



Reframing the relationship between people, nature and authority: The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

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1. INTRODUCTION

Situated in the North Island of Aotearoa, originating in the slopes of Mount Tongariro and ending in the Tasman Sea, flows New Zealand's longest navigable river - the Whanganui River (NZ Government, 2020) (Fig. 1). Not only is the Whanganui River valued for its great length, but it is also held in high esteem by the Whanganui Iwi for its mana¹, its previous sizeable bankside population of more than 100 pā sites, genealogical and spiritual ties, and treasured for the resources it gives (Waitangi Tribunal Report, 1999). The cultural significance of the river led to the eventual signing of Ruruku Whakatupua, the Whanganui River Deed of Settlement at Rānana in 2014 between Whanganui Iwi and the Crown² (Raumati, 2016). This Deed of Settlement gave rise to the enactment of the Te Awa Tupua (Whanganui River Claims Settlement) Bill 2017, which conferred legal recognition of the Whanganui River as a person (NZ Government, 2020).

A legal personality *"is an entity that has the same rights and responsibilities as a person"* (NZ Parliament, 2017, para.2). The rights given can vary from a few legal rights considered essential for the entity's functioning, to a whole plethora of fundamental rights for protection (Khandelwal, 2020); In New Zealand, the Te Awa Tupua Act 2017 represents the latter. A new legal framework was established (known as Te Pā Auroa nā Te Awa Tupua) to support the Whanganui River as Te Awa Tupua, which means: *"an indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements"* (Te Awa Tupua Act s 12). Furthermore, under section 14 of the Te Awa Tupua Act 2017, Te Awa Tupua is declared to be a legal person with *"all the rights, powers, duties and liabilities of a legal person"* (s 14).

The Te Awa Tupua Act 2017 has received much international attention for representing a world first, for a river, in legislation and has been recognised for applying a Western concept of law (legal personality) but with the lens of an indigenous worldview, a legislative approach that has inspired other such innovations in the US, Australia and India (O'Bryan, 2017; C. Clark et al., 2018). In this article I begin by discussing that while this concept may seem revolutionary at face-value, research by Stone (2010), demonstrates that this concept of denoting personhood status to other non-human entities has been happening for years within many

¹ Iwi: Tribe. The literal definition is "bone", indicating descent from a remote founder ancestor. (van Meijl, T., 1995)
Mana: Power, prestige, authority (Reilly, M. P. J., 2010)

² The crown is a legal term used to describe the monarch as head of state; the position of monarch is synonymous with the crown. The two are not separable and cannot be used to mean different people. The crown refers to the sovereign of a particular state.

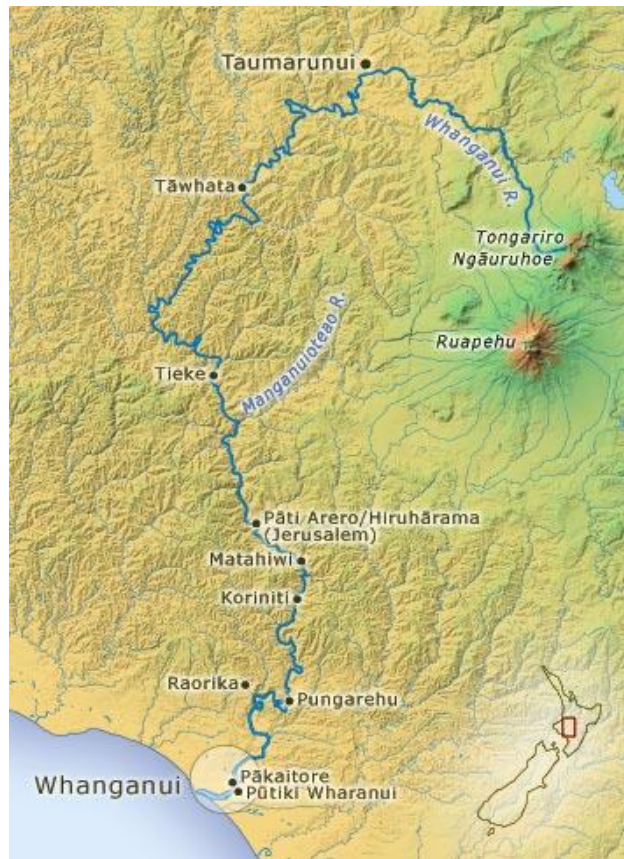


Figure 1: Map of the Whanganui River. Image taken from *Te Ara: The Encyclopaedia of New Zealand*. (<https://teara.govt.nz/en/map/2174/map-of-the-whanganui-river>). CC BY-NC 3.0 NZ

judicial systems often for the purposes of separating legal obligations from shareholders and directors. I argue that this extension of personhood to nature is confronting to people with an anthropocentric world view because of the instrumental value they place upon nature. Conversely, I illustrate that perceiving nature as possessing its own power and personality has always been upheld by Māori, who had been fighting with the Crown for this recognition in relation to the Whanganui River for almost 148 years (Raumati, 2016).

I then demonstrate how granting personhood status to the Whanganui River in Aotearoa, symbolizes a step towards embracing a Māori worldview and kaupapa of caring for the environment that is neither anthropocentric nor ecocentric, but instead recognizes the interconnectedness between human and non-human entities. The purpose of this article is to address how the extension of legal personality to the Whanganui River represents the valuable contribution a Māori worldview can make to New Zealand's legal system by providing an opportunity to reframe the relationships between people, land, and authority.

2. GRANTING OF RIGHTS AND LEGAL PERSONHOOD

The extension of a legal personality beyond that of human beings has been described as “one of the most noteworthy feats of legal imagination” (Salmon quoted in Khandelwal, 2020, n.p. number). While this concept may have sounded strange and abstract to early jurists (Stone, 2010), since the late 1800s, several non-human entities have received legal personhood status to separate legal obligations from shareholders and directors, such as companies, trusts, and societies (Solaiman, 2017); This separate corporate personality is now recognized in all legal systems (Solaiman, 2017). Theorist Christopher Stone, one of first to pursue the concept of giving natural entities legal standing in his book *‘Should Trees have Standing?— Toward Legal Rights for Natural Objects’* (1972), in a later article (2010) states that lawyers today are so well familiarized with the concept of corporations having their “own rights” and being a “person” or “citizen” for so many judicial

purposes, that the idea of giving non-human entities legal personality is no longer a deviation from the norm (Stone, 2010, p.3). Stone (2010) suggests the reason these ideas are at first confronting for people, is that one cannot see beyond the non-human entities use to oneself or society. Instead, non-human entities are idealised and perceived only for their use and ability to fulfil anthropocentric needs (Stone, 2010; Whiteside, 2002).

Before something can be granted legal rights, it first must be seen and valued for itself. Stone (2010) gives the example of the first woman in Wisconsin who wanted the right to practice law. At the time, she was denied by the court because *“the law of nature destines and qualifies the female sex for the bearing and nurture of children of our race and for the custody of the homes of the world...”*, and therefore women were deemed to be as ill-suited for engaging in judicial conflicts as they were for *“the physical conflicts of the battlefield”* (Stone, 2010, p.3); Women were not perceived intrinsically for what they were and what they could become beyond their performative and socially constructed gender roles (Stone, 2010).

3. LIMITS OF ANTHROPOCENTRISM

This instrumental view of women can also be applied to the environment and its natural resources. Western society operates within a moral framework that takes humanity as its key point of reference for political and economic decisions (Youatt, 2014). This concept, also known as anthropocentrism, is the ideology that human beings are more significant than other life forms (Youatt, 2014). Anthropocentrism perceives nature as an object to serve humanity and is understood only in instrumental terms (Whiteside, 2002). Like with women in the Wisconsin case, nature is mainly seen as a resource valued by the extent to which it can satisfy societal norms.

Perceiving nature as an instrument for human benefit has consequently permitted the continuous exploitation of the environment (Cook, 1997). For example, current mechanisms for environmental protection, such as market approaches and regulatory structures and agencies, maintain an anthropocentric view that often favours economic development over environmental protection (Khandelwal, 2020). Market mechanisms used for environmental protection are grounded in neoliberal theory, which, operating on notions of democracy and individualistic autonomy, enables nature to be subjugated by humans to fulfil personal interests (De-Shalit, 1995). As a result, environmental planning is embedded with language that promotes individualistic human desires (Youatt, 2014). For example, governments and agencies tend to promote and educate the public about the value of nature and biodiversity through the term ‘sustainable development’. Sustainable development encourages us to live in harmony with other species, while maintaining the perception of ourselves as superior and as consumers, and of non-human entities as a resource to enable further societal growth and development (Youatt, 2014).

According to Youatt (2014, p. 211) the term ‘sustainable development’ creates a weak sense of “ecological orientation” within individuals and the community. By continuing to operate under existing paradigms of individualism, this approach fails to call for any real sacrifice or change in environmental philosophy, thus encouraging “enlightened self-interest” among society (Leopold, 1989 [1949], p. 208). Within this neo-liberal market system, environmental protection remains largely ineffective as *“the costs of pollution in the neoliberal market are distributed unequally to the environment and other users and not the polluter itself”* (De-Shalit, 1995, p. 296). This is referred to as negative environmental externality, where environmental pollution and damage caused by industrial production processes and the use of subsequent products, are not directly captured in the market and instead remain “external to private sectors” (Ding et al., 2016, p. 463).

Consequently, producers avoid paying for the full cost of their damage as this is borne by nature as well as by other regular citizens who also share the environment; this is simply the way of the neoliberal economy

(De-Shalit, 1995). More often than not, the producer will forego reducing their negative environmental impact for increased profit. This is evident in a study conducted by Xepapadeas (1992) where producers were found to always choose higher than socially desirable levels of emissions if, by doing so, they could raise their profits. Thus, the external cost to the environment was not a factor producers considered in decision-making in the absence of environmental regulation. This illustrates the challenges of motivating producers to internalize their negative environmental externalities and to move away from a largely anthropocentric and instrumental perception of nature, as well as the importance of having robust environmental regulations in place.

4. POTENTIALS OF ECOCENTRISM

Many theorists of environmental philosophy believe the answer to solving our environmental issues lies with adopting an ecocentric approach within our political, economic, and resource management systems (De-Shalit, 1995; Stone, 2010). Ecocentrism represents a shift from valuing nature to the extent that it benefits us to perceiving nature and its ecosystems as living entities that possess their own integrity and *intrinsic* value (Argyrou & Hummels, 2019). This concept has been implemented on a global level; For example, the United Nations' World Charter for Nature acknowledges the intrinsic value of nature, proclaiming in 1982 that "*every form of life is unique, warranting respect regardless of its worth to man ...*" (Shelton, 1991, p. 109). While it may seem impossible to separate from our human perspective when regarding the environment, thinking ecocentrically is a means of shifting our moral and political frameworks to align with nature (Youatt, 2014). Instead of reinforcing dominant Western worldviews and legal approaches within environmental management³, ecocentrists believe that humans should listen more closely to ecological feedback signals from nature in order to develop a stronger moral relationship between ourselves and non-human entities (Leopold, 1989 [1949]; De-Shalit, 1995).

5. CRITIQUE OF ECOCENTRISM

Despite this seemingly logical rationale, ecocentrism, too, has its flaws. For example, many forms of ecocentrism value nature for its intrinsic value and perception that nature is morally significant due to a 'two-term metaphysic' within modern science which relates the mind and nature as subject and object (Hoffman & Sandelands, 2005, p.147). In this way, ecocentrism promotes the notion that nature is the object which dominates man -the subject. Nature is taken to be everything, whereby nature has its own creation story and man is simply one flower "*upon one limb of the great tree of existence*" (Hoffman & Sandelands, 2005, p.147). Hence, this ecocentric ethic, only valorises nature in a new way and fails to question its identity or change ones' way of understanding the environment (Whiteside, 2002). The stark dichotomy between anthropocentrism and ecocentrism - either perceiving humans as the core and nature as having to accommodate itself to human self-interests, or nature as the core and humans possessing obligations to make room for the prosperity of the environment - implies that a 'centrism' of some kind is essential to environmental thinking (Youatt, 2014). A caveat in both these perceptions is that they fail to recognise the interdependence of humans and nature (Whiteside, 2002).

A way to overcome this "centrism" way of thinking and to accomplish better environmental protection can be taken from Leopold (1989 [1949]). Leopold states that a collective "extension of social conscience" (p. 209) from the community to the land is required to ensure a change in the role of *Homo sapiens* from a master of nature, to a simple citizen of it. If successful, Leopold states that this way of thinking may result in

³ For instance, encouraging one to obey the law, join relevant environmental organisations and undertake conservation practices that are profitable on private land etc.

an internal change within ones' loyalties, intellectual emphasis, and convictions, and therefore, ultimately produce a stronger sense of ecological orientation and obligation to nature among the community, enabling a type of 'land-ethic' to develop (Leopold, 1989 [1949]).

6. MĀORI WORLDVIEW

Applying a Māori worldview demonstrates a third understanding of the relationship between nature and humanity, one that does not rely on 'centrism' of any kind. This perspective has similarities to Leopold's land-ethic ideology in that there exists a system of laws and values which define the users of natural resources as possessing an ethical responsibility to act as kaitiaki (guardians) of natural resources (Roberts et al. 1995). A traditional Māori worldview understands nature and humanity as mutually dependent and indivisible from one another (Argyrou & Hummels, 2019), without the existence of a fundamental dichotomy between the two, or as humans having sovereignty over nature (Patterson, 1998). Deeply rooted within Māori culture is a rich and complex cosmology, which tells of the interconnectedness of all things in the universe, inanimate and animate via whakapapa (genealogy) to their ancestors (Lyver et al. 2018). Within this cosmology, everything is essentially linked via the gods; Papatūānuku (earth mother) and Ranginui (sky father), from whom came many offspring with the role of guardianship over specific natural phenomena (Roberts et al. 1995). Tāne, the greatest son of Rangi and kaitiaki of the forests, had eight wives, which resulted in the birth and creation of nine species of large trees such as the totara and matai (B. Clark, 2018). Other tawhito (ancient ones), e.g. Tangaroa, is kaitiaki of the sea and all sea creatures, and he produced grandchildren Ika-tere and Tū-te-wehiwehii, who are the ancestors of all fish and reptiles. Furthermore, it is said in some tribal whakapapa that human beings are the progeny of the god Tūmataurangi (Roberts et al. 1995). While human beings are able to cultivate and harvest these flora and fauna, such as trees and fish, they are required by duty to thank and appease the kaitiaki of these natural phenomena (Te Aho, 2019).

The personification of natural entities allows these environmental systems to be perceived as analogous to human bodies (B. Clark, 2018). For example, the streams of water that flow through Papatūānuku (earth) act as her arteries which carry essential nutrients for her to drink and give to her offspring, as well as canals to flush away waste (Marsden & Henare, 1992, cited in B. Clark, 2018). Just like plants, her offspring (tangata whenua - people of the land) have the potential to "flourish and multiply, or wither and die" (Salmond, 2018, p. 183). An example of the existence of this deep whakapapa connection was presented at the Waitangi Tribunal when Whanganui elders spoke with great sadness of dead tuna (eels) and trout along the banks of the Whanganui River, their awa tupua (ancestral river). They stated that as their river was stagnant and dying, therefore emphatically, they were dying too (Salmond, 2018). This perpetuates the concept of natural entities as living conscious beings and accentuates the connection of people to place. The traditional pepeha (introduction) exemplifies this connection, and is used by tangata whenua to introduce and locate themselves in relation to their ancestors of the environment, i.e., mountain or river (Te Aho, 2019).

Through this lens, Māori have undertaken what Western systems term 'sustainable development' for generations before European contact (Te Aho, 2019). Within a Māori worldview, natural and physical resources such as rivers, lakes, rocks, trees, as well as men and women, all carry mauri (life-force), and are connected to each other through this life-force; each entity depends on the health of the other to function (Patterson, 1998). Mauri ensures the continuation of life and development of these entities and if harmed (e.g. through pollution), will lead to spiritual damage and further deterioration (Kā hui Wai Māori Report, 2019). To prevent this, whanau, hapū⁴, and iwi, share a responsibility to act as kaitiaki of these taonga (highly

⁴ *Whanau: Extended family. The basic unit of Māori society. (van Meijl, T., 1995)*
Hapū: Sub-tribe. (van Meijl, T., 1995)

valued object or resource), which may be exercised through granting or refusing access to resources. For instance, placing a rāhui (protection through prohibition) over certain wai tapu⁵, or undertaking activities such as water quality monitoring, species monitoring within catchments, overall ecosystem health, and restoration projects so that these elements may benefit future generations (Tipa & Associates, 2015). This Māori worldview, in contrast to anthropocentrism and ecocentrism, does not create a dichotomy or ‘centrism’ between human beings and nature, but instead celebrates the interdependencies and inalienable connection between people, their ancestral lands, and environs, and recognises their inherent obligations to these sacred places and spaces (Tinirau et al, 2020). The granting of legal personhood to the Whanganui River has enabled this ‘third way’ of thinking to be legally acknowledged, creating a new pathway from the dualistic ideologies of the past, and one that recognises the significance and special connection between the Whanganui Iwi and the awa (river).

7. SIGNIFICANCE OF THE WHANGANUI RIVER

Since time immemorial, the banks and major tributaries of the Whanganui River have been home for numerous people. However, it was previously home to people who built their life solely around the river; the Whanganui Iwi (Waitangi Tribunal Report, 1999). During the 1840s, a substantial Māori population resided along the 290km route, with an estimated 143 marae⁶ once dotted along its banks (Waitangi Tribunal Report, 1999). These populations of iwi and hapū continued to exercise their rangatiratanga (absolute authority) over the Whanganui River as their ancestors had before them. These ancestors used to frequent the waters from the ancient Pa of Putiki Wharanui, using the river as a major highway (Feeney, 1952). According to Māori cosmology, Ranginui, ‘the supreme universe’, created Mount Ruapehu, and when Ruapehu expressed loneliness, Ranginui then placed two teardrops under the mountain’s feet, one became the Tongariro River and the second, Te Awanui-a-rua; The Whanganui River (Royal, 2018).

In this worldview, the relationship between the Whanganui River and the Whanganui Iwi transcends beyond the simple physical world. As previously mentioned the river is their ancestor, their *tupuna awa* (Waitangi Tribunal Report, 1999). This is still true for Whanganui Iwi today, many of whom still visit the river to cleanse themselves, to pray, and call on as a friend and caregiver (B. Clark, 2018). Moreover, the people of the Whanganui River have been taught to treasure the river for what it is and to act as kaitiaki of it, not just to protect the river but also to protect themselves; As the expression goes, “*Ko au te Awa, ko te Awa ko au*” (“I am the River, the River is me”) (s 13 Te Awa Tupua Act).

8. COLLISIONS IN PERCEPTIONS

Unfortunately, differing views and relationships with the Whanganui River between Pākehā (white Europeans settlers) and Māori created significant conflicts in regards to management of the river. After the signing of the Treaty of Waitangi in 1840, the Crown purchased an 86,200 acre block of land through which flowed the lower reaches of the Whanganui River (New Zealand Government, 2020). The Crown then applied an anthropocentric approach to the river’s management and allowed neoliberal interests to take hold. By 1891, a majority of the eel weirs constructed by Māori had been destroyed and the Wanganui River Trust Act 1891 had been enacted, which contained no provision for Māori membership on the Trust’s Board (New Zealand Government, 2020). The Whanganui River also suffered from a number of diversions to fuel the Tongariro Hydro Power Scheme in 1958. The Whanganui Iwi were not consulted on these diversions and

⁵ All natural water, be it in a river, stream, wetland, pond or drain is highly valued by whanau. Water itself is tapu. (Tipa & Associates, 2015).

⁶ A meeting house for Māori

were strongly opposed, stating that these diversions reduced water flows which were damaging the health and well-being of the river (New Zealand Government, 2020).

This interference with the river and blatant disregard for considering tikanga Māori, led to enormous distress and an eventual state of crisis for the Whanganui Iwi, who were losing their sacred affinity with the river as a result of damage to its mana and mauri (Rāwiri, 2020; Waitangi Tribunal Report, 1999). In 1998, the Whanganui River Māori Trust Board was formed with the aim of negotiating Whanganui Iwi claims associated with the River (B. Clark, 2018). Disputes continued, however, and tensions peaked in 2011 during an election campaign in which the National Party announced it would partially privatize several state-owned assets, including three power companies; This would ultimately affect the associated rivers, one being the Whanganui River (Salmond, 2014). The view held by then prime minister, John Key and the National Party-led government, to sell the river's water rights to private owners, while simultaneously upholding that 'no-one owns the water', stemmed from an anthropocentric colonial paradigm (Sanders, 2018). This view sees the common pool of resources such as water flows, electricity dams, forests, flora and fauna, seabed, as assets for sale to private consumers, and subverts Māori customary rights and responsibilities to nature (Lyver et al. 2018). The New Zealand Māori Council's submission to the Waitangi Tribunal in 2012 stated that partially privatising these power companies would indeed be detrimental to Māori interests in freshwater (Salmond, 2014). They claimed that privatisation of the power companies would allow private owners, not bound by the Treaty of Waitangi, to disregard reparation for the loss of Māori water rights, including the ability of Māori to participate in governance of the river, and to obtain shares in the power companies (Salmond, 2014).

Challenging the government's anthropocentric perception and position further, at a national discussion with the prime minister the Māori King Tūheitia⁷ declared that Pākehā laws were created to reduce Māori mana (ancestral prestige) while maximizing Pākehās'. He added that, "We have never ceded our mana over the river to anyone" (New Zealand Herald, 2012 quoted in Salmond, 2014, p.290). It was these clashes in perceptions that led to the formation of Ruruku Whakatupua, Whanganui River Deed of Settlement to settle grievances which was signed in August 2014 by both the Crown and Whanganui Iwi. (Salmond, 2014). The Deed of Settlement subsequently led to the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, which conferred the legal recognition of the Whanganui River as a person (Salmond, 2014).

9. RECOGNITION AND REPRESENTATION OF THE RIVER

After years of exploitation and conflict surrounding the Whanganui River, this agreement signalled the final settlement of all historical Treaty of Waitangi claims by Whanganui Iwi in relation to the Whanganui River arising from Crown acts or omissions (Raumati, 2016; New Zealand Government, 2020). This Deed of Settlement stands as a formal apology by the Crown for Treaty breaches and its failure to protect the interests of the Whanganui Iwi and the grievances caused (New Zealand Government, 2020). Many iwi perceive this legislation as a mechanism capable of bringing about equality within New Zealand's decision-making as it represents the beginning of a shared understanding that within this nation, there are two peoples and two world views that work alongside each other (Rāwiri, 2020).

The Te Awa Tupua Act 2017 represents a significant shift from usual legislation in New Zealand as it embraces the duality of peoples' perceptions about nature, and creates a new relationship between human beings and the Whanganui River, with tikanga Māori values at its heart, that is neither fully anthropocentric nor

⁷ King Tūheitia is the 7th monarch of Kīngitanga (The Māori King Movement). A movement founded in 1858 with the aim to unite Māori under one sovereign (Rewi, 2015; Papa & Meredith, 2012)

ecocentric (Salmond, 2014). For example, articles in the Te Awa Tupua Act (s12 & s13) recognise the river as an indivisible and living entity that possesses both physical and spiritual values (Argyrou & Hummels, 2019). This source of spiritual and physical sustenance fosters the 'inalienable connection' between the Whanganui Iwi and the river and the need to protect the river for future generations; The well-being of the river and all its life, and the well-being of its people, are one in the same (Argyrou & Hummels 2019). This belief is reflected in the four Tupua te Kawa (Māori etiquette and protocols) that make up the essence of Te Awa Tupua and prescribes intrinsic values to the River, these are;

A) Ko Te Kawa Tuatahi

Ko te Awa te mātāpuna o te ora: the River is the source of spiritual and physical sustenance.

B) Ko Te Kawa Tuarua

E rere kau mai i te Awa nui mai i te Kahui Maunga ki Tangaroa: the great River flows from the mountains to the sea.

C) Ko Te Kawa Tuatoru

Ko au te Awa, ko te Awa ko au: I am the River and the River is me.

D) 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 form one River.

(s 13, Te Awa Tupua Act 2017).

A wide array of administrative decision-makers under other Acts must recognise, provide for and have regard to the legal personhood status of Te Awa Tupua and these four Tupua te Kawa (s15, Te Awa Tupua Act 2017). Moreover, as the river cannot appear in court itself, the Act provides for two representatives to act as guardians of the river, called Te Pou Tupua. The two guardians, both mutually chosen by Whanganui Iwi and the Crown, are to stand as the human face of the river and are required by law to act and speak on behalf of Te Awa Tupua in accordance with Tupua te Kawa (O'Donnell & Macpherson, 2019).

Furthermore, the Act establishes a multi-stakeholder governance body known as Te Kōpuka, a committee including Māori representatives, the government, local authorities, recreational and commercial users, and environmental groups. Issues related to the environmental, social, cultural, and economic health and well-being are to be discussed within Te Kōpuka, who are encouraged to work collaboratively to achieve better health and well-being outcomes for the river (Argyrou & Hummels 2019). In addition, the Act establishes other implementation entities and tools, such as Te Karewao (an advisory committee for the two guardians), as well as the Te Awa Tupua Strategy document (New Zealand Government, 2020). These governance bodies provide a platform for discussing the many different views and values regarding the Whanganui River and its management. For example, Te Kōpuka must promote unanimous decision making or consensus decisions (Sanders, 2018). Neither the Crown, Iwi, nor other stakeholders may proceed with a measure without having a high degree of support from some of the other representatives (Sanders, 2018). This process places a high value on every member's opinion and an effort made to enable a longer conversation between parties if needed to deliberate further; a step that fully supports tikanga Māori values (Sanders, 2018).

10. CONCLUSION

The Te Awa Tupua Act 2017 recognises that there are two differing views regarding river management and anticipates disagreement by creating co-governance bodies to encourage reciprocal learning and resolve

disputes (Lyver et al. 2018). It is for this bicultural approach that the Te Awa Tupua Act 2017 should be praised and valued, as the Act does not favour one value system over the other but instead encourages the opportunity to reframe the relationships between people, land and authority in a way that reanimates Pākehā anthropocentric perspectives of the natural world (Rāwiri, 2020).

While giving a non-human entity a legal personality may seem bizarre to those with instrumental perceptions of the environment, this is not the case for Māori, who have always maintained that nature possesses its own power and personality. For far too long, colonial norms have dominated our governance bodies in Aotearoa and thus far have largely failed to produce successful social and environmental outcomes. Therefore, the Te Awa Tupua Act 2017, stands as an apology and serves as intergenerational justice for the prejudice and adverse effects by the Crown caused to Whanganui Iwi.

This unique piece of legislation recognises the valuable contribution a Māori worldview can make to our legal system. If implemented effectively, it will provide a way for fundamental differences in the relationship between people and nature to be expressed, enable the opportunity to learn from one another, and spark the transformation of individual and community values (Lyver et al. 2018). In a diverse world, where conflicts over the relationship between people and nature will inevitably continue, the mechanism of granting legal personality, which sees a joining of Western systems and indigenous worldviews, should certainly be seen as an exciting step in the right direction. This legislative mechanism has real potential to achieve successful environmental outcomes so that as a nation, we can learn to care and use natural resources in a way that will enable the wellbeing of the whole of Aotearoa into the future.

A note from the author

Within this article, I provide a description of the beliefs and interpretations of nature and Māori cosmology from a Māori perspective. To achieve this, I have relied upon academic literature from a variety of sources, including as far as possible publications by Māori researchers. It is acknowledged however, that there is no single Māori perspective or cosmology as each iwi (Māori tribe) has its own distinctive, yet similar, views and traditions. Thus this article draws on common literary perspectives of Māori worldviews, each of which may be partial, and thus it also represents a partial approach to understanding Māori worldviews; one that does not claim to encompass all the many diverse values and attitudes held by each iwi. Other difficulties arise when attempting to explain the concepts and belief systems of one culture while using the language of another culture. During this process, it is inevitable that there will be a loss of information, as using English to translate Māori terms will never truly achieve transportation of the meaning itself. While reading this article and the parts that seek to describe a Māori worldview, it is worthy to keep in mind that "Maoritanga is a thing of the heart rather than the head." (Marsden quoted in King, 1992, p.191).

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12. LEGISLATION

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017