

Cultural Perspectives of Fresh Water

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Abstract: This essay is about indigenous rights to fresh water. The global fresh water crisis has serious consequences for the lives of billions of people. Most are poor and live in developing countries with limited access to fresh water. Contributing to this crisis has been the process of globalisation where monetarism, free market enterprise involving the privatisation and commodification of fresh water reserves has contributed to high prices and inadequate delivery. Indigenous people around the world have expressed concerns in the form of many declarations wherein they have stated their preferences and opinions regarding the ownership of fresh water and its cultural significance. The purpose of this essay is to promote an indigenous understanding of fresh water, a perspective that could eventually lead to a better understanding of the water entitlements of Māori in this their own land of Aotearoa.

Keywords: Fresh water, indigenous rights, privatisation, human rights, market forces, globalisation, Māori perspectives.

Introduction

The global fresh water crisis impinges primarily on the poor and powerless of developing countries. The indigenous peoples of the world are concerned that as the demand for fresh water escalates their own resources will be called upon to meet the demands of those in need, and in particular the needs of agriculture and industry. This crisis has been precipitated by the globalisation of economies (Bargh, 2007; Dunklin, 2005; Gould, 2006) driven by neoliberal policies (Chernomas & Sepehri, 2002) that have resulted in the commodification and the privatisation of fresh water reserves all over the world (Hook & Raumati, 2011)

Many statements have been made regarding the significance of fresh water in the lives of the indigenous and non-indigenous alike and all express the fear of water loss and what that might mean to individuals and families as well as national economies. Many indigenous peoples recognise that the fresh water reserves of the world are limited and vulnerable and have urged governments to take steps to protect the resource. The indigenous peoples of the world have appealed to the United Nations to protect their rights and indeed the rights of all people to fresh water and the United Nations has responded (United Nations, 2006, 2007; UN News Centre (2010).

In this essay we have examined the many statements issued over these last 10 years regarding the significance of fresh water in various indigenous cultures and at the same time looked at the ability of the United Nations to protect the resource from exploitation and theft. Absent from these international declarations is a Māori statement regarding the use and value of fresh water to the indigenous peoples of New Zealand. This essay is an encouragement for the development of a Māori water declaration that might contribute ideas and a voice to the current debate.

The global fresh water crisis

The world is in crisis and these next few years will determine the fate of over a billion people worldwide. The drinking of unclean water and its companion problem inadequate sanitation are responsible for the deaths of around 1.8 million children per year from diarrhoea and other

waterborne diseases (UNDP, 2006). According to the United Nations, in developing countries, 70% of industrial wastes are dumped untreated into badly needed fresh water rendering it unfit for human consumption (Barlow, 2001). In addition, 2 million tons of human waste are disposed of in water courses every day (United Nations, 2006).

More than 1 billion people already lack fresh drinking water and 2.4 billion are without sanitation (UNDP, 2006); the need for fresh water is doubling every 20 years, a rate that is more than twice that of the world population growth (Barlow, 2001). However, water shortages are not confined to the under-developed nations, with countries like the United States experiencing its own water shortages; for example, today almost as much water is taken from the Colorado River as flows into it (Finley, 2010) a situation that is unsustainable. The Swiss Agency for Cooperation and Development (SADC, 2005) says, “The basic question is how to effectively balance water for people, for food, for nature and for industrial and productive uses and at the same time achieves social equity, economic efficiency and environmental sustainability.” (SACD, 2005, p. 5)

While fresh water is scarce in some parts of the world, it is overly abundant in others, depending on place and season. According to the United Nations (UNDP, 2006), the real problem lies not so much with its scarcity than with its management. Water management around the world is subject to human frailties including ignorance, corruption and greed (Hook & Raumati, 2011), but what makes this problem particularly difficult is that its victims are primarily the poor of the developing world. The world is facing a major crisis, and sometimes it seems that people in the developed world are more intent on retaining what they have than they are in preserving the lives of strangers.

Indigenous rights to fresh water

Where indigenous people have been colonised and powers of government assumed by their colonisers, the right of access to natural resources such as minerals, forests, water and the land has also been usurped. In many parts of the world including New Zealand, the United States, South America, Canada and Australia, land was taken for the settling of immigrants thus limiting the indigenous people’s ability to not only feed themselves, but to maintain their customary way of life. The history of colonisation has been a history of exploitation, racism, pollution, human suffering and degradation; although today that situation is changing slowly as the indigenous peoples of the world reassert their rights to their land and its resources.

What are the rights of the indigenous to resources such as fresh water, and what kinds of protections can they expect against the greed of their oppressors? Unfortunately, according to Getches “there is no body of international law that specifically protects indigenous people’s ability to prevent overuse of water by others or to ensure their access to water for their own needs.” (Getches, 2005, p. 1) Clearly, access by indigenous people to resources especially that of water must be incorporated into international law for without the backing of the law indigenes remain essentially hostage to the whims, fancies and mismanagement of their colonisers.

Fortunately, most nations around the world have become signatories to the many declarations regarding human rights, indigenous rights and environmental protection that have been issued by the United Nations over the last 50 years. Although declarations regarding human and indigenous rights were generally intended as guidelines only, their acceptance by the majority of nations identifies their content as customary practice which can be used in a court of international law to support claims against those who violate indigenous rights to culture, land, water and other resources; customary practice is the foundation of international law.

The non-binding nature of the many UN declarations along with international shame directed at human rights abusers may well have been important reasons for their acceptance by nation states in the first place who, out of self-interest, would prefer not to have other nations poking around in their backyards. Thus, national agendas can be influenced by world opinion just as it has with the United Nations Declaration on the Rights of Indigenous Peoples (Charters, 2007). In New Zealand the Declaration on the Rights of Indigenous Peoples was not immediately accepted by the then Labour Government. New Zealand along with Canada, the United States and Australia, initially voted against the declaration in spite of the fact that 143 nations voted for it (Anonymous, 2007). Recently, the New Zealand government changed its collective mind and gave support to the declaration (Armstrong, 2010) and, based upon newspaper comments from government officials, it appears likely that the non-binding nature of the declaration might well have been the deciding factor (Editorial, 2010). In other words the New Zealand Government felt safe in supporting the declaration thinking that it was essentially meaningless.

It must be pointed out that the rights of the indigenous to fresh water might be somewhat illusory because the Declaration on the Rights of Indigenous Peoples (United Nations, 2007) gives relatively little consideration to water. The Declaration mentions water as being of special interest to all indigenous peoples, but only addresses the spiritual nature of that connection. The substance of that connection so evident in the draft declaration was written out of the final.

The draft declaration was much more specific and assertive with regard to indigenous rights especially when it came to resources traditionally owned by the indigenes.

Article 26 (Draft Declaration United Nations, 1994)

Indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any interference with, alienation of or encroachment upon these rights.

This Article 26 in the draft version became Article 25 in the adopted Declaration.

Article 25 (United Nations, 2007)

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

To the indigenous peoples of the world this substitution of essence for substance must be viewed as one of the great betrayals. The indigenous peoples of the world were given nothing they didn't already have, and this sleight of hand, or bait and switch, was performed by no less than the august institution of the United Nations. In other words, the United Nations has said that the indigenous have the right to maintain their spiritual relationships with the land and waters, but when it comes down to actually holding something of temporal value including their traditional lands and resources, these are not considered as indigenous rights. Basically, the indigenous were given nothing that they didn't already have.

In addition, the spiritual relationship that exists between an indigenous people and their lands and resources is not subject to the authority of the United Nations, just as it is true that the United Nations has no authority over the religious dictates of the people. Spiritual relationships lie outside of the mandate of the United Nations and, therefore, are not subject to

comment let alone identification as an indigenous right. Those relationships are subject only to the authority of the gods and unless things have changed the United Nations has no jurisdiction in that area. How extraordinary for the United Nations to give the indigenous peoples nothing, wrapped in fancy words, and the people of the world including the indigenous actually applauded the gift.

However, according to Getches:

When speaking of indigenous land rights it is important to make two points clear. First, land rights include water. Sources of international law do not always make this explicit but several instruments, including declarations arising out of international conferences, establish the connection between land and water. The Declaration of Principles for the Defense of Indigenous Nations and People of the Western Hemisphere was developed and circulated by indigenous participants at the Non-governmental Organization Conference on Discrimination Against Indigenous Populations, Geneva, 1977. It said in Article 10 that “[t]he land rights of an indigenous people include . . . full rights to interior and coastal waters.”

The second point is that land rights of indigenous peoples are not limited to ownership rights. They extend to traditional use and occupancy of lands and resources. The American Convention on Human Rights (IACHR) also recognizes that indigenous peoples’ rights to land and resources do not derive from formal state recognition, but from traditional use and occupation (Getches, 2005, p. 8).

Thus international conventions recognise that the indigenes have claims upon the land and with those claims come rights to fresh water. This identification between land and water is certainly consistent with the way Māori view land and water. By Māori traditions the water that falls on, or is under the land belongs to the land and, while Māori may not claim ownership in the modern sense they do claim the right to guardianship (kaitiakitanga) (Marsden, 2003). Guardianship of the land by Māori and hence its resources was recognised by the Treaty of Waitangi signed in 1840 and this right was usurped by Pākehā along with the right to govern. For Māori the land is Papatūānuku their earth mother and while she provides for her children, those children are obliged to care for her (Miller, 2006; Marsden, 2003). In other words the management of the land and its resources, including fresh water, from Māori perspectives should reside with Māori.

The kaitiaki role of Māori is fully supported by the international environmental community who adopted the Rio Declaration in 1992 (UNEP, 1992). Principle 22 of the declaration recognised that

Indigenous People and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

The need for indigenous peoples to control their own water resources is well recognised within the United Nations. Article 16d of the General Comment No 15 regarding the implementation of the International Covenant on Economic, Social and Cultural Rights (United Nations, 2003) says:

Indigenous peoples’ access to water resources on their ancestral lands is protected from encroachment and unlawful pollution. States should provide resources for indigenous peoples to design, deliver and control their access to water; (United Nations, 2003; Article 16d)

However, the hypocrisy of the United Nations is also well known and understood because each nation has its own personal interests to protect. Thus, when it comes to indigenous rights the United Nations is not a perfect instrument, but it may be the only one to recognise that the indigenous people of the world might actually have rights when it comes to the regulation and control of fresh water.

Indigenous perspectives

Over the last 10 years many people around the world have expressed opinions regarding the ownership, use and management of the world's fresh water reserves. Most consider access to fresh water as a fundamental human right and indeed the United Nations recently passed a non-binding resolution that identifies access to clean water "as a human right that is essential for the full enjoyment of life and all human rights." (Worsnip, 2010). The resolution passed with 122 votes in favour, none against and 41 abstentions. Most of the abstentions came from the developed countries including the United States and the United Kingdom.

Many indigenous peoples have joined the debate over access to fresh water with expressions ranging from the spirituality of water to the adamant rejection of any attempts to privatise or commodify the resource. However, to direct moral outrage at the privatisation of water by transnational corporations ignores the fact that, for the poor, water is bartered daily at costs that are often five times or more higher than that paid by people connected to public utilities (UNDP, 2006). While outrageous, if this form of privatisation were banned then many of the poor would not have access to water and clearly some kind of regulation is needed to prevent their exploitation in this manner. Many of these problems could be overcome through the implementation of Article 24 of the General Comment No. 15 regarding the International Covenant on Economic, Social and Cultural Rights where it says:

General Comment No. 15; Article 24. Where water services (such as piped water networks, water tankers, access to rivers and wells) are operated or controlled by third parties, States parties must prevent them from compromising equal, affordable, and physical access to sufficient, safe and acceptable water. To prevent such abuses an effective regulatory system must be established, in conformity with the Covenant and this General Comment, which includes independent monitoring, genuine public participation and imposition of penalties for non-compliance (United Nations, 2003).

Unfortunately, the delivery of fresh water by private vendors has resulted in major difficulties in both developed and underdeveloped countries and the application of State's authority have been limited in their effectiveness (Hook & Raumat, 2011). Thus the situation is not simple and while the United Nations and other non-governmental organisations strive for solutions, the misery of the poor in drought-ridden regions of the world continues unabated.

The United Nations has spoken through its numerous declarations, but what about the indigenous peoples themselves: what do they have to say?

Over this last decade many statements have been issued by indigenous people all around the world regarding the ownership, use and management of fresh water. The indigenous have had a lot to say because of the significance of water in their lives. In addition, as an ethnic minority perhaps, they may have become sensitised to their vulnerability at the hand of those responsible for their oppressions in the past. A disregard by settlers for the lives of the indigenous and the health of the environment has been demonstrated all over the world through the pollution of waterways such as the dumping of raw sewage into rivers and coastal waters that once provided food for the indigenous (Waitangi Tribunal, 2011b). The disposal of toxic industrial waste into waterways turning once pristine rivers into foul smelling open

sewers has been a Western European tradition all around the world and it is only recently, in the last 60 years or so, that they have begun to realize their error. The point is that for Western Europeans environmental health is a recent discovery (Carson, 1962), but for the indigenous it is a cultural truth. Over the years the indigenous have stood by helpless and horrified by the senseless destruction of land, forest and water resources of their native homes.

In Table 1 are listed nine of the more important water declarations made by peoples all around the world. The most important features of these declarations are listed and tabulated for comparative purposes. Most of the declarations have come from the indigenous peoples and, no doubt, there are more to come. Canada appears more active in producing water declarations possibly because of their heightened awareness of the vulnerability of their water resources to exploitation and commodification by outside interests, and especially they fear that their rivers and streams will be diverted to meet the insatiable needs of the United States (Finley, 2010).

Not all of the declarations are specifically indigenous indicating that even colonisers have become aware of the dangers that loss of control over the water supply could mean to the average citizen. The Water Watch Summit Declaration (WWSD, 1999) was not specifically indigenous in its content and nor was the Caucayacu Water Declaration (CWD, 2009).

All declarations listed in Table 1 view access to fresh water as a basic human right regardless of whether or not the declaration arises from the indigenous or from the non-indigenous. This idea of water as a human right is supported by the majority of nations with at least 165 nation states having signed up to declarations recognising the right to water (Blue Planet Project, 2010).

Indeed, a non-binding resolution was recently passed by the General Assembly of the United Nations that is intended to redress the right to “safe, clean, drinking water and sanitation” (United Nations News Centre, 2010) that was omitted from the Universal Declaration of Human Rights when it was adopted in 1948 (United Nations 1948). According to Barlow, access to fresh water for drinking and sanitation is one of the most violated of human rights (Barlow, 2010). The humanitarian need for this resolution is absolute and essential for overcoming a death toll of around 4000 children under the age of five per day due to lack of fresh water and unsanitary conditions. Against the resolution were the United States, Canada, and the United Kingdom.

Table 1. A comparison of some water declarations made over the last 10 years.

Water Declaration	WWSD ¹	IDW ²	AMDW ³	KWD ⁴	TAWD ⁵	GIWD ⁶	BSWD ⁷	NAIWR ⁸	CWD ⁹
Year of declaration	1999	2001	2002	2003	2006	2008	2009	2009	2009
Country of origin	Canada	Canada	Nigeria	Japan	Mexico	Australia	Canada	Australia	Colombia
Specifically indigenous?	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Is water viewed as a single entity?	Yes	Yes	Unclear	Yes	Yes	Not clear	Yes	No	Yes
Against privatisation?	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Preference for government control?	Yes	Unclear	Yes	No	No	Not stated	Yes	No	Not clear
Preference for Indigenous control?	No	Yes	No	Yes	Yes	Probably	No	Yes	No

Is water viewed as a human right?	Yes	Yes	Probably	Yes	Yes	Yes	Yes	Yes	Yes
Is water viewed as ecological right?	Yes	Yes	Not clear	Yes	Yes	Yes	Yes	Not clear	Not clear
Addresses the spiritual values of water?	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No
Kaitiaki /Guardianship responsibilities	No	Yes	No	Yes	Yes	Yes	No	No	No

¹ Water Watch Summit Declaration (WWSD, 1999).

² Indigenous Water Declaration (IDW, 2001).

³ Abuja Ministerial Declaration on Water (AMDW, 2002).

⁴ Kyoto Water Declaration. (KWD, 2003)..

⁵ Tlatokan Atlahuak Water Declaration, (TAWD, 2006).

⁶ Garma International Indigenous Water Declaration (GIIWD, 2009),

⁷ Blue Summit Water Declaration (BSWD, 2009).

⁸ North Australia Indigenous Water Rights Declaration (NAIWRD, 2009).

⁹ Caucayacu Water Declaration (CWD, 2009).

Māori perspectives

Few of the declarations listed in Table 1 specifically consider the value of water to non-human life forms although ecosystems are considered important in nearly all of the indigenous expressions. For Māori as kaitiaki of their natural world and the acknowledgement of Papatūānuku as their earth mother (Marsden, 2003) and Ranginui as their sky father, the nurturing of ecological systems through the management of fresh water is proper and expected (Marsden, 2003). Māori certainly recognise the non-negotiable value of fresh water for all life forms and in their role as kaitiaki are obliged to nurture and provide for those needs (Marsden, 2003; Miller, 2006) in a manner quite different from that of the current owners such as National governments and the Transnational Corporations (Hook & Raumati, 2011). While ownership of water is recognised by Māori today its significance in terms of its relationship to the people is embedded within the whakapapa of individual or hapū thus giving voice to their tūpuna awa (ancestor river) (Douglas, 1984; Morgan, 2007; Muru-Lanning, 2007).

Many indigenous groups view fresh water as a single entity (Table 1) resulting in perhaps unrealistic expectations with regard to its ownership. Ownership of fresh water in the Western sense of ownership is in fact the major point of disagreement with the indigenous because it presupposes that with ownership comes control of the resource and the right to do with it as one will regardless of morality. Traditionally Māori recognise the futility of human ownership of fresh water promoting their interest through an act of responsibility or kaitiakitanga. Miller (2006) says that:

The key feature of kaitiakitanga is reciprocity. The reciprocal agreement between kaitiaki and resource means that the resource must sustain the kaitiaki (physically, spiritually and politically), who in return must ensure the long-term survival of the resource. ... Reciprocity is a means of keeping balance, and also a way of insulating the kaitiaki against political, economic or spiritual harm.

Miller goes on to say:

Kaitiakitanga represents a number of concepts that tie together the physical, environmental, spiritual, economic and political aspects of Māori society. It establishes relationships humans have with the environment, the spiritual world and each other. It also provides a means through which hapū identify with an area or resource and strengthen their ties to it. In particular, kaitiakitanga provides a framework in which practices for responsible management of resources may function.

Thus the significance to Māori of water, waterways, lake and river is not simply that of resource but carries with it connotations similar to that of a living entity (Morgan, 2006). Indeed by Māori traditions water, as with many entities, is imbued with a life force of its own that is referred to as its mauri (Love, 1990; Morgan, 2004). According to Marsden (2003), “Immanent within all creation is mauri – the life force which generates, regenerates, and upholds creation” (p. 44). Marsden (2003) equates mauri with what he calls “elemental energy derived from the realm of Te Korekore, out of which the stuff of the universe was created” (p. 6).

According to Love (1990) the “mauri of each waterway is a separate entity and cannot be mixed with the mauri of another” (p. 5). Marsden, one of the great tohunga of the last century, is silent on this point simply referring to mauri as the “lifeforce” or “the energy within creation which impels the cosmic process onwards towards fulfillment” (Marsden 2003, p. 49). Marsden also describes mauri as the “force that interpenetrates all things to bind and knit them together and as the various elements diversify, mauri acts as the bonding element creating unity and diversity” (Marsden, 2003, p. 60). Certainly, for Māori the mixing of mauri can result in its destruction especially when it involves elements of waiora and waimate. For Māori even the idea of mixing treated water that once contained sewage for example is unacceptable (Waitangi Tribunal, 2011b). In this perception of water Māori may depart from the opinions of other indigenous peoples who have looked upon water as a single entity in their declarations.

All of the declarations excepting the Abuja Ministerial Declaration on Water (AMDW, 2002) assume the moral high ground with regard to the ownership and disbursement of fresh water. That is, a blanket statement is issued that simply refers to water as being off limits to commerce, that privatisation and commodification of the resource is unacceptable. The Blue Summit Water Declaration (BSWD, 2008) for example, says that, “Water resources and services must not be bought, sold or traded. Water is a public resource, not an economic commodity. The environment and the public interest must not be sacrificed for private profits” (BSWD, 2008).

The reality is that water is sold and those declarations that oppose the sale of water may not be helpful because the situation is unlikely to change. Is it unreasonable for all fresh water to be placed off limits to all forms of commerce simply because of the absence of government infrastructure in some parts of the world where fresh water is available only through private vendors? In addition, fresh water is sold to the majority of the world’s citizens by either a governing body such as a city council or by a private distributor contracted on behalf of the authority to provide service, and we the consumer pay for it.

Should water recovered from, for example, the mouth of the Amazon River be considered off limits for commercial purposes? Fresh water that would otherwise be lost to the Atlantic Ocean could serve for the growing of food in parts of the world that are in drought. Declarations, such as the Blue Summit, would dismiss the harvesting of icebergs for commercial purposes as unacceptable when perhaps the immorality lies more in not providing for those in need than in the commodification of an otherwise wasted resource.

However, the Māori reluctance to mix the mauri of unrelated waters could point to inherent

dangers that on the face of it may not be immediately recognised. Recent experience has shown that when water is taken from one part of the world and released into another its burden of exotic organisms such as plankton and other marine animals can have devastating effects. For example, invasive species such as the zebra mussel that was introduced into the Great Lakes of North America in the early 1980s through the discharge of ship's ballast has caused destruction of native ecosystems and billions of dollars worth of damage. The zebra mussel has clogged the water systems of cities, factories and power plants, sinking maritime buoys, fouling the hulls of ships, and accumulating on recreational beaches (Babbitt, 1999). A lesson perhaps that Māori tūpuna had already understood.

While various Māori principles, such as that of rangatiratanga are not against the act of commerce itself, they are opposed to profiteering and exploitation (Hook & Raumati, 2011) and they are against activities that result in the destruction of ecosystems. The proposal of Morgan (2004) that environmental issues be considered from the point of view of the Māori concept of mauri could be an effective way to deal with issues arising from the transport of water wherein the results of a particular action is assessed according to the effects of that action on the mauri of whānau, community, hapū and environment (Morgan, 2004).

As mentioned above, Māori opinions regarding fresh water may vary but the traditional outlook recognises that there are many kinds of water and in this regard, all waters are not equivalent. For Māori, water varies according to its origins, location and history ranging from waiariki (chiefly water) to waiora (sacred water) and waimāori (ordinary water) to waikino (bad water) and waimate (dead water) (Douglas, 1984; Merito, 2010; O'Regan, 1984). This Māori perspective on fresh water may be different from that presented in the indigenous declarations listed in Table 1 in which water is simply considered to be a singular entity. The many waters concept of Māori considers the possibility of waimāori being set aside specifically for the purpose of drinking and other grades thereof as being used commercially for purposes such as agriculture and industry. Certainly it makes no sense to view water for drinking purposes in the same way as water for cleaning the city's sewers because the mauri content of polluted water is diminished (Morgan, 2006). Māori methods for the assessment of river and waterway quality have been shown to be consistent with those of western science (Morgan, 2003, 2004, 2006; Townsend, Tipa, Teirney, & Niyogi, 2004).

Many of the declarations would prefer that water resources intended for indigenous consumption be placed under indigenous control rather than government control. This is quite understandable in view of the mistrust that has often been generated between the indigenous and their colonisers. Some prefer for the control of fresh water resources to reside with the government, which in times past was the common practice. However, when it comes to vital resources not even governments can be trusted to deal equitably with those in who require help, especially if the call for help comes from beyond its borders (Hook & Raumati, 2011), but what are the alternatives?

Māori perspectives on fresh water have been described previously (Douglas, 1984; Love, 2001; O'Regan, 1984) and all of them speak to its properties and the rights of Māori as kaitiaki of the resource. Some of those perspectives appear slanted towards aspects of what is actually permitted Māori under the Resource Management Act (New Zealand Legislation, 1991) or under the ownership of the Crown (Love, 2001). While these perspectives may be shaped by the circumstances of the times there is a need to know what Māori perceive and want, but in the absence of those constraints.

There is a need for Māori to debate and adopt a position with regard to the management of fresh water that speaks to what water means in the absence of what the Crown allows. Those perspectives should be shaped by Māori history and the knowledge of what water meant to tūpuna both in terms of its spiritual as well as temporal qualities. Consultation with tūpuna in the sense of "searching for ancestral opinion to establish what is (sic) right..... to identify a

‘proper line of action’” (Ministry of Justice, 2001, p. 5). However, Māori culture is not static and has always adapted to new needs, challenges and new ideas (Ministry of Justice, 2001). Nevertheless, it has been Māori tradition to consider first that which tūpuna handed down either through story, waiata, custom or myth with the knowledge that “there is no rule that things handed down cannot be passed on with improvements” (Ministry of Justice, 2001, p. 5).

This essay together with a previous paper (Hook & Raumati, 2011) is also about the relevance and value of Māori social principles in the modern world. In ancient times social principles guided Māori social behaviour and were a foundation for ethical behaviour. Those principles appear just as valid today as they undoubtedly did to Māori tūpuna (Hook & Raumati, 2011; Hook, Waaka & Raumati, 2007). Social principles, such as manaakitanga, whanaungatanga, aroha, āwhinatanga and many others, provided behavioural guidance in most social circumstances involving Māori people as individuals or as groups. For the ancient Māori the primary function of these social principles was to maintain balance and equity amongst individuals, between groups and indeed between tribes, and to a degree remain so today. These social principles are the foundation of Māori ethics and have been discussed previously (Hook & Raumati, 2011; Hook, Waaka, & Raumati, 2007; Marsden, 2003; Mead, 2003).

A Māori position should satisfy Māori ethical concepts of tino rangatiratanga, manaakitanga (Marsden, 2003, p. 71), whanaungatanga, aroha and āwhinatanga and wairuatanga (Hook & Raumati, 2011) a position generally different from that adopted by the writers of the indigenous water declarations listed in Table 1. Most indigenous peoples recognise the spiritual value of fresh water and for Māori this spiritual quality is especially true.

Most of the declarations in Table 1 are defensive and couched in Western concepts mainly because the threat to indigenous fresh water supplies is perceived to have come from those who have embraced and use Western concepts of law, ownership and commerce. A Māori perspective does not have to conform with statements issued by other indigenous peoples around the world, but should be something that expresses the Māori mind and culture.

Summary and conclusions

Water declarations over the past 10 years have been examined in relation to the current trend towards globalisation and it is quite clear that the exploitative strategies of private transnational corporations is unacceptable to the indigenous people of the world (Jackson, 2007). Māori perspectives of the water crisis are consistent with, although not identical to, those of other indigenous peoples. While Māori traditions are not opposed to private enterprise they are most firmly opposed to any process that leads to the impoverishment of people, the economic enslavement of developing nations and the destruction of ecosystems.

The Māori perspective, based upon traditional values, provides a means of constructing a valid communication with their past. In the process of measuring modern situations with the ancient tools, Māori serve to validate the truths of their ancestors and to arm themselves with perspectives perhaps unique to their culture. Recognising that the world of the ancient Māori is vastly different from the world of today, it is nevertheless reassuring that the tools developed by Māori tūpuna for the establishment of social and ecological balance in their world might also have relevance in the world of today. Hopefully, with time a Māori consensus might be established that would allow a Māori position to be identified that could be of value in the world wide debate on water.

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