

Te Awa Tupua



Rights of Nature Resilience in the Face of Climate Change

Webinar

12 November 2019





Whanganui River Catchment

- 290 km - third longest river (longest navigable river) in Aotearoa
- 7,380 km² catchment
- Mai i te Kāhui Maunga ki Tangaroa
- Iwi: Whanganui, Ngāti Tūwharetoa, Ngāti Maniapoto, Ngāti Rereahu, Te Ihingarangi, Ngāti Maru, Ngā Rauru Kītahi, Ngā Wairiki Ngāti Apa and Ngāti Ruanui.

“Whanganui Iwi have sought to preserve their rights, protested, petitioned the Crown and pursued their claims....before numerous Courts, tribunals such litigation has often seen issues narrowed such that they are almost unrecognisable in Māori terms.”

The late Sir Archie Te Atawhai Taiaroa, (Ngāti Hauā/Ngāti Tū) describing the Whanganui Iwi perspective on their long running claims and litigation.



Te Awa Tupua – Legal Personality

Te Awa Tupua (Whanganui River Claims Settlement) Act, provides that:

- Te Awa Tupua is a living and indivisible whole comprising the Whanganui River (including its tributaries) from the mountains to the sea including all of its physical and metaphysical elements
- Te Awa Tupua is a legal person



Tupua te Kawa

The Te Awa Tupua Act recognises at law a set of intrinsic values called **Tupua te Kawa** - the natural law and value system of Te Awa Tupua, which binds the people to the River and the River to the people.

The four kawa must be read together.

Nō te kawa ora a 'Tupua te Kawa' hei taura here nā te Te Awa Tupua me ōna tāngata ki te kawa nō tawhito rangi



KO TE KAWA TUATAHI:

***Ko te Awa te
mātāpuna o te
ora***

*The River is the source of spiritual and
physical sustenance*

Te Awa Tupua is a spiritual and physical entity that supports and sustains both the life and natural resources within the River and the health and wellbeing of iwi, hapū and other communities of the River.

KO TE KAWA TUARUA:

*E rere kau mai te
awa nui mai i te
kahui maunga ki
Tangaroa*

*The great River flows from the mountains to
the sea*

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

KO TE KAWA TUATORU:

*Ko au te Awa, ko
te Awa ko au*

I am the River and the River is me)

The iwi and hapū of the River have an inalienable interconnection with, and responsibility to, Te Awa Tupua and its health and wellbeing.

KO TE KAWA TUAWHĀ:

*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 and 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 wellbeing of Te Awa Tupua.

Te Pou Tupua - The human face of Te Awa Tupua

- A single role comprising two persons jointly appointed by the Crown and the Iwi of the River: Dame Tariana Turia and Poukōrero, Turama Hawira.
- Supported by Te Karewao

Role of Te Pou Tupua:

- to uphold the Te Awa Tupua status and Tupua te Kawa;
- to act and speak for Te Awa Tupua;
- to promote and protect the health and wellbeing of Te Awa Tupua;
- to exercise landowner functions in respect of those parts of the riverbed vested in Te Awa Tupua.

NB: there is no “Crown” rep or “iwi” rep



