

**Presentation for Te Pou Tupua
AGM – Ngā Tāngata Tiaki o Whanganui
22 September 2019**

In 1994 Matiu Māreikura addressed the Waitangi Tribunal, in the WAI 167 Whanganui River claim hearing', speaking of the close ancestral inter-connectedness between the Whanganui River and Whanganui iwi.

He told the Tribunal:

“When our fish don’t come there’s something wrong with our River. They tell us what is good. It’s like the birds, when the birds keep landing on your tree then your tree is healthy. When they don’t come any more there’s something wrong with your tree. And likewise, with the River.

When we found that the fish didn’t come anymore, the old people were concerned. It was a very important thing for our people to be able to fish and to supply. But you know I remember when the fish stopped coming up here. They stopped coming and we were wondering kei hea ngā piharau nei. Ah, he aha te mate, you know, what was wrong?

And at the same time, the old people were still trying to teach us the ways of catching the fish, catching them the right way, the old way... . .

You’d wait season after season. That was heart-breaking to see the old people, and to sit and listen with them, their aroha, because something was taken away from them.

I think it is always important that we remind ourselves, of where we came from – and why the new legal framework for the Whanganui River – Te Pā Auroa nā te Awa Tupua – was needed.

We must never forget our history – that Te Awa Tupua has been threatened by over-exploitation, pollution and cultural desecration. A history of shame, in which the Whanganui River has been degraded, quarried for gravel and diverted for hydroelectric development, since the first breaths of colonisation. We know the impact of the eel weirs and fisheries being destroyed; the ecological quality of the river eroded. It has been in our hearts and heads since our tupuna first petitioned Parliament in the 1870s. But just as importantly, we must hold onto our reason why.

Our practice and knowing that the River is our beginning, for all our people from the mountains to the sea. And that we are bound, as caretakers, as tangata tiaki, to take care of Te Awa Tupua, to protect, promote and preserve the river as an indivisible and living whole, not for us, but for the generations yet to come.

Today we want to traverse some of the paths we have taken at a local, national and international level, in our commitment to uphold Tupua Te Kawa and in our obligations and responsibilities as Te Pou Tūpua.

Turama will talk of the progress made regarding the establishment of Te Kōpuka; our reception on the international stage at the World Indigenous Tourism Summit and at home with the National Iwi Chairs Forum in Whanganui and the Auckland Writer's Festival. He will conclude with an update in the advancement of Te Korotete: the investment fund.

I want to focus more on setting the scene for moving forward, giving some background to the work of Te Karewao as well as talking a little bit about our engagements with the hapū and iwi of Te Awa Tupua.

As part of our strategic focus, we have sought clarity and understanding across all communities of te awa tupua, based on the view that everyone has a responsibility to give effect to Te Awa Tupua.

In our role as Te Pou Tupua our call to the people – maranga mai – is that to advance the health and wellbeing of Te Awa Tupua we must do it together through enduring relationships with hapū, iwi and relevant agencies and river communities.

To this end, we have placed a key priority on meeting representative tribal bodies including Te Pae Matua, Rūnanga, Te Matua a Rohe and Tupuna rohe.

But we are the first to say it is only a beginning and that we will build on what we have done by finding ways to meet with the people in order to share their aspirations and concerns with us.

We are deeply committed towards enhancing the role of uri in the decision-making over our resources: Mouri ora, mouri awa, mouri tangata.

Over this last year we have been working hard with Ngā Paerangi in relation to the Upokongaro Cycleway bridge and in engagement with tupuna rohe.

The Upokongaro Cycleway initiative was really significant in terms of both engaging and responding to the hapū priorities; in doing so, establishing better pathways for consent authority to occur – in this case through Horizons and for the applicant – the Whanganui District Council to truly understand what Te Awa Tupua provides for.

This was a first step, but our call to you all today, is how do we build upon our poutama....what are the other steps that you see as fundamental for the face and voice of Te Awa Tupua to carry?

We are adamant that the health and wellbeing of the Awa is inter-dependent on the health and wellbeing of the iwi. To advance Ruruku Whakatupua – the Whanganui Deed of Settlement – we need strong relationships with all our iwi and the community to collectively uphold Tupua te Kawa. That means that hapū and iwi wellbeing, growth and prosperity is fundamental to our role.

We know that the waters of the Whanganui River are different to those of the Mangawhero, or the Mangateitei, or the Manganui-o-te-ao. Each river has its own mana and its own kōrero. We need to hear the diversity; respond to all the ebbs and flow.

Finally, I want to end with some acknowledgement of the work of Te Karewao which provides advice and support to Te Pou Tupua. While Te Pou Tupua has legislative powers to seek information and advice from government agencies, the primary source of advice will now come from Te Karewao.

Te Karewao consists of three permanent members.

- **one appointed by the trustees of Ngā Tāngata Tiaki o Whanganui:** That's Cheri van Shravendijk-Goodman
- **one appointed by other iwi with interests in the Whanganui River:** that's Wiari Rauhina who was appointed by Te Ripo;
- **one appointed by local authorities:** that's Annette Mains.

This is a very significant milestone for us, as Te Pou Tupua now has our own advisory group to provide us with high quality advice and support.

Of great importance to hapū is that if Te Pou Tupua performs a function in relation to a discrete part of the Whanganui River, Te Karewao can also include one person from the hapū with interests in that part of the river, for the purposes of providing advice and support about that function. And that's exactly how it should be – those most affected, guiding us forward.

Together, all together, is the only way that we will ever achieve the goal – to remember to be nourished by the rootstock of our ancestors; to hold on to our histories and commit for a much more vibrant, and prosperous future.

Our old people would speak of the springs that emanate from Koro Ruapehu as toto (blood). They were referring to the life essence that flows from the mountains to the sea. And if we look into the meaning of that, they were referring to the lifeforce that provides all life with sustenance. Without that sustenance there can be no life.

There it is in one – our reason why – our sacred wai.

Te Awa Tupua is now viewed as an interconnected, living entity rather than a collection of separate legal parts (or even rights), and the condition and health of the river is respected as an end in and of itself.

If there was ever any doubt of the international significance of Te Awa Tupua, one only needs to look across the globe to see just how innovative and influential our strategy has been seen.

Just five days after the Te Awa Tupua (Whanganui River Claims Settlement) Bill passed in the House, India's Uttarakhand High Court granted legal personhood to the river Ganges and the Yamuna Rivers, both sacred in the Hindu religion. The court said in its ruling that Hindus had "deep faith" in the two rivers and they "collectively connect with them". The rivers are central to the existence of half of the Indian population and their health and well-being.

More recently the Constitutional Court of Colombia found that the Atrato River catchment is a legal person as a consequence of cultural connections and rights of river-dependent Indigenous and Afro-descendent communities

And then just three months ago, the Bangladesh High Court granted its rivers the status and rights of a living entity, becoming the fourth country after New Zealand, India and Colombia to do so, and the first to extend the declaration to every river within its territory. The decision was welcomed as an important move against the widespread encroachment and pollution, choking hundreds of rivers crisscrossing Bangladesh.

We here at home understand and acknowledge that the mechanism of legal personhood has been the tool with which to have our values recognised at law and which has been the drawcard the world has focussed on. Shifting the worlds rhetoric in relation to Te Awa Tupua from legal personhood to our core values of Tupua Te Kawa is now part of our collective challenge.

However the importance of these legal precedents can not be under-stated. Whether here at home, or in India, Colombia or Bangladesh, our common ground is that we claim distinct relationships with our river based on guardianship, symbiosis and respect, in which the rivers have an intrinsic right to exist. That is the core-concept of biocultural rights.

It is no understatement to say that the world is watching us – and in that, appreciating the significant paradigm shift we are upholding; here in Whanganui.

This is one of the prime reasons why we, as Te Pou Tupua, are invited to share what we are doing at home, with the World Indigenous Tourism Summit; the National Iwi Chairs Forum in Whanganui and even the Auckland Writer's Festival.

On 26th February this year we took part in the Second Annual Assembly of First Nations National Water Symposium at Niagara Falls, Ontario.

Within the international forum, Dame Tariana was also invited to be part of a Special Plenary Dialogue on First Nations Women and Water.

We had the rare privilege of presenting keynote addresses to over 400 first nations, leaderships and government representatives. Our participation also included an 'armchair dialogue session' during the final day of the gathering to discuss with leading theorists the complexity of cultural, social and legal interactions that hold promise for indigenous peoples.

It is all about a mind-shift.

In an increasingly competitive and degraded world, the example within Te Awa Tupua offers inspiration for new ways to protect the environment for itself and for present and future generations.

It turns on its head, the conventional approach to water resource management, which assumes that water resources should be managed primarily for human benefit.

Ngā wai inuīnū o Ruatipua ērā, ngā mana iti e honohono kau ana
Ka hono, ka tupu, hei awa, hei awa tupua.

Our interconnection through whakapapa to our two principal ancestors, Paerangi and Ruatipua, brings with it the enduring concept of Te awa tupua – the inseparability of the people and the river. That in every drinking font, in the small streams which run into one another, our desire as uri is to care, protect, manage and use the Whanganui River through the kawa and tikanga passed down to us.

So it was that in May 2018, Te Pou Tupua were invited to speak to the national Iwi Chairs forum in Whanganui in an effort to continue to increase understanding in relation to Te Awa Tupua.

It is important to have regional, tribal conversations for Te Pou Tupua to ensure we enjoy the full capacity and all the powers reasonably necessary to achieve the purpose and perform and exercise all the functions, powers, and duties in accordance with this Act.

I want to also note, closer to home, the importance of the Te Awa Tupua model is also being used as an exemplar for work on the Māori-Crown Partnerships.

On 1 July 2019 a number of changes to the Oranga Tamariki Act 1989 came into effect. These changes included the incorporation of section 7AA that sets out strategic partnerships with iwi and Māori organisations including iwi authorities. To assist Oranga Tamariki in understanding its responsibilities, advisors have drawn upon our model.

Both internationally and domestically, the interest rests around a Māori-Crown partnership model inclusive of Te Pou Tupua, the advisory group Te Karewao, the strategy group Te Kōpuka and the fund Te Korotete.

Aunty has already talked about Te Karewao; I want to turn now to the important work undertaken by the strategy group Te Kōpuka.

We were delighted to be present at the inaugural meeting of Te Awa Tupua strategy group, Te Kōpuka nā Te Awa Tupua; on 30th May earlier this year.

The group represents iwi from across our river catchment, local authorities, central government, environmental groups, commercial and recreational users totaling seventeen people.

Te Kōpuka is responsible for developing, approving, reviewing and monitoring the implementation of the strategy document, Te Heke Ngahuru.

The purpose of Te Heke Ngahuru is to provide for collaboration to address and advance the health and well-being of Te Awa Tupua by identifying relevant issues and recommending strategies.

The Te Heke Ngahuru strategy document is significant as essentially it impacts across 25 pieces of current legislation. Anyone exercising or performing functions, powers or duties under 25 environment-related Acts, including the Resource Management Act 1991 and the Local Government Act 2002, must have particular regard to the strategy. That's an amazing opportunity – and responsibility – and one that Te Kōpuka is fully aware of.

One important thing to remember is that it is not just what Te Kōpuka does, but how they do it. Te Kōpuka must approach decision making in a manner that is consistent with its collaborative nature and purpose and promotes consensus decision making. I can tell you – consensus takes a lot of hard work; a commitment to the greater good; and high levels of faith in ourselves and our purpose.

We know that a major part of maintaining trust will be in the administration and dissemination of Te Korotete. Te Korotete – a thirty-million-dollar investment fund – must be applied on a contestable basis to support the health and well-being of Te Awa Tupua.

As Te Pou Tupua we not only act and speak for and on behalf of Te Awa Tupua; but we must uphold the status of Te Awa Tupua and Tupua te Kawa.

Our responsibility, therefore, in administering Te Korotete, is to ensure that we do so in ways which promote and protect the health and well-being of Te Awa Tupua; in ways which contribute to the journey towards creating a prosperous tribal nation.

While Te Korotete fund has been growing by earning interest on the original \$30m settlement, Te Pou Tupua has taken a closer step in developing Statement of Investment and Objectives. We have done this by spending time with a number of advisors to develop investment principles which have been informed and inspired by Tupua Te Kawa. These investment principles will be used to guide the development of the Statement of Investment Policy and Objectives; and the long-term investment of the thirty million.

In closing, our ambition now, is as vivid as it was in the early dawn of 4th November 2017 in the warmth of Ngapuwaiwaha.

Te Pou Tupua are committed to upholding the status of Te Awa Tupua and Tupua Te Kawa; and to ensuring that the Crown take responsibility for those parts for which it is accountable.

To do this, we are committed to whakarongo; to listen, to observe, to be guided by te mana o te awa, te mana o te iwi.