

Cultural Values alignment with TANK draft plan report

Prepared for Hawkes Bay Regional Council

by
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Introduction:

The purpose of this report is to determine how the cultural values expressed by tangata whenua in the TANK plan change process are being translated into the TANK draft plan to measure how the plan recognises and provides for the relationship of Maori with freshwater – he wai he taonga, and whether the TANK draft plan supports, or has implied actions that are consistent with or uphold cultural values.

Tangata whenua's relationships with water is highly influenced by whakapapa. The whakapapa of water articulates the spiritual, physical - gaseous, aqueous and solid states of water as well as describing water quality and quantity states. Whakapapa acknowledges the origins of water, the connections of water with different parts of the environment and the relationship tangata whenua have with water. Whakapapa dictates the responsibilities tangata whenua have as kaitiaki to value, safeguard and protect taonga tuku iho mo ake tonu atu for future generations.

Maori values are based on Kawa, Kaupapa and Tikanga. Kawa are generally given by atua and required for the appropriate treatment of "tapu" and given in a way that cannot be changed. Kaupapa are generally translated into English as "value", in very simple terms, something that is of value to Māori. Kaupapa are expressed as tikanga. Tikanga comes from 'tika' or rights ways of doing something. Tikanga are expressions of kaupapa tuku iho (*inherited Māori values*). Tikanga can be used to describe culturally appropriate Māori behaviour in given situations.

In order to undertake the assessment summarised in this report, Cultural Values Tables have been developed (*see Results - Tables 1-8a & b*). Cultural values identified in reports, plans and policies (*see methodology*) have been utilised in the development of the Cultural Values Tables. These values are contrasted against the objectives and policies expressed in the TANK draft plan.

Tangata whenua members of the TANK stakeholders' group have articulated cultural values during the TANK plan change process and expect these values to be provided for in the TANK draft plan. In reality the Resource Management Act (RMA) and the National Policy Statement for Freshwater¹ (NPSFM) determine the compulsory cultural considerations that must be provided for legislatively.

¹ NPSFW Obj D1 pol D1

The RMA² specifically requires decision makers to provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga. There is also provision for other values to be provided for through consultation with tangata whenua and other sectors of the community, this is highlighted in the TANK draft plan policy 47.

The draft plan change features eight issues in the preamble, while 16 objectives and 55 policies have been drafted to address the identified issues. Tangata whenua have sought the inclusion of additional issues they consider to be important to them, that could then be included within objective and policy setting processes.

As each TANK Plan change version is developed and modified so too has been the nature of developing the Cultural Values Tables, at the time of publishing this report, there has been seven significant version. Values have been analysed for the specific purpose of this report only.

² RMA part 2 Section 6e,g, 7a and 8

Methodology

Values were identified from the following reports:

- 1) Ngaruroro Values and Attributes report, 2016
 - 2) Tutaekuri Awa Values report, 2017
 - 3) Te Whanganui-a-Orotū (The Napier Inner Harbour), Traditional Use and Environmental Change, customary usage report (Wai55), 1994
 - 4) Ngati Hori Freshwater Resources Management Plan - Operation Patiki, 2012
 - 5) Tūtaekurī Awa Management and Enhancement Plan, 2018
 - 6) Kahungunu Marine & Freshwater Fisheries Ki Uta Ki Tai – strategic plan, 2009
 - 7) Mana Ake – An Expression of Kaitiakitanga - Nga Hapū o Heretaunga, 2013
 - 8) Ngati Kahungunu Kaitiakitanga Mo Nga Taonga Tuku Iho, 1992
 - 9) Inventory of TANK values in the TANK catchments of Hawke’s Bay, 2012
 - 10) Hawke’s Bay Regional Resource Management Plan, 2000
 - 11) Hawke’s Bay Regional Policy Statement, 2000
- Once cultural values were identified from the reports above the values were used as Columns headings to develop the Cultural Values Tables both Awa wide and Site specific, along with the Issues, objectives and policies featured in the TANK draft plan.
 - The grey shading within the column objectives/policy represents the issues tangata whenua identified as key areas of concern and have had on-going discussions with TANK staff including the plan writer to
 - Where the objective or policy does not relate to the value expressed in the column header this is identified by denoting as Not Applicable e.g. N/A.
 - Where uncertainty occurs within the tables this is identified by a question mark e.g.? and indicates further consideration should be explored (see recommendations) with tangata whenua within the TANK catchments
 - Footnotes provided in the table offer further specific detail to provide clarity and context.

Results:

See Cultural Values Tables 1-8a & b

Discussion:

There is a translation error associated with the creation of tables that seek to depict how the current draft plan includes or expresses Māori Values. In English, the Māori word kaupapa or wariū is generally translated as value. While this is accepted, it would not be appropriate to translate the provisions of a plan or implied actions following from a plan as 'tikanga'. This is because tikanga can only be defined by hapū. It might be more appropriate to say that a plan has provisions in it or implied actions that support or are consistent with Māori Values.

The Principal value of Mauri as it is conveyed in these Cultural Values Tables is supported by three primary values that assist in giving expression to mauri. The primary values of mauri being Ecosystem health, Indigenous riparian vegetation and Natural Character. Although riparian planting is supported in the TANK draft plan, the Cultural Values Tables suggests the TANK draft plan does not enhance or support Indigenous riparian vegetation, however policy 7 connects the TANK draft plan to the Hawke's Bay Biodiversity Strategy to correct this perception. For example, Mihiroa Marae which is located within the Karamu catchment have expressed a desire to restore their traditional Marae which is registered with Heritage New Zealand (He Pouhere Taonga). The inner roof and walls are insulated with Raupo, Toetoe and other indigenous vegetation, the replacement of these indigenous plants for restoration purposes is incredibly concerning and causes distress to the hapū of Mihiroa. The species they require for restoration are absent from their immediate landscape and limited in the wider environment, this has impacts on cultural survival. Objective ten enables new and reinstated wetland development providing more water in the landscape which enhances natural character. Policies nine and ten, 12 and 13 enable promotion of indigenous riparian vegetation, effectively providing a mechanism to return indigenous riparian vegetation to the land.

Regardless of water quality state, tangata whenua continue to practice the traditions of Karakia and Mana Atua, such is the importance of these natural resources and practices. Poor water quality particularly in relation to attributes such as excessive weed growth, high E. coli levels, high water temperature and low dissolved oxygen levels correlate as "Waimate" and "Waikino" water quality states, when observed through a Te Ao Maori lens. Poor or degraded water cannot be utilised in traditional practices for example tohi - baptism or the washing of the dead. These "tapu" practices were restricted to designated area's that aligned with the private and sacred rituals that accompany the practices. Existing poor and degraded water quality has major impacts on tangata whenua and their ability to practice their cultural traditions and hand these down to future generations, for example the tradition of preparing Tūpapaku for burial involved the "washing of the dead in sacred springs". This practice expresses Wairuatanga. In these Cultural Values Tables the value of

Wairuatanga is supported by Karakia and Mana atua, the TANK draft plan appears to support the value of wairuatanga, this perception is actually due more to the fact that even in Poor quality waterbodies, the practice of karakia and mana atua still occur for example frequently karakia ceremonies are held in Whakatu on the Karamu/Clive which the 2016 SOE report identifies as having poor water quality for E.coli, Temperature, Dissolved Oxygen and excessive weed growth.

Although the tables in schedule 1 of the TANK draft plan include values it is incorrect to assume that the values listed are protected. Each attribute protects components of the values listed but does not protect the value as a whole. For the values to be protected each attribute listed in schedule 1 Table 1 needs to be considered in totality, Table 1 should not be fragmented, or individual attributes viewed in isolation. The “trout fishery” value if upheld, will not consequently uphold the various tikanga Māori values listed alongside it. A better term to use would be “trout habitat” as this is a statutory responsibility of water managers.

Kaitiakitanga as depicted in these Cultural Values Tables is supported by four foundation values, Ahu Moana Ahu Whenua - Mahinga Kai the practice provides one of these foundations. Water quality states and sediment accumulation of toxins impact on the practice of Mahinga Kai as seen in the Ahuriri Estuary when considering shellfish collection. Mahinga Kai is a practice that Tangata whenua would like to reinstate but cannot currently due to occasional E. coli contamination, heavy metal and toxin accumulation in the Ahuriri estuary sediments. Policy 18 and 28 of the TANK draft plan address the accumulation of sediments entering the estuary however the TANK draft plan does not directly address the current deposited sediment or provide policy to enable its treatment or removal. When will it be safe to practice Mahinga kai e.g. shellfish collection in the estuaries? Will integrated catchment management be sufficient to enable the practice of Ahu whenua Ahu Moana – Mahinga kai shellfish collection from the estuaries in the future? These questions have been asked by Tangata Whenua engaged in the TANK plan change process and remain unanswered and are not explicitly stated in the objectives and policies. In addition, timelines and targets for the achievement of mahinga kai status, where the shellfish are safe to collect and consume, are not specified in objectives and policies. Although policy 28 focuses on dealing with legacy effects it does not go far enough to confront and address the issue. The value of Kaitiakitanga is also comprised in part from rights of Access, for the purpose of the TANK draft plan this component of Kaitiakitanga is beyond the scope of the plan and therefore cannot be provided for.

Objective four of the TANK draft plan articulates that after 2040 the quality of the TANK freshwater bodies as set out in schedule 2 will be implemented through future plan changes. Where the current state of water is already compliant with or better than NPSFM compulsory requirements, then the 2040 date is not necessary. The NPSFM and council's NPSFM Implementation Plan, already address compliance and timing issues for meeting NPSFM requirements. The 2040 date should therefore only apply to water quality state in a few selected sub-catchments.).

Conclusion:

The current Cultural Values Tables are not wrong. It is a useful exercise if the reason for doing this is to find evidence of possible or indicative alignment of Tangatawhenua Values in relation to the TANK draft plan. However, such alignment is not evidence of 'tikanga'. Only hapū can collectively define tikanga and provide the correction factor required for calibrating the Cultural Values Tables as an analytical tool.

Recommendations:

In order to correct the translation error highlighted in the conclusion of this report the following recommendations are suggested:

- Enable the TANK Manawhenua, to hold Hui-a- Hapū with the TANK hapū in order to determine whether the TANK draft plan has provisions in it or implied actions that support or are consistent with Maori values.

Or Alternatively

- Tank Manawhenua, HBRC Maori Committee and HBRC Regional Planning Committee wananga to determine whether the TANK draft plan has provisions in it or implied actions that support or are consistent with Māori Value