

**Second Annual Assembly of First Nations National Water
Symposium (February 26) Scotiabank Convention Centre, Niagara
Falls, Ontario.**

Part one:

**Hon Dame Tariana Turia
Te Pou Tupua**

*E rere kau mai te Awanui Mai i te Kahui Maunga ki Tangaroa
Ko au te Awa, ko te Awa ko au*

*The great river flows from the mountain to the sea
I am the river and the river is me.*

It is our greatest privilege to be here, in the land of the long house;
the traditional territories held by the Haudenosaunee
Confederation.

We honour your intentions as sovereign states, to unite the nations
and create a peaceful means of decision making; to be linked by
a common goal to live in harmony.

We recognise your symbols of significance:

- The four white roots at the base of the Great Tree of Peace which represent the points north, south, east and west.
- The cluster of arrows depicting the strength that comes from the joining of nations.
- The circle representing unity, strength and the cycles of life.
- The Peacemaker Story, the civic and social code of ethics that guides the way in which Haudenosaunee people live.

- And most importantly the understanding that Haudenosaunee people give thanks every day, not just once a year. The daily reminder to appreciate and acknowledge all things; to reinforce the connection that people have to the world around them.

*I am the river and the river is me.
Ko au te awa ko te awa ko au.*

I stand to honour and pay tribute to the nations of the confederacy, often described as the oldest, participatory democracy on Earth, and your generosity in inviting us all here to be part of a vital discussion on water.

Like you, we – the indigenous peoples of Aotearoa - view the natural world and its bounty as a gift. We know we are connected to a living earth and a spiritual universe.

And like your mighty river, the Niagara, we are blessed and enriched everyday by our connection to te awa tupua –the Whanganui River.

This place, this gathering, is therefore perfectly suited to expand the dialogue on water; to allow space for the different 'streams' of discourse we share as first peoples.

Today our story is about the relationship of Whanganui iwi to Te Awa Tupua; our tribal and intimate connection to the river as a living being; an indivisible whole.

My part of our presentation is to traverse the history that took us through to the historic te awa tupua legislation; my nephew Turama will take up the kōrero from that point.

As Te Pou Tupua – while we are two persons – we are presenting as one. Te Pou Tupua is a singular role; which we will present through a shared delivery.

Our essential premise (as more recently articulated through Te Awa Tupua legislation) is the inseparability of the people and the river.

Our desire and our determination as a people is to care, protect, manage and use the Whanganui River through the protocols and principles handed down from our two principal ancestors, Paerangi and Ruatipua.

Ruatipua draws life-force from the headwaters of the Whanganui River on Mount Tongariro – one of the mountains of our central North Island home.

Those waters and the tributaries stretch down to the sea to form the Whanganui River. From the mountains to the sea.....

The connection of these tributaries of the river is mirrored by the interconnection through our genealogies of the descendants of Ruatipua and Paerangi.

In the words of one of my cousins, the late Rangitihi Tahuparae :

*Ngā manga iti e honohono kau ana,
ka hono, ka tupu, hei awa, hei Awa Tupua*

The small streams that run into one another and continue to link and swell until a river is formed; indeed a great river.

In many respects that is what we are doing today, here as global nations of first peoples; connecting, linking and coming together for the greatest purpose of self-determination; a great river indeed.

I acknowledge Rangitahi Tahuparae, and the late Te Atawhai Taiaroa – both leaders of great distinction – who led our people to find our own solutions. They knew, inherently, that our greatest strength lay in the answers within ourselves – I am eternally grateful for their vision and their legacy.

While firmly placing ourselves in the geography of Aotearoa / New Zealand, we are inherently related to the values we see espoused in the charter of the chiefs of the Indian first nations in Canada.

We appreciate our indigenous connections to the spiritual beliefs, our languages, our cultures, and our acknowledgement of the role of Mother Earth in meeting all our needs.

Our story is therefore a universal story of rights and responsibilities, of laws and lore that govern our relationships to live in harmony with nature; and the respect in which we uphold our traditions from time immemorial.

The story of our settlement brought the longest-running litigation in New Zealand history to an end. Our iwi had been fighting for recognition of its relationship with the river since the 1870s.

Let me share some reflections as to why it was so important to protect this river.

Te Awa Tupua – the Whanganui River – is the longest navigable river in New Zealand. In its beauty and its unique scenery, it has become a major tourist attraction with leisurely river boat cruises and jet boats a regular feature alongside canoes, kayaks, river safaris and mountain biking.

It is, however, for other reasons that we as Whanganui yearn to return home to te awa tupua.

From our earliest times, te awa tupua has acted as a central artery for our numerous kainga and pa sites, urupa and other wāhi tapu throughout the length of the River; our tribal homes, our cemeteries, our sacred spaces.

The river formed the natural line of communication with the interior. In this one interconnected artery; tribal alliances were vital. It is likened to the rope that binds all the whanau together from the mountain to the sea; connecting our people with the rivers, mountains, lakes, forests and seas.

Our Awa Tupua has resided over our tribal boundaries since time immemorial. She has been the one stable presence in all our lives, from one generation to the next.

The river was our means of transport and food gathering, cleaning, recreation, socialising and for spiritual sustenance.

Our river is our healer, a highway and a protector. Our Awa has always been a place of ritual and karakia. Our bodies were strengthened in her waters, as were our minds and spirits by the prayers we offer up.

As a politician and member of parliament for 18 years at times of turmoil – and there were many – the river was always the first place I'd go to seek solace; to be blessed and refreshed; to remind myself of the essence from whence I came.

And if I didn't think of it, I could rely on my aunties to come and fetch me and take me to the water; intuitively knowing what I needed.

As a child, our kaimoana – the food of the sea - was plentiful, our tribal food basket over-flowing.

Our people knew where schools of flounder could be found. We knew the right times and the best places to fish.

Hekenui Whakarake, a key witness before the 1950 royal commission, listed 18 species of native freshwater fish as well as koura, freshwater shrimp and freshwater mussels. We had at least 22 names for different types of eels; some 350 pa tuna (eel traps) were active.

Following the ancient calendars of the moon and stars, we knew where the glow-worms were, as we looked for bait.

Te Awa Tupua is both teacher and classroom. We learnt the seasons, the weather, the tides, about volume and capacity and measurement and temperature. We learnt of habitat and species, food sources and supply.

Another of my cousins, the late Niko Tangaroa, explained the fundamental relationship we feel and forge between the river and Whānganui iwi.

“The river and the land and its people are inseparable. And so if one is affected the other is affected also. The river is our heartbeat, the pulse of our people. If the river dies, we die as a people. Ka mate te awa, ka mate tātou te iwi”.

Te mana o te awa; te mana o te iwi.

In other words, the health and wellbeing of our iwi is intrinsically interconnected with the health and wellbeing of the Whanganui River.

And yet over a century and a half, very little of the headwaters of our Awa were able to flow naturally. They have been diverted

through a series of tunnels, canals, lakes, both man-made and natural, into other awa and lakes in other tribal regions.

In 1880 Pa tuna, or eel weirs, were destroyed as Government colonists cleared the river for free navigation by steamers and gold and coal prospectors.

In 1882 gravel was extracted from the Whanganui River for roads, degrading traditional fishing sites.

From 1886-1888 over 500 iwi members petition the government to stop steamers destroying pa tuna and lamprey weirs and yet the Government continued to drain swamps, clear rapids, and destroy pa tuna.

And so it went on and on and on.

In 1959 Hikaia Amohia formally objected to the headwaters of the Whanganui being diverted. He was ruled out of the order. In 1960 the headwaters of the Whanganui River are diverted for hydro-electric power generation.

In 1986 the New Zealand Gazette established Water Control Orders over the Whanganui River. The Minister of Lands promised iwi participation in the running of the Whanganui National Park, but failed to deliver.

Petition after petition, submission after submission, Whanganui iwi resolutely, unreservedly dedicated generations of our efforts into our case against the Crown.

Our basic call was if the water continues to be taken away, what have we got to leave our mokopuna, our grandchildren?

We must return the water to where it belongs. Whakahokia mai taku awa tapu nei.

If the river dies, we die as a people.

Finally, we have a tribal saying

*Kauaka e korero mo to awa,
engari me korero ki to awa
Don't merely talk about the river;
rather speak to and commune with the river*

A century after the first petitions were submitted to Parliament laying claim to the authority of the river, a new form of advocacy and activism was born, giving birth to a new generation to take up our story.

In 1989 our iwi begin Te Tira Hoe Waka, an annual three week pilgrimage that revisits the sacred sites and marae along the Whanganui River. It was a succession strategy created by our tribal leaders, those I talked of earlier, who knew the only way to ensure the litigation and legacy of Te Awa Tupua was able to advance, would be in bringing our young people on board.

They had to feel the spirit of the river, te hunga wairua. To swim, play, fish, immerse themselves in the river, to be as one

It is only right that to take us on the next stage of this journey, I make way for one of our younger generation by sharing the platform with Turama Hawira.

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Part Two Turama Hawira

Two years ago Te Awa Tupua (Whanganui River Claims Settlement) Bill, passed into law, establishing a new legal framework for the river.

It formalised our reality of Te Awa Tupua as an indivisible and living whole, from the mountains to the sea.

Te Awa Tupua was declared a legal person with all the rights, powers, duties and liabilities of a legal person.

Within the Act, the office of Te Pou Tupua is established to be the human face of Te Awa Tupua and to act in the name of Te Awa Tupua.

My role in our presentation to you today, is to take off where our whaene left off.

But firstly, I want to take you back to 1995.

I have been a beneficiary and a stalwart paddler for the succession strategy we recognise as te Tira Hoe Waka – the annual journey down our river to paddle, to learn, to speak to and with our river.

I have also been a beneficiary and an advocate for Raukotahi – our youth summit held along our river banks.

We know that our role and responsibilities to safeguard our river have been the dreams and aspirations, the strategies and plans of our elders before us, who have shaped the pathway for us to tread.

We acknowledge with all humility the leadership of those who have passed on their vision, their worldviews, their stories on to us.

Long before Tariana Turia became known internationally as the Co-leader of the Māori Party; the Minister for Whānau Ora; the Member of Parliament for Te Tai Hauauru, she had been a leader for us at home; leadership which was particularly evident in the reoccupation of Pakaitore.

This time of year, is a very special time for us to be away from home.

At home, all our families are now coming together for an important tribal ceremony that takes place in a couple of days.

24 years ago, on 28 February 1995, our iwi re-occupied a site called Pakaitore – and every year on this day our people return to celebrate our Whanganuiatanga; our tribal basis for life; our connections to our river, our lands, our ancestors, our families.

Pakaitore was the site of a marae kāinga – a home base – commonly used as a seasonal fishing village for our families coming from inland areas to harvest the bounty of the sea.

The background to the dispute began back in 1839, when English Colonel William Wakefield arrived to build a town at Pakaitore, our gathering place, our sacred sanctuary.

In 1995, our iwi re-occupied Pakaitore to highlight our Claim for the Whanganui River, the exercise of our tino rangatiratanga and the right to make decisions over issues affecting us. We put up tents, we camped, we brought in food and cooking facilities, we lived together. Every night we'd have long wānanga into the night – sharing our stories, singing our waiata, immersed in the practice of decolonisation while at the same time consolidating our tribal identity and autonomy.

Our central contention was that Pakaitore was not included in the 'Sale of Whanganui of 1848' and in fact still belonged to iwi.

Our challenge to the government was that they return our land at Pakaitore, and recognize our sovereignty over Pakaitore and the Whanganui River.

When we walked off the occupation 79 days later, it signalled an important milestone in the long journey to ensure our sovereignty was recognised as an indigenous people.

In 1999, we reached agreement to return to the land its historic reserve status enabling us to begin negotiations through the Waitangi Tribunal.

But our fight for the protection and respect due to our great river, te Awa Tupua, still had some way to go.

The Whanganui River Report of 1999 was infused with the weight of history and the presence of all those before us who had brought our claim:

- Hekenui Whakarake who gave the evidence of loss to the Native Land Court.
- Titi Tihu who was petitioner in 1927,
- Hikaia Amohia who first brought the claim on 14 October 1990.

The claim was in four parts.

1. That Atihaunui-a Paparangi has the customary authority, possession and title to the lands, waters, fisheries and associated taonga, of the Whanganui River;
2. That this was guaranteed to them by the Treaty of Waitangi and has not willingly been relinquished;
3. That the claimed authority, possession and title has been eroded or displaced by Crown laws policies, and practices inimical to the Treaty; and
4. That they continue to be eroded or displaced by current Crown laws policies and practices.

Underlying these, were more specific claims including:

- the expropriation of the riverbed,
- the wrongful acquisition of riparian lands,
- the wrongful imposition of water-use laws,

- the relegation of customary laws,
- the divesting and fragmentation of use, ownership, control and management,
- the destruction of eel weirs,
- the denial of access to and of fishing rights for the river and adjacent ocean, environmental degradation,
- and the deferral of past recommendations.

The settlement legislation provided for a Whole of River Strategy to promote and enhance integrated management of the Whanganui River. The legal context is set out in :

- The Ruruku Whakatupua (the Whanganui River Deed of Settlement) - 2016
- the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

The legislation establishes Te Pou Tupua (consisting of two persons - a crown appointee and an iwi-appointee) which is the guardian and acts on behalf of Te Awa Tupua. It is these two roles which Dame Tariana and I have occupied. I must emphasize that while we are two persons, we present as one; Te Pou Tupua is a singular role; the voice of the awa.

Te Pou Tupua was proposed to be the Pou or the central ridgepole to the tāhuhu of the whare, the centre of the house.

The joint appointment process involving both Whānganui iwi and the Crown was a deliberate strategy to maintain **joint iwi/Crown responsibility**

As part of our strategy, our people wanted a high level “Pou” or station to be established as the focal point for the new “**consciousness**” we need to adopt to shift from *imported legal and philosophical constructs* that have previously defined te awa tupua to a **definition wholly based in kawa**, the indigenous world view.

In our very establishment then the legislation anticipates a community-wide appreciation of the philosophical and legal paradigm shift that the Te Awa Tupua status and Te Pou Tupua conjointly represent.

I want to talk to this cultural philosophy in a bit more depth. I was interested in your symbolism about the significance of the four central roots at the foot of the great tree of peace; the four winds that blow and the four sacred medicines.

Te Awa Tupua is also driven by four kawa, or four universal truths or principles that convey our relationship as indigenous peoples with nature, conveyed via the dictates of our tribe’s tikanga, or practical, day to day, expressions of connection with our River.

Our approach to redefining the legal landscape to accord with our kawa and tikanga, our principles, begins with fundamental recognition for the first time at law in Aotearoa, that a river is greater than the parts that western legal doctrine has interpreted a river to be for over one hundred and fifty years.

That is, the river is recognised first and foremost within the settlement statute as Te Awa Tupua, a **living** and **indivisible whole** comprising all its **metaphysical** and **physical** elements from its source to the sea.

It is only after that shift is established within the statute that the river is then deemed to be a legal person. Legal personhood is therefore the vehicle to carry the new status, nothing more.

What we must all understand and acknowledge is a return to the status of Te Awa Tupua is an indigenous, Maori paradigm.

It is a Māori worldview which has been shared and enshrined within western law to begin the necessary shift toward a singular view of Te Awa Tupua, one all communities can be bound by and obliged to work for rather than the discrete and selfish ends communities automatically default to.

Tupua Te Kawa, the four central kawa of Whanganui Iwi set out within the statute, are the key to defining what the Te Awa Tupua status stands for. They are:

Ko Te Kawa Tuatahi – the first principle

Ko te Awa te mātāpuna o te ora: the River is the source of spiritual and physical sustenance:

In this we understand that Te Awa Tupua is a spiritual and physical entity that supports and sustains both the life and natural resources within the Whanganui River and the health and well-being of the iwi, hapū, and other communities of the River.

Ko Te Kawa Tuarua, the second principle

Te Awa Tupua is an indivisible and living whole from the mountains to the sea, incorporating the Whanganui River and all of its physical and metaphysical elements

Ko Te Kawa Tuatoru, the third principle

Ko au te Awa, ko te Awa ko au: I am the River and the River is me:

The iwi and hapū of the Whanganui River have an inalienable connection with, and responsibility to, Te Awa Tupua and its health and well-being.

Ko Te Kawa Tuawhā, the fourth principle

Ngā manga iti, ngā manga nui e honohono kau ana, ka tupu hei Awa Tupua: the small and large streams that flow into one another form one River:

Te Awa Tupua is a singular entity comprised of many elements and communities, working collaboratively for the common purpose of the health and well-being of Te Awa Tupua.

These four principles embody the status of Te Awa Tupua and from there our communities can begin to align our behaviours to accord with those principles. To assist this happen Te Awa Tupua is **legal person** and has all the rights, powers, duties, and liabilities of a legal person.

The rights, powers, and duties must be exercised or performed, and responsibility for its liabilities be taken, **by Te Pou Tupua** on behalf of, and in the name of, Te Awa Tupua. As Te Pou Tupua we can speak directly as - and legally represent - Te Awa Tupua to promote and defend the new status.]

It is only early days yet; and we have much ground yet to cover.

But we are making progress – and that cannot be under-stated.

The Whanganui River Deed of Settlement brings to a head over 150 years of litigation, petition, protest, advocacy and analysis by Whanganui iwi to protect and provide for our relationship with te awa tupua; our ancestral river.

That story traces back over the decades to 1873 when our iwi first petitioned the Crown about the health and wellbeing of the river. During our settlement hearings, we heard stories tracing back to the mid-1880s when arsenic had been added to sugar and flour in an attempt to poison Whanganui Maori.

Throughout it all, our people have lamented the heavy impact of ‘development’ on the river.

The impact of our river legislation is that the Crown finally acknowledges that the iwi and hapū of Whanganui, over many generations since 1840, have maintained the position that they never willingly or knowingly relinquished their rights and interests in the Whanganui River and have sought to protect and provide for our special relationship with the Whanganui River in many ways.

So, when we received the invitation to speak to you – and considered the multiple processes at play around water law, decolonising water governance, the threats to water and to the culture from extractive resource development – it was a story very familiar to us.

Our ambition has always been to work closely and be guided by the whānau, hapū and iwi in our relationship with the Crown, local government, other iwi with interests and local stakeholders. We will do whatever it takes to advance our aspirations for the river settlement.

There is no time to wait. Our team at Nga Tangata Tiaki o Whanganui have been working prodigiously on everything which evolves out of the settlement legislation. At the same time they have been working passionately on some of the key programmes for implementation, including the scoping study on the health and wellbeing of the river Whanganui iwi capacity building, marae infrastructure and cultural revitalisation projects.

Te Awa Tupua exists to 'change the lens' to the one we all should have been using since 1840 to view the river through.

We absolutely see the role of te Pou Tupua as to condition the crown, local government and communities to that 'changed lens'. The Crown acknowledges and respects the intrinsic connection between the iwi and hapū of Whanganui and the Whanganui River reflected in the Whanganui pepeha, 'Ko au te awa, ko te awa ko au'.

When Te Pou Tupua speaks we speak as Te Awa Tupua. Its purpose is to be the human face of Te Awa Tupua and to act in

the name of Te Awa Tupua Both the gravitas and potential of the role is huge but the impact can only be realised through the river's communities and particularly the hapu and iwi of te Awa Tupua whose innate relationship is now legally entrenched in the definition of the river.

Ours is a singular role to enable the intent of Te Awa Tupua to speak for itself; and in doing so to return to the optimum conditions for abundance in all respects.

Finally, one of the most important aspects of settlement legislation in New Zealand is the apology and acknowledgements laid out in law.

In our case, the Crown acknowledges that by the middle of the twentieth century the cumulative effect of the Crown's acts and omissions in relation to the Whanganui River had caused significant prejudice to Whanganui Iwi.

It further acknowledges that the cumulative effect was a failure to actively protect the interests of Whanganui Iwi and was a breach of the Treaty of Waitangi and its principles.

In their systematic failure to recognise our customary practice, the Crown undermined the ability of the iwi and hapū of Whanganui to exercise their customary rights and responsibilities in respect of the Whanganui River and consequently the expression of our mana.

I want therefore, to conclude our address today, with the words of the apology that

“The Crown recognises that for generations the iwi and hapū of Whanganui have tirelessly pursued justice in respect of the Whanganui River. The Crown recognises and sincerely regrets the opportunities it has missed, until now, to adequately address those grievances. Redress, through this settlement (Ruruku Whakatupua) and the Te Awa Tupua framework (Te Pā Auroa nā Te Awa Tupua), is long overdue.

“With this apology the Crown seeks to atone for its past wrongs, and begin the process of healing. This settlement marks the beginning of a renewed and enduring relationship between Whanganui Iwi and the Crown that has Te Awa Tupua at its centre and is based on mutual trust and cooperation, good faith, and respect for the Treaty of Waitangi and its principles.

We now have a legal framework; our river has the protected status as a personality; we have the dual roles of Te Pou Tupua as guardian and voice for Te Awa Tupua; and a strategy group, Te Kōpuka, responsible for the statutory process for collaborative planning for freshwater management in the Whanganui River catchment as well as the functions and powers of Te Awa Tupua.

As part of the settlement a contestable fund that includes a contribution by the Crown of \$30 million, was established to be used by Te Pou Tupua, to promote the health and well-being of Te Awa Tupua.

But by far the most significant marker of all is the legislative, governmental and community recognition of the importance of the Whanganui River as a source of physical and spiritual sustenance

for iwi and hapū of Whanganui, including our tribal home base for the 143 known marae along the length of the River.

It is for all those families as they start to gather at Pakaitore, in their marae, hapū and iwi groupings, that we think the greatest onus lies upon us all – that we do whatever it takes, to keep our river healthy, to restore her to her pristine state, and to create and protect our playground, our sanctuary, our sacred space to heal, to be cleansed, to be fed, to be nurtured, to travel, to fish, to learn and to be at one.