

# Rights of Nature Case Study

## Te Urewera

***In July 2014, Te Urewera was removed from New Zealand's national park system and granted legal personhood, with all the rights, powers, duties, and liabilities of a legal person.***

<b>Location</b>	Aotearoa / New Zealand
<b>Date</b>	July 2014
<b>Source</b>	Legislation – Te Urewera Act 2014
<b>Jurisdiction level</b>	National
<b>Context</b>	<p>Te Urewera is an area of mostly forested, sparsely populated hill country in the North Island of New Zealand, approximately 2,100 square km. The Waikaremoana and Waikareiti lakes are located in its south-eastern part.</p> <p>The area has been subject to long-standing contestation over ownership, access to and use of the land, following significant land confiscation and violence by the Crown from the 1860s, causing socio-economic and dispossession from their traditional lands for the Tūhoe iwi (tribe). In 1896, the parliament enacted the Urewera District Native Reserve Act which provided for local self-governance over a large part of the area and for decision-making in relation to the land to be made on a collective basis and in accordance with Māori custom. However, the self-governance provisions were not implemented, and the protective provisions undermined. In 1954 the area was designated a national park, without consultation with Tūhoe or recognition of their special connection with the land.</p> <p>Formal negotiations for a comprehensive settlement of claimed violations of the Treaty of Waitangi began in 2007. In June 2013 the Tūhoe people ratified a Deed of Settlement signed with the Crown and in July 2014 implementing legislation, the Te Urewera Act 2014 (Act), came into force.</p>
<b>Rights of Nature recognition</b>	<p>The Act sets out the new status of Te Urewera and the governance arrangements to realise its rights.</p> <p>Article 4 sets out the purpose of the Act, namely to “...establish and preserve in perpetuity a legal identity and protected status for Te Urewera for its intrinsic worth, its distinctive natural and cultural values, the integrity of those values, and for its national importance, and in particular to:</p> <p>(a) strengthen and maintain the connection between Tūhoe and Te Urewera; and</p>

- (b) preserve as far as possible the natural features and beauty of Te Urewera, the integrity of its indigenous ecological systems and biodiversity, and its historical and cultural heritage; and
- (c) provide for Te Urewera as a place for public use and enjoyment, for recreation, learning, and spiritual reflection, and as an inspiration for all.

Article 11 grants legal personhood to Te Urewera, providing that “Te Urewera is a legal entity, and has all the rights, powers, duties, and liabilities of a legal person”.

The Act also establishes the Te Urewera Board (comprising eight members, rising to nine and majority iwi appointments after three years), with responsibility to act on behalf of, and in the name of, Te Urewera, including the preparation and approval of a Te Urewera management plan (including public consultation) and other functions. The Board is also responsible for liabilities, except as provided in the Act. In performing its functions, the Board must consider and provide appropriately for the relationship of iwi and hapū and their culture and traditions with Te Urewera when making decisions. Further, it may consider and give expression to:

- (a) Tūhoetanga:
- (b) Tūhoe concepts of management such as—
  - (i) rāhui (conveys the sense of the prohibition or limitation of a use for an appropriate reason)
  - (ii) tapu me noa (conveys, in tapu, the concept of sanctity, a state that requires respectful human behaviour in a place; and in noa, the sense that when the tapu is lifted from the place, the place returns to a normal state)
  - (iii) mana me mauri (conveys a sense of the sensitive perception of a living and spiritual force in a place)
  - (iv) tohu (connotes the metaphysical or symbolic depiction of things)

Article 46 sets out details for the contents of the Te Urewera management plan. Among other things, this must include objectives and policies for integrated management, process for resolving any conflicts between planned outcomes, identification of the impact of activities undertaken within Te Urewera and how adverse effects are to be minimised, identification of relevant decision-making criteria in respect of Te Urewera, and how regular monitoring and evaluation of Te Urewera ought to be undertaken. It should also cover the identification of relevant values at places within Te Urewera, including those relating to: indigenous species, habitats, and ecosystems;

	<p>cultural and historical heritage; recreational values; scenic, geological, soil, and landform features; and freshwater fisheries and freshwater fish habitats.</p> <p>The Act includes budgetary provisions, noting that:</p> <ol style="list-style-type: none"> <li>(1) Before the beginning of each financial year, the Board, the chief executive, and the Director-General [of Conservation] must develop and agree a budget for the performance of the powers of the Board and the exercise of its powers for that financial year.</li> <li>(2) The chief executive and the Director-General must contribute equally to the costs provided for in the budget, unless both agree to a different contribution.</li> </ol>
<b>Significance</b>	<p>Te Urewera was the first of three ecological entities granted legal personality so far in New Zealand, representing innovative and landmark developments globally and the codification in national legal systems of a way of relationship between humans and the rest of the natural world which does not view the latter as property or resources to be exploited, but rather as ancestor, kin and inextricably interconnected.</p> <p>Recognition of the rights of nature in New Zealand emerged in connection with the settlement of longstanding claims by Indigenous Māori to their traditional lands and ways of life, following colonisation by the British in the early 19<sup>th</sup> century and the resulting violence, land dispossession and socio-economic impact. In this broader context, the settlement agreements aligned rights of nature with provisions on redress, historical records of the events that occurred and formal public apologies by the New Zealand government.</p> <p>Significantly, the granting of legal personhood to Te Urewera opens space within the formal legal system to put into practice governance arrangements which centre on the realisation of nature's rights, the human stewardship role in this regard, and the spiritual and cultural values to guide such arrangements. As <u>stated</u> in the Te Urewera management plan:</p> <p style="padding-left: 40px;">The recognition of Te Urewera as a legal entity in Te Urewera Act redresses the Te Urewera identity. Te Urewera as primacy under the law, with the role of institutions, laws and people being to embrace, respect, and act in the interests of Te Urewera.</p>
<b>Implementation</b>	<p>Following the entry into force of the Act, the Te Urewera board was established, which now comprises nine members with a majority iwi appointment, as anticipated. The Te Urewera strategy plan is available on its website.</p>
<b>Key documents and links</b>	<ul style="list-style-type: none"> <li>✨ <a href="#"><u>Te Urewera Act</u></a> (2014)</li> <li>✨ <a href="#"><u>Deed of Settlement</u></a> (4 June 2013) and related documents</li> <li>✨ Deed of Settlement <a href="#"><u>summary</u></a></li> <li>✨ Tūhoe <a href="#"><u>webpage</u></a> on Te Urewera board and governance</li> <li>✨ Te Urewera <a href="#"><u>land management plan</u></a> – Te Kawa o Te Urewera</li> </ul>

	<p>See also:</p> <p>Waitangi Tribunal <a href="#">webpage</a></p>
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*Updated February 2021*

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