

TE TAI AO

THE ENVIRONMENT AND NATURAL RESOURCES



Previous page: The fortified kainga of Ohinemutu, circa 1845. Then, as now, dwellings were built close to the much-valued geothermal resource, from which steam can be seen rising. At left, in the distance, is Mokoia Island, which also has geothermal sites. Detail from 'Mokoia from Ohinemutu, Lake Rotorua', a watercolour by John Guise Mitford. The full image is reproduced in black and white on page 1489.

The Central North Island is endowed with many water and geothermal resources, which attracted the ancestors of the claimants to settle and prosper. They drew on the bounty of these waterways and geothermal resources, and because of them they were able to make the Central North Island their home. We were told that just as the sea and its food provided those on the coast with a major source of protein, so it was with the waterways and aquatic life of the North Island interior. Many of the claims before us, therefore, relate to the importance of these resources in the cultural, spiritual, and economic life of the iwi and hapu of our inquiry region. Any loss or degradation has been, and continues to be, keenly felt.

In this part of our report, we consider these claims in some detail by analysing the way both Maori and the Crown have conceptualised, claimed, and used the resources of the Central North Island. In reviewing the story of the water and geothermal resources of the region, we identified how Maori and the Crown have talked past each other on nearly all fronts. On the one hand, Central North Island Maori claim that these resources were taonga and that the Crown has actively sought to undermine their rangatiratanga over their taonga by appropriating the resources or the right to regulate them. On the other hand, the Crown claims the right to own and/or regulate the resources as part of its right to govern for the benefit of all New Zealanders. As our review in the subsequent chapters demonstrates, two world views and two systems of law and authority have clashed. Central to this story are the relevant Treaty principles, the legal issues concerning the ownership of water (whether in lakes, rivers, or streams), fisheries, and geothermal resources, and the Crown's regulation of these resources.

We focus on Lake Taupo-nui-a-Tia as a case study, as this lengthy story so aptly demonstrates Maori and Crown

interaction in respect of a major waterway, over issues such as the introduction of trout into an important indigenous fishery; the Crown's protection of public rights of boating, and angling access to the lake; the circumstances in which the Crown secured the use of the lake for hydroelectricity purposes; and the impacts on the environment, and Maori, due to the associated manipulations of the lake level.

We contrast that history with the story of other water resources such as springs, lakes, rivers, and estuaries within the Central North Island inquiry region. As in the Lake Taupo chapter, we consider the effects of loss of ownership and rangatiratanga over these resources. In doing so, we draw on specific case studies including: the impacts of the Crown's environmental management regime on Lake Taupo, and on rivers and wetlands within the inquiry region such as Hamurana and Taniwha Springs, the Puarenga Stream, the Kaituna River to the Maketu estuary, and the Tarawera River and Matata estuary; and the impacts of forestry sites on land and water resources at Murupara.

Finally, we consider the nature and extent of the Central North Island iwi and hapu interest in geothermal resources, and the extent to which the Crown has recognised and provided for their customary rights and Treaty interests.

In summary, the chapters of this part are:

- ▶ Chapter 17: Te Taiao: The Environment and Natural Resources: Treaty Principles and Standards;
- ▶ Chapter 18: Lake Taupo-nui-a-Tia: Taupo Moana;
- ▶ Chapter 19: Rangatiratanga – Kawanatanga: Environmental Management; and
- ▶ Chapter 20: Ruaumoko/Ruaimoko and Ngatoroirangi: The Geothermal Resources of the Central North Island.

Our key issues for this part are:

- ▶ Are the claimants' waterways, fisheries, and geothermal

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resources of the Central North Island taonga over which they exercised tino rangatiratanga?

- ▶ If so, did the Crown actively protect the tino rangatiratanga of iwi and hapu over these taonga so that they could continue to use and enjoy these resources in accordance with their own cultural preferences?
- ▶ What have been the impacts on Central North Island iwi and hapu of Crown acts, policies, and omissions affecting waterways, fisheries, and geothermal resources?

We turn now to consider the relevant Treaty principles and standards for the Crown's exercise of kawanatanga in respect of water and waterways (including fisheries), geothermal resources, and the environment.