

# 4

## Kai Tahu ki Otago Water Perspective



## 4.1 Whakatauki

“He taura whiri kotahi mai ano te kopunga tai no i te pu au”

*“From the source to the mouth of the sea all things are joined together as one”*

## 4.2 Tauparapara

Ko te Tititea te mauka	<i>Mt Aspiring is the peak</i>
Ko Nga Tiri Tiri o Te Moana te tahuhu	<i>The southern Alps are the backbone</i>
Ko Hawea, Wanaka me Whakatipu-wai-maori nga roto	<i>Hawea, Wanaka and Whakatipu-wai-maori are the water bodies</i>
Ko Mataau te awa	<i>Mataau is the river (Clutha)</i>
Ko Te Kopuwai te taniwha	<i>Kopuwai is the guardian</i>
Ko Araiteuru te tai	<i>Araiteuru is the tide</i>
Ko Moana nui a kiwa te moana	<i>Moana-nui-a-kiwa is the ocean</i>
Ko Kai Tahu whanui te iwi	<i>Kai Tahu, Kati Mamoe and Waitaha are the people</i>

## 4.3 Manawhenua

Representatives of Te Runanga o Moeraki, Kati Huirapa Runanga ki Puketeraki, Te Runanga Otakou, Hokonui Runanga, Otokia Whanau, Moturata Taieri Whanau and South Otago Runanga provide this perspective on behalf of Manawhenua of the Otago region.

## 4.4 Kai Tahu’s water resource objective

Kai Tahu’s objective with respect to the management of Otago’s water resource is to ensure consistency with the values of Kai Tahu whanui and to be involved in that management through:

- (a) Participation in the planning, implementation and monitoring of the objectives, policies and methods adopted by resource managers; and
- (b) Participation in the use, development, and protection of water resources.

## 4.5 Kaitiakitanga

The responsibility for exercising kaitiakitanga in the Otago region is that of Kai Tahu whanui. Mana and kaitiakitanga are interlinked, those with mana over a region are also kaitiaki to the water resources within that region. Kaitiakitanga is the practical expression of rangatiratanga (authority), it involves the exercise of customary authority over the way a resource is used, managed and protected. To achieve implementation of

kaitiakitanga in the present day, consistent with cultural needs, requires a commitment from those exercising statutory authority to the use of consultation, participation and decision-making processes that directly involve Kai Tahu ki Otago.

Kai Tahu will measure the effectiveness of its opportunities to exercise kaitiakitanga against environmental outcomes. The outcomes sought by Kai Tahu are the continued health and well being of the water resources of the region and cultural usage of these resources.

#### **4.6 Mauri**

Giving recognition to the importance of the mauri of all waters is central to the concept and practice of kaitiakitanga from which stems the responsibility and authority to seek maintenance and, where required, improvement of the mauri for all water bodies. The mauri or life force of water is sacred, a value that originates from the dawning of time, and is a link to the very source of tribal creation traditions. A water body with an intact mauri will sustain healthy ecosystems, support mahika kai, provide resource use options and be a source of pride and identity to the people. Culturally, water is regarded with both respect and as a tool to be utilised in a way that does not detrimentally modify the mauri that has sustained successive generations.

#### **4.7 Cultural importance**

Water has an important place in ceremonial occasions and is particularly recognised where the cultural components of tapu and noa are at work. Water symbolises the spiritual link between the present and the past, the never-ending source of life, for generations that have gone before and those to follow.

Kai Tahu's priority is to maintain the properties of water that are necessary to ensure the sustainability of customary uses. Customary uses range from the use of water for ceremonial purposes to the maintenance of the quality and quantity of water to sustain mahika kai populations and habitats.

#### **4.8 Mahika kai**

The mahika kai custom of producing or procuring food resources from a range of resources throughout the region on a seasonal basis is a fundamental basis of the traditional economy. Maintenance of the custom and knowledge associated with the natural resource is governed by lore. Transfer from one generation to the next of the cumulative knowledge is tied to practical use and management of the mahika kai resource. The water resources of the Otago region provide mahika kai directly, provide ecosystem support for mahika kai species, and support other significant mahika kai environments, for example forest and coastal areas. Sadly, the waterborne mahika kai resource represents a remnant of a once significant resource that has potential for rejuvenation. The elevation in status and priority of the indigenous fishery habitat from a situation of neglect to a valued and unique resource is central to the process of enhancement of Otago's water resources.

## 4.9 Legislative recognition

Legislation that governs the way resources are used and managed today is giving increased recognition to traditional values and management models.

A principal reason for change has been the recognition given the Treaty of Waitangi, and in particular Article II, which guarantees to protect the chiefly authority that iwi hold over their land, villages and all their taoka. The Maori version is even more explicit in its emphasis on the rangatira authority that iwi and hapu are guaranteed in the use, access and protection of their resources, which include water bodies. The principles of the Treaty have been incorporated into recent legislation developed for governance of the use and management of natural resources. The 'principles' are gaining strength and clarity through case law and precedent.

At the heart of the Treaty Claim submitted by Kai Tahu to the Waitangi Tribunal was the Crown's failure to honour their contractual obligation to provide for Kai Tahu through the land purchase agreements, in particular:

- (a) failure to provide ample reserves for their present and future benefit; and
- (b) their numerous mahika kai were not reserved and protected for their use.

The Waitangi Tribunal found in favour of Kai Tahu on these issues, particularly in respect of the Kemps 1848 Deed. A number of recommendations were made by the Tribunal which included that remedial action be taken by the Crown to ensure that consultation with Maori is implemented by those with statutory responsibility for the management and protection of the environment, which includes water resources.

As a result of increased recognition of the Treaty, instigated primarily through a number of significant Waitangi Tribunal claims and decisions of other courts, has been the introduction into environmental legislation of Treaty Principles and provision for the recognition of Maori values.

## 4.10 Natural Resource Management Plan

Kai Tahu ki Otago have identified a range of objectives in their Natural Resource Management Plan (December 1995) to which local authorities and developers need to have regard. They are:

- Recognition of the spiritual and cultural significance of water to Kai Tahu, a value that binds the identity of the iwi to water, and protects the mauri of all water bodies;
- Recognition of wetland systems as an important source of mahika kai, habitat for native flora and fauna, and as a tool for the maintenance of water quality;
- Elimination of the discharge of human waste and other contaminants to water;
- Use of surveys and data collection systems to provide a comprehensive information base on water resources and threats to the life sustaining capacity of water; and
- Establishment of a management regime that identifies water quality and quantity standards consistent with Kai Tahu cultural and spiritual values.

#### **4.11 Management of waters**

Kai Tahu have a vision that will see a positive transition from the grievance mode that has bedevilled their culture for over 150 years, caused through the substantial loss and degradation of their resources and suppression of the rangatira authority traditionally exercised over their taoka. Today this vision is becoming more relevant through the validation of values and cultural relationships with resources which are central to the core of Kai Tahu identity.

The process of how this works in practice is being addressed through for example, implementation of the Resource Management Act 1991, the spirit of change, the re-validation of the Manawhenua role through consultation, and development of partnership models.

The ability for Kai Tahu whanau and hapu to re-commune with the places and resources of traditional value to their cultural customs is important. The involvement of Kai Tahu in the management decisions affecting the use and protection of the water resources of Otago is essential. The opportunity for Kai Tahu to be actively involved in the monitoring and enhancement programmes for water and habitat improvement is a vital part of that process. In some cases Kai Tahu may seek full control of some resources through a transfer of powers under Section 33 of the Resource Management Act 1991. That section enables the transfer of powers, providing the body to which power is to be transferred meets a number of criteria including having the technical or special capability or expertise. A special consultative process, pursuant to Section 83 of the Local Government Act 2002, must be undertaken before any transfer of power can proceed.

#### **4.12 Identifying Kai Tahu cultural and spiritual beliefs, values and uses**

The identification of Kai Tahu cultural and spiritual beliefs, values and uses supported by the region's water bodies is an important means by which Kai Tahu resource use priorities can be provided for in the planning and implementation stages. The process requires detailed and current information on the values for each water body, and identification of activities and community expectations for the use and management of the region's water bodies. A clear direction for the management, use and enhancement of individual water bodies must give effect to the interests of Kai Tahu. A number of Kai Tahu management guidelines for water management are articulated in the Kai Tahu Ki Otago Natural Resource Management Plan. A Te Runanga O Ngai Tahu Freshwater Policy Statement has been prepared and provides further articulation of Kai Tahu's water perspective.

The principle that all waters and water bodies should be managed to achieve enhancement of Otago's water resources is essential.

#### **4.13 Issues of concern to Kai Tahu**

The following issues describe significant concerns of Kai Tahu for their cultural heritage in relation to the water resources of Otago. The cross-references provide links to related provisions elsewhere in this Plan.

The issues and explanations expressed below in 4.13.1 to 4.13.9 describe the significant concerns of Kai Tahu, as expressed by Kai Tahu.

**4.13.1 Traditional environmental management systems and values, which include mauri, tapu and rahui, have not been adequately recognised by planning and resource consent processes.**

**Explanation**

The practical implementation of Maori values including mauri, rahui and tapu in the management of the region's water resources will give recognition and effect to the place and role of indigenous values consistent with the provisions of the Resource Management Act.

*See Objective: 5.3.2*

*See also Objectives: 6.3.5, 7.A.2 and 10.3.1*

**4.13.2 Significant loss of the traditional mahika kai resource and its supporting habitat, or loss of access to it, has occurred and could continue to occur, through:**

- (a) **The consumptive use of water which leads to insufficient flows to support aquatic life;**
- (b) **The development and use of the beds and margins of lakes and rivers;**
- (c) **The placement of structures obstructing migration of aquatic indigenous species;**
- (d) **Artificial fluctuation of levels in lakes and rivers affected by hydro-electricity generation or storage; and**
- (e) **The introduction of aquatic fauna to areas where they were not previously present.**

**Explanation**

The water-based mahika kai resource was a significant part of traditional food. In actual practice it was also a means for the transfer of knowledge from one generation to another, of the customs relating to the mahika kai resource, habitat, places, placenames, seasons, rights to the resource, trails, tribal history and tradition relating to the area. Loss of the mahika kai resource and habitat, or of access to the resource therefore constitutes a greater loss than the loss of the resource itself.

Kai Tahu believes that past management has resulted in over-allocation of water from some catchments. Kai Tahu also believes that the placement of some structures in rivers has resulted in disruption to fish migration and the natural habitat of mahika kai when flows or levels were modified. Predation by, or competition for food or habitat from, introduced species has also contributed to a loss of the mahika kai resource. This loss constitutes one of the main components of the Ngai Tahu Claim submitted to the Waitangi Tribunal. There could be ongoing loss of the remaining mahika kai resource, or of Kai Tahu access to it.

*See Issues: 5.2.1, 5.2.2, 5.2.3*

*See Objectives: 5.3.2 and 10.3.1*

**4.13.3 Development and use of the beds and margins of lakes and rivers can result in adverse effects on waahi taoka and waahi tapu and Kai Tahu access to them.**

**Explanation**

The effects of a range of activities, including gravel and gold mining activities, river stabilisation works, farming activity within riparian margins and erection of structures on the beds and margins of lakes and rivers have the potential to harm a range of archaeological sites. Many waahi tapu are located on, or are adjacent to, the beds of water bodies, and may be adversely affected by such activities. Loss of access to traditional waahi taoka and waahi tapu sites can also occur as a result.

*See Issue: 5.2.2*

*See Objective: 5.3.2*

**4.13.4 Cross mixing of water from one catchment to another may adversely affect the mauri of the catchments.**

**Explanation**

The mauri, or life force, of individual catchments is special and distinct, and the characteristics of each differ depending on whether the source is from snow-capped mountains, lakes, lowland runoff or groundwater. This is further influenced by the natural characteristics of the water body, soil type, structure of the river bed, flow, degree of pollution, and contamination from exotic weeds. Historically, those extracting water from one catchment for eventual release to another, have failed to take into account effects on the health and vitality of the affected waters and habitat, or on Kai Tahu cultural and spiritual beliefs, values and uses.

*See Issue: 6.2.5*

*See Objectives: 5.3.2 and 6.3.5*

**4.13.5 Discharge of human waste and other contaminants to Otago's water bodies from point and non-point sources is an affront to Kai Tahu.**

**Explanation**

The discharge of untreated and treated human waste and other contaminants to water bodies is particularly offensive to Kai Tahu, since water is of both spiritual and practical importance to the indigenous culture of Otago. Degradation of any water body undermines the enduring cultural relationship iwi have traditionally enjoyed and seek to retain with their waters. In addition, the custom of gathering food (mahika kai) from water bodies is jeopardised, since the practice of consuming food gathered from resources contaminated by, in particular, human wastes is abhorrent to iwi. Severance of the spiritual relationship with, and of the customary use of, a water body strikes at the very identity and well being of the indigenous culture. This causes a failure as

kaitiaki to protect and pass on to the next generation an intact mahika kai custom.

*See Objective: 5.3.2*

**4.13.6 Many wetlands of significance to Kai Tahu have been lost, and their loss could continue.**

**Explanation**

Wetlands have traditionally been places for gathering mahika kai and a range of other cultural materials important to the customs and economy of Kai Tahu. The loss to Otago of a significant proportion of the wetland resource has had a dramatic impact on the indigenous culture of Otago. Some remaining values of wetlands are highly valued by Kai Tahu iwi, runanga or whanau, and they are considered irreplaceable.

*See Objective: 10.3.1*

**4.13.7 The impact land use has had on adjacent water, particularly in lower catchment areas, has adversely affected Kai Tahu cultural and spiritual beliefs, values and uses.**

**Explanation**

Kai Tahu has an interest in land use activities throughout a catchment, because:

- Kai Tahu's relationship with a water body extends from its source in the mountains to its entry to the sea;
- Mahika kai species are migratory and at different stages of their lifecycle live in different habitats throughout a catchment; and
- Kai Tahu use different parts of the catchment for different purposes at different times of the year.

Kai Tahu is concerned that an emphasis has been placed on the use and development of land without sufficient consideration being given to the resulting impact on the water resource. The traditional use options and relationship with water resources are compromised in the process.

*See Objective: 5.3.2*

**4.13.8 Restoration and enhancement programmes may be required for water bodies and catchment areas suffering degradation due to developmental pressure.**

**Explanation**

A general decline in the quality and habitat of Otago's water bodies over the last 150 years has occurred as a result of community and individual decisions to use natural and physical resources in a variety of ways that detrimentally impacted on the environment. Failure to recognise or act on the steady deterioration has resulted in a net loss of the cultural and spiritual beliefs, values and uses of Kai Tahu ki Otago.

Restoration of the ecological and cultural values of degraded waters is a fundamental principle of Maori environmental management. Restorative actions, including enhancing low flows, improving water quality, and habitat enhancement, creation and restoration, are priorities for water bodies of particular significance to Kai Tahu.

*See Chapter 7*

**4.13.9 The traditional relationship of Kai Tahu and their associated values with the water resource has been overlooked in the monitoring of the region's water resources.**

**Explanation**

Monitoring of the state of water resources, monitoring compliance with resource consents and other information gathering processes have been inadequate in producing the level of information required to make sound management decisions. Integration of Kai Tahu cultural and spiritual beliefs, values and uses associated with water bodies, into the data gathering system is required.

*See Chapter 19*

**There are no objectives or policies within this chapter.**

