statute extracts shown in Figure 5.1, must be “*take(n) into account*”. This phrase was inserted in a 2003 amendment replacing “*must have regard to*”. The consequence, as confirmed by the Environment Court in the 1994 case of *Haddon v Auckland Regional Council*, is that IMPs are elevated in status to be considered above entries on the Historic Places register, other statutory management plans and strategies and regulations as shown in Figure 5.3. They are to be “taken into account”

*“...means that the iwi management plan must be shown to have influenced the council’s discretion.”* (Ministry for the Environment, 2003: 6).

They are nonetheless a lesser document than the National and Regional Policy Statements which must “be given effect to”.



**Figure 5.3: Hierarchy of statutory phrases and role in planning documents**

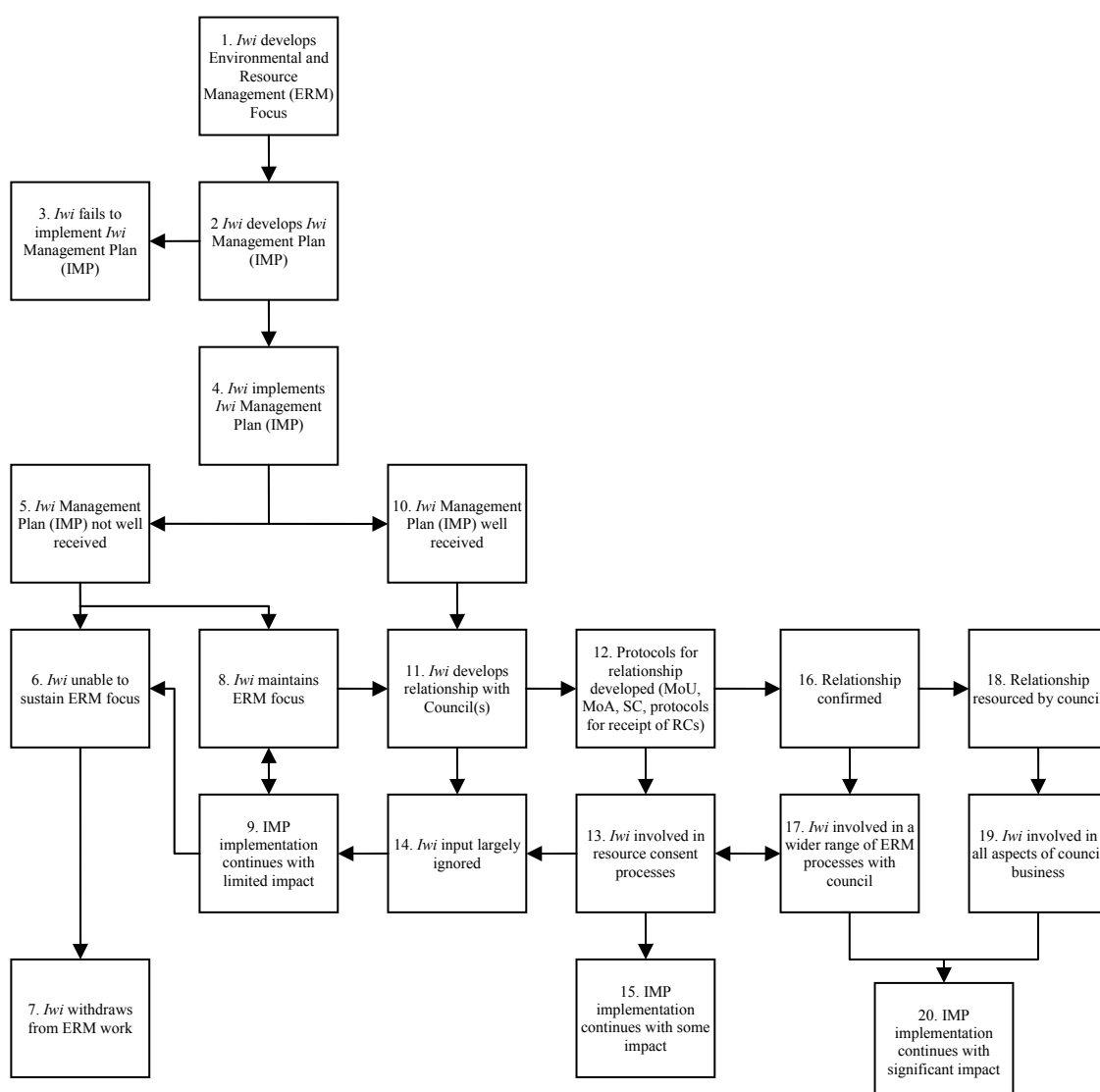
The preparation of IMPs may give tribes an opportunity. They are able to create a document that suits them. They may choose the format, the subject matter and the scope in the knowledge that it will be taken into account when the policies and plans are drafted. Further the requirement that Councils must be able to explain their decisions and how the IMP has affected the process could potentially give tribes a greater insight into the ways in which their perspectives are perceived and relate to general resource management practice.

The Ministry for the Environment has commissioned different pieces of research looking at the experience with IMPs from the perspective of Councils and of tribes. For Councils the primary benefit is the way in which an IMP could become a vehicle to build working relationships and trust between the parties, giving guidance as to how they might develop any partnership with a clear statement of how the tribe is organised, what their values are and what relationship they have with the land. The factors described as “limitations” are the broad scope of IMPs, meaning some are relevant and some are not. Councils are not always sure what support the plan has



(here one might infer that there may be discord in the Maori community that the Council is aware of). Further, compared with the council's own documents, IMPs can encompass different timeframes, and have different priorities. Council staff are not sure how to implement them within their own processes (Ministry for the Environment 2003: 12-13).

For the tribes surveyed and interviewed in the Ministry for the Environment's research, an important benefit of the IMP was its use as a tool to exchange information with councils and applicants for resource consent. It provided background information and a starting point for conversations. The majority of tribes found that, for them, the IMP helped to clarify and prioritise environmental issues and they would "develop an IMP again if they had the opportunity" (KCSM, 2004: 19). Problems identified were that the IMP was not being used sufficiently by councils and applicants, and knowledge and ability to use the IMP was not broad enough amongst the tribes. By and large the IMP had the desired role as a catalyst for involvement in resource management, but it was still easy for the IMP to be effectively ignored (KCSM, 2004). Figure 5.4 reproduces KCSM's diagram that shows their findings as to the implementation and effectiveness of IMPs. Of 10 *iwi* they interviewed, two achieved Box 20, effective implementation, and two Box 3 – failure to implement. None had withdrawn from resource management work (KCSM, 2004: 23-24)



**Figure 5.4 KCSM Implementation of IMPs *Iwi* pathways (diagram from KCSM, 2004: 23),**

### 5.2.2 A Ngati Hikairo *Iwi* Management Plan

The finished Ngati Hikairo IMP is titled “Te Tahuanui: Ngati Hikairo Heritage Management Plan 2010”. The impetus to create an IMP came at a time when all those involved in Resource Management decision making around the Kawhia Harbour were seeking to improve processes. For example, at the ODC meeting on 14.04.09, Ngati Maniapoto (see Chapter 4 above) and Ngati Hikairo sought recognition and effective protection of their relationship with the land. What was not clear was how they might achieve any changes. One overriding obstacle was the

District Plan, which is after all the authority on how most resource consents will be decided within the district including subdivision. Subdivision had been the catalyst for recent tensions (see Chapter 4 above).

### **5.2.3 Getting the project underway**

In 2005 Ngati Hikairo prepared the Ngati Hikairo Freshwater Management Plan 2005-2015. This was presented to the ODC and an agreement made that the Council would work with Ngati Hikairo on the long term management of water resources around Kawhia. At a meeting with a Council Rep in 2009 they discussed their “*bad experience with the Council*” (Research diary, April 2009) as the Plan included information on the springs in the area and ODC then used this without further reference to Ngati Hikairo in their plans to expand the water supply. This was the first IMP and it was also an attempt to be actively involved in proactive resource management. It was also part of the decline in relationships prior to the subdivision disputes discussed above.

Before the IMP was proposed an attempt was made to initiate a broader project involving Maori from all around the Kawhia harbour. One of the issues that Ngati Hikairo had come up against was the piecemeal way in which different Maori groups were consulted and made submissions on various resource management proposals. The Act requires due recognition be given to the effects of decisions on Maori and in the absence of clear protocols around consultation a seemingly precautionary approach meant that applications were sent to all known Maori in the area for comment. Those unaffected might respond that they had no comments or submissions to make on the application. This then, would be seen by the authorities as a green light and the end of consultation with Maori. Alternatively, multiple submissions may be received and seemingly contradict each other as to what the ‘Maori’ position was. In part, the decision makers did not know how to weigh up the Maori views in the same way that they did those general submissions. It was therefore felt that with some unity, Maori around the harbour could become a much stronger force and be able to exert considerable pressure on resource management issues. A Maori collective that spoke with one voice could set the agenda.

The Ngati Hikairo RMC attempted to set up a new collective and called a meeting at Maketu *Marae* (another tribe's base in Kawhia) that was very well attended. However the proposal was not well received. They were roundly criticised for attempting to usurp others' rights, attempting to take over what others were already doing and for being newcomers who didn't know or understand how things were done. They were told this was not a new or novel idea. Previous attempts had also tried to create pan tribal groups that were linked by the harbour with varying degrees of success. Objectively, with the will of the people it should have been relatively easy. This is because people from all over the Kawhia district are related - as aunts, uncles, cousins and by marriage - and in such small communities relatives and neighbours are so much more important to community life. One of the more successful attempts to bring other local Maori together at this time was Nga Tae o Kawhia, discussed above in light of the political manoeuvring process that accompanied the establishment of this coming together. Forming a pan-tribal collective was not simply about establishing a strong voice in resource management but also about identity and authority.

Then Ngati Hikairo approached the Parliamentary Commissioner for the Environment (PCE). This is a politically independent officer who has wide ranging powers to investigate environmental concerns and report on them to Parliament. The PCE attended the meeting to help facilitate and broker a new way forward. It was a much more constructive and peaceful discussion, but unfortunately it was also poorly attended and it was clear that the vision of a new pan-harbour voice would not result. An alternative option was to create an IMP. This was a project that the tribes could undertake on their own and one that would, once completed, have some legal standing. It was also a time during which the Ngati Hikairo environment sub-committee was struggling to establish consistent working relationships with the Councils. The IMP might also help to formalise these relationships by putting the tribe's expectations and wishes into a specified public document available to all. The advice regarding the IMP came from a professional with experience in dealings between tribes and Councils elsewhere in the country who was also able to give suggestions as to how the project might proceed and the availability of funding to

support the project. Relationships with this person subsequently broke down although he continues to engage with other tribes around the harbour (Research diary, April 2009).

The Ngati Hikairo IMP consists of two main parts. First there is a document setting out the relationship Ngati Hikairo has with the land, the principles that underlie tribal actions and provide the cultural foundation, and policies that have been developed during the project to explain and guide decision making and a guide to the process the tribe would like to follow when engaging in resource management. Alongside this is an electronic Geographical Information System (GIS) that will contain a database of the places where archaeological finds have been made, sites of sacred places and other locations of cultural importance. The GIS will be a 'living document' that can be updated and amended relatively easily as more information becomes available. The IMP is a means to an end. It provides clarification as to just what Ngati Hikairo meant when it made submissions about its relationship with places as well as identifying those places that have particular significance and would be of greatest concern should any kind of change be proposed. Once crystallised and funded the project took two years to complete.

Creating an IMP requires a collective that is both much larger than the *iwi* and a mere microcosm of it. The professional and technical assistance of those outside the tribe give objectivity alongside those necessary skills and information that the tribes do not have. The impetus was coming from the RMC, the members of which worked on the committee alongside their professional jobs and other family and tribal commitments. They were too small a group to complete an IMP without additional help. Their next task then, was to establish whether there would be support for the development of an IMP from within the community and the tribe that would help and in what ways. As well as 'moral support' the group needed financial assistance, access to networks and expert guidance as well as additional hands to do the work. Ultimately, this support was very hard to come by.

Seeking the support of local organisations and government involved a process of writing letters, attending meetings and developing relationships with key people. The

Councils are a very important source of advice, information and guidance. They are obliged to support such projects. More than that however they too wanted to improve the relationships between them and their local Maori tribes and welcomed any attempt to improve consultation and resource management processes. It also happened that the Waikato and Otorohanga Councils were running their own long term planning exercise for the Kawhia region called 'Shore Futures'. This was their response to some of the same issues that Ngati Hikairo had identified in terms of environmental management and housing development. The Councils of course were also concerned with the viability of the shrinking communities and issues such as infrastructure for which they are primarily responsible. They also had a focus on improving the quantity and quality of scientific data about the ecology, geology and harbour catchment area. This is, according to the principles of the Resource Management Act, the primary factor upon which they make their resource consent decisions. The outcome of the Shore Futures Project (published in 2009) was that non-statutory guidelines are to be taken into account when revising the District and Regional Plans and planning general Council operations.

There was therefore symmetry between local Government planning and Ngati Hikairo. The focus being placed on the Kawhia Harbour meant that assistance and support was available through the Shore Futures project and some of the staff involved could assist Ngati Hikairo as they were engaged and interested in many of the same issues (Barton and Thorne, 2010).

Other local Maori organisations were contacted and gave their support to the project including the Maori Women's Welfare League (Kawhia Branch) and a number of Trusts. Their encouragement gave weight to applications for financial assistance and expanded the network of people who knew of the project and to whom later calls for assistance might be made. Those involved were members of Ngati Hikairo as well as other local tribes. The primary financial support came from the Lottery Grants Board and the Ministry for Maori Development. To obtain these kinds of grants required a proposal to be developed and systems put in place to receive any funds and monitor their use. This gathering of organisations was complemented by individuals within

them who were able to help facilitate the work and with assistance the initial project was proposed to:

- “1. Identify and record cultural heritage areas and wahi tapu within Te Rohe o Ngati Hikairo*
- 2. To develop iwi heritage policy and protocols for managing heritage and wahi tapu knowledge.”* (Barton and Thorne, 2010: 7)

#### **5.2.4 Creating the IMP**

As the IMP is a first planning document the tribe must start from scratch. The key findings in reports completed after the Court cases were that there was a well known and significant history of Maori occupation in the region yet “the identification of waahi tapu (sacred sites) is substantially ignored” (Opus 2008: 13) and that the old archaeological data was “unreliable” (Opus, 2008: 17). This Opus report provided further support for the Ngati Hikairo project and additional guidance as to those areas in which the tribe could take action with the support of ODC. The project remit is broad, identifying and recording heritage areas and sacred places (waahi tapu) as well as developing protocols for resource management work. If Ngati Hikairo can produce a document that goes some way to explain this to local government and local communities then hopefully resource management debates can start form a more informed place. The IMP will also be an educational tool for the tribe as a whole.

In the past those working in Ngati Hikairo resource management had been driven by personal interests ( “*we just did forest stuff*” (Carl, 04.02.09)) and the direction of the IMP project took a similar path. The core project team are university educated and have particular skills in historical research expertise in the Maori Land Court and its records. Land, ownership, tenure and use as well as the history of Maori occupation in the area were all of particular interest and helped to take the project down a route which involved considerable archival and historical research, oral histories and archaeology. There was qualitative cultural data, and technical data that were both quantitative and qualitative that had to be analysed and interpreted before bringing it

together into the IMP and associated GIS. With the general support base and foundation the work was able to take a more purposeful turn. An archaeologist was engaged to provide additional objective data about historical land use that would complement the cultural knowledge.

Archival research is a time consuming process and getting it done is made even more difficult when one also has another full-time job to do. However those involved were able to draw on the work they had already done for the Historic Places applications and their previous planning work to create a foundation for the IMP. The primary cultural data is the knowledge people in the tribe hold about the land, resource management practices and important locations. Some of this was already recorded and alongside the archival records provides the foundation for interviews. Oral histories were to be done. Unfortunately getting them is a considerable challenge. People who might have this knowledge had to be located and then agree to a recorded interview. There is some suspicion amongst Maori towards those wanting their knowledge (see also McGregor, 2009). The advantage of doing electronic recordings (rather than the tradition of maintaining oral records) is that it makes the information available to a much larger group of people, even if the participants wish it to stay confidential within the tribe. It allows for an exact record to be taken, rather than relying on the vagaries of memory. It is also accorded much greater weight evidentially when being used for subsequent official purposes. In addition, the content can also be analysed at leisure and then follow-up questions asked to clarify different aspects of the discussion. This must be weighed up against the potential negative consequences. They include the risks to data at each step from interview to transcription, and to how it is reported and used. Interpretations become key and the control over this has been handed over to those who first report the interview and then read it. The relative importance of the information or the language used can take answers to unintended places.

The answer to overcoming this barrier lies in the development of relationships between the researchers and those giving the information. The support networks are used to find out about all those who might be willing to participate and would have some knowledge related to the environment and resource management. This would



be any older person who had grown up in the area. Where possible a family member was approached to conduct the interview or attend (Research diary, 15.03.09). The core group prepared an interview schedule and trained those conducting the interviews on how to use the equipment as well as some interview techniques. A benefit is the involvement of people and families in the IMP project in a material way. They are directly participating in the collection of data. It is also a gentle way, as anybody can conduct an interview with the help of the schedule. The actual IMP and what it is technically for may not be fully understood or even traversed. However, the interviews and broader participation of the Ngati Hikairo community helped to publicise the existence of the tribal structures and Ngati Hikairo's role as an active participant in resource management. The families in turn received a CD copy of the interview to keep and had the ability to restrict access to any of the information it contained.

The collection of oral histories continues. Alongside any difficulties in getting agreement to take part in the process is the real problem of age and death. Those with the knowledge are elderly and illness also takes its toll on their ability to be interviewed. Some real urgency exists even today about obtaining the knowledge of people who will not be around for too much longer, but with whom the relationship development process has not yet been completed (Research diary, 03.11.10).

Engaging an archaeologist has established huge potential for such work in the area. Previously most archaeology had been conducted by an amateur who was not well thought of by the member of the Maori Heritage Council interviewed for this research. She described him (in Maori) as a person who interfered and meddled but did not listen to people. (Interview, 26.04.04). She knew of another good local archaeologist, however the lack of resources to enable archaeological research outside of commercial ventures has meant very little work has been done (Interview, 26.04.04). There is interest by both Maori and land owners, as 'finds' are regularly made in the area and a '*Taonga*' (Treasures) room has been set up at another *Marae* to display items that local land owners have found and passed on to their Maori neighbours (Research diary, 20.04.09).

The current District Plan allows for a 100m buffer zone around recorded archaeological sites within which activities are limited without resource consent. One of the aims for ODC in their District Plan Review is to reduce the size of the zone. This is seen as desirable to reduce the number of resource consent applications that are ultimately found to have no impact on archaeology but nonetheless require the applicant, ODC and Maori to go through a process of completing an application, lodging and investigating and then reporting back. Bringing an archaeologist in to help with the IMP has clarified that it is indeed desirable to record the historical land use and archaeological remains with much greater accuracy. It would also be in everybody's interests if a buffer zone could be reduced to minimise unnecessary applications. However this experience with an archaeologist, and the under-recording and lack of work that has been done in the region makes the tribe very wary of these proposals (Research diary, 03.11.10). The concern is that the overall level of protection is being reduced when it is already too small.

The role that the GIS will play was not without its own controversies. Maps too are sometimes viewed with suspicion. There is an historical root to this as maps were so often used as a tool to aid land transfers. However they are necessary, as another archaeologist said:

*“Lots of Councils and Government departments, they respond to mapping.”*  
(Meeting, 20.04.09)

### **5.2.5 Creating a Resource Management Group**

Forming the collective from which all of this will happen is an ongoing task that started prior to the conception of an IMP and continues to this day. Before going into greater detail about the ways in which people are gathered into the project and attempts are made to convert them into workers, a point must be made about opposition and ‘non-support’. They are two of the responses that might be received. Some people are cautious about the consequences of writing down a ‘tribal position’ on the environment and mapping out those places that are particularly sacred or important. This is because once written and published, words can be accepted as

authority and given factual status regardless of their sources or validity. In particular, if a document is lodged with ODC as an IMP it will take on a greater status than submissions, letters or evidence that give similar types of information.

Another response to the project can be benign, neither supportive nor unsupportive, or a 'whatever', 'do what you want' type of response. This passive aggressive apathy is seen in practise when the meeting is obstinately silent after a presentation or an email call for assistance elicits no response. No response is very common (Research diary, 03.11.10). One of the problems with silence, particularly to an email, is finding out how much of it is unsupportive, how much disinterest and how much interest, or if it is just people not thinking that they are the target audience or that they could help.

On one side of the collective is the broader network of groups and community discussed above and on the other are the workers. The small RMC is the project team and it, as well as the Runanga generally, is always looking to recruit new members to help with resource management work either generally or to do discrete jobs within the broader project. This means finding Ngati Hikairo people who have an interest in the environment or even just an interest in getting involved in the tribe. All those who live locally are either already taking part, have done so in the past and now choose not to. There are many thousands more Ngati Hikairo living outside of the tribal lands, in the neighbouring Waikato/ King Country/ Bay of Plenty and Auckland regions, in the rest of New Zealand and even overseas. In fact the people who lead the Runanga live in the Bay of Plenty and Auckland see Figure 1.1. Therefore finding new people to help with resource management work requires the team to make contact and engage people from a distance. The role of geography and the ways in which Maori culture, geography and modern ideas about democracy and governance interact are discussed further below.

This happens alongside the effort made by the *Marae* Committee to enrol people onto the tribal register, which is vital to obtain grants and maintain an official identity. An email list is maintained and all meetings and calls for assistance on projects are sent out to hundreds of members. One of the ways in which people come

to the tribe is through the provision of educational scholarships by Waikato-Tainui, which requires endorsement from a *Marae* representative. Applicants are encouraged to think about how they will help their tribe and that can be a kick start to further involvement. Tertiary education is also a great motivator as it develops useful skills. Those who are supported financially through Waikato-Tainui tertiary scholarships certainly have a sense of obligation that brings them into tribal affairs. However their number is small and other skills are also needed.

The means by which people are generally told about meetings and encouraged to attend are through social networks and personal contact with a member of the Runanga. Members meet extended family and others from the tribe at a wide range of functions whether they are social, educational or work related. Environmental issues will commonly arise in conversation if people are meeting in Kawhia or if the prospective participant has visited recently. They may be surprised at the development, the changing nature of resource use and the talk of environmental issues in town – such as water restrictions, problems with a subdivision or access to the harbour. Any interest in these matters will elicit a suggestion that they could come and find out more about the Runanga and their doings. Unfortunately however there is a gap in the conversion of those who are interested email readers to becoming meeting attendees and then project workers. This may be exemplified through a discussion with Steph, a young member of the tribe, who attends various functions at the *Marae* throughout the year:

*“Hana asked me to come to a meeting, and I really wanted to but no one would come with me, I mean she’s so nice, I really wanted to, but Rehua wasn’t going and I tried to talk to Ted (a family member who is involved in tribal affairs) and he just wouldn’t talk to me about it. I’m not the kind of person, I don’t know what she thought I could do, I don’t know anything about it, she may not have really wanted me there, but I really wanted to...”*

(Research diary, 22.05.09)

When prospective participants attend their first meetings they can be assured of a warm welcome in which they will be greeted by everybody individually in terms of

their family connections and physical contact will be made with either a *hongi* (traditional greeting in which people press noses), cheek kiss or handshake. The meeting will start with a *karakia* (prayer), which will also give the newcomer an idea of what to expect in terms of what items the group consider most important to discuss, and any particular issues that have arisen. The meeting will take place either inside the main building of the *Marae* on the porch. People will be arranged in some sort of circular shape sitting on chairs or benches or perhaps reclining on mattresses. The newcomer will not be expected to make any contribution. In fact newcomers would be advised to stay quiet until they have some experience of the issues and background. One member joked:

*“You know what our crowd’s like ‘what that fella think he’s doing?’, ‘who that fella over there?’”* (Meeting, 20.04.09)

Another was upset:

*“They shot her down, like ‘who do you think you are?’”* (Meeting, 11.03.09)

After the closing prayer comes the second and arguably most important part of the meeting, the shared meal. It is now that the questions may be asked, histories given and off the record conversations had. This is the moment when the Runanga may close the deal with the new member, enlist their help with a project or even arrange another interim discussion to consider how they can contribute.

As already noted this process is ongoing, however for the IMP project efforts to recruit additional helpers produced few additional hands. The solution was for the IMP to be created by the core RMC and towards the end a *Whanau* (family) Focus Group was established by email to review and give feedback on the drafts. The lack of support was a problem that has limited the numbers of people who have the knowledge and commitment to the IMP as well as the ability to represent the tribe when called on by ODC or land owners to discuss resource management. This job falls on the few shoulders of those familiar with the IMP.

### 5.2.6 The Resource Management Network

The broader collective includes charitable and community groups as well as government organisations and local authorities. It is key to the ultimate implementation and benefit of the IMP as a tool for improved resource management. These groups have become part of a network that has numerous benefits. Among the most important are the opportunity to spread the word about the plan and the work involved, potentially reaching more members of the tribe who may be able to contribute in some way. Secondly these people can provide a sounding board and opportunity to include a third party view at various stages of the project. A network of people also acts as an exchange for information both directly, about individual projects and also indirectly about the intentions of other groups such as ODC, particularly as they were simultaneously involved in their Shore Futures project. This then is a part of the more abstract and possibly most important role of the network. As Flyvbjerg has identified, it can be a conduit for knowledge and culture that will feed in to each party's own work and decision making. Here the ways in which such a network evolves are considered. One of the consequences - the shift from 'Iwi Management' to 'Heritage Management' - is discussed below.

Maintaining and developing relationships with other organisations happens through meetings, presentations and mutual attendance at related functions. A meeting was held with an ODC staff member (Council Rep) hired to work on a new District Plan and to improve relationships with Maori. The meeting was at a Committee member's home and ODC Rep wanted to constructively discuss the development of the IMP alongside the research being undertaken for both the Shore Futures Project and the Draft District Plan (although all were in early stages). The Council particularly wanted to establish clear processes and protocols through a Memorandum of Understanding between ODC and the Tribe. There was, he claimed:

*“...a risk that without agreement there is potential for further rift and Council ignoring information”* (Research diary, 14.04.09)

From ODC's perspective the IMP would be most useful if it could incorporate maps and share as much information as possible. Their wish was to be able to draw buffer zones on a map showing culturally important sites. Then they might say to land owners – if you wish to do anything within that area Ngati Hikairo are an affected party, go and talk to them. The Council Rep noted that it was important for the RMC to maintain direct relationships with ODC as well as through him. There was also a word of caution, that some measures may be impractical at this stage, that any agreement had to be 'practical'. This was a warning that ODC was responsible to the whole community and would not be able to take forward all those proposals made in their expert reports or sought by tribes such as Ngati Hikairo. The meeting notes also record a distinction being made between Council, the Community and the *Iwi* Community, which is much wider. This was also an area which needed to be covered by processes and agreements that were practical.

The Regional Council does not have the same degree of control over land use. It has a much broader boundary and therefore is responsible to many more tribes who are diverse in their interests and geographic areas. It is therefore at the heart of a much larger network that is interested in policy and large scale environmental issues. Ngati Hikairo is a very small Maori fish in this pond. They nonetheless have developed a relationship with a Senior Policy Advisor who was influential. The direct effect of the Regional Council's input to the IMP can be summed up by an extract from the acknowledgements:

*"We especially would like to acknowledge the support we have received from XX (Senior Policy Advisor) at Environment Waikato. X was influential in encouraging and supporting us to get this project under way, she took time to review and edit parts of the plan, and helped to secure additional support for the development of our Heritage Database."* (Barton and Thorne, 2010: 5)

A presentation on the development of the IMP to the Kawhia Museum Committee was another way in which the issues could be crystallised and awareness of the project developed. Ngati Hikairo's tribal boundaries were one of the facts that seemed to take the meeting most by surprise (Research diary, 11.03.09). Ngati

Hikairo hoped that the museum committee may be interested in collaborating with them. Potential areas of mutual interest were the identification and investigation of historic sites, and exhibitions and displays of Ngati Hikairo environmental heritage. Unfortunately no interest in this was forthcoming and the post-meeting sentiment of Ngati Hikairo was “we need our own Maori museum” (RMC member). Keeping in touch with those who provided the funding and those community groups such as the Maori Women’s Welfare League who were interested in the project is both an obligation to account for monies received as well as continuing to foster and build networks.

### **5.2.7 Iwi Management Plan is a ‘Heritage’ Management Plan**

The scope and potential of the IMP under development was the systematic recording of environmental knowledge and history as well as the development of policies and protocols. It would set a benchmark and serve as a reference for anybody engaging in planning and land use change. In the end it has become a Heritage Management Plan. This appears to recognise that its scope is limited. Fuller environmental knowledge and policy development has not come about but instead, the project was further defined and focussed on cultural heritage, its management and preservation. This is consistent with Jackson’s findings (2006) in the Northern Territory of Australia (see Chapter 2). It is also consistent with the legal framework, the planning system and the manner in which these are implemented by local government in New Zealand. Examples of resource applications and how local Maori fared through the submission and consultation process are discussed below in Chapter 6. It looks further at the development of the Shore Futures project and the role that existing work with the Council has in influencing the IMP and its subject matter.

It is worth beginning with the very first note from a meeting between the RMC and an ODC rep:

*“Council Rep: work the heritage project into technical report and District Plan” (14.04.09)*



At this stage, the Tribe's IMP was very much about heritage. The meeting continued to emphasise the need to adequately protect sites, and therefore the importance of mapping. ODC's desire was to improve the accuracy with which culturally important sites are located and identified on maps. This would give greater certainty to applicants and Council staff. It would also reduce the workload on the RMC which they agreed would be beneficial given their own status as voluntary tribal representatives. In fact the development of a 'heritage' IMP rather than an 'environmental' IMP directly reflects the bulk of the work that the RMC is doing. Its role, as a party for consultation in resource management, has become one of receiving consent applications, identifying the location of proposed work, checking for any known cultural significance with the location and flagging up any concerns or advising that there is no objection but to contact the RMC if anything is found. This is indeed 'heritage' rather than 'environmental' management.

New policies, including coastal policy areas and landscapes with natural character, were also discussed but there was no invitation or suggestion that these could also be areas to which Ngati Hikairo or any Maori might have a particular interest or involvement. These ideas came partly out of the Shore Futures Project (2009) which:

*"... brings together several councils and a range of community groups to plan the future of the Kawhia and Aotea catchments. We are seeking to foster a sense of partnership and to ensure that together we respond well to the emerging issues and challenges facing us.*

*The purpose of the Shore Futures project is to provide an overall framework within which complex issues will be addressed across the various local bodies and agencies."* (Shore Futures, 2009: 4)

Unfortunately that partnership did not include any of the tribal groups in the area or formal tribal representation. As the report states:

*"It is important to recognise Maori as tangata whenua of the land and, in so doing, recognise their unique relationship with the land, water, taonga and*

*sites of significance. It was hoped that the Shore Futures process would assist iwi to incorporate more of their knowledge and world views into the project in order to provide greater protection of Maori values.*

*It is acknowledged that while initial efforts and resources were committed to engage independently and specifically with iwi/Maori as part of the Shore Futures project, this is an area of work where little progress was achieved.”*  
(Shore Futures, 2009: 53)

There were of course Maori people involved as they are members of other community organisations that did get involved in the project and it is through these people that a Maori perspective was primarily obtained (Shore Futures, 2009). The formal tribal structures such as the RMC or Runanga of Ngati Hikairo did not get involved in Shore Futures. It is relevant that the data collection work, which included questionnaires, workshops and working group meetings, took place largely in 2006 and 2007. During this time Ngati Hikairo, with some support from other local Maori, was engaged in its legal battles against the ODC. The view was that Shore Futures was not going to achieve very much as it has no legal status, and was merely an advisory report for future District and Regional Plans (Research diary, 22.04.09). As a professional advising another tribe said:

*“Shore Futures, I looked at it and I thought they’re just playing us around. Very low funding, low priority, junior staff, low priority, just playing the political. No political pressure from Tainui.”* (Meeting, 20.04.09)

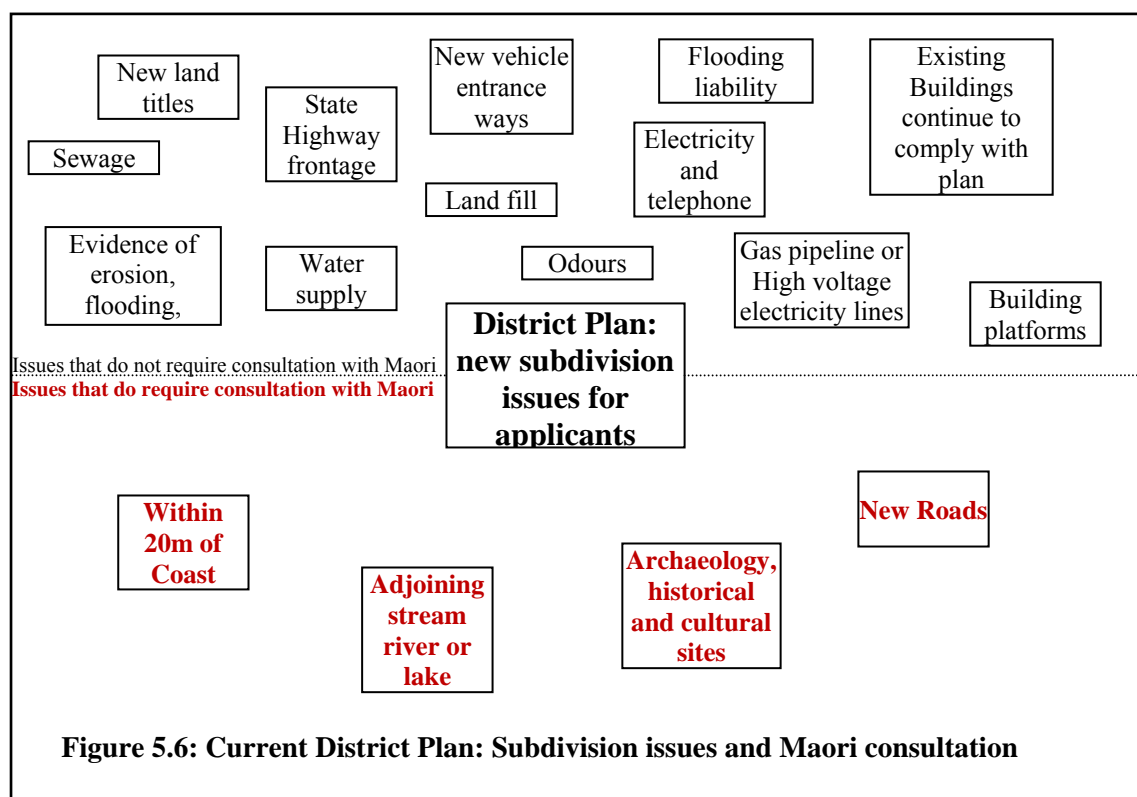
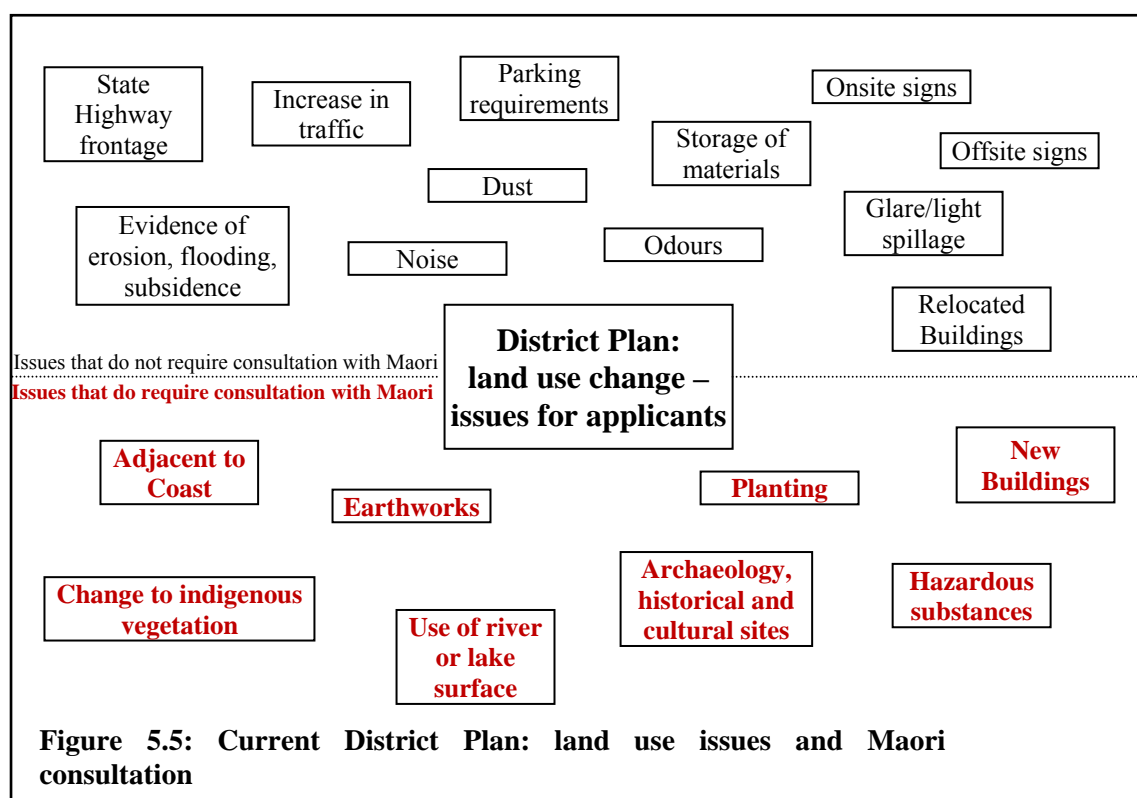
For a group with very limited resources, particularly human resources, Shore Futures could not be a priority. The draft Report was circulated in 2009 and published in November of that year. Nonetheless the Shore Futures project is described as a strategic guide representing the joint view of the Kawhia and Aotea communities and relevant government agencies and NGOs. Its recommendations have the advantage of being jointly drafted by Council staff and community representatives (excluding the tribal community).

With very little input from Maori, it is not surprising that the Report itself has very little by way of a Maori perspective or identification of the needs or role of the Maori community. The executive summary fails to make any mention at all of anything Maori and the Report goes on to refer to local Maori mostly in its heritage chapter. A brief history of the region sets out the flow of Maori and then non-Maori settlement in the region. There is then some discussion of the specific concerns that Maori have with the degradation of culturally important sites and specific recommendations are made to assist Maori in the protection of their heritage sites. The next chapter, 'The Natural Environment' fails to refer to Maori views, limitations or opportunities. It has a scientific focus but also incorporates the perspectives of farmers, other land owners and community groups. Then, the final analysis chapter 'Development and Infrastructure' concerns about Maori cultural sites are again addressed as well as a desire by Maori to develop housing on communally owned Maori land. This was recommended where consistent with the principle that it would "facilitate cultural enhancement of existing *Marae*" (Shore Futures, 2009: 46). This principle limits any such housing to land near current *Marae*, despite there being a lot of other communally owned land throughout the region (conversation with Maori land owner, 04.04.09).

In the absence of Maori or others taking another position, Maori have largely been side lined in Shore Futures to having only cultural and heritage interests in the region's development. As the report itself states they do not currently sit amongst the community groups as a partner or stakeholder or interested group. It is worth noting ODC Rep's comment that there is the community, *iwi* and the wider community (research diary 14.04.09 not a direct quote but author's own notes). As he was explaining, ODC was learning more about its obligations to Maori and had to reconcile the role of those constituents it represents and the Maori tribes who are not members of their constituency but to whom they nonetheless have obligations as part of the Maori community for whom residence is not definitive. This issue is problematic for local government across New Zealand (Tawhai, 2010).

One final point to note in relation to the IMP and its 'heritage' limitation is the District Plan 1999 and the draft produced in September 2010. The 1999 District Plan

(In October 2014 the District Plan review is ongoing) provides for broad *iwi* consultation on all issues with interest Maori parties including *Marae*, *iwi* groups such as the Runanga and other Maori organisations. Nonetheless those making applications for resource consent are advised that they need only consult with relevant tribes on questions relating to the location of the proposed activity. They are not required to consult on the way in which changes will be carried out or the consequences for water supplies, land forms, or the impact on related traffic movements, all of which are part of environmental management and might be of interest to Maori particularly where their perspective is absent from the Plan generally. Figures 5.5 and 5.6 show the issues questions that applicants must answer in resource consent applications and those matters on which they must consult with Maori. It can be noted, for example, that there is no obligation to consult with Ngati Hikairo on water supply, sewage proposals or flooding, erosion and subsidence issues despite the existence of a Ngati Hikairo IMP: Freshwater management plan 2005-2015. The RMC would contend that all issues are potentially relevant and should be referred to them to make any submission that they deem necessary.



The 2010 draft plan makes a number of changes to consultation requirements and *iwi* involvement. ODC is now “committed to developing relationships and working with *Iwi* Authorities mandated to represent tangata whenua of the district.” (Otorohanga District Council, 2010: 4) This narrows the scope of those with whom ODC is committed to consulting with under its Treaty of Waitangi obligations from all interested Maori groups, *Marae* and tribes to just ‘mandated tribes’. The proposed plan also proposes that the buffer zone around an archaeological site or *waahi tapu* (sacred site) that will trigger consultation under that heading, be reduced. This is on the grounds that identification of archaeological sites and *waahi tapu* are more accurate. The draft plan confirms that:

*“Council values Iwi/Maori participation in resource management and will consult on all matters which Iwi/Maori have an interest.”* (Otorohanga District Council, 2010: 5)

It goes on to advise applicants to:

*“1. Identify whether the proposed activity is located within:*  
*(a) close proximity of any cultural site identified on an Iwi Heritage Management Plan maps held by Council; and/or*  
*(b) the required setback distances from any archaeological, historic or cultural sites identified on the Planning Maps.”* (Otorohanga District Council, 2010: 5)

At this point those applicants should consult with *iwi* and potentially obtain a cultural impact assessment or an archaeological assessment to be submitted with the application. The cultural impact assessment might be completed by the *iwi* itself.

The Ngati Hikairo Heritage Management has been published and was presented to the ODC on 16 November 2010. At a ceremony attended by members of the tribe and the press, the Mayor of Otorohanga, Dale Williams and the Chairperson of the Runanga, Kingi Porima also signed an information sharing agreement setting out what information from the GIS would be made available to ODC and what would

stay private for the *iwi*. Over 300 sites were identified and included in the GIS which is a ‘living project’ able to be amended by Ngati Hikairo as new information comes to light. Both parties also spoke about the continuing relationship development between them:

*Mr Porima said he was looking forward to working with Mayor Dale Williams, to further develop the relationship between the Council and Te Runanganui o Ngati Hikairo on matters that concern the two organisations into the future. Mr Williams also mentioned the ongoing relationship development work that the Council is undertaking with the Runanganui. He said “There are many opportunities to work together with Ngati Hikairo on matters of mutual interest and concern. The Council has been looking for ways to move forward that are relevant to the overarching community of interest held by mana whenua. We are all here for the benefit of the District,” he said. (tangatawhenua.com, 2010)*

At the same time the Water Management Strategy 2005-2015 was re-presented to ODC.

The Draft District Plan refers to the Heritage Management Plan in its section titled “Heritage/Cultural Values” (Otorohanga District Council 2010: 48). There is no mention of the water management strategy in the discussions of natural environment or use of surface water, prompting the following submission by Ngati Hikairo to ODC some ten days after the ceremony:

*“Recently Te Runanganui o Ngati Hikairo resubmitted a copy of Ngati Hikairo Freshwater Management Plan 2005-2015 with the Te Tahuaniui: Ngati Hikairo Heritage Management Plan 2010 to the Otorohanga District Council. We believe the Freshwater Management Plan is an important agreement between both parties, which brought to the fore the long term sustainability of the very fragile freshwater resources of the Kawhia Township. We would appreciate the plan being acknowledged by the Council*

*in the current District Plan.*” (Ngati Hikairo, 2010, submission on Draft District Plan, dated 26 November 2010)

## **5.3 Analysis and Discussion**

### **5.3.1 Community, Planning Conflicts and Geography**

#### ***5.3.1.1 The Capacity Myth***

The local community as a group has been absent from this thesis thus far. It is small, nonetheless it includes Ngati Hikairo members who are interested in their local environment but choose not to participate in the tribal RMC. Why? Conventional wisdom is that Maori tribes in these small isolated communities struggle to participate in resource management partly due to a lack of capacity. This was a finding of KCSM Consultancy reporting to the Ministry for the Environment (KCSM 2004, see also Miller, 2011). The Ministry itself also highlights this issue in its report of local government experience with Maori see also Taiepa et al. 1997, Memon and Thomas, 2006. Reasons for a lack of capacity have been rehearsed above and are straightforward: the permanent residential population is generally less well educated and the communities are lower on the socio-economic scale.

However the local community includes several groups and organisations in which many, including Ngati Hikairo people, are involved. These include the Maori Women’s Welfare League, the Community Board, the Kawhia Kai Festival, the Boat Club, the Rowing Club and ad-hoc community landscape and environment groups. Given the size of the community these organisations are well supported by members. Further the School Board of Trustees, which runs the school, comprises local people. The evidence is that there are people in the community who are willing and able to take on roles in local groups. Perhaps then it is a question of subject matter. Are Ngati Hikairo members who live locally interested in resource management issues? Again one can say quite definitively that they are. An introductory meeting to ascertain interest in the development of the harbour front and recreation area was attended by members of Ngati Hikairo amongst others (Research diary, 15.03.09).



Evidence from the community submitted to the Environment Court in the *Macpherson* case (Environment Court, 2007) included that of Ngati Hikairo members living in Kawhia setting out how they felt about their environment and the importance of proper planning and inclusion of their local and Maori perspective.

### **5.3.1.2 Trouble makers**

Why then, are they not part of the Ngati Hikairo RMC, why then, was it so difficult for the Runanga to get active support for a project like the IMP? Dunion (2003) in documenting his own work in environmental justice identifies the ways in which powerful interests, including Councils, can frame the work and identities of those working against the status quo as ‘troublemakers’. It is worth considering the case of those who did the work on the IMP as well as others in the community who have been actively engaged in resource management in the past. The group involved in resource management and who worked on the IMP were not local. From time to time RMC members have lived in Kawhia. Some have reluctantly moved to nearby towns. This makes commuting to work much easier and gives access to resources for projects like the IMP, or even meeting with planning professionals, but another reason for moving is the difficulty they have had in being enmeshed in Ngati Hikairo resource management issues whilst also trying to live and get along in the Kawhia community. “*We tried Huia, we really tried*” (05.04.09). But in the end, for that member, among others it was too difficult to remain.

The research and development of protocols for resource management consultation happened alongside continuing conflict over the subdivision in the adjacent harbour which is discussed below. It was also at a time when many homes in the town that are on Maori land leased in perpetuity were subject to a rent review, which resulted in large increases in the annual ground rent. The rent review and management of the leases was conducted by an entirely separate national organisation called the Maori trustee, the conversation record states:

*“... and then just last year, all of a sudden people knocking on Hemi’s door telling him and other owners ... really abusive, really abusive because*

*they've had letters from the Maori Trustee saying your leases are going up like ten times ... and the leaseholders are blaming the owners, the Maori owners who, who have had no contact, had no idea this was even coming ... and yet they get all the flack. And it's funny as Hemi said, you know they never, they never wanted to know who owned their land. They have no interest in us we had nothing from them and all of a sudden until; until they get this letter and now they're piling this abuse on all the land owners."*  
(05.04.09)

Previously, the RMC had been involved in an occupation following ODC's decision to subdivide land in town as there was a belief (mistaken as it turned out) that the land in question should have first been offered to local Maori. They had also, of course, had their high profile legal battles over the harbour subdivisions. Finally there had been the unsuccessful meeting at Maketu *Marae* over a pan-harbour Maori collective. The result was that these members of the RMC were characterised as "trouble makers" a term used often and in relation to them in particular.

Another vignette that usefully illustrates the question of why local Ngati Hikairo are not taking part in larger numbers is the fate of other locals who have been involved on different sides in resource management issues. There are a small number who were come across in the course of this research, Maori and Pakeha, all resident in Kawhia. They are described by other members of the community in negative terms, sometimes trouble makers also:

*"we go around to Aunty P's place, we don't go around to M's"* (01.03.09)

*"he's alienated so many people",* (22.04.09)

*"he just can't work with people",* (19.04.09)

What distinguishes these people from others who have been part of one or other dispute is that they have put themselves into a resource management conflict multiple times and therefore developed a reputation for doing so.

It is the nature of planning and resource management that every proposal will have opposition at some level. Therefore regardless of the side they take, the RMC will be in conflict with someone on every resource consent application. In practice few applications are notified to any beyond those who are directly affected (such as direct neighbours and tribes). So, where there is no opposition no issues arise. When they do oppose an application they will be in direct conflict with the land owner who will have already invested time and money in the application. The consequence is that the tribe, and the individuals involved in the RMC become known as Maori and as people who are standing in the way of individuals doing what they like with their land. This characterisation expands and was most recently enunciated at a hearing that Maori were misusing their “power” and ODC was giving in to them far too readily and easily (research diary, 03.11.10, see also Otorohanga, 2010a). The tribe was represented by a member who had never lived in Kawhia. She felt in need of some support at the hearing and contacted local Kawhia members of the tribe but none were available to attend (research diary, 03.11.10).

Local resident Maori are involved in tribal matters, and fulfil essential tasks by maintaining and running the *Marae*. They are available and willing to help at funerals, receptions and the community functions the tribe is involved in. However, and despite maintaining an interest and ‘behind the scenes’ support they are unwilling to become the public face of resource management. The obvious interpretation must be that they do not wish to become known as community trouble makers. Being involved in the RMC means having a continued place in resource conflicts and therefore being on the wrong side of a number of other people in this very small community. The unfortunate consequence is that the tribe is unable to use those people who are best placed to contribute through their local knowledge and connections. Instead those who have taken on the roles live in nearby towns and cities.

It is very hard to engage in the kind of problem solving methods advocated by Crosby and Bryson (2005). By not living in Kawhia RMC members are not part of day to day *forums*, and they are not involved in setting the community agenda through the weekly meetings of the myriad of local groups. They are not bumping

into people at the shop or having a chat in the street. They then, are unable to be involved in setting the community agenda. They do however have access to the *arenas* of the community board and council which is exercised, they are also willing and experienced in engaging with the *courts* including the Environment Court, ODC and Community Boards' decision making functions as well as being prepared to go directly to Parliament (discussed above). It is nonetheless almost always reactive and working within others' agenda, definitions and interpretations.

Geography and the reality of community life are ultimately exercising a considerable limit on the tribe. As things stand this will continue to hamper their implementation of the IMP and limit their entry into real resource management in which they initiate and develop land and sea use, development opportunities and long term planning.

#### **5.3.1.3 What about other Maori?**

The decision to avoid tribal resource management does not equate to an unwillingness to be involved with local government completely or even to participate, in a more low key way, in resource management processes. Cheyne and Tawhai (2007) conducting focus group research on Maori engagement with local government found that while Maori generally had low rates of participation and engagement with local government there was a rural/urban divide. Rural Maori felt a closer connection to local government representatives and workers. They were more willing to participate in processes, and they had greater confidence and trust in local government representatives. The evidence from this study is that some Maori people living in Kawhia participate in community groups including the Community Board, which is a subsidiary of ODC with delegated powers. Further ODC receives submissions on resource applications from a number of people who claim tangata whenua status (Research diary, 14.04.09, email 16.06.07). They are acting outside of the tribal structure but seeking recognition of their personal situation as local Maori. Some of these people comprised the only Maori involvement in the Shore Futures project that is a proclaimed joint vision between state, community and relevant NGOs of the future in the region.

These Maori may be side lined when the draft plan takes effect as Maori consultation will become focussed on ‘*iwi* authorities’, which one presumes will include their delegated representatives. Tawhai (2010) nonetheless identifies these ‘other’ Maori as being people to whom local government owes a duty, albeit a lesser one than that of an *iwi*. She suggests that they should have the right to be heard as Maori rather than members of the general public when submissions are opened to them. Tawhai’s research found that:

*“as Rawhao (resident Maori not tangata whenua (local people)), their views would be secondary to that of mana whenua, but recognised an importance in this secondary role as regards to supporting the recognition of Maori values and perspectives in local environmental management.”* (Tawhai, 2010: 91)

The ability for non-‘*iwi* authority’ mandated Maori to have this kind of supporting role in the resource management process is becoming more limited through the reduction in consultation planned by ODC in their Draft District Plan. This is happening alongside and following the very important role played by this group of people in the Shore Futures project. They provided the Maori voice and did so voluntarily. There is something of a contradiction in ODC’s attitude to those acting outside of the recognised structures. The difficulty for ODC is the attitude of *iwi* authorities such as Ngati Hikairo’s RMC towards other Maori making submissions on land use within their geographic boundaries. For Ngati Hikairo these people can be ‘troublemakers’ and following the first meeting at Maketu *Marae* (see Section 4.3.1.3 above) there is a degree of ongoing difficulty between the RMC and some who take a keen interest in environmental management. Ngati Hikairo are opposed to formal ‘Maori’ consultation with these individuals and are repeatedly writing to ODC to tell them that they are the only authoritative Maori voice and Treaty of Waitangi partner (when applications relate to Ngati Hikairo’s traditional lands). A way of overcoming this and allowing for broader Maori input would be to have a clear hierarchy between ‘*iwi* authorities’ and other Maori organisations and individuals who have interests in the area.

### **5.3.2 Culture, *Iwi* Management Plans and Resource Management**

The Heritage Management Plan has been presented to ODC, published online (<http://www.ngatihikairo.iwi.nz>) and recognised in the Draft District Plan. The RMC believe that their first IMP, the Freshwater Management Strategy 2005-2015 led directly to a review and new strategy for fresh water supplies in Kawhia. The outcome of this is still being developed and negotiated in private. One likely result will be that, as per the Draft District Plan, all new housing will have “on-site storage of potable water” (Otorohanga District Council, 2010b: 46). Unfortunately this occurred at what the RMC believes was the cost of its private information about water sources in and around the town (research diary, 05.04.09).

What of the Heritage Management Plan, what has it achieved? The Freshwater Management Plan was published in 2005 and some five years later changes to the water supply are still under discussion. Looking back at KCSM’s flowchart of IMP implementation (Figure 5.4 above) Ngati Hikairo and the Heritage Management Plan are hovering around steps 11, 12 and 13. It is too soon to say whether the tribe has been able to successfully become involved more broadly in environmental management (step 17), whether they continue to be involved in environmental management with limited impact (step 15) or whether their input ends up being “largely ignored” (step 14). One can discuss the potential and ongoing impacts of the plan as well as those that can be immediately seen. An analysis also lends itself to discussion of what might be should the tribe continue with its work or seek to take different approaches in the future.

#### **5.3.2.1 *Direct impact of the Iwi Management Plan process***

The Heritage Management Plan is publicly available and a part of the GIS, identifying over 300 sites of archaeological and cultural significance that have been shared with ODC. All those interested in planning and who may be involved in the resource consent process are now able to find out why Ngati Hikairo have particular cultural attachments to various sites in the district. They can find out where a large number of those sites are. They will also know what consultation with Ngati Hikairo on heritage sites will involve, what criteria will be used to assess any proposals and

what the Maori concepts mean in this context. It is not possible to say here whether or not anybody has in fact accessed the Plan for this purpose, but it is available and therefore game changing. It makes the planners' job much easier, as they now have a little more certainty being able to look at the map and point to the Plan for guidance and explanations. It also gives applicants the ability to be a little more proactive in their dealings with Ngati Hikairo.

The document is also named in the Draft District Plan and was presented with due ceremony and press attention. In this small community, such publicity places Ngati Hikairo on the map, literally with the solid lines it has drawn, as well as figuratively. It has been given a very positive spin with ODC seemingly happy to have the clarity that maps provide whilst still:

*“... relying (sic) on sound information management processes that need to inform statutory processes.”* (Otorohanga District Council, 2010:39 (Agenda 16/11/10))

ODC published its draft District Plan in September 2010 some two months before the Heritage Management Plan was formally presented. Both had of course been in production for some time, (both were being worked on at a meeting between the parties on 11 April 2009) and ODC with the Shore Futures project team had been part of the initial supporting network (Barton and Thorne, 2010). The developing Heritage Management Plan, its scope, purpose, methods and likely outcomes was therefore known to those working on the draft Plan and it is recognised within the “Heritage/Cultural Values” policy as follows:

*“Council also acknowledges the development of some Iwi/Maori Management Plans and heritage registers which are a useful resource in establishing the location of heritage sites and protocols for their ongoing management. Te Runanga o Ngati Hikairo has recently developed an Iwi Heritage Management Plan Te Tahunui: Ngati Hikairo Heritage Management Plan 2010 and entered into a formal agreement with Council as to how this information will be shared and used in Council processes.*

*Council and Ngati Hikairo see this as an important step forward on this matter. Council will actively seek to progress such opportunities with other Iwi Authorities of the district.*

*It must be noted however, that these do not represent all sites within the district, and there is potential with all development that previously unrecorded sites could be discovered.” (Otorohanga District Council, 2010: 39)*

For Ngati Hikairo drawing and publishing the solid lines then having the document recognised by ODC and referred to in their draft District Plan provides more evidence of their status as the tribe with authority to speak for the Maori from the region (*tangata whenua*) and the breadth of the area over which this status is claimed. They have taken a first step and whether subsequent documents or submissions made by other tribes contradicts this is still to be seen. However as things stand ODC is committed to supporting Ngati Hikairo to implement the plan. ODC of course retains official neutrality over issues such as boundary and mandate. The ways and future uses of the Heritage Management Plan remain to be seen. It has of course been important in this research and may well be cited and used by future researchers on a range of topics including Geography, History, Law and Maori Studies. Continued citation is another way to keep it alive although citation can also be a way to distort its intended meanings.

### ***5.3.2.2 Indirect impact of the Iwi Management Plan process***

Much more important is the indirect impact of the Heritage Management Plan. This relates to culture and assumptions that the plan has a role in confirming, and supporting or changing. The first consideration is the role that the IMP process has had in creating and developing networks and what that could mean for environmental management. The statutory place of an IMP is to inform the content of District and Regional Plans rather than their subsequent operation. Therefore the plan has the potential to be put into the policies which underlie the plan. These policies are crucial when the rules are interpreted. The rules themselves, and in particular the ways in



which they are chosen and phrased should also be determined with the IMP as having been ‘taken into account’. There can be no doubt that the Heritage Management Plan contributes to a view, consistent with Jackson (2006), that Maori only need to be specifically involved in planning when heritage and culture are under consideration. The draft District Plan does not rule out consultation with Maori on other issues, but neither does it encourage nor open up the possibility of such consultation. Instead, where consultation is advised, those such as neighbours, the Department of Conservation and affected parties are mentioned. The implication is clear that, as per the Heritage Management Plan, Ngati Hikairo should be involved only where their GIS sites are relevant or archaeological remains are discovered during the work.

The Heritage Management Plan may potentially have had another role in the draft District Plan. By involving others in its development, sharing drafts for comment and providing updates, people have been learning about Ngati Hikairo’s work, and its policies and priorities for heritage management. This information once known has the potential to form the background upon which the District Plan is drafted. Those reading and submitting their views may also have been influenced by the involvement they have had with Ngati Hikairo. This must be part of the goals the RMC has for the Heritage Management Plan. A constructive working relationship with ODC is sought alongside a constructive working relationship with land owners. If they are able to encourage land owners to contact them early when there are still many options for the proposed development they have the best chance of finding mutual agreement over heritage sites. It would also enable Ngati Hikairo to find out about all other aspects of the development, such as water supply, sewage and vegetation and comment on how they will affect Ngati Hikairo. There was no evidence of this happening within the time frame of the research. What is known is that the process of producing the plan has publicised the work of the RMC to parts of the community and the Heritage Management Plan itself is well known to the relevant Council planners at the District and Regional Council.

Even if the Plan “*sits on a shelf gathering dust*” (RMC member, 14.04.09), its existence and the tenor of its contents are known. Unfortunately there are nonetheless members of staff who are not aware of it, as a post fieldwork discussion disclosed:

*“... it’s still happening, I rang to find out about X application the other day that I had heard about and they didn’t have anything for Ngati Hikairo.”*

(Conversation with RMC member, 17 April 2011)

One cannot draw too long a bow based on these single events but it seems that although the Heritage Management Plan is published and an information sharing agreement has been signed these are not enough to ensure that even on the single issue of cultural heritage the tribe is fully engaged. There is a problem with transitory roles on both sides. The composition of the RMC has changed, and as the Council staff member himself said: “It’s important to maintain direct relationships with ODC as well as through (him)” (Council rep, 14.04.09). One or two members of staff are not sufficient to ensure the tribe or their views are in the mind of the organisation at any time. There is a need for the networks to be continually maintained and contact between Council staff, community groups and RMC members needs to be kept up for the ideas and influence to be kept alive.

## **6 Tribes and natural resource management: power, culture and expertise**

This chapter brings together the politics described in Chapter 4 and the role of ‘culture’ explored in Chapter 5 with an examination of how the administration of environmental management works in practice and how Maori tribes fare within it. As discussed above, the New Zealand decision making framework, governed by the Resource Management Act is designed to be a rational, evidence based system in which the base lines are set by expertise and additional values, and are layered on top through policy statements, national values and references to Maori values. The purpose is ‘sustainable management’ (Miller, 2011). It is then administered locally by Councils who create their own Plans to implement the national, regional and local policies through their own planning decisions.

Plans set out rules as to new land use and how any changes are to be assessed. Land-use and environmental decisions must be consistent with the Plan. The role of Maori tribes within this system is ostensibly one of importance. The legislation recognises that they have unique and different relationships with the land and does so using Maori language and Maori concepts (see Durie, 2010 for the importance of this language). It might ensure that these values and relationships are not drowned out by the majority perspective by enhancing the consultation role (Stephenson, 2005). However, as discussed in Chapter 2 above continued analysis of the ‘sustainable management’ agenda on which the legislation is based has found it to place too high a reliance on expert and technology led decision making and is not in step with the current move towards more deliberative decision making (Berkhout et al, 2001, Dryzek, 2005, Freeman, 2004).

For Maori, who are no longer in possession of any other means to engage in environmental management be it resource ownership, political power or community status, the legislation is the last avenue they have. The challenge is how to use the legislation and opportunities it provides to make the move from what Wilson and

Bryant would term ‘environmental user’ to ‘environmental manager’ (1997). As McGregor (2009) notes, in some 17 years, little progress has been made in Canada in achieving meaningful engagement with indigenous peoples. What about New Zealand? This chapter analyses the practical application of environmental management processes as they occurred in the Kawhia region during the time of the research. Four overlapping themes are explored. Taking the lead from Chapter 4, the impact on and of local relationships is further explored. Then following on from Chapter 5 the relationships between members of the tribe, the development and range of capacity and ability to use resources is assessed. Thirdly, the time scales and goals the tribes are working towards are reflected on before finally concluding with a discussion of the effectiveness of each approach and its implications.

Two case studies, in which different approaches were taken, are used to illustrate this discussion. In one, Ngati Hikairo applied for the closure of a walkway. This thesis has already documented Ngati Hikairo’s history of protest, agitation and persistence in putting its responses before ODC. Here too it asserts a right to be heard as Maori, and its approach might be characterised as ‘cultural’. In the other case study, a sub-tribe from Aotea (also within the Otorohanga District, see Figure 3.3 which shows a map of the Kawhia region including the main roads as well as Kawhia and Aotea) Te Maru o Patupo (Patupo) opposed a coastal subdivision. Having just withdrawn from one battle with the same group of developers to their cost, they opted for a different approach and used external, technical rather than cultural expertise in support of their position.

For anybody who has any experience in the engagement of indigenous people with environmental management the outcomes of these case studies are entirely predictable. Yet there is still merit in analysing these processes and instead of focussing on that outcome looking to trace the ways in which power in the decision making process shifts according to the decisions made by participants including the tribal groups. Watson (2013) looked beyond the basic relationships to find power in the data. This analysis borrows from Crosby and Brysons’ Forums, Arenas and Courts framework (2005). It demonstrates that it is not sufficient to be in the decision making arena, nor even to be part of some supposedly influential forums. What

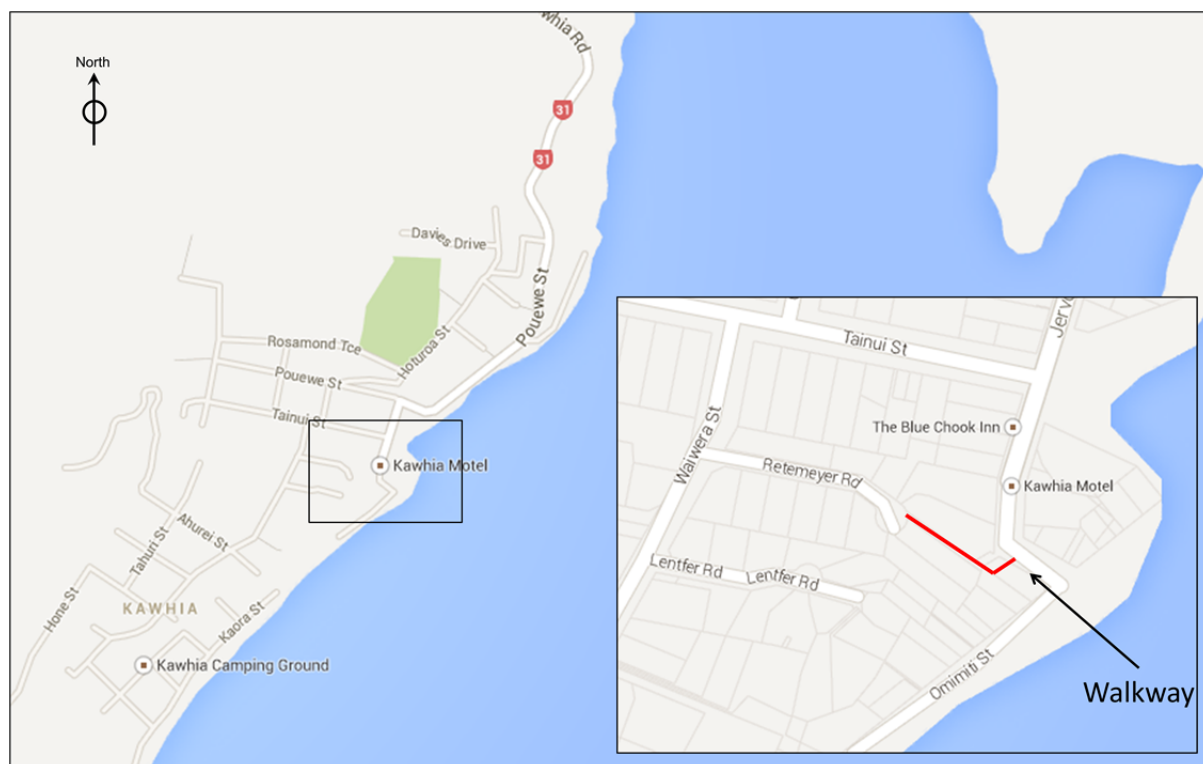
matters is being a part of those forums that have the closest relationships with decision makers in the arena. In these case studies, the arenas and forums that are identified are shown to be the places in which the issues are framed and debates settled prior to their reaching the final court where the decision is made. The tribes sit on the periphery of these arenas and it is thus no surprise when the final decision fails to reflect their perspective.

In the long term however the important questions are how the tribes' actions will facilitate their development and access to those forums and arenas. Alternatively the long term goals may be the development of capacity and potential to shift the decision making arena through relationships and process changes.

The background to the case studies is presented first before discussing the themes around the decision making process. The data presented is taken from audio recordings of meetings, research diaries in which conversations and perceptions were noted, email exchanges, the official records, press cuttings, community board and council minutes, as well as catch up and follow-up conversations that occurred during a subsequent visit in 2011. The walkway events took place after the period of field work and the researcher was involved primarily via email, as a submitter and part of the discussion group. The Aotea subdivision process began during the fieldwork in 2009. The hearing and decision were made a short time after the researcher had left.

## 6.1 Background to Case Studies

### 6.1.1 Case Study 1: Ngati Hikairo and the Retemeyer Rd Walkway



**Figure 6.1 Map of Kawhia: town centre and waterfront showing walkway (map from Google Maps (2012)).**

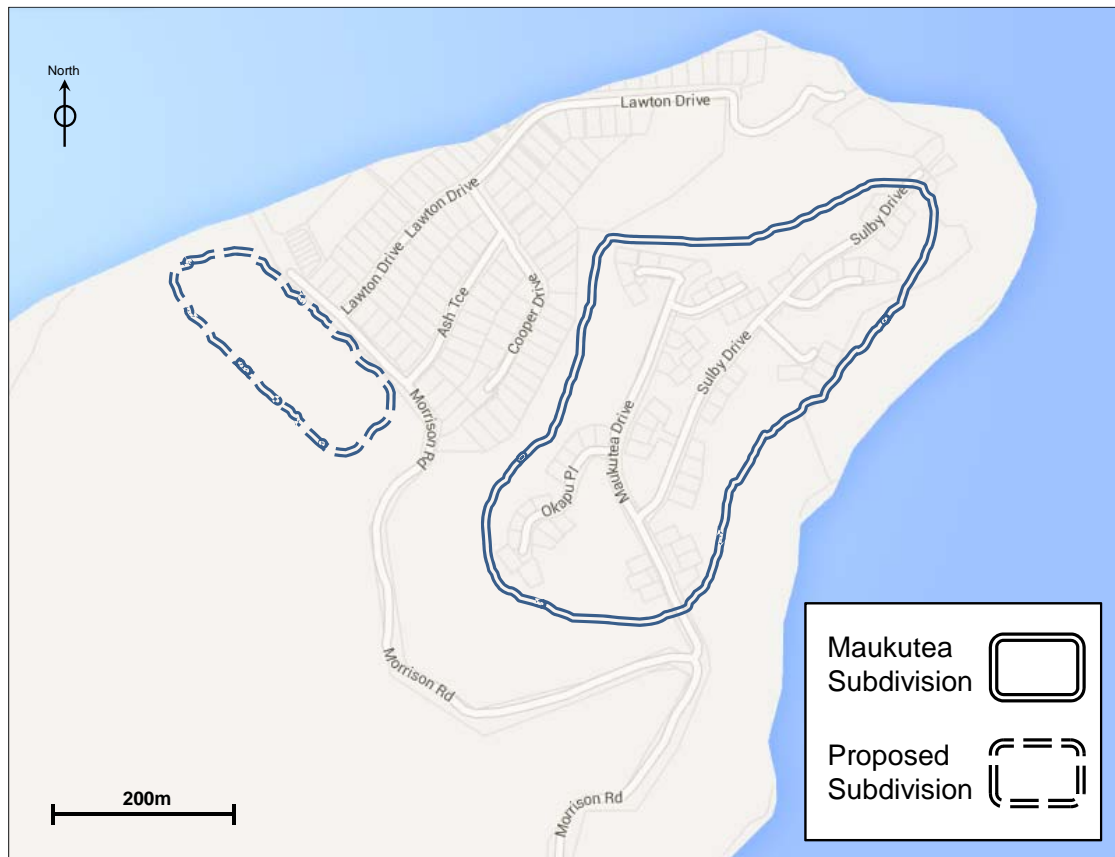
Towards the end of 2009, work on the Heritage Management Plan was underway and Ngati Hikairo was hosting a language learning residential weekend during which the RMC made a presentation on sacred places in Kawhia. A group later went for a walk through town and were walking through a track down a hill from a residential street to the town centre (see map at Figure 6.1). They came upon some rubbish and, when clearing it away, were shocked to find “numerous human bones across a broad area” (email 01.03.10). They were clearly the remains of somebody who had died a long time ago, before European settlers were living in Kawhia. Those involved took immediate steps to give spiritual comfort to the deceased and protect it while not disturbing it too much in the first instance. It was described as an “*unreal experience*” (email, 01.03.10). They immediately contacted elders and conducted appropriate prayers and blessings on the site. Sarah’s email goes on to say:

*“We immediately had karakia and contacted the kaumatua present at the Waipapa wananga. The area was blessed and the decision was made to leave the bones where they were, there were numerous bones whanau, across a broad area. Hemi contacted the council immediately and the walkway was closed temporarily. We have asked to have the walkway closed permanently.”*  
(Email, 01.03.10)

Subsequent research found that the many bodies on the site would probably have belonged to the various tribes who had lived on the hill including Ngati Hikairo (research undertaken by tribal elder and forwarded by email dated 2 March 2010). Ngati Hikairo’s RMC wrote to the Chair of the Community Board requesting that the path be closed and a temporary closure was put in place as set out above in Sarah’s email. The request for closure was not a consent application under the Resource Management Act, instead ODC undertook a ‘Special Consultative Procedure pursuant to the Local Government Act 2002’. Similar to a public notification they advertised the request, and called for submissions, after which there was a hearing.

### **6.1.2 Case Study 2: Aotea Subdivision**

This second case study follows another application for a new waterfront subdivision in Aotea. Aotea Township sits on the shores of Aotea Harbour some 20 km (by road) north of Kawhia (see Figure 3.3). The permanent population is very small (the researcher estimates that it varies from 10-30) and it has no permanent shop or commercial facilities. There are two local sub-tribes in the area: Patupo and Ngati Te Whey. This case study focuses on Patupo and its approach to the subdivision application that occurred at a time of other disputes between all involved, and which arose out of a previous subdivision from related companies.



**Figure 6.2: Map of Aotea showing Maukutea and proposed subdivisions (map from Google Maps (2012))**

When considering existing neighbourhood character the District Plan states:

*“Aotea harbour is relatively untouched by development apart from the seaside settlement of Aotea.” (Otorohanga, 1999:31)*

This statement is repeated, nearly word for word in the proposed District Plan (Otorohanga District Council, 2010: 32). Aotea is a small village made up solely of residential housing primarily used as second or holiday houses. It is surrounded by farmland, a considerable portion of which is owned by the family who first subdivided the village (Research diary, 23.04.09).

In 1998 permission was granted for the Maukutea subdivision to have 83 new housing lots on a ridge overlooking the harbour with access planned to the boat ramp (see Figure 6.2 a map of Aotea showing the Maukutea subdivision and proposed new subdivision). The proposal was described as a ‘farm park’ type of development (Kidd, 2010). In 2003 it was sold to a property developer and subsequently sections



were sold and houses built. Five years later the developer applied for consent to undertake further earthworks in order to complete a road to the boat ramp so providing beach access to the residents as per the original subdivision proposal. In the absence of this road, residents would have to drive a much greater distance through town to get to the boat ramp where there was insufficient room to park very many cars and trailers (Meeting, 21.04.09).

ODC consulted on the application for the earthworks and a local lawyer became involved with Patupo. She had previously worked with Ngati Hikairo on its actions opposing subdivision around the Kawhia Harbour and she was also a founding member of the Kawhia Harbour Protection Society. After undertaking some research she concluded that existing consent had lapsed and the earth works were no longer permissible and also that building consents for houses in the subdivision had been granted illegally. Her advice was to commence legal action to stop all work and declare the consents illegal. However by this time, houses were already built and the action might render them unlawful. Legal action could therefore be protracted as all sides would have a lot to lose. Unfortunately, as one elder said at a meeting “We didn’t know we could do anything” (Meeting, 21.04.09). Ruing their failure to take earlier action, the legal action had to be withdrawn as the group whose name it was made in did not want to bear the risk. Instead Patupo focussed on protecting Maukutea from further development (Meeting, 21.04.09).

The Maukutea subdivision raises two great objections by those opposed. The first is that it changes the character of Aotea. The subdivision comprises large modern (expensive) houses that fill their relatively small plots (small for a rural subdivision) on the ridge top whereas the village below is made up of small, simple and old housing. The new houses are considered to ‘stand out’ on top of the hill altering the landscape. The second objection is primarily that of Patupo. Maukutea was a *Pa* (village) site and the earth works involved in new roads, houses and infrastructure divorces Patupo from a period of its history and its ability to obtain archaeological investigation and information (Meeting, 21.04.09).

In 2009, following Patupo's withdrawal from proceedings in relation to the Maukutea subdivision they were almost immediately in receipt of another application originating from an associated company advising of its application to subdivide a block of land on the edge of Aotea village to create 12 lots. Patupo were opposed to the subdivision.

## **6.2 Power and decision making (forums and arenas)**

Crosby and Bryson (2005) have developed a model for analysis of power in decision making discussed at Chapter 2 above. Power is not a single or straightforward concept. Their model, that characterises social situations as either forums, arenas or courts, can be used to uncover the different dimensions of power that exist within a community and how they have contributed to the final decision or actions taken. Following Lukes (1974, cited at Crosby and Bryson, 2005: 402) the three dimensions of power are first human action, second rules, media, methods and ideas and finally cultural norms, what they describe as social structure.

The nature of relationships between government and Maori has been discussed above and concludes that the state is not neutral in its dealings with different organisations. Rather, between it (and the bodies and Councils that implement legislation), the NGOs and Maori organisations it deals with, there are complex relationships in which each seeks to advance its own purposes. Here the focus is on the role of the parties in the decision making process. The walkway case study illustrates the fluid nature of these relationships. Allegiances can alter during the course of the process. It is not necessary for a disagreement or dispute to arise. With finesse parties can slightly alter their positions and flip the outcome. Figures 6.3 and 6.4 show the parties involved in each example with arrows indicating the flows of communication and information.



crossed a small portion of private property and that this was more or less where the bones were found. The opposition to closure, which was not strong at that time, was primarily that it would mean people would be required to walk around the road to get to town from Retemeyer St. The Minutes of the meeting record a discussion by non-Maori supporting the application as stated. Excerpts demonstrate:

*“(The Chair) reported that the walkway was particularly well used during the summer period. In reply to His Worship, (The Chair) advised that should the walkway be closed, people will be required to walk around the streets. (Local Councillor) said the request for closure is out of respect for the suspected human remains that have been found and she felt it was not appropriate to walk through such an area. (Board Member A) suggested shrubs and plants be planted on the walkway to rehabilitate the area. ... (Board Member B) suggested some form of viewing platform could be erected at the top of the walkway. (Local Councillor) felt that Council should involve Ngati Hikairo. His Worship expressed the opinion that it was not appropriate for public to walk over any burial site. (Chair) agreed that this site would be significant to Maori. ...*

*Resolved*

*That due to the historical significance of the site, the Board recommends, subject to a consultation process, the permanent closure of the walkway linking Retemeyer and Jervois Streets.*

*(Chair) / (Board Member A)” (Otorohanga District Council, 2009: 5)*

The Community Board’s initial stance, with the vocal support of the Mayor and with the Deputy Mayor and Chief Executive in attendance, was to support the closure application by Ngati Hikairo. It did so, on the basis that the objection by Maori to people walking on burial sites was understood and accepted. Community disgruntlement was foreshadowed and suggestions were made as to how this might be dealt with.

At this early stage in the proceedings, the matter was between Ngati Hikairo, ODC and its Community Board. These organisations supported Ngati Hikairo on the

grounds of historical significance. There was no indication that the facts as presented by Ngati Hikairo were in doubt. The inconvenience to those residents of Retemeyer Rd was noted only. This was subject to consultation.

The walkway was immediately closed temporarily by a notice. This occurred in early summer when only the local population was in residence. However it was 'reopened', that is, it was used again before the submissions were called (Email, 27.04.10). It seems the Chair of the Community Board suggested that should the track be closed to the point of the bones people would make a new route through (Otorohanga District Council, 2009). He may have been proved correct, as when the track was closed entirely people still made a route through. This is evidence of the community forums beginning their deliberations over the issue.

Following the official call for submissions the forums developed including by email. A community consensus started to settle around the proposed submission of a Retemeyer Rd resident who was also the Chair of the Kawhia Harbour Protection Society and had longstanding involvement in environmental decision making. The resident did not make a strong stance over closure per se of the walkway but re-framed the issue as a debate over where the bones were found and the process that should follow such an event. In an email to other Kawhia residents including Community Board members a draft submission was forwarded as follows:

*"Had the bones been found on the actual walkway I would have fully supported the closure. They were not. I believe it was the way the find was treated that caused offence. Has anyone apologised to Iwi and has the way in which future finds are handled been clarified?"*

*Kawhia is rich in places of historic and cultural significance but it is only those who are privileged to have closer contact with local Maori who will become fully aware of their existence. A casual visitor to Kawhia has little inkling that this is the birthplace of a Nation.*

*This walkway passes by one of Ngati Hikairo's important pa sites, Motu Ngaio, and obviously an equally important waahi tapu.*

*An opportunity exists to draw attention to the original occupation, the part played in the formation of Kawhia, and the cultural significance of the headland. By passing through the area, remaining on the track, people can savour the view and moods of the Harbour as did those of the past.*

*Unfortunately I have not had the opportunity to discuss this with Ngati Hikairo Resource Management Committee members so have no understanding of their feelings toward this idea. Working together is absolutely essential. ...” (Email, 19.03.10)*

The email changed the debate by focussing on the fact that the bones were on private land and therefore must not have been on the track. Those who found the bones declared absolutely that, they were “*all over the track*” (27.04.10) as it has deviated from its official path and crossed private land at that point. This was beside the point. The forum identified that the bones were not on the (official) track and therefore they were not on the track. It was not then a question of ‘walking over burial grounds’, which ODC and Community board had agreed was unacceptable. It was now walking over a sacred and historical site beside burial grounds. The language too shifted from a focus on respect for the way in which Maori wanted this site managed to talk of compromise and what was acceptable to the community. Having relocated the bones from a ‘walkway’ (regardless of land ownership status) to private land also shifted the problem from a community issue to one Ngati Hikairo need to take up with the owners. Ultimately, common ground was reached and the stage set to take the issue to the Arena and Court.

Ngati Hikairo too initiated forum discussion through emails. After the call for submissions an email was sent out on a tribal distribution list. It said:

*“ ... As you can see however, this is not a straight forward process. Council are expecting opposition to our request.*

*Closing the track causes 'inconvenience' to local Pakeha (non-Maori) as it is a walkway and will mean people will have to take an alternative route. There is little sympathy for the fact that these are the remains of Tupuna*

*(ancestors). We are not certain who the bones belong to at this time but this is our tribal whenua and we must fight to stop the desecration of this tapu (sacred) restricted area, to protect the mana (status) of our whenua (land), Tupuna (ancestors) and Iwi (tribe). ” (Email, 01.03.10)*

As a result Ngati Hikairo members agreed and 14 sent submissions to ODC. Local Ngati Hikairo residents advised of the growing opposition and made suggestions but no particular resolution was made. Sarah, who had been thrust into a key role in this matter, tried to make contact with local Maori, both Ngati Hikairo and others to see what support or information they might be able to give. Although she wanted to meet with people she instead received email responses showing that the community was definitely opposed to the closure. Other local Maori were either opposed or silent as Sarah had put it:

*“The most frustrating thing is the Iwi (tribe) or whanau (family) are not taking a unified or stauncher stance.” (Email, 27.04.10).*

She also undertook research in preparation for the hearing and the forum moved to agreeing the history of the site.

The arena where the issues were to be put forward for implementation was the Community Board. Objectively it is not easy to understand why the walkway was not closed. The Community Board had made a resolution supporting closure, submissions were called for and 17 received including that of Ngati Hikairo. Of those only one was described as being opposed to closure. The draft submission set out above was deemed to be neutral in its final form (the research does not know how much it varies if at all). The remaining 15 submissions all supported Ngati Hikairo. None were from residents. However the community forum, with its links to the Community Board, had reset the issue and consequently reframed the potential solutions. The researcher did not have access to the entire community during this time. Therefore it is noted that there were references in the emails to community opposition, as well as references by community board members to community opposition. Yet, only two submissions were formally received from community members. This indicates that the community forums were more widespread, and that

the community board knew of them suggests a degree of ‘informal submissions’. Unfortunately only members of the forum could know of such discussions with the decision makers.

Three submissions were made at the hearing itself. Sarah, on behalf of Ngati Hikairo, was the only person to speak in support of closure. The Community Board minutes make no reference to the written submissions, made as they were to ODC rather than the Board. The opposing submitter gave evidence about which Sarah later said she would not have believed that such racism and red-neck attitudes still existed in New Zealand (Research diary, 04.11.10). The essence of his argument was that this was another example of Maoris having too much power over the rest of the community – a thin end of the wedge argument. The Community Board Minutes record Board Member A on this person:

*“He said Members were insulted by the submitter’s ‘power’ comments relating to Maori.”* (Otorohanga District Council, 2010: 3)

Finally the neutral submission was made in person, representing the community forum of which some Community Board members were a part. About this the Local Councillor:

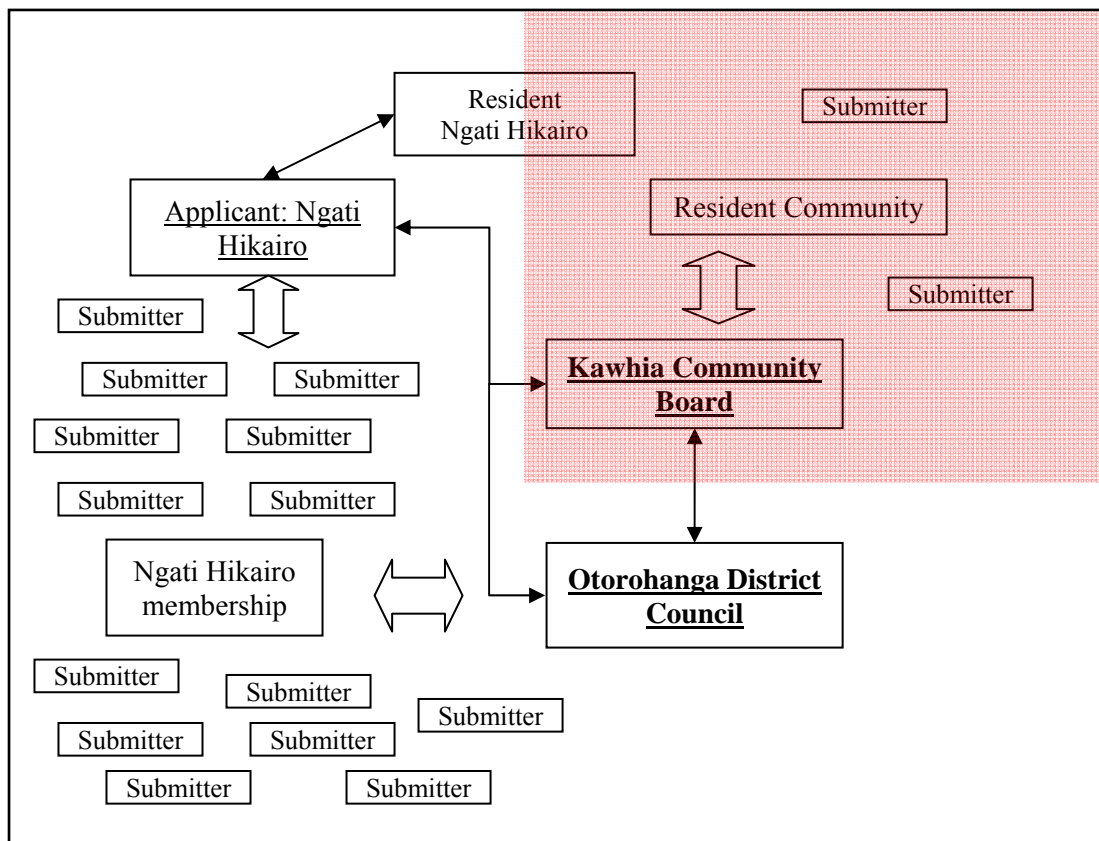
*“...referred to two of the submitters whom she had deep respect for their concerns and passions however, both talked about the word ‘compromise’ and ‘avoiding Community polarisation’”* (Otorohanga District Council 2010: 3)

The minutes suggest that little regard was given to the numbers of submissions in favour of the walkway, instead respect was paid to two views, neither of which was considered to be opposed to closure.

Finally, three options were put forward. 1. Close the walkway, 2. Leave the walkway open and unchanged and 3. Leave the walkway open with modifications or structural changes to address and mitigate against Ngati Hikairo’s concerns. Option 3 was



chosen and the decision was for ODC to engage with Ngati Hikairo's RMC to arrive at an acceptable and affordable solution (Otorohanga District Council, 2010).



**Figure 6.4. Retemeyer walkway, Forums and Arena of influence**

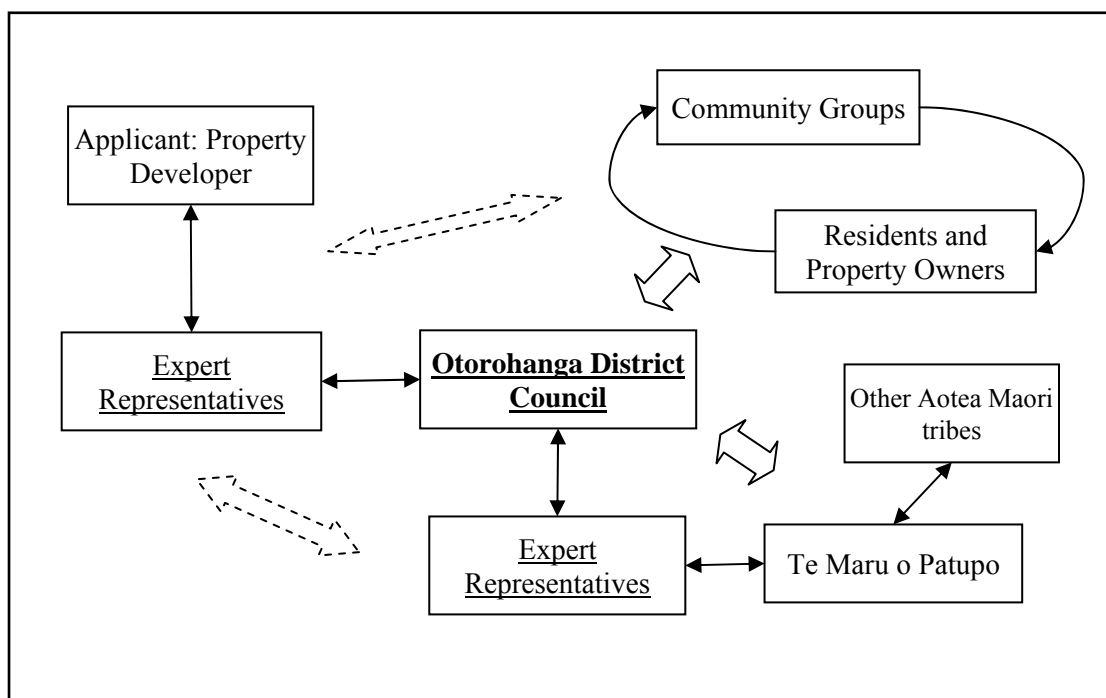
The location of these forums of influence is shown schematically in Figure 6.4 which repeats Figure 6.3 but with red shading over those who were parties to the forums and arenas where the issue was ultimately framed and the decision made. The arrows indicate those which whom each party has relationships and therefore potential to access thesis forms. The general, non-resident, Ngati Hikairo membership had no direct access to this forum despite being on the record as formally taking the most significant interest in the decision. Their submissions had little to no impact on the final debate and decision. To have influence one needed to be part of the informal forum operating largely outside of the public process.

The applicant, Ngati Hikairo too had a peripheral role. Through its many relationships it became aware of the way in which the issue was being reframed locally, but the local forum clearly marked Ngati Hikairo as an outsider that was not

invited to participate despite the acknowledgement that communication was very important. The role of resident Ngati Hikairo is one that is clearly highlighted in Figure 6.4. They are shown to have a unique position in this example straddling the key forums and the tribe on the outside. As has been discussed in Chapter 5, taking on such a role in this small community is fraught with personal difficulty.

The Aotea subdivision saw a very different area of influence. Here the decision making forums were led by experts due to the approach taken by the applicant and Patupo. In Aotea, the subdivision application was initially made to Council by professional planning consultants. ODC then called for submissions from affected parties including Patupo and other community groups such as the Kawhia Harbour Protection Society. Figure 6.5 is a diagram showing the parties involved with arrows indicating the flows of information. In this instance ODC is the centre of the decision making process. It receives all requests for information, and all updates from the applicant and submitters as to their own intentions and progress. As a public body, of course they also have responsibilities to all parties, as Ron said:

*“Professionals, they may not like you, but they’re professionals, they gotta respond.” (Meeting, 20.04.09)*



**Figure 6.5: Aotea subdivision: relationships, information and communication**

This case study involves professionals acting as representatives for the applicant property developer and Patupo. Generally, a party who uses an expert representative is able to avoid the administration of the application and become involved as and when they choose to. The expert and their company become the first port of call for official correspondence. It is also part of the expert representative's role to maintain and develop their own relationship with ODC in order to benefit both their own professional development as well as their clients' projects. Thus the professional planner, as an applicant's representative, has existing relationships with ODC, the historical knowledge of decision making cultures and a quasi-objective approach that can aid strategic and administrative decisions. This is represented in Figure 6.5, which shows the distinct space occupied by experts as barriers to their clients.

There were a range of forums each developing their own sense of the issues that mattered, how they should be perceived and resolved. Patupo as part of a collective of the tribes that exist around the harbour were clear that the application had no historic context or assessments, it was the kind of development you would find in a larger urban area rather than a small rural community, and it wasn't giving anything to the community. Most importantly it was

*"... subdivision on the cheap, clearly they're just going to whack in another row, and then another and then another."* (Meeting, 21.04.09).

The tangata whenua did not want to be constrained from opposing future developments by agreeing to this one.

The Aotea Ratepayers Committee was in support of ODC using the application to resolve existing issues around legal access to a boat ramp that was on land owned by the developer. The Ratepayers Committee was concerned as to the grounds any subdivision might be refused as this could then affect any of them seeking to build new homes or subdivide their own property. As they stated in a later submission to ODC:

*ARC is of the opinion that in the recent subdivision hearing which involved Mr Jones, the ODC had an ideal opportunity to unreservedly confirm the*

*access to the beach at the Western end, for all ratepayers but fell short in prudent management of the community. (27.10.10)*

However there was a further forum in operation, that of the expert representatives. They occupy a unique space being ostensibly dispassionate yet maintaining collegial relationships with their peers both within ODC and representing other parties. Patupo's lawyer, for example, was able to obtain comments made to ODC by the applicants' solicitors, not through a breach of confidence but merely by knowing the right questions to ask. (21.04.09). Their planner, it was suggested, would:

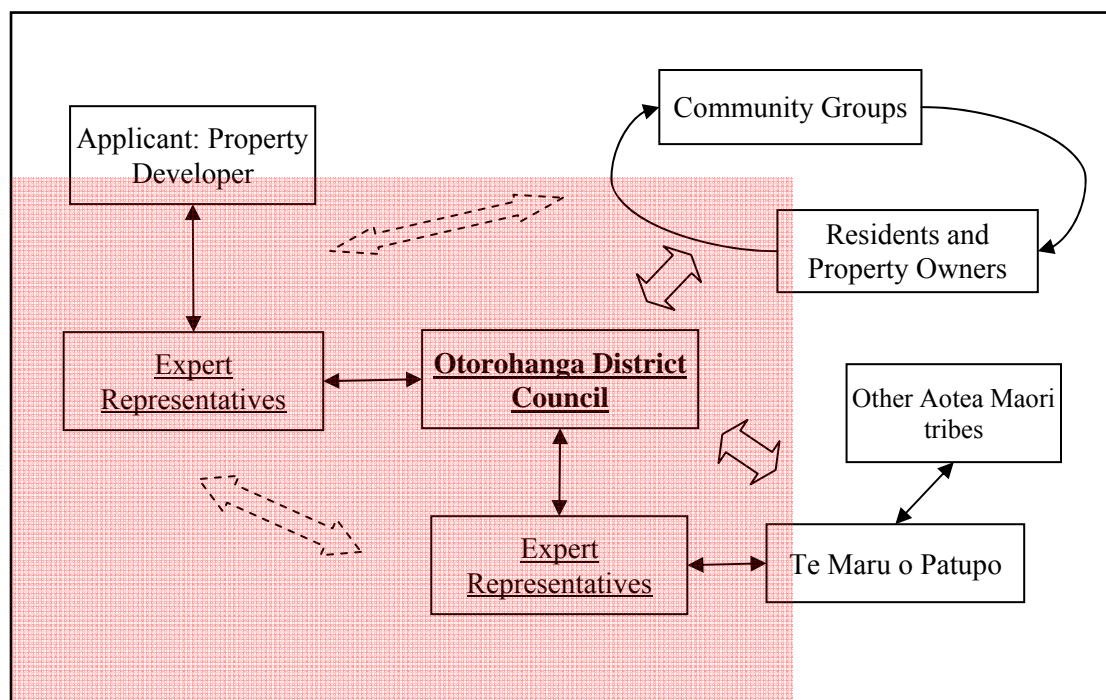
*"have a quiet talk to the Council to see what's going on."* (21.04.09)

As regular participants in these forums, experts are able to exercise the intuition that comes with experience (Flyvbjerg 2001). ODC had recently commissioned hazard reports to give advice on the risk of erosion at Aotea for their work on the District Plan. These reports were being prepared and the potential consequences for subdivisions were one of the areas of technical interest.

A draft report was issued in June 2009 and it advised that no new subdivision be permitted on the sand which included the area proposed. ODC planning staff were then opposed to the application. Patupo's expert planner also made submissions opposed to the subdivision. He did not use any 'cultural' or 'Maori' grounds other than to say they were not considered adequately by the applicant. Rather he focussed on planning issues and the lack of landscape and related considerations. The application, when heard, focused around these technical issues. Predictably it was also refused on these grounds. The decision was upheld on appeal. As the mayor said:

*"Mayor Dale Williams said Mr (X) was denied consent for the subdivision because of the land's proximity to the coast and the high risk of erosion. His appeal also was rejected, by an independent commissioner, for the same reason."* (Kidd, 2010:Waikato Times, 02.01.10)

The application, turning as it did on technical and expert issues, was one in which the influential forums were those in which the experts were involved (see Figure 6.6). In Figure 6.6 the red shading shows the location of the forums of influence. In this case they were those forums in which the experts and ODC played central roles. On the periphery sat the non-experts. In this instance the decision making was done on a formal basis and all those involved could theoretically have joined the forums. Their ability to participate fully was completely limited by their ability to communicate and comprehend the information and explanation of the technical issues that formed the basis of the decision making process. As the red shading indicates, those with their own expert representatives had access to this forum via those representatives. As did the community members who engaged in some communication either with the parties or ODC. However this was very limited participation. Again ODC was not the primary decision maker. In this instance, alongside its administration activities, it did play a significant role as an Arena in which issues were debated and the final decision foreshadowed. An independent Commissioner provided the final Court.



**Figure 6.6: Aotea subdivision: Forums and Arena of Influence.**

## 6.3 Capacity and Development

As Flyvbjerg (2001) discusses, the Dreyfus model sets out how one becomes expert and able to act intuitively through regular participation and application of a task. Through regular involvement with environmental decision making processes, participants such as Sarah would start building up their abilities and (learning how to access) the tribal resources. Capacity, it is suggested above (Chapter 5), is not a barrier to participation in environmental management. However it is a barrier to effective participation. Being involved in environmental management creates an opportunity for all participants to develop their own skills, knowledge and experience in such matters. Improved capacity has the potential to benefit everybody involved in a number of ways. Issues might be identified early in the process, the appropriate forms and processes will be used, and a shared language and understanding might develop. This is primarily about efficiency savings and ensuring that all participants come to understand (and either accept or seek to change) the possibilities and limits of the District Plan, the legal framework and local environmental management.

Building capacity, shared knowledge and understanding is not expected to remove disagreement or alter values across communities. The great difficulty in the New Zealand situation is to ensure that any shared values reflect both Maori and Pakeha perspectives. The legislation tries to do this but fails in practice, a situation reflected around the world (McGregor 2009, Stephenson, 2005, 2007). As a Maori member of the Historic Places Trust said:

*“There is a huge difference in the way we look at the natural world, and the way the pakeha looks at it. I think we look at the natural world as a thing that nurtures us, nurtures life. Rather than what’s this little bit about what’s in that or this bit, what’s the name for that bit, so you’re cutting up a flax and there’s flax, there’s fibre there’s skin. They all have scientific names where Maori will say oh, pai mo tera mo tera, good for this or that, that’s our knowledge. (Interview, 26.04.09)*

There is an opportunity, through resource management decisions and ongoing environmental management, for all parties to applications such as the Retemeyer Walkway or the Aotea Subdivision to learn more about the way in which the system works and about Maori history, values and understandings (see eg. Healey 1997). Developing an ability to understand the legal framework can occur through experience and by receiving and reading others' applications and submissions as well as seeking advice from professionals such as Council staff.

When considering the potential for development of personal and institutional resources there is an obvious contrast that can be made between the two case studies. Ngati Hikairo has a considerable opportunity to learn about the planning system. Sarah's intuition was that they would fail from the start, but she did not know how to prevent it. It seemed that the system was geared to favour the community and her attempts to join the forums were rebuffed. As she emailed:

*"There seems to be misinformation circulating about the whole thing and people writing in, like (resident) below- saying crap like 'if they were found on the track... and attempting to speak on our (Ngati Hikairo) behalf. Now I was there cuz and we found them ON THE TRACK. The worst thing is, the track has reopened and they are still there, uncovered! Now having kaumatua like (MS) from Mokau kainga who are ill informed and supporting submissions like (resident)'s makes things more of a mess.*

*I contacted (MS) and asked him to meet (through a polite and personal email) I get the below response."* (Email 27.04.09)

In one respect the use of experts suggests limited opportunities to develop one's own capacity to develop the type of expertise that the expert provides such as submission writing learning relevant sections of law and understanding the District Plan. The expert has their role. District Plans use jargon and technical specifications that are understood to planning professionals but can be a complete barrier to the lay person. Therefore it is difficult for a lay person to assess whether the proposal meets the technical requirements. They are reliant on their own representatives or those in the

Councils to check and monitor these aspects. The submissions prepared by a professional planner for Patupo are professional and high quality but there are limits to the degree to which the information in them is accessible to the members of the tribe and to what degree the expert is also facilitating the development of tribal capacity in this regard. A positive note is that it does develop one's capacity to instruct and interact with experts. This skill should not be underestimated. It will always be necessary to do this whether in the role of client seeking to get the best from limited resources or in opposition when attempting to take on the role oneself.

On historical and cultural issues Patupo's archaeologist advised:

*"You've got to be prepared, do the research first. This is where you can skill people, doing your research in the archives. ... People have the basic skills to be involved so they can up skill as well. The key is that the knowledge stays here."*

*"What's really important is that you're able to manage and drive it and have a really good understanding of it yourselves. You may not be the expert but as long as you understand the process and when to make a decision you bring in the experts. You got to control it, you know what the issues are"* (Meeting, 20.04.09)

However on the planning applications Patupo's lawyer's view was that the solution to the ongoing planning work was to find funding for professional help (research diary, 23.04.09). The ability to develop capacity when an expert is assisting is recognised, as a member of the Aotea Collective said:

*"It's good to have specialists, experts to help us along the way."* (Research diary 21.04.09)

In response to Patupo's archaeologist, the Collective acknowledged that they had allowed the experts to run the project and they did not have control over the key decision making (Research diary, 20.04.09).



## 6.4 The Time Dimension

When considering how to deal with any individual matter in environmental management there is always the question of time and time scale. Time was identified in Chapter 2 above as a defining feature of indigenous environmental thought. As Hana said:

*“it’s an ongoing process, it’s never going to end”* (Research diary, 20.04.09).

The discussion of time above considers heritage items and spaces as being not simply about the past but simultaneously being in the past and the future. The link from past to future is one of the factors that can be used to identify value in particular environmental features (Durie: 2010). For those acting as tribal representatives the only certain knowledge they have is that the tribe will outlast them. For these reasons time and the different priorities that come when thinking in different time scales will affect the approach and perceived success of each individual matter. Each application that is opposed is very much a holding exercise that is conducted on a day by day basis, until the tribes have established systems whereby the legal framework itself is altered to allow them the independence and protection they desire, (Research diary, 17.01.09, 23.04.09)

The long term goals revolve around having a full role in environmental management in partnership with the local community. For Aotea harbour this had begun with the establishment of the collective group of tribes working together for harbour management (Research diary, 20.04.09). The implication is that the tribes see a great need to be consistent over time in their values, their approaches and their stance. This is one of the differences between the tribe and an NGO environment interest group. The tribe does not change its rules with the passing of a resolution. Its rules are cultural norms that will change slowly and imperceptibly. The effect of long term goals on current decision making processes is that tribes are reluctant to make any compromise that may affect their taking a similar stance at a later date. Thus Ngati Hikairo is now working with ODC over a suitable walkway solution. The desire to

close the path has not gone and methods to achieve that closure are still being privately discussed (Research diary, 04.11.11).

## 6.5 Playing the system: the expert led approach

Environmental decision making is a process that inevitably requires the resolution of sometimes intractable issues (Healey, 1997, Crosby and Bryson, 2005) and those involved inevitably make some kind of decision as to the strategy they will adopt. The Resource Management Act has been discussed above as placing an emphasis on technical over cultural knowledge. The system therefore is geared towards the use and involvement of experts in the decision making process.

In the Aotea example, Patupo exclusively used an expert. Such an approach is in some ways ‘playing the system’. As local Maori, the Act gives them an enhanced right to consultation based on recognition that Maori are affected by environmental decisions differently to other New Zealanders. In particular is the recognition of a relationship with the environment based on tribal kinship rather than land ownership or history. Ngati Patupo, therefore, has a right to make any submissions they choose in support or in opposition of the application. Taking this approach reflects the failure of ‘Maori’ issues to have an influence on decision making. This was seen in these case studies and has also been seen in law. In its decisions over two subdivisions opposed by local Maori (including Ngati Hikairo) the Environment Court heard and discussed the particular impacts they would have on Maori. Nonetheless the decisions against subdivision (partially and fully) were made on technical grounds (*Macpherson v ODC*, 2007 and (*Kawhia Harbour Protection Society v ODC*, 2007).

Finally one must consider the impact of taking such an approach on a tribe’s resources, capacity and long term potential in Environmental Management. The use of experts has been successful. It reduces the degree of conflict that is inherent in environmental decision making and takes some of the pressure off the RMC who have taken on the role voluntarily. There a number of risks. The first is financial. The

professionals involved require payment. Only Waikato-Tainui has any great financial resources. For tribes such as Ngati Patupo and Ngati Hikairo such funds must be sourced and used wisely. Second, while RMC members often plan, or hope to learn from the professionals this is very difficult to achieve in practice.

Thirdly, submission that relies on planning advice rather than the effect of the proposal on the group as Maori may be seen to dilute the importance of consultation with Maori. In the absence of ongoing submissions about the particular impact on Maori – such submissions do not have to centre on historic sites – a course of dealings may develop in which ODC does not expect to receive such submissions. These submissions also give Council staff an opportunity (should they choose to take it) to learn about this Maori perspective and the different kinds of impact land use has on Maori communities. There is then a long term risk in this approach. It allows Maori to win individual battles but not the war. One thing is certain in environmental decision making. There will always be more battles. Sometimes the same battle is fought over and over again. Perhaps in fact there is only one battle and it will continue to be fought ad infinitum.

## 7 Conclusions

If the members of Ngati Hikairo, the Runanga or RMC had undertaken a literature review such as that in Chapter 2 they would, one imagines, have been considerably disheartened. The academic community are undeniably positive and upbeat, writing of the importance of their work. It has the potential to foster lost links between them and their ancestral lands in such a way that would not only benefit Ngati Hikairo but also the whole region through its spill over effects. Sadly though, they would find very few examples of success. Indigenous peoples in similar situations around the world are trying to achieve similar goals and through the literature the same advice is proffered. The audience, seemingly assumed to be non-indigenous, is told to try to develop long term relationships (McGregor, 2009, Armitage et al, 2008), look at indigenous people as partners rather than objects of study – look for and acknowledge power imbalance (Wyatt et al, 2013) respect their knowledge (Watson, 2013), try to conceive it on a scientific level and establish a model of working that incorporates indigenous world views (Salmond et al, 2014, Satterfield et al 2013).

Ngati Hikairo has not had to read the literature, and consider what it means for them - indigenous people - to find themselves acting on much of the advice. Their efforts, in working with many different organisations and individuals, seeking to insert themselves in the policy making arena and becoming key parts of the decision making process have been the subject of this thesis. In this concluding chapter the findings of empirical data is drawn together and discussed in light of the conceptual underpinnings of the research and the key literature on indigenous engagement in environmental management.

The purpose is to understand just how and where the power that Ngati Hikairo are trying to grasp lies; how it swirls around them within the legislative framework, and how it shows up as the issues as formed, the decisions made and options set in place. More radically one sees how this power is reinforced and remade by the supposed efforts to enact the kind of recommendations made by that literature. The apparent openings and embraces to Maori can in practice be pathways to insignificance.

Through the thick description one can chart the relationship between this powerful environmental management framework and the ways in which Ngati Hikairo are ordering their affairs. These are the ways in which as a matter of course they work with others and establish themselves as a tribe both in a town and in the world. Here one finds both action and reaction to that powerful framework (and its implementation).

Having formed these primary conclusions that make up the contribution of this thesis to that academic knowledge base it is necessary to consider exactly how this research fits into the larger oeuvre. How far can a single ethnographic study from rural New Zealand be useful to others in New Zealand, people in Canada, Australia, the USA or anywhere in the world. The findings are placed within the general themes of the literature on indigenous people and environmental management and with a particular emphasis on how the conclusions about the New Zealand legislative framework and its implementation can speak to those operating under different regimes.

In the introduction the aims of the thesis were set out and translated into one big question:

**Can the New Zealand resource management framework make space for distinct Maori participation on their terms?**

Breaking it down the question has three further parts:

1. **Who will participate?:** How do Maori decide who is eligible, willing and capable of participating in environmental decision making?
2. **Setting the terms:** Are Maori able to determine what participation will mean and what issues are of concern to them as Maori?
3. Finally, having determined the terms and identity of participants, **can the legislation and corresponding system accommodate Maori?**

The first two questions are different sides of the participation coin. They draw heavily on the data together and the key findings are set out at Section 7.1. These relate to relationships, identity politics, policy making processes, choosing when and how to participate and the fragility of both institutions and the people who constitute

them. They question the assumptions implicit in both the legislative framework and the literature over definitions and the means by which indigenous peoples such as Ngati Hikairo claim or establish their own cultural norms. The system expects Maori to be setting the terms of debate according to the past. Maori, in contrast, are thinking far into the future as they negotiate and weigh up their options for participation.

Section 7.2 then makes a detailed analysis of the findings in light of the literature. By contextualising these findings within the academic literature discussed at Chapter 2.5 one can clearly see the contribution this thesis makes. Clearly Ngati Hikairo has not found a space in which they can participate in environmental management as they would like. The findings go much further. In attempting to work with the legislative framework Ngati Hikairo both reinforce and reconstruct those inherent assumptions that are working against them. Satterfield et al (2013) note the anecdotal unease of all involved who have a sense of the flaws in the system. These findings confirm it and set out the ways in which those flaws have become entwined in all aspects of the tribes environmental management activities.

Section 7.3 takes the next step and considers the wider ramifications of the thesis. Section 2.1.5 sets out the ways in which knowledge is translated from being intensely local phenomena to generally applicable findings (Clark and Murdoch, 1997). To what degree can this research travel, reshape and be of value to others working on the same issues around the world? To answer this, the primary findings of this thesis of the processes at play in the implementation of the legislative framework for resource management in New Zealand are analysed further in light of the alternative frameworks seen in the literature. The first step is to demonstrate the research can provide a useful point of comparison that cannot be explained away due to local characteristics.

A research agenda is suggested in Section 7.4. It draws further on the global relevance of this work and potential for these key and important findings to play a part in finally moving the literature beyond hope and policy recommendations into reporting and analysing success.

This research perhaps is an answer to the challenge set by Coombes et al (2012) for geographers to look beyond the mechanisms of planning and decision making and properly examine the political world that underpins them. By simply recording what is in fact being said and done and casting a new light on this data, the thesis goes beyond the initial questions. It is suggested that Maori involvement in environmental management in New Zealand has many more dimensions than are sometimes taken into account. Indeed a simple statement such as ‘Maori involvement’ may be the first mistake in implying such a term might be used freely and neutrally. Taking part in environmental decision making is a political act that has consequences.

## **7.1 Findings: participation and issue framing**

### **7.1.1 Who participates?**

Who will and who does participate in tribal environmental management? What are the motivations and barriers to that participation? Importantly, what can this research tell us about the ways in which these change over time? In order to answer these questions in depth we start by identifying the assumptions that underlie this type of examination and the ways in which these assumptions then colour all that follows. First, and fundamentally, the question assumes the existence of something to participate in, here an entity called a tribe or *iwi* which may claim a formal role within the New Zealand resource management framework. Then there is an assumption that such tribes must by definition have an expanding pool of people who claim eligibility to membership. It is at this point that most research begins by looking at the issues surrounding membership. However as the data above indicates, these two prior issues are not so straight forward.

The assumption of tribal identity, namely the existence of a tribe or *iwi* and a pool of members, are shared by the legislation and policies of resource management as well as all those spoken to in this research. It is revealed in this research by the individual pathway to participation, the built environment, the institutions that are created, the claims to represent the tribe made by individuals and institutions and the regional

tribal membership regime. The pathway to participation by individuals discussed in Chapter 5 shows a chain of thought from environmental issue to their tribe. Those spoken to had started to engage with environmental management due to concern over a particular issue or event. Importantly, the tribe was the point of entry rather than local government or other environmental group. They didn't necessarily know of the Runanga, or RMC (which may not have existed at the time), but they assumed that as Maori they and their concerns should be dealt with through their tribe.

A second piece of evidence that a tribe exists is in the built environment, the existence of physical *marae* buildings, discussed in Chapter 4. These are understood *prima facie* in many local peoples' eyes as setting out not just the existence but also the geographical reach of different tribes. Thirdly a group of people have come together to create institutions that run alongside those that manage the physical *marae* buildings. They are the Runanga and its committees. Discussed in Chapter 4, these are, as Kahn (2013) says, ways in which the tribe use the dominant culture's methods of creating legal persons for political effect. As an incorporated society (and in accordance with New Zealand law) the Runanga is then able to define itself, its membership, its values, goals and indeed establish its whole being. This it has done and in so doing creates a face of 'the tribe' which can then talk to and fit in alongside other legal persons within the political structure. As the only such structure, and one supported by the *Marae* Committee (another legal person established under New Zealand law) the Runanga establishes its mandate.

This brings the discussion of how these assumptions have embedded the role played by other tribes. Chapter 4 looks in detail at the role of Waikato-Tainui, the economically powerful Maori presence in the area. They, with Ngati Maniapoto in the South, are the tribal organisations recognised by the State as being regional bodies who represent all the 'sub-tribes' within their boundaries. These regional tribal bodies have established their own membership framework and, in the case of Waikato-Tainui, this has had an impact on the relationships between people and the tribes and *Marae* of their ancestors.



The tribe exists in the minds of all those who either claim membership or work with it. But what is Ngati Hikairo? There are thousands of people who could say “I am Ngati Hikairo” but they do not fall within the scope of this research. Instead the question is asked in light of those have chosen to claim membership of the tribe and the way in which ‘Ngati Hikairo’ has been socially constructed by them and others. It is therefore a political entity which exists not only on the basis of simple assumptions but in the way in which those assumptions are created and reinforced. Ngati Hikairo, and its identity, changes as over time the culture and understandings of its membership also change. Unfortunately for the tribe and as the empirical evidence sets out above demonstrates, self-proclamation is not sufficient to establish this identity in law. Where a tribe wishes to enforce rights, claim obligations or engage with others in its own capacity it must be accepted as meeting criteria of others including the State and other Maori.

The way in which Ngati Hikairo’s environmental management identity is constructed is partly a function of its interactions with those other organisations it works both with and against. The primary elements of the identity it needs to maintain for these purposes are its status as a tribe (rather than a sub-tribe within the Waikato-Tainui and Ngati Maniapoto family) and the boundaries within which it claims *mana whenua* or authority.

The most important relationships are those with the State and other Maori tribes. They are both enduring institutions and necessary for Ngati Hikairo to have any existence at all beyond its own people. Reflecting the work of Fortier et al (2013) the tribe’s interactions reflect many different forms of participation and are at different scales. In its relationships with the State, the tribe is seeking recognition. The data presented above gives examples of the ways in which the tribe does this. It has engaged with a very broad range of State organisations and, although the outcomes on the issues have been mixed, it has succeeded in putting itself ‘on the record’. Being ‘on the record’ is the starting point for any organisation that wishes to become part of an institutional memory. The way in which it is remembered is what then contributes to how its identity continues to evolve.

In its relationships with other Maori groups, Ngati Hikairo simultaneously works with them to achieve joint goals and for its own benefits as well as competing for roles of status and authority that the State has decided can only be taken by a single tribe. These relationships are very complex (as discussed in Chapters 4 and 5). Some individuals hold or were holding positions of power and influence in both Ngati Hikairo and Waikato-Tainui at the same time. Members of Ngati Hikairo are also members of many other Waikato-Tainui and Ngati Maniapoto tribes. Family and kinship relationships exist not only between tribes but also with individuals who take part in Maori NGOs as well as employees of the State. Nonetheless these factors can be somewhat disentangled as what is clear is that Maori groups can and do work together when there is a mutually desired environmental management decision to be fought for. This was evident in the work to protect sacred sites, the trees in Kawhia discussed in Chapter 4 and the old settlement site of Maukutea discussed in Chapter 6. When competing for authority or future authority, they look to other sources of support including the State. Thus, as discussed in Chapter 4, other Waipa District tribes are supported in their boundary claims by ODC's conclusions.

The particular tribal status that Ngati Hikairo seeks to achieve is a modern one constructed by legislation both through the definitions that it has made (and as interpreted) as to *iwi* or tribe as well as the rights and obligations that this legislation has given to such tribes. By making *iwi* the primary Maori unit with whom it must formally interact, as discussed by Muru-Lanning (2010) the State has redefined where the power sits in aspects of Maori society. One of the ways in which Ngati Hikairo can be seen to try and counter this is in its attempts to develop new relationships. By increasing its participation in environmental decision making it can take a positive role in the formation of its identity and in particular over how that identity is perceived when compared with other tribes. Increased participation is both through developing new relationships with tribal members, with likeminded groups and with other branches of the State.

As well as the cultural and political consequences of these relationships there are practical outcomes that then have other effects. Working with another organisation or particular individuals within an organisation leads to partnerships being formed,

however temporary, and the possibility of long-term working relationships exists. The Historic Places Trust (see Chapter 4) specifically encouraged Ngati Hikairo (in an interview) to make more applications. The financial support given to Ngati Hikairo to produce its IMP (see Chapter 5) created partnerships with a number of organisations including the Regional Council, and the Maori Women's Institute. Having 'invested' in the project they have an interest in its success as well as the individuals involved. On the other hand, poor relationships or failed attempts to collaborate with others (such as the failure to establish a harbour management group discussed in Chapter 5) can have the result of entrenching positions in opposition. One of the primary identity forming actions Ngati Hikairo has taken was to undertake legal action against the ODC. The consequences were to damage the relationships with Council staff and establish a reputation for the Ngati Hikairo RMC with landowners (impacting on the case studies discussed in Chapter 6). On the other hand, as a direct result ODC took steps to address its failings and through new staff rebuild its relationship with Ngati Hikairo and Maori all around the harbour.

This discussion of identity and participation in environmental management and decision making has mainly looked at the role of institutions. The people involved also have an impact on the way the Ngati Hikairo community sees itself and how it is presented to the world. They do this through the different roles in environmental management they choose to pursue, the ways in which the matters are dealt with inside the tribe and how those on the periphery fare within the Runanga and RMC structure.

What does not change is the need for the RMC and the Runanga to report back to its membership and work in accordance with the wishes of that membership. This was neither straightforward to achieve nor clear in its outcomes. The membership had high expectations of the potential for environmental management. The RMC is supported but the amount of work involved and consequences within the local community of undertaking that work were little understood (see Chapter 5). There are differences in the ways the membership approach issues depending on where they live. This geographical residence distinction in the roles taken on by members of Ngati Hikairo is also a reflection of the identity the tribe has for different people and

places. Those living locally choose when to act in the name of Ngati Hikairo and when to act under the cover of their participation in other community groups. The Regional Council's Shore Futures project had no formal support from Ngati Hikairo RMC but members of Ngati Hikairo had some involvement on their own account.

### **7.1.2 Setting the terms**

Cullen-Unsworth (2012) set out in detail why the involvement of indigenous people in issue framing is so important. It is dynamic and they emphasise the importance of understanding how it happens and what opportunities exist for any particular party to take a leading role. No Machiavellian manipulations are being suggested (or indeed claimed against others). Rather, the cultural processes by which issues and agendas are developed in the context of the particular institutions and individuals involved are now examined with a view to explaining how and why a tribe such as Ngati Hikairo have struggled to take a leading role in this area. One's ability to set the terms of any environmental decision or policy is essentially another lens through which to look at participation. Who and where are the agenda setters? Are these groups or people with whom Ngati Hikairo is able to meet and communicate on equal or even influential terms? What are the barriers? What has been demonstrated in Chapter 6 is that even when given a legal status such as iwi, Maori can fall between the cracks of Bryson and Crosby's 'Forums, Arenas and Courts'. It may also be that those non-Maori who they work with sometimes don't have the capacity to understand Ngati Hikairo's perspective.

In Chapter 5 the importance locally of the District Plan for setting the agenda and rules of environmental decision making was set out. The measures Ngati Hikairo was taking to have input into that Plan as well as other local policy development were discussed. The IMP was completed too late to have input into the draft plan. Nonetheless the draft plan provides evidence that ODC intends to narrow rather than broaden the Maori sphere of influence. Chapter 6 then sets out two further case studies of local decision making not only by Ngati Hikairo but also another local tribe. The analysis demonstrated the ways in which different parties to the decision could take dominant roles. In neither case were the voices of the applicants the

primary ones to be heard. It must also be noted that the discussion here is limited to those decisions and issues that are ‘notified’ or deemed to have a significant effect beyond the relevant land-owner(s).

Nationally, an example was given of Ngati Hikairo attempting to influence the legislative process and change a Bill they felt could be interpreted against them. The Government, in dismissing their submissions, made it clear that they were more supportive of larger tribal groups such as Nga Tae o Kawhia. This is seen in the case of Waikato-Tainui, which comprises all the Waikato-Tainui tribes and their members and, following their negotiations and settlement with Government, has a Memorandum of Understanding with the HPT and established *Iwi* status (with all the rights and responsibilities that brings). Whether these Maori groups are more successful at setting the terms of environmental decision making is beyond the scope of this research. What can be said is that in the examples given, they have been more effective than Ngati Hikairo. There is a significant difference in their status both internally and as perceived nationally by others.

Having located those individuals, groups and settings by and in which the decisions are framed it is possible to examine these findings a little more closely. The first is to reiterate that the scope of any local decision is limited by the District Plan. Its primary parameters are around local, cultural (or Maori) and technical issues. These are, broadly, an application of the obligations to achieve sustainable management being primarily a question of ‘biophysical sustainability’ (Freeman, 2004). The main avenues by which decisions can be influenced are clearly local, cultural or technical. In practice these are neatly reflected in the submissions of the local community, Maori tribal groups and the experts (who are of course representing one of the parties involved). In all cases where there was opposition to the Maori ‘cultural’ view, that ‘cultural’ perspective failed to become a determining factor in the decision (For example, the application to register the trees with the HPT had no significant opposition). On the other hand, technical issues were of primary consideration. This can be shown by the fact that, having made a technical determination that coincided with the outcome desired by the local community or Maori who were participating in

the decision, the other factors were merely supporting or in the case of the Environment Court did not need to be determined (see Chapter 4).

One of the ways in which Ngati Hikairo are seeking to address this issue is to reframe their participation alongside the experts, their own expertise being the cultural impact of any environmental management decision on Maori. The District Plan has a clear emphasis on site specific Maori issues with the expectation that these will revolve around historically sacred sites.

Ngati Hikairo did not have a successful way to enter into the decision making process from the local platform. This to a large extent reflected the individuals concerned, their personal histories and current situations and the degree to which they were able to take part in the RMC and access current planning and environmental decision making issues. The role of geography, (most of Ngati Hikairo and the Runanga do not live in the Kawhia region) was discussed in Chapter 5 above. Even though the local forums discussed in Chapter 6 included an email component they were only accessible through local residents. The other side of this issue is the inherent conflict between residents, ‘ratepayers’ (land owners who pay council taxes) and non-resident members of the local tribe (see Tawhai, 2010).

The democratic process is another lens through which to analyse Ngati Hikairo’s ability to take a lead role in framing the issues. To access ODC, or other parties in the process, any non-resident member of Ngati Hikairo does so under the tribal aegis. Their right to participate is founded on the impact the decision will have on their tribal lands with which they have an intrinsic connection and obligation of stewardship. The recourse for Ngati Hikairo and its membership if Councils fails to engage properly with them is an appeal that the law has been broken. The cases that were successfully brought (see Chapter 4) had no obvious negative effect on the sitting Councillor or Mayor (who were both re-elected) although ODC did put extra resources into its work in the area. For residents recourse can also happen through the ballot box. Ratepayers also have a further sphere of influence being the group of people and businesses who fund Council activities.

What then are the solutions or potential for Ngati Hikairo or any similar tribe to have greater influence? How could they become a participant who is able to take issues to the decision makers and have them heard on their terms? Alternatively, how can they take part in the framing and reframing of those other decisions in which the ‘public’ take part? There seem to be two alternatives. Either Ngati Hikairo join other forums, be they technical or local, or they open out their own forums to include the local people and the relevant experts involved. In any event they would be trying to underpin the discussions with their own perspective. Attempts to try both options were made and discussed above. The RMC went to the Museum and were disappointed with the outcome (see Chapter 5). They also tried to establish a harbour wide Maori forum with disastrous outcomes for the relationships between the RMC and local Maori (see Chapter 5). There is the additional problem discussed in Chapter 5 of human resources and whether anybody would be able to take on additional interests in local forums, which in themselves are largely interest and friendship groups.

A possibility to access the local forums lies in those resident Ngati Hikairo discussed in Chapter 5 who are members of the forums but choose not to take part in the RMC. It may be possible for the RMC to make much more use of these people, not as members but as the means by which they can seek to understand the issues more fully from the local perspective. By turning its gaze toward Ngati Hikairo in the community the RMC might find a new informal way into the forums without imposing any additional obligations on anybody. Accessing the technical forums is part of the skills development of the RMC. The tribe already looks to its membership for technical expertise and through its local lawyer who did a lot of work on a *pro bono* basis for Ngati Hikairo (in the legal cases discussed in Chapter 4) and then for Ngati Patupo (in the Aotea subdivision case study discussed in Chapter 6). Working with other suitably qualified tribal members is a long term project as is increasing the capacity of the RMC, which depends on sustained membership.

This thesis has just proposed that the RMC reach out to its broader membership without necessarily co-opting them onto the Committee. There is a risk in doing this. Within any organisation there are disagreements. Ngati Hikairo, the tribe, has a very

diverse membership. They have common ancestry and shared cultural roots but their perspectives are nonetheless very different. This is evident even within the Runanga as Sarah found (Chapter 6) when she struggled to find others who gave the issue the same priority (and willingness to act) as she did. There is therefore a risk as to how the Ngati Hikairo position might be expressed within forums. Further, as Ngati Hikairo found (Chapter 5) a single Maori position on an issue can and is taken as being ‘the’ Maori position, although as was evident in the Walkway case study discussed in Chapter 6, informal discussions can be influential.

## 7.2 The framework is fundamentally flawed

As Coombes (2007) has pointed out, the roles and actions of indigenous peoples in environmental management are political, as are the reactions of those around them. Even in a world of best intentions Healey (1997) says the planners are set up to fail. So too, this thesis finds, are Maori. How and why is the discussion that follows. At Section 2.5.3, Jackson and Barber (2013) are quoted eloquently setting out why planning systems don’t work for indigenous people. It begins with the fundamental difference in the way indigenous people conceive and understand the world (Pierotti and Wildcat, 2000, McGregor, 2009, O’Neill, 2005, Coombes et al, 2012, and Salmond et al 2014), The response in New Zealand has been to insert cultural obligations into legislation. The legislation, set out in Chapter 3 above is both broad and specific in its incorporation of Maori people, their values and distinct perspective as the indigenous people of New Zealand. This culture, (Jackson 2006, Coombes and Hill, 2005) is one of the identified ways in which indigenous people are side lined. For Ngati Hikairo the cultural moniker is *waahi tapu* (their sacred places). Local government has set *waahi tapu* aside as the primary matter of concern to the tribe in resource management and planning issues. This has effectively marginalised Ngati Hikairo both into a cultural role as well as a historic role. Sacred places are assumed to be static.

There are clear issues of understanding and respect for Maori knowledge. Within the academic world the problem is identified as one of respect (McGregor, 2009, Cullen-



Unsworth et al, 2012), a power imbalance (Watson, 2013, Prober et al, 2011, Ens et al, 2012) and a failure for the dominant institutions and management regimes to learn or be adaptable (Armitage et al, 2008, Salmond et al 2014). What this research has demonstrated is that a power imbalance is set up by the framework itself. Indeed the power to act, to decide, to contribute, to listen resides within the legal structure. This structure is superficially respectful of Maori knowledge. The meaningful inclusion of Maori knowledge is conditional upon its consistency with the inherent framing in the legislation. This type of conditionality in the approach to indigenous knowledge is also identified by Watson (2013) and Smith (2003).

Power imbalances are often posited in terms of the status and roles of the individuals and institutions involved Coombes (2005) or of the dominant cultural norms in environmental management (Watson, 2013, Armitage et al, 2011). The findings here accord with these views. They also go beyond them. The framework defines the institutions, setting up their roles and status both for Maori and Non-Maori. The power flows through the legislation, establishing the norms for environmental decision making in New Zealand. More importantly, it confers status on certain Maori and as a consequence Government and Maori together have themselves defined and established the particular groups of Maori who they will allow to participate.

The research also demonstrates the lack of institutional learning amongst Non-Maori organisations (Watson 2013, Smith, 2003, Coombes and Hill, 2005, Armitage et al, 2008) However, when one analyses by tracing the paths of power, this issue can be considered another way. Ngati Hikairo is establishing itself as a defined Maori group and therefore they undertake the actions they are entitled to by the legislative framework. They produce management plans and submissions within the remit that the system allows. The scope of these documents is limited by law and the work they do is consistent with the dominant view that Maori issues are cultural, that Maori issues are locked in the past. Durie (1998) demonstrates how Maori concepts are interpreted in a restrictive manner, often to divorce their spiritual dimension from the physical. In this research local government is able to fix onto those areas that are consistent with their own decision making procedures and ignore those elements

which are inconsistent. This limited participation has been identified in parallel forms in the research of Watson (2013) and Jackson (2006). What this research adds is the role that this participation plays in supplying institutional confidence in the system and their methods. Armitage et al (2008) discuss the need for institutions to listen and learn. They find little evidence of it occurring and this thesis suggests that the listening and learning is being done in a way that reinforces the status quo.

Coombes et al (2012) have been strident in their criticism of research that fails to consider indigenous culture and politics in the round. Dove (2006) reminds us that indigenous concepts are also cultural constructions – but by whom and in what places are these constructions being formed? They come from both within and without indigenous people themselves. Political contexts include the imperative that indigenous knowledge can be commodified (in New Zealand see Salmond et al. 2014 and generally Dove, 2006) and the environmental management be conducted within a neo-liberal economic regime in both New Zealand and Canada (Turner et al, 2013). In New Zealand, Wilson and Memon (2010) also show that Maori are responsive to an environment that encourages rational economic forestry management.

Taking a political perspective, this research (like Coombes, 2007 in, NZ), has found that through the implementation of environmental management in the Kawhia region certain aspects of Maori culture and knowledge are privileged and others ignored. This is consistent with the literature however there is a new strand being brought into this line of academic inquiry that expands on work such as Muru-Lanning (2010). Maori are operating in the political context of wealthy *iwi* who in turn fund groups such as Ngati Hikairo and a Government that prefers to work with large pan-tribal groups over small tribes such as Ngati Hikairo (see Section 4.4.1.1). Thus the construction of '*iwi*' and their economic role in relation to other Maori groups is an essential part of this story. The literature focusses on the political context of indigenous and non-indigenous but this research demonstrates a huge need to bring the focus of analysis back to Maori themselves and the ways they are constructing their identities both in response to the broader political context and each other. The role that Maori play in environmental management is not just to be juxtaposed

against non-Maori or governing organisations. There is a power imbalance between Maori organisations.

Relationships are a related issue in which a political and cultural context is crucial. Discussed at Section 2.5.2.2, the relationship between environmental managers and indigenous participants has a significant impact on the success of any project. Jackson (2006), Jackson and Barber (2012), Salmond et al (2014), Satterfield et al (2013), McGregor (2009) and Dove (2006) all emphasise the need for partnership. In this research it was seen that superficially Maori groups as well as other NGOs and local community groups can appear to have the same values when they join to work for the same outcome. These values were only skin deep as was demonstrated in the case study of the HPT protection of the trees discussed in Section 4.4.1.4. In the absence of shared values or agendas in environmental management they achieved the protection they desired largely because of a cultural intersection. Similar arguments put forward by the tribe have not been as successful in the absence of local cultural history or a conservation dimension. The relationship is limited as has been demonstrated in New Zealand (Coombes and Hill, 2005, Coombes, 2007).

There are inevitably conflicting priorities and interests between the different institutions and groups of people involved in environmental decision making. The Government, Central and Local is not a neutral arbiter. It has its own policy agenda and develops relationships with those involved accordingly (Dove, 2006). This research showed that Maori tribal groups and State bodies find their interests converging and diverging over different issues. At times Maori work together, but when Maori are threatened by other Maori they also seek the support of Government or Councils in order to protect their positions. This aspect of the relationships between organisations participating in Environmental Management can be seen, as Kahn suggests (2013), as a battle over resources. In this case it is a battle over a place within the legal framework however as Kahn's work would suggest, by engaging in the battle Maori reshape themselves to fit that legislative framework and thus adopt aspects of those assumptions that undermine their own position. But it is not just institutional change, it is also cultural change.

The literature has a primary focus on the relationships between indigenous and other non-indigenous organisations, particularly the State. Maori tribes are assumed to have clearly defined and fixed boundaries, identities and rights over other environmental resources (Smith, 2003). As Smith demonstrates, indigenous institutions can have a period at the start of their participation in environmental management when they appear to accord with the assumptions as they are having to rediscover their tribal identity in relation to the land (see also Berkes et al, 2000 and Wallis et al, 2012). In this research one sees how the institutional fragility of Ngati Hikairo means that it goes through regular periods when it is unable to question or contradict these assumptions as new participants are finding their way in the system.

By drawing all the research together and using it to ground and contextualise the findings of this thesis it is clear that this project makes a real contribution to the existing literature. There is a simple conclusion to these findings: the system, the legal framework within which environmental management and decision making occurs fails Ngati Hikairo. It fails to achieve any objective to enable distinct Ngati Hikairo participation. But beyond that the operation of the resource management framework has a far greater impact. The framework it establishes perpetuates the marginalisation of Maori, reinforcing a subordinate role on the edge of environmental management. In their reactions to this Ngati Hikairo and other Maori with whom they are related are undergoing cultural change. There is no evidence to suggest that these changes will improve the opportunities for Ngati Hikairo to participate in a meaningful way in environmental management.

### **7.3 Local findings in a global context**

This thesis is a study of a particular time, place and people that, as discussed at Section 3.3.4, has been made possible by the researcher's own position. The data is unique and yet it is also research with national and global resonance. The processes and outcomes have much in common with ethnography from around the world which explores the same issues. This is both in the meta-narratives and themes as well as the particular events. These themes are power imbalance, meaningful participation,

relationships between indigenous and non-indigenous people and institutions and the potential for change. In this section the conclusions are explored further by considering how the primary findings of this research can be further understood by comparing them with the operation of other frameworks for environmental management. In turn one can see how this research will itself play a role for others. The main focus must be how this research will contribute to the fundamental underlying problem of creating a framework that works for indigenous people.

The literature on indigenous environmental management discussed above focussed on work from Australia, Canada, the USA as well as New Zealand. The research from these countries (including that from comparative projects eg. Fortier et al, 2013, Hill et al, 2013) shows considerable overlap. The key issues, methods and solutions posed are all very much aligned. The findings of this work, discussed above, clearly build on this literature. It is very much to this body of work that the thesis is speaking to. As Durie set out (2010, cited above at Section 2.5.1) the four characteristics that link indigenous peoples also link the themes and key issues across national boundaries. They are the endless relationship conception of time, the relationship between environment and human identity, the knowledge system and the role of the environment in language. What can vary between the research projects are the legal frameworks or methods of environmental management and the ways in which indigenous participation in environmental management has come about.

The contribution this research makes to this literature arises from the way in which the framework operates as well as the type and range of relationships Ngati Hikairo is forming with other participants in resource management in New Zealand. The findings and recommendations that speak directly to Ngati Hikairo (and to some degree Ngati Patupo and Waikato-Tainui) are those around the specific ways in which they choose to engage in environmental management. It is likely that every tribe located in rural New Zealand would usefully reflect on all the findings. Even urban tribes, for whom the membership dynamic can vary, have to negotiate many relationships that go beyond the typical scope of the literature.

These findings are also clearly relevant to the New Zealand research environment. Those such as Coombes (2007), Coombes and Hill (2005), Salmond et al (2014), Memon et al (2003) and Memon and Kirk (2011) were working on projects with different environmental management frameworks in place in a New Zealand context. There issues around power imbalances set up by the system as well as political questions around the methods of participation and how the relationships between different Maori groups impact directly on the participating are all relevant. Again in the New Zealand context Tawhai (2010) began to pose questions about Rawhau (Maori living outside their tribal boundaries) and the findings in this research can be applied to Rawhau. Similar issues are not set out in the global literature but with increased mobility, the problems and possibilities set out for those who do not live locally would undoubtedly apply to indigenous populations around the world.

In New Zealand (eg. Salmond et al, 2014), Australia (eg. Jackson and Barber, 2012), Canada (eg. Wilbur et al, 2010) and the USA (eg. Watson, 2013) academics have called for structural change to the frameworks of environmental management. This thesis has direct relevance to these arguments and this line of academic inquiry. It shows that this structural transformation will not be achieved by amendments to legislation, even where they provide for the full participation of indigenous people. As Salmond et al (2014) suggest the conceptual basis needs to be reconsidered. Jackson and Barber (2013) demonstrated the partial success for indigenous people who develop their own framework outside of the mainstream system. Although this thesis analysed people working under different legal and political constraints it has clear implications for such work. The development of alternative frameworks needs to occur with due consideration for the relationships between indigenous groups but more than that, the relationships between the State and the different indigenous groups involved. This research demonstrates the need to avoid assuming homogeneity of indigenous interests regardless of who or where they are. Further to understand the different interests one needs to understand that different indigenous groups have different relationships with the State.

Satterfield et al (2013) attribute the blame for lack of change partly to disciplinary intransigence and suggest that practices be examined. In a world where structural

transformation seems unlikely (Jackson and Barber, 2012) this needs to be considered. It may be most applicable to the co-management frameworks that also look to adaptive management as a way to achieve change (Plummer, 2006, Armitage et al, 2008, see Coombes, 2007). Here too one can abstract from the findings set out above to identity relevant considerations in this area. This thesis demonstrates that even when the tribe follows the system it struggles to have a meaningful engagement. The failure of the dominant partner to listen and institutional intractability is one feature. It can be seen in the way that Ngati Hikairo submissions and participation were read and understood on a level with which the non-Maori institution was comfortable, focussing on concrete culture. Another option was demonstrated through the use of experts. Here is the added feature that it shows that even when a tribe ostensibly makes the system work for them – as Ngati Patupo did through the use of an expert – they have to do so by excluding themselves and their Maori perspective from the process.

Cultural politics may vary but the problem of non-indigenous Governments establishing environmental management frameworks that are fundamentally inconsistent with those shared indigenous beliefs is a general one. What this research usefully does is provide a further comparison of a framework, the ways in which it seeks to work with Maori, and the problems encountered. Fortier et al (2013), Hill et al (2012), Wyatt et al (2013) and Armitage et al (2008) all demonstrate that there are many different legal frameworks for indigenous participation in environmental management. Through their comparative analyses they show that the greater the power given to the indigenous people and the opportunity to take part in decision making the more effective the system. This research shows that any framework is only as good as its interpretation and implementation and analyses need to go beyond the potential or hypothetical opportunities given to indigenous people and identify exactly what the consequences of their involvement is. Fortier et al (2013) in particular show that indigenous groups almost always engage in multiple forms of participation. This is examined in detail in this research and is found to be an effective way to present a complex perspective although does not take the group any

closer to becoming a decision maker it has the potential to broaden the tribes influence.

A further generalisation that can be applied and used globally is the distinction between theoretical and factual reasons for the participation of those non-indigenous decision makers in any kind of process with indigenous people. This research emphasises the role of the law, of legislation, of forced obligations. As Jackson and Barber (2012) state there are any number of good academic reasons for meaningful indigenous participation in environmental management but no research shows this in practice because the non-indigenous decision makers participate and define themselves within the limits of those obligations imposed upon them (see also Fortier et al, 2013). This research further demonstrates this point. Further than that it suggests that the rights given under law can have a similar effect of shaping the ways in which indigenous people themselves behave. They too are shown to define themselves and the scope of their objectives to the limits seemingly imposed by those rights. One consequence of this is the impact on relationships between indigenous institutions.

This, finally, is a significant finding that should be taken on board by both researchers and indigenous people. The legislative framework assumes a tribal homogeneity and only gives space for a single voice. This in turn causes division amongst indigenous people and affects the decisions they make in other arenas. Watson (2013) hints at this in her work with a tantalising reference to disputes over the rights of participation, but it is a feature of environmental management that is rarely discussed particularly outside of ethnographic projects.

## **7.4 A research agenda**

More research in this area is clearly essential. The links between this project and work around the world suggest directly comparative work would be hugely valuable. It needs to expand on the analysis of power and relationships that goes beyond the usual assumptions. The need to provide spaces and opportunities not only for



‘indigenous participation’ but multiple indigenous voices. Indigenous people need to be given the freedom to contribute to debates and decisions over environmental management in ways of their own choosing. This is certainly not a call for ‘traditional’ methods, or any other framing that continues to fix indigenous people to the past but, follows the ideas around modern indigenous knowledge demonstrated by Rotorangi (2012) in New Zealand, Idrobo and Berkes (2012) in Canada and Vaarzon-Morel et al (2012) in Canada. All researchers seek new frameworks, and often direct this call to the policy makers. Instead, this research proposes that the calls be directed at indigenous people, in different jurisdictions, and a clean slate.

What is needed are methods of participation through which the decision making power is accessible by recognising indigeneity through Durie’s concepts of time, language, knowledge and relationship to the world. Jackson (2006) and Jackson and Barber (2012) give a starting point for indigenous people creating their own system. This thesis documents a failed attempt by Ngati Hikairo to initiate such a project. It also finds that Governments prefer working with larger groups that have clarity of process. The research project that tackles this work would be much larger than this PhD. The value of the ethnographic method has been proven by the richness of data. It has been enhanced through the researcher’s positionality although what is now needed are more projects that test these findings and build on them by conducting similar research as an outsider. The next step may well benefit from collaboration and in particular collaboration which sees indigenous researchers working in other indigenous communities. Such a collaboration, which would include non-indigenous researchers working across the countries discussed, would also need to be shaped by the communities involved.

In New Zealand the huge potential that comes out of this thesis is in a shift in emphasis from the relationship between Maori and the State to the politics between Maori tribes themselves in environmental management. Regardless of whether there is an additional question of identity, the power struggles between *iwi*, or between tribes and sub-tribes over control of resources should be examined further. This would not be to exclude the State entirely given its role in setting tribes against each other, but taking this altered perspective would be a way of getting beyond the

simplistic arguments it is too easy to fall back on. It would also provide Maori with a far more useful and nuanced understanding of the impacts the environmental decision making framework and surrounding legislation impacts on them.

Another party to the environmental decision making process whose part should be understood in more detail is the expert, particularly those working with Maori. There are many good examples of experts engaging in participant observation research (see eg. Wallis et al, 2012). However they tend to document and analyse the process being undertaken by the indigenous people rather than focus on their role. More outsider ethnographic research could develop ideas presented around Maori success in their use of experts to 'play the system' through technical submissions rather than explain their own perspectives and reasons which may be misunderstood and unlikely to make any impact on the decision. Experts have short and long term roles to play, both in the success of the decision in question as well as developing capacity with the tribe to take a greater role in the process themselves. How the ideas presented in this thesis play out from the expert perspective and experience would be an important contribution to the literature as well as helping to inform all those involved not just Maori.

Ngati Hikairo has long term goals and objectives. This work also lends itself to longitudinal research which records the ongoing development of the RMC and its success or failure to take part in regional environmental management whether it is through policy formation or under some kind of management arrangement. The issue is a constant one as Kahn shows (2013) and there would be considerable value in developing a record not merely of applications and outcomes but the types of issues raised, the ways in which they are dealt with and the politics underlying the decision making processes. An important finding that should be considered by all researchers who identify successes and failures is to analyse to what extent this is the result of the participants having a shared goal driven by different underlying cultural values. In this research and as discussed by Coombes et al (2012 and see Braun, 2000) the conservation ethic has pervaded the perception of indigenous environmental management and there is a failure for many researchers to recognise this as a non-

indigenous construction as well. This assumption should not colour analyses of so called success stories that in fact represent more of a confluence of values.

## **7.5 Final thoughts**

The purpose of these findings is two-fold. They speak to that academic literature, starting within it and then stretching it with this new perspective. They also challenge academics, and working social scientists to go beyond the existing mantra of respect, relationships, knowledge and frameworks. They are important but far more so is the finding that power is so entrenched that even those methods that might be seen as implementing these recommendations can in fact further disadvantage the indigenous group. Further there is a failure by the literature and by those working in this area to really take account of the impact that engagement in environmental management in this way has on the people involved. Actions have reactions. Social scientists should not merely focus on working in a culturally appropriate or inclusive way. They should reflect on the impact and potential for cultural change and discuss this with their indigenous partners.

The second purpose of the findings is to give some direct information to Ngati Hikairo and other indigenous people.

It has been a privilege to conduct this research. Its findings are an important contribution to the literature on indigenous peoples and their efforts to engage in environmental management processes. It also provides some useful ideas and findings for all those involved to think about, especially Maori. Matters will have moved on by the time you read this but it is my hope, that having done the job properly, there are no great surprises for those directly involved in the research. Instead this new perspective might spur them on to thinking of their own new ways and potential to improve the system or the ways that they interact with it.

## Appendices

### Appendix 1

#### Notes on MSc data

##### Maori

The harbour is a multi-faceted space, social, healing, work. The harbour is an extension of the public space in town. People use and are as intimate with it as the bush. In this regard the harbour is openly regarded as much more a part of Maori people's lives.

A connection with Kawhia is assumed by all Maori for whom it is a *turangawaewae* (place to stand). This is the case whether or not they have ever lived or holidayed there. They do visit regularly especially to attend *Marae* events *hui* (meetings) and *tangi* (funerals). Their connection to Kawhia has no beginning or end. It is a birth right and extends to eternity. This is consistent with Deloria's views on the notion of time in indigenous thought. Time doesn't exist in the big picture (years or generations are not a focus). Maori can always come back to Kawhia, their *wairua* (spirit) never really leaves. The implications of this are that there is always a body of people who have an interest in the place and its strategic goings on. Hopes and dreams for Kawhia go far into the distance acting now for future generations.

A connection with community is tied to living there. Even former Maori residents feel that they are losing the link having left. They are no longer involved in or engaging with the community's regular activities, needs or issues. Even those who sit as *Marae* trustees or *kaumatua* (elders) are not involved where they do not live in town. In this respect the *Marae*, *iwi* (tribe) and institutional goings on of Maori are quite distinct from the town issues for those Maori who are not resident. Such Maori have *turangawaewae* (place to stand) with the place but not the town *per se*.

There was a noticeable lack of yearning for old times and nostalgia. This may be related to the different sense of time and many changes that Kawhia and its harbour have seen. Maori memories go a lot further back to first settlement, battles over land and other power struggles between *iwi* (tribes) then the European settlement, the town's heyday as a commercial centre and port of note on the West Coast and current decline. The recent times were rarely discussed. There is a desire for Maori residents for progress that is consistent with "*taka huri haere mai te wa*" *turn to the past and go forward*. Progress that creates local jobs and income.

However the past exists and is implicated explicitly through *karakia* (prayer) and implicitly through custom in everything, such as social events, daily routines, business practice and ideals.

### **Pakeha**

Where the family connections exist, pakeha feel a connection through the sea to their settler ancestors. It is a feature they have in common with those ancestors. The harbour remains much the same as it was although the surrounding land and settlements have completely altered.

Pakeha love fishing and boating would do it all day every day and they love to see and be beside the sea (people who don't like fishing and boating don't stay). But they didn't articulate a connection with the harbour or its role as an extension of the town's public space in the same way Maori did. Is the sea more of a private space for pakeha – a place for solitude and private activity?

Longer term residents take a longer view than other pakeha in terms of aspiration. When thinking about the future of the town, they are more likely to look beyond their own experience and life to their children and grandchildren. They hope that their descendants can have a life in Kawhia. They are also a little resigned to the fact that the current "young ones" are all gone. Two subjects were themselves making plans to leave with their families one for lifestyle (lifestyle block around harbour – fallen

out with a few in town) reasons. The other for health services that are unavailable in Kawhia. Neither was obviously unhappy about leaving.

Long term residents have a great knowledge of and ability to involve themselves in Maori culture. In the past the whole town would attend all local events including at the *Marae*. This is unusual in mainstream New Zealand. Those of my generation who grew up in Kawhia took Maori language as a compulsory subject at the local High School for a year – not those at private school.

Kawhia is primarily a boating and fishing town. Main reason to come and/or stay.

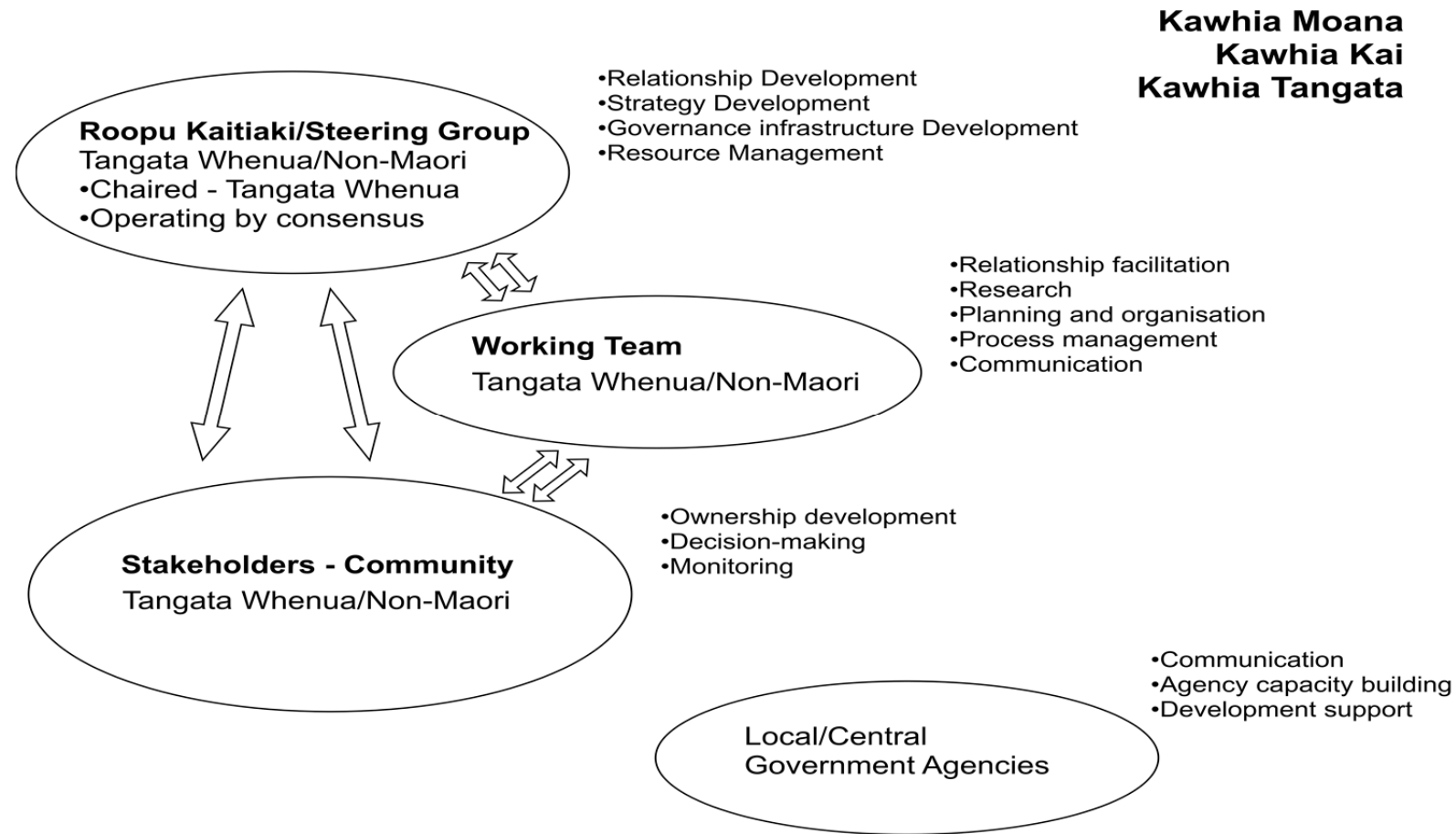
### **General**

There is a concern about children's welfare and safety. In the past one could safely let them out to play in the bush, the sea, to explore. Everybody would look out for everybody else. How to incorporate safety and space for children.

The changing nature of home ownership and residence is affecting the relationships between permanent and regular holiday makers. Those who return regularly are now being looked to for a contribution – through support of local groups, eg. Boat Club, Rowing Club, KHPS. Also they unanimously agreed to amend the leases for the benefit of Maori owners which was a surprise to one of the leaseholders and an indication of potential.

Perception of new comers - lack of commitment to the community. Community services are a cause of both pride (that the community pulls together to provide them) and concern (what will happen if X can't do it). The resident community is very active, holding regular activities (exercise, art, sport etc.) and producing a newsletter. Meetings are well attended.

**Appendix 2: Ngati Hikairo proposed Kawhia Environmental Management Structure**



### **Appendix 3: Research Diary – transcription of meeting note**

15.03.09 – Omimiti landscape consultation meeting

So ... 15 March Sunday 2009 I went to a consultation about landscape proposal at Omimiti park ah community meeting 11am ... ah I arrived on my own just before 11 I knew Hemi would be there and he was, Auntie T turned up shortly after me so I said hello to her with all of her family a few people were milling around outside. We went in just after 11 and ... there were about 30 people there. At the top table were #####, Kaumatua who said Karakia, Hemi, Tine, Simon, Jarvis I assume and Janet who's name \I don't know and they were the steering group ... ah for the project and attending um ... with me I sat next to auntie T, a number of her family were there and various other people who I don't know including one called Tim who seems to have a bit to do with the leaseholders association. Now the meeting was to discuss a proposal ah some time ago the district council had had put forward some ideas about ... doing up Omimiti park reserve and all around the museum and locally the decision was made um to do something that didn't involve ODC or the community board but a project funded by local people for the community, by the community for the community I suppose. And the intention was to firstly to celebrate the 150 years of the Kingitanga, and to do something ah because ah Kawhia is such an important place for the Kingitanga to do something to celebrate that great milestone. And at the same time ah it makes improvements to Kawhia to lift morale of the town and make people feel proud, good about the town.

So the idea is to erect pou or bollards ... um instead of the current fencing arrangement that exists I'll need to go and take a photograph. Um and these will be well some or all of them maybe just 150 because there will be maybe over 200 of these bollards will be carved ah during a carving wananga whakairo wananga kei Waipapa *Marae* ah date to be decided now there is some funding may come for from Tainui ah for the wananga ah and various other avenues for the funding are being looked at I think by Hemi and Tina who re in touch with the Kingitanga and I understand and with Tainui. But the primary source of funds is hoping to be the community and they've worked out that if they had to get external operators to do the lot ah it would cost them ... \$85 per pou now they don't have anticipate having to spend that much cause they expect to get community involvement um in particular ah people might ah want to erect their own pou in fact so that they're going to be sponsoring, selling um pou for people to sponsor one for you or for your family etc. and they're hoping that there'll be a lot of um interest working bees etc. to bring the costs down of course there are some fixed costs there'll be ropes in between.



So there was some discussion of this. Now ... of what exactly was intended its part of the bigger landscape proposal um which includes raising the foreshore area with some boulders and backfill um however it that's a future a future project.

Um of, the people who were there were very interested in the idea and wholeheartedly supported it. There was some concern about um wheelchair and um ah pushchair access because there'd be ropes between the pou which is a good point because one of the things is to ah keep the 4 wheelers out. and provide a barrier um between children and the road but at the same time um access way also the road round the museum will be stopped ah an which is a huge safety concern according to the people at the museum Aunty T said, that ah on a number of occasions they've saved children's lives (laugh) because of course there is a very sharp drop um with no fence or anything and a very narrow driveway which cars come tearing round. Ah there was also some discussion it seemed the dissension in the community, which wasn't present at the meeting but had previously been expressed ... it's around a little concrete strip in which the current um fencing arrangement is placed, was put in and the effort an costs that went to getting that, those fences in according to Jane they're an eyesore they're just really terribly ugly, I truth be known I'm not, I'm not kind of seeing that although I can see how these pou would be really quite something would make would be a stunning statement for the town. Um and I should say that I'm intending to sponsor 5, I was thinking 4 and dad said that we'll get one so that makes 5 from our family.

Now one of the interesting things that came up was ... Simon Jarvis who ran the meeting was quite anxious to ... dis ... tinguish between, he and Tina are both on the community board as well. and he felt like because this is not a community board project, now I need to find out more about that what what's the deal about it not being a community board project, he didn't want to be chair of both ah groups because at the moment he's chair of this group. Um it cause there might be some confusion. Ah it's clearly, there's clearly something going on there um that that I don't know about. Um and it's definitely not a district council project although the council support it is the impression we got. I think they support it because they don't have to pay for it. Ah and they, they were wanting something to be done...

Very hard for them not to support something that the community initiated of course. Um ... the meeting aunty T in fact commented did not represent the community there was a very small turnout although the reply was that it was a typical turnout of any meeting that's held about anything, community board, elections everything. Now I had previously thought that everybody goes to meetings but subsequently ah um I found out that it's not the case, not the case at all.

So an interesting meeting, some things to follow up re the community board um ... an, and of course it will be good to see how it goes. Ah and a lot of support in the town, sponsorship they were talking about people who would do this that and the other um and also there was an agreement it shouldn't be down to the same people all the time to be providing things free of charge and the there should be ah you know something in it for them every now and then. I ... and then after there was a karakia to close although everybody went to stand up (amusement) or not everybody, a number of people went to stand up and go and aunty T said wait!, wait! Karakia! And then ##### just stood up and started doing it so everybody sat down again. That was interesting there was a tolerance for it, for the karakia. But well certainly wasn't expected or assumed to happen. And then afterwards we went outside and were, and had a walk around and were showed what were ah what was going to go where and how they were going to do things um and, and that was interesting. ####, was sorry that I'm not here permanently because he'd have like to have me on the committee, they looked for people to go on the committee, ah without success although people did volunteer to help with the working bees. ...

Um ... yes ... yes and the whole thing they are hoping to be done in two or three months' time because the celebrations of the 150<sup>th</sup> year of the Kingitanga are, finish at, at the beginning of May so as soon after that as possible is what they're hoping for.

#### **Appendix 4: Extract from transcript of recorded conversation**

Transcription is exactly as heard including partial words, hesitations and repetitions.

Meal at L's house, conversation with A and L. recorder on table. Brackets and Colours to delineate speaker.

... [but there we go, but with Roger it's kind of like how do you build the bridge?] you don't you can't [*laugh*] you can't essentially anybody who's from well the rati, the excuses are you know, new people coming in. Well sorry I mean you know, I, I think that's just an excuse wouldn't you say A? (mmmm) it's just an excuse it's started to wear rather thin. And it's rather sad because his heart is, he's got a good heart about Maori issues and he has a genuine, sort of, and he has probably quite a bit of knowledge [mmmm] as I imagine his parents did but they're now died. Um, but he, again it's all personalities [*redacted*] and made it really difficult for them. It was really trick, you know, um, instead of saying how wonderful here's these young energetic people who actually want to do things and I'll now put them to work! Doing all these things and they can sort of advise me how to do it, you know, no [*redacted*] . [I went to meeting on Sunday community meeting down at the centre] oh yeah I didn't go to that [about the, yeah about the] I was too busy [park and about the landscaping and all of that. Um, and they made a point *laugh* of so, running the meeting was Simon] oh yes [Jarvis?] yes, my cousin [oh ok, and sitting beside him was Tini and then Hemi and Jake and Janet, a woman called Janet?] I don't know *drowned out by TM* [they're the committee who're doing this, pou thing and um, they kind of made the point that even though he's on the community board and so's Tini, they, this is not a community board thing] but it, it's [and it's not a, I wondered why they kind of had to keep on making the distinction] well it is a community board, the community board has respons..., *phone ringing L getting up to answer phone speaks to S about plans for tomorrow, can be heard in the background also discusses me and my work*

*HF speaking to A* [Down at the um, Omimiti park where um, got a project going to, ... right now there's a little green kind of barrier all around it and they're going to put in instead, like out at Waipapa the big posts?] (oh yeah) [not so tall, but um, they getting a carving school held out at Waipapa to carve them and there'll be celebration of 150 years of the kingitanga] (oh that's their contribution?) [yeah so their gonna have 150 carved pous with ropes in between and they're gonna sell them it's all gonna be paid for, fund raising and all by the community no council involvement and so they're gonna sell the pou you can buy one for \$85 and it will be put in, in your name, yeah .... so there's a meeting to see what the interest was in the community whether there was support for it ...

(so what's your interest in Aotea, to extend your area?) [to provide a comparison] (oh yeah , yeah) [you know with the way um, two harbours right next door, um, with different hapu and like and issues, but both Tainui and both same Council, or with other Council's, and but, just going about things slightly differently, yeah ... yeah ... although ... .. and also the thing, they're setting up a heritage thing, ...

## Glossary

Translations and interpretation taken from Barton and Thorne (2010), The Resource Management Act 1991, Ryan's Dictionary of Modern Maori (1994)

***Aotearoa***: New Zealand, the Maori name translates as 'Land of the long white cloud'

***Hapu***: Sub-tribe

***Iwi***: Tribe

**IMP**: *Iwi* Management Plan

***Kaitiakitanga***: Guardianship/stewardship

***Karakia***: Prayer

***Kaumatua***: Elder

***Kingitanga***: The King movement, a Royalty established by Waikato-Tainui tribes in 1858 as a response to colonisation and effort to regain sovereignty for Maori.

***Mana whenua***: Authority over land

***Marae***: Meeting area of family or tribe, focal point of settlement, central area of village and its buildings

***Maori***: As a noun it refers to the indigenous people of New Zealand as a group. Also an adjective meaning 'normal or ordinary'.

***Ngati Hikairo***: A tribe from the Kawhia, Pirongia region of the North Island of New Zealand. The author's own tribe.

**NITOW:** Nga *Iwi* Toopu o Waipa

**ODC:** Otorohanga District Council

***Pa:*** Village

***Pakeha:*** Non Maori, White or Caucasian

***Poukai:*** Annual Celebration held at certain *Marae* including Waipapa

***Rangatiratanga:*** Sovereignty

**RMC:** The Resource Management Committee of the Ngati Hikairo Runanga

***Ropu:*** Group

**Runanga:** Te Runanganui o Ngati Hikairo: Ngati Hikairo's governing body.

***Tangata Whenua:*** Local people

***Taonga:*** Highly prized property/treasure

***Tupuna:*** Ancestor

***Turangawaewae:*** Domicile/Home turf

***Waahi Tapu:*** Sacred place.

***Waiata:*** Song

***Waipapa:*** The name of the Ngati Hikairo *Marae* at Kawhia

***Wananga:*** Learning, seminar, series of discussions

**WDC:** Waipa District Council

***Whakapapa:*** Genealogy

***Whanau:*** Family

***Wharekai:*** Kitchen and Dining Hall

***Wharenui:*** Meeting House, the primary building at a *Marae*

***Whare Tupuna:*** Meeting House (that is also an ancestor)

***Whenua:*** Land

## Bibliography

- Abelson, J., Forest, P., Eyles, J., Smith, P., Marin, E. and Gauvin, F. (2003) 'Deliberations about deliberative methods: issues in the design and evaluation of public participation processes' *Social Science and Medicine*, 57, 239-251.
- Agrawal, A. (1995) 'Dismantling the Divide between Indigenous and Scientific Knowledge' *Development and Change*, 26, 413-439.
- Agrawal, A. (1997) 'The Politics of Development and Conservation: Legacies of Colonialism' *Peace and Change*, 22, 463-482.
- Agrawal, A. (2002) 'Indigenous Knowledge and the Politics of Classification' *International Social Science Journal*, September, 325-336.
- Armitage, D., M Marschke and R. Plumber (2008) 'Adaptive co-management and the paradox of learning' *Global Environmental Change*, 18, 86-98.
- Armitage, D., F. Berkes, A. Dale E. Cocho-Schellenberg and E. Patton (2011) 'Co-management and the co-production of knowledge: learning to adapt in Canada's arctic' *Global Environmental Change*, 21, 995-1104.
- Barbour, W., and Schlesinger, C. (2012) 'Who's the boss? Post-colonialism, ecological research and conservation management on Australian Indigenous lands' *Ecological Management & Restoration*, 13, 36-41.
- Barton, P. and Thorne F. (2010) *Te Tahuanui: Ngati Hikairo Heritage Management Plan 2010*, Kawhia, NZ: Te Runanganui o Ngati Hikairo
- Baviskar, A. (2000) 'Claims to Knowledge, Claims to Control: Environmental Conflict in the Great Himalayan National Park, India' in Ellen, R., Parkes, P. and Bicker, A. (Eds.) *Indigenous Environmental Knowledge and its Transformations: Critical Anthropological Perspectives*. London, Routledge.



- Becker C.D. and Ghamire, K. (2003) 'Synergy Between Traditional Ecological Knowledge and Conservation Science Supports Forest Preservation in Ecuador' *Conservation Ecology*, 8, 1.
- Berkes, F., Colding, J. and Folke, C. (2000) 'Rediscovery of Traditional Ecological Knowledge as Adaptive Management' *Ecological Applications*, 10, 1251-1262.
- Berkes, F., and Folke, C. (eds) (1998) *Linking Social and Ecological Systems: Management Practices and Social Mechanisms for Building Resilience*, Cambridge: Cambridge University Press
- Berkhout, F., Leach, M. and Scoones, I. (2003) *Negotiating Environmental Change: New Perspectives from Social Science*, Cheltenham: Edward Elgar
- Birchall, C. (2006) 'Cultural Studies and the Secret', Hall, G. and Birchall, C. (eds) *New Cultural Studies: Adventures in Theory*, Edinburgh: Edinburgh University Press. 293-310.
- Braun, B. (2002) *The intemperate rainforest: nature, culture, and power on Canada's west coast*, Minneapolis, The University of Minnesota Press.
- Burgess, J., Clark, J. and Harrison, C.M. (2000) 'The Values of Wetlands: Landscape and Institutional Perspectives. Knowledges in action: an actor network analysis of a wetland agri-environment scheme' *Ecological Economics*, 35, 119-132.
- Callon, M. (1986) 'Some elements of a sociology of translation: domestication of the fishermen of St Brieuc Bay' In Law, J. (Ed.) *Power, Action and Belief: A New Sociology of Knowledge*. Monograph 32 ed. London, Routledge and Kegan Paul.
- Callon, M., Lascoumes, P. and Bathe, Y. (2001) *Acting in an Uncertain World: An Essay on Technical Democracy*, London: The MIT Press

Cassell, J. and Jacobs, S. (eds) (2006) *Handbook on ethical issues in Anthropology: A special publication of the American Anthropological Association Number 23*, Arlington: American Anthropological Association

<http://www.aaanet.org/committees/ethics/toc.htm> downloaded February 2012

Cheyne, C. and Freeman C. (2006) 'A rising tide lifts all boats? A preliminary investigation into the impact of rising New Zealand coastal property prices on small communities', *Kōtuitui: New Zealand Journal of Social Sciences Online*, 2006, 1: 105-124.

Cheyne, C.M. and Tawhai V.M.H. (2007) *He Wharemoa Te Rakai, Ka Mahue: Maori Engagement with Local Government. Knowledge, Experiences, and Recommendations*. Palmerston North: Massey University

Clark, J. and Murdoch, J. (1997) 'Local Knowledge and the Precarious Extension of Scientific Networks: A Reflection on Three Case Studies' *Sociologia Ruralis*, 37, 38-60.

Clifford, J. and G. E. Marcus (eds) *Writing Culture: The Poetics and Politics of Ethnography*, Berkeley, CA: University of California Press.

Collins, P. and Gallinat, A. (2010) 'The Ethnographic Self as Resource: an Introduction' Collins, P. and A Gallinat (eds) *The Ethnographic Self as Resource: Writing Memory and Experience into Ethnography*, Oxford: Bergahn Books, 1-22.

Coombes, B. (2007) 'Postcolonial Conservation and Kiekie Harvests at Morere New Zealand - Abstracting Indigenous Knowledge from Indigenous Polities', *Geographical Research*, 45, 186-193.

Coombes, B. and Hill, S. (2005) '"Na whenua, na Tuhoe. Ko D.o.C. te partner" Prospects for Comanagement of Te Urewera National Park', *Society & Natural Resources*, 18, 135-152.

Coombes, B., Johnson, J.T. and Howitt, R. (2012) 'Indigenous geographies I: Mere resource conflicts? The complexities in Indigenous land and environmental claims' *Progress in Human Geography*, 36, 810-821.

Creswell, J.W. (2007) *Qualitative Inquiry & Research Design: Choose Among Five Approaches Second Edition*, London: Sage Publications

Crosby, B.C. and Bryson J.M. (2005) *Leadership for the Common Good: Tackling Problems in a Shared-Power World* 2<sup>nd</sup> Edition, San Francisco: Jossey-Bass

Cullen-Unsworth, L.C., Hill, R., Butler, J.R.A. and Wallace, M. (2011) 'Development of Linked Cultural and Biophysical Indicators for the Wet Tropics World Heritage Area', *International Journal of Science in Society*, 2, 181-194.

Cullen-Unsworth, L.C., Hill, R., Butler, J.R.A. and Wallace, M. (2012) 'A research process for integrating Indigenous and scientific knowledge in cultural landscapes: principles and determinants of success in the Wet Tropics World Heritage Area, Australia' *Geographical Journal*, 178, 351-365.

Cummins, P. (Compiler) (2004) *A History of Kawhia and its District*, Kawhia: Kawhia Museum.

Davies, C. A. (1999) *Reflexive Ethnography*, London: Routledge.

Dove, M. R., (2006) 'Indigenous People and Environmental Politics', *Annual Review of Anthropology*, 35: 191-208

Dryzek, J. (2005) *The Politics of the Earth: Environmental Discourses*, Oxford, Oxford University Press.

Dunion, K. (2003) *Troublemakers: The struggle for Environmental Justice in Scotland*, Edinburgh: Edinburgh University Press

Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination*, South Melbourne: Oxford University Press

Durie, M. (2010) 'Outstanding Universal Value: how relevant is indigeneity?' in Selby, R., Moore, P. and Mulholland, M. (eds) (2010) *Maori and the Environment: Kaitiaki*, Wellington: Huia, 239-279

Ellen, R. and Fukui, K. (Eds) (1996) *Redefining Nature: Ecology, Culture and Domestication*, Oxford: Berg

Ellen, R., Parkes, P. & Bicker, A. (Eds.) (2000) *Indigenous environmental knowledge and its transformations: critical anthropological approaches* Amsterdam, Harwood.

Ens, E.J., Finlayson, M., Preuss, K., Jackson, S. and Holcombe, S. (2012) 'Australian approaches for managing 'country' using Indigenous and non-Indigenous knowledge' *Ecological Management & Restoration*, 13, 100-107.

Flyvbjerg, B. (1998) *Rationality and Power: Democracy in Practice*, Chicago: The University of Chicago Press

Flyvbjerg, B. (2001) *Making Social Science Matter: Why Social Inquiry Fails and How to Make it Succeed Again*, Cambridge: Cambridge University Press

Fortier, J.F., Wyatt, S., Natcher, D.C., Smith, M.A. and Hebert, M. (2013) 'An inventory of collaborative arrangements between Aboriginal peoples and the Canadian forest sector: Linking policies to diversification in forms of engagement', *Journal of Environmental Management*, 119, 47-55.

Foucault, M. (1977) *Discipline and Punish*, Harmondsworth: Penguin

Freeman, C. (2004) 'Sustainable Development from Rhetoric to Practice? A New Zealand Perspective', *International Planning Studies*, 2004, 9(4): 307-326.

Freeman, C. (2005) 'Property Price Rise on the Coast', *Planning Quarterly* 158:10-13. <http://www.qualityplanning.org.nz/pubs/Property-Price-Rise-on-the-Coast.pdf>

Freeman, C. and Christine C. (2008) 'Coasts for Sale: Gentrification in New Zealand', *Planning Theory and Practice*, 2008, 9(1):33-56.

Gadgil, M., Seshagiri Rao, P.R., Utkarsh, G., Pramod, P., Chhatre, A. and Initiative M.O.T.P.S.B. (2000) 'New Meanings For Old Knowledge: The People's Biodiversity Registers Program' *Ecological Applications*, 10, 1307-1317.

Gallinat, A. (2010) 'Playing the Native Card: the Anthropologist as Informant in Eastern Germany', in Collins, P. and A Gallinat (eds) *The Ethnographic Self as Resource: Writing Memory and Experience into Ethnography*, Oxford: Bergahn Books, 25-44.

Geertz, C. (1984) 'Anti Anti-Relativism', *American Anthropologist* (86) 2, pp. 263-278.

Geertz, C. (1988) *Works and Lives: the Anthropologist as Author*, Stanford, CA: Stanford University Press.

Geertz, C. (2000) *The Interpretation of Cultures: Selected Essays*, New York: Basic Books, pp. v-ix, 3-453

Goffman, E. (1971) *The Presentation of Self in Everyday Life*, Middlesex, Pelican Books.

Hall, S. (1997) 'The Work of Representation' in Hall, S. (ed) *Representation: Cultural Representations and Signifying Practices*, London: Sage/The Open University

Hansard (debates) (2008) 'Third Readings: Hon. Parekura Horomia (Minister of Maori Affairs) Vol. 647, p. 16035

Haraway, D. (1992) 'The Promises of Monsters: A Regenerative Politics for Inappropriate/d Others' in Grossberg, L., Nelson, C. & Treichler, P. (Eds.) *Cultural Studies*. London, Routledge.

Healey, P. (1997) *Collaborative Planning: Shaping Places in Fragmented Societies*, Basingstoke: Macmillan Press

Hill, R., C. Grant, M. George, C. Robinson, S. Jackson and N. Abel (2012) 'A typology of indigenous engagement in Australian environmental management: implications for knowledge integration and social-ecological system sustainability', *Ecology and Society*, 17(1): 23. <http://dx.doi.org/10.5751/ES-04587-170123>

Hill, S. and Coombes, B. (2004) 'The limits to participation in dis-equilibrium ecology: Maori involvement in habitat restoration within Te Urewera national park', *Science as Culture*, 13, 37-74.

Hiroa, T. (1949) *The Coming of the Maori*, Wellington Maori Purposes Fund Board: Wellington  
<http://www.nzetc.org/tm/scholarly/tei-BucTheC-t1-front1-d2.html>

Historic Places Trust (2009) *Proposal to Notify a Wahi Tapu Area Registration Proposal*, unpublished papers prepared for meeting of the Maori Heritage Committee on 26 March 2009.

Hood, D. (2013) 'A brighter native future starts with development' *Canadian Business*, 2/18/2013, 86(1/2), 4

Housing New Zealand (2005) *Briefing to the Incoming Minister: Housing*, Housing New Zealand Corporation,  
<http://www.hnzc.co.nz/hnzc/dms/F8E535F5F87048F324BC3EABA4FB9EF8.pdf>

Housing New Zealand (2008) *2008 Briefing to the Incoming Minister of Housing*, Housing New Zealand Corporation,

<http://www.hnzc.co.nz/hnzc/dms/5CD04C54CBC965DECC446BFBF87DC93B.pdf>

Howitt, R. (2012) 'Sustainable indigenous futures in remote Indigenous areas: relationships, processes and failed state approaches' *GeoJournal*, 77(6): 817-828.

Huntington, H.P. (2000) 'Using Traditional Ecological Knowledge in Science: Methods and Applications' *Ecological Applications*, 10, 1270-1274.

Idrobo, C. and Berkes, F. (2012) 'Pangnirtung Inuit and the Greenland Shark: Co-producing Knowledge of a Little Discussed Species' *Human Ecology: An Interdisciplinary Journal*, 40, 405-414

Irwin, G. (2009) 'Pacific migrations - Māori ancestors', *Te Ara - the Encyclopaedia of New Zealand*, updated 4-Mar-09 URL: <http://www.TeAra.govt.nz/en/pacific-migrations/7>

Jackson, S. (2006) 'Compartmentalising Culture: the articulation and consideration of Indigenous values in water resource management' *Australian Geographer*, 37, 19-31.

Jackson, S. and M. Barber (2013) 'Recognition of indigenous water values in Australia's Northern Territory: current progress and ongoing challenges for social justice in water planning', *Planning Theory and Practice*, 14(4): 435-454.

Jackson, S., Tan, P., Mooney, C., Hoverman, S. and White, I. (2012) 'Principles and guidelines for good practice in Indigenous engagement in water planning' *Journal of Hydrology*, 474, 57-65.

Jasanoff, S. (2005) *Designs on Nature: Science and Democracy in Europe and the United States*, Princeton: Princeton University Press

Jasanoff, S., Markle, G.E., Petersen, J.C. and Pinch, T.J. (Eds.) (1995) *Handbook of Science and Technology Studies* Thousand Oaks, CA Sage Publications

Jones, R., C. Rigg, and L. Lee (2010) 'Haida marine planning: First Nations as a partner in marine conservation', *Ecology and Society*, 15(1): 12  
<http://www.ecologyandsociety.org/vol15/iss1/art12/>

Kahn, B.A. (2013) 'A Place Called Home: Native Sovereignty Through Statehood and Political Participation' *Natural Resources Journal*, 53, 1-53.

Kawhia Community Board, (2010) *Kawhia Community Board: Minutes, 28 May 2010*, Otorohanga: Otorohanga District Council,  
[http://www.otodc.govt.nz/NR/rdonlyres/6A41AA51-8517-4B10-BB4C-43332E04DA0F/72501/KCB\\_Minutes\\_100528.pdf](http://www.otodc.govt.nz/NR/rdonlyres/6A41AA51-8517-4B10-BB4C-43332E04DA0F/72501/KCB_Minutes_100528.pdf) (downloaded 17 January 2012)

Kawhia Community Plan Team (2004) *Kawhia Community Plan: The Kawhia Way – let's have our say*, Otorohanga: Otorohanga District Council  
<http://www.otodc.govt.nz/NR/rdonlyres/3CC878AB-C177-46D9-9727-278F8471715E/59561/KawhiaCommunityPlan.pdf>

Kawhia School (2009) *Kawhia Marae Games 2009*,  
[http://www.kawhia.school.nz/1/image\\_galleries/2-gallery-nga-whakaahua/categories/13-kawhia-Marae-games-2009](http://www.kawhia.school.nz/1/image_galleries/2-gallery-nga-whakaahua/categories/13-kawhia-Marae-games-2009) downloaded 28 August 2011

KCSM Consultancy Solutions (2004) *Review of the Effectiveness of Iwi Management Plans: An Iwi Perspective*, Wellington NZ, Ministry for the Environment

Kelly, L.G. (1949, 2007 facsimile) *Tainui: The Story of Hoturoa and his Descendants*, Cadsonbury: Christchurch

Kidd, R. (2010) 'Impasse on Aotea Beach Access', *Waikato Times*, Hamilton: Waikato Times <http://www.stuff.co.nz/waikato-times/news/3202432/Impasse-on-Aotea-beach-access> (02.01.10)



King, M. (2003) *The Penguin History of New Zealand*, Auckland: Penguin Books

Latour, B. (2004a) *Politics of nature: How to bring the sciences into democracy*, London: Harvard University Press

Latour, B. (2004b) 'Why has Critique Run out of Steam? From Matters of Fact to Matters of Concern', *Critical Inquiry*, 32(2), 225-48

Latour, B. (2005) *Reassembling the Social: An Introduction to Actor-Network-Theory*, Oxford: Oxford University Press

Latour, B. and Woolgar, S. (1979) *Laboratory Life: The Construction of Scientific Facts*, Princeton: Princeton University Press

Marcus, G. E. and M. J. Fischer (1999) *Anthropology as Cultural Critique: An Experimental Moment in the Human Sciences (2<sup>nd</sup> Ed)*, Chicago: The University of Chicago Press

Massey, D. (1995) 'The Conceptualisation of Space' in Massey D. and Jess, P. (eds) *A Place in the World*, Oxford: Oxford University Press

Matunga, H. (1994) *The Resource Management Act 1991 and Maori Perspectives: Seminar for Palmerston North City Council*, Centre for Maori Studies and Research, Lincoln University.

Mauro, F. and Hardison, P.D. (2000) 'Traditional Knowledge of Indigenous and Local Communities: International Debate and Policy Initiatives' *Ecological Applications*, 10, 1263-1269.

McGregor, D. (2009) 'Linking Traditional Knowledge and Environmental Practice in Ontario', *Journal of Canadian Studies*, 43 (3), p. 69

Memon, P.A. and Kirk, N.A. (2011) 'Maori commercial fisheries governance in Aotearoa / New Zealand within the bounds of a neoliberal fisheries management regime', *Asia Pacific Viewpoint*, 52, 106-118.

Memon, P.A. and Kirk, N.A. (2012) 'Role of indigenous Maori people in collaborative water governance in Aotearoa/New Zealand' *Journal of Environmental Planning and Management*, 55, 941-959.

Memon, P. A., Sheeran, B. and Ririnui, T. (2003) 'Strategies for Rebuilding Closer Links between Local Indigenous Communities and Their Customary Fisheries in Aotearoa/New Zealand' *Local Environment*, 8, 205-219.

Miller, C.L. (2011) *Implementing Sustainability: The New Zealand Experience*, Abingdon: Routledge

Ministry for the Environment (2003) *Whakamau ki nga Kaupapa – Making the best of iwi management plans under the Resource management Act 1991*, Wellington, NZ: Ministry for the Environment,  
<http://www.mfe.govt.nz/publications/rma/whakamau-ki-nga-kaupapa-jun01/index.html>

Ministry for the Environment (2007) 'Structuring and Organising Regional and District Plans, guidance <http://www.qualityplanning.org.nz/plan-development/writing-provisions-plans/give-effect-discussion.php>

Ministry for the Environment (2009) *An Everyday Guide to the Resource Management Act, Series 1.1: Getting in on the Act*, Wellington, NZ: Ministry for the Environment <http://www.mfe.govt.nz/publications/rma/everyday/overview/>  
downloaded 7 November 2011.

Ministry of Fisheries (2010) *Mataitai Reserves*, Wellington, NZ: Ministry of Fisheries, <http://www.fish.govt.nz/en-nz/Maori/Management/Mataitai/default.htm>  
downloaded 29 August 2011.

Murdoch, J. and Clark, J. (1994) 'Sustainable Knowledge' *Geoforum*, 25, 115-132.

Muru-Lanning, M. (2010) *Tupuna Awa and Te Awa Tupuna: An Anthropological Study of Competing Discourses and Claims of Ownership to the Waikato River*, Auckland, NZ: Auckland University PhD Thesis

Muruthi, P., Stanley Price, M., Soorae, P., Moss, C.J., and Lanjouw, A. (2000) 'Conservation of large mammals in Africa: What lessons and challenges for the future?' In *Priorities for Conservation of Mammalian Diversity*, eds. Entwistle, A. and Dunstone, N. Cambridge: Cambridge University Press, 207-219

Nabhan, G.P. (2000) 'Interspecific Relationships Affecting Endangered Species Recognised by O'odham and Comcaac Cultures' *Ecological Applications*, 10, 1288-1295.

New Zealand Herald (2008) *Leaders to Debate Succession and Kingitanga's Future*, Auckland: New Zealand Herald [www.heraldonline.co.nz](http://www.heraldonline.co.nz)

New Zealand Historic Places Trust (2009) *Tapuwae: The Maori Heritage Council Statement on Maori Heritage, A Vision for Places on Maori Heritage*, Wellington, NZ: New Zealand Historic Places Trust Pouhere Toanga.  
<http://www.historic.org.nz/Publications/~media/Corporate/Files/Publications/Tapuwae%20English.ashx>

New Zealand Historic Places Trust (2011) *The Register*, Wellington, NZ: New Zealand Historic Places Trust,  
<http://www.historic.org.nz/~media/Corporate/Files/Brochures/Register.ashx>  
Downloaded 29 August 2011

Ngati Hikairo (2007a) (WAI 1112) *Tapaetanga o te Kereme O Ngati Hikairo*, Statement of Claim filed in the Waitangi Tribunal

Ngati Hikairo (2007b) (WAI 1113) *Tapaetanga o te Kereme O Ngati Hikairo*, Statement of Claim filed in the Waitangi Tribunal

Ngati Hikairo (2008) *Iwi says Bill Changes Boundaries*, Press Release, available at [http://www.ngatihikairo.iwi.nz/index.php?option=com\\_content&task=view&id=101&Itemid=26](http://www.ngatihikairo.iwi.nz/index.php?option=com_content&task=view&id=101&Itemid=26)

Ngati Hikairo (2009) *Waipapa the Champs at Pa Wars*, [http://www.ngatihikairo.iwi.nz/index.php?option=com\\_content&task=view&id=127&Itemid=26](http://www.ngatihikairo.iwi.nz/index.php?option=com_content&task=view&id=127&Itemid=26) downloaded 28 August 2011.

Ngati Hikairo (2011a) *Ngati Hikairo News*, Issue 1, Feb 11. Kawhia, NZ: Ngati Hikairo, email subscription [ngatihikaironews@gmail.com](mailto:ngatihikaironews@gmail.com)

Ngati Hikairo (2011b) *Ngati Hikairo News*, Issue 2, August 11. Kawhia, NZ: Ngati Hikairo, email subscription [ngatihikaironews@gmail.com](mailto:ngatihikaironews@gmail.com)

Nygren, A. (1999) 'Local Knowledge in the Environment-Development Discourse: From dichotomies to situated knowledges' *Critique of Anthropology*, 19, 267-288.

O'Neill, J. (2005) 'Environmental values through thick and thin', *Conservation and Society*, 3: 479-500

Ortner, S. B. (2006) *Anthropology and Social Theory: Culture, Power, and the acting subject*, Durham, NC: Duke University Press

Otorohanga District Council (2009) *Kawhia Community Board: Minutes: 27 November 2009*, Otorohanga, NZ: Otorohanga District Council  
<http://www.otodc.govt.nz/NR/rdonlyres/6A41AA51-8517-4B10-BB4C-43332E04DA0F/70200/KCB091127.pdf> downloaded 28 January 2012

Otorohanga District Council (2010a) *Kawhia Community Board: Minutes: 26 March 2010*, Otorohanga, NZ: Otorohanga District Council

[http://www.otodc.govt.nz/NR/rdonlyres/6A41AA51-8517-4B10-BB4C-43332E04DA0F/71318/KCB\\_Minutes\\_100326.pdf](http://www.otodc.govt.nz/NR/rdonlyres/6A41AA51-8517-4B10-BB4C-43332E04DA0F/71318/KCB_Minutes_100326.pdf) downloaded 28 January 2012

Otorohanga District Council (2010b) *Otorohanga District Council Agenda: 16 November 2010*, Otorohanga, NZ: Otorohanga District Council  
[http://www.otodc.govt.nz/NR/rdonlyres/6A41AA51-8517-4B10-BB4C-43332E04DA0F/74732/ODC\\_Agenda\\_101116.pdf](http://www.otodc.govt.nz/NR/rdonlyres/6A41AA51-8517-4B10-BB4C-43332E04DA0F/74732/ODC_Agenda_101116.pdf), downloaded 24 January 2012

Otorohanga District Council (2010c) *Otorohanga District, Proposed District Plan – 16 September 2010*, Otorohanga: Otorohanga District Council,  
<http://www.otodc.govt.nz/Environmental/ProposedPlanDocs.htm>, downloaded 20 December 2011.

Owens, S. (2005) 'Commentary: Making a difference? Some perspectives on environmental research and policy' *Transactions of the Institute of British Geographers NS*, 287-292.

Pierotti, R. and Wildcat, D. (2000) 'Traditional Ecological Knowledge: The Third Alternative (Commentary)' *Ecological Applications*, 10, 1333-1340.

Prober, S.M., O'Connor, M.H. and Walsh, F.J. (2012) 'Australian Aboriginal Peoples' Seasonal Knowledge: a Potential Basis for Shared Understanding in Environmental Management' *Ecology and Society*, 16, 1-16.

Prytherch, D.L. (2011) 'Book Review: Urban Assemblages: How Actor-Network Theory Changes Urban Studies' *Progress in Human Geography*, 35(6), 855-856.

Rabinow, P. (1977) *Reflections on Fieldwork in Morocco*, Berkeley, CA: University of California Press

Rabinow, P. (2007) 'Anthropological Observation and Self-Formation', Biehl, J., Good, B. and A Kleinman, *Subjectivity: Ethnographic Investigations*, Berkeley, CA: University of California Press, 98-118.

Rapport, N. (2010) 'The Ethics of Participant Observation: Personal Reflections on Fieldwork in England', Collins, P. and A Gallinat (eds) *The Ethnographic Self as Resource: Writing Memory and Experience into Ethnography*, Oxford: Bergahn Books, 78-96.

Rotorangi, S. (2012) 'Plantation forest leases: experiences of New Zealand Maori' *Canadian Journal of Forest Research*, 42, 1678-1686.

Ryan, P.M. (1994) *P. M Ryan's Dictionary of Modern Maori*, Auckland, NZ: Heinemann

Sachs, W. (2002) *The Jo'burg Memo: Fairness in a Fragile World. Memorandum for the World Summit on Sustainable Development*, Berlin: Heinrich Boll Foundation.

Salmon, E. (2000) Kincentric Ecology: Indigenous Perceptions of the Human-Nature Relationship. *Ecological Applications*, 10, 1327-1332.

Salmond, A., Tadaki, M. and T. Gregory (2014) 'Enacting new freshwater geographies: Te Awaroa and the transformative imagination', *New Zealand Geographer*, 70: 47-55.

Satterfield, T., R. Gregory, S. Klain, M. Roberts and K. M. Chan (2013) 'Culture, intangibles and metrics in environmental management' *Journal of Environmental Management*, 117, 104-114

Scoop (2008) 'Dr Pita Sharples, co-leader of the Maori Party', <http://www.scoop.co.nz/stories/PA0805/S00283.htm> downloaded 28 August 2011.

Seale, C. (1999) *The Quality of Qualitative Research*, London: Sage

Sherlock, K. L., Kirk, E. A. & Reeves, A. D. (2004) 'Just the usual suspects? Partnerships and environmental regulation' *Environment and Planning C: Government and Policy*, 22, 651-666.

Shore Futures (2009) *Shore Futures, A collective vision for healthy harbours and communities in the Kawhia and Aotea Catchments: Preferred Futures Report*, Hamilton, NZ: Environment Waikato, [www.ew.govt.nz/shorefutures](http://www.ew.govt.nz/shorefutures)

Sikic-Micanovic, L. (2010) 'Foregrounding the Self in Fieldwork among Rural Women in Croatia', in Collins, P. and A Gallinat (eds) *The Ethnographic Self as Resource: Writing Memory and Experience into Ethnography*, Oxford: Bergahn Books, 45-62.

Smith B.R. (2003) 'All been washed away now': Tradition, change, and indigenous knowledge in a Queensland Aboriginal Land Claim', Pottier, J., A. Bicker and P. Sillitoe (Eds.) *Negotiating Local Knowledge: Power and Identity in Development*, London: Pluto Press, 121-154.

Smith, M.J. (1988) *Social Science in Question*, London: Sage Publications/The Open University

Sokal, A. (1993) 'Transgressing the Boundaries: An Afterword', *Dissent*, 43(4), 93-99.

Spradley, J.P. (1980) *Participant Observation*, London: Holt, Rinehart and Winston.

Stake, R. E. (2005) *Multiple Case Study Analysis*, New York: The Guildford Press.  
Retreived 19 August 2014 from <<http://www.mylibrary.com?ID=186917>>

Statistics New Zealand Tatauranga Aotearoa (2007) *QuickStats About Kawhia Community*, Statistics NZ

Stephenson, J. (2005). *Values in Space and Time: A framework for understanding and linking multiple cultural values in landscapes*. Dunedin, NZ: Geography Dept, Otago University

Stephenson, J. (2007) 'Many Perceptions, One landscape' *Landscape Review* 11(2) 9-30.

Stoeckl, N., Jackson, S., Pantus, F., Finn, M., Kennard, M.J., and Pusey, B.J. (2013) 'An integrated assessment of financial, hydrological, ecological and social impacts of "development" on Indigenous and non-Indigenous people in northern Australia' *Biological Conservation*, 159, 214-221.

Stokes, E. (2002) 'Contesting Resources: Maori Pakeha, and a tenurial revolution' in Pawson, E. and Brooking, T. (Eds.) *Environmental Histories of New Zealand*, South Melbourne: Oxford University Press.

Stratford, E., Armstrong, D. and Jaskolski, M. (2004) 'Relational spaces and the geopolitics of community participation in two Tasmanian local governments: a case for agonistic pluralism?' *Transactions of the Institute of British Geographers NS*, 28, 461-472.

Suchet-Pearson, S., Wright, S., Lloyd, K., and Burarrwanga, L. (2013) 'Caring as Country: Towards an ontology of co-becoming in natural resource management' *Asia Pacific Viewpoint*, 54, 185-197.

Sundar, N. (2000) 'The Construction and Deconstruction of 'Indigenous' Knowledge in India's Joint Forest Management Programme' In Ellen, R., Parkes, P. and Bicker, A. (Eds.) *Indigenous Environmental Knowledge and its Transformations: Critical Anthropological Perspectives* London, Routledge.

Taiepa, T., Lyver, P., Horsley, P., Davis, J., Brag, M., and Moller, H. (1997) 'Co-management of New Zealand's conservation estate by Maori and Pakeha: a review' *Environmental Conservation*, 24, pp 236-250.

TangataWhenua.com (2010) *Otorohanga District Council signs an historic agreement with Te Runanganui o Ngati Hikairo*, Tangata Whenua.com, <http://news.tangatawhenua.com/archives/7930> (downloaded 23 January 2012)



Tawhai, V. (2010) 'Rawhao: In and out of the environmental engagement loop' in Selby, R., Moore, P. and Mulholland, M. (eds) (2010) *Maori and the Environment: Kaitiaki*, Wellington: Huia, 77-94

Taonui, R. (2009) 'Canoe traditions - Te Arawa and Tainui', *Te Ara - the Encyclopedia of New Zealand*, updated 4-Mar-09 URL:  
<http://www.TeAra.govt.nz/en/canoe-traditions/5>

Te Runanganui o Ngati Hikairo (1995) *Constitution*, available online at  
[http://www.ngatihikairo.iwi.nz/index.php?option=com\\_content&task=view&id=17&Itemid=27](http://www.ngatihikairo.iwi.nz/index.php?option=com_content&task=view&id=17&Itemid=27)

Te Runanganui o Ngati Hikairo, Resource Management Committee, (2010) *Re: Submission Draft Otorohanga District Plan 2010*, Otorohanga, Otorohanga District Council <http://www.otodc.govt.nz/NR/rdonlyres/3DD46907-A8EF-4901-9E0F-62D1085E89FA/75448/Submission151NgatiHikairo.pdf>, downloaded 24 January 2012

Thorne, F. K. (2012) *Te Maru-o-Hikairo: Oral and Traditional History Report of Ngati Hikairo*, Wellington: Waitangi Tribunal, Wai 898, #A98

Turner, N., Berkes, F., Stephenson, J. and Dick, J., (2013) 'Blundering Intruders: Extraneous Impacts on Two Indigenous Food Systems' *Human Ecology: An Interdisciplinary Journal*, 41, 563-574.

Turner, N.J., Ignace, M.B. and Ignace, R. (2000) 'Traditional Ecological Knowledge and Wisdom of Aboriginal Peoples in British Columbia' *Ecological Applications*, 10, 1275-1287.

United Nations Permanent Forum on Indigenous Issues (2007) *United Nations Declaration on the Rights of Indigenous Peoples*,  
<http://social.un.org/index/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx> (downloaded 20 March 2012)

United Nations World Commission on Environment and Development (1987) *Our Common Future*, Oxford: Oxford University Press

Vaarzon-Morel, P. and Edwards, G. (2012) 'Incorporating Aboriginal people's perceptions of introduced animals in resource management: insights from the feral camel project' *Ecological Management & Restoration*, 13, 65-71.

Waikato Raupatu Lands Trust (2010) *Navigating our Future: Annual Report 2010*, Ngaruawahia, NZ: Waikato Raupatu Lands Trust ,  
<http://www.tainui.co.nz/docs/Low%20Res%20AR%202010.pdf> downloaded 27 July 2011

Waikato Raupatu Trustee Company (2008) *Tainui: Submission on Proposed New Zealand Coastal Policy Statement 2008*, Wellington, NZ: Department of Conservation, <http://www.doc.govt.nz/upload/documents/getting-involved/consultations/current-consultations/nzcps/waikato-raupatu-trustee-company-ltd-nzcps-510.pdf> , Downloaded 29 August 2011

Waikato Tainui (1995) *Deed of Settlement*, Ngaruawahia, NZ: Waikato Tainui, downloaded from [http://www.tainui.co.nz/docs/1995\\_Deed\\_of\\_Settlement.pdf](http://www.tainui.co.nz/docs/1995_Deed_of_Settlement.pdf) 28 August 2011

Waikato Tainui (2011) 'Company Profile', <http://www.tainui.co.nz/main.html> accessed 29 August 2011

Waipa District Council (2004) *Iwi Consultative Committee: Minutes 01/12/04*, Te Awamutu, NZ: Waipa District Council, (2004) *Iwi Consultative Committee Minutes 01/12/04* <http://www.waipadc.govt.nz/NR/rdonlyres/AC7F0D9D-7AB2-41FF-8A61-BD99ABF6572B/0/IWI01Dec2004.pdf> , downloaded 25 August 2011

Waipa District Council (2005) *Iwi Consultative Committee: Minutes 06/04/05*, Te Awamutu, NZ: Waipa District Council,

<http://www.waipadc.govt.nz/NR/rdonlyres/B279AEF9-D876-4C7F-979C-A3843DEED38B/0/Iwi06Apr2005.pdf> downloaded 25 August 2011

Waipa District Council (2010) *'Iwi Consultative Committee: Minutes 8 December 2010'*, Te Awamutu, NZ: Waipa District Council,  
<http://www.waipadc.govt.nz/NR/rdonlyres/ED94F1F8-66CA-4F3D-8F45-F7BD24EBEBBB/76292/MinutesofPreviousMeetingDecember2010.pdf> downloaded 25 August 2011.

Wallis, R., Wallis, A. and Picone, A. (2012) 'After 80 years absence, Wuthathi people plan for the return and management of ancestral homelands on Cape York Peninsula' *Ecological Management & Restoration*, 13, 81-84.

Watson, A. (2013) 'Misunderstanding the "Nature" of Co-Management: A Geography of Regulatory Science and Indigenous Knowledge (IK)', *Environmental Management*, 52(5), 1085-1182.

Weiss, K., Hamann, M., and Marsh, H. (2013) 'Bridging Knowledges: Understanding and Applying Indigenous and Western Scientific Knowledge for Marine Wildlife Management', *Society & Natural Resources*, 26, 285-302.

Wilson, G. and Bryant, R. (1997) *Environmental Management: New Directions for the Twenty-First Century*, London: UCL Press

Wilson, G.A. and Memon, P.A. (2010) 'The contested environmental governance of Maori-owned native forests in South Island, Aotearoa/New Zealand' *Land Use Policy*, 27, 1197-1209

Wolcott, H. F. (1994) *Transforming Qualitative Data: Description, Analysis, and Interpretation*, Thousand Oaks, Ca: Sage

Wyatt, S., Merrill, S., and Natcher, D. (2011) 'Ecosystem management and forestry planning in Labrador: how does Aboriginal involvement affect management plans?', *Canadian Journal of Forest Research* 41, 2247-2258.

Wyatt, S., Fortier, J.F., Natcher, D.C., Smith, M.A. and Hebert, M. (2013) 'Collaboration between Aboriginal peoples and the Canadian forest sector: A typology of arrangements for establishing control and determining benefits of forestlands', *Journal of Environmental Management*, 115, 21-31.

Wynne, B. (1992) 'Misunderstood misunderstanding: social identities and public uptake of science' *Public Understanding of Science*, 281-304.

Yin, R. K. (2009) *Case Study Research: Design and Methods (4<sup>th</sup> Ed)*, Thousand Oaks, CA: Sage.

Yin, R. K. (2010) *Qualitative Research from Start to Finish*, New York: The Guildford Press

Yin, R. K. (2012) *Applications of Case Study Research (3<sup>rd</sup> Ed)*, Thousand Oaks, CA: Sage

Zander, K.K., Dunnett, D.R., Brown, C., Campion, O., and Garnett, S.T. (2013) 'Rewards for providing environmental services - Where indigenous Australians' and western perspectives collide' *Ecological Economics*, 87, 145-154.

### **Judgments cited**

*DG MacPherson and JE Stevens v Otorohanga District Council*, (2007) New Zealand Environment Court Decision No. W 25/2007

*Kawhia Harbour Protection Society Incorporated and Te Mahoe Pa (Marae) & others v Otorohanga District Council and D & L Bird*, (2007) New Zealand Environment Court Decision No W 58/2007