CO-GOVERNANCE OF THE WHANGANUI RIVER, NEW ZEALAND

Legal personhood embodying Māori heritage

The Whanganui River settlement demonstrates how recognising rivers as legal persons can protect Indigenous cultural heritage and reshape water law. Rooted in Māori cosmology—Ko au te awa, ko te awa ko au ("I am the river and the river is me")—the Te Awa Tupua Act 2017 gave the Whanganui River a holistic legal identity, embedding tikanga (customary law) into governance. This innovation resolved long-standing conflicts, restored cultural authority, and provided a durable framework for ecological and financial sustainability.

The Whanganui, New Zealand's third-longest river, flows from volcanic headwaters to the Tasman Sea. Hydropower schemes and land-use changes in the 20th century disrupted customary access and ecological rhythms, intensifying grievances between iwi and the Crown (Waitangi Tribunal, 1999). After decades of negotiation, Parliament passed the Te Awa Tupua Act (2017), establishing the river as a legal person with its own rights and guardians.

For Whanganui iwi, the river is an ancestor and indivisible whole, embodying whakapapa (genealogy) and mauri (life force). Tikanga rituals such as bathing, fishing, and seasonal ceremonies reaffirm relationships with the river. Colonial exclusion from river governance was experienced as dispossession of heritage and tino rangatiratanga (self-determination). Legal personhood restored cultural recognition and upheld iwi obligations of kaitiakitanga (guardianship) (Charpleix, 2018).

TRADITIONAL KNOWLEDGE OF THE COMMUNITY

- **Rahui (temporary restrictions):** pāusing harvests to allow ecological recovery.
- **Protocol for harvest and ceremonies:** ensuring reciprocity and respect.
- **Whakapapa-based decision-making:** linking ecological balance with genealogy.
- **Oral transmission:** intergenerational knowledge of hydrology and species cycles.

KEY CULTURAL HERITAGE AND INTEGRATE TRADITIONAL KNOWLEDGE IN PROJECT DESIGN

- **Legal personhood:** Section 12 of the Act recognises the river as an indivisible living whole.
- **Intrinsic values:** Tupua te Kawa principles codify tikanga values as mandatory considerations for decision-makers (s.13).
- **Guardianship:** Te Pou Tupua—two guardians, one appointed by iwi and one by the Crown—act as the river's human face (s.18–21).
- **Integration with agencies:** Public authorities must align plans, consents, and funding with Tupua te Kawa, embedding cultural priorities into statutory operations (New Zealand, 2017).

LESSONS LEARNED

- Legal forms should reflect Indigenous cosmologies: recognising the river as an ancestor improved both legitimacy and ecological outcomes.
- Embedding tikanga within statutory frameworks strengthens governance and compliance.
- Guardianship roles (Te Pou Tupua) provide clear accountability and a focal point for coordination.
- Personhood models are iterative; they evolve through dialogue, monitoring, and continuous adaptation.