Decolonising Environmental Justice

A historical geography of the Huntly Power Station and (re)production of Indigenous environmental injustices in the 1970s-1980s

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Abstract

This thesis employs a case study approach to examine the intricate social, cultural, political, economic, and environmental implications of situating a coal-fired power station in the township of Huntly (Aotearoa New Zealand) within the rohe (traditional lands and waters) of the Māori tribe (iwi) Waikato-Tainui. This thesis aims to bridge the scholarly divide between ideas of environmental justice and decolonisation and examine how one Māori iwi sought to retain and assert their knowledge, values, and ways of life at a local level, and in doing so, articulated their rangatiratanga (authority and sovereignty) over their land and waters.

The critical premise that provides the theoretical framework of this thesis project: (1) the existing discourse of environmental justice does not account for the complexities of the socio-cultural dimensions of environmental justice; (2) scholars need to utilise and develop theories of environmental justice that extend beyond those of distributive justice and procedural justice to account for the environmental (in)justices faced by Indigenous peoples; (3) the theoretical discussion of environmental justice needs to recognise tribal sovereignties and identities (recognition justice); (4) the theoretical underpinnings of the study of environmental justice can be enhanced by incorporating decolonial theory and Indigenous philosophies. This thesis adopts a case study approach using historical geography methods and analytical techniques to examine environmental justice concerning the Huntly Power Station and local Māori to its location and operations. I use archival research as the method for this study.

In conclusion, the contestation of the Huntly Power Station in the 1970s and 1980s by iwi Waikato-Tainui highlighted the assertions of tribal sovereignty and cultural continuance of Māori despite their ongoing experiences of settler colonialism (invasion, dispossession, socio-economic and political marginalisation, attempts at cultural assimilation). The existing scholarship on Indigenous environmental justice indicates that the complex practices of historical colonialism and political economy are evident in Indigenous communities' struggles over their self-determination. In this thesis, I argue it is not just a struggle over self-determination and the political economy but also a conflict between contrasting worldviews (or ways of thinking about the world - ontologies) and practices (ways of acting in the world -

epistemologies) between Western liberal worldview (Pākehā/White New Zealand) and Māori worldview, which were reflected in how each group conceptualised the nature of the problem, potential solutions, and on-the-ground actions.

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"No one who achieves success does so without acknowledging the help of others. The wise and confident acknowledge this help with gratitude."- Alfred North Whitehead

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Chapter 1. Introduction

This thesis highlights an example of how Indigenous environmental injustices are an intergenerational, pluralistic, and everyday phenomenon for Indigenous peoples rather than an extraordinary one-off event. I argue that Indigenous environmental (in) justice cannot be disconnected from the historical injustices of colonisation. Environmental Justice theory repeatedly shows that historically marginalised communities (for instance, African American and Indigenous communities) are more exposed to environmental risks. Early environmental justice studies presented a rigid distributive justice framework focused on distributing those risks underpinned by environmental racism, which offered a simplistic reading of a racist white society and vulnerable non-white communities. In reality, environmental justice is far more complex, intertwined with national and local histories, politics, and identities, and involving the accumulation of different injustices.

This thesis employs a case study approach to examine the intricate social, cultural, political, economic, and environmental implications of situating a coal-fired power station in the township of Huntly (Aotearoa New Zealand) within the rohe (traditional lands and waters) of the Māori tribe (iwi) Waikato-Tainui. I employed a case study approach because it allowed me to undertake an in-depth analysis of the complex historical, political, legislative, and socio-cultural processes that shaped Māori opposition to the Huntly Power Station project. In addition, the case study approach uses intensive archival research as a valuable method to trace such a multifaceted evolution. My research demonstrates that rather than singular environmental injustice, the Huntly Power Station case study showed the multiple layers of environmental injustices experienced by Waikato-Tainui linked to settler colonisation. These environmental injustices, which lassos together the social with the ecological, includes the historical loss of the iwi's land and other resources; the environmental degradation of their rohe; actions to deny them the ability to take part in decision-making processes; and settler-colonial state's efforts to exclude, suppress and cannot recognise Māori culture, identity, and values.

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1.1. Goal of the thesis

The goals of this thesis project are: 1) to examine the theory and practice of environmental justice in the New Zealand context, the different framings of justice, and the possibilities of incorporating Indigenous worldviews to provide a more robust framework for Indigenous environmental justice; 2) to narrow the scholarly gap between theorising about environmental justice and the real-world outcomes of government policies and decision-making regarding large-scale development projects; 3) to explore how one Indigenous group sought to retain and assert their knowledge, values, and ways of life at a local level, and in doing so articulated their rangatiratanga (authority and sovereignty) over their land and waters.

First, the thesis examines the concept of environmental justice by discussing the different framings of justice and the need to extend beyond Western liberal theorising about justice to include Indigenous ontologies. Geographers and other scholars concerned with Indigenous struggles about sovereignty over natural resources and decision-making about environmental risks highlight that "justice for one group may mean injustice for another occupying a different political-geographical position" (Ishiyama, 2002, p. 5). Earlier examinations of environmental justice seek to clarify processes of defining local struggles for autonomy grounded in Indigenous communities' self-determination in political and economic decision-making in interrelated and paradoxical ways (Ishiyama, 2002; Schlosberg & Carruthers, 2010; Whyte, 2016a). However, most of these studies concentrated on the North American context and did not consider the role of ontological and epistemological differences between Indigenous and Western cultures in accounts of justice/injustice (Álvarez & Coolsaet, 2018; Rodríguez & Inturias, 2018). I argue an additional layer of complexity to understanding Indigenous environmental justice for the constant tensions between Indigenous and Western (settler colonial) worldviews. As Waikato-Tainui rangatira (leader) Sir Robert Mahuta wrote concerning the Huntly Power Station in 1979: "We saw this whole development [the Huntly Power Station] not just as a planning exercise but as a clear demonstration of the ideological conflict [between Māori and Western Pākehā worldviews] we [Waikato-Tainui] have been undergoing all the time" since colonisation began. He continued by saying, "What is implicit in my discussion is that there is a Pākehā and a Māori experience both groups have vested interests in their own viewpoints for that is human nature" (Mahuta, 1979, p. 20).

Second, this research project bridges the divisions between environmental justice, Indigenous history and geography, and decolonial theory. Environmental justice scholars recommend moving beyond the simplistic mapping of environmental harms (distributive justice). The resulting research began to ask questions about the political, economic, and social dimensions

of why and how unjust landscapes manifest and persist across spatial and temporal scales (Barnhill-Dilling et al., 2020; Boone & Buckley, 2017; Keeling & Sandlos, 2009; Mohai & Saha, 2015; Pulido, 2017a; Schlosberg, 2003). With their focus on the impacts of colonisation of Indigenous peoples, the works of scholars from across the critical social sciences and humanities (drawing of the lenses of settler colonialism and decolonial theory) provide essential contributions to the study of environmental justice (Adamson, 2017; McGregor, 2018; Ulloa, 2017; Whyte, 2016c, 2017; Winter, 2018, 2019). Examining the histories of settler colonialism and Indigenous resistance assists us in seeing more clearly the cumulative impacts of uneven power dynamics and the consequences of how environmental injustices occur in particular locations.

The development of environmental justice was initially by scholars interested in the distribution of environmental harms and goods in minority communities in the United States of America (Bullard, 2018; Mitchell et al., 1999; Pellow, 2004; Pulido & Peña, 1998). The language used by environmental justice borrowed from the civil rights movement. Later environmental justice scholarship extends theories to procedural and recognition-based accounts of environmental justice. In particular, Schlosberg and Carruthers point out that environmental justice (a sub-discipline, a theory, and a social movement) also includes Indigenous peoples' struggles for self-determination, resource sovereignty, and recognition of their cultural identities (Schlosberg & Carruthers, 2010). However, increasing numbers of Indigenous scholars critique the mainstream environmental justice literature for re-articulating colonial discourses. Māori philosopher Christine Winter argues that the underlying assumptions of environmental justice remain underpinned by Western liberal justice theories that perpetuate the settler-colonial project, designed (amongst other things) "to suppress and destroy Indigenous peoples." Winter challenges the universality of justice theorising and seeks to demonstrate the need to include input from Indigenous ontologies to "fashion more robust imaginings" of intergenerational Indigenous environmental justice to respond to the crises facing the globe (Winter, 2018, p. 13). Along similar lines, First Nations scholar Kyle Powys Whyte writes that "for Indigenous peoples, environmental justice is rooted in one society's interference with and erasure of another society's way of experiencing the world as infused with responsibilities" and their collective continuance (Whyte, 2016). Whyte continues, "environmental injustice is rooted in how social institutions are structured and operationalised in ways that favour powerful and privileged populations"(Whyte, 2016). Along similar lines, Chicano geographer Laura Pulido observes that, often, policies are a vital avenue by which the state facilitates environmental injustices (Pulido, 1996, 2017a, 2017c). This thesis aims to merge the diverse and disparate works of literature on Indigenous geography, environmental justice, Indigenous history, and political

ecology to provide a more nuanced and multidimensional account of the history, politics, and geography of the siting of a power plant in a tiny town in Aotearoa New Zealand. Instead of just describing and situating the distribution of environmental risks, I examine the historical, social, political, and economic processes that gave rise to environmental injustices for Waikato-Tainui, whose rohe included the Huntly Power Station and its environs. Whereas environmental justice focuses on the human-to-human interactions with the environment as the background, Indigenous environmental justice (as demonstrated in this thesis) includes the interactions between humans and more-than-humans (non-humans) on a spiritual, cultural, and temporal level.

Third, this thesis explores how the contestation of the Huntly Power Station in the 1970s and 1980s by Waikato-Tainui is an example of their assertion of their sovereignty and cultural continuance; despite their ongoing experiences of settler colonialism (invasion, dispossession, socio-economic and political marginalisation, attempts at cultural assimilation). The existing scholarship on Indigenous environmental justice indicates that the multifaceted practices of historical colonialism and political economy are evidence in Indigenous communities around the globe's ongoing struggles to maintain and re-assert their rights of self-determination. In this thesis, I argue that it is not just a struggle over self-determination and the political economy but also a conflict between contrasting worldviews (or ways of thinking about the world - ontologies) and practices (ways of acting in the world - epistemologies) between Western liberal worldview (Pākehā/White New Zealand) and Māori worldview, which reflected in how each group conceptualised the problem, potential solutions, and on-the-ground actions. I show how despite government policies designed (on paper) to protect the environment and allow for Indigenous communities to participate in environmental decision-making; the settler-colonial governments often applied their policies in a way that encouraged environmental degradation and limited community participation. In doing so, it exacerbated Indigenous environmental injustices. The environmental justice framework, at present, does not sufficiently consider the influence of settler colonialism on Indigenous peoples and recognises that settler-colonial rule exacerbates and causes environmental injustices for Indigenous peoples. Finally, I draw on decolonial theory to consider how theorising about Indigenous environmental justice can move beyond the western liberal environmental justice dogma to Indigenous ontologies and epistemologies.

1.2. Waikato-Tainui/ Huntly Power Station Case Study

Case studies are nothing new to environmental justice scholarship as they provide space to analyse particular and complex phenomena within a real-world context (Yin, 2013). For example, my case study of the construction of the Huntly Power Station by Waikato Tainui iwi in the 1970s and 1980s was not simply a single event or conflict over a development. Instead, iwi opposition was part of broader conflicts between Indigenous and western cultures, ideologies, identities, and understandings of human-environment relationships. I discuss the case study approach in detail later in this chapter (section 1.5.1). This section will give a brief introduction to the Waikato-Tainui/ Huntly Power Station Case Study.

As I document in Chapter Three, the iwi of Waikato Tainui consists of 33 hapū and 65 maraes, including three maraes near the within Huntly (Muru-Lanning, 2016). Members of Waikato Tainui were initially not against the establishment of the Huntly Power Station. The community leaders understood the potential economic and development benefits that the power station could provide the community. However, when the proposal revealed that the location of the power station was near places of significant importance to Waikato Tainui, namely Waahi Pā marae and the land of the then Māori Queen, members of the iwi expressed concern. The importance of Waahi Pā Marae to hapū and iwi of Waikato Tainui cannot be overstated. The marae represents a connection to their ancestors, their whenua (land), and each other. Placing the power station so close was perceived to be an insult to their mana (prestige, social standing), a challenge to their rangatiratanga (chiefly authority), and a threat to the health and wellbeing of the Waikato Tainui people and their non-human kin (the wairua/spirit and mauri/life force of the river, land, and biota) (Muru-Lanning, 2016; Te Aho, 2014).

The government's reluctance to provide accurate information about the Huntly Power Station further exacerbated the situation. For example, while the Ministry of Works and Development told the Māori community that they had not decided where the power station would be placed, the government was already arranging to acquire land for the power station. This conflict between what the government was saying and doing and the general perceived secrecy of the power station activated concerns within the Māori community. The concerns stemmed from a long-standing issue between Waikato Tainui and the Crown over land confiscation. The fear was that the power station was just another attempt by the government to take land away from local Māori. Additionally, through the National Water and Soil Act 1967, the government gave water rights to the New Zealand Department of Electricity without consulting Waikato Tainui, ignoring Tainui's claims as the guardians of the river. The concerns of Waikato Tainui and their reflections back to the land confiscations illustrates an essential aspect of the indigenous

environmental justice literature, which recognises the connection between past and present injustices.

The Waikato Tainui/ Huntly Power Station case study also presents how government agencies implement policies for development projects. The Town and Country Planning Act (TCPA) 1953 was the primary legislation that accounted for large-scale planning projects, including projects like the Huntly Power Station. However, the TCPA 1953, like several other policies, is followed at the government's discretion. For example, with the Huntly Power Station, the government could choose not to follow the TCPA 1953 regulations, citing concerns over the lengthy public appeals process. In chapters four and five, I discuss the exclusion of legislation like the TCPA and the impact on the Huntly Power Station's development and relationship with the Huntly Community, especially Waikato Tainui

1.3. Theoretical considerations

The four key ideas that provide the theoretical framework of this thesis project: (1) the existing discourse of environmental justice do not account for the complexities of the socio-cultural dimensions of Indigenous environmental justice; (2) scholars need to utilise and develop theories of environmental justice that extend beyond those of distributive, procedural, or recognition justice to account for intersecting and interacting processes that underpin environmental (in)justices faced by Indigenous peoples; (3) the theoretical discussion of environmental justice needs to recognise Indigenous sovereignties, cultures, and identities through Indigenous ontologies and epistemologies rather than through Western liberal thought and governance approaches; (4) the theoretical underpinnings of the study of Indigenous environmental justice need to incorporate decolonial theory and Indigenous philosophies to avoid the continuation of Indigenous marginalisation and injustices.

These four ideas allow me to address the theoretical gaps within environmental justice literature and space for indigenous environmental justice literature to engage with indigenous ontology and epistemology. Environmental injustice has always existed in the complex, overarching framework of social injustice. As Taylor (2000) argues, social injustices (e.g., slavery and land confiscation) were all forms of environmental injustice, as they shaped how communities engage with the environment. However, environmental justice scholars, for the most part, agree that the origins of environmental justice discourse and framework came from the Polychlorinated Biphenyl (PCB) dumping in Warren County, North Carolina, during the 1970s and the resulting academic studies of Bullard, Bryant, and Cutter, to name a few. Their work found that marginalised groups (for example, African Americans, Indigenous Communities)

were found to have a higher chance of being exposed to environmental risks or bads (waste sites, nuclear plants) than white communities. The events of Warren County would lead to future works, both academic and activist based, to focus on environmental injustice based on distributive justice and environmental racism discourse pulled from the US Civil Rights Movement.

Also, the environmental justice framework expanded across the Global North (while Political Ecology dominated the discourse in the Global South) to include the struggles of other minority groups and other marginalised communities. The framework also transcended beyond the US to investigate environmental injustices in other countries; expanded the distributive narrative to include the lack of environmental "goods" (such as clean water, recreation parks, and green spaces) (Gonzalez & Atapattu, 2016; Gonzelez, 2015). However, environmental justice research focused on the distribution of these risks and their proximity to marginalised communities until that point. The early works of Schlosberg (in conjunction with John Rawl's theory of justice) expanded the framework to not only engage with distribution but introduce other forms of injustice, specifically procedural and recognition (Mills, 2009; Schlosberg, 2003).

Schlosberg (2004) highlighted that the early environmental justice scholarship focused on distributive justice. Distributive justice concerns itself with the fair or just allocation of goods. In environmental justice, the distributive justice lens focuses on the inequitable distribution of environmental risks and the physical proximity of communities to environmental risk (Walker, 2009). Procedural justice was one of the first 'steps' beyond distributive justice-based environmental justice. Procedural justice focuses on decisions and the decision-makers involved with environmental management decisions. In early environmental justice research, there was an unspoken assumption that the decision-makers were institutions of power (for example, government agencies and energy companies) with communities (mostly poor and/or non-white communities) as the helpless victims of these decisions (Antadze, 2018; Pitea, 2009). In several works, Gordon Walker notes that agencies such as the Environmental Protection Agency (US) developed policies and procedures to facilitate community input in decision-making and hold guilty agencies responsible (Walker, 2009; 2011). However, as the works of Baniser et al. (2011) and others argued, these spaces of public participation, in the form of submissions and public forums, did not yield the outcomes that communities hoped for (Banisar et al., 2011; Paloniemi et al., 2015). Often government agencies or the companies themselves controlled the spaces and focused on their agendas instead of the community's needs. Reflections of these concerns in the broader exploration of public participation in environmental management are based on the works of Sherry Arnstein. Arnstein (1969) argued that most

attempts of public inclusion by government agencies were superficial and limited the abilities of communities to participate in the decision-making process (Arnstein, 1969; Tritter & McCallum, 2006).

Unlike distributive and procedural justice, justice as recognition focused on acknowledging and respecting individual and community identity and differences (Schlosberg, 2003, 2004, 2009, 2013). The Justice as Recognition scholarship understands misrecognition as a systematic issue where the dominant institution fails (intentionally or not) to recognise and respect the difference of the non-dominate group. As Walker (2009) writes, "at the core of misrecognition are the cultural and institutional process of disrespect, denigration, insult, and stigmatisation, which devalue some people in comparison to others" (p. 626). The earlier generations of environmental justice recognised the mistreatment of the misrecognition of communities through their exclusion of involvement in the decision-making process and general disrespect of the communities' cultural differences (Holifield et al., 2011). The space of misrecognition includes the misrecognition of the culture and land. Misrecognition is shown through the devaluing of land, declaring it 'unusable' or 'undesirable,' at least in the context of other communities. These labels make it easier for companies to justify the placement of environmental risks (Walker, 2009).

Despite how well-intended the environmental justice framework is, it neglected the unique experiences of indigenous communities and their collective trauma under colonialism (Whyte, 2016; Whyte, 2017). This thesis contributes to the inclusion of a decolonial context to environmental justice in three ways. First, this thesis questions environmental justice's ability to account for the unique socio-cultural context present in indigenous environmental justice literature. In the early stages of environmental justice literature, the framework lumped indigenous experiences together with other communities. However, the environmental justice framework could not account for the role of forced displacement and assimilation hundreds of years prior had on indigenous communities' cultural and spiritual connections with the land (Gilio-Whitaker, 2019). Lord and Shutkin (1994) were one of the first to allude to the importance of history in environmental justice research. However, when it came to the indigenous context, history, the role of colonialism was held in minimum regard in the environmental justice framework. Scholars, particularly indigenous scholars, argued that the environmental issues of these communities differ in that in addition to the indigenous communities' broader culture, tribal identity and sovereignty are factors in environmental justice (Vickery & Hunter, 2016). Tribal sovereignty is a significant aspect of the environmental justice

framework for indigenous communities as it not only recognises the communities' ability to act on its own accord; but also allows for the community to avoid state and federal judicial processes that often side with the waste management facilities (Holifield, 2001, 2012; Martin et al., 2016).

Second, this thesis argues that environmental justice theories need to expand beyond distributive, procedural, and recognition to account for the process that underpins environmental (in)justices faced by indigenous peoples. The first elements of indigenous environmental justice similarly incorporated environmental justice themes to move beyond distributive justice. Distributive justice ignores social, cultural, and institutional context (Schlosberg, 2004), favouring a naïve assumption that if everyone receives equal access to environmental goods and equal exposure to environmental bads, that removes the conflict (Sze, 2018). There is little to no acknowledgement of the historical, systematic acts of discrimination that play a substantial role in current issues. Distributive justice (along with environmental racism) also misses the chance to critique the role of capitalism in its relation to race on multiple scales (Swyngedouw & Heynen, 2003). Distributive justice from a western perspective can temporarily address local issues of injustice, but on a global level, those decisions may "legitimise and deepen some of the problems of the capitalist economy" (Alvarez Villarreal & Coolsaet, 2016, p. 9).

The introduction of justice as recognition and procedural justice into the environmental justice literature was a way to combat the issues with distributive justice. While most scholars agree that both procedural and justice as recognition are essential to environmental justice, scholars argue that procedural justice and recognition do not guarantee environmental justice (Coulthard, 2014). Recognition under environmental justice is dependent on state-based solutions and definitions of how communities are to be recognised (Coulthard, 2014). As Alvarez and Coolsaet (2018) mention, the understanding of recognition based on theorising by philosopher Nancy Fraser (which underpins the work on justice as recognition) does not address how government institutions produce and reproduce injustices under colonial rule (as critiqued by First Nation scholar Coulthard) and impacts of colonialism on Indigenous and non-Indigenous subjectivities. Fraser is also critiqued for downplaying the significance of identity-based recognition and the psychological and cultural grounds on which identities are formed and maintained. According to Coulthard and other Indigenous scholars, the influence of Fraser's understandings of justice (as recognition-based and procedural-based justice) prevents the field of environmental justice from fully realising the critical importance of self-determination (local autonomy) self-recognition for Indigenous peoples (Coulthard, 2014; Whyte, 2016a; Winter, 2019). Rather than the power of recognition and decision-making resting in the hands of settler-

colonial states and colonisers, they argue, it should rest in the hands of Indigenous peoples themselves.

Third, related to the above point, this thesis also discusses the need for environmental justice to move beyond Western liberal thought to include indigenous ontologies and epistemologies meaningfully. Indigenous environmental justice scholarship documents the instances of environmental injustices suffered by indigenous communities. However, despite having Indigenous issues regarding the land as the central focus, Indigenous environmental justice relies on Western epistemologies and ontologies rather than indigenous. The thesis, therefore, uses decolonial theory to incorporate indigenous ideologies into the indigenous environmental justice framework. As I mentioned previously, the indigenous environmental justice framework rarely engages with indigenous philosophies. The purpose of integrating a decolonial theory is not merely to extend the existing indigenous environmental justice framing, so that colonial injustices and marginalisation are addressed. Instead, the incorporation of decolonial theory to the indigenous environmental justice is to actively acknowledge the continued colonisation (coloniality) present within the 'well-meaning' aspects of (indigenous) environmental justice and, according to Yellow Bird (1999) and Whyte (2016a), overthrow the colonial structure to realise indigenous liberation within environmental justice (Bird, 1999; Gilio-Whitaker, 2019; McCreary & Milligan, 2018; Whyte, 2020; Whyte, 2016a).

1.3.1 **Environmental Justice in New Zealand**

In addition to the four fundamental ideas I listed above, this study also contributes to the broader environmental justice literature, focusing on New Zealand. Compared to other countries, New Zealand's environmental justice literature is still in its early stages. Until recently, (within the last ten to fifteen years) environmental justice research in New Zealand focused on air pollution issues and rarely touched on other environmental justice topics (including environmental health). However, as I discuss in the literature review chapter, other research on environmental management, water rights, and land access has unintentionally used themes within the context of environmental justice. Therefore, this thesis combines the present indigenous environmental justice theory with decolonial theory to construct an analytical framework that addresses the gaps within environmental justice literature. The analysis of the Waikato Tainui/Huntly Power Station case study also reveals the embedded and continual battle between Western and Indigenous Worldviews. The analysis results will continue to develop the indigenous

environmental justice literature further and contribute to the New Zealand context of environmental justice literature.

1.4. Research questions and objectives

Two main research questions guide my project: 1) What does environmental justice mean in the context of the Huntly Power Station case, and what are the implications of this case for broader theorising about Indigenous environmental justice and environmental justice in the New Zealand context? 2) How were differing value systems of Pākehā and iwi Māori cultures articulated in the conflict between the New Zealand Crown and Waikato-Tainui over the Huntly Power Station?

1.4.1 **What does environmental justice mean in the context of the Huntly Power Station case, and what are the implications of this case for wider theorising about Indigenous environmental justice and environmental justice in the New Zealand context?**

This research question is one of the fundamental building blocks of this thesis. This case study involves exploring environmental justice through a historical analysis of the different views of the Crown and Waikato-Tainui towards the building and operations of the Huntly Power Station over a two-decade period (the 1970s-1980s). As the scholarship already demonstrates, environmental justice can mean different things to different groups, individuals, and institutions. However, few scholars have currently examined how environmental justice has been articulated in the New Zealand context. The Huntly Power Station conflict is an example of where local people (Waikato-Tainui) drew attention to multiple environmental injustices without using the language of the environmental justice movement and academic theorising. Instead, they located their accounts of justice within their ontologies, epistemologies, and histories. In doing so, this case study demonstrates the importance of locally and historically situated accounts of environmental justice that go beyond the unequal distribution of environmental hazards and Western liberal justice discourses.

1.4.2 **How were the differing value systems held by Pākehā and iwi Māori cultures articulated in the conflict between the New Zealand Government and Waikato-Tainui over the Huntly Power Station?**

This question explores the overarching conflict between indigenous and western world views and its impact on an energy project, in this case, the Huntly Power Station. Recent environmental justice literature, particularly indigenous environmental justice, has addressed the broader conflict between Indigenous and Western worldviews. The works of Winters (2018) and Whyte (2015), among others, have recognised how settler colonialism has supported the suppression of indigenous culture. As Waziyatawin Angela Wilson and Michael Yellow Bird (2005) writes in their book *For indigenous eyes only: Decolonization Handbook*, colonisation includes "both the formal and informal methods (behaviours, ideologies, institutions, policies, and economics) that maintain the subjugation or exploitation of Indigenous Peoples, Lands, and resources." Pulido (1996) contributes to this narrative by arguing that environmental policies developed by western/colonial states referring to the US but applicable to similar settler-colonial states) encourage environmental injustice.

The Huntly Power Station case study creates an opportunity to examine how the New Zealand government (including the NZED, Ministry of Works and Development, and Ministry of Environment) as a representation of the more extensive settler-colonial system operates relies on their world view when it comes to establishing and more importantly implementing environmental policies. The New Zealand government (before the establishment of new legislation like the Resource Management Act 1991) Waikato Tainui (and Māori iwi in general) have the exhausting task of navigating the dominant colonial socio/political terrain while seeking to exert their interests. In Waikato Tainui's case, the Huntly Power Station placement and the processes of obtaining land for the station trigged previous traumas of land confiscation.

1.5. Methodology

This thesis takes a multidisciplinary case study approach to examine the question of environmental justice regarding the Māori contestation of the New Zealand Government's plans and operations of the Huntly Power Station. I employed a historical geography archival-based research method for this study.

1.5.1 **Case Study Approach**

In this thesis, I adopt a case study approach. *Qualitative Research Methods in Human Geography* describes a case study as an "intensive study of an individual, group, or place over

a period. Research is typically done in situ" (Hay, 2016, page 438). Along similar lines, Yin (2013) defines a case study as "an in-depth inquiry into a specific and complex phenomenon (the 'case'), set within its real-world context." (Yin, 2013). Stake's (1995) definition of a case study focuses on investigating particular or multiple locations or groups using a combination of "naturalistic, holistic, ethnographic, phenomenological, and biographical research methods" (Stake, 1995). Although there are slight differences in how various authors define case studies, all emphasise that a case study is carried out within boundaries of a place, social system (individuals, communities, nations) and conducted over a distinct period.

The case study approach can utilise a wide range of different methodologies. Some scholars suggest, such as Baxter (2016 p. 131), that the case study approach is a methodology because "there are important philosophical assumptions about the nature of research that support the value of case research." However, VanWynsberghe & Khan (2007) reject this framing of the case study approach as a methodology. Instead, they argue that case studies are "a transparadigmatic heuristic that enables the circumscription of the unit of analysis" (VanWynsberghe & Khan, 2007, p.90). Similarly, Merriam & Tisdell (2015) maintain that a critical factor that separates the case study approach from other qualitative methods is the focus on the "unit of analysis" rather than the direction of the study. Regardless of the different definitions and understandings of the case study approach, the case study approach offers a way to understand why phenomena and situations occur and depend on context. As Holder & McGillivray (2017 p. 192) argues, context separates case studies from other methods of analysis because rather than extracting the phenomenon, observing it "in the abstract," case studies examining the phenomenon in the 'real world.'

The case study approach can include qualitative and quantitative research (Baxter, 2016). However, a critical difference between case studies and other research methods is the frequent use of multiple methods (triangulation) to analyse the case study and provide credibility (Johansson, 2003). While I do not apply triangulation, I use several different types of archival material and types of reading to provide robust findings.

The case study focuses on the construction of the Huntly Power Station during the 1970s-1980s and the experiences of Waikato-Tainui iwi during this period. I consider the broader context in which The Huntly Power Station was created and operated. Economic, social, environmental, and historic factors influenced the placement of the Huntly Power Station. These factors included the oil and energy crisis during the 1970s and the introduction of new environmental policies by New Zealand's central government. In addition, the legacies of colonial violence negatively impacted the lives of Waikato-Tainui and their relationship with the New Zealand

Government; most notably the Waikato region being invaded by British military forces in 1863-1864 and most of the land of Waikato Tainui being confiscated by the colonial government caused ongoing injustices for the iwi. These contextual factors were considered when I analysed the case study through the environmental justice framework.

In addition to understanding the phenomenon, case studies also provide a space for generating or corroborating a theory or testing existing concepts within the theory (Baxter, 2016). In the context of this study, the Waikato Tainui iwi/ Huntly Power Station case study provides the space to do all three. At the same time, I apply the most current understandings of environmental justice to the case study (Distributive, Procedural, Recognition), along with Indigenous Environmental Justice. I also allow the case study's social, economic, and historical contextual factors to unpack how environmental (in)justice appears in the relationship.

As Gillham (2010) argues, case study investigations provide the opportunity to produce broad relevance to society (people within and outside academic) since case studies explore people's lives in particular times and places in unique ways. Hardwick (2017, p. 5) adds to this point by stating that:

> "since all case studies are multi-perspectival, the voices of the powerless and often overlooked actors in particular places or groups are heard and considered along with the powerful people involved in the analysis."

Within the thesis, I depend on the different types of 'reading' the archival materials (reading with, along, and against) to provide a voice (however limited due to the dependence on archival material) and perspective for both Waikato Tainui and the various departments responsible for the Huntly Power Station.

The case study approach is subject to several criticisms. Flyvbjerg (2006, 2012) discusses and refutes five common criticisms made about case studies:

1. Case studies cannot be used to make predictions; they are too contextualised
2. Case Studies cannot produce generalisations
3. Case studies, like all social science, have limited use as generators and tests of hypotheses
4. Case studies are biased towards verification of researchers' preconceived motives.
5. Case Studies are too challenging to summarise

The most common critique of the case study approach is its ability to create broad generalisations. Generalisations produced from case study research are bound by context and

time and change as the context changes (VanWynsberghe & Khan, 2007). However, Baxter (2016) and Holder & McGillivray (2017) reject this critique of case studies. Instead, they argue that it is not about whether the findings of a case study can be generalised across the board but rather about how credible the explanations of the phenomenon are in the study. In the context of environmental justice literature, the case study approach allows scholars to investigate environmental justice theorising in specific times, places, and socio-political contexts, and in doing so, support or challenge existing environmental justice theory. In doing so, academics can expand and adjust existing theories and create new theories. The environmental justice theories that we use now result from scholars utilising case study research that confirmed and challenged previous concepts within environmental justice literature (Ishiyama, 2002; Colten, 2018).

In the context of the thesis, I am not attempting to 'create' a general theory that can be applied to all environmental justice cases. Instead, I am focused on understanding the environmental justice framework within the context of the Waikato Tainui/ Huntly Power Station case study. The results of this analysis (discussed in chapter six), in addition to new perspectives on environmental justice, reveal the influencing factors of a broader clash between worldviews. These results, in turn, help to expand the more significant environmental justice scholarship.

I will now briefly discuss the remainder of Flyvbjerg's (Flyvbjerg, 2006, 2012) case study critiques (myths about case study) in the context of this thesis. The first critique, regarding the ability to be predictive using the case study approach, centres around the notion that case studies cannot predict future responses. Flyybjerg argues that the context of human activity (the why) is more important than the actual activity. Understanding the context of the case study also helps the understand the circumstances in which the theory may or may not apply (VanWynsberghe & Khan, 2007). In the context of this study, the results Waikato Tainui- Huntly Power Station case study will not 'predict' future environmental injustices within New Zealand. However, it will help to understand the influencing factors that may allow for environmental justice (or injustice to exist)

The third critique, case studies, like all social science, have limited use as generators and tests of hypotheses, I have already discussed earlier in the section. According to Flyvbjerg (2006), one of the criticisms of the case study approach is that the case study can generate a theory, but other methods must be used to test the theory. However, as discussed earlier in this section, case studies can cause or test theories under specific contexts relevant to the case study.

Regarding the fourth criticism centred around the biases of the researcher in verifying the case study explanations, Flyvbjerg (2006, p. 18) writes:

> "The bias toward verification is general, but the alleged deficiency of the case study and other qualitative methods is that they ostensibly allow more room for the researcher's subjective and arbitrary judgment than other methods: they are often seen as less rigorous than are quantitative, hypothetico-deductive methods."

I will offer a detailed account of this in the positionality section of this chapter as I will discuss my biases, including preconceived notions I had about the case study. I will note here that Flyvbjerg and VanWynsberghe & Khan (2007) argue that the researcher can focus on confirming their 'hypothesis' and bias towards the instances that challenge the preconceived notions around the case study. In the context of this study, while I may have a preconceived notion as to the presence of environmental injustice within the case study, I still referred to the contextual factors and acknowledged instances where the theory did not apply (at least in its theoretical context)

The fifth and final criticism provided by Flyybjerg (2006) centres around the ability to summarise the case study. Flyvbjerg (2006) agrees with the notion that case studies are often challenging to summarise, but this had more to do with the fact that real-life is complex rather than the approach itself. The argument continues that case studies should not be generalised or summarised and should be read in their entirety as a narrative. The Waikato Tainui-Huntly Power case study is a narrative piece that I attempt to represent in its entirety. I will note here that the concept of 'entirety' is allusive since no historical work can ever be told in its entirety. Instead, there will always be elements of the story missing or incomplete due to lack of accessibility.

Case studies are widely used amongst environmental justice scholars, and my decision to employ a case study approach reflects well-established environmental justice research practices. The case studies in early environmental justice literature reflected the heavy dependency on geographic information systems (GIS) and other quantitative methods to prove the unequal distributions of environmental risks in minority communities (for instance, Mohai & Byant, 1992; Teelucksingh, 2002). However, these case studies failed to incorporate theoretical and historical frameworks. As Taylor (2011) mentions, later environmental justice literature included social, economic, and historical methodologies to uncover the complex network of causes for environmental injustices in specific communities. Thus, while the case study selected 'proves' the presence of environmental injustice, there are times when case studies can challenge the current environmental justice theory. For example, Ishiyama (2002) 's analysis of the land-use dispute over the Goshute Indians of Skull Valley (Utah) found that the environmental justice theory at that time (distributive justice and environmental racism) failed to acknowledge the

intricate influence of historical colonialism, political ecology, and the Goshute Indian's pursuit of self-determination on the environmental justice framework.

In the context of this thesis, the Waikato-Tainui/ Huntly Power Station case study follows the traditional relationship dynamics present in environmental justice literature. This relationship is the interaction between a historically marginalised community (represented by Waikato Tainui-iwi) and government structure (the Crown) over the placement of a potential environmental (as well as social and cultural) risk (the Huntly Power Station). The case study demonstrates that iwi opposition was part of broader conflicts between Indigenous and Western cultures, ideologies, identities, and understandings of human-environment relationships rather than a single event or conflict over a development.

1.5.2 **Historical Geography**

Historical geography is defined as "a sub-discipline of Human Geography concerned with the geographies of the past and with the influence of the past in shaping the geographies of the present and the future" (Heffernan, 2009, p. 332). However, other authors such as Darby (2002) and Withers et al. (2020) argue that historical geography does not possess a single definition that speaks across times and places (Withers et al., 2020). For example, Darby (2002) regards historical geography as a "geographical endeavor," a broader extension of geography. Accordingly, there is no clear definition of what historical geography is. The absence of a universally acceptable definition to describe the essential characteristics of historical geography can also be tied to broader confusion amongst scholars about how historical research fits within geographical studies.

Like its position within Human Geography, historical geography remains a source of debate amongst human geographers (Baker, 2003; Driver, 1989). These debates can be situated within broader conversations amongst scholars around how to divide the subject areas of History and Geography within Human Geography scholarship. Alan Baker (2003) discusses the previous division between History and Geography and explains historical geography as a bridge between History and Geography. Previously, scholars have positioned History and Geography as opposites of one another. However, by the 1970s and 1980s, scholars called for history to be brought back to human geography (Driver, 1989). Baker argues that History and Geography are so intertwined that there was little ability to separate the two. Baker continues by stating that historical geography tells "stories about how places have been created in the past by people in their own image" (Baker, 2003, p. 3).

Scholars, particularly Cole Harris, argued that historical geographers should include insights from social theorists, including Anthony Giddens, Michael Mann, and Michael Foucault (Bassin & Berdoulay, 2004; Harris, 1991). The inclusion of theories creates diverse perspectives in historical geography (Baker, 2003). In the case of this study, I introduce environmental justice as a theoretical framework that reveals a unique perspective to the Waikato Tainui-Huntly Power Station case study.

Historical Geography has broadened into other subject matters, including landscapes, colonialism, capitalist/economic development, feminism, and environmental history (Baker, 2003; Colten et al., 2006). Historical Geography is also shaped by the countries and regions in which it operates. For example, in New Zealand, historical geography focuses on critical elements, including pastoralism, industrialisation, recreation, natural resource development, and Māori historical geography (Roche, 2007). The works of Brooking and Pawson, specifically their book *Seeds of Empire: The Environmental Transformation of New Zealand*, give detailed historical geography of New Zealand (Brooking & Pawson, 2010). However, their work is often categorised as either environmental history or environmental historical geography.

Within the sphere of historical geography, engagement with the natural environment, specifically the impact of humans on the environment, began in the 1960s. This transition coincides with the rise of modern environmentalism rhetoric, resulting in the development of environmental historical geography. In the same way that historical geography acted as a bridge between geography and history, environmental historical geography is referred to as an in-between for historical geography and environmental history (Boone & Buckley, 2017; Colten, 2012). Williams (1994) identified significant themes centred around the transformation of the environment by humans; the place of humans in the environment; the global expansion of capitalist economy; and the relationship between economy, society, and habitat. Baker's (2003) interpretation of environmental historical geography focuses on the human impacts on the environment, their perceptions of past environments, and the reconstruction of past environments.

Despite the title of the thesis acknowledging historical geography, environmental historical geography plays an intimate role in this thesis. Ultimately, I discuss the impacts of human activity on the environment and the impact of past and 'present' perceptions both Waikato Tainui and the Crown have on the local environment (in this case, Huntly). All of which is done under the framing of environmental justice. However, I would not go so far as to separate this study as just an 'environmental historical geography' study. As I mentioned previously, scholars considered environmental historical geography as part of the larger historical geography frame.

In a broader sense, History and Geography (and, by extension, historical geography) are part of environmental justice research. As Teelucksingh (2002) argues, environmental justice research began by using geographical methods to map the presence of environmental risks (for example, Mohai & Byant, 1992). In conjunction, the second stream of environmental justice research began focused on historical analysis and case studies to understand the environmental injustice (Bullard, 1983); Boone & Modarres, 1999). This divergence in methods is reminiscent of the often polarisation I discussed earlier between History and Geography and the call for qualitative methods and methodologies to a more significant extent.

The benefit of Historical Geography to both this thesis and broader environmental justice research is summed up by Colten (2018), who said:

> "Historical Geography has an important role to play in helping perpetuate the memory of tragedy and accomplishment, of social struggle and social equality, or poor judgment and common sense." (Colten, 2018, p. 25)

Historical Geography's benefits to this thesis and environmental justice research lie with its ability to reveal the impacts of past environmental risks and injustices over an extended period into the present. For example, Noriko Ishiyama's research on the Goshute Indian's in Skull Valley, Utah (which I describe in chapter two) uses historical geography to argue that historical colonialism and previous environmental injustices led to 'present day' procedural and environmental injustices (Ishiyama, 2002). Colten (2018) conducts a similar study by using maps to show how continued environmental injustices in Louisiana since the 1800s impacted Louisiana during Hurricane Katrina in 2005. He also argues that historical geography reveals how communities practice resilience when repeatedly subjected to environmental injustice. Without "sound historical context" (p.18), the arguments made in environmental justice literature would not be able to prove the long-term existence of injustice.

In this thesis, I follow the same logic of Ishiyama, Colten, and other researchers in engaging with historical analysis to understand decisions in the 'present.' I do not just focus on the immediate time frame regarding the placement of the Huntly Power Station (the 1970s-1980s). Instead, I expand my historical range to include the historical analysis of the Waikato region before the New Zealand Wars and the impact of those events leading up to the development and construction of the Huntly Power Station, revealing the ongoing environmental injustices.

Historical Geography (and Environmental Historical Geography) is not without its limitations; however, these limitations are familiar to broader historical-based research. The first and most apparent issue with historical geography centres around historical sources. I address some of

these issues in the archival resource section, specifically incomplete or ‘missing’ documents and restricted access to resources. In addition to these issues, instead of interviewing living witnesses to events, I am interviewing non-living witnesses through the archives. As a result, not only am I unable to fill in the missing gaps of information, but I am, in essence, relying on my interpretation of the 'facts' presented in the archives.

In addition to accessing archival sources, a second issue with historical geography is the tension between facts and interpretation. Baker (2003) speaks on this by stating that we are not just viewing the past. Instead, we view the mind of the document's writer, which was shaped by the ideologies and knowledge of that time. Thus, historical geography involves the interpretation of past events with the use of current knowledge and theories. As Driver (1989, p. 499) aptly summarises:

> "History is only lived once, but historical 'lessons' are learnt and unlearnt a thousand times. Constructions of 'the past' are perpetually being fashioned and mobilised as cultural resources, enabling and constraining individuals and institutions to operate in certain ways."

In the context of this study, I am examining the Waikato-Tainui/ Huntly Power Station case study with the 'present-day' lens of environmental justice. I address how I deal with issues around 'fact' and interpretation through my 'reading' of the archival material. I give a detailed description of how I 'read' the archives in the next section; however, I will mention here that in addition to 'reading with' and 'against' the archives, I also use what Ann Laura Stoler calls 'reading along the archival grain.' Reading along the archival grain recognises the power dynamics within the archives and identifies the complex mindset of the colonial subjects and structures. I then examine how these colonial structures (in government and policy) engage with the Māori (de Leeuw, 2012).

The third issue with historical geography is narrowing time frames to focus on "immediate" relevant time frames. This issue is not dissimilar from other historical works or environmental justice frameworks (Boone & Buckley, 2017). For example, Rhys Jones (2004) argues the importance of expanding time frames to understand the connection between the past and the present. However, in the case of previous environmental justice research, the 'narrowed' framing misses the broader connections of injustices (colonialism, land confiscation, etc.) that lay the foundation for environmental injustices in the 'present.' In this study, the title of the thesis focuses on the 1970s-1980s. Chapter three gives a detailed historical analysis of the Waikato region and the events that led to a shift in ownership from Tainui to the Crown.

1.5.3 **Presentism**

In addition to the benefits and limitations of historical geography, studies in historical geography (and the broader subjects of history and geography) contend with the issue of presentism. Presentism is defined as:

> "The practice of writing history from the uncritical perspective of the present. In the case of the history of geography, this can imply that the present is the inevitable culmination of past events. Or it may suggest that there is one true path from the past to the present, a path taken by disciplinary heroes, rendering others as 'deviant.' Finally, it can take current definitions of geography and project them onto the past regardless of what was believed at the time." (Rogers et al., 2013 p.397-398)

Moro-Abadia (2009) breaks the definition down into two main themes. The first is that presentism judges the past to justify the present. The second theme is that the writing of history focuses heavily on the present context.

Presentism is an unavoidable part of historical analysis and is not necessarily harmful, with many benefits noted by scholars. As Livingston (1992) writes, discussions around historical events are read and understood in the present context. As Gorman-Murray et al. (2008) observe, historians are always 'presentist' as the past and the present are connected. Understanding the past allows for understanding the present (Gorman-Murray et al., 2008). When used "strategically," presentism can loosen present or contemporary assumptions when related to historical context. In doing so, presentism reveals diverse spaces of investigation and otherwise hidden perspectives (Fendler, 2008). In this thesis, my use of environmental justice (present terminology) as the 'theoretical lens' to view the construction of the Huntly Power Station revealed the ongoing presence of injustices and the impacts of the injustices on the Huntly Power Station project.

Presentism is also critiqued by scholars, particularly when presentism is overused or used without restraint. As Livingston (1992) aptly argues:

> "The greatest evils of unrestrained presentism surface when partisans seek self-justification from the heroes of the past; when they suppress those parts of the story that do not enjoy contemporary respectability; and when they impose an altogether fabricated order on the past as it 'foreshadows' current orthodoxy." (Livingstone, 1992, p. 5)

One of the significant presentism (Whig or Whiggishness) criticism is not solely how scholars' view the past with the present-day lens but also the tendency to analyse and position the past as

a narrative of progress from a dark and oppressive past towards a beautiful and triumphant present (Moro-Abadía, 2009). In the context of this study, I actively avoid a view of the history of the Huntly Power Station as a necessary step towards a better or triumphant present. If anything, the historical view that I take with the Huntly Power Station is that it is part of a larger thread of environmental injustice that has carried on before its construction.

Another major issue with presentism involves using contemporary theories to understand the past. This thesis introduces the theoretical framework of environmental justice, which was in its infancy during the Huntly Power Station construction. A potential question to this would be how I could use environmental justice to study people and places in the past when this term was not a concept employed by them. The problem with this position is that it challenges the very purpose of historical scholarship (Hughes, 2012). One of the aims of historical geography scholarship is to study the past to better understand present-day landscapes, social-ecological systems, and power arrangements. Schein (2011) suggests that there needs to be recognition that "historical geographical legacies [are] part of the contemporary landscape palimpsest rather than involving the past as inevitable precursor to present concerns about land and life" (Schein 2011, p. 15).

In the context of this study, I do not 'judge' the past solely based upon the present knowledge of environmental justice. Instead, I examine the Huntly Power Station case with the environmental justice framework while contextualizing what was occurring at the time. Once again, this is where "reading" the archives (with, against, and along with) is essential to the study. The trifecta of reading the archives provided me with a broader historical context and helped to unpack and loosen the assumptions present in the environmental justice framework.

According to Kobayashi (2017), un-checked presentism weakens historical scholarship by minimizing or ignoring the past. Inglis (2014) adds that historical events are often a simple precursor or 'run-up' to the present. In addition, presentism (particularly in environmental history, but in other fields within history and geography) of nature and the environment is rarely reflected. Tom Brooking and Eric Pawson highlight (and attempt to address) the presence of presentism within the discourse of New Zealand environmental history, stating:

> "There is a pernicious 'presentism' abroad in this country: a tendency to portray landscapes as if they 'are' rather than as having histories by which they become to be. To accept the assumption that this is the harmonious 'clean and green' country of tourism brochures and campaigns is to misread a history of territorial and environmental

learning, conduct, and contest and to miss all that is enlivening about past and present." (Pawson & Brooking, 2002, p. xii)

The Huntly Power Station, and to the broader extent present-day Waikato, is not just a place that 'is.' This is more apparent with the Huntly Power Station, mainly because it is a manufactured structure. However, the Huntly Power Station construction occurred in an area that went through a legacy of historical and geographical changes. These changes, facilitated by the New Zealand Wars, land confiscation, and the placement of several energy-producing sites, influenced the placement of the power station (which I discuss in chapter three). In doing so, I reveal a broader conflict between Te Ao Māori and Te Ao Pākehā, which continues through the relationship between the Huntly Power Station and Waikato Tainui. A relationship that was further influenced by current (during the construction of the power station) socio-economic changes, the national and global interest in environmentalism, and the development of new environmental policies.

1.5.4 **Archival Research**

Archival research is a research method that involves using documents and material to conduct historical information (Ventresca and Mohr, 2017). Archival research is beneficial because archival research can also identify involved parties, motivations, and political conflicts in addition to providing information about formal institutions (such as local and central government agencies) (Boone and Buckley, 2017).

The use of historical sources, in particular archival collections, is widespread amongst environmental justice scholars (Bolin et al., 2005; Boone and Buckley, 2017; Boone and Modarres, 1999; Keeling and Sandlos, 2009; Pellow, 2004; Pulido, 1996). As Boone and Buckley (2017, p. 222) observe, historical research approaches, which include archival-based research as well as oral histories, provide "important and useful mechanism for understanding the origins, causes, and legacies of present-day environmental injustices, both for the process and the outcome." However, scholars frequently only employ archival research to provide background information to their case study (of a present-day environmental problem or protest movement) and to supplement their main research methods (such as interviews and focus groups with people involved in the environmental justice movement). Indeed, one of the major criticisms of environmental justice scholarship is its focuses on "snapshot" moments of environmental events (such as the Flint Water Crisis or the Gulf BP Oil Spill) rather than looking at the historical connections of environmental issues over time (Mohai et al., 2009; Mohai and

Saha, 2015). Accordingly, there is a need for research (such as my thesis) that employs archival research in an in-depth standalone method to provide a detailed account of the histories of environmental justice in particular locales and what efforts were taken to draw attention to and address environmental justice by different actors across time.

Despite its benefits, archival research is not without problems (Harris, 2010; Welch, 1999). One of the more significant issues is that archival research can go between three extremes (too much information, too little information, and not the right sort of information). The first is that an archival researcher can gather a seemingly endless number of documents (to be found in every expanding archival collection) and then not know what to do with all the materials to be analysed. The first extreme is often time-consuming for the researcher and leads to being overwhelmed in data without a clear understanding of what it all means. The second extreme is that the researcher cannot locate specific records in the archive (such as writings from Indigenous people, women, or other marginalized voices). As a result, they are forced to change their research questions and/or approach due to lack of information; the second issue is the availability and completeness of documents (Bowen, 2009). The third extreme is that the researcher already conceptualized their research through a rigid theoretical framework and did not analyse new information when they located it in the archives. The third extreme presents the researcher with the challenge of confronting their own bias and requires them to consider what is being silenced through the archives and the researcher's reading of texts. While conducting the archival research, I ran into all three issues. For instance, not all the documents in the archives that I wanted to examine were available for analysis, with archive folders classified as restricted access (often materials including the writings of Māori). In addition, some of the documents were missing or only partially restricted in the folders that I was able to examine, and so (as with all historical research) my research present as a partial account of the history of environmental justice of the Huntly Power Station.

I examined government documents like impact statements (environmental and social), local and federal policies, transcripts from meetings (Huntly Power Station Planning Forum), newspaper articles, and letters and correspondences between departments and organizations. These documents are collected through archival research conducted at the National Archives in New Zealand, local and academic libraries (Huntly Library in New Zealand, University of Auckland, and the University of Waikato), and Museums such as the Coal Museum in Huntly, New Zealand. Conducting archival research involves understanding how the archives work (Gallo, 2009; Hay, 2010). National Archives, for example, have strict guidelines for how information can be collected and recorded. Most of my archival material came from Archives New Zealand.

Before I could use the archives, I had to register for a ‘reading card.' This card gave me access to both the archives in Auckland and Wellington. Archives New Zealand has an online system, Archway, where users can order documents to be viewed. Archway allows you to enter keywords or phrases to find document folders. At the beginning of my research, I typed in phrases such as ‘Huntly Power Station.' However, once I got used to the archives, I began to identify themes, such as the record numbers. The record numbers could be as short as ‘ENV 8/2’ or as long as ‘92/13/1/6/0’. These numbers corresponded to other documents that crossed over into other folders. In either case, these record numbers became essential in finding corresponding documents that would not be found under merely crucial phrases. Once I identified the files I wanted, I used Archway to pre-order the folders I wanted to view. I tried to order my folders the night before my visit so that by the time I arrived, they would already be pulled.

Once in the archives, I had to follow Archives New Zealand’s regulations for recording documents. I was fortunately allowed to take pictures of the documents using my camera and use my laptop to track any notes I wanted to take about the documents. However, there was not much time for me to take detailed notes in the archives since my time was limited during the day, and the folders could have hundreds of pages that needed to be photographed. Therefore, any notes that I took during the photography process were kept short, detailing any missing information that, for whatever reason, could not be picked up on the camera. I also recorded any essential reference numbers to be used later.

To keep my documents organized, I created a data list in Microsoft Access. This program allowed me to categorize not only the folders but the individual documents in each folder. Several themes organized the individual documents, including the name of the document, the folder it was found in, the date it was written, and stamped file number. The data list also had space to record the document type (for example, report or letter) and document summary. By organizing the archival files this way, I kept track of the documents I had already ordered and could see the file numbers and use those numbers as a guide to finding other documents in Archway.

In addition to these primary sources of information, I also examined secondary materials to specifically the historical, socio-cultural, and political-environmental contexts of this conflict. To understand the historical context of the Huntly Power Station, I reviewed historical books and articles that outlined the Treaty/Te Tiriti, the development of the Waikato-Tainui economy in the 1840s-1850s, and the creation of the Kīngitanga movement. I also examined the military invasion of the Waikato and loss of Māori land, the development of government environmental

policies and national energy generation projects, and Waikato-Tainui efforts to maintain sovereignty post-raupatu (confiscation). I also drew on Māori and other Indigenous philosophers' research that explores Indigenous ontologies and Indigenous environmental justice (in comparison to Western liberal justice frameworks). I also drew on the works of Evelyn Stokes and Tom Fookes. Both were researching Waikato Tainui and the Huntly Power Station during the construction of the power station.

1.5.5 **Positionality**

Before concluding this chapter, I would like to discuss my positionality and responsibility in this research project. Hay defines positionality as "a researcher's social, locational, and ideological placement relative to the research project or to other participants in it." (Baxter, 2016, p. 450). Along similar lines, Holmes (2020) conceptualises positionality as involving the researcher's (individual) worldview, which:

> "concerns [the] ontological assumptions (an individual's beliefs about the nature of social reality and what is knowable about the world), epistemological assumptions (an individual's beliefs about the nature of knowledge) and assumptions about human nature and agency (individual's assumptions about the way we interact without environment and relate to it)." (p. 1)

A researcher's worldview (their ontology) and epistemologies, therefore, shapes their entire research project. Secules et al. (2021) continues with the general argument around positionality by including five additional aspects influenced by positionality: ontology, methodology, communication, relation to participants, and the research topic. For example, in the context of this study, my positionality determined the topic of study, the research questions, case study selection, and engagement with archival sources, especially how they were 'read' (Bastian, 2006; De Leeuw, 2012). A person's positionality can impact their research to the extent it can be seen closed down to specific inquiries or questions referred to by Takacs (2003) as positionality bias on epistemology. However, it is possible for a researcher to challenge their preconceived assumptions through their research project and therefore their positionality can be both empowering and disempowering depending on the level of self-reflexivity of the researcher.

Discussions around positionality include conversations around reflectivity. Reflectivity is vital to positionality (and the research as a whole). It allows the researcher to understand their effects on the research and its impact over time (Bourke, 2014; Holmes & Gary, 2020). However, it is essential to note that the researcher cannot understand themselves entirely and cannot wholly position themselves in the research (Rose, 1997).

Now I will discuss my positionality with the culturally 'fixed' aspects such as race, gender, skin colour, and nationality (Holmes, 2020; Chiseri-Strater, 1996). For example, I am a dark-skinned, Black-American, cis-gender, straight woman from the United States (New Jersey to be specific). These fixed notions of positionality at times predispose me to viewpoints and subject me to the assumptions of others regarding my viewpoints and identity. For example, as a double minority (Black and female), I found myself drawn to issues of injustice and how it impacts other marginalized communities. However, on the other side, I found that people often made assumptions about my background and interest, asking questions steeped in stereotypical assumptions made about Black people.

In addition to the culturally fixed aspects of my positionality, I have fluid and subjective aspects of my positionality, such as personal experiences and history (Holmes, 2020). My interest in the relationship between Waikato Tainui and the Huntly Power Station within the context of environmental justice results from my academic and personal experiences. From an academic standpoint, my experience with environmental justice began during my time at Spelman College, a Historically Black College & University (HBCU) in Atlanta, Georgia. My engagement with environmental justice literature was influenced by the overarching focus of the college on challenging normative knowledge. My interest in environmental justice continued pursuing my master's in environmental policy and management from American Public University. Here, I found my focus shifted from 'hard science' towards policy and indigenous communities.

However, I also have a personal connection to the environmental justice literature, which I did not realize until I was well into my doctoral research. As I mentioned earlier in this section, I was born in New Jersey. However, my family owns (and now resides) on land in Warren County, North Carolina. As I will discuss in chapter two, Warren County is significant to the environmental justice literature as it was the 'birthplace of the environmental justice movement as we know it. While researching in the US, I remember spending time with my family in North Carolina. There are still signs posted, protested the dumping of PCB in the area.

In addition to conversations around positionality, responsibility is an essential concept within human geography scholarship (Morrill, 1984). Noxolo et al. (2012) identify the multiple ways responsibility appears within the geography scholarship, including academic research, the environment, and communities. The authors define responsibility as "an ethical disposition that offers a way of taking account of inequalities and confronting power in a profoundly unequal postcolonial world" (Noxolo et al., 2012, p. 419). However, this perspective on responsibility emphasizes a narrative in which situations are already power imbalances and place

responsibility solely on the dominant group acting. In contrast, other groups are in the position of passivity. In essence, they are reinforcing the existing power structures and mechanisms that created the imbalance between dominant and non-dominate groups, to begin with. Notable postcolonial scholar Spivak takes a slightly different approach to responsibility and explains it as:

> "It is that all action is undertaken in response to a call (or something that seems to us to resemble a call) that cannot be grasped as such. Response here involves not only "respond to," as in "give an answer to" but also the related situations of "answering to" as in being responsible for a name (this brings up the question of the relationship between being response for/to ourselves and for/to others); of being answerable for…" (Spivak, 1994, p. 22)

Kuokkanen (2010) defines responsibility in both the western philosophical tradition and in the indigenous tradition. In the western philosophical context, responsibility takes on a normative definition, limiting responsibility into a "framework of rules" which, when practised with 'othered' communities, often skews the already one-sided power dynamics between researchers in the dominant position otherwise marginalized communities.

In contrast to Western worldviews, from the worldviews of indigenous peoples, responsibility is often tied to reciprocity, whether dealing with reciprocal relationships between individuals and groups of people or between humans and the environment (or more-than-humans). In the context of research, responsibility from indigenous worldviews involves the researcher creating a relationship of reciprocity with individuals and communities. In Western academic research traditions, the researcher was positioned as being in control of their research project. In contrast, the researcher is responsible to the communities they are working with or conducting research in within indigenous research methodologies. Power is meant to be shared with indigenous peoples rather than be something held exclusively by the researcher. Therefore, researchers must build relationships and form partnerships using various approaches to ensure more equitable power dynamics in research practices.

Kuokkanen (2010), quoting Spivak, argues that the ultimate way for someone to perform their responsibility is to "do the homework" about the subject and research context they are planning or are already working in. According to both authors, part of "doing the homework" is understanding researchers' complicity in perpetuating western academic traditions. In essence, it is about recognizing one's privilege and then unlearning it. As Davis and Walsh (2020) argue, the way to deal with the complicity is to acknowledge it:

> "A strong first step to the problem of complicity is to implicate ourselves from the beginning and then challenge our own traditions and norms instead of speaking for those whom our traditions and norms marginalize and oppress. In sum, Spivak's rhetoric of complicity, metaphors of reading, and presentation of undoing and ab-using certain texts highlight the importance of academic or theoretical study in this critical effort. "(Davis & Walsh, 2020, p. 386)

This brings me to my responsibility in the study and, more importantly, to whom I am responsible. Keeping both Morrill (1984) and Noxolo et al. (2012) in mind and additional literature from indigenous research (Datta, 2018; Smith, 2013; Weber-Pillwax, 1999, 2004; Wilson, 2008), I would argue that two of the main areas where I hold responsibility is to the spheres of both academia and Waikato Tainui (the community that I discuss in this study). Smith (2013) discusses the struggles for indigenous researchers between the demands of academia and the community, stating:

> "Many indigenous researchers have struggled individually to engage with the disconnections that are apparent between the demands of research on one side and the realities they encounter amongst their own and other indigenous communities, with who they share lifelong relationships on the other side." (Smith, 2013, p. 36)

At times, both the responsibilities to academia and the community conflict with one another. My academic responsibility is straightforward, tied to familiar theoretical, methodological, and institutional rubrics. The University provides me with detailed guidelines that I must follow to complete my study. In addition, as an international student, I must follow these guidelines while balancing issues with funding and maintaining my student visa. However, my responsibility to Waikato Tainui is less straightforward.

Discussions of my responsibility to Waikato Tainui are far more complicated due to my doctoral project's design and methodologies, as well as the various challenges I encountered during my thesis. My original research design involved me undertaking archival research and interviews (individual and later focus group) with members of Waikato Tainui. If I had undertaken my original plan to interview community members, then my responsibility to Waikato Tainui would be more straightforward and include detailed relationship building and maintaining with the community. Thus, I would have been required to relinquish my (real or assumed) position of power as the researcher and to work with my research participants and the wider hapū and iwi of Waikato Tainui to ensure that I did not simply subject the participants or iwi to inequitable

(colonizing) research methods. I began the process of relationship building with iwi members in Huntly in 2013 and 2014. I would have carried on this process (if I continued to undertake by original research methodological approach of interviewing iwi members) and actively participated to ensure that iwi were involved in the research process. However, my study's research design and methodologies changed throughout my doctoral candidature as I recognized that I could not conduct in-depth archival research and interviews. There was too much archival information for me to analyse, and I struggled to establish relationships with iwi members in Huntly while also undertaking archival research in Wellington.

Accordingly, my study design changed to be purely focused on archival research, which (as I discussed earlier in this chapter) has limitations but also many strengths (as shown in the rest of my thesis). Since I changed in research design, it has become less clear-cut what my responsibility to Waikato Tainui is. Still, I reflected deeply on the question of my responsibility to iwi. I argue, drawing on the writings of Spivak and Smith, that my responsibility towards Waikato Tainui is found in two ways. First in how I read the archives and second in my recognition of how power shapes my research, both of which demonstrate my commitment to conduct ethical, just research and add to the process of decolonisation. First, as I discussed in the previous sections, I employ multiple ways of 'reading' the archival material to uncover the missing voices and contextualize those voices present in the documents. Second, most information around reading the archives involves either reading with or against the grain. Reading with the archival grain involves the reader accepting the archival material as-is, giving a passive reading of the material. Reading against the grain is the relative opposite and looks for evidence of 'missing' voices and documents the presence of and resistance to dominate institutional power structures. In addition to reading with and against the grain, I also incorporate reading 'along the grain. Reading along the archival grain focuses on acknowledging the complexities and uncertainties demonstrated in the dominant power structure. Instead of colonial institutions having a monolithic grand narrative, reading along the archives reveals that within the archives are multiple spaces where facts and rumours are contested, and the government attempts to govern in a changing landscape (Stoler, 2010a). De Leeuw (2012, p. 275) explains the difference between reading with and along:

> "The difference between working 'along' as opposed to 'with' the archival grain is that, unlike the latter's connotation of passively accepting the archival record, the former requires a committed, impassioned, and emotive response to the archival record, a recognition of what Ann Laura Stoler calls the 'the pulse of the archive.'"

In the context of this study, reading along the archives revealed that the government had complex power dynamics within their organization and at times fumbled about in their attempts to construct the power station. These dynamics are compounded by the broader history between the Crown and Waikato Tainui regarding land use in the region.

The second responsibility I have for the research is to acknowledge the institutional power structures that influence the archives and their inclusion and exclusion of sources and other voices. The National Archives, where I gathered most of my data, is controlled by the Crown. As such, there are institutional regulations that determine what will and will not be archived. In addition, I, as the researcher, further compound this power dynamic by deciding what information that I gathered from the archives are included in the analysis. In essence, I developed an archive of data within the researcher.

In addition, in line with Spivak's work, I acknowledge that I am complicit with the current normative practices of academia. As I discussed earlier, my experience in academia and my identity are underpinned by a Western worldview. As a result, my broader understandings (ontological and epistemological assumptions) are thoroughly situated in the Anglo-American cultural context. Accordingly, I struggled to connect with indigenous worldviews and ways of thinking and doing (including research methodologies) without realizing it. This was particularly notable since I am an outsider to New Zealand and possessed no knowledge of Huntly or Waikato Tainui before starting my doctoral studies at the University of Auckland.

The positionality literature discusses the insider/outsider research dynamic, and my study needs to examine this briefly. Merton (1972) gives a simplistic definition of insiders as being " members of specified groups and collectives or occupants or specified social statuses" whereas "outsiders are non-members" of a group/collective/community. People considered 'insiders' are often thought to possess similar (if not the same) social identities or backgrounds (such as the same race, ethnicity, gender, social-economic class, etc.). Researchers who are not from that group are considered 'outsiders' (although there are exceptions). The insider-outsider dynamic is linked to the dynamics of subjectivity and objectivity respectfully. Western research methodologies often assume that researchers should be separate from their research participants (an outsider) to ensure objectivity and neutrality. The assertion on objectivity stems from quantitative inquiry and positivism traditions (Smith, 2013). However, feminist and Indigenous scholars critique such positivist views of research. They argue that all research is socially constructed and mediated, and it is impossible for a researcher to truly separate themselves from their research (no such thing as objectivity). Likewise, scholars draw attention to the benefits of being an insider in research projects.

The benefits and limitations of being an insider/outsider are extensively documented in the literature. Being an insider is often praised for researchers' ability to gain access to communities than outsiders would. Researchers operating in the insider position have contextual knowledge (such as understanding verbal and nonverbal cues) about the community (Bilecen, 2014; Dwyer & Buckle, 2009; Smith, 2013). They also have a higher level of trust with the community, allowing them to gain accurate responses. However, the insider dynamic is often critiqued due to the researcher's proximity to the research, leading to several issues. The first is that their close to the community binds them to customs that restrict asked questions. Second, they are also vulnerable to the long-term consequences of the outcomes of their research (Smith, 2013). Finally, like other types of qualitative research, questions of the validity of the research come into question when the researcher is an insider.

However, the advantages of researchers being outsiders are still praised by many scholars based on objectivity and neutrality. When it comes to validating the results, researchers positioned as outsiders are more reliable because they appear neutral. However, as an outsider, it is difficult for the researcher to gain the trust necessary to access the community, especially if the community has a history of being taken advantage of or oppressed by past academic research (Dwyer & Buckle, 2009; Merton, 1972).

Merriam et al. (2001) and Mercer (2007) argue that the advantages and disadvantages of both insider and outsider are based on the researcher's perspective and that the strengths can be the weakness of the other. However, this kind of discussion often shows that the researcher must either be an insider or outsider and stay that way. Instead, the insider/outsider dynamic sits on a continuum. Thus, the researcher can experience moving between both positions, which are influenced by several reasons, including time, change in research, and experience (Merton, 1972; Bilecen, 2014; Van Mol et al., 2014; Lu & Hodge, 2019).

In the New Zealand context, concerns over outsiders researching Māori communities have been documented since the 1990s (i.e., Walker, 1990). In the article, *Māori Geography or Geography of Māoris*, Evelyn Stokes gives a strict warning to non-Māori researchers:

> "Be careful, Pakeha. Tread warily. This is not your history or geography. Do not expect all to be revealed to you. You must be prepared to serve a long apprenticeship of learning on the marae. You must know the language and understand the culture. You must acquire he ngakau Māori. You must show respect for the tapu of knowledge." (Stokes, 1997a, p. 121)

Stokes continues by writing that things such as academic experience often hindered the researcher rather than helped. However, Stokes's comments could be interpreted as referring to Pākehā or European New Zealand researchers. Most of the literature involving researchers reflecting on their positions features the dynamics of a researcher with a 'dominate' background (i.e., white, male, cisgender, etc.) engaging or studying marginalized groups of people. However, what does this mean for someone who fits none of these criteria? In this case, what does this mean for me? A non-Māori, non-Pākehā Black-American international student attempting to research Waikato Tainui and the Huntly Power Station relationship. Smith does discuss how non-Māori minorities could research with Māori. According to Smith (2013), researchers from marginalized backgrounds (specifically ethnically marginalized) could consider their research an insider rather than an outsider.

The few studies which feature Black American/African researchers engaging with other minority communities found that their identities and thus their positionality was multifaceted and shifted during the study. However, there were concerns over the impact of being 'black scholars' on the research. For example, Adeyinka-Ojo, and Khoo-Lattomore (2018) found that their struggles with conducting interviews with an indigenous community in Malaysia were due to their black ethnicity. As a result, they were subjected to extra scrutiny, but interviewees acknowledged that they preferred white scholars. The authors documented the perplexity writing:

> "This was the first paradoxical dilemma my supervisor, and I discussed- the notion that the brown-skinned Kelabits is more comfortable with the whites than I as the black. Are not the browns and blacks more similar in social customs, values and physical characteristics than the whites and browns?"(Adeyinka-Ojo & Khoo-Lattimore, 2018, p. 260)

Like Adeyinka-Ojo and Khoo-Lattomore (2018), I encountered various spoken/unspoken assumptions while conducting my doctoral research project. During the earlier stages of this study, I was told by colleagues and friends that I was in the perfect 'position' to conduct this research. As a Non-Māori/Non-New Zealander, I was complimented on being ‘objective' and ‘neutral’ as I was culturally separated from both sides (Māori and Pākehā) of the supposed racial conflict; this was one of the spoken assumptions people made about me and my research (based on my race and nationality). One assumption was that I possessed a natural ‘affinity or ‘closeness' with Waikato Tainui because I was Black, and they were Indigenous. The

assumption is that because both Black Americans and Māori share similar histories of generational trauma and victimization caused by colonization, I would be given some sort of 'in' with Waikato Tainui and would find it easier to gain access to the community and build a relationship with them. I admit that I too quickly bought into this assumption, and I thought I could contact iwi members and visit Huntly, and I would be welcomed with open arms by iwi members who would want me to research with them. However, I soon learned (from my experiences trying to engage with Waikato-Tainui) that my assumption (and others) was incorrect.

Moreover, I was, as Smith puts it, humbled and burned by my experiences. Even if respectful towards me when I met them face to face, Iwi members did not respond with enthusiasm to my research project as I tried to progress to interviews. I struggled to get people to respond to my emails, phone calls, and visits, and I did not want to be another invasive, dominating, colonizing outsider researcher. Thus, I stepped back and focused on archival research (as I did not want to reinforce past and current inequitable non-Indigenous/Indigenous research relationships). However, I cannot say if my lack of success in getting the interviews had anything to do with my ethnicity. At the same time, I did experience the unabashed stares and the constant questions about my identity and purpose in the area. I would argue that, as both Stokes and Smith mention, my position as an academic, along with my limited understanding of the cultural nuances, contributed to my ultimate failure to build meaningful relationships with Waikato Tainui and progress my initial research plan to conduct interviews with community members.

Fozdar (2014) documents their experience as a 'mixed race' researcher conducting interviews with Māori in New Zealand. The author documented how their 'mixed race' position (white enough to be welcomed by Pakeha but still considered 'one of us' by Māori) allowed them to traverse the insider/outsider dynamic on many fronts. The author also discussed the power imbalance between the researcher and the researched, arguing that power was not always with the researcher. However, the author does not detail the overarching ways they contribute to the broader power dynamic.

In the context of this study, I find myself agreeing with authors who argue that researchers are never in a fixed state of insider or outsider. Instead, I found myself straddling the position of both insider and outsider. My position would change between the two, over time, even within a matter of hours. From the perspective of an 'outsider,' this position is present because I am neither Pakeha nor Māori. I come from a completely different background, which allows me a level a distance from the stead. However, from the perspective of an insider, my position as an

insider is far more multilevel. As Smith mentions, my background as a minority (in the margins), in one way, allows me to be an insider. Also, I have a personal connection to the environmental justice framework, and my previous experiences placed me as an insider.

1.6. Outline of the Thesis

This thesis presents four chapters, excluding the introduction and conclusion. Chapter Two (the literature review) examines the critical scholarship and theories that underpin the western and indigenous environmental justice framework. The chapter outlines the foundations of environmental justice literature; namely, it transitions beyond distributive justice towards procedural justice and justice as recognition. The environmental justice (western) approach builds its ideas of justice from Rawl's theory of justice. The second half of the chapter focuses on the indigenous understandings of environmental justice. Despite its process towards understanding indigenous context, the earlier phases of indigenous environmental justice still rely on the western environmental justice framework as its base of reference. The results of which have led to a continued ignorance of indigenous ideology and methods of decolonization. The second half of the chapter includes a discussion around environmental justice scholarship in the New Zealand context.

Chapter Three provides the historical background of Waikato Tainui, Huntly, and the Waikato River to clarify the historical, environmental, and socio-economic landscape that existed before the placement of the power station. The first third of the chapter reviews the environmental and cultural history of Waikato Tainui, which begins roughly hundreds of years ago with the arrival of the Tainui waka on the shores of Whangaparaoa Bay. Waikato Tainui's connection with Huntly (then known as Rahui Pokeka) and the Waikato River is physical, economic, and the centre of their spiritual and cultural identity as a living ancestor. The river supplied the iwi with food (whitebait, mullet, and eel) and irrigation for their fields to grow crops like taro and kumara. The Waikato River also served as a significant path of transport. The Waikato River provided the iwi with a deep sense of identity and connection to the environment from a spiritual perspective.

The second third of the chapter discusses the relationship between Waikato Tainui and European colonialists. In the earlier days of European colonialists, iwis like Waikato Tainui had established a mutually beneficial relationship with the newcomers, offering them support and

protection in exchange for goods. However, the rapid growth in the arrival of European settlers and the conflicts between Māori and European understandings of the environment created tension between local iwi and the growing settler population. The chapter covers the Treaty of Waitangi, the establishment of the Kīngitangi Movement, the confiscation of land in the Waikato, and the impact of the New Zealand Wars on Waikato Tainui.

The remainder of the chapter portrays the transition of Huntly into a coal mining town just after the New Zealand Wars. Coal mining was a way of life, and I would argue apart from the identity of people living in Huntly. Ironic, considering Waikato Tainui's connection with coal before the confiscation of land and the establishment of policies to deny Waikato Tainui access to coal. However, the gradual shutdown of coal mines in Huntly, along with impacts of the Wool Bust of 1967, the UK joining the EEC, and the oil shock in 1973, caused a dramatic economic decline in the area. The economic potential of the Huntly Power Station initially gave the community of Huntly a sense of hope. However, the community's initial response of joy quickly turned into dismay and suspicion towards the end of the chapter. Particularly for the local Māori community.

Chapter Four explores how the New Zealand Government used specific legislation to establish the Huntly Power Station and how Waikato-Tainui drew attention to the government's failure to provide adequate information and avenues for Māori participation in decision-making processes. In this chapter, I examine environmental impact assessments (EIAs) for the Huntly Power Station. Unlike other development projects that would follow the construction of the Huntly Power Station, the Huntly Power Station's initial environmental impact assessments were caught in between the country's transition towards the Environmental Protection and Enhancement Procedures (EPEP). As a result, and will be discussed further, the environmental impact assessments vaguely highlighted the environmental risks and paid no attention to the social and economic impacts on the community. In this part of the chapter, I highlight the lack of communication and availability of information for members of the community, particularly members of Waikato Tainui, to understand the impacts of the power station.

In addition to covering the environmental impact assessments, Chapter Four also covers the Town and Country Planning Act 1953 and its connection to the Huntly Power Station. Despite the initial conditions for the approval of the Huntly Power Station construction stating that the Town and Country Planning Act 1953 would be used, there was push back around condition 'h'. Condition 'h' allows for the public the opportunity to review and appeal large-scale projects, like the Huntly Power Station. Out of concern that allowing public participation would significantly delay the project, condition 'h' was 'deleted'. Instead, a liaison committee and

community forum were introduced to provide the community with information about the project. I highlight the impact of alternative options for community members to participate in the planning process for the power station and the overall connection between access to information and participation.

Chapter Five focuses on the implementation of the Water and Soil Conservation Act 1967, the Public Works Act 1928, and the Electricity Act 1968 in securing land in the environmental resources (land and the waters from the Waikato River) to establish and operate the Huntly Power Station. The chapter also discusses the impact of the power station on two socially and culturally important sites for Waikato-Tainui – the Waahi Pā marae and the Raukamanga School. In the chapter, I discuss how iwi sought to articulate their relationships with rohe, relatives (whanau/hapū/iwi and more-than-human), and ways of life despite settler's historical and contemporary manifestations of colonialism. Finally, I examine how Waikato-Tainui leaders (most notably Sir Robert Mahuta) challenged government institutions' authority to grant water rights and sought to assert the continuation of Waikato-Tainui rangatiratanga (as a guarantee under Article Two of the Treaty of Waitangi/Te Tiriti o Waitangi). The end of chapter five leaps forward in time to briefly discuss the Resource Management Act 1991 and its possible implications for environmental justice in New Zealand.

Chapter 2. Literature Review

2.1. Introduction

In this chapter, I explore some of the diverse ways social difference and the environment are interwoven and how the justice of these interrelationships is significant for decision-making about environmental governance and management in the context of settler-colonial societies, including Aotearoa New Zealand. My literature review outlines various scholars' studies (from across the social sciences and humanities) who all examine environmental justice questions (EJ) and how differences in people's capacities to participate in government decision-making processes contributed to environmental injustices. EJ is a term that refers to both a social movement and a framework of academic research. Politically, Harvey writes, the concept of EJ traces its lineage to "inequalities of power and the way those inequalities have distinctive environmental consequences for the marginalized and the impoverished, for those who may be freely denigrated as 'others,' or as 'people out of place'" (Harvey 1996, p. 95). EJ's terminology stems from 1980s anti-toxics and civil rights activism to oppose environmental pollution in marginalised communities. The disposal of hazardous waste led to activists and scholars becoming increasingly aware of how environmental risks and degradation were unequally distributed along with racial, class, cultural, and gender divides (Figueroa & Mills, 2001). EJ has now moved beyond its original geographical and political framing – from a political agenda to a policy principle and now stands as a multi-dimensional and dynamic field of inquiry (Agyeman et al., 2012; Agyeman & Evans, 2004). However, recent turns in environmental scholarship question environmental justice's dependency on Western ideologies surrounding what 'justice' and the environment mean. The conversation has even begun to question how this dependency impacts indigenous environmental justice and its encouragement of environmental injustice.

It is essential to trace the genealogy of EJ within the scholarship. Therefore, I spend the first half of the chapter documenting the early EJ activism and first-generation studies before moving onto more recent literature and examining the theorizing and methodological approaches various scholars adopted. Secondly, I outline more recent scholarship exploring procedural and recognition approaches to justice and how it extends discussions of EJ beyond distributive justice.

The second half of the chapter is divided into two parts. The first part examines the indigenous environmental justice scholarship regarding its connection to the broader environmental justice

literature. Then I focus on the broader conflict between indigenous world views and western world views. I end the section with a discussion around the upcoming research in decolonial theory and its introduction to environmental justice, which seeks to respond to environmental justice's limitations. Finally, I conclude the chapter with a discussion around environmental activism and environmental justice scholarship dedicated to the New Zealand context.

2.2. First Generation EJ studies: Warren County and the emergence of the EJ movement

The first-generation EJ studies framed EJ through the lens of distributive justice and primarily focused on outlining environmental injustices in the United States. However, later work explored Global South generally (Gonzalez, 2000, 2012; Schroeder, 2008; Schroeder et al., 2008), specific regions including Latin America (Carruthers, 2008), and countries such as India (Williams & Mawdsley, 2006). Such first-generation studies, influenced by philosopher John Rawls' theory of justice, conceptualized environment justice as the unequal distribution of environmental risks (such as environmental degradation and the exposure to hazardous waste) between different human communities (in particular White and non-White communities in the United States) (Schlosberg, 2003, 2009). A large body of EJ research examines the case study of Warren County (North Carolina in the US), which is widely regarded as the contemporary origins of the global EJ movement and scholarly interest in the justice implications of environmental pollution.

The research of scholars document how the activism emerged after 30,000 gallons of toxic industrial waste (laced with Polychlorinated Biphenyl PCB) was dumped in North Carolina by the Ward PBC Transformer Company of Raleigh in the summer of 1978 (Galvin, 2020; Ladd & Edward, 2002; McGurty, 1997, 2000, 2009). Under the Toxic Substances Control Act 1976, the North Carolina State Government and the federal government's Environmental Protection Agency (EPA) formulated plans to build a permanent landfill to dispose of the waste near Afton in Warren County (Bullard, 1993, 2018; Burwell & Cole, 2007). At the time, Warren County had the highest number of African American residence in North Carolina. The decision to establish the landfill in Warren County catalysed developing a powerful social movement linked with environmentalists and civil rights agendas. Federal and state government officials argued that Warren County's selection was justifiable because it was one of the few places that fit the government's criteria. However, leaders of environmental organizations, members of the United Church of Christ's Commission for Racial Justice, and residents of Warren County argued that

the area was selected because of the racial and social demographics (African American and low-income). The predominately African American low-income community of Warren County, as the work of Robert Bullard. Bullard (2018, 2000) highlights, was being forced to endure a more substantial burden of environmental risks than the surrounding White (both higher- and lower-income) communities in North Carolina (Bullard, 2000). Despite protests from environmentalists, civil rights activists, and community members, which resulted in the arrests of over 500 people, the Warren County PCB Landfill was built in 1982.

Nevertheless, the protests garnered national focus. Members of the US House of Representatives asked for an investigation into the correlation between hazardous waste facilities and surrounding communities' socioeconomic and racial demographics. In 1983, the resulting report was published by the US General Accounting Office (GAO) entitled the *Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities*. Likewise, the Warren County PCB incident led to the United Church of Christ (UCC) Commission for Racial Justice investigating the disproportionate burden of waste facilities on minority communities. Their report (released in 1987 and entitled *Toxic Wastes and Race in the United States*) introduced environmental racism and environmental justice to the political, popular, and academic lexicon (Commission for Racial Justice-UCC, 1987). At its most basic, environmental racism is defined as the intentional, overt, and malicious acts of environmental injustice on communities of colour (Figueroa, 2001; Pulido, 2016). Quantitative research (using spatial analysis and demographic statistics) proved the connection between distribution environmental injustices and environmental racism used in the UCC report. Both the government (GAO) and the NGO (UCC) reports concluded that non-White (which is referred to in the US context as 'people of colour') and lower-income communities were more likely to be exposed to environmental toxins due to proximity to hazardous facilities. For example, landfills and other toxic waste disposal facilities are located within or beside their communities. The reports, therefore, provided the basis for EJ as a movement and scholarly area of study.

Despite being unsuccessful in preventing the construction of the Warren County landfill, scholars concur that the Warren County incident brought attention to politicians, activists, and academics to the environmental injustices facing marginalized communities (particularly African American communities in the US context) (Bullard et al., 2014). As a social movement,

the Warren County PCB incident and resulting reports set a precedent for future environmental justice activism and scholars' studies examining environmental injustices faced by ethnic minorities and other marginalized communities. In particular, the Toxic Wastes report was fundamental in the US context to the creation, advancement, and aims of the environmental justice movement (EJM) (Agyeman et al., 2016; Hofrichter, 2002; McGurty, 2009; McGurty, 2000). Emboldened by the quantitative data of the GAO and UCC reports, negatively affected (predominately low-income ethnic minority) communities insisted that their voices, priorities, and lives mattered and asserted their agency and right to be recognized (and heard) within decision-making processes. Likewise, activists built the practical foundations on which EJ principles now rest. The EJM made specific recommendations to government agencies and policy-makers to ensure the integration of EJ principles into environmental laws, policies, and regulations (Agyeman et al., 2016). The authors of the Toxic Wastes report established a model for community empowerment through EJ research and activism. The authors stated they intended that the report would "better enable the victims of this insidious form of racism not only to become more aware of the problem but also to participate in the formation of viable strategies" (8, p. x). Moreover, the report's preface foreshadows the critical principles of EJ, which the First National People of Colour Environmental Leadership Summit codified in 1991. Unsurprisingly, most of the recommendations made by the Toxic Wastes report set the agendas of different groups involved in the EJM during the late 1980s and 1990s.

In the years following the Warren County incident, a wealth of different studies investigated the differential exposure of ethnic minority communities to hazardous and toxic facilities, and employed quantitative research methods to examine the location of polluted sites, what the demographics were, and what the impacts were on people's health (Bevc et al., 2007; Bullard, 1993; Burwell & Cole, 2007; Greife et al., 2017; Pastor et al., 2001; S. M. Wilson et al., 2012). These studies widely found that ethnic minorities (including African American, Latinx, and Indigenous) and low-income communities were significantly more likely to live near environmental risks than White communities. These environmental risks included legal and illegal toxic waste disposal sites, factories, mines, and power plants that contaminated the air, water, land, and biota (Arcury & Quandt, 2009; Brook, 1998; Bullard, 1993, 2018; Commission for Racial Justice-UCC, 1987; Hockman & Morris, 1998; Hofrichter, 2002; Lynch & Stretesky, 1998, 2012; Pastor et al., 2001; Robert, 2000, 2000; Stretesky et al., 2011). Studies also found that communities exposed to toxic environmental conditions were far more likely to suffer from serious health issues (such as higher cancer rates) and have other socioeconomic inequities (i.e.

housing, transportation, economic development) (Bell & Ebisu, 2012; Fisher et al., 2006; Kingham et al., 2007; Pearce et al., 2006). Using statistical and spatial analyses, these studies focused on the distribution of environmental risks (or the environmental "bads" or negative impacts of environmental hazards) across populations and geographical areas. Later research expanded beyond just the placements of environmental risks (such as polluted waters and contaminated soils). Instead, it examined the locations of environmental "goods" or positives (such as clean water and land).

Concurrent to African American communities' EJ activism, scholarship highlights how Asian, Pacific Islander, Latinx, and Native American communities in the US fought for EJ within their communities (Arcury & Quandt, 2009; Gordon et al., 2010; Salazar, 2009; Salazar & Alper, 2011; Vickery & Hunter, 2016). However, these diverse movements did not necessarily replicate Warren County's and instead focused on different forms of EJ and sought different policy responses. Native American nations (also termed American Indians depending on the preference of specific Indigenous peoples) in the United States' responses to nuclear waste disposal, which is discussed in the Indigenous Environmental Justice section.

Latinx and Chicanx communities' participation in EJM focused on the health and safety of workers within their places of work, most notably the issue of community and farmworker exposure to pesticides (Arcury et al., 2002; Pulido, 1998, 2017; Pulido & Peña, 1998). Pesticides were a long-standing issue for mainstream environmentalists and non-government organizations (ENGOs); they focused on protecting consumers, biodiversity, and 'wilderness' sites. At the same time, the United Farm Workers Organizing Committee (comprised primarily of Latinx and Chicanx) focused mainly on the exposure of farmworkers (Arcury et al., 2000; Arcury & Quandt, 2009; Pulido & Peña, 1998). Also, Latinx and Chicanx EJ activists campaigned against the environmental injustices of industrial workers and rural residents along with the US-Mexico border. They refocused action from reactive campaigns against environmental injustices to advocate for the creation of just and sustainable alternative approaches that address the social, economic, political, and environmental injustices perpetrated by environmental racism (Anguiano et al., 2012; Carter, 2016; Houston & Pulido, 2002; Pulido, 2002).

It is critical to recognize that early EJ activists in the United States were primarily members of socio-economically and politically marginalized groups (people of colour and low-income people). These groups were not members of the mainstream environmental movement or environmental non-governmental organizations (ENGO), such as the Sierra Club (Bullard,

2018; Taylor, 2000). The so-called mainstream environmental movement and official ENGOs were comprised almost exclusively of upper- and middle-class Whites. New Zealand's early ENGOs (Scenery Protection Societies and Forest and Bird Protection and Native Forest Action Council) were similar in demographics, made up of middle-class white men (Mills, 2009).

While these organizations were targeted mainly towards educated white men, there were exceptions. For example, women like Perrine Moncreiff and Elizabeth Knox-Gilmer were prominent in the 1920s-1930s for their work in conservation. Perrine Moncrieff's most outstanding conservation achievement was her creation of the Abel Tasman National Park in 1942 (Ministry for Culture and Heritage, 2016). However, Moncreiff is also known for her contributions to ornithology, including being a founding member of the New Zealand Native Bird Protection Society in 1923 and the first female president of the Royal Australasian Ornithologists Union (RAOU) from 1932-1933. She also created the first contemporary guide on native New Zealand birds, entitled *New Zealand birds and how to identify them*, in 1925 (Hodge, 2001). Elizabeth Knox-Gilmer's work in conservation primarily involved lobbying the government. One of her most outstanding achievements was the reinstatement of tree planting on Arbor Day in 1934 (Labrum, 1998). Gilmer is also known for her work on the passage of the Native Plant Protection Act 1934. The Native Plant Protection Act 1934 banned the destruction or removal of native plants on publicly owned land. Like Moncreiff, Gilmer also served on conservation organisations such as Forest and Bird and the New Zealand Institute of Horticulture (Hodge, 1999).

As Bullard documented in his seminal piece of EJ's work *Dumping on Dixie* (Bullard, 2018), EJ initially focused on environmental equity (equity of distribution of environmental goods and bads across populations), with the issue drawing on the civil rights agenda (Bullard, 2015). Furthermore, Taylor maintains that, since the civil rights movement already possessed a collective identity, EJ became a civil rights issue and part of the collective identity of the civil rights movement (Taylor, 2000). Therefore, early EJ activists' tactics resembled those of the civil rights movement (public protests, sit-ins, rallies, and boycotts). These tactics were often coordinated by churches (who ran lobbying campaigns and drives to increase EJ activist numbers), which differed substantively from mainstream environmental groups in the US. The different tactics, ethnic composition, and aims of the EJ movement differ between EJ movements in the US and around the globe. Indeed, the environmental injustices faced by Native American communities and their responses to those injustices differed substantively from other minority groups and paralleled in many ways the experiences of Māori in Aotearoa, New

Zealand, who sought to maintain their identities and relationships to traditional lands and waters (which I discuss in the Environmental Justice in New Zealand section)

2.3. Beyond distributive justice: procedural justice, participation, access to information, and recognition

Scholars, including Schlosberg (2004), highlight that the EJ movement and early EJ scholarship framed EJ through the theory of distributive justice (Schlosberg, 2004). EJ simplistically says that environmental injustices are related to the inequitable distribution of environmental "goods" and "bads" across society and space through a distributive justice lens. Therefore, in situations where everyone is given equal access to environmental goods (such as clean water) and equal exposure to environmental bads (such as toxic waste), then there is no environmental injustice (Sze & London, 2008). So, if a toxic waste dump is located an equal distance from African American and white communities, then there would be no environmental injustice to this framing of EJ as distributive justice. However, such a framing of EJ ignores the social, cultural, and institutional contexts in which environmental injustices occur and the impact of historical and contemporary systematic acts of discrimination against marginalized populations. These populations include Indigenous peoples and other non-White non-Indigenous communities in settler-colonial societies, lower incomes, lower-castes in India, and formerly colonized peoples throughout the Global South. Therefore, distributive EJ (along with environmental racism) misses a vital opportunity to critique the roles of capitalism in its relation to race on multiple scales (Swyngedouw & Heynen, 2003). It also fails to recognize the role of settler colonialism in creating specific environmental injustices faced by Indigenous peoples (Hendlin, 2019; Jackson, 2018; Whyte, 2014, 2016c). Indeed, Walker (2009) argues that scholars need to look beyond where environmental risks or bads (such as a landfill or polluting factory) are located to consider the multiple forms of vulnerability to environmental risks and the multiple types of environmental injustices.

Taylor described the evolution of an environmental justice paradigm (EJP) or discourse and its antecedent discourses or paradigms. The first EJP (explicitly written in the context of US EJ history), created by people of colour and centred around the concepts of equity and fairness of access to resources, autonomy, self-determination, fairness and justice, and human and civil rights that were absent from the dominant (mainstream white, wealthy, male) discourses of the environmental movement (Taylor, 2000, p. 534). Therefore, the EJP connects race, class, gender, and social justice explicitly to the environment and reframes environmental issues as

injustice concerns. Significantly, the EJ movement did not require a single paradigm or organizing framework, but rather the movement was (from the outside) highly pluralistic and drew on a range of ideas, concepts, strategies, and actions from the beginning. Accordingly, the movement resonated with many people. New people (including various ethnicities and classes from around the Global North and Global South) were recruited to join the movement. EJ scholarship is similarly slowly moving to embrace EJ's pluralistic framings and employ a diversity of theoretical and methodological approaches to explore EJ.

Agyeman et al.(2016) argue that the EJ literature advances slower than the EJ movement. Scholars are just starting to explore what a pluralistic definition of EJ means in theory and practice (Agyeman et al., 2016; Schlosberg, 1999). The works of Schlosberg and Walker were particularly crucial to expanding the framing of EJ, which similarly necessitated a diversification of EJ research methodologies (Schlosberg, 2003, 2009; Walker, 2012; Walker & Bulkeley, 2006). First-generation studies, as noted earlier, relied on simple spatial analyses (census data, zip codes, linear distance) that were inadequate and incapable of assessing EJ matters that occur in multi-dimensional scales (transnational) and vastly different socio-cultural, political, and economic contexts. Walker argued that early EJ studies use quantitative data sources such as the census data that showed where people lived were methodologically problematic. Walker (2009) argued that there were many pathways of pollution and many ways people could be impacted by pollution. Using data that located people in a single space (their residence) failed to give a well-rounded understanding of the broader materiality of that person's life and those of others and how environmental injustices occurred. Walker (2009, p. 615) also asserted the "spatialities of different forms, of different things and working at different scales" and defined EJ in pluralistic terms (Walker, 2009, p. 615). He defines three conceptualizations of EJ: distributive (distribution of goods and bads), procedural (policies and processes including the equitable capacities to participate in decision-making), and recognition (of different pieces of knowledge, values, and peoples). Since I already discuss the distributive framing of EJ, it is necessary to provide a brief discussion of procedural and recognition framings of EJ before exploring how pluralist views of EJ are being explored within the context of Indigenous people's experiences of environmental injustices.

2.3.1 **Procedural Justice**

Procedural justice is defined as determining how decisions are made, who participates in decision-making, and who wields influence (Walker 2009, 2010). In the early EJ research,

decision-makers were always assumed to be local, state, or federal government agencies or energy companies. As a result, communities were depicted as helpless victims of their decisions. This framing of communities as victims of external institutions and processes prompted agencies like the EPA to develop new procedures to facilitate community participation in decision-making about environmental issues. As well as to (supposedly) ensure that energy companies responsible for any damage were held accountable (Walker, 2009, 2012; Walker & Bulkeley, 2006). Schlosberg similarly notes that participation is a critical part of EJ (Schlosberg 1999, 2003), with the inclusion and exclusion of people from decision-making processes and their capacities to participate extending beyond the framing of unequal distribution environmental burdens. As Walker argues, procedural justice is a form of spatial justice in that "a fluidity of movement of people, ideas and perspectives across the boundaries of institutions between differentiated elite and lays spaces, creating open rather than constricted networks of interaction and deliberation" (Walker 2009, p. 627).

While participation was a needed addition to the EJ framework, Baniser et al. (2011) and Schlosberg (2003) argued that the policies and procedures for public participation (designed by governments and institutions) failed to achieve their intended goals. In turn, these policies did little to assist communities in participating in decision-making (Banisar et al., 2011; Schlosberg 2003). Second-generation studies examined public participation to avoid future environmental issues and mitigate existing environmental injustices. The studies found that communities were given the ability to 'speak' in public forums, meetings, and government submissions about environmental issues (such as a proposal to construct a power plant in their neighbourhood). However, scholars noted that outside entities (governments or energy companies) were the ones setting the rules and regulations (the procedures) rather than the communities themselves (Gibson-Wood & Wakefield, 2013; Hartley & Wood, 2005; Koester & Davis, 2018). Thus, participatory procedures often enforced the agenda of outside actors rather than those of the communities (this meant that participation processes were often little more than government communication exercises, as the case study of Huntly Power Plant will later demonstrate). The participatory rhetoric, therefore, frequently did little to incorporate each community's interpretations of what EJ was and what they considered was essential to consider when evaluating any decisions about environmental degradation and pollution, energy or waste disposal projects, and natural resource usage (Ranco, 2008; Ranco et al., 2011). Moreover, organizations' actions to involve the community failed to recognize the community dynamics (focusing on location rather than demographics) and cultural context (Gibson-Wood &

Wakefield, 2013). These organizations also failed to recognize the consequences of previous exclusions and continue to marginalize the communities' issues to maintain the status quo (Haluza-Delay, 2007).

Sherry Arnstein's article, *A Ladder of Citizen Participation*, provides the academic foundation for the exploration of public participation in natural resource management (Arnstein, 1969; Boone & Buckley, 2017; Carpentier, 2016; Connor, 1988; Hurlbert & Gupta, 2015; Ross et al., 2002). According to Arnstein (1969), participation is the "cornerstone" of democracy, which governments and broader society widely applaud; however, marginalized communities demand a form of participation that goes beyond just being consulted about decisions and towards being involved in the decision-making process. Such participation, as Arnstein notes, calls for a redistribution of power (from the powerful to the marginalized groups within society) to enable those who are marginalized to join the conversation to determine how information is shared and ultimately encourage social reform that allows previously marginalized communities to benefit (Arnstein 1969).

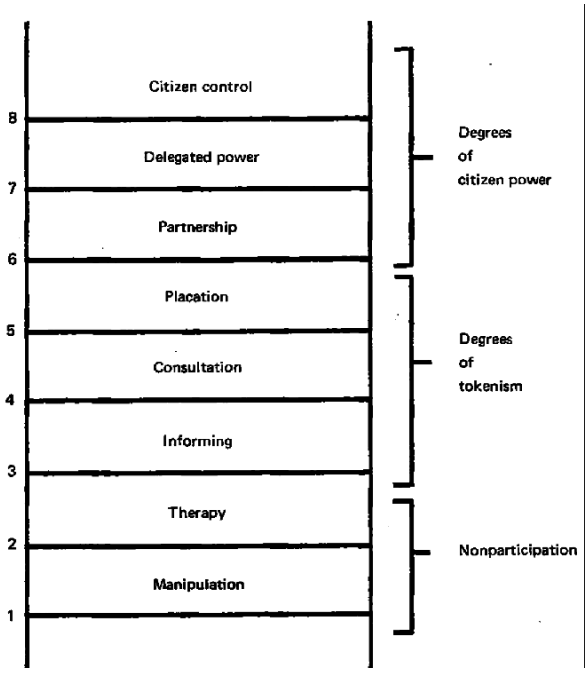

Figure 1: Arnstein's Ladder of Participation (Source: Arnstein, 1969)

Arnstein breaks down participation into an eight-rung ladder (as shown in Figure 1). The ladder is broken into three sections, *Non-participation*, *Degrees of Tokenism*, and *Degrees of Citizen Power*. The *Non-participation* section includes the lower two rungs of the ladder, Manipulation and Therapy. Both Manipulation and Therapy are illusionary and dishonest because the participants are placed on a "rubber stamp" committee or board. Manipulation is an "illusionary

form" of participation which involves members of the community being "placed on rubber stamp advisory committees or advisory boards where they hold little power. Also, the people involved are engaged in activities that are focused on "curing them of their "pathology" rather than changing the racism and victimization that create their "pathologies" (Arnstein 1969, p.218). The *Degrees of Tokenism* comprises the next three rungs in the ladder, informing, consultation, and placation. These three rungs are the first steps toward genuine participation. However, they are ultimately tokenistic in nature. While an important step, the informing rung often involves transmitting information from officials and specialists to the community without allowing the community to give feedback or negotiate. While again a useful step towards participation, consultation does not guarantee that the concerns and ideas of the citizens will be taken into consideration. Placation is the highest level of the degrees of tokenism section and thus the closes to meaningful participation. According to Arnstein (1969), an example of placation is to select "worthy poor" on boards and committees where they could potentially have influence. However, what separates this step from actual participation will depend on whether the "poor" are outnumbered by power holders on the boards and thus limiting their power. The top three rungs of the ladder, represented by the *Degrees of the Citizen Power* section, include Partnership, Delegated Power, and Citizen Control. These rungs represent an increase in power held by otherwise marginalized communities. The communities gain power through negotiation between the community and officials, with the result being that the citizens have a majority say in the decision-making process.

Scholars, such as Carpentier (2016) and Hart (2008), criticised Arnstein's participation ladder and its failure to address the contextual and nonlinear forms of participation. Indeed, Arnstein acknowledges that the limitations of the ladder in its ability to recognize the roadblock to achieving participation. For example, those in positions of power in a society are often highly resistant to giving up any power and continuing patriarchal structures and racism, and other discriminatory beliefs; these form part of the roadblocks to the higher steps of the ladder of participation. The roadblocks for marginalized social groups include their lack of access to appropriate financial resources, technologies, and knowledge base. In addition, problems of organizing representative citizens' groups to engage with dominant groups in the context of alienation, distrust, and historical injustices; limited financial, social, and human capitals often constrain the capacities of marginalized groups to participate in decision-making processes.

Despite the criticisms of Arnstein's ladder of participation, other works demonstrate its usefulness as a concept when linked with theorizing about justice (Blue et al., 2019). Blue et al. (2019) juxtapose Arnstein's ladder with Nancy Fraser's framework for justice to address the ambiguous link between participatory practice and social justice (Blue et al., 2019). Fraser organizes justice into three interdependent dimensions redistribution, recognition, and representation (Fraser, 1995, 2000). These describe different socioeconomic and political dimensions, each critical to ensuring that people participate in decision-making. As conceptualized by Fraser, redistribution refers primarily to the economic context and focuses on "the social arrangements that institutionalize deprivation, exploitation and gross disparities of wealth, income, and leisure time" (Fraser, 2013, p. 164). Recognition engages with social status whereas, misrecognition refers to the standardized "hierarchies of cultural value that deny [certain groups] the requisite standing" (p. 193). Finally, representation is "a social matter of belonging," centres around the inclusion or exclusion from the group or community of those who are "entitled to make justice claims to one another" and "concerns the procedures that structure the public process of contestation." (p. 195). Fraser's definition of justice mirrors the dimensions of environmental justice as articulated by Schlosberg (distribution, justice as recognition, and procedural justice). Blue et al. (2019) demonstrated how both Arnstein's ladder of participation and Fraser's third-dimensional conceptualization of justice offer interesting insights into how different social, cultural, economic, and political areas can foster (often interconnected) environmental and social injustices.

2.3.2 **Access to information in environmental decision making**

Arnstein's work with public participation alludes to the importance of access to information. A wealth of social science and humanities scholars attests to how the abilities of people to access information (be it about policies, plans, resource use, and proposed developments) and to participate in decision-making about environmental governance and management are closely interconnected (Harrison & Haklay, 2002; Tucaliuc & Verstiuc, 2015)

Arnstein (1969) argues that while accessing information is an essential step towards participation, government agencies reduce it to a token gesture because of how information is relayed to communities. The government agencies have the inherent advantage as they are usually the ones who create and disseminate information. As such, they control the release of information to gain support for initiatives that would have otherwise been rejected (Hadden, 1981).

Nevertheless, scholars have argued that access to information not only increases active participation but is the gateway to procedural fairness and environmental justice (Hadden 1981). Access to information is necessary for people to be empowered and motivated to participate in decision-making (Banisar et al., 2011). People need to be well informed to engage meaningfully in the decision-making processes. However, it is not just the community or the public that benefits. Government agencies can address public concerns promptly and gain knowledge that they would not otherwise access.

From the early 1990s onwards, various international agreements, including conventions and declarations, demonstrate the emergence of international standards of best practice for governments regarding public participation in environmental governance and management. International conventions, such as the Rio Declaration on Environment and Development (1992), clearly outline the links being drawn by policy-makers (on a global level) between proper environmental management, access to information, and public participation (Batt & Short, 1992; Porras, 1992; United Nations Conference on Environment and Development, 1992). For instance, principle 10 of the Rio Declaration stated that the fundamentals of environmental governance could be expressed in three "access rights," which included the public's right to justice, information, and the right to participate in environmental decisions and development. Likewise, the 1998 'Convention on Access to Information, Public Participation in Decision Making, and Access to Justice in Environment Matter' (Aarhus Convention) (Cramer, 2009; Hartley & Wood, 2005; Mason, 2010; United Nations, 1998) followed on from the Rio Declaration. The twenty-two-article document sets out requirements for the government regarding access to information and public participation. The Aarhus Convention (1998) established three "pillars": "(1) access to environmental information, (2) public participation in environmental decision-making- and (3) the establishment of judicial and administrative mechanisms to regress environmental grievances" concerning the public's ability to participate in government decision-making (United Nations, 1998). Authors argue that AC falls short when implemented due to conflicts between the policies of the AC and the individual country policies and ideologies around the public's access to government information (Mason, 2010; Palerm, 1999; Tucaliuc & Verstiuc, 2015)

I must note here that New Zealand has not ratified the Aarhus Convention, despite requests by The Environment and Conservation Organizations on New Zealand (ECO) urging that the principles of the Aarhus Convention should be incorporated into the New Zealand Bill of Rights. However, Chapman et al. (2013) attest that New Zealand's environmental policies, especially the Resource Management Act, overlap with the three pillars of the convention. For

example, legislation such as the Official Information Act (OIA) 1982, The Local Government Official Information and Meetings Act 1987, and the Resource Management Act (RMA) 1991 are all policies that provide access to environmental information according to the Aarhus Convention. Thus, the Aarhus Convention is particularly relevant to my exploration of environmental justice issues about the Huntly power plant. Articles Four through Eight focus on how information is collected and made available to the public and the public's ability to participate in environmental decision-making (Cramer 2009; Mason 2010; Pallemaerts 2011). Articles four and five focus on the access, collection, and distribution of environmental information. Environmental information is defined broadly as any information in any medium (written, visual, aural, electronic, or other) that factors in the state of the environment (air, water, soil, landscape, and biological diversity). Other factors are likely to affect the environment and the state of human health and safety that may be affected by the environment or changes to the environment due to outside factors. Environmental information comes in the form of environmental impact assessments.

2.3.3 **Environmental Information and Environmental Impact Assessments**

Environmental impact assessments are essential to environmental management and decision-making (Morgan, 2012). Environmental Impact Assessments (also known as Environmental Impact Statements or Environmental Impact Reports) are procedures that examine the potential environmental consequences of human activities or development projects before the approval of the action or project (Morgan, 2011, 2012; Ogola, 2007). The origins of Environmental Impact Assessments are traced to the US National Environmental Policy Act of 1969 (NEPA) (Caldwell, 1988). The NEPA required all federal agencies to submit environmental impact assessments on projects and actions that significantly affect the environment. By the early 1970s, several countries had developed similar environmental policies and environmental assessment procedures, including New Zealand. The Environmental Protection and Enhancement Procedures 1973 (EPEP) introduced a comprehensive environmental impact assessment program to New Zealand. Chapter four will discuss the specific procedures under the Environmental Protection and Enhancement Procedures and how the environmental impact statements for the Huntly Power Station occurred.

Environmental Impact Assessment scholarship states that public participation is vital to the EIA (Hartley & Wood, 2005; Shepherd & Bowler, 1997; Sinclair et al., 2008). However, the debate is still being held regarding how participation should be done (Lockie et al., 2008). Stewart and

Sinclair (2007) found that meaningful public participation includes a meaningful relationship between the community and the organizations, including integrity, access to information, and adequate representation. In addition, the benefits of public participation include incorporating local/community knowledge and supporting individuals and the community (Stewart and Sinclair, 2007). Participation is also viewed as gradients rather than a binary, participating vs not participating dynamic where different stakeholders and interested parties engage in the decision-making process at different times (Bishop & Davis, 2002; O'Faircheallaigh, 2010; Wanger III, 2004).

Scholars have found that public participation is either minimized or excluded in practice despite the scholarship's acknowledgement of the importance of public participation in the EIA process. Ortolano and Shepherd (1995) mention that government agencies are willing to avoid the requirements of the EIA if the EIA threatens the survival of the development project. Ultimately public participation in EIA is technocratic, a managerial process that is more token than it is a genuine attempt at including communities (Coenen, 2008; Cornwell & Coelho, 2007).

The rift between intent and implementation of participation procedures and policies is not exclusive to the EIA; scholars have found that national and local governments across the globe will limit the enforcement of already established environmental policies, especially if they conflict with the government's economic plan. For example, Dobbie and Green (2015) found that loopholes in Australia's national policy allow industrial companies to escape accountability for air pollution. In other instances, government officials were hesitant to enforce environmental policies due to potential loss in economic benefits. Pulido (1993) recognized that environmental policies carried a government basis (usually favouring the capitalist, colonial government, and development projects) to the detriment of the local communities. Even environmental policies that were supposed to support environmental justice led to environmental injustice, especially for marginalized communities (Pulido et al., 2016).

EIA literature has a complex engagement with the environmental justice framework literature. Despite not engaging one another directly in the broader literature, the environmental justice framework and EIA can benefit from one another (Connelly & Richardson, 2005; Walker, 2010; Walker et al., 2005). For example, the procedures of environmental impact assessments make spaces for engagement with public participation contribute to the procedural justice framework. Similarly, impact assessments can improve environmental justice's ability to identify the cumulative impact of multiple environmental risks (Krieg & Faber, 2004). However, as I will discuss later in the chapter, the environmental justice framing of EIA can be problematic for indigenous communities.

Chapter four discusses the changes in New Zealand's environmental policy and the implementation and interpretation of policies that influence the construction and operations of the Huntly Power Station. In the early development stages of the Huntly Power Station Project, there were several instances where the environmental policies available were implemented ad hoc and often interpreted to benefit the continued construction of the power station. At the same time, interpretations of policies minimized the importance of the Māori cultural connection to the land in support of the construction of the power station again.

2.3.4 **Recognition/ Justice as Recognition**

The common link between distribution and procedural justice is that their focus is on issues of sameness and equality, whether it is the same access to environmental risks/goods (distributive) or the same opportunity to be heard in the decision-making process (procedural justice). It is no wonder why early environmental justice research scholars considered environmental justice theory to be 'bivalent,' a combination of procedural and distributive justice (Figueroa, 2000; 2004). However, authors like Figueroa and Schlosberg began to acknowledge a missing piece to the environmental justice framework. As Schlosberg (2004) notes, aspects of political theory regarding justice focused on distribution along with fairness and impartiality. However, little time is spent on what Rawls admits is key to distributional concern: respect and recognition.

The concept of recognition (also known as justice as recognition) in environmental justice stems from philosophers like Nancy Fraser, Axel Honneth, Iris Marion Young, and Charles Taylor. The authors agree that recognition is not meant to replace distribution completely. Instead, recognition and distribution depend on one another to respond to instances of injustice. For example, in Fraser's earlier works, she equates distributive injustice with economic injustice and misrecognition as cultural injustice.

Recognition plays a significant role in shaping individual and community identity. Young (1990), Taylor (1994), and Honneth (1992) all argue that both individual and community identity is formed, at least in part, by interactions with others. Honneth, for example, argues that there is a link between human dignity and recognition from others (Honneth, 1992, 2004). As such, the nonrecognition or even the misrecognition of a community's identity can inflict harm:

> "Nonrecognition or misrecognition…can be a form of oppression, imprisoning someone in a false, distorted, reduced mode of being. Beyond a simple lack of respect, it can inflict

> a grievous wound, saddling people with a crippling self-hatred. Due recognition is not just a courtesy but a vital human need." (Taylor, 1992, pp. 25–26)

Justice as recognition's criteria for environmental injustice is centred around the lack of acknowledgment and respect of individual and community differences (Figueroa, 2006; Whyte, 2017). Misrecognition can inflict harm on an individual or community and is a form of oppression. Young (1990;2011) argues that communities often want to preserve their identity and exclude others if they threaten their sense of identity.

Taylor mentions that the "grievous wound" can come from the injury to cultural identity due to environmental degradation. Figueroa (2006) argues that cultural identities and how people create their self-identity are through the physical environment (environmental identity). Environmental identity is closely related to an environmental heritage; the meanings and symbols of the past frame values, practices, and places we preserve for community members (Clayton, 2003; Figueroa, 1999, 2006). It is important to note that an environmental identity is not solely attached to those who have an 'environmentalist'/ environmental protection position on the environment as Clayton (2003) argues, that even those whose actions contradict the preservation of the environment still demonstrate some level of 'love' of the natural world.

The recognition (justice as recognition) framework views misrecognition as systematic wrongdoing because the dominant institution fails to recognize and respect the difference of the non-dominate group. In turn, the lack of acknowledgment leads to negative consequences for the non-dominate group. In the upcoming chapters, I detail specific instances where the New Zealand government (in both policy and practice) failed to recognize Waikato Tainui's cultural claims to the land. As a result, Waikato Tainui lost cultural access to water (food gathering) and the desecration of important sites.

Justice as Recognition is not limited to human interactions. For example, the works of Schlosberg (2009) and Plumwood (2002) agree that justice as recognition needs to extend beyond humans to include non-humans (referred to as interspecies justice) (Figueroa, 2013). The extension of justice as recognition to include recognizing non-humans and the relationship between humans and non-humans are particularly important to understanding indigenous communities where their identities and worldviews are tied into connections with the environment.

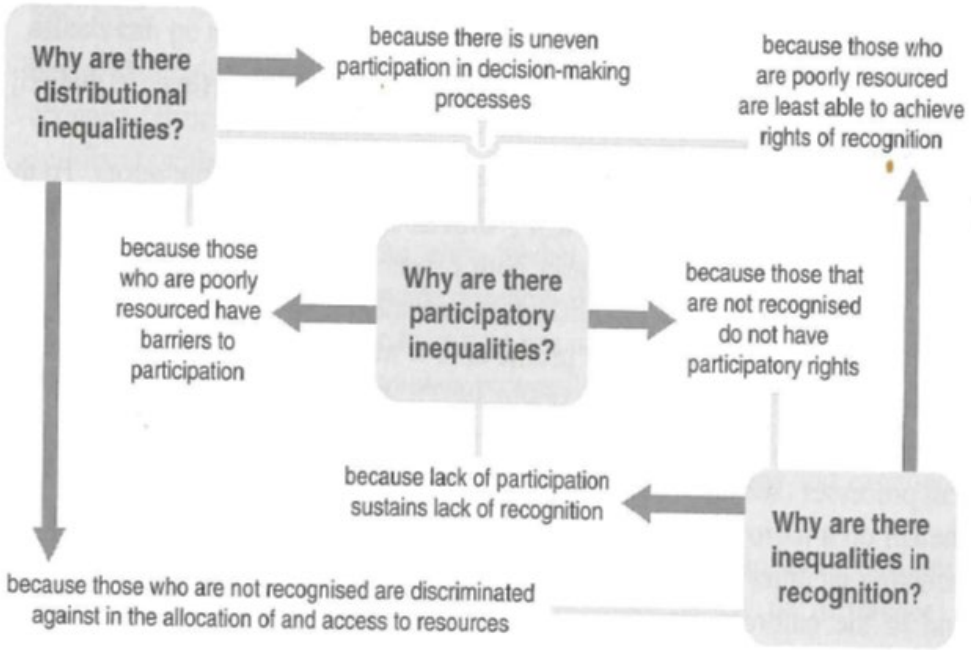

Figure 2: Diagram explaining the connections between distribution, participation, and recognition (Walker, 2012)

The dimensions of environmental justice (distributive, participatory, and recognition) share an interconnected relationship and exist independently. Schlosberg (2004; 2007) argues that discussions around one injustice will lead to the others within the environmental justice framework. Bell & Carrick (2017) argued a similar position regarding the connection between distributive justice, procedural/participatory justice, and justice as recognition. Walker (2012) illustrates in a diagram (figure 2) the relationship diagram between distributive, participatory, and recognition. For example, for the question "why are there distributional inequalities?", the cause of the distributional inequality could be procedural (because there is uneven participation in the decision-making process) and/or recognition (because those who are not recognized are discriminated against in the allocation of access to resources).

In the same way, equalities for each theme are intertwined. For example, recognizing a community's history and knowledge could lead to inclusion in the decision-making process. Access to the decision-making process could then lead to a redistribution of resources. However, in saying this, there is no guarantee of the outcomes. For example, recognizing a community's history of marginalization may or may not yield the opportunity to participate in the decision-making process or redistribution of resources. In addition, there are extenuating factors (i.e., the creation and enforcement of policies), which may influence one or more of the themes.

2.4. What environmental justice means in Indigenous Country: Indigenous Environmental Justice and Decolonizing Environmental Justice

In the first half of the chapter, I discussed the foundations of the environmental justice framework and the incorporation of justice lenses (distributive, procedural, and recognition). While the environmental justice literature has dived deeper into understanding the multifaceted and cross-spatial reasons for environmental injustices, scholars acknowledge environmental justice's inability to completely understand issues of environmental injustice in indigenous communities. The title of this section is a play on the title of Dina Gilio-Whitaker's 2017 article, *What environmental justice means in Indian Country*. The article and her other works, which I refer to in this section, highlight the issues with environmental justice for indigenous communities, namely the exclusion of the historical context of colonialism in understanding environmental justice for indigenous peoples. The results lead to a fragmented understanding of environmental injustice that minimizes environmental justice for indigenous peoples. A classic example of this is the Goshute Indians and Skull Valley case and the failed proposal of housing nuclear waste on their lands.

2.4.1 **Indigenous Environmental Justice**

Indigenous communities have always been a part of environmental justice in both activism and scholarship. However, the environmental justice literature has been slow to incorporate indigenous resistance to colonialism (Manning, 2018; Norgaard, 2019). Instead, the experiences of indigenous people are collapsed into the broader experiences of environmental discrimination visited upon people of colour. As Gillio-Whitaker (2019) argues, the collapsing environmental discrimination against people of colour into one monolithic group elided the experience of Indigenous peoples who had been undergoing environmental devastation of a particular "genocidal kind." (page 21). It was not until the 1991 First People of Colour Environmental Leadership that an indigenous context could be seen within the environmental justice lens (Gillio, 2019). Furthermore, the Principles of Environmental Justice made a point to include recognizing the sovereignty of indigenous people and the role of previous colonial aggressions towards these communities.

Indigenous activists throughout the twentieth century were faced with repeated infringements on their sovereignty rights, the environmental degradation of their sites of cultural and spiritual importance, the appropriation of their lands and resources, and the loss of access to their traditional hunting, fishing, and gathering sites. Greater inter-tribal and cross-Indigenous nations' collaborations were facilitated by creating the Indigenous Environmental Network in

1990. Nevertheless, indigenous communities in the United States continue to face ongoing experiences of and mount campaigns to resist environmental injustices such as nuclear testing, the construction of nuclear waste sites, uranium mines, oil, and gas pipelines. Attempts to engage with the government to address concerns about the environmental impact of these sites near their homes were often unsuccessful. At the same time, many of these facilities are presented as economic opportunities for tribal groups whose members often live below the poverty line.

The consequences of oversimplifying the indigenous experience when it comes to struggles against environmental injustice are seen in the Goshute Indian/ Skull Valley story. The US federal government's National Waste Policy Act of 1982 requires that the US Department of Energy (DOE) find a permanent place to store nuclear waste. The Goshute Indians of Skull Valley, Utah, were one of sixteen Indigenous communities to put in a proposal to host the nuclear storage facility voluntarily. Initially, the Goshute Indians received approval for the site. However, the proposal was met with immediate outrage from local environmental groups, as well as from different people from within the Goshute tribe itself, and the Utah State Government (Ishiyama, 2002; Clarke 2010) and was eventually denied by the US Bureau of Indian Affairs (Taylor, 2014).

Based on the environmental justice framework I presented in the previous section, the rejection of the Goshute Indian's proposal would be an environmental justice "win." However, authors such as Ishiyama (2002), Jefferies (2007), and Clarke (2010) offer an alternative perspective. Both Ishiyama (2002) and Jefferies (2007) outright challenged the notion that stopping the deal was an act of environmental justice. Ishiyama (2002) argued that the initial understanding of environmental injustice in the Goshute Indian case study depended on environmental justice's dependence on the analytical framework of environmental racism and distributive justice. Ishiyama continued by stating that the combination of historical colonialism, political ecology "geopolitically isolated the tribe from suffering procedural environmental injustices" (page 119). At the time of the proposal, the lands of the Goshute tribe (Goshute reservation), which they legally own and possess (restricted) rights of self-determination (constrained under settler colonialism and the operations of the federal government agencies), was surrounded by four major toxic storage sites and power plants. The presence of Dungway Proving Grounds and Intermountain power plant, Mag Corp, Tooele Army Depot, and Envirocare meant Goshute people were already exposed to many environmental risks. Two of these facilities (Dungway and Tooele) stored nerve agents (such as used in biological weapons), while MagCrop and EnviroCare stored magnesium products and radioactive waste, respectively (Dillon, 2014). The

four facilities were established under the federal government's authority in the early to mid-twentieth century rather than the tribal government. Local Goshute people were not allowed to choose if and where the toxic sites were located.

Jefferies (2007) continued by arguing that despite the appearance of concern for a marginalized community, the real concern was for the economic development or the nearby towns. As such, the concerns for the neighbouring communities rather than the "impoverished tribe" (Goshute) "does not fir the traditional objective of the environmental justice movement to protect disadvantaged groups." (Jefferies, 2007, p.409). Furthermore, leaders of the Goshute community argued that the paternalistic approach of 'protecting' them and the argument of environmental racism implies that the community was not smart enough to make their own decisions (Boeckers, 2019). Engle (2010) and Spreadborough (2020) observed that when the Goshute tribe exerted their sovereignty, there was resistance from the state and federal governments. These authors share a similar call for expanding the environmental justice framework, which would help understand the complex experience indigenous communities like Goshute have with environmental injustice, including the conflict between economic development and culture.

Clarke (2010) recognized the complex conflict that indigenous communities have between economic development and cultural preservation, and the conflict between the two was "not unique" (p. 388) (see: Kuletz, 2016; LaDuke, 1993). The author continues by citing two unique understandings of placing the waste, which conflicts with the cultural identity. The first being that because it [the nuclear waste] was taken out of the earth, the Goshute's connection with the earth and that land makes them responsible for dealing with it (Hernandez, 1994; Leroy, 1991). The second perspective aligns with the traditional environmental justice stance, arguing that storing the waste would affect the environment and damage the culture of the Goshute Indians.

The Goshute Indian of Skull Valley example reveals that using the environmental justice framework without proper historical and cultural context often leads to a mischaracterization of the environmental justice issue.

More recently, Indigenous peoples of the US (including Alaskan, Hawaiian, and Native American peoples) and Canada (Inuit and First Nations) played a prominent role in international and national climate change activism. They argued that Indigenous communities were disproportionately negatively impacted by climate change (more so than non-Indigenous communities) and that this was a new form of environmental injustice. These examples

showcase how the EJM, particularly in the context of Indigenous peoples, is focused not only on the "distributional equity concerning the disproportionate environmental 'bads' but also with the lack of respect for, and basic recognition of, indigenous ways of life"(Agyeman et al., 2016, p. 324).

Environmental Justice scholarship began to echo similar thoughts and separate indigenous experience with environmental injustice from other experiences (Harris & Harper, 2011). Schlosberg's (2004) work recognized that the over-dependence of distributive justice limited environmental justice and the exclusion of human and non-human interactions in environmental injustice claims. Indigenous concepts of justice and understanding of human and non-human interactions are ignored. Schlosberg broadens the landscape of environmental justice by including procedural justice and recognition.

Ranco et al. (2011) argues that understanding environmental justice from an indigenous lens involves understanding the unique historical, political, and legal context. Holifield (2012) agrees and argues that internal colonialism and industrial development in the US give tribal communities a unique experience of environmental injustice. While the authors, in this case, were speaking from a US context, indigenous communities share an overlapping history of colonialization. Vickery and Hunter's (2016) review of Native American environmental justice scholarship highlights the cross-cutting nature of the scholarship, which includes attention to traditional EJ activism against toxins and environmental injustices and those about the impacts of climate change, natural resource exploitation, and Indigenous cultures. There are three reasons they argue that Native American EJ issues differ from mainstream (non-Indigenous) EJ. Firstly, the standard EJ indicators do not necessarily apply to Indigenous experiences of environmental injustice, given cultural distinctiveness. Secondly, there are unique challenges with defining "Native American" communities and identities. Lastly, tribal sovereignty dictates that researchers and decision-makers employ different approaches to research design and methods and actions to address environmental injustices (page 38).

Authors of indigenous environmental justice scholarship focus on the impact of colonialism. However, most times, it is addressed in a broader context. Colonialism, as a topic, has several interpretations, including external colonialism and internal colonialism. External colonialism is about when a country is colonized for the sole purpose of extracting resources from the colonized nation and sending it back to the home country of the colonizer. Internal colonialism references the "biopolitical and geopolitical management of people, land, flora, and fauna within

the "domestic" borders of the imperial nation" (Tuck and Yang, 2012 p.4). Unfortunately, neither of these forms of colonialism accurately describes colonialization in countries like the US and New Zealand.

Instead, colonialism that indigenous environmental justice scholarship (and this thesis) refers to is settler-colonialism. Settler colonialism is different from external and internal colonialism. When the settlers arrived, they intended to make the land their home and insisted on controlling both the land and the people already there. As Tuck and Yang (2012) point out:

> "Within settler colonialism, the most important concern is land/water/air/subterranean earth… Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital and because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. " (Tuck & Yang, 2012, p. 5)

In this context, is it not enough for settlers to take over access to the land and water. The settlers sought to eliminate the indigenous people occupying the area ultimately, if not physically, then through government structures and policies that ultimately seek to assimilate and eradicate indigenous culture. (Whyte, 2016). Furthermore, the settlers' viewed the land as a source of capital' not in a traditional economic sense; but as a factor for production (Tuck and Yang, 2012).

The indigenous environmental justice literature has also questioned the broader environmental justice movement and its connection to the state. For example, Pulido (2016; 2017) observed how environmental justice activists prioritize their engagement with the state, assuming that improvements to their community can be achieved through regulatory practices. However, the exact opposite occurred. Instead of adjusting its policies and practices to address environmental injustices and their impacts on communities, these government agencies' policies directly cause environmental injustice.

On the other hand, the indigenous perspective recognizes the state as the cause of environmental harm. Still, it connects these harms to past (and present) acts of violence towards indigenous communities carried out by the state. The indigenous communities make it clear that the state is not an ally (Norgaard, 2019). Also, the dependency of indigenous peoples on the state changes how indigenous people think and relate to the land (Coulthard, 2014 p.78).

In chapters four and five, I document instances where members of the local Māori community expressed their present concerns over the Huntly Power Station while referencing previous instances where the government forcefully confiscated their land. The recall of past confiscation of their land created distrust that was further fuelled by the lack of information made available to the public.

Environmental justice in the context of indigeneity may include similar goals to the civil rights version of environmental justice, particularly in the form of equality and the ability to participate in the decision-making process. However, the goal is for indigenous communities to exist in their own culture and be recognized as sovereign nations with different connections and responsibilities to the natural world.

2.4.2 **Between two worlds: Indigenous and Western Worldviews**

The existing scholarship on Indigenous and decolonial environmental justice introduces the overarching conflict between contrasting worldviews (ways of thinking about the world- ontologies) and practices (patterns of acting in the world- epistemologies), specifically between Western and Indigenous communities. Scholarship around worldviews has evolved, despite not having a formal theoretical structure (despite being referred to as worldview theory), and participates in various fields, including education, psychology, and recently environmental sustainability (Koltko-Rivera, 2004; Ruane, 2018).

Worldviews are defined as "the inescapable, overarch systems of meaning and meaning-making that substantially inform how humans intercept, enact and co-create reality." Worldviews can change over time and can impact human-human and human-nature relationships. The late Rev Māori Marsden, a member of Tai Tokerau, scholar, and Anglican minister, defined a worldview centered around culture:

> "Cultures pattern perceptions of reality into conceptualizations of what they perceive reality to be; of what is to be regarded as actual, probable, possible or impossible. These conceptualizations form what is termed the 'world view' of a culture. The world view is central of conceptions of reality to which members of its culture assent, and from which stems their value system. The world view lies at the very heart of the culture, touching, interacting with and strongly influencing every aspect of the culture." (Marsden, 2003, p. 56)

The second research question that I introduce in this thesis, *How were the differing value systems held by Pākehā and iwi Māori cultures articulated in the conflict between the New Zealand*

Government and Waikato-Tainui over the Huntly Power Station? uses the Waikato Tainui and Huntly Power Station relationship to reflect the overarching interactions between the Western and Indigenous worldviews. Chapter three discusses the Pākehā and Māori worldviews relevant to the Huntly Power Station/ Waikato Tainui case study. This section will offer a brief introduction to the differences between the broader Western and Indigenous Worldviews.

Bosselmann (2011) characterizes the hegemonic Western (European) worldview as "namely dualism (of humans and nature), anthropocentrism, materialism, atomism, greed (individualism gone mad) and economism (the myth of no boundaries and limitless opportunities." (p.205). Enlightenment period philosopher John Locke is often quoted in Western ideology studies as providing the philosophical foundations for European attitudes towards the environment. However, Locke's theory is dependent on Christian theology which both separates humanity from the environment and perpetuates a hierarchal relationship where man is supposed to subdue nature:

> "God, when he gave the World in common to all mankind, commanded Man also to labour…God in his Reason commanded him to subdue the Earth, i.e., improve it for the benefit of life…He that in obedience to this command of God, subdued, tilled and sowed any part of it thereby annexed to it something that was his property." (Locke & Shapiro, 2003, p. 113)

Nature in and of itself, according to Locke, has no intrinsic value. Instead, the value comes when man cultivates the land using labor. So, in other words, a forest on its own is wasteful and underutilized. However, it is deemed valuable when it is transformed into a farm or pastureland through labour.

> "God gave the world to men in common, but since he gave it to them for their benefit and the greatest conveniences of life, they could draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the industrious and rational (and labour was to be his title to it), not to the fancy or covetousness of the quarrelsome and contentious." (114, section 34) (Locke & Shapiro, 2003, p. 114)

However, the value that is placed on the environment is one commodity. Natural resources (i.e., the air, water, and land) are measured as "quantifiable property" and can be privately owned by an individual (Winters, 2018). Thus, ownership is justified because of the labour put into the land (Liebell, n.d.). Locke believed that people could not be accessed without owning property.

The ownership of private property developed the individual's identity. "A person's private property reflected the person who owned it." (Baradat, 1979, p. 73)

On the other hand, Indigenous world views reflect a deep-seated understanding of man's connection to the natural world. The indigenous worldview recognizes that "the survival depends on cooperation and coexistence with the forces of nature rather than expecting to manipulate and control them" (Hewitt, 2000, p. 112). Thus, the relationship is not based on dominance, like the hegemonic Western worldview, but custodianship and responsibility to the environment.

The centre of Indigenous communities' cultural identity is the relationship and interactions between humans and non-human beings. Also known as place identity, the indigenous worldview considers the land as the "basis of meaning" and contributes to determining community identity and social relationships (Stocker et al., 2016). These connections are shared through cultural 'myths' and legends, as Marsden (2003) points out:

> "Myth and legend in the Māori cultural context are neither fables embodying primitive faith in the supernatural, nor marvelous fireside stories of ancient times. They were deliberate constructs employed by the ancient seers and sages in encapsulate and condense into easily assimilable forms their view of the World, of ultimate reality and the relationship between the Creator, the universe and man." (Marsden, 2003, p. 56)

According to the Indigenous worldview, the value of land is not dependent on the whims and needs of humans. The natural world has its intrinsic value. Ownership of land is not based upon individual rights. Instead, there is a communal understanding of ownership.

The indigenous worldview and experiences are often trivialized and ignored by the western worldview. Adam (2018) highlights this point:

> "Most indigenous persons have had the experience of saying something out of Indigenous worldview and being "corrected" by a person in Western worldview. For example, the indigenous person might say the land is alive, to which the non-indigenous person responds, scoffing: "That's stupid. Dirt and rock are inanimate." (Adams, 2018, p. 39)

The ignorance of indigenous worldviews is not due to benign neglect or naivety in understanding. Instead, the indigenous worldview is intentionally and often violently excluded and dominated by the hegemonic western worldview (Dotson, 2011, 2014; Winter, 2018). An

example of this appears in chapter three, where I discuss the interactions between Waikato Tainui and the Pakeha settlers in the Waikato. The Crown not only implemented their legislation to confiscate land and water access, but they also excluded the Māori cultural context from their policies. And at times, belittled them

Like Winter (2018), I stress that my positioning of Indigenous and Western Worldviews as dichotomous is to clarify differences between indigenous and Western worldviews. However, in practice, there is an unlimited number of worldviews that fit between Indigenous and Western. Winter recognizes the problem with presenting indigenous and western worldviews as dichotomous or antagonists of each other. The point, according to Winter, is that not only can the western ontological theories not generate justice from an indigenous ontological perspective but that neither indigenous nor western ontologies can be presented as the overarching or universal claim (Winter, 2018).

Waikato-Tainui's (and, to a more considerable extent, Māori) values and traditions center around the indigenous worldview. Throughout the thesis, especially in chapter three, I display these values and their interactions with the liberal/ western world view. In the next chapter, my discussion of the historical and socio-economic background of Huntly before the power station displaces instances where the Liberal/ Western Worldview (represented by the European settlers) and the Indigenous World view (expressed by Waikato Tainui) interact with each other.

2.4.3 **Decolonial theory and Environmental Justice**

Engagement with indigenous studies within the environmental justice context has revealed the absence of the acknowledgment of colonialism in the broader environmental justice theory and a willingness to counter colonialism with decolonization/ decolonial theory. However, as Tuck and Yang's (2012) essay *"Decolonization is Not a Metaphor"* mentions, attempts at incorporating decolonization into other social justice matters ultimately erase indigenous movements, experiences, and theories. Furthermore, the authors argue that there is an assumption that decolonization shares the same goals as civil and human rights projects and is thus used interchangeably.

> "Decolonization, which we assert is a distinct project from other civil and human rights-based social justice projects, is far too often subsumed into the directives of these projects, with no regard for how decolonization wants something different than those forms of justice." (Tuck & Yang, 2012, p. 2)

Decolonization is a complex theory with a variety of different definitions and approaches. The more extreme definition of decolonization provided by Frantz Fanon requires the physical removal of the colonial structure from the colonized state. However, there are two issues with this version of decolonization. The first is that the physical removal of colonial states does not guarantee the complete removal of the colonial mindset. Instead, the colonial experience continues to influence colonized countries' cultures and identities, and in some cases, the colonized becomes the colonizer (Licata, 2012).

Secondly, in settler-colonial countries like New Zealand, the indigenous and settler identities have become entrenched in the overall culture. As Mercier (2020) mentions:

> "However, we might argue that, just as Māori identity grew here in Aotearoa, Pākehā identity also belongs nowhere else. While not ready to confer something Tangata whenua status on Pākehā, most Māori do acknowledge that Pākehā identity is now a part of New Zealand culture." (Mercier, 2020, p. 14)

Instead, I align with Wilson and Yellow Bird's (2012) concept of decolonisation. Instead of advocating for what would inevitably be a violent call to arms to remove the colonial institutions physically, Wilson and Yellow Bird issue a 'challenge to these existing structures—ultimately hoping to overhale or shift in the thoughts and social practices of the colonial (and in the context of this thesis western) structure (Bird & Wilson, 2012). The point is not a simple tweak to the existing colonial structure to be more 'friendly or palatable, but a complete overturning of the colonial structure. However, despite the inclusion of decolonization, some authors argue that decolonization did not remove the underlining thought process of colonialism (coloniality).

Decolonial theory traces its roots from the Global South, specifically from Latin America. The theory belongs to the larger "Modernity/coloniality-decoloniality project" established by the works of decolonial authors such as Arturo Escobar. The decolonial theory makes a clear distinction between colonialism and coloniality as well as decolonization and decolonial. Colonialism is defined as the "political and historical moments that ended with the political independence of the last colonies in 1960s.". Coloniality, other hand, implies an ongoing practice (ideologies, epistemologies, and ontologies) that pulls from the "matrix of power created by colonialism" and is still present today (Maldonado-Torres, 2016).

Scholars break down coloniality into three dimensions; power, knowledge, and being. Coloniality of power distinguishes European and non-European cultures where the latter is considered 'inferior' to the former. Then Western institutions of governance (governments) control natural resources and, more importantly, the relationship between people and those

resources. Coloniality of knowledge is when Western/ European understandings of knowledge are considered superior to non-western knowledge. In environmental justice, scholars argue that the global north (with justice defined by liberal justice theory/ John Rawl) interpretation of environmental justice is considered superior to the Global south. Coloniality of being is the ability to distort the image of people. (Alvarez & Coolsaet, 2018)

The inclusion of decolonial theory to environmental justice seeks to address the growing concerns of scholars who began to question the role of western ontologies and epistemologies in the environmental justice framework (Agyeman et al., 2010; Reed and George, 2011). As I mentioned in the first half of the chapter, the expansion of the environmental justice framework has occurred in both topic and location, with more studies being conducted in the "Global South." However, the environmental justice framework (based on the US context) has become the overarching framework for dealing with environmental injustices. The main issue is that the Global North version of environmental justice depends on Western/ liberal understandings of justice (John Rawls) and does not outright engage with colonial roots of environmental injustice. Instead, Global North Environmental justice focuses on the "unequal distribution of natural resources hazards in advance capitalist political-economy." As a result, the universalization of the Global North Environmental justice creates spaces of environmental injustice when introduced to situations located in the Global South (or in the indigenous Global North).

> "As long as environmental justice is driven by worldviews and knowledge processes from the Global North, environmental justice remains steeped and reproduces feelings of misrecognition." (Vermeylen, 2019, p. 89)

Vermeylen (2019) continues their argument by stating that when the worldviews and knowledge of the Global South (and Indigenous North) are ignored or separated from the larger environmental justice framework, it equates to "an act of epistemic violence."

As Alvarez and Coolsaet (2018) argue, the themes within environmental justice (distributive and recognition) encourage colonial environmental justice or the centralizing of the western form of environmental justice over other" pre-existing conceptual formations." Distributive justice's definition as the "fair or equitable distribution of environmental goods and bads" faces issues identified by Alvarez and Coolsaet.

The first is that the notion of fair and equal distribution may misrecognize "other modes of life that are incompatible with a capitalist mode of production and/or with anthropocentric ways of understanding justice." (p. 56). In other words, the concept of distributive justice is based on western concepts of 'just' and 'fair,' stemming from capitalist concepts, which objectives the

environment as a product for consumption. This characterization of the environment challenges the ontologies of indigenous communities like Māori, who have spiritual connections with the environment. In doing so, the distributive aspect of environmental justice misrecognized the impact (cultural/social) that environmental injustice has on these communities. Examples of these misrecognitions are seen through chapters 3-5, regarding how the acts (and their interpretation by the government) used in the construction of the Huntly Power Station failed to recognize the cultural significance of the Waikato River and surrounding areas to Waikato Tainui and the negative impact of the power station in the area.

The second point identified by Alvarez and Coolsaet (2018) regarding distributive justice "… sets aside the fact that even the requests of minority groups may be the expression of a desire that has been captured by coloniality." (p.56). Coloniality is not solely constructed by acts of force against marginalized communities but also to entice marginalized communities into agreeing with uneven power dynamics and ultimately subjugate these communities through their desires (Coulthard, 2014; Mbembe, 2015). In the context of distributive justice, the 'desire' for equal distribution of environmental risks overshadows the arguments around 'why' those risks exist in the first place. As a result, the capitalist influence

Justice as recognition (along with procedural justice) was initially included in the environmental justice framework to address the issues found within distributive justice. However, justice as recognition, particularly Fraser's understanding of recognition, creates two problems; the first is that Fraser's recognition depends on the state's benevolence. Furthermore, as I mentioned in the previous section, engagement with the state does not guarantee environmental justice and relies on 'state-based solutions. The second issue with recognition, in this case, is that it downplays the phycological process that contributes to recognition. Fraser avoids the phycological aspect of misrecognition to keep the victims from blaming themselves for being misrecognized. However, Fanon (1968; 2017) argues that the psychological impacts of misrecognition cannot be avoided, and distorted identities may cause misrecognition.

The goals of decolonial theory focus on addressing the ongoing presence of colonial mindsets and theories that linger within the environmental justice framework. It does not mean that all western ontologies and epistemologies are removed. Instead, decolonial theory encourages the inclusion of otherwise excluded epistemologies and ontologies especially, indigenous. The decolonial theory also supports the growth and development of environmental justice beyond the dependency of seeing the state as a benevolent ally.

2.5. Environmental Movements, Activism and Justice Scholarship in New Zealand

2.5.1 **'Save Manapouri': Environmental Movements and Activism in New Zealand**

Scholarship focused on environmental movements in New Zealand credit the protest of the Manapouri Power Station (Save Manapouri campaign) as the catalyst for the modern environmental movement in New Zealand. I agree that Manapouri (along with other protests such as the aluminium smelter in Aramoana and national anti-nuclear campaign) is, as Knight (2016) puts it, a "big enough to justify its being singled out" (p. 24). The outrage over the rising water levels of Manapouri Lake and the shift in ideology towards the environment encouraged the government to create policies to protect the environment (I will discuss the introduction of environmental policies in New Zealand in the next chapter). However, I would argue that Manapouri was also a part of a more significant ideological shift in New Zealand and the globe regarding the relationship between humans and the environment. Chapter four will discuss the connection between the changes in ideology and their impact on environmental policies in New Zealand.

Like the United States and other countries with a settler-colonial history, the change in attitudes towards the environment (after colonialization) transitioned from the domination and taming of the environment for economic purposes to protecting the environment. For example, Peter Horsley (1989) documented the changing attitudes of European towards New Zealand's resources in five phrases: Pre-Colonial (1800-1840), Colonial (1840-1900), Consolidation (1900-1950), Post War (1950-1970), and Modern (1970-current (the 1980s)). Taylor (2000) provides a similar analysis that compares the changes of dominant social paradigms (metaphysical beliefs, institutions, assumptions, and values that influence the way people view the world) connected with types and phases of the environmental movement in the United States. When aligned with one another, both Horsley and Taylor's work demonstrates a similar trend in changing ideologies from a human dominating nature standpoint to protecting the environment.

For example, between the 1800s-1900s, before the Treaty of Waitangi 1840 (the pre-colonial phase), the European attitude towards the environment was a mixture of scientific curiosity and the beginnings of resource exploitation. The attitude of exploitation intensified between the 1840s and 1900s.

> "During this time [Colonial Phase (1840-1900)], 8 million hectares (38 percent of the original cover) of the indigenous forest was burnt, resulting in soil erosion and depletion

> of soil fertility. Although there was an awareness of the damage, this was overshadowed by the belief in the rights of individuals to own resources and exploit them at will, together with the commitment to transform New Zealand into a European-style landscape. Social pressures overrode ecological realities and legislation aimed at protecting aspects of the environment was often ignored and seldom enforced" (Horsley, 1989, p. 127)

Taylor (2000) defines the attitudes towards the environment displayed from the 1800s to 1900s as falling under the Exploitative Capitalist Paradigm. The attitudes and ideologies in the exploitative capitalist paradigm (ECP) values natural resources as 'plentiful' and 'renewable' commodities. As a result, the resources were extracted and used with no regard to future needs or consequences. Furthermore, people viewed the destruction of the environment as the necessary cost of growth and national/ economic development.

It was not until the late 1800s to mid-1900s that New Zealand began to shift away from national and economic development towards environmental concerns. Horsley (1989) categorizes this period (1900-1960s) as Consolidation and Post War phases. This shift in attention was due to the consequences of massive changes to the environment in the form of soil erosion, flooding, and the loss of native species due to the previous actions of settlers. Also, people began to have concerns about protecting the natural environment and created parks and protected land sites. Taylor (2000) documents similar trends in the US during the 1900s, categorizing it under the Romantic Environment Paradigm (REP). In addition to challenging the ideologies of the ECP, the REP "urged people to live harmoniously with nature and encouraged the government to protect wildlife and wildlands." (Taylor, 2000, p. 530)

Concerns over the effects of human actions on the environment continued to grow well into the 1960s and 1970s. In the US, the release of Rachel Carson's 'The Silent Spring' and environmental catastrophes such as 'Love Canal' became the tipping point for environmentalism. Taylor (2001) labels this period (1960-1979) as the 'post-Carson era' with the New Environmental Paradigm (NEP) as the foundation of environmentalism. The NEP focused on critiquing several environmental concerns, including "pollution prevention, risk reduction, and environmental clean-up"; and "high (large, complex, energy-intensive) technology." (p. 531).

Like the US, New Zealand also saw the emergence of what Taylor would categorize as the new environmental paradigm (NEP). Horsley's (1989) equivalent to NEP was the 'Modern' phase (1970s-1980s). The modern phase saw the creation of both new environmental legislation (ex.

Town and Country Planning Act 1977) and government organisations. I discuss this further in chapter four. Furthermore, the public (especially Māori) began to look at the impact of large-scale projects on the environment. The catalyst for this shift in focus began with the Manapōuri Power Station and the resulting 'Save Manapōuri' Campaign.

In the same way that 'Love Canal' pushed the modern environmentalism movement in the US, 'Save Manapōuri' became the catalyst for the modern environmental movement in New Zealand. The 'Save Manapōuri' campaign was launched in October 1969 after it was revealed that the Manapōuri Power Station development plans involved raising Lake Manapōuri by 30 meters to provide power for an aluminium smelter (Knight, 2018; Nathan, 2015; Wilson, 1987). Organisations such as the Nature Conservation Council petitioned the then National government to reconsider raising the lake. Almost 10 percent of the New Zealand population (264,907) signed the Save Manapouri petition in 1970 (Nathan, 2015). Ultimately, the 1972 Labour government promised not to raise Lake Manapōuri and went as far as to establish the Guardians for Lakes Manapōuri, Te Anau and Wanaka, an organisation designed to oversee the welfare of the lakes. This victory, along with the "energy and enthusiasm generated by the Save Manapōuri Campaign' would inspire others to not only continue with the movement but inspire other environmental movements (Wilson, 1987 p.14)

The scholarship around environmental movements in New Zealand highlights a divide between environmentalists and Māori rights. Before the 1970s, the environmental movement and Māori movement had next to no interactions. However, the 1970s and 80s were significant for both Māori and environmentalists. For Māori, the Māori were attempting the gain justice for the constant breaches of the Treaty of Waitangi. In addition to Māori protests, the Crown's breaches of the Treaty of Waitangi, individual iwi, hapū, and whānau throughout the last two centuries have engaged in small-scale protests what they perceived to be environmental injustices (although they do not use those terms). They regularly wrote letters of complaint and petitioned government officials about the negative consequences of settler colonial-led environmental transformations of their rohe (traditional lands and waters). This included protests about the logging and burning of forests; the loss of biodiversity; the destruction of wahi tapu (sacred sites); the drainage of wetlands; the removal of eel weirs (pā tuna); construction of dams and factories; the pollution of their waterways; their loss of access to their mahinga kai (food gathering sites); and the diminishment of their mauri (life force) and mana (power and authority) which translates into the loss of cultural health and wellbeing. On the environmental movement's side, as mentioned earlier, the incidents of Manapouri and other environmental degradation, in conjunction with the broader modern environmentalism movement occurring

globally, began to motivate New Zealanders to protect the environment. However, despite the seeming overlap between Māori activists' and environmentalists' interests in protecting the environment, the groups had almost nothing to do with one another.

However, between the late 1970s and early 1980s, environmentalists and Māori protestors had one particular interest – stopping the government stationed pollution of culturally and ecologically valuable areas (Mills 2009, p. 679). Ironically, one of the first instances of Māori and environmental groups coming together to protest an environmental issue was the 'protest' of the Huntly Power Station-at least, according to Mills (2009). In the following chapters, I will expand on the efforts of Waikato Tainui and the Environmental Defence Society's efforts to address environmental concerns they had about the Huntly Power Station. I will state that Miller's argument that they [Waikato Tainui and EDS] protested the power station together is an oversimplification of what occurred. Nevertheless, there were other instances up until the early 1980s where Māori and environmentalists worked together or at the very least worked in their separate spheres of influence towards a common goal. As Young (2004) writes: "For a few brief years, it seemed that Māori (especially the hunter-gatherer types and environmentalists (now mostly urban 'agriculturalists) spoke with the same voice." (Young, 2004, p. 193)

However, by the 1990s, the fragile alliance between environmentalists and Māori rights had fizzled out. Scholars agreed that the ultimate ideological difference between Māori and environmentalists led to the two groups separating again. Moreover, Māori interests extended beyond their duty to protect the physical and spiritual environment towards social issues that included establishing and maintaining tribal sovereignty. As Morris Te Whiti Love, the former director of the Waitangi Tribunal, writes, "This became very uncomfortable for the liberal non-Māori and provided for the parting of the ways." (Love, 2005)

Also, Māori challenged the liberal Pākehā perception of Māori as benevolent people living in harmony with the land. Gillespie (1998) argues that the harsh reality of this assumption was a driving cause for the rift between Māori and mainstream environmentalists. Also, both sides had a different idea of environmental management. Māori wanted local bodies to be responsible for managing the environment, while environmentalists wanted state management. Gilio-Whitaker (2019) documents a similar coming together and separation of environmentalists and Native Americans in the US. She argued that the contentious relationship between modern environmentalists and American Indians stems from the white supremacy undertone of earlier environmentalism movements. Native Americans and other minority communities were excluded from the environmentalism movement and later condemned to environmentally

damaged lands and cities. Meanwhile, the earlier environmentalism movement (mainly middle-class-upper middle-class men) strived for what Carolyn Merchant would call a 'colonized Eden.'

2.5.2 **Environmental Justice Scholarship in New Zealand**

Despite the long-standing history of environmental justice activism in New Zealand, when it comes to environmental justice within academia, at first glance, it appears that few scholars directly engage environmental justice conceptions in New Zealand. However, I argue that the environmental justice scholarship in New Zealand either follows the environmental justice framework or the Indigenous environmental justice framework. The first category is where the scholarship employs (US context-based) environmental justice rhetoric, namely distributive, environmental racism, and procedural. Examples of this are environmental issues such as air pollution (Hales et al., 2000; Kingham et al., 2007; Pearce et al., 2006; J. Pearce & Kingham, 2008) and environmental health (Pearce et al., 2011). Moth's (2008) thesis on examining the rise of sea levels and environmental justice relied on US context environmental justice. However, as I have argued in section 2.4.2, the direct use of US environmental justice ignores the contextual and historical differences between New Zealand and the US.

The second category of environmental justice research in New Zealand follows the familiar rhetoric of indigenous environmental justice. Rixecker & Tipene-Matua (2003) wrote one of the few articles that discussed environmental justice framing in the NZ context and beyond distributive justice. The authors recognized the importance of Māori inclusion in environmental decision-making and the need to protect culture to obtain environmental and social justice. Browning's (2017) report for an NGO examined environmental justice as a concept from a New Zealand perspective and drew on aspects of the Treaty of Waitangi. The report separates environmental justice (human-centred) from ecological justice (non-human focused) and compares the Treaty of Waitangi to the "17 Principles of Environmental Justice". The principles were created in October 1991 by the Delegates to the First National People of Colour Environmental Leadership Summit (held in Washington DC) and are frequently cited by environmental justice scholars and movements worldwide. Browning (2017) is one of the only documents attempting to look at the environmental justice framework beyond the Western understanding of justice while embracing an Indigenous worldview.

Another way that environmental justice is alluded to in the New Zealand context is purely from a legalistic standpoint. Most of the research depends on legal processes and case studies but does not engage with the themes or paradigms within environmental justice. Another recent study by Irons-Magallanes (2017) discusses Indigenous environmental justice from the Māori

perspective and concentrates on the legal process. She argues that Māori experience difficulties gaining environmental justice through the legal system.

However, other scholars also discuss environmental justice issues but employ other terms and frame their discussions around indigenous rights, social justice, environmental policy and management, and sovereignty (Example: Gunder & Mouat, 2002; PO'B, 2005). The work of Ruwhiu and Carter (2016) attests to how Māori scholars are engaging in environmental justice issues without using the concept. They explore meaningful participation for Indigenous communities regarding complex mining operations and use New Zealand as their case study. They recognize past histories of Indigenous communities (in this case, Māori) receiving little to no consultation or participation when it comes to extracting or dramatically changing the landscape, despite being the most affected by it (Erueti, 2015; Ruckstuhl et al., 2014). The author argues that meaningful participation is influenced by a bi-cultural political economy and understanding the socio-cultural context regarding iwi (this includes understanding kaitiakitanga). The author argues that mining companies must develop and engage in a relationship with iwi. Mining companies have a history of poor engagement with indigenous communities. However, the relationship is based on governance and management arrangements drawn from indigenous values, knowledge, and culture.

2.6. Conclusion

In this chapter, I unpacked the environmental justice scholarship to reveal the theoretical base that will underpin the analysis of the archival data discussed in chapters four and five. As both a movement and an academic framework, the environmental justice framework has provided a dynamic place to understand the connections between social justice and the environment. The expansion of the environmental justice literature has gradually moved its beginnings in the US context to include many perspectives. Underpinning the environmental justice framework is distributive, procedural (participatory), and justice as recognition.

However, as I explained in the chapter, the environmental justice framework has failed to understand the complexities of indigenous struggles with environmental injustice. Scholars have agreed that the reason for this disconnect stems ultimately from environmental justice's dependency on western/ liberal ideology when it comes to an understanding of both justice and the environment. As a result, when it comes to understanding indigenous struggles with environmental issues, the environmental justice scholarship relies on overly simplistic understandings of indigenous/energy company relationships that ignore or downplay the impact of historical trauma unique to settler-colonial states. Furthermore, indigenous environmental

justice scholarship, excluding recent work, engages not with indigenous ontologies and epistemologies but with the western liberal ideologies of environmental justice. As a result, the western liberal understandings of distributive, procedural, and recognition play into colonial ideologies and act as agents of injustice rather than justice. For that reason, I argue for the inclusion of decolonial theory, which seeks not just to acknowledge the history of colonialism and its impact on indigenous communities but recognizes that colonialism has an ongoing (current) presence.

New Zealand, like other countries, has a history of environmental movements. However, as I argued in this chapter, the scholarship is more hidden than non-existent (active vs inactive) regarding environmental justice. A small (but growing) school of environmental justice literature depends upon the well-known environmental justice terminology. The works focus, for the most part, on environmental justice's earlier-distributive justice-focused framework. The larger body of work participates in discussions around environmental justice without calling it environmental justice. Instead, the literature is embedded in scholarship workaround river management/governance, Māori rights, and sovereignty. When aligned with the environmental justice framework, the second literature group focuses on procedural and recognition aspects of justice. In this way, environmental justice in this thesis acts as a bridge between the two groups.

As I mentioned earlier, the indigenous environmental justice framework will be used to analyse the Huntly Power Case Study, focusing on both procedural (participatory) and recognition justice. However, before I can commence with that part of the thesis, I must provide the historical/socioeconomic, and geographical context of Huntly. As demonstrated in indigenous environmental justice, the historical context is essential to understanding the underlining influences on the relationship between Waikato Tainui and the Huntly Power Station and environmental justice. Providing this discussion is the focus of the next chapter.

Chapter 3. Historical Context

3.1. Introduction

Kia whakatōmuri te haere whakamua: I walk backwards into the future with my eyes fixed on the past. – Māori proverb

The preceding chapter laid the theoretical foundation of this thesis by first unpacking the genealogy of the environmental justice framework and, more importantly, exposing its inability to contextualize the complexity of environmental injustices experienced by indigenous communities. This chapter focuses on outlining the historical and socio-economic landscape of Huntly before the Huntly Power Project. Huntly's story is a story of two identities. One that resides in the Māori world (Te Ao Māori) and the other which resides in the Pākehā (Te Ao Pākehā). However, both Māori and Pākehā cultures share commonalities in their respective engagement with the place known as Huntly (formerly called Rahui Pokeka), which involves people living, working, transforming, and using the lands, waters, and biota of the area. However, their understandings of relationships with the place are based on different understandings of the environment (ontologies) and different modes of living and environmental management practices (epistemologies). The relationships between Waikato Tainui, Rahui Pokeka (Huntly), and the Waikato River are a complex web of metaphysical (an ancestor, a taonga, home to supernatural beings, provider of spiritual well-being) and physical connections (providing food, water, travel, and medicine). The second Huntly, the one of Pākehā, situated the Waikato River as a commodity that could be controlled and used (for economic, transportation, water supplies, and energy production) to further human prosperity and development.

The chapter is divided into three sections. In the first two sections, Rahui Pokeka and Huntly analyse the dual identities of Huntly. In the *Rahui Pokeka* section, I discuss the story of Waikato Tainui Iwi from their arrival to the region until the land confiscation. The section includes discussing the cultural/spiritual importance of the river and surrounding area to Waikato-Tainui. The section also discusses the first interactions with European settlers leading up to the New Zealand Wars and the resulting confiscation of Waikato-Tainui land.

The second section, *Huntly*, discusses the area's transition into a coal-mining town after the New Zealand Wards. This section includes discussions around how the Waikato River's usage changed towards power generation. The section discusses attempts to address the land

confiscations leading to the Treaty of Waitangi Act 1975. The section then shifts gears to discuss Huntly's transition into a coal mining town and the influences that shifted Huntly (and New Zealand's) socio-economic climate before the placement of the Huntly Power Station. The chapter ends by describing the power project along with the initial reactions by the community regarding the project

3.2. Rahui Pokeka

3.2.1 **Waikato Tainui**

"Nearly four hundred years after Kupe a large section of the people in Hawaiki decided to migrate here. It appears that, shortly before 1350, there was much trouble in Hawaiki. Time of famine became frequent because of over population. Land boundaries became the cause of quarrels. Wars increased there, the main one being named the Twice-setting Sun. Many people took part, and many fell. The chiefs were Uenuku and Heta. On account of the length of the war and uncertainty as to when it would end some people considered leaving that land."(Te Hurinui Jones, 1995, p. 16).

> "Then came the day when Tainui made the land. It proved to be the crimson, pohutukawa-clad shores of Whangaparaoa, to the west of what is now Cape Runaway. The people were amazed at the profusion of the pohutukawa blooms along the cliffs, and some called to Hapopo, the guardian of the Kura:
>
> "E hoa, rukea atu to kura!
>
> Ka nui te kura kei uta e ngangahu mai nei!"
>
> (Oh friend, throw away your red plume!
>
> There are many such plumes dancing here on shore!)."- (Kelly, 1949, p. 48)

Historian Pei Te Hurinui Jones (1995), in his book *Nga Iwi O Tainui*, depicts the migration of Tainui from Hawaiki to Aotearoa (the Land of the Long White Cloud - New Zealand). Kelly's book published in 1949, *Tainui: The story of Hoturoa and his descendants*, similarly traces the travel of Tainui iwi from their departure from Hawaiki to the establishment of the first Māori King. The quote above by Kelly depicts the arrival of the Tainui waka (canoe) on the shores of Whangaparaoa. The Tainui waka continued to other locations, including Tauranga, Waitemata Harbour, Manukau, Kaipara, Raglan (Whaingaroa), before ending its journey at the Kawhaia

harbour. The Tainui waka is also a term that refers to Tainui confederation members (Muru-Lanning, 2011).

The Waikato River is regarded as the living ancestor of the Waikato Tainui iwi. The Waikato is the longest river in New Zealand and runs over 425 km from the slopes of Mount Ruapehu to the Tasman Sea at Waikato Heads (van Meijl, 2015). It flows along through into Lake Taupo, where it is gathered to traverse the Huka Falls. It continues to flow through the lowlands of Cambridge and Mercer, then on through the Waikato Valley, including past the township of Huntly (Jones 2010[1959]:226). The tributaries that run from the sacred Tongariro Mountain and the Tongariro River are sometimes classified as part of the Waikato River. The Waipā River, which rises in Te Rohe Potae/the King Country, meets the Waikato River at Ngaruawahia, the base of the Māori King (and the Kīngitanga movement- detailed later in this chapter). The iwi living in the Waikato Valley are the people of the river. They trace their whakapapa (genealogical connections to the river and classify it as their ancestor and relative). Six centuries of occupation of the area (living beside the river and its tributaries, springs, and lakes) have deepened the collective attachments and relationships (based on Mātauranga Māori (Māori Knowledge), which is kin-centric) of Tangata whenua (people of the land). They maintain connexions with and authority over the river (especially those classified as mana whenua -those with spiritual authority over an area). Once Māori began to migrate from the coastline into New Zealand rivers, they were likely attracted to live beside the Waikato River for various reasons. The river could be used for many purposes from the outset, including its use for spiritual ceremonies to material needs, a source of food, purification, and healing, and a network of trade, travel, and communication. The spirits of the ancestors were thought to have mingled with the waters, which were then used in ceremonies. Speakers presented the water as having a life force of their own (King, 1977 p.50)**.** Oral histories from Waikato-Tainui and other river iwi suggest that the food in the river, its wetlands, and tributaries was plentiful and included tuna (eels), mullet, whitebait, freshwater crayfish, shellfish, ducks and pukeko, and aquatic plants such as watercress. Waterways are also said to have provided a good source of irrigation for kumara(' sweet potato'), taro, and hue cultivations ('gourd'). In addition, they offered a travel and communication network, especially during the 1840s and 1850s when Māori began taking surplus production to ports and markets to trade with Pākehā (Petrie, 2006)**.** The Austrian geologist Ferdinand von Hochstetter, who travelled to the region in 1859, called the Waikato River 'the Mississippi of the Māoris'. He wrote:

> “The impression made by the sight of the majestic stream is truly grand. It is only with the Danube or the Rhine that I can compare the mighty river which we had just entered.

> It is the principal river in the North Island ... it surpasses all others.... Its waters roll through the most fertile and most beautiful fields, populated by numerous and most powerful tribes of the Natives, who have taken their name from it.... They look upon the Waikato more than upon any other river of New Zealand as being exclusively their own. ... Never up to the time of my journey had a boat of European construction been known to float upon the proud Native stream" (Von Hochstetter, 1867, pp. 294–295).

The river's commercial importance paralleled its religious meaning. The inhabitants of the Waikato imagined the water as a living ancestor, with its essence of life and moral dignity (mauri/life force and wauri/spirit). Dead souls were believed to merge and travel with the currents of its waters. Living and dead, the persistent relationship between the river and the people was constantly discussed and paid tribute to in prayers, songs, dances (including haka), and oratory. For that cause, too, the river has become a means of both physical and spiritual washing. In case Waikato people were sick, in distress, or about to embark on a journey that may be difficult, they would be encouraged by their elders and tribal experts to go to the river: "Haere ki te wai" At the water, ancestral help would be summoned by patting its back, turning in the direction of the sun as it rose, and they would put water over themselves (King 1977p.51). Common sayings highlight this interconnection and reciprocal relationship between Tangata whenua and the river, such as:

Waikato taniwha rau, he piko he taniwha, he piko he taniwha Waikato

of a hundred taniwha, at every bend a chief, at every bend a chief

Waikato Māori claimed that the bends of their river were inhabited by taniwha (supernatural beings who act as guardians of waters and seas) who would show themselves when divine actions were asked. By the same token, the existence of many taniwha indicates (from a Te Ao Māori perspective) that there are many powerful chiefs to be found on the banks of the river. Therefore, the pepeha of the Waikato Māori often refers to the power and significance of the tribes of the district by voicing their principal mana. The reputation of the people on the banks of the Waikato River has a long history. Since the naming of cultures in Māori culture is a critical way of clarifying identification and confirmation of mana overland (Berg and Kearns 1996), the name must be in some oral traditions Waikato was ascribed to the river by the captain of the Tainui canoe, Hoturoa. As the people of the region trace their descent back to the crew of this canoe, Hoturoa is prominent in tribal genealogies of origin, so it is relevant that he is said to have named the Waikato River when he saw the lively waters rippling to the side of the canoe

(Te Aho, 2011, p. 148). Due to the length of the river and its many tributaries, the crew of the Tainui canoe migrated from Manukau Harbour on the west coast to the Mokau River in the south. Eventually, some of the Tainui canoe members ended up in the Waikato Valley and what was later called the King Country. The border of the Tainui Tribal Territory runs through the Kaimai Ranges in the east, reaching into the Thames Valley and the Coromandel Peninsula. Indeed, Tainui has become one of the largest waka ('canoe'), sometimes called a super-tribe in New Zealand. It includes several prominent tribes, such as Ngati Haua, Ngati Maniapoto, Ngati Raukawa, Hauraki, and the last, but certainly not least, Waikato. The Waikato iwi may be considered the central tribe of the Tainui Waka collective, not only because of its central location but also because the tribal network flows from the original settlement locations along the riverbanks (van Meijl, 2015).

Rahui Pokeka (which is now more commonly known as the township of Huntly) derived its name from a Waikato Tainui story (oral tradition) about the founding and naming of two lakes close to the Waikato River (Waahi and Hakanoa). When Māori first arrived in the area, so the story goes, the two lakes – Waahi to the west of the Waikato river and Hakanoa to the east of the river - were filled with an abundance of tuna (freshwater eels). To ensure that the supplies of tuna were maintained, the lakes determined that conservation (rāhui – temporary restrictions of harvesting practices) measures needed to be put in place (as was common practice within Māori societies). Rāhui involved a local chief proclaiming that there would be a prohibition on fishing activities for a specific time period and involved the performance of spiritual ceremonies by tohunga (priests). Distinct rāhui poles would be put into the ground to show everyone that a rāhui was in place, and when the rāhui was lifted (by the chief), another ceremony would be performed to remove the poles, and fishing would recommence. The story continues to describe how soon after, different groups (presumably different hapū or sub-tribes) living near both lakes began to fight over the amount of tuna that should be harvested from the lakes. Eventually, the paramount chief gathered all the arguing groups and declared that the tuna taken from both lakes would be divided eventually amongst all the groups. He gave the lake to the east the name Hakanoa (translated as 'the war dance of joy signifying the beginning of the fishing season) and the lake west to Waikato River the title of Waahi (translated as the division of the eels harvest and also the name of one of the maraes in the area). Rahui-Pokeka roughly translates into English as "the sacred flax stick marking the protective season for eels." While other stories describe the origins of the name, I think this story of the river, its waters, biodiversity, and conflict over resources between different groups of people, who eventually reach a consensus, is in keeping

with many of the themes examined in this thesis. Like the story of how the Hakanoa, Waahi, and Rahui-Pokeka gained their names, my historical geography of the Huntly Power Station centres on the different viewpoints of how resources should be used and who possesses the right to make decisions about environmental governance and management. In order to understand the story of the Huntly Power Plant scheme and the multiple injustices experienced by Waikato Tainui, it is first necessary to consider how their experiences in the nineteenth century continued to shape their imaginative geographies and lived realities of socio-economic disadvantage and political marginalisation, and social exclusion in the twentieth century (Waitangi Tribunal, 1985).

3.2.2 **The Arrival of European Settlers**

The earliest encounter on record between Māori and Pākehā occurred when Abel Tasman (a Dutch Explorer) and his crew arrived in Golden Bay in 1642 (Salmond, 2018). The first interactions between the two communities with vastly different cultures resulted in the deaths of four members of Tasman's crew and the deaths of local Māori in retaliation (O'Malley, 2013) (O'Malley, 2013). The two groups (Māori and Pākehā/Europeans) had little to no interaction again until James Cook, and other Pākehā arrived in the mid to late 1700s. The relationship between Māori and Pākehā from then on was a series of awkward exchanges at high-profile incidents, including the Boyd incident in 1809, the Elizabeth incident of 1830, and the Harriet affair 1834 (O'Malley, 2013). However, Pākehā would not arrive in the Waikato Valley until the 1820s as Kelly (1949) depicts, the first interactions that Waikato people had with Pākehā was when several of the chiefs journeyed up north to arrange a marriage between Kati and Matire Toha.

In addition to trade opportunities, local iwi in the Waikato region offered Pākehā settlers a degree of protection from attacks from other tribal groups. Waikato chief Te Wherowhero, for instance, warned Ngāpuhi chief Hongi Heke not to attack the settlement of Auckland (Tāmaki Makaurau) and stated, "kia tupato ki te remu o taku kakahu" which translates as "(beware the hem of my cloak)." In this way, Auckland and Pākehā living there were placed under the personal mana of Te Wherowhero. Thus, an attack on the settlement would be a personal attack on him (and, by extension, his iwi Waikato).

This is not to say that Waikato Māori had no economic reach. When Pākehā began to arrive in the Waikato region in the 1820s, and 1830s Māori recognized the opportunities for forming trading (and intimate) relationships. Interactions with Pākehā rapidly change Māori subsistence-based economic activities and social organization. Pākehā brought with them wheat, corn, potatoes, cattle, horses, and pigs. Māori quickly took to rearing pigs for trade with Pākehā and for their consumption (specifically at special feasts). They also began to grow potatoes in abundance because their cultivation method was similar to kumara but involved less labour (and water) intensive practices and lacked climate sensitivity. In particular, potatoes could grow in colder regions (such as the South Island) where kumara was difficult or impossible to grow. The plants, tools, and technologies (such as metal fishhooks, woollen blankets, plows, and flour mills) quickly found their way throughout the Waikato region (even before Pākehā ventured into much of Waikato-Tainui's rohe). One technology that was implemented caused destruction: the musket.

The introduction of the muskets to Māori communities, because of trading with European missionaries and traders from the 1810s, exacerbated inter-tribal conflicts. Intensive intra-tribal warfare between iwi and hapū occurred throughout the country during the 1820s-1830s (Anderson & others, 2002; O'Malley, 2016). Ngāpuhi, the Northland-based iwi (tribal group) who was the first group of Māori to obtain muskets, used this new technology as a means to gain mana (power and prestige) and practice utu (revenge) against other iwi throughout Aotearoa New Zealand (Anderson et al., 2012, p. 175). In 1822, approximately two thousand Ngāpuhi fighters travelled down the Waipa River to Matakitaki pa (near Pirongia), which Waikato warriors defended. The muskets ensured Ngāpuhi swiftly defeated the Waikato fighters. The Waikato people were forced to flee and temporarily seek refuge in the rohe (traditional lands and waters) of their neighbours' iwi of Ngāti Maniapoto (Anderson et al., 2012, pp. 179–180). Another Ngāpuhi army (under Chief Pukerangi) invaded the Waikato region in 1832 but was repealed by Waikato warriors (who were now armed with muskets) and forced to return with heavy losses. A coalition of Waikato Tainui iwi (which brought together different tribal groups), following the lead of Ngāpuhi, drove the southern wars (between 1821 and 1836) to assert their mana and extract utu against other groups.

The musket wars reached their peak in the early 1830s and ended at different times for different tribal groups (some ended in the 1830s, others continued to the mid-1840s). Historians and

archaeologists now concluded that these inter-tribal wars, although involving European weapons and other new technologies, were fundamentally tribal wars involving Māori against Māori (Ballara, 2003, p. 277; Belich, 1996; King, 2003). There were one or two minor exceptions such as missionaries in the Bay of Islands who acted as intermediaries between opposing sides in one conflict and the two Pākehā whalers (Dicky Barrett and John Love) who operated a cannon against Waikato in 1832 (Anderson et al., 2012, p. 184). However, Pākehā generally left the area before warfare took place and seldom witnessed the battles. Moreover, the objectives of fighting remained exclusively situated within the domain of Te Ao Māori and focused on the assertion of Māori laws (Tikanga). As Māori archaeologist Atholl Anderson observes, the wars were about "taking up of causes, old and new, that asserted breaches of what was considered right in preserving social and spiritual values" (Anderson et al., 2012, p. 184). Irrespective of the cause of the original disputes that triggered wars and whether or not the warfare involved muskets, if any people of rank (high-born men/Tama or women/wahine rangatira) were insulted, cursed, raped, injured, or killed:

> "the cultural imperatives of their kin groups forced them always to seek utu for these happenings. The successful attainment of utu was the prerequisite for group identity and the group's continued status in possession of the spiritual forces of mana and tapu" (Ballara, 2003, p. 277).

The need to protect and maintain the mana (social status, prestige, power, authority, and by extension sovereignty) of one's kin group as a whole and of high-ranking people shaped how Māori iwi and hapū responded to the British Government's (the Crown) failure to honour its promises under the Te Tiriti o Waitangi/Treaty of Waitangi and the formation of the Kīngitanga movement.

3.2.3 **Pākehā and the Waikato 1820s-1840s**

In the mid-1820s, the Waikato region saw the emergence of Christian missionary stations. These mission stations appeared around the western harbours of the Waikato region (Whaingaroa – Raglan, and Kawhia) and along the Waikato, Mokau, and Waipa Rivers. The Wesleyan Missionary Society's William White travelled from Whangaroa (Northland) to Waitemata (Auckland) and then the outskirts of the Waikato region in 1825 to report on potential sites for new missionary activities. White recorded few details about his journey but later expressed determination to ensure Wesleyan missionaries were active in the district to his 1825 trip. The Wesleyan missionaries withdrew temporarily from NZ after the destruction of their Whangaroa (Northland) station by local Māori in 1827 but returned in the mid-1830s. White himself

returned to Whangaroa and then later visited communities along the Waikato and Waipa Rivers in 1835. At some stage (there is disagreement as to whether it was in 1834 or 1835), White "purchased" sites for future mission stations in both Ahuahu (Kawhia) and Waipa with deeds later lodged with the Land Claims Commission dated November 1834. Missionary John Whiteley took up residence at the Ahuahua Mission Station in Kawhia in April 1835, with James Wallis the first missionary at Whaingaroa. Disputes between the Welysen and Anglican missionary societies (over who was able to operate in which area) resulted in the withdrawal of Wallis and Whiteley from their missions between 1836-38. A mission station was also established on the Aotea Harbour in 1840.

In 1833 the Church Missionary Society began to explore the possibility of missionary endeavours of their own in the upper Waikato. The following year (1834), missionary John Morgan arrived at Manapouri, located where the Puniu River joined the Waipa River and took up residence. Seven years later (January 1841), John Morgan took over the mission station at Ōtāwhao (present-day Te Awamutu), established in 1839. John Morgan headed the mission from 1841 to 1863. Morgan, O'Malley observes, saw the rise of Māori economic development by local hapū. However, by the end of his time in the Waikato, his position became complicated because he was known to be a spy on the iwi on behalf of the Crown/British government.

From the mid-1820s, the first land transactions between European traders and Māori communities in the Waikato and King Country occurred (Cummins et al., 2004; Cunningham, 2014; Hammer, 1991; Luiten, 2011; Schnackenberg, 1935). Contact was primarily confined to coastal areas (western harbours and the river mouths of the Whaingaroa, Mokau, Kawhia, and Aotea) and the inland waterways of the Waipa and Mokau Rivers. At Kawhia, for instance, on both sides of the harbour, Māori communities provided land for flax traders from Sydney to provide a beneficial trading relationship (with flax and other products exchanged for muskets and other European goods). The provision of land by hapū to traders was based on the understanding that these merchants remained at Kawhia and continued to trade. Broader scholarship on Pākehā-Māori relationships in the period before the signing of Treaty of Waitangi (1840) highlight that Māori communities throughout Aotearoa New Zealand provided land for Pākehā to live on and use in order to maintain cooperative relationships (Brookes, 2016; Wanhalla, 2015, 2017). In the 1830s and 1840s, these land-use arrangements continued to be flexible and included traders, family members, and business partners as Pākehā traders expanded

their activities. Indeed, such flexibility was a characteristic of how Māori communities typically incorporated new members into the community based on whakapapa, skills, and knowledge (O'Malley, 2013; Thorp, 2003; Unknown Author, 1882).

Similarly, Māori were resistant to Pākehā transferring the land provided to them to other people they considered strangers. Māori communities, particularly on the western harbours of the Waikato and King Country, were able to expand the quantity and diversity of goods (flax and food) they could produce and ship them to developing towns (such as Auckland and New Plymouth, and Sydney and Melbourne). The result of their economic practices generated wealth and enhanced their mana. Interactions between the Europeans and Māori resulted in an increase of "half-cast" children. Many hapu believed that the land these families resided on remained entrusted to the Māori community (Grimshaw, 2002; Paterson, 2010; Stevens & Wanhalla, 2017). The children of these relationships retained the rights to the land from their mother (if she were Māori). The Pākehā man could only maintain the rights to the land so long as he stayed in the community (Boulton, 2007). The land rights could not be transferred to someone who was not a part of the community. Māori saw such action as a potential endangerment of the established mana and rangatiratanga. Their increasing engagement with Te Ao Pākehā, while influential, did not change their commitment to living within Te Ao Māori.

3.2.4 **A tale of two treaties: Te Triti o Waitangi and the Treaty of Waitangi**

Te Tiriti o Waitangi/The Treaty of Waitangi was signed by a representative for the British Government (Captain Hobson), various English residents, and more than 500 Māori rangatira (high ranked Māori) in 1840 (which included at least thirteen women) (Brookes, 2016; Ministry of Culture and Heritage, 2018; Orange, 2015; Waitangi Tribunal, 2014). This included rangatira from Waikato Tainui iwi. At Waikato Heads (the mouth of the Waikato River), 39 rangatira signed the English text (the only time this occurred). It was likely that none of them could read or understand the English words they were signing their name to (or putting across) and relied on the Pākehā missionaries present to translate the text. Fearing their authority (tino rangatiratanga) would be challenged, some chiefs refused to sign the document. Among those who refused to sign was Te Wherowhero (who later became the first Māori King) from Waikato (Anderson et al., 2012; Orange, 2015). Not all Māori tribes signed the treaty, and those who did sign nearly exclusively signed the Māori language versions rather than the English version. As a result of the treaty's signing, Britain declared New Zealand a separate colony of the British Empire in 1841.

There were significant differences between the English and Māori versions of the treaty (Orange, 2015; Waitangi Tribunal, 2014). The English version contained explicit mention of Māori relinquishing their sovereignty to Britain. The Māori version did not include giving up their mana (the nearest word in Te Reo Māori – the Māori language – for sovereignty). Instead, Māori conceded kāwanatanga (governorship) to Britain, which was more like a general guardian than a direct ruler (Belich, 1996; Orange, 2015; Waitangi Tribunal, 2014). The Treaty, for Māori, was centred on the principle of (equitable) partnership between two groups (British Crown and Māori). Māori signed the Treaty to understand that it would guarantee their sovereignty rights (mana and tino rangatiratanga, which translates as chiefly authority) but afford them protection from unscrupulous Pākehā settlers (Waitangi Tribunal, 2014). Both versions of the Treaty included an article which guaranteed Māori would retain possession of their lands, forests, and other resources (tino rangatiratanga); provision that Māori (if they wanted to sell) would sell their land directly to the Crown; and that Māori would be given all the rights and protections afforded to British citizens (Orange, 2015).

After 1840, the advent of British colonial rule translated into limited changes on the ground in the Waikato. The Crown maintained no enduring presence in the district, and Auckland-based colonial administrators could enforce their policies outside the European townships. The Waikato River catchment included the tribal lands of multiple iwi (including Waikato Tainui, Raukawa, Ngāti Maniapoto, and Tuwhareatoa), which were thus still Māori spaces. Between December 1840 and January 1841, the former CMS missionary George Clarke Senior, who was serving as Chief Protector of Aborigines, visited the Waikato district. One of the first Crown officials to visit the district, Clarke noted strong distrust of government amongst the various hapū he encountered. At Ōtāwhao (later renamed Te Awamutu), the Ngāti Maniapoto chiefs questioned him about reports they received about the treaty's implications and British colonial policies elsewhere. The chiefs told him they were aware that New South Wales Governor Gipps (then New Zealand was part of the colony of New South Wales) was creating laws for them. They questioned the Crown's legislative processes, particularly the Crown's failure to translate the laws into the Māori language so that Māori could read and consider the new laws themselves. They stated, "Were the English the only people interested in the laws he was making? Was the country his otherwise than by theft?" Clarke was reminded that they were "now a reading people … [we] will think for ourselves for the future" (Clarke, 1841, p. 98).

Throughout his trip through the Waikato, Clarke was queried and confronted with suggestions that the colonial government was dishonest in their dealings with Māori and that the Treaty would reduce Māori to little more than English slaves (Clarke, 1841). Clarke sought to reassure Waikato Māori that Te Tiriti o Waitangi/Treaty of Waitangi was the "magna carta of the country, securing to them everything that would make them respected." Māori were still in possession of their land, and no one was able to take it from them without their consent. He added that the English detested slavery and treated Māori with the utmost integrity. Furthermore, he argued they were lucky that another European power had not colonised them because they would be far worse off. He suggested they would "sit quietly until you see your land taken, and your fathers and children killed, then you will have cause for complaint" (Clarke, 1841, pp. 98–99). However, Waikato Māori remained concerned about the potential for land loss (as they heard more and more reports of extensive land loss in Northland, Auckland, Wellington, and the South Island due to government land acquisition projects). At the same time, Waikato Māori were embracing new technologies, and their economy was developing rapidly.

3.2.5 **Waikato Māori Economy: 1840s-1850s**

From the early to mid-nineteenth century, the arrival of new technologies, ideas, and flora and fauna into New Zealand, linked to first trading, missionary, and later colonial endeavours, saw Māori communities (including those of Waikato Tainui) incorporating, translating, transmitting, and adapting these new arrivals into Māori worldview and modes of living (Ballantyne, 2015; Parsons & Nalau, 2016; Salmond, 2017). New agricultural practices and building techniques, for instance, were first encouraged by missionaries and later adopted on mass. Waikato Māori grew newly introduced European crops in the catchments of the Waipa and Waikato rivers, much of which was transported to market in Auckland (Cunningham, 2014; Hargreaves, 1959, 1960). Money raised through trading activities allowed Māori to purchase new technologies. Land exchanges under the "sugar and flour" policy prompted by Governor George Grey (gifting of land for agricultural schools, for instance) also enabled Māori to obtain agricultural equipment if they were willing to give land to the government for the establishment of agricultural schools (Grey, 1849, 1850; Lester, 2016; J. Morgan, personal communication, 1862). Through this policy, Governor Grey was desirous of supporting economic activities that would 'civilise' Māori and make them easier to colonise. Colonial officials hoped that if Māori adopted European farming methods, they would accept the extension of British law and order into their areas more easily. Indeed, many colonial officials and missionaries, as Hazel Petrie has previously outlined in her examination of tribal economies in this period, articulated a discourse that tied the implementation of European-style agriculture, most notably wheat

cultivation and flour mills, with the spiritual and moral salvation as well as the "civilisation" of Māori (Petrie, 2013). The cultivation of introduced crops, especially wheat since it required the milling of flour to produce bread, was interpreted by many Europeans (missionaries and some colonial officials) as evidence that Māori were actively forsaking their traditional "war-like" customs in favour of "civilisation." The supposedly "civilising" influence of European missionaries and agriculture meant Māori were meant to readily accept British law and the establishment of Pākehā settlements amongst them (Grey, 1849, 1850; Lester, 2016; Petrie, 2013).

Different Māori hapū along the Waikato River catchment constructed their water-powered mills to process the wheat grown for their use and trade with Pākehā. In 1849 Governor Grey wrote that he was "both surprised and gratified" at the environmental changes associated with the advent of European-style farming in the "extensive and fertile districts of the Waikato and Waipa" (Grey, 1850, pp. 26–27). Grey reported that there were six mills within a fifty-mile radius of Otawhao mission (near present-day Te Awamutu), and a further nine were being built. Wheat was grown both in the lower and upper reaches of the Waipa River catchment (Grey, 1849, 1850).

Māori agricultural activities in the lowlands of the Waikato and Waipa rivers developed further in the late 1840s and 1850s, with demand for agricultural products increasing as European populations in both New Zealand and Australia grew (as a result of the migration closely tied to the Victorian gold rush). The Waikato lowland area was referred to as the "granary of the North Island," highlighting how the Waikato River catchment was valued and imagined by Pākehā regarding agricultural production (Hargreaves, 1959, p. 72, 1960). Māori in the Waikato catchment were well-positioned to meet this demand, with extensive cultivations (of wheat, corn, potatoes, peaches, and other crops) and the ability to access markets by waka (via river or by coastal journeys). The Waikato River was extensively used to transport people and goods (with agricultural products transported via the Waikato River and then carried across the land to Waiuku or taken across the coast to Kaiwhai and then via waka or ship to Auckland or other markets). However, settlers and government officials began to campaign for Māori to sell them lands in the Waikato, and anger grew amongst the settler population about Māori in the Waikato supposedly saving the most productive agricultural lands for themselves (Hargreaves, 1959; Unknown Author, 1863a).

In the late 1850s and throughout the 1860s, the embryonic Māori agricultural-based economy in the Waikato region began to decline several factors. Firstly, there was reduced demand for goods as the gold rush came to an end in Victoria, Australia, and Auckland's Pākehā settlement became more self-sufficient. Secondly, and more sufficiently, the led-up and subsequent British-led military invasion of the Waikato region in 1863-1864 resulted in the widespread destruction of Māori cultivations and the displacement (and dispossession) of Māori communities in Waikato. Waikato-Tainui Māori were forced to flee their rohe in the lower reaches of the Waikato and Waipa rivers to live as guests of the iwi Ngāti Maniapoto within the middle and upper reaches of the Waipa River (known as Te Rohe Potae). Large-scale dispossession of Māori, as I will discuss later in this chapter, followed on from the military invasion through various legislation (including unethical land purchasing practices, and the activities of the Native Land Court (designed to formalise and Europeanise Māori customary collective land rights into individual land titles) (Alexander, 2011; Boast, 2008; Māori Land Court, 1886; New Zealand Government, 1864, 1865).

Throughout the 1840s, colonial administrators considered Waikato Māori amongst the most liberal, progressive, and loyal Māori subjects (Belich, 2015; O'Malley, 2016). As a result of missionary activities, many were literate and Christian; they had embraced European technologies, flour mills, horticulture cultivations dotting the landscape, and goods transported down the Waipā and Waikato Rivers to the coast and then onto European townships. All signs, to European eyes that Māori were on the path to "civilisation." Less than fifteen years later, however, in 1863, they were accused by colonial officials and the media of plotting to kill the European residents of Auckland (O'Malley, 2016). The origins of this change relate to the differing understandings of what the Treaty/Tiriti meant and who possessed sovereignty and the right to make decisions within the country and specific regions. For rangatira throughout New Zealand, but especially for those in the Waikato who retained their lands, their tino rangatiratanga (chiefly authority) remained undiminished, but increasingly the Crown and individual settlers did not seem to recognise it. Whereas for Pākehā settlers and the Crown, Māori were being unruly colonial subjects and refusing to do what British government officials wanted them to do (sell their land cheaply to the government and allow settlers undisputed access to their resources). The different understandings of the Treaty and the Crown's failure to honour the Treaty promises made to Māori; especially Article 2 that guaranteed that the Crown would protect Māori rights to retain their lands and other resources so long as they wished to do

so; resulted in protests from Māori about the actions of the Crown and individual settlers. Māori dissatisfaction with British colonisation and land sales quickly developed in different parts of the colony; the opposition to land sales grew partly strong within the rohe of Waikato Tainui as hapū faced ongoing pressure. Māori sought to maintain their rangatiratanga (chiefly authority) over their lands and waters through various means, including pacifist and armed protests.

3.2.6 **Pākehā quest for land and Māori resistance: the emergence of the Kīngitangi Movement**

In the 1850s Māori protests British colonial rule and land sales grew stronger and pan-tribal movements emerged, including Pai Mārire and Kīngitanga. These movements championed Māori sovereignty, values, and rights over lands and waters. The British government viewed these movements as acts of rebellion, and any iwi or hāpu seen to be linked to those movements were considered rebels who were to be punished. In the Waikato district, the centre of the King Movement (Kīngitanga) that opposed selling land to Europeans, the appropriation of Māori land and waterways came first through military actions.

The current Māori King, Te Arikinui Tūheitia Paki, can trace his position back to the 1850s when iwi around the country began to discuss naming a rangatira (chief) to be the position of the king (to be on the same standing as the British Queen Victoria). Traditionally Māori did not have a centralised government (Anderson et al., 2012). Instead, each hapū within a tribe was autonomous, headed by the chiefs (rangatira). In the 1850s, there was a growing number of Pākehā settlers and increasing demands on Māori to sell their lands to the Crown (and later to private buyers), and Māori lost political power (Belich, 1996; O'Malley, 2016). The Māori population was also experiencing a rapid demographic decline (because of deaths and disabilities from introduced infectious diseases and earlier wars), which placed Māori whanau (family), hapū, and iwi under more stress as they tried to cultivate crops and maintain their ways of life. By the 1850s, the Māori and Pākehā populations were equal for the first time at 58,000 each. There was, thus, a growing sense amongst many Māori that they were losing control of their affairs, and a new way of dealing with Te Ao Pākehā and the British Crown needed to be found. One potential solution proposed was creating a Māori monarch who could directly negotiate with the British monarch (Queen Victoria) as equal partners (as Māori envisioned the Treaty/Te Tiriti promised them).

Some Māori, particularly iwi from the upper Central North Island, wanted to unite different iwi under a single figurehead as a way to enhance Māori mana (in the eyes of Pākehā) and to allow that figurehead (the King) to negotiate directly with the British Crown (headed by Queen Victoria) (Te Hurinui, 2013). The origins of the Kīngitanga movement can be traced back to a trip taken by Ngāti Toa and Te Atiawa rangatira (chief) Pirikawau to England. On the visit, Pirikawau encountered aspects of the British governance system, including royalty, and expressed admiration at how the monarchy governed the entirety of British society. When he returned to New Zealand, he urged that Māori consider selecting their monarch to govern the needs of Māori people and as a way of improving Māori capacities to exercise authority within the dealings with the British. In 1853, Mātene Te Whiwhi and Tāmihana Te Rauparaha began to travel around North Island to search for a chief who would agree to become monarch. However, most of the chiefs declined. Finally, in 1856, at Pūkawa, on the shores of Lake Taupō, Chief Pōtatau Te Wherowhero of Waikato was proclaimed King. He refused at first but agreed later. In 1858 he was officially crowned the first Māori Monarch in Ngāruawāhia (located on the banks of the Waipā and Waikato Rivers) (Belich, 1996; Te Hurinui, 2013).

Given the tribal nature of Māori culture, it was shocking that a pan-tribal movement had been established. Many Māori were first and foremost faithful to their hapū (sub-tribe). The historian Michael King argued that as the Western population grew, it created a sense of Māori-ness that made it possible for Māori to move past their tribal affiliations and to differentiate between a Māori and a non-Māori environment (King, 2001, 2003). British solidarity under the Crown was viewed as a power, and proponents of the Kīngitanga believed that if Māori could recreate this sense of unity, they would have a better chance of fighting the full impact of colonialism. The first king, Pōtatau Te Wherowhero, possessed the mana needed to play the role of unifier, already well respected throughout Māoridom due to his whakapapa (genealogy), his leadership during battles (including during the Musket wars), his skills as a diplomat, and his refusal to sign the Treaty because it may erode tribal authority and mana (Te Hurinui, 2013).

Despite Pōtatau's mana and the decisive argument for needing a pan-tribal figurehead, many important iwis such as Ngāpuhi, Te Arawa, and Ngāti Porou did not join the Kīngitanga movement. Some opponents rejected it as a Waikato movement that had little support in other parts of the country. Others argued that there was no higher authority than a rangatira of iwi and that no iwi with any mana would subjugate itself before another (Anderson et al., 2012; Belich,

1996, 2015). Historian James Belich argued that Kīngitanga did not represent a radical change (Belich, 1996, 2015). It was not some sort of declaration of Māori independence – that already existed in the form of the Declaration of Independence (signed in 1836) – and it did not add any new territory to the Māori domain (Keane, 2012; O'Malley, 2017; Waitangi Tribunal, 2014). Instead, Kīngitanga, Belich argues, was generally trying to unite the pre-existing informal tribal arrangements already in place within iwi within the central North Island. Waikato-Tainui was already a configuration of different iwi brought together under a central umbrella to increase political sway and mana for the tribe (Belich, 2015; Te Hurinui Jones, 1995). However, the Kīngitanga movement was an important change in other ways. Together with the rise in anti-land-selling in general, it raised the profile of Māori sovereignty and rights to self-determination from a level that the British disliked but tolerated to a level that most found unacceptable and worth launching the largest military campaign outside British India at the time. When fighting broke out between British troops and supporters of Wiremu Kīngi in Taranaki in March 1860, Kīngitanga was portrayed as being behind the war(Belich, 2015; O'Malley, 2016; Unknown Author, 1863b). Most of the Kīngitanga supporters in lower Waikato, including Pōtatau himself, opposed participation in the Taranaki War. However, when Ngāti Maniapoto warriors came to aid men from Kīngitanga who were fighting in the war, Waikato felt responsible for repaying the respect shown to his kin and decided to aid Taranaki Māori (Te Hurinui Jones, 1995). Several Pākehā settlers and leaders saw the Taranaki conflict as a chance to destroy all the so-called Māori troublemakers with one military strike. Instead, the Taranaki war eventually came to a standstill. However, the wider conflict spilt over into the Waikato because of government officials and settlers becoming convinced that Kīngitanga was posed to attack Auckland city (which was never the plan of Kīngitanga who wanted to maintain peaceful relations and ensure their land and authority was retained within their territories) (O'Malley, 2016).

Pōtatau formed a boundary between the territories in which he held power and that of the governor: "Let Maungatautari [River] be our boundary. Do not encroach on this side. Likewise, I am not to set a foot on that side" (Te Hurinui, 2013). His aim was not simply to oppose the Crown but rather to ensure that Māori retained their authority over their lands and that the King's mana was respected. Supporters assumed that the two monarchs' (Queen Victoria and King Pōtatau) mana would be of equal status. This would allow Māori to form a meaningful and respectful partnership between the British Crown and Māori (Belich, 1996; Te Hurinui, 2013). To Māori, Kīngitanga was a movement for Māori (to promote Māori pan-tribal identity as well

as ensuring that chiefly authority, mana, and Tikanga was protected), not against Pākehā or the British Crown.

His son, Tāwhiao, became king in 1860 and led the movement during the Waikato War of 1863–1864 and the confiscation of land that followed. These were crucial times for the fledgling movement, which was seen as a direct threat to the authority of the British Crown and the European settlement. Tāwhiao, who was also a prophet (religious figure) for Kīngitanga, led his people into exile in the area now known as Te Rohe Potae (the King Country) as guests of the mana whenua Ngāti Maniapoto (Belgrave, 2017). Thus, he was able to keep the Kīngitanga together during their decades-long stay within Ngāti Maniapoto's territory. In 1894, Tāwhiao was superseded by his son, Mahuta, whose rule was marked by a change in the relationship between the Kīngitanga and the state. Mahuta had become a member of the New Zealand Government - the Legislative Council and the Executive Council (Cabinet) - so for the first time, Kīngitanga was part of mainstream (Pākehā) politics (Te Hurinui Jones, 1995). However, the political experiment was deemed by the King (and Kīngitanga more broadly) to be largely a failure as Waikato-Tainui's confiscated land (and those of other iwis) was not returned to them, and the Crown did not recognise their mana and tino rangatiratanga. From 1912, Mahuta's son, Te Rata, continued his father's work by negotiating with the New Zealand Government and the British Crown to achieve redress for historical grievances, including the invasion of the Waikato and confiscation of their lands (Muru-Lanning, 2016; Te Hurinui Jones, 1995).

Initially, the Kingitanga was dismissed by Governor Browne. However, when Waikato fighters became involved in the Taranaki War, Browne viewed the Kingitanga as a threat to British authority. Thus, in 1861, Kīngitanga Māori were given an ultimatum, submit without question to the Crown (Queen Victoria), and abandon the movement, or they would forfeit their rights and protections (namely their land) (O'Malley, 2016). Unfortunately, the ultimatum was translated into actions when Browne sought to pass two new acts of parliament (inspired by those used in Ireland to colonise and dispossess Irish Catholics), which were designed to strip Māori of their rights to protest and retain their lands. The new legislation was passed in ongoing sporadic warfare between Māori and the Crown throughout the North Island. I will now turn my attention to before discussing the implications for Waikato Tainui iwi.

3.2.7 **Nga Pakanga o Aotearoa (the great New Zealand Wars) and Rauputu (Confiscation)**

The sporadic conflict between Māori and British armed forces breaks out throughout the country, known collectively as the New Zealand Wars (Nga Pakanga o Aotearoa). First in the Nelson in 1843, and then in Northland in 1845-46. From 1860-1872 a large portion of the North Island was affected by wars between Kīngitanga (and allied Māori groups) and British military forces (including Māori allies known as kaupapa Māori or Queenies) as groups fought over authority over Aotearoa. Between July 1863 and April 1864, British military forces invaded and occupied the district. The Waikato War was the largest military action staged in New Zealand. It involved roughly 14,000 British Imperial troops and 4000 Māori fighters (who were only fighting part-time, 150 with British and the rest with Kīngitanga). The Waikato War resulted in the death of approximately 1700 people and the destruction of the Waikato Māori economy.

Three acts (what one historian describes as the statutory cogs of British land grabs) were introduced in 1863 that provided the legal basis by which the British Crown could set about taking (confiscating) Māori land and breaking up the economic (and political) base of Kīngitangi. The first was the Suppression of Rebellion Act of 1863, modelled after a similar act in Ireland and designed to suppress acts of rebellion. The act ultimately gave the British government the power to suspend legal representation or court defiance in the name of suppression of a rebellion. In addition, it gave the military the ability to execute anyone who was accused of rebelling against the crown. In the case of the Waikato iwi, their participation (albeit limited and not unanimous) in the Taranaki War, along with the establishment of a Māori King, had placed them under the umbrella of being 'rebellious. Under the act, Waikato iwi and other tribes were also categorized by the Crown to be in rebellion against the Crown. The punishment was that their land (and potentially their lives) would be taken away from them. Finally, the New Zealand Settlements Act (1863) was introduced alongside the suppression act specifically targeting Māori land.

Historians consider the New Zealand Settlements Act (1863) as the Crown's direct response to establishing the Kīngitangi and other Māori protest movements and was the primary legislative document that allowed for massive land confiscations. Indeed, from the outset, that was the act's intended aim. In 1863 Premier Alfred Domett suggested to Governor Grey that Māori who "rebelled" against British colonial authority should have their land confiscated as punishment.

The colonial government quickly introduced the New Zealand Settlements Act (1863) to do just that. The 1863 Act (and subsequent amendments) was designed and applied to confiscate land from Māori iwi who were deemed to be in rebellion against the Crown. However, the act was used without any investigation of tribal boundaries, and groups who supported or remained neutral had their land confiscated as well.

Confiscated Māori land occurred soon after in the Waikato, Taranaki, and the Eastern Bay of Plenty regions. More than 480,000 hectares of land were seized from Māori communities in the Waikato, most notably Waikato-Tainui iwi and other iwis (including Raukawa and Ngāti Haua). The confiscated lands were allocated to Pākehā settlers; the land was awarded to former British soldiers in Cambridge and Hamilton's newly established military settlements (alongside the Waikato River), Kihikihi, and Alexandra (now Pirongia) located near the Waipā River.

Pākehā praised the act of confiscating the land from Waikato Tainui throughout New Zealand. In particular, the writings of one journalist, who accompanied the British military forces during their Waikato campaign, offer detailed insight into the settler-colonial discourse surrounding Māori land use as well as government actions in the Waikato. He wrote on seeing the Waikato plains in September 1863:

> "The most painful feeling is produced by the sight of rich plains of immense extent, capable of profitable cultivation, with comparatively little trouble and expense, lying waste and unoccupied, whilst thousands of ready hearts and hands in the old country are wanting the means of subsistence. … We have been accused at home 'of coveting Naboth's vineyard,' when we have looked with wistful eye on the extensive plains and rich alluvial flats retained by the natives, which they have never cultivated nor ever will! Surely there is no analogy! Naboth's vineyard was cultivated, or it would not have been a vineyard at all; and I deny that any right-minded man covets the miserably cultivated clearings of the natives. Let them keep as much as they can cultivate, and we will not end them. The command of God is 'Be fruitful, and multiply, and replenish the earth, and subdue it.' However, they have done neither the one nor the other!" (Unknown Author, 1863c, p. 2)

He carried on to write about how missionaries made unsuccessful attempts to "civiliz[e] and evangelis[e] … [the] debased and savage race … the Māoris [sic], as a people, have abused [the]

light and privileges" given to them by missionaries and thus Māori were going to be dealt "a heavy retribution" for their supposed failures (to be civilised, to develop their lands appropriately, to sell their lands to Pākehā, to give in to Pākehā rule and so forth). The author later praised the government for confiscating 480 000 hectares of Waikato Māori land.

> "The Waikato is confiscated, and we may now, with a clear conscience, invited the thousands of able-bodied men out of employment in England, to come over and occupy it, and create comfortable homes for themselves. We must out-number the natives, who have proved themselves but drones on the body-politic. We must pour thousands, and tens of thousands, of industrious and necessitous country-men into the fertile plains of the Waikato and Thames districts. We must swamp the Maori. These open, rich lands can be rapidly brought into cultivation; ready communication can be established with Auckland, by the Thames and Piako rivers on the east, and by the Waipa and Waikato on the west. Strongly fortified stockades must be erected on every elevated position, commanding a level district of rifle shot radius, into which the people can retire for security at night; and the natives who do not choose to settle down peaceably on their unenvied cultivations, will soon be made to succumb."(Unknown Author, 1863c)

The invasion and confiscation of land in the Waikato was clearly (from the Crown's perspective) the logical way it could set about destroying the power of Kīngitanga. The economic bases of the core tribal groups affiliated to Kīngitanga were in the Waikato River and around the Waipā and Piako Rivers. While invasion and confiscation were intended to punish Māori "rebels" (which from Kīngitanga perspective were freedom fighters and defenders of iwi mana and tino rangatiratanga), government officials later declared it "an expensive mistake" due to the protests (from Māori as well as settlers) it later generated (Belich, 2015; O'Malley, 2016). Confiscated land was surveyed, sometimes sold or leased out to settlers, or given as land grants to discharged Pākehā soldiers (who served in New Zealand Wars). However, most soldiers gave up their land grants in the Waikato after declaring the land too swampy and not productive (McLellan, 2017). Some land was confiscated from the wrong hapū (those who fought alongside the Crown), and then following protests, the government returned the land to the wrong hapū groups. The history of each confiscation in New Zealand became very confused and generated large quantities of amending legislation, petitions, and litigation in the courts (AJHR, 1928; Waikato Raupatu Claims Settlement Act, 1995; Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act, 2010; O'Malley, 2016).

The relationships between Waikato Tainui (as mana whenua) and their ancestral rivers were weakened, but not broken, by the wars and confiscation. According to environmental historian Catherine Knight (2016), it was not just warfare and confiscation that alienated Māori from their whenua (lands) and awa (water). Various legislation and government policies surrounding the use of riparian zones as part of the ongoing process of settler colonialism in the late nineteenth and twentieth centuries (Knight, 2014, 2016). To add insult to injury, not only were Māori, in this case, Waikato Tainui, cut off from the river, but they were also excluded from the decision-making process and, thus, lost their Māori economic structure, but their identity and their way of life.

3.3. Huntly

3.3.1 **The Waikato River from ancestor to energy source and dumping ground**

After confiscating the land in the Waikato region, the Crown turned its sights towards establishing ownership over the Waikato River and other water sources. One of the first ways the Crown managed this was by utilizing British common law. Under common law, the river water could not be owned; however, the law did give the Crown assumed ownership over the riverbeds and riparian areas. Gibbs, Dawson, and Bennett explain how common law works, stating:

> "The common law recognized rights of landowners to take and use water flowing over or under their land, which had not yet found its way to a waterway or lake, subject to certain restrictions. It also recognized limited rights of riparian landowners to take and use water flowing in waterways and lakes. Such water is not susceptible of ownership by anyone until it has been validly taken under these common law rights. "(Gibbs et al., 2007, p. 14)

Furthermore, the Crown assumed that once Māori land adjourning the river was confiscated, the change in 'ownership' terminated Māori's rights to the river. As Muru-Lanning (2016) writes, the signing of the Treaty of Waitangi "brought Māori under Māori under the jurisdiction of the Crown, which meant they were governed by English common law." (Muru-Lanning, 2016, p. 57)

Waikato-Tainui had a hard time adjusting to the Crown's way of establishing ownership of the Waikato River. Firstly, because Waikato Tainui In Tikanga Māori, the closes equivalate to 'ownership' is rangatiratanga. However, rangatiratanga extends beyond ownership to include instances of "power (mana), authority, and status" (Muru-Lanning, 2016 p. 69). This form of ownership does not belong to a person but on behalf of the broader community. The concept of rangatiratanga is reminiscent of the broader theme of the Māori (and indigenous) worldview, where the focus is on the community rather than a person (communitarian).

Furthermore, as I have discussed in the first half of the chapter, the Waikato River is an ancestor to Waikato Tainui. The idea of fragmenting parts of the river challenges the notion of a connection between land and water. Furthermore, the fragmenting of the river disrupts the relationship between the river and the people. Even if they [Tainui] engaged with the process of selling their land, it was still interpreted as also selling off part of their spiritual heritage. The presence of the common law acted as the first confiscation tool post the land wars, which created the paradigm of exclusion. (Te Aho, 2012).

As the number of British settlers increased in the Waikato Region and other places in New Zealand, numerous legal practices were created to ultimately continue to support the Crown's control of the waterways of New Zealand. Acts such as the Railways Construction Act 1881 and the Counties Act 1883 allowed for the physical alteration of rivers for railway construction and supply water irrigation purposes, respectfully. The Crown's incorporation of other policies, specifically the Public Works Amendment Act 1889 (and later amendments), the Water Power Act 1903, and later the Water and Soil Conservation 1967, further gave the Crown control over the river and further isolated Waikato Tainui from it. As Muru-Lanning (2016) documents, the continued alienation of Māori from the Waikato River continued with enacting the Coal Amendment Act 1903 to access the rights to the coal that resided under Huntly (Muru-Lanning, 2016, p. 57). The Crown accomplished this by enacting the Coal Amendment Act 1903, which in essence would overrule all property rights in the Waikato River for both Māori and non-Māori.

The Public Works Act 1928 and its later amendments are one of the most detrimental precise of passed legislation regarding its impact on Māori land and water rights. I discuss the Public Works Act 1928 during the Huntly Power Station construction in chapter five. However, there were provisions in the act to allow the Crown to access waterways as well. The Crown, in essence, used the Public Works Acts 1928 as not only a way to expedite the land gathering process, but as Marrs documents, also a way of "discriminating against the 'uncivilised Māori,

who by implication did not deserve the traditional protections afforded to more civilise European landowners." (Marr, 1997, p. 107)

3.3.2 **Waikato River: Energy, Agriculture, and Pollution**

"Who wants an ancestor that is an open sewer?" (Stokes, 1977 p. 20)

Dr. Evelyn Stokes asks this question in her paper *Te iwi o Waahi: The people of Waahi, Huntly*. While being tongue and cheek, the question reflects what happened to the Waikato River after the arrival of Pākehā settlers. After European arrival, Chapman (1996) identified the six significant impacts on the Waikato River system: energy production (hydroelectric, geothermal, thermal), flood control, agriculture, forest, and waste disposal. The earliest record of power development on the Waikato River was in the late 1800s; the first hydroelectric power station was the Horahora Power Station built. 1910 but was decommissioned in 1947. By 1971, one year before the Huntly power station would be approved, there were eight dams and nine hydroelectric power stations. As Robinson (2009) states:

> "The construction of the eight dams and nine power stations on the Waikato River from Aratiatia or Karapiro is one of the most ambitious public works projects ever undertaken in New Zealand and one that continues to play a major role in satisfying the country's electricity demands. " (Robinson, 2009, p. 36)

The presence of the hydroelectric schemes had a devastating effect on local Māori. The physical changes to the river restricted their ability to access the river for cultural and recreational purposes. Also, the placement of the hydroelectric sites and dams caused flooding in the surrounding area and the loss of sacred sites (Waitangi Tribunal, 1993; Te Aho 2011).

> "One of the obvious visual impacts of the power scheme is the flooding of land by hydro lakes. There was no survey of archaeological sites, and many wahi tapu along the riverbanks were flooded. The claimants did refer specifically to the loss of the "Waipapa rock paintings" at the confluence of the Waipapa and Waikato Rivers." (Waitangi Tribunal, 1993, p. 294)

As the Waitangi Tribunal mentions in the 1993 Poukai Report, the continued injury toward the community was that the money paid out for land taken under the Public Works Act could not be used to repair the damage caused by the hydroelectric sites. The continued lack of acknowledgement of the significance of the cultural sites contributed to the feelings of

'powerlessness' about the Māori people along the Waikato. It impacted their response to the hydroelectric power schemes along the river.

In addition to the placement of the hydroelectric power schemes and dams, the combination of agriculture and waste runoff, and introduction of invasive species into the Waikato River and surrounding areas drastically impacted the health of the river:

> "In the course of the 20th century, the surface waters of the rivers, its streams and tributaries became gradually polluted by farm runoff and sewage. The amount of nutrients entering the river, in turn, contributes to the excessive growth of algae, which cannot only be unsightly, but also damages the ecosystems of streams and shallow lakes. The direct disposal of waste to water is found not only obnoxious but also culturally abusive to Māori people" (van Meijl, 2015, p. 229)

The cultural abuse experienced by Māori at the hands of the government is what I would consider the intentional misrecognition of Tainui's cultural connections. The impact of which caused cultural harm is discussed in the works of Fraser, Young, and Taylor. As Hill and Dixon (2008) record, the changes of the landscape and waterways by the placements of power sites and dumping waste in the river impacted how younger generations upheld the cultural practices.

3.3.3 **Attempts at addressing land confiscation in the Waikato: The Sim Commission and the Waikato-Maniapoto Māori Claims Settlement Act 1946**

Attempts to address land confiscation in the Waikato began with Wiremu Tamihana's petitions to the Parliament regarding Waikato land's seizure in the mid-1860s (O'Malley, 2016). King Tawhiao, who, after attempting to address Waikato land confiscation with the colonial government, travelled to England in 1884 to speak with Queen Victoria. On two occasions, King Tawhiao was refused an audience with the queen. Instead, his requests for addressing the egregious confiscation of Waikato Lands were referred to the colonial government. Later Māori Kings experienced similar instances.

The first inquiry into land confiscation occurred in the late 1920s. Also known as the 'Royal Commission,' the Sim Commission was formed in 1926 to investigate the scale of the land confiscation under the 1863 Land Confiscation Act. In 1925, Gordon Coates (both Native and Prime Minister at the time) agreed to the commission inquiry stating in a Cabinet memorandum that the reason why Māori were 'backward' was because of their continued resentment about the land confiscations (McCan, 2001). Coates continues by stating:

> "The failure to obtain consideration in the past has been due largely to the ill-advised attempts by the Natives' advisers to rely on the terms of the Treaty of Waitangi. The obvious answer to that claim is that such reliance is propounded on behalf of men who repudiated the Treaty and with the Treaty the cession of sovereignty to the Crown, which was the basis of the Treaty." (*Native Land Amendment and Native Land Claims Adjustment Bill*, 1925, p. 774)

The inquiry into the confiscations was supposed to act as a sort of "ventilation of grievances." However, the investigation findings should be found that the Crown did take land unjustly and offer monetary compensation rather than land. The Sim Commission sought to answer two streams of inquiry. The first is whether land should have been taken from the iwi's lodging the complaint by the Crown in the first place. The second question regarded whether the amount of the land that the Crown confiscated was excessive depending on the circumstances.

Regarding the first stream of inquiry, the commission found that the Crown was justified in confiscating land from the Waikato iwi due to their perceived participation in the land wars. The commission referred to Sir William Martin's 16th November 1863 memorandum, which stated that the Waikato people had not committed any graver an offence than the government and had not "as a nation, sinned more against us then we, the superior and protecting power had against them." (AJHR, 1928, p. 16)

However, the commission found that the Waikato people had rebelled against the Crown within the New Zealand Settlements Act 1863. The commission concluded that have the Waikato people "contented themselves with providing for their defense when attacked, with providing also for the establishment of law and order in their midst, and for the regulation of sales of Native land, they might have been declared blameless." (AJHR, 1928, p. 16)

As O'Malley (2016) mentions, the commission based their findings on biased information presented by Grey and relied heavily on William Pember Reevers' work *The Long White Cloud*. The Crown used the New Zealand Settlement Act 1863 to punish the Waikato people. The Crown revisits this theme of punishment through other forms of legislation. Regarding the second part of the inquiry (the excessiveness of the confiscation), the Royal found that the government had taken an egregious amount of land and that the Crown had taken from Waikato iwi.

> "...in view of all the circumstances to which we have referred, the confiscation was excessive and particularly so in the case of the Mangere, Ihumatu, and Pukaki Natives. Mr. Smith suggested that, if any confiscation was justified, it should have been limited

> to the land required for military settlement. This on the monetary basis already suggested, would mean a deduction of £62,251 from the £420, 917, leaving a balance of £358,666 pounds according to Mr. Smith's contention, as the value of the land unjustly confiscated." (AJHR, 1928, p. 17)

However, despite acknowledging the fact that the Crown confiscated an excessive amount of land from Waikato, the Commission set aside Mr. Smith's findings and recommended that a yearly payout of £3000 be designated to a board that would then distribute the money to tribes that were impacted by the land confiscations.

Initially, Waikato iwi were unhappy with the settlement and spent almost twenty years negotiating back and forth with the government. Finally, in April 1946, an agreement was reached where the government would pay 5000 per year. An additional 50,000 would be given to address the backdated compensation from 1936. The deal was finalized in the resulting Waikato Maniapoto Māori Claims Settlement Act 1946. The act also created the Tainui Māori Board, which was responsible for designating where the money went. The Waikato Maniapoto Māori Claims Settlement Act 1946 was supposed to be a final settlement regarding the confiscation of Māori lands under the New Zealand Settlements Act of 1863.

The initial settlement, while it offered some (albeit minimum) compensation, the people of Waikato found that the settlement to be lacking. As a result, the Waikato-Maniapoto Māori Claims Settlement Act 1946 created the Tainui Māori Board that would be responsible for distributing the settlement. Furthermore, while the legislation gave the appearance of autonomy, sections of the Māori Claims Settlement Act 1946 restricted how the board members would be able to distribute the funds, even requiring permission from the Minister in some cases.

In addition to the restrictive influences placed on the board and treaty settlement, there were two other issues with the settlement. First was that the settlement in no way admitted that the invasion of Waikato and the subsequent land confiscations were wrong. Secondly, Tainui wanted the land returned, or at the very least, the government needed to provide an economic base so that the Iwi could develop social and economic well-being (Mahuta, 1995).

Once again, the Waikato Maniapoto Māori Claims Settlement Act 1946 was supposed to be the final settlement regarding the land confiscations in the Waikato, at least as far as the Crown was concerned. However, for Waikato Tainui, the settlement reached was to address the issue for the moment. In 1995, Waikato Tainui and the Crown would reach another settlement through the Waikato Raupatu Claims Settlement Act 1995.

3.3.4 **The Treaty of Waitangi Act 1975 and the Waitangi Tribunal**

The establishment of the Treaty of Waitangi Act 1975 and the Waitangi Tribunal came as a response to the longstanding conflict between Māori and the Crown regarding land confiscation extending as far back as the initial signing of the treaty in 1840. Attempts by Māori to find some level of restoration from the land confiscations found little success. In the meantime, the Crown continued to create new and revise previous legislation, which violated the Treaty of Waitangi and essentially took away more lands. By the late 1960s and 1970s, a growing movement amongst Māori (known as the Māori Renaissance) pushed for a reclaiming of their culture and a resurgence in the first for addressing land confiscations.

One of the most noticeable pressures to the Treaty of Waitangi Act was the Te Rōpū Matakite ('Those with Foresight') land march. Whina Cooper, Te Rarawa leader at Mangere Marae, led the land march from Te Hāpua to Parliament, leading upwards to 5,000 people. The march raised awareness about the continued concerns Māori had about the government's confiscation of Māori land. As a result, Matui Rata, Minister of Māori Affairs at the time of the march, came up with the idea of creating a tribunal to deal with the historical grievances over land (Knight, 2018).

The Treaty of Waitangi Act 1975 established the Waitangi Tribunal on 10th October 1975. The Treaty of Waitangi Act 1975 is the first time the Treaty of Waitangi principles have been incorporated into legislation. In addition, the Waitangi Tribunal procedures include Māori practices:

> "As far as possible, hearings are conducted within tribal territories of the claimants. Proceedings take into account variations in tribal custom on the *marae* but once the initial formalities are completed, the *mana* (authority and prestige of the people of the marae) is handed over to the tribunal which sets the *kawa* (procedures and protocol) for the duration of the hearing. In keeping with the spirit and intention of the treaty, the tribunal, not only in its membership, but also in its procedures, combines Māori protocol with the legal requirements of the conduct of a Commission of Inquiry." (Stokes, 1992, p. 184)

The incorporation of Māori practices into the legislation created a space for Māori to address the Crown on familiar grounds. In previous cases, iwis were forced to follow the European settlers' procedures, which disadvantaged them.

From the 1980s to the 1990s, Parliament created new acts about the principles of the treaty (Orange, 2012). The principles of the treaty are referred to in the 1989 government statement, the Waitangi Tribunals, court cases, and laws (Hayward, 2012). The 1989 fourth Labour Government statement was the first time that the New Zealand government listed principles to guide the government regarding the treaty. These principles included:

- the government has the right to govern and make laws
- iwis have the right to organize as iwi and, under the law, to control their resources as their own
- all New Zealanders are equal before the law
- both the government and iwi are obliged to accord each other reasonable cooperation on significant issues of common concern
- the government is responsible for providing effective processes for resolving grievances in the expectation that reconciliation can occur.

Waitangi Tribunal Reports, such as the Ngai Tahu Report 1991, Report of the Waitangi Tribunal on the Orakei claim (1987), and the Te Muanga Railways Land report (1994), revealed treaty principles. For example, as Hayward (2012) discusses, the Ngai Tahu Report 1991 focuses on the principle of reciprocity:

> "This concept is fundamental to the compact or accord embodied in the Treaty. Inherent in it is the notion of reciprocity-the exchange of the right to govern for the right of Māori to retain their full tribal authority and control over their lands and all other valued possessions."(Waitangi Tribunal, 1991a, p. 236 (Wai 27))

The Report of the Waitangi Tribunal on the Orakei claim (1987) focused on the principle surrounding guarantees, stating:

> "Thus, in the context of that case, it was submitted that the word "guarantee" meant more than merely leaving the Māori people unhindered in their enjoyment of language and culture. It required active steps to be taken to ensure that the Māori people have and retain the full exclusive and undisturbed possession of their language and culture."(Waitangi Tribunal, 1991b, p. 191 (Wai-9))

Finally, the Te Maunga Railways Land Report (1994) used a combination of legislation (The State-Owned Enterprise Act 1986) and the Land Case 1987 (first court case to define treaty principles) brought by the New Zealand Māori Council to interpret the concept of partnership.

Section 9 of the State-Owned Enterprise Act (1986) states that there was nothing in the Act that would prevent the Crown from acting in accordance with the Treaty of Waitangi. The combination of the court case and the interpretation of the act elaborated on the context of the relationship:

> "In this context, the issue becomes what steps should be taken by the Crown, as a partner acting towards the Māori partner with the utmost good faith, which is the characteristic obligation of partnership, to ensure that the powers in the State-Owned Enterprises Act are not used inconsistently with the principles of the Treaty .... If the Crown acting reasonably and in good faith satisfies itself that known or foreseeable Māori claims do not require retention of certain land, no principle of the Treaty will prevent a transfer ...."(Waitangi Tribunal, 1994, p. 68 (Wai 315))

In addition to the 1989 Fourth Labour government statement and Waitangi Tribunal Reports, several laws referenced the treaty principles; the majority involved the environment and natural resources, including the Environment Act 1986, the Conservation Act 1987, the Crown and Minerals Act 1991, and the Resource Management Act 1991.

Laws	**Comments on Principles**
Environmental Act 1986	In the management of natural and physical resources, full and balanced account is taken of …. the principles of the Treaty of Waitangi' (*Environment Act 1986*, 1986 (Schedule))
Conservation Act 1987	'This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi' (Conservation Act 1987) (Hayward, 2012)
Crown and Minerals Act 1991	All persons exercising functions and powers under this Act shall have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).' (Crown and Minerals Act 1991)
Resource Management Act 1991	All 'persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).' (Hayward, 2012)

Figure 3: A list of the acts that include the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

By the end of the 1990s, there were dozens of documents regarding the principles of the treaty. However, there is no 'set' number of treaty principles because, as indicated in the 1983 Waitangi Tribunal:

> 'The spirit of the Treaty transcends the sum total of its component written words and puts literal or narrow interpretations out of place.'(Waitangi Tribunal, 1983, p. 47)

The tribunal reports all recognized that policies (i.e., Public Works Acts and its amendments and the Water and Soil Conservation Act 1967) failed to incorporate Māori values. As a result, when it came to the Kaituna River claim, the Waitangi Tribunal provided iwi with the last opportunity to address historic land confiscations. However, the initial issue with the tribunal was the scope on which iwi could introduce claims. According to the initial act, iwis could only submit claims to the tribunal for disputes after establishing the act (after 1975). However, the 1983 amendment changed the act's scope to allow iwis to submit claims for treaty breaches since the signing in 1840.

In the case of the Waikato River, Waikato Tainui opted to settle the conflict over land and water rights through direct negotiations with the Crown. Initially, the Waikato river was left out of the 1995 settlement for a few reasons. The first was that the Waikato River travelled through land belonging to other members of the Tainui Confederation and other iwi. Waitangi Tribunal reports, Kaituna River, Manukau, and Motunui-Waitara mention sections of the Waikato River connected to the iwi submitting the claim. However, the Manukau report acknowledges that the connection between Waikato Tainui and the Waikato River. As documented by Van Meji (2015), the second reason had to do with the status of the river. In Māori culture, there is a separation between land and water, which ties to the story of Tane and Tangaroa.

3.3.5 **Huntly: Transitioning into a coal mining town**

Military townships were set up along the Waikato River by the Pakeha government for two reasons during the land wars. The first was the Waikato River's strategic value as the primary source of travel by water. Also, in the case of Rahui Pokeka, the mined coal in the area provided fuel for the paddle steamers (Begg & Hodder, 1997; Stokes, 1997b). Secondly, the military townships acted as a placeholder for permanent pakeha settlements once the land wars were over. In the cause of Rahui Pokeka, once the Waikato Land Wars ended, the area quickly became a coal mining town. The symbolism for this change is in the shift in the name of Rahui Pokeka to Huntly. James Henry (the first postmaster for the area) renamed Rahui Pokeka first to Huntly

Lodge (named after his hometown Huntly Lodge in Scotland). As time wore on, the town dropped 'lodge' from the name, leaving it as 'Huntly.'

Huntly's (also referred to as Huntly Borough) transition into a coal mining town is not surprising considering that coal was a significant part of the area's identity before the arrival of Pakeha settlers. Waikato Tainui, for example, used coal (waro) for cooking and heating and was a trading item. Von Hochstetter's writes in detail about coal found throughout the Waikato and its potential fuel source for European settlers:

> "At any rate, there lies a considerable store of fuel, which will be raised as soon as European settlements have commenced to extend over the beautiful lands on the lover Waikato, and steamers to navigate the river. It is a rich treasure reserved for generations to come." (Von Hochstetter, 1867, pp. 302–303)

Coal mining began in the Huntly Coalfields around the 1840s, followed by Maramarua in the 1870s. Captain Anthony Ralph, one of the Waikato military settlers, gained land in Huntly in 1874 and developed the first Taupiri mine with the Taupiri Coal Mining Company in 1876 (Stokes, 1978a). Despite first growing as a coal company town, as Evelyn Stokes documents, the people living in Huntly developed a cultural identity around coal mining:

> "In a century of coal mining in the Huntly area, several generations of coal miners and their families have formed an identifiable, cohesive community which has played an important and distinctive role in the social history of the Huntly area. An important element in the development of group indemnity and community cohesiveness is as shared history." (Stokes, 1978a, p. 1)

Coal production in the Waikato Region became a source of economic growth and development for the people that lived in Huntly and the surrounding area. At its prime, the coal from Huntly and the surrounding Waikato region supported New Zealand's energy needs. As Robinson (2009) writes:

> "In Huntly's heyday, there were more than 40 mines being worked. Waikato coal fired young New Zealand's industry and helped build the nation. It cooked the Sunday roasts and boiled the kettle and the copper for the laundry and it ran the steam trains and the gunboats on the rivers in the Waikato War." (Robinson, 2009, p. 120)

However, by the early 1960s, Huntly and the surrounding Waikato region saw a decrease in demand for coal due to the increase in demand for electricity in homes and factories. Also, changes in mining technology saw a decline in both miners and mines. By the time the Huntly

Power Station was proposed in the late 1960s early 1970s, most mines around the area had closed. Between 1961 and 1969, while other parts of the country saw an economic increase in building activity and retail, Huntly saw a damaging decline in both areas (Armishaw, 1972). The population suffered a decline in population from 5420 in 1968 to 5290 at the beginning of 1973. As Vautier (1977) points out, Huntly, similar to other small towns in New Zealand, was impacted by fluctuations of economic stability on both a local and national level.

3.3.6 **NZ Wool Boom to Bust, Britain's entrance into the EEC and the 1973 Oil Shock**

As I alluded to towards the end of the previous section, Huntly's economic struggles were a small reflection of the economic issues that plagued New Zealand during the 1960s-1970s. In turn, these economic issues and concerns around energy dependency and the growing environmental movement created a complex beginning to the construction of the Huntly Power Station. In chapters four and five, I discuss the changes in environmental legislation, changes in attitude towards the environment, and the impact on the development of the Huntly Power Station. This section will briefly explain the economic and energy concerns of the 1960s and early 1970s, which ultimately impacted the construction of the Huntly Power Station.

Historians and analysts of New Zealand's economic history during the 1960s and 1970s often blame one event for the cause of the economic woes of New Zealand during that time. For example, Sutch (1966) cites the 1957 collapse of the dairy and wool prices (leading to the 1966 wool bust) as the starting point of New Zealand's economic decline. However, while the 1957 collapse of dairy and wool prices, followed by the 1966 wool market collapse, certainly played a role, Easton (1997) argues, 1957 was far too early as a starting point:

> "However, in terms of change in overall economic behaviour, 1957 is too early, for the first signs of the structural break do not occur until the late 1960s. Equally, 1974 is too late. Already the shift was occurring: 1957 might be taken as a warning of things to come. But come did not learn from 1966, nor recognise the momentous changes which were already underway by the early 1970s. The lesson had to be rammed home by the collapse following the 1973 boom." (Easton, 1997, p. 74)

This begs the question, what caused the collapse of the wool market after 1966? However, as Easton (1997) argues, the better question to ask is "why wool prices were high in the 1950 to 1966 period?" (p.80). First, it is important to note that the wool market was not solely dependent on exports and British sales, unlike the meat and dairy markets. In the years following World War II, wool sales returned close to normal. The Korean War (1950-1953) created a demand for wool, particularly from the United States, and increased wool prices by triple almost instantly

(Gregory, 2019). For roughly 15 years, New Zealand's economy depended on pastoral products and with most of the products going to Britain. During this time, New Zealand entered what has been referred to as the 'golden weather.' As Carlyon and Morrow (2013, p. 2) writes, this period saw the country in a "spell…with full employment, economic prosperity and a high standard of living."

However, the 1966 Wool Bust saw the export price of wool drop by 40% due to the increased competition caused by synthetic fibres entering the market (Easton, 2005). Before the 1966 wool bust, farmers and politicians alike minimized the potential impact of synthetic fibres on the wool market. As Hall (2017) notes:

> "The price collapse brought home to woolgrowers that their world had changed. [B.L.] Evans has given the most convincing explanations for the collapse, suggesting that severe economic restraints in Britain, France, and Germany together with demand for carpet wool reduced by competition from synthetics. [Roger] Buchanan identifies the latter as a major cause not fully appreciated at the time; New Zealand had become over-dependent on selling coarse wool used mainly for carpets. Coarse wool suffered more than other types in the competition with synthetics, especially in the USA. The USA, together with Britain, accounted for 75% of the world's carpet production and both markets for raw wool declined" (Hall, 2017, p. 234)

The New Zealand Wool Commission ended up having to buy roughly 700,000 bales of wool (costs £ 31 M) to sustain farmer's income and soften the blow of the bust (Belich, 2001; Hall, 2017; Philpott, 1975; Reddell & Sleeman, 2008). While there was a brief boom of wool prices in 1971-1972, the cost of wool never recovered from the bust, and with it, the age of the 'golden weather' in New Zealand had come to an end. However, the 1966 Wool Bust would not be the only economic event to impact New Zealand.

Around the same time as the 1966 Wool Bust, New Zealand also had to process Britain's petition to join the European Economic Community. The European Economic Community (EEC) was created in 1958 under the Treaty of Rome of 1957 to create a united economic market among its members (France, Italy, Belgium, Luxembourg, the Netherlands, and West Germany) (Organization of the Petroleum Exporting Countries, 2021). In 1993 the European Union incorporated the EEC and was renamed the European Community (EC) until 2009 when its institutions were absorbed under the European Union. In the context of this study, I will refer to this organization as EEC. According to Professor Walter Hallstein's, then President of the

Commission of the European Economic Community, forward in the book *A Handbook on the European Economic Community*, the EEC required full economic unification.

> "Full economic unification requires common policies for agricultural, social affairs, transport and energy, a common trade policy, common rules ensuring fair competition, freedom of movement for workers, goods and services, and the harmonization of fiscal, monetary and financial policies." (Hallstein, 1965, p. viii)

The cornerstone of the EEC is that nations who joined the EEC had to agree on the 'common agricultural policy. The common agricultural policy meant that if Britain were accepted into the ECC, their trade relationship with New Zealand would be compromised. Until this point, most of New Zealand's pastoral exports went to Britain. As a result, new Zealand's export and import markets were dependent on Britain. With Britain turning to European markets for their meat and dairy, New Zealand saw the potential threat of Britain's entrance, as depicted by Belich (2001):

> "The EEC was in some respects the nemesis of the New Zealand-British recolonial system. By joining it, Britain would buy into the Common Agricultural Policy, which heavily subsided Community farms. Added to this, free trade between EEC countries would inevitably displace New Zealand products in the British markets, as protein exporters like the Netherlands, France, and Ireland took revenge for New Zealand's long era of pre-eminence." (Belich, 2001, p. 431)

However, there is more to the story of Britain's joining of the EEC. Britain's decision to join the EEC was not a sudden one. While Britain officially joined the EEC in 1973, Britain's attempts to join began in 1961. For Britain, it was a local decision. Over the years, Britain's position as an Empire had dwindled considerably (Belich, 2001). Joining the EEC would help Britain maintain its position as a global power (Easton, 2005; Hall, 2017).

On New Zealand's side, Prime Minister Keith Holyoake and the rest of the government were aware that it was not a matter of 'if' Britain would join the ECC, but when. As a result, the goal for New Zealand was to preserve its economic ties with Britain. In 1961, Commonwealth Secretary Duncan Sandys visited New Zealand to appeal for New Zealand's support of Britain's inclusion in the EEC. On July 6th, Prime Minister Holyoake read the agreed communique between Right Hon Duncan Sandys and the New Zealand Government in Parliament. In the communique, Prime Minister Holyoake expressed the New Zealand government's concerns over Britain's transition to the EEC. Hon. Sandy offered assurance to the government, stating that Britain would not join the EEC without consulting New Zealand and petitioning for special trading rights for New Zealand.

> "..that the New Zealand Government would be closely consulted before and during any negotiations, that in any such negotiations the British Government would seek to secure special arrangements to protect the vital interests of New Zealand, that Britain would not feel able to join the European Economic Community unless such arrangements were secured.." (*New Zealand Parliamentary Debates. v.326:2-8*, 1961, p. 300)

And New Zealand would hold Britain to that promise. Over the next ten years, Britain and New Zealand attempted to negotiate special conditions for trade in the EEC. In its first attempt (1961) to join the EEC, Britain negotiated special arrangements for countries across the Commonwealth. However, the EEC's six members (especially France) refused, forcing New Zealand to be singled out as the one country whose market depends on Britain's (McDougall, 2021). Juliet Lodge's analysis of the situation claimed that the New Zealand negotiators showed that New Zealand was weak, vulnerable due to its dependence on Britain (Lodge, 1982). During negotiations, New Zealand reiterated the deep, historical relationship that New Zealand had with Britain.

In 1971, after ten years of negotiation, Britain entered the ECC and negotiated special arrangements for New Zealand. The arrangement, known as Protocol 18 or the 1971 Luxembourg agreement, allowed New Zealand to continue butter, cheese, and lamb trades for a limited period (Nixon & Yeabsley, 2010). The agreement's purpose was to give New Zealand time to expand diversity in their economic market before Britain became a member of the EEC. However, the butter and cheese import quota fell by 17% and 68% over five years. (Hall, 2017; Nixon & Yeabsley, 2010).

The first oil shock of 1973 resulted from the Organization of the Arab Petroleum Exporting Countries (OAPEC) limiting oil supplies during the Yom Kippur War (Gregg & Walrond, 2006). Not to be confused with the Organisation of Petroleum Exporting Countries (OPEC), OAPEC was created in 1986 and initially comprised of three countries- Kuwait, Saudi Arabia, and Libya, but eventually grew to include other countries such as Algeria, Bahrain, Egypt, Iraq, Qatar, Tunisia, and the United Arab Emirates. The OAPEC and OPEC are similar in that both organizations focus on creating unified efforts to maintain the petroleum market. Both organizations share members (Saudi Arabia, Kuwait, Libya, Iraq, United Arab Emirates, and Algeria). As El Mallakh (1977) writes, the goals of OAPEC are :

> "(a) the promotion of coordination of petroleum policies with special emphasis on development; (b) the promotion of exchange of information and coordination in training programs and research; and (c) the actual establishment and operation of joined ventures

> in the field of hydrocarbons on a commercial scale, entailing formation of independent companies in which shares are held by member states." (El Mallakh, 1977, p. 400)

In 1973, 60 percent of the world's oil production resided in North Americana and the Middle East, with 50 percent of the oil reserves in the Middle East (McKay, 1975). With half of the oil reserves in their region, member nations of OAPEC recognized their position in the oil market and the potential political advantage. Therefore, in October 1973, the members of OAPEC came together and decided to proclaim an oil embargo. The embargo was in response to nations supporting Israel during the Yom Kippur War. Initially, the embargo targeted countries like the United States, Canada, Japan, the Netherlands, and the UK. As a result, the Middle Eastern oil producers began cutting production by 5% on October 17th and continued to cut production into 1974.

The result of OPEC's cutting oil supplies saw oil prices jump almost seven times over to US $20 overnight (Brady, 2019). The impact of the oil embargo was felt around the world, and New Zealand was no exception. The first and obvious impact was that the price of petroleum import increased from $96.4 million in June 1973 to $203.4 million in June 1974 and $347.1 million in June 1975 (Easton, 1997). As a result, New Zealand had to reduce the use of petroleum, which impacted travel and export. In addition, after the 1973 oil shock came a recession that severely impacted New Zealand meat exports with an over 20% drop across all export markets; dairy markets were also impacted (Hall, 2017).

As I mentioned at the beginning of this section, when economic issues of the 1960s and 1970s are discussed, one event, the wool bust, Britain's entrance into the EEC, or the 1973 oil shock, is singled out. However, as Belich (2001) alludes to, it is not one specific event that caused the economic woes in New Zealand, but a combination of events occurring at the same time which ultimately led to the shift in the economy:

> "In essence, Third Labour and Third National faced an unravelling of the traditional system. A sharp recession in 1967-68 is sometimes seen as the beginning of the end, but the big shift really came from 1973, apparently triggered by two external events, One was the 'oil shock', which nominally quadrupled New Zealand's petroleum bill, and the other was Britain's joining the European Economic Community, which shifted the decline of New Zealand's British market from gradual and relative to rapid and absolute…As import costs rose 40 percent in the mid-1970s -similar to the decline during the Great Depression"(Belich, 2001, pp. 396–397).

However, the combination of these events revealed an overarching narrative, the shift in New Zealand's national identity. In this context, I am referring to the European (Pākehā) New Zealand identity, which was attached to its colonial past (Gibbons et al., 2019). Roche (2019) points out:

> "For this group (as opposed to Māori and other minority groups), the formation of a national identity would seem to rest on a pioneering past (particularly bush settlements), decisive episodes on the battlefields (notably the Gallipoli Campaign in World War 1) and in a particular economic and social relationships with Britain." (Roche, 2019, p. 74)

The combination of the Wool Bust 1966, Britain's entrance into the EEC, and the first oil shock of 1973 forced New Zealand to re-evaluate its economic and energy security dependency from other countries. As a result, New Zealand developed a new nationalism that divorced itself from British ancestry and focused on developing itself as an independent nation (Mann, 2019). The third Labour and National Governments under Norman Kirk and Robert Muldoon, respectively, used the nationalism rhetoric as the driving force for the decisions made regarding development projects—including the Huntly Power Station.

3.3.7 **Huntly Power Station: Preliminary talks and initial impressions**

The Huntly Power Station development story often begins with the submission of the 1972 Environmental Impact Statement. However, Dr. Tom Fookes, principal author of the Monitoring Social and Economic Impact Report Huntly Case Study, discusses below, the planning of the Huntly Power Station started three years before the submission of the first Environmental Impact Statement.

> "The length of time Huntly people most clearly remember are the last eight years [1973-1981] as the idea has become visible in the form of large buildings, tall chimneys, and electricity pylons and transmission lines. But before that, some years passed, during which time the need for such a station was established and permission to build it obtained."(Fookes, 1981b, p. 2)

The initial conversations around the proposal of the Huntly Power Station can be traced to the 1969 Energy Report. The 1969 Energy Planning Committee of the New Zealand Electricity Department (NZED) stated in their annual report that to keep up with the growing energy demand (and prevent a potential energy crisis in the late 1970s) needed to be an installation of 1000MW energy plant. The initial plan was to build a 1000MW nuclear plant to the north of

Auckland. However, by the 1970 Report, the Power Planning Committee decided that building a natural-gas-fired station near Auckland would be better. (NZED, 1972)

In addition to the internal conversations with the Energy Planning Committee, the New Zealand Electric Department conducted a preliminary discussion with the local interest groups in September 1971. NZED's 1972 Environmental Impact Statement gave a brief description of the meeting results and response of the public:

> "Preliminary discussions were held in September of 1971 with local interests in the area to advise of the possibility of the station being recommended and a meeting taking in a wider range of interested parties was held at Huntly on 12th July 1972…Public opinion appears to be favourable, and the majority of questions asked are concerned with air and water quality."(NZED, 1972, p. 6)

In August 1972, Huntly Mayor T Gavin along with Huntly Borough Council members BT. Gill and B.F McIntosh delivered a statement to L.W. Gandar, Minister of Electricity, urging the department to consider Huntly as the site for the power station. The statement documented that Huntly was the prime location for the power station due to the massive storage of coal in the region and the ability to supply natural gas should the government decide to use coal and natural gas.

The initial response to the potential arrival of the Huntly Power Station was initially one of jubilation. With the introduction of the power station came the promise of economic prosperity in the region. As I mentioned earlier, Huntly's economy had been on the decline since the late 1960s. The Huntly Power Project included several development projects, including the development of housing for the contract worker of the Huntly Power Station, updates to the road in Huntly, and storage places for coal. For this study, I am only focusing on the power station itself and its physical placement near Waahi Pā Marae.

Waikato Tainui was also initially excited about the Huntly Power Station as it would be a potential source of employment for the community. Waikato-Tainui were not (and are not now) anti-materialist; indeed, the iwi's material economic security and well-being were iwi leadership's critical objective throughout the 1800s and 1900s. For instance, the Kīngitanga movement was designed to ensure Māori retained their land, waterways, and other taonga (treasures), which formed the economic base of their economy and was being eroded by the settler-colonial project, and that Māori retained their rangatiratanga (chiefly authority); with land and rangatiratanga inextricably interconnected together (Belich, 1996; Ellison et al., 2012; Muru-Lanning, 2016; O'Malley, 2016; Pool, 2015; Te Hurinui Jones, 1995)

In the case of the Huntly Power Project, Waikato- Tainui, the community understood the potential economic and social benefits that the power station could provide for the community. However, concerns quickly followed regarding the placement of the power station (located close to the Waahi Pa marae) and the land acquisition process for the power station. As I will discuss in chapters four and five, the responses of Waikato Tainui to the power station are ultimately in direct reflection to both the history of land confiscation presented in this chapter along with the continued disregard for Māori culture in the legislation and practices used in the development of the power station.

3.4. Conclusion

At the beginning of the chapter, I stated that Huntly's (Rahi Pokeka) story is a story of two identities. One which resides in the Māori world (Te Ao Māori) and the other which resides in the Pākehā (Te Ao Pākehā). Te Ao Māori and Te Ao Pākehā serve as contextual analogies to the broader Indigenous and Western/ liberal worldviews mentioned in chapter two. Initially, the Te Ao Māori and Te Pākehā worldviews coexisted (albeit uneasy) to a point where each world's subtle cultural and economic influences began to influence each other.

However, the coexistence between the Pakeha and Māori worlds was short-lived as the Pakeha population began to grow (along with their desire for access to land and water). Even with the establishment of the Treaty of Waitangi, the two groups could no longer resolve differences over who 'owns' or was entitled to the use of the natural resources. Instead, the Crown influenced and supported the Pakeha settlers, used both legislative and military force to gain these resources, and ultimately eradicated the Māori cultural and spiritual connection to the land.

In the context of this study, Waikato-Tainui, for their part, resisted land confiscations since the treaty's signing with little success until the twentieth century. Their attempts were often thwarted because they had to engage with the Crown, using policies and procedures that refused to respect their (Waikato-Tainui) spiritual and cultural connection to the land. Furthermore, their grievances were often understood through the Western perspective and, in essence, were destined to be ignored.

While there was conflict between Te Ao Māori and Te Ao Pākehā, the Pākehā world also struggled with its identity. Beginning just after World War II, Pākehā New Zealander’s identity shifted away from the Crown and towards that of an independent island nation. The combination of the wool bust, Britain’s involvement with the EEC, and 1970s oil shocks forced New Zealand to reevaluate its place in the world-and dependence on other nations for energy and economic

support. It is this reevaluation that will catalyze several large-scale development projects, including the Huntly Power Station.

In the context of the environmental justice framework, if I were to rely on the Global North/ US context environmental justice framework, the historical context I presented in this chapter would merely give the basics of the case study. Like the Skull Valley example in chapter two, the connection between the settler-colonial history in New Zealand and the Waikato Tainui/ Huntly Power Station would remain fragmented. However, both Indigenous and decolonial environmental justice recognize that the settler-colonial history between Māori and the Crown laid the foundation for contextualizing the presence of environmental injustice within the case study. Moreover, in this instance, the Huntly Power Station and Waikato Tainui are a part of the larger historical tug of war rather than an extraordinary event. The injustices caused by land confiscation through force and legislative acts have left a historical imprint that finds its way throughout the analysis of the archival material regarding the Huntly Power Station in the upcoming chapters four and five.

Chapter 4. Accessing information and Public Participation

4.1. Introduction

In chapters two and three, I introduced the theoretical framework (indigenous environmental justice / decolonial theory) and the historical, socio-economic, and ecological landscape of Huntly/ Rahui Pokeka before constructing the power station. In this chapter, I use the theoretical framework and historical context to analyse the planning and construction of the Huntly Power Station. This chapter focuses on environmental impact statements and the role of the Town Country and Planning Act 1953 on the planning of the Huntly Power Station. Chapter five continues the analysis by focusing on the policies and procedures necessary to access water and land.

In chapter two, I discussed the connection between access to information and public participation within the context of environmental justice. Scholars agree that access to information is the steppingstone towards participation (and procedural justice) and access to information (environmental impact assessments and government documents) is necessary to empower communities through participation (Banisar et al.,2011). However, participation's outcome depends on how government agencies execute the policies (Arnstein, 1969; Bargh & Van Wagner, 2019; Blue et al., 2019). Scholars argue that government agencies do not implement the procedures for environmental impact assessments, particularly when it comes to public participation. One of the reasons this happens is because the government fears that the results of the EIA will impact a potential project. The Huntly Power Station appeared to be in a similar situation.

The construction of the Huntly Power Station occurred during a transitional period in New Zealand's environmental and economic/ energy development history. On the one hand, the global and local environmental movements inspired radical changes in New Zealand's environmental policy and management. The changes included developing several environmental agencies and positions, including the Cabinet Committee on the Environment and Minister for the Environment. In addition, the Environmental Protection and Enhancement Procedures were developed to identify and remove (or at least manage) environmental issues caused by large scale development projects.

On the economic and energy development side, New Zealand dealt with several blows to their economic and energy stability (as discussed in the previous chapter). The result caused the

government to also focus on stimulating the economy and developing energy independence and security. The Huntly Power station was sold as a way to respond to the looming energy crisis outlined in the 1969 Energy Committee's report and provide economic support to Huntly. Concerns over environmental protection and energy development create a conflicting narrative that plays out in this thesis.

The chapter begins with a brief overview of the changes in environmental policy and management in New Zealand. The section, Changes in New Zealand Environmental Policy and Management, discusses the transition of environmental legislation during the 1800-1900s. The following section, Environmental Impact Assessments and the Huntly Power Station, discuss environmental impact assessments (statements) created for the Huntly Power Station. The section includes discussing the accessibility of the environmental impact statements to the public and the general responses to the statements by the public and organisations. The final section, Access to Participation: The Town and Country Planning Act 1953, discusses how the implementation of the TCPA 1953 (or lack thereof) ultimately impacted public participation in the planning and construction of the Huntly Power Station.

4.2. Changes in New Zealand Environmental Policy and Management

Chapter two discussed the changes in attitudes towards the environment, transitioning from a desire to conquer and tame the environment towards protecting and maintaining the natural world for future generations. These changes in attitude were not only reflected in social movements but also in legislation. During the colonial period (the 1800s to early 1900s), policies such as the Land Drainage Act 1893 (which allowed for the physical manipulation of the environment for agriculture) reflected the ongoing influence of the hegemonic western perspective of the importance of the natural world. As discussed in chapter two, the colonialists' concerns subdued and transformed the 'wild' landscape into pastures and farms. Even legislation that called for the 'protection' of specific animals focused on their protection for economic purposes. For example, the Fisheries Conservation Act 1884 focused on conserving the environment for economic purposes (such as the Fisheries Commensuration Act 1884). The Wild Birds Protection Act 1864 restricted the hunting of duck (Wild and Paradise) and pigeons to the months of April-July.

During the 1900s, policies began to appear, reflecting the shift I discussed in chapter two towards protecting the environment. However, the legislation focused on correcting the consequences of previous environmental issues caused by introducing foreign species, drainage of land for agriculture, and the mass clearing of forests for timber. In addition, there was a

growing interest in maintaining the New Zealand environment for recreational, scenic, and historical purposes. The Scenery Preservation Act 1903 was the first act dedicated to creating historical sites and areas of interest. The act also coordinated legislation to protect thermal springs through land acquisition (Nightingale & Dingwall, 2003). However, the Scenery Preservation Act 1903 also paved the way for the Crown to purchase privately owned or Māori land characterised as a reserve or scenic space under the act. As a result, national parks such as the Tongariro National Park and the Egmont National Park were set aside to protect the mountains and surrounding forests, leading to the establishment of the Public Reserves, Domains, and National Parks Act 1928 (Perkins et al., 1993). The Soil and Rivers Control Act 1941 was one of the first legislation (along with the Scenery Preservation Act 1903) to coordinate legislation regarding water and soil for catchment planning and management (Ward & Scarf, 1993).

During the 1960s and 1970s, New Zealand was part of the emergent global environmental movement, which involved active resistance by local people to governments and corporations' actions that threatened people's health and ecosystems. The development projects of the Second National Government gave rise to the Nature Conservation Council. The Nature Conservation Council was established under the National Conservation Act 1962 to "coordinate scientific and technical information on nature conservation to inquire into the effect of proposed public works on any aspect of nature conservation, and to act as an advisory body to Government on matters affecting nature conservation." (McLintock, 1966). The councils' functions included 'inquiring' into the effects of public works within the context of the Public Works Act 1928 (Public Works Act 1928, 1928, sec. 12 C). The Nature Conservation Council was established during Keith Holyoake's National Government (1960-1972), under the Nature Conservation Council Act 1962. The Nature Conservation Council was developed in response to the opposition to the hydroelectricity project developed at Lake Manapouri. In addition to resisting Lake Manapouri, the Nature Conservation Council also actively resisted other projects, including the Clutha project (Wilson, 1987).

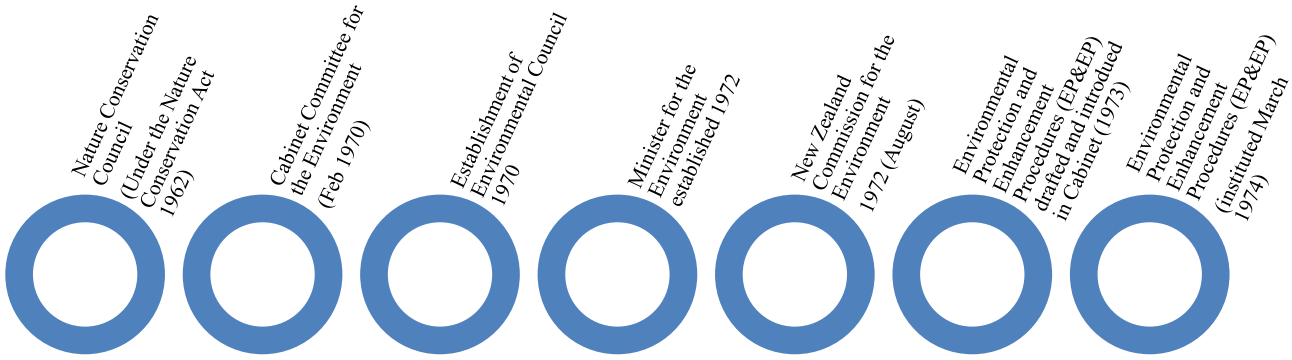

Figure 4: Timeline of the establishment of environmental agencies and the Environmental Protection and Enhancement Procedures (EP &EP)

The 1970s brought in other government agencies whose purpose was to advise other agencies regarding environmental issues and development practices. For example, the 1970 Physical Environment Committee recommended creating the Environmental Council to "consider the means of attaining and preserving a high environmental standard." (McMaho,1970). The council's responsibility was to provide the National Development Council and ministers in the cabinet with "research into determining optimal size, structure, and distribution of population in New Zealand, that is commensurate with attaining the best social and physical environment." (Johnston, 1971, p. 89). However, the Environment Council had no statutory power in the advisory role and could not force other agencies to take on their suggestions. The Cabinet Committee for the Environment was established in February 1970, but until 1971 the committee only met seven times and was chaired by the Minister of Works (Buhrs, 1991). The committee created the advisory and liaison body, The Officials Committee for the Environment (Markham, 1983).

In 1972, the position of Minister for the Environment and the Commission for the Environment (CfE) were developed by Prime Minister Holyoake and Cabinet minutes, respectively (Murray, 1990). However, both lacked a "clear statutory mandate to develop and advise the Government on, environmental policy and the environmental implications of sectoral policies, plants and project. Nor do they have a clear mandate between government departments and agencies and between those bodies and local authorities. Yet, in an implicit but somewhat vague manner, there is an expectation that the Minister and the Commission will discharge these key responsibilities"- (Organisations for Economic Co-operation and Development, 1981, p. 18)

The lack of authority to mandate environmental procedures have an impact on the success of these agencies to promote environmental policy effectively, as Buhr (1991) writes:

> "Although the Commission's open mandate allowed it to pursue a flexible approach trying to coordinate environmental policy, it was hindered by a lack of recognition of its coordination responsibilities by other departments and, in fact, governments. Given the lack of recognition and formal powers, and the Commission's very modest resources, the Commission's success in coordinating and promoting environmental policy, both in substantive and procedural ways, has been small and of an ad hoc nature." (Buhrs, 1991, p. ii)

Unfortunately, this issue appears throughout the construction of Huntly Power Station. The ad-hoc approach to the policies and procedures carried out by the Ministry of Works and other departments involved in the project hindered the environmental procedures and processes.

4.3. The Huntly Power Station and the Environmental Protection and Enhancement Procedures

4.3.1 **Environmental Protection and Enhancement Procedures**

As I mentioned in the Environmental Impact section of chapter two, the Environmental Protection and Enhancement Procedures (EPEP) is an environmental assessment system applied to government projects that would significantly impact the environment. The EPEP serves two purposes. The first is to give decision-makers insight into the environmental impacts of a project.

If it is determined that the project will cause significant environmental issues, the EPEP allows for considering alternative solutions. The second role of EP&EP is to allow the public to express their concerns or issues with the proposed project (Organisations for Economic Co-operation and Development, 1981).

The EPEP was developed following the creation of the Commission for the Environment (CfE). The EPEP and the CfE were developed during a time in New Zealand when there was a growing concern over environmental degradation. The EPEP was officially released in 1974, with the draft available in late 1973. As will be discussed in the next section, the Environmental Impact Statements and subsequent Supplementary Environmental Impact Statements were both released in 1972 and 1973, respectfully.

The procedures comprise two assessments: The Environmental Impact Assessment and the Environmental Impact Report (EIR). The first is the Environmental Impact Assessment, or EIAs. EIAs are prepared by the department responsible for overseeing the large-scale project. In the Huntly Power Station context, the New Zealand Electricity Department (NZED) wrote the initial EIA and supplementary assessments. According to the EPEP:

> "Environmental assessment must begin at the inception of a proposal, when there is a real choice between various courses of action, including the alternative of doing nothing. It must be an integral part of the decision-making process proceeding through all the development stages of a proposal through actional implementation" (Commission for the Environment, 1973, p. 2)

The Environmental Impact Report is then forwarded to the Commission for the Environment for review and audit. It is important to note that the recommendations and findings of the EPEP have no mandatory or legislative power. In other words, the departments responsible for the project are not obligated to follow the regulations. In addition, the EIA operates independently from the consent requirements under the Town and Country Planning Act 1953 and the Water and Soil Conservation Act 1967. In the cause of the Huntly Power Station, the initial impact statements were developed with minimal guidance from the EPEP.

4.3.2 **The Huntly Power Station and Environmental Impact Statements**

The Huntly Power Station is the first project to submit an environmental impact statement, however, without the EPEP guidelines. The New Zealand Electricity Department submitted the Environmental Impact Statement in October 1972, less than two years before the EPEP guidelines became available. Initially, there was confusion about whether NZED submitted the

first environmental impact statement before the Cabinet approved the construction of the power station. P. W Blakeley, the New Zealand Electricity Department general manager, sent a document to the Ministry of Electricity, explaining the environmental impact statement and report history for the Huntly Power Station. Blakeley sent the report to give context to the 1976 Stage Environmental Impact Statement (which I will discuss later in this chapter).

According to Blakeley, the Cabinet Works Committee approved the design and construction of the Huntly Power Station (and the subsequent projects including housing, transportation, and coal handling) on 30 August 1972 (referenced in W(72) M.26 Pt. III) (Blakeley, 1976a, p. 1). However, the approval was based on the condition that the NZED's submitted an Environmental Impact Statement. NZED first submitted its first environmental impact statement in October 1972 to the Officials Committee for the Environment, followed by a Supplementary Environmental Impact Statement in March 1973. Unfortunately, both the Environmental Impact Statement and the Supplementary Statement were written and submitted before the EPEP procedures, which meant that the New Zealand Electricity Department had little guidance.

The Environmental Impact Statement was a new endeavour for NZED. Previously, power projects in New Zealand were not required to provide detailed environmental impact reports before construction works. The NZED acknowledges this at the beginning of the Oct 1972 statement:

> "Since there has been no previous requirement for an environmental impact statement, this first statement includes a summary of the work which has been done to date, which is pertinent to the environmental impact of the proposal and an indication of the area in which further investigations are required." (NZED, 1972, p. 1)

The NZED relied on the suggestions made by the Committee for the Environment, which they followed "when they could." The result was a highly technical report that focused on the physical aspects of the power station and the impact of the predicted impact of the power station on the Waikato River and the surrounding environment.

The final approval of the power station construction occurred on 13 August 1973, once again dependent on the conditions set in the submitted annexe of the August 13 Cabinet Minutes (referenced in C.M. 73/37/26). According to the Cabinet minutes, the New Zealand Electricity Department was in the process of "arranging for the studies" of how the Huntly Power Station would impact the environment in three ways: the stability of the Waikato River, the effects "of cooling water discharge" on the river, and the impacts of "biological and wildlife." The studies were intended to be undertaken simultaneously as work continued on the design, construction,

and operation of the power plant" (Blakeley, 1976a, p. 2). In addition, the New Zealand Electricity Department was also responsible for the submission of a series of environmental statements during the construction phase of the power station to "demonstrate the adequacy of provisions made for environmental needs indicated in this report." (Blakeley, 1976a, p. 2) (Section: C1 (g)).

As I displayed in the timeline (figure 4), both the environmental impact reports and the approval of the power station plans occurred before the EPEP was officially instated. The lack of a firm process created environmental impact statements that were met with mixed reviews regarding the adequate amount of information made available about the environmental impact of the Huntly Power station.

Robert G. Norman, chairman of the Officials Committee for the Environment under the Ministry of Works and Development, stated in May 1973 that the EIS was "well prepared and identified five- major long-term environmental effects detailed for consideration." He maintained that it was vital that the station proceed and could not be deferred even a year to allow further studies. Norman reasoned that the Power Planning Committee report from 1969 predicted "shortages of power by 1978/79", and the costs of paying for fuel to make up the shortfall in power generation would be somewhere in the region of $NZ 36.6 million "between 1978/79 and 1980/81". Norman "also noted that deferment could place an obstacle in the way of the natural gas negotiations and almost certainly result in the government having to pay a high price for the gas."(Norman, 1973).

Norman's response to the Huntly Power Station environmental impact statement reveals his undercurrent concern over the project's status. He made a point to acknowledge that the Power Planning Committee had reported a looming possible power shortage coming and that there was a 'severe' consequence if there should be delays in the project. This narrative helps to fuel the government's decision to push the power station forward, even if it meant ignoring concerns in the reporting, as demonstrated in the following readings.

While both environmental impact statements were ultimately accepted by the government, which ensured that the Huntly Power Project would continue, there were several significant criticisms of the statements. The Commissioner for the Environment, for instance, declared that the environmental impact report was flawed because it did not include any inquiries into the social effects of the power station on local people. The report also failed to consider the problem of coal dust (and the health implications of dust) and the negative impacts of the plant's dirty

water being discharged into the river and causing a decline in biodiversity. In addition, the Commissioner of Environment maintained:

> "It is stated or implied that it is only possible to examine many of the environmental effects once the station is operating. This may well be true, but I doubt if the report takes sufficient account of knowledge and expertise already available both within New Zealand and overseas." (Ministry for Environment, 1973)

Another time-related issue with EIS is that the reports are often rushed, leaving noticeable gaps in the reports as mentioned in a statement by the Commissioner of the Environment:

> "Many of the failings noted in this environmental report are due to the fact that the report has necessarily been prepared in a hurry after the station has been conceived and planned." (Ministry for Environment, 1973)

B.G Powell, Branch Secretary of The New Zealand Institution of Engineers, also submitted comments regarding the environmental impact reports. The organization shared similar concerns over the lack of detailed information provided by each department.

> "Our Branch members have taken a lively interest in assessing the value of Environmental Impact Reports, and members have from time to time expressed concern at the seemingly superficial information which is sometimes provided in these reports on items which might otherwise be regarded to be of significant interest." (Powell, 1974a)

Powell also wrote to express his concerns about the public's ability to access the New Zealand Electricity Department's environmental impact report and make comments on its content. One letter stated that the institution was particularly worried and how and when the public was informed about the report:

> "This concern was first identified in a report published in August 1973, which queried the quality of information made public prior to that date and during the preliminary decision-making stages. Unfortunately, your department took a personal view of this report as a reflection on the quality of engineering where in fact, it was intended to raise the question of whether the informed section of the public should be any better advised of standards to be applied." (Powell, 1974b)

The letter continued by stating that there was a need for the community to be included in creating environmental impact reports. However, this was dependent on the public being able to access information about the report.

> "We are writing to you at this time to say that as members and as a group interested in the public welfare, we would like to see coordinated information made available to the public and, in particular, ourselves. This would enable some informed public comments to be made on the standards set for such a major undertaking." (Powell, 1974b)

So far, my readings of the Huntly Power Station's Environmental Impact Statements align with both the environmental impact statement/assessment literature and the broader access to information/ participation literature. Both impact statements provided limited information about the environmental risk of the power station.

4.3.3 **Accessing the Environmental Impact Statements**

Before discussing the public's ability to access the environmental impact statements, I want to briefly discuss the government's policies and attitudes regarding making information available to the public.

Before the 1980s, The Official Secrets Act of 1951 restricted the release of government documents to the public unless there was a specific reason (Official Secrets Act, 1951). Section 6 of the 1951 Act and the State Services Act 1962 and Public Service Regulations 1964 made it a criminal offence to release information without getting permission from the government. I did not find any archival documents (concerning the Huntly Power Station), which indicated that the government implemented the act directly to deny people access to information. However, the government employed the acts to control and restrict the public's ability to access government documents. (Relye, 1982)

While the reports were made available to other government departments, the public could not gain access to the environmental impact reports from the New Zealand Government. I argue an almost duplicitous response from the New Zealand Government as to why the environmental impact reports for the Huntly Power Plant project were not being released. Initially, the government did not want to release the complete environmental impact statements to the public. An article published in the newspaper New Zealand Herald entitled *Environmental Reports Not Simple,* wrote that the initial delay in releasing the NZED's report to the public was a result of the government's investigations on how best to deliver the report to the general public (New Zealand Herald, 1973a). According to the article, Mr. Walding, the Minister for the

Environment, spoke directly to Cabinet about the most effective way of giving the public access to government environmental reports. There were fears that such reports would be too technical for ordinary people to understand. Therefore, it was suggested that a summary of the report be released so the public could read and understand. The Deputy Prime Minister (Mr. Watt) declared that "the government had no intention of denying the public the opportunity of seeing the reports." The delay was merely to ensure that the government made it as easy as possible for everyone to read the reports and understand the information contained within the documents (New Zealand Herald, 1973a).

Despite these governmental reassurances, other accounts by other individuals and organizations who tried to access the reports painted a far different picture. One account explained that the reports were marked as private and confidential, with such words indicating that the reports were not intended for public consumption and access to the documents was to be kept strictly controlled. However, a spokesman for the New Zealand Electricity Department stated that the reports were private and confidential because they were submitted to Cabinet for approval. The spokesperson also made it clear that the reports were released to the National Water and Soil Conservation Authority. It is the subsidiary council, the Water Resource Council, and the Waikato Valley Authority. Therefore, local governments were fully informed, and access to information was not denied to the local government officials (elected by public members). Nevertheless, the public remained unable to access the reports (Auckland Star, 1973b).

Organizations and local community groups were still awaiting and campaigning for the release of the environmental impact statements simultaneously as local government bodies were being given access to those reports. One of the more vocal groups was the Environmental Defence Society. The EDS's battle for access to the environmental impact reports began when the EDS submitted a request to the Minister of Electricity (Tom McGuigan) for the reports. However, McGuigan stated that he could not release the reports to the organization and referred the request to the Minister for the Environment (A. R. Williams, 1973a).

An exchange between the Environmental Defence Society and the Minister for the Environment in 1973 revealed how resistant the New Zealand Government (led by the recently elected Labour Party headed by Prime Minister Norman Kirk) was to turn over these documents. The Environmental Defence Society noted that its behaviour was in marked contrast to its election promises (made in 1972). EDS reported that before its election, the Labour Party declared that it "proposed that the impact statements will be made public. This will give an opportunity for concerned citizens and environmental groups to comment on proposals before a decision is taken by the government".

The Environmental Defence Society continued to call out the Labour Party for its refusal to release information to interested groups and its (often untruthful or misleading) explanations for its failure to allow the public access to the reports. Excuses included: "report [was] too complicated and technical and would be of no interest to members of the public," and the "environmental Impact Report [was] not yet completed but [would] be released after a decision [was] made." (A. R. Williams, 1973b)

In a New Zealand Herald article published on 14 May 1973, Dr. Richard Bellamy, the spokesperson for the EDS, detailed his organization's discussions with the Minister of Electricity (T.M McGuigan) and the Minister's refusal to make the environmental impact report public.

> "The minister claims the report [was] not being kept secret but then state[d that] he [would] not release it to the public." (New Zealand Herald, 1973b)

However, government officials spoke out, critiquing EDS and other groups to seek the release of the reports and argue that such actions were contributing to project delays. For instance, D.H Jones, the district manager of the New Zealand Electricity Department, was quoted in a newspaper article stating that his department's project in Huntly was unfairly delayed due to the local environmental group's demands to access the environmental impact reports. Jones narrated the preparation of environmental impact reports as a regular part of governmental processes (a new addition required of the Huntly Power Plant project). Nevertheless, the government never gave any publicity (or public access) to those reports. Indeed, "effect on the environment of any proposed project was always considered" by government departments, and the people's concerns about the environment were primarily based on emotions rather than facts:

> "I do query the basis on which some people become so emotional and anti about some issues. They often have no first-hand knowledge and base their judgments on overseas material, which has no relevance to local projects." (Otago Daily Times, 1975)

In his book*, You Can't win 'em all: Confessions of a Public Works Engineer*, Norman reflected on his own experience with development projects. In addition, he offers his perspective on the public commenting and critiquing development projects:

> "New development projects often reach into the unknown. There will always be those on the side-line who want to know all the answers before the project is undertaken. Usually, they have no direct stake in the outcome, and it costs them little to create delays while further answers are sought. This raises the crucial question: 'When do you have enough information to make a good decision?' As our client society acquires more

> knowledge about the environmental implications of projects, they are, understandably, becoming more difficult to please in accepting the development. There are often pressures to acquire more and more information, because it is available, on the grounds that such knowledge will lead to a wiser decision being made. But the situation is not as simple as all that. The logic of decision-making calls for the decision to be made, not when you have all the data that can be acquired, but when the cost of the community of acquiring further information is greater than the increased value of the decision that results. Put another way, make the decision when the cost of getting more data is greater than the risk of doing without it. To the environmental and scientific purists, this is doubtless an iconoclastic statement, and I was certainly criticised for it more than once." (Norman, 1997, p. 133)

This statement is interesting in that when it came to making decisions around water rights. They claimed that organizations like EDS could not offer insight because they were not directly impacted. However, Tainui would be directly impacted. Earlier in the statement (p.132), Norman stated that the local Māori Tribe (Waikato-Tainui) had 'one concern' over the power station regarding the impact of the cooling water being returned to the river. However, as I show in this and the next chapter, Waikato-Tainui's concerns regarding the river were just one of many iwi's concerns. Moreover, these concerns are tied to the historical disregard of their sovereignty and guardianship of the river and surrounding area. In essence, Norman's remarks demonstrate the minimization and misrecognition of iwi interests by government officials.

Jones and Norman's attitudes were not unique, and many government officials expressed similar viewpoints. Ultimately, the government wanted to complete the project as quickly as possible, emphasizing speed rather than public participation and access to information. Accordingly, the government perceived numerous hold-ups associated with making the reports available to the public. Most notably, people would criticize aspects of the reports and demand the government halt work on the project until suitable mitigative actions were designed to reduce the project's adverse effects.

As the above quotes from newspapers indicate, the local media regularly reported the government's resistance to sharing the environmental impact statements and reports. By the spring of 1973, newspaper articles began to run reports around the government's 'secrecy.' The media often quoted V.S. Young, the spokesman for the opposition political party (National) on environmental issues. In one New Zealand Herald article, he said that community and

environmentalists were right to be concerned over the effects of the Huntly Power Station on the environment. Young declared that "the value of an environmental impact report [was] negated if it [was not] … the subject of open public discussion" and that all such reports were "meaningless" if the information within them were not released to the public (New Zealand Herald, 1973c).

The resistance of the New Zealand government to share environmental impact information with the public in Huntly appeared to be contradictory to Labour's 1972 election manifesto and response to nuclear testing in the Pacific. The Labour Party's 1972 election manifesto included 36 areas of policy, including the environment. Regarding the environment, the Labour Party "accepted a moral responsibility" towards protecting the environment and ensuring that every New Zealander had access to "good environments" (NZ Labour Party, 1972, p. 12)

In addition, during this time, the New Zealand Government and a host of environmental NGOs were protesting France testing nuclear bombs in the Pacific (within the French colony of French Polynesia). Protests led by the Labour Government included lodging legal cases with the International Court of Justice; sending a frigate from the New Zealand Navy to the French Polynesia (which accompanied a flotilla of private and NGO ships that departed from New Zealand), and speaking at international forums (including in the 1980s PM David Lange's famous speech at the Oxford University Debate) against nuclear testing and proliferation. Labour's election manifesto reflected the overall transition of New Zealand towards an independent nation, which Helen Clarke later recounted (then a Labour Party Cabinet Minister who went on to be the Prime Minister of New Zealand in the 2000s).

> "The three factors mentioned at the outset- Labour's desire for an independent foreign policy, its emphasis on disarmament, and its growing Pacific identification- came together in the 1970s and 1980s to reinforce a strong anti-nuclear position."(Helen Clarke, 1988, p. 178)

During the Third Labour Government's tenure (1972-1975), Prime Minister Norman Kirk (1972-1974) took a solid anti-nuclear stance and was the first NZ PM to send a vessel from the NZ. Navy to the South Pacific to officially protest France's testing of nuclear bombs at Mururoa Atoll (French Polynesia) (Ayson, 2000).

The New Zealand Government's responses to both cases (the Huntly Power Plant and Nuclear testing in the Pacific) create an interesting environmental justice paradigm. On an international level, PM Kirk's Labour government appeared to be prepared to risk diplomatic relationships with France and the UK to prevent nuclear testing in the Pacific through policy and subsequent

action. As mentioned by Helen Clarke, the national identity of New Zealand as an independent Pacific-identifying nation required outside recognition (of its sovereignty, anti-nuclear testing stance, and the potential environmental risks it and other Pacific nations faced). The need for an outside acknowledgement of New Zealand's independence aligns with the broader recognition scholarship in chapter two, which discusses the need for outside communities to recognize other communities' identities. In the context of recognition in environmental justice, recognizing New Zealand's independence (and stewardship over the Pacific islands) sets the stage for the New Zealand government to participate (in this case, through rejecting nuclear testing) decision-making process regarding the environment.

However, on the national level, the Labour's resistance to supply the public with environmental impact statements (which served to deny the public access to information regarding the Huntly Power Station) reinforced the ongoing injustices. As mentioned throughout this section, there were a variety of reasons given. For example, concerns over the public's ability to understand the information and general concern over public involvement implications on the project). However, as demonstrated also, there was an overwhelming attitude by a few government officials that they did not want the public interfering with the project and that allowing them to access the information about the Huntly Power Station would hinder the project. As discussed in participation literature, access to information is one of the keys to participation, which is the key to procedural justice and, to a larger extent, environmental justice. Eventually, the continued pressure caused by the public forced the NZED to release the environmental impact statement to the public on June 6th, 1973.

Sir Robert Mahuta, Tainui rangatira, spoke out about the reports and declared that the environmental impact statements did not answer his community's crucial concerns, issues, and questions about the impacts of the power station on local whanau, hapū, and iwi. Mahuta made three main critiques of NZED's report:

> "1) While 'professional men working in sophisticated technical fields' had two years to gather information, the 'layman' only had 28 days to lodge any objections. 2) Covered none of the sociological, economic, or cultural effects 3) No conclusions were made but were left to the reader" (Mahuta, 1973).

In addition to concerns over the lack of information about the power station, there were also concerns about the overarching focus on natural environmental issues rather than the social and economic impacts of the power station on the surrounding community. From the early 1970s, Sir Robert Mahuta wrote and presented numerous research papers about the effects of the power

plant and other developments on the social and economic conditions and livelihood opportunities for Māori communities, which were reported in the media. He critiqued (in a newspaper article in 1973) the newly established process of producing and submitting Environmental Impact Statement for new developments:

> "The main fault of environmental impact statements to date has been their focus on the physical environment and a corresponding de-emphasis on social impacts such as the effects on employment opportunities, housing, community life, and recreational amenities." (Dominion, 1973).

In addition to a lack of information about the reports, there were concerns around the reports' objectivity. As mentioned in the previous chapter, early development projects relied upon an internal system of checks and balances between the different government departments. However, as mentioned in the 1981 OECD report, there were concerns over the objectivity of departments when it came to planning development projects and evaluating their environmental risks. One example of this occurred at the Huntly Liaison Committee Meeting on 17 June 1974, where the question was raised:

> "How objective can an environment report be if prepared by the Department itself?" (Huntly Liaison Committee, 1974)

The response to this question was a reassurance that government agencies responsible for the Huntly Power Plant project were in the best position to write the report and were completely objective:

> "The best person to prepare the report is the agency doing the work-government departments, local bodies, or private firms-as they alone fully appreciate the extent of their intended operation." (Huntly Liaison Committee, 1974)

Discussions continued at the meeting, with government officials declaring that the environmental reports were subject to ongoing investigation (even following their submission and formal approval by the government). Therefore, iwi and stakeholders' concerns about negative impacts on their local environments and communities were unjustified. (Huntly Liaison Committee, 1974).

4.3.4 **Addressing the Social and Economic Impact of the Huntly Power Station: The Huntly Social and Economic Impact Report**

One of the major criticisms of the environmental impact statements and reports was that there was not enough information on the social and economic impacts of the Huntly Power Project on Huntly and the surrounding area. As a response to these concerns, the Ministry of Works and Development approached the University of Waikato to investigate the social and economic impacts of the power station. The research project – the Huntly Social and Economic Impact Monitoring Project – was headed up by Tom Winston (TW.) Fookes (Senior Lecturer in Geography at the University of Waikato) and began in 1976. Fookes, as documented in Dangerous Ideas in Planning: Essays in Honour of Tom Fookes, interests lay in understanding fairness. In the case of the Huntly Power Station, he wanted to understand the fairness of the project.

> "Tom Fookes devoted his professional life to understanding and promoting fairness. He packaged his skills in many ways but in the end the question always was one of fairness. Were the people of Huntly treated fairly? Were the people who proposed, designed, and built the Huntly power station treated fairly? Were the people of New Zealand, the ultimate beneficiaries of the power plant, treated fairly? If Tom's work indicated that they were not treated fairly, then it was time to do something about." (Vesilind, 2015, p. 133)

By 1981, the project had resulted in many research publications, including ten working papers, twenty-three Internal Technical Papers, and fourteen Research Memoranda. The first seven research papers in the series (all authored by Fookes) were all produced with the non-technical reader in mind. The papers covered the power station's social and economic impacts, the history of resource consents, and the public's response to the power station. It is this work that displayed the tangible, real-world outcomes of large-scale projects.

> "The Huntly experience demonstrated for example, that small towns did not necessarily benefit economically from the rapid influx of construction workers, highlighting the risk of untested assumptions on the part of developers and communities. This finding was instrumental in informing unrealistic expectations held by communities about the likely short-term benefits of other large-scale projects." (J. Dixon, 2015, p. 39)

The Huntly Monitoring Project was not an environmental impact assessment. Instead, the focus on the monitoring project was on the social and economic impacts of a large-scale project on a community (I. Fookes, 2015). Thus, the Huntly Monitoring Project was the first document of

social impact assessments regarding large-scale projects and would ultimately serve as the framework for future projects and legislation.

> "The Huntly Monitoring Project was expected to achieve several conflicting objectives, including providing timely advice and developing methodologies for future monitoring. Out of this work emerged an identifiable New Zealand impact assessment process which combined data collection, early identification of social issues, and mitigation action at the community level."(Buchan & River, 1990, p. 99)

The lack of access to information, as I previously outlined, was a significant obstacle for the public's capacities to be able to effectively participate and shape decision-making about the Huntly Power Plant project. Indeed, Fookes identified (in research paper 4A) that the debate around the effects of the Huntly Power Station was severely hampered by the lack of information available to organizations and iwi.

> "As might be expected, the shortage of solid information made some predictions inaccurate (those, for instance, foretelling a large population increase). On the other hand, somethings happened which no-one predicted before construction began (the magnitude of a community workforce for instance.)" (Fookes, 1976, p. 7)

He reported that the community expressed concerns over the lack of information and wanted to be a part of the planning process from the beginning:

> "Community expressions of concern and a desire for more information, (particularly by groups perceived as 'minorities') reflect a degree of local familiarity, knowledge, and identity which is politic to capitalize on" (Fookes, 1981a, p. 27)

Moreover, the information supplied came far too late to assist in the planning and decision-making processes. Much like the submissions and comments made by other groups, the information contained within the Waikato University research project's reports comes retroactively. Thus, it serves as a learning tool for future power projects.

Fookes' analysis of the lack of information available to the Huntly community reflects the broader scholarship's critiques and concerns on public participation and environmental justice (Bell & Carrick, 2017; Fookes, 1981; Gibson-Wood & Wakefield, 2013; Paloniemi et al., 2015). Successful public participation is dependent upon a community's ability to access (and understand) information. As discussed in chapter two, the lack of access to information regarding the Huntley power station acts as a massive roadblock for members of the community, particularly the Māori community, when it comes to participating in the decision-making

process. In addition, by not including the Waikato Tainui community earlier in the process, the government agencies responsible for the Huntley power station missed an opportunity to gather additional information about the local area and the full impact on the community before decisions were made.

Fookes's research continues by discussing the underlining concerns that the Māori community had regarding the power station:

> "While the consequences of locating the power station at Huntly could be expected to affect all members of that community and, therefore, expressions of concern anticipated, it was the Māori people who articulated their fears most strongly at the early stages when the NZED's intentions became known. The negative reaction of the Waikato subtribes, their deep suspicion of the Government's intentions, has its roots in New Zealand history, particularly that part concerning the Land Wars of the 1860s." (Fookes,1981)

Indeed, recognition of Māori experiences of colonial violence, invasion, and dispossession, of ongoing discrimination and disadvantages were critical not only understanding Waikato-Tainui iwi and hapū concerns and protests about the Huntly Power Plant but environmental justice for Māori. As Sir Robert Mahuta wrote in 1976: "it is impossible to understand Waikato tribal reaction unless one is familiar with their historical experience, particularly the Treaty Waitangi and the effects of land confiscation." (Mahuta, 1976, p. 7)

In stark contrast to the government's sparse documentation of the impacts of the power station on Waikato Tainui, Fookes and Mahuta pinpoint the impact of the historical and ongoing trauma of land confiscations on the Tainui community. For [Tainui], the placement of the power station was not only a present insult to their connection with the land, but the continual abuse of their land by the Crown also gives the impression that the land confiscations were continuing. Moreover, with the lack of information and inclusion of Waikato Tainui throughout the process, it was no wonder that Mahuta began to question the true purpose of the power station:

> "We as a community could not understand why one of the biggest thermal power stations in the Southern hemisphere had to site right next to our marae and so went back to our historical experience and said well maybe this is part of the whole conspiracy theory if you can't beat them, wipe them out. These Kingites [members of the Kīngitanga movement] won't knuckle under, so let's get rid of them" (Mahuta, 1979, p. 20).

In the context of indigenous environmental justice, scholars have discussed the importance of recognizing the impacts of colonialization on indigenous communities, especially when dealing

with power stations or other development projects. There is a deep-seated mistrust that indigenous communities stemmed from the traumatic experience of colonialism's past and present existence (coloniality)(Álvarez & Coolsaet, 2018). Both Fookes' and Mahuta's discussions around the analysis of Māori concerns around the Huntly Power Station, particularly the connection involving the land wars, reveal Māori (and, by a larger instance, indigenous) understanding of time. The Māori concept of time, in comparison to Pākehā, is not linear, with a distinction between the past, present, and future. Instead, the Māori perceptions of time recognize that the past, present, and future are intertwined (Lo & Houkamau, 2012; Whiteford & Barns, 2002). And as Van Meijl (2006) writes, historical events in the Māori worldview "unfolded as a return to the same experiences."

4.3.5 **The Stage Environmental Impact Statement and Audit**

The Stage Environmental Impact Statement and Audit. Around the same time, the research for the Huntly Social Monitoring Project was underway, the Stage Environmental Impact Statement was submitted to Cabinet. Unlike the 1972 Environmental Impact Statement and Supplementary Environmental Impact Statement 1973, the Stage Environmental Impact Report followed the EP&EP guidelines and was appraised by the Commission for the Environment. The Stage Environmental Impact Statement served to fulfil the requirements (sections c) of the Cabinets' approval of the Huntly Power Projects (Cabinet Minute CM 73/73/25). After a significant revision of the report in 1975, the Stage Environmental Impact Statement (SEIS) was released in August 1976.

4.3.6 **Comments About the SEIS**

Similar to earlier reports, organizations and public comments about the SEIS centred around the lack of information provided by the statement. The Huntly Monitoring Project Steering Committee expressed its disappointment about the lack of information provided in the statement. Like with earlier reports and statements, the SEIS focused primarily on the biophysical impacts of the power station, and little consideration was given to the effects on the community.

The Huntly Monitoring Project Committee also mentioned how the Stage Environmental Impact Statement seemed to bypass other reports on the power project, including attempts to monitor the social and economic effects of the Huntly Power Station on the community. As well as

discuss the relationship between the community and the power project. The Department of Lands and Survey echoes similar sentiments around lack of information, stating:

> "although the NZED have obviously sought to anticipate and deal with the many problems that must arise with the creation of such a vast complex, the fact remains that the report is issued long after major construction has begun and puts in jeopardy the whole basis of environmental audit. This department considers that the knowledge NZED gained from the erection of the New Plymouth Station should have enabled reports on the Huntly Power Project to be issued well before now." (Coad, 1976).

DC Issacs, the Director-General of the Department of Scientific and Industrial Research, stated in a letter to the Commissioner for the Environment that the new Environmental Statement was "incomplete" due to its failure to thoroughly examine the "environmental effects of the power station.". The statement provided inadequately "detail[ed] measures designed to ameliorate some of the adverse effects," such as the "gas emissions, particulate effects, and fallout rate… [and] the effect of flu ash". Nor did the statement attend to the impacts of the plant and its operations of water (Isaacs, 1976).

Sir Robert Mahuta also made highly critical comments about the SEIS. He declared that the SEIS and the Electricity Department were guilty of misleading the public about the effects of the power station's construction and operations. Mahuta reported that the department was dishonest in dealings with Māori from the outset. When the New Zealand Electricity Department negotiated with Māori about leasing a parcel of the Māori Queen Te Arikinui Te Atairangikaahu's farm (supposedly for the power plant construction), they informed iwi that they were only needed the land during "the construction period." The parcel of land in question was the location near the Waahi Pā Marae and the home of the Māori Queen. Evelyn Stokes gives a detailed history of the Waahi Pā Marae and the surrounding area, including the first registered owner of the land, Hoana Maioha, to its significance during the King Movement and home of the Māori Queen and her family. The Waahi Pā marae served as the centre focus of the Māori King movement from 1864 to the 1930s (after which the ceremonies regarding the movement were moved back to Turangawaewae (Stokes, 1978b).

Mahuta continued his critique to include the SEIS contents as well. The supplementary material of the SEIS was criticized for being too technical. He argued that the SEIS was just a "collection of technical papers" made by experts employed by the Electricity Department, which he (like other non-experts) were unable to read, let alone make judgments about the "competency,"

validity, and "accuracy" of the paper's findings (Mahuta, 1976, p. 7). The one aspect of the ESIS that Mahuta felt entirely confident to assess was the analysis of the impacts of the power plant on Māori, of which he reserved his harshest criticisms. He declared that the ESIS's "social analysis of the Māori [sic] situation" was "self-congratulatory … arrogant," and blatantly incorrect in its conclusions. (Mahuta, 1976, p. 9) The "interpretation of public amenities" was "predictably subjective and discriminatory." (Mahuta, 1976, p. 8)

A submission followed up Mahuta's response to the SEIS interpretation of public amenities by Taitinue Maipi. His submission, similarly, declares that the SEIS failed to recognize the cultural and historical significance of Waahi Pā. Specifically, the "nature of the marae as a public place and a public facility" (point a) in the context of how they (members of the Waahi Pa Marae Committee) viewed a public facility. The SEIS, according to the Maipi, also failed to recognize the cultural and historical significance of the marae as a meeting place not just for Māori whanau, hapū, and iwi (specifically Waikato-Tainui) to come together, but also for all its community members (Māori and non-Māori alike) of the wider Huntly district. Mahuta and Maipi alluded that the government department who wrote the SEIS applied a narrow definition (underpinned by Western thought and legal traditions) of a 'public amenity.' In doing so, the department (like the New Zealand Government, its various departments, and local governments did so on an ongoing basis) effectively disregarded and failed to recognize the marae as a critical piece of iwi Māori culture, identity, values, ways of life, and modes of governance. The case of Waahi Pā marae will be discussed again in the next chapter.

It was not simply a case of opposition and concerns being raised by Māori concerning the operations and consultation processes of the Huntly Power Plant. Rather than simply being a story of Māori versus the Crown or Indigenous versus non-Indigenous peoples, other actors (including members of the New Zealand public outside of Huntly as well as non-governmental organizations) lodged submissions about the EIS and SEIS. In its submission, the New Zealand University Students Association (at the time comprised of over 37,000 university students across the country), for instance, stated that it took an interest in environmental issues and that access to information on proposed power projects was a fundamental right for the people of New Zealand. The people of New Zealand, the student association, argued, possessed the right to "scrutinize the decisions of those groups proposing the project," especially if there was going to impact the environment. The New Zealand University Association's submission argued that the Huntly Power Station's SEIS and EIS were flawed because the statements were not made available to the public to comment on before the actual substantive decisions (regarding the

construction and operations of the plant) were made. Yet despite this criticism of the EIS and SEIS, the student association argued that it would be "financially irresponsible to recommend that the construction of the Huntly Thermal Power Station be discontinued." (New Zealand University Students Association, 1976a)

The student association's concerns about the environment and potential environmental degradation show evidence of conflicting concerns about the need to protect the environment and mitigate environmental risks, but not in a way that would cause any financial costs to the nation. In this way, as with the government, the association seems to be (implicitly) applying a cost/benefit analysis to its assessment of the EIS, SEIS and the entire value of the Huntly Power Plant. In doing so, the student association's statement feeds into the broader Government discourse that heavily weighted the costs and benefits in favour of its economic development plan, with the benefits of securing the material wealth and prosperity of the entire nation trumping the costs of the local environment and people.

4.4. Access to Participation: The Town and Country Planning Act 1953

The development of town and country planning legislation in New Zealand gained its inspiration from town and planning procedures in Great Britain. And while certain aspects of the policies held the imprint of British influence, New Zealand's town and planning acts were vastly different from the start. For example, the British town and planning acts were designed to keep public participation to a minimum. However, New Zealand's Town and Country Planning Acts, from 1926-1977, gradually increased the ability of the public to participate in the planning process. New Zealand's first town and country planning scheme, The Town and Country Planning Act 1926, required that areas (boroughs) with a population greater than 2000 (1000 according to the Knight (1935)) had to prepare detailed plans which designated where development projects were to take places.

In addition to the EIR, another condition of approval for the power station to be built was to follow the policies under the Town and Country Planning Act (1953) (McLeod, n.d.). The Town and Country Planning Act 1953 was one of two significant legislation responsible for planning regional and district schemes in Aotearoa. Under the act, the local government was granted more authority over land use planning (Memon, 1991). The Act also established the Town and Country Planning Appeal Board.

However, under the Town and Country Planning Act 1953, the government had the option of whether it wished to abide by the act. If the government chose not to, no outside agency or process could force the government to abide by the Act or penalize the government if it did not. In the Huntly Power Station case, the government chose not to abide by the act, beyond an application for the use of the river for cooling the Huntly Power Station was made under the Water and Soil Conservation Act 1967. The Water and Soil Conservation Act 1967 and the National Water and Soil Conservation Authority eliminated common-law ownership of water bodies. It replaced it with a regulatory organization that provided access through catchment boards and water authorities. I discuss this further in chapter five.

Two different local government institutions (Huntly Borough Council and Raglan County Council) were responsible for overseeing planning processes for the creation and operations of the Huntly Power Station in the 1970s. This differed from most other power plants in Aotearoa and added further institutional complexity to planning processes and decision-making. To prevent problems and allow each community to be heard, The District Commissioner of Works Hamilton, to prevent problems in getting the plant approved, established the Town and Planning Forum to allow different institutional and community actors' voices to be heard. In a letter written between the Huntly Borough Council and the Raglan County Council, the borough council agreed with the Raglan Count that a new boundary line was established. By adding a new border, the Huntly Power Station would be listed under the Raglan County District planning scheme and give the public the ability to object or appeal to the plan. This suggestion was supported by the Officials Committee, who recommended that the government (Ministry for the Environment) encourage that the New Zealand Electricity Department follow the procedure (Fookes, 1981)

The Huntly Power Station was initially approved, with the condition that the Town and Country Planning Act 1953 would be applied. In terms of the approval through the Town and Planning Act 1953, the New Zealand Electricity Department was bound by several conditions, including condition h of the agreement between the New Zealand Electricity Department and the Cabinet. Under condition h, the New Zealand Electricity Department had to:

> "institute appropriate procedures to designate the complete project in local authority district planning schemes allowing interested parties the right to object and appeal."

Condition 'h' immediately created tension with NZED. The concern was that if they [NZED] had to abide by the Town and Country Planning Act 1953 to its full intention and there was a

possibility that the project would be delayed due to objections by the public. They predicted that at least one appeal would be lodged and that it would take "at least eight and possibly twelve months before the statutory procedures under the Act have been completed and a decision reached by the Town and Country Planning Appeal Board." As a result, the Ministry of Works requested to 'delete section h from the approval conditions. (Hill, 1973). In response to the request, JMK Hill, Commissioner for the Environment, stated:

> "Although denial of public rights of objection and appeal under the Town and Country Planning Act is contrary to present Government policy and a reversal of recommendations which have been made public, it is accepted that delays in commissioning the power station could aggravate an already serious short-fall in power generation and may not be in the national interest." (Hill, 1973)

He continues to say that if the condition ‘h’ is deleted, the department would have to clearly explain the decision to the public and work with local authorities to ensure all affected parties are accommodated. The exchange between the Ministry of Works and the Cabinet shows two things. The first is that the Ministry of Works and Development (to push their agenda) sought to circumvent a policy to encourage community input (Town and Country Planning Act 1953).

The Ministry of Works was successful in its protests, and on 26 September 1973, the removal was approved by Cabinet, which allowed the New Zealand Electricity Department to:

> "proceed with the construction of the Huntly Power Station in the absence of any restrictions that might be imposed by the Town and Country Planning Act and [p]articularly to avoid the delays that would necessarily be incurred whilst objects and appeals against the use of the power station site were being resolved. The restriction has not applied to appeals against the location of water rights." (Unknown, 1973a)

The Cabinet’s removal of the applicability of "condition h" of the Town and Planning Act 1953 to the proposed power plant denied the public the ability to participate in early decision-making processes. Furthermore, no attempts were made to inform the public of its decision.

> "No direct announcement has been made of the Cabinet's decision of 26 September. In reply to questions by the Māori community in the region, the New Zealand Electricity Department has promised to meet all reasonable requests and issues that are likely to be subject to objection and appeal. This has been done without making any direct reference to the fact that town and country planning procedures will not apply."

The effects of this decision not to report the decision not to use the Town and Country Planning Act can be seen in a letter from Sir Robert Mahuta and the Māori Community. Mahuta wrote in a letter dated 24 September 1973 to the Ministry of Electricity, which outlined the concerns of Waikato-Tainui, specifically those tied to the Waahi Pā marae, that went beyond their issues with water allocations (as I will discuss in the next chapter). One of the significant concerns expressed by Mahuta (on behalf of wider his Waikato-Tainui iwi) was about the lack of certainty around the procedures that government agencies (the Electricity Department) were used during the planning and construction phase of the plant. Mahuta wrote that he hoped that NZED would be using the standard planning procedures established in the Town and Country Planning Act because the "sociological impact" of the "project of this magnitude" on Māori communities was significant. He concluded by writing that he and the other iwi leaders were seeking the assurance of the NZED that it would be following government legislation (Mahuta, 1973).

In my archival searches, I was unavailable to locate any documentation that attests to whether the NZED ever replied to Mahuta directly to inform him (or other Waikato-Tainui leaders) that the department was not following the standard planning procedures established under the Town and Country Planning Act 1953. It seems more than likely to assume, given the lack of access to government information at the time, that Mahuta and other people in Huntly and the wider region learned of the Cabinet's decision through unofficial rather than official information channels.

4.4.1 **The Elimination of Public Participation?**

The approval of the Huntly Power Project was based on several conditions, one of them being that the power station would be constructed under the Town and Country Planning Act 1953. As specified under the act, communities were meant to review the proposed projects, such as the Huntly Power Plant proposal. Following their proposal review, local communities could submit their support for or objection to the project. However, the Ministry of Works campaigned for this aspect of the legislation (known as "condition h") to be set aside regarding the Huntly Power Plant project. The Ministry of Works declared that "condition h" would cause unnecessary delays to start and complete the project. Furthermore, the department declared that public submissions and objections to the project would delay the project by more than a year. Due to its apparent energy crisis, the government and the country could not cope with additional time.

At the end of chapter three, I touched on the economic situation in Huntly. As a nation, New Zealand dealt with the economic consequences of Britain joining the European Economic Community (EEC) and the fall of the wool market. Compounding the economic issues were energy concerns outlined in the 1968 energy report by the Power Planning committee and the 1973 oil crisis. Huntly was additionally susceptible to economic issues due to the closing of the local coal mines. Combining these issues created a panic within the government, which caused the Ministry of Works to protest anything that would delay the project.

In any case, NC. McLeod from the Commissioner of Works offered an alternative to the participation scheme laid out in the Town and Country Planning. In a letter to the Minister of Works and Development from the Commissioner of Works, NC. McLeod outlined two consultation bodies, the Huntly Planning Forum and the Huntly Power Project Liaison Committee. McLeod's establishment of the planning forum consigns with the recommendation of the Commissioner for the Environment, who stated that:

> "If it is agreed to delete condition "(h)" thus denying public rights of objection and appeal, it would be desirable for the reasons to be clearly explained to the public and for consultations to take place with local authorities during the course of development to ensure that as far as possible, the interests of affected parties are catered for." (McLeod, 1973)

4.4.2 **Huntly Planning Forum**

The first Planning Forum meeting was held on 21 December 1973. As R.E. Hermans, the District Commissioner of Works and Chairman of the forum, explained in a letter, the Planning Forum was designed to "adequately" represent the "interests in the area and at which proposed developments associated with the power station could be discussed." Hermans goes on to describe the forum as a place where the public could bring their concerns. Also, any issues could be drawn to the attention of the planner and government before decisions are finalized.

Unlike the Huntly Power Project Liaison Committee (which will be discussed in the next section), the Huntly Planning Forum had a strict list of individuals, organizations, and community groups represented. This list included members of parliament, representatives of the Ministry of Works, Ministry of Energy, and the Huntly Power Project itself, Huntly Borough Council, Ragland County Council, Waikato County, Huntly Māori Community. The Māori Community was particularly asked to participate because they were more likely to be affected. The Māori Community was also interested in being included in the planning forum. An October 3, 1973 article discussed the desires of the community to be a part of the planning process:

> "The Huntly Māori communities want their voice heard in planning for the proposed thermal power station-and are seeking involvement on levels as high as the Town and Planning appeal board." (Evening Post, 1973b)

Specifically, they wanted a representative on the planning committee, a representative on the Town and Country Planning Appeal Board, to "assist in cases involving Māori land." And they also wanted explanations from the Raglan County Council, Huntly Borough Council, Waikato Valley Authority, Ministry of Works, and Electricity Department.

In a report sent from NC McLeod to the Honourable R.D. Douglas, McLeod described the purpose of a separate liaison committee, stating:

> "A separate Liaison committee-presided over by the Project Engineers- regularly meets in Huntly to exchange information and receive any complaint from the public about the direct effects of construction (e.g., dust, noise, traffic, etc.). Huntly organizations (farmers, Huntly Ratepayers, etc.) take park as well as the local authorities." (Unknown, 1974)

Fookes would later state in his study of the Huntly power project that the Planning Forum was "in part a reaction to earlier agitation for more involvement and community actions which suggested a need for improved communication."(Fookes, 1981, p. 14)

The Huntly Planning Forum's execution follows the same issues mentioned in the participatory scholarship (Arnstein, 1969; Coenen, 2008; Palerm, 1999). First, the Huntly Planning Forum convened almost four months after the Cabinet approved the construction of the Huntly Power Station. By then, the majority of the planning decisions had been made, leaving little space for adjustments to be made to address public issues. Secondly, even if there was more ‘notice’ given, the absence of the ‘h’ condition of the Town and Country Planning Act 1953 gave Waikato Tainui no recourse to appeal the project altogether.

4.4.3 **Huntly Power Project Liaison Committee**

In the letter between N.C McLeod (Commissioner of Works) and D.H. Jones (NZ Electricity department), there was an outline of overwhelming support from the Huntly community to create a liaison committee. The committee is described as helping to understand matters "pertaining to the station, its construction, and its general effect on the area." According to the letter, the liaison committee would be viewed as supplementary to formal interactions with the local government bodies. Special care was taken to avoid the appearance of "detraction from the proper work of the elected local authorizes." The liaison was positioned as a two-way exchange

of ideas. On the project side, it allowed the Huntly Power Station project to share information about the project. At the same time, the community would share any concerns they had about the project. The groups invited to participate included local authorities, organizations, Waahi Marae, Progressive Association, and Rotongaro Branch, Federated Farmers. (McLeod, 1973)

The Federated Farmers organization was one of the more outspoken groups that wanted to join the Liaison Committee. According to an article, they sought to be included in the meetings to "counter a lack of information from the Ministry of Works and the Department of Mines and Electricity that was not helping to soothe anxiety." (Mr. Pask, President of the Farmer Federation) (Evening Post, 1973a)

In a letter from J.W. Peck, Hon Secretary of the Rotongaro Branch of the Federated Farmers NZ to the NZ. Electricity Department, there was mention of a meeting conducted August 1st for the Huntly Community. According to the letter, the Rotongaro Branch of Federated Farmers includes the area west of Huntly and the Power Station. There was concern about the power station's effect on their members, and they requested a meeting for the Rotongaro community. (Unknown, 1973b)

A response letter from the New Zealand Electricity Department (D.H. Jones) to the Federated Farmers (JW Peak) regarding the 17 August 1973 request of a public meeting about the Huntly Power Station in Rotongaro mentioned that the Raglan Council is interested as well. So, there was a decision to host a combined meeting with community members, including Māori, to showcase a scale model of the power station. The meeting included Huntly Power Station Representatives, M Williams (Construction Engineer with the Power Division, Ministry of Works), D.H. Jones (Project Liaison Engineer with the Design and Construction Division of the New Zealand Electricity Department) (Colman, 1973).

4.4.4 **Response to the Public Liaison Committee**

While there were reports of overwhelming support for the Public Liaison Committee, according to a review of the committee, there were two viewpoints around the timing of establishing the committee. The first viewpoint was that the projects should be allowed to start before the committee would be created as the purpose of the Liaison Committee "it was said that during the gap where the Liaison Committee did not exist, the Planning Forum would have been sufficient. " (Unknown, 1981)

On the other hand, an early establishment of the Public Liaison Committee would establish a line of communication between the community and the project, informing the community of the effects of the power project on the community as well as dispelling rumours that were undoubtedly to occur when there is lack of information. However, as mentioned in the review, it is essential to note that the power station was approved in August 1973 and began construction in October. The activation of the Huntly Planning forum occurred after construction began on the power station. As a result, any significant issues raised by the community could not be addressed.

The 1981 review of the Huntly Power Project Liaison Committee ultimately reinforced the notion that the local organizations were "reasonably well informed about the project, community problems, and progress in coping with changes in Huntly." The review would argue that the many representatives were only concerned about their contacts with the power project, to the detriment of the broader community issues. However, this was because only a small amount of relevant information went back to the organization and the general public. (Unknown, 1981, p. 15)

Once again, the Huntly Power Project Liaison Committee and the Huntly Planning Forum give the illusion of collaboration between the local community and the government. However, the liaison and planning forum is developed to distribute information about the power station but not allow the community to give feedback or negotiate (Arnstein, 1969). The forum's timing also restricts the community's ability to offer feedback that could impact the planning and, ultimately, the execution of the power station. In the context of environmental justice, the lack of accessibility to information and participation in the decision-making process created procedural injustice and, ultimately, environmental injustice.

4.4.5 **Representation of Māori in the Process**

While the government may have included Māori representation in both the liaison and forum, it does not mean that the inclusion was felt to be helpful to Māori. Sir Robert Mahuta stated through the media that the government did not thoroughly include the Māori community in the planning process of the power station. In an article from the Dominion, 16 August 1973, Mahuta stated that the proposed liaison would not solve their issues. He stated that there was a fear that if the interests of the Māori community did not align with the business community's interests, their concerns would not move beyond the committee. (Dominion, 1973).

Mahuta would later accuse the government in two separate articles of deliberately misleading the community. In the article*, Māori Dealings on Huntly Power Plant* were 'obstructed.' Mahuta

accused the government of withholding information and a reluctance [by the government] to negotiate or consult the Māori community. In addition, Mahuta accused the local and national media of "an institutionalized form of censorship."(Waikato Times, 1974).

In another article, Huntly Power Forum members were upset over obstruction charges. Mahuta accused the NZED of withholding information about the power station for three months and misleading the public about the effects of water discharge on the Waikato River. He is quoted as saying that the Ministry of Works was "reluctant to" work with the community regarding the effect of the power station on Māori Land. Also, the "censorship was being practised by newspapers, especially the Huntly Press," which had attacked the Māori community editorially for its stand on several issues." (The Times, 1974a)

However, in a separate article, *'Misleading Public' charges denied by Huntly Power Head*, the Electricity Department denies Mahuta's claims that the Māori community was left out of the decision-making process. D.H Jones states in the article that there were five meetings held with the community between November 1971 to August 1974 and that the interests of the community were safeguarded. (The Times, 1974b)

The exchange between the government and the community showed a clash in understanding between the Electricity Department (a Crown agency) and Tangata whenua about what consultation and participation mean. Officials of the Electricity Department felt that the community meetings were an acceptable form of public consultation and that Māori was not excluded from the process. However, from Waikato-Tainui's perspective, NZED failed to provide accessible information regarding the Huntly Power Station, which would ultimately help them understand the impact of the power station on their way of life, and more importantly, advocate for their interests.

Again, as I have stated earlier, this exchange between the two groups (NZED and Waikato Tainui) demonstrated the delicacies of public participation. As Arnstein (1969) notes, while consultation in forums and community councils is necessary for public consultation, the organizations are frequently reduced to nothing more than token gestures. Arnstein and other scholars suggest this is because ultimate decision-making powers continue to rest the hands of officials who decide and manage the meetings and access to information (Arnstein, 1969; Palerm, 1999; Tritter & McCallum, 2006). In this case, the government, represented by NZED, controlled who was in the forum and liaison committee and the distribution of information. For Waikato-Tainui, this places them in an uneven power situation. By the time the information

regarding the power station was made available, most of the planning decisions were already made.

4.5. Conclusion

Hatrick (1976) wrote at the end of his article *Huntly Power Stations: Certain Aspects of Civil Engineering Design* that the Huntly Power Station was a guinea pig under the new environmental policies. In truth, the Huntly Power Station found itself caught between the transitional period of New Zealand's environmental policy and a growing energy/development crisis. Government agencies, who initially had less bureaucratic oversight when developing large-scale power projects, now had to submit environmental impact reports and seek water rights through detailed processes. It did not help that at the time, there was a growing concern over the country's economic future along with its ability to produce enough electricity to support its growing population. The tug-o-war between protecting the environment and protecting New Zealand's developmental future played out in how the environmental impact statements and community participation occurred during the initial planning stages of the Huntly Power Project.

The environmental impact statements provided for the Huntly Power Station followed the same trajectory as the environmental impact statements literature. The intention of the EPEP and the environmental impact statements and assessments was to provide information to the public and allow for input to be provided before the significant decision could be considered. However, the environmental impact statements and the establishment of the Huntly Planning Forum and Huntly Power Project Liaison Committee came after the Cabinet approved the Huntly Power Project. In the end, both processes were rendered moot, primarily when Māori were concerned.

The lack of information provided by the NZED regarding the impact of the power station on Māori land and the delayed participation process reminded the local Māori community of the government's continued dismissal. Furthermore, concerns began to rise amongst the Māori community regarding the power station's true intentions and the local/ national government. Was this, in fact, an attempt to continue the ongoing trauma of land confiscation visited upon Waikato Tainui?

In the context of environmental justice, access to information is important to a community's ability to participate in the decision-making process and is key to establishing just outcomes. However, what appears to be happening in the context of the Waikato Tainui case study is a difference in understanding what 'participation means. As Arnstein (1969) points out, creating

forums and committees gives the impression of collaborative participation. However, it is really a one-way (government/ department to the community) avenue for providing information and ultimately keeps most of the decision-making power of the government/ department. Moreover, as I displayed earlier in the chapter, NZED used the fact that the practices within the Town and Country Planning Act 1953 were optional to control the community's ability to participate in the decision-making practice. In the context of environmental justice, the restriction of participation (and in a broader context, procedural justice) created environmental injustice for Waikato-Tainui. In the next chapter, I continue with my analysis of the Huntly Power Station case study by examining the implications of water and land rights in constructing the Huntly Power Station.

Chapter 5. Water and Land: Interpretations of Water and Soil Conservation Act 1967, Public Works Act 1982, and Electricity Act 1968

5.1. Introduction

In the previous chapter, I explored how Environmental Impact Assessments and the interpretation of the Town and Country Planning Act 1953 impacted the ability of Waikato Tainui to participate in the decision-making process. This chapter focuses on using and interpreting legislation, the Water and Soil Conservation Act 1967, Public Works Act 1928, and Electricity Act 1968 in developing the Huntly Power Station.

As discussed in chapter three, in the Māori worldview, water and land cannot be separated and provide Māori with "turangawaewae (a place to stand) and identity "(Horsley, 1989, p. 126). However, as demonstrated in chapter three, acts such as the Water and Soil Conservation Act 1967, Public Works Act 1928, and the Electricity Act 1968 have a long-standing history of being used as legislative weapons to confiscate land from iwi, including Waikato-Tainui. As legislative reflections of the Pakeha world, these acts lacked the understanding and respect of Te Ao Māori and, as a result, caused both physical and cultural harm to Māori communities. The lingering trauma of land confiscation continues to appear in the construction of the Huntly Power Station.

The chapter is broken into four sections—the first section, *Gaining Access to Water: Water and Soil Conservation Act 1967,* focuses on the application by the New Zealand Electricity Department to gain water rights to the Waikato River, first in 1973 (rights 220 and 221) and again in 1976 (rights 469 and 470). In both cases, the Tainui iwi, represented by Sir Robert Mahuta, argued against the approval of these rights to NZED by the National Water and Soil Conservation Authority. Mahuta argued that the NWSCA had no right to approve these water rights as Waikato Tainui had the cultural right to decide the use of the river. As discussed in the background chapter, the Waikato River is a source of cultural, spiritual, and economic importance. However, as demonstrated in the following sections, the government's policies could not recognize the cultural significance and, more importantly, Waikato Tainui's culture and spiritual connection and sovereignty in the area.

The second section, The *Gaining Land: Public Works Act 1928 and Electricity Act 1968,* focuses on the government's use of the Public Works Act 1928 and Electricity Act 1968 to appropriate land, including Māori owned land for the power station. While the act was used on both Māori and non-Māori landowners, Māori landowners were mainly concerned as these acts were reminiscent of Tainui land's previous confiscations during the land wars. This concern was exacerbated due to the lack of information provided to the Waikato-Tainui community about land usage for the power station. In addition, the section continues by talking about the effects the power station development had on two critical sites for Waikato-Tainui, the Waahi Pā Marae, and the Raukamanga School. Both the Waahi Pā Marae and Raukamanga schools served as cultural beacons that provided the community with identity.

The third section- *Huntly Power Station, Think Big, and the National Development Act 1979* focuses on the connection between the Huntly Power Station and the third National Government's Think Big economic strategy. The construction of the Huntly Power Station was not directly impacted by the policies of the Think Big Era. However, the construction of the Huntly Power Station, particularly the use of environmental impact assessments, served as the inspiration for the use of environmental impact assessments for large-scale development projects.

In the last section of this chapter, *Resource Management Act: A step towards Environmental Justice,* I briefly step out of the original time frame of the thesis (the 1970s-1980s) to discuss the Resource Management Act. Compared to previous acts, the RMA addressed the gap within legislation regarding Māori's cultural and social needs in environmental decision-making. Finally, I conclude the section by discussing the implications of the RMA in the context of environmental justice.

5.2. Gaining Access to Water: Water and Soil Conservation Act (1967), Water Rights and Appeals

5.2.1 **Water and Soil Conservation Act (1967) and water rights**

In addition to being one of the first power plant projects in Aotearoa to submit EIS under the new EPEP criteria (after the initial environmental impact report submissions), the Huntly Power Station was also the first power station to submit requests for the right to access water. Before the Water and Soil Conservation Act 1967 (WSCA) was introduced, the New Zealand Electricity Department (NZED) possessed the legal right to directly access water from any river without going through a planning application. However, the Huntly Station's planning process

was conditional on gaining approval to withdraw water from the Waikato River and discharge the used water back into the river. (Norman, 1973).

The NZED submitted a request for access to water from the Waikato River (and the right to discharge wastewater) into the Waikato Valley Authority. The Waikato Valley Authority was a local government institution established (under the Waikato Valley Authority Act 1956) to manage the Waikato River and its tributaries. Other responsibilities of the Waikato Valley Authority included overseeing drainage and flood control works, monitoring sedimentation and pollution within the catchment, and authorizing water and gravel extraction from rivers. The NZED authored report declared that since the Huntly power station was a development of such 'national importance' (to ensure the energy security and economic prosperity of Aotearoa), the Waikato Valley Authority was obligated to approve the request. However, the NZED did not provide enough information to the Waikato Valley Authority about the projected impacts of the project on the river and surrounding lands (such as the potential for water pollution, removal of vegetation, soil erosion from earthworks). In addition, the environmental impact statement had yet to become available for the Waikato River Authority to view.

The Waikato River Authority's chief engineer (H.C.C. Jones) rejected the NZED's argument that the power plant was of "national importance" and thus should be given water permits without offering detailed information to the authority and going through the proper authority's standard planning procedures. The NZED's designation of the Huntly Power Station as a project of national importance supposedly superseded the rights of local communities, organizations, and businesses to appeal any water permits issued by the authority. However, the Chief Engineer's rejection of the designation of the Huntly Power Project as a site of national importance ensured that the NZED was required to go through the established planning process to gain the right to access water from the Waikato River. This involved the Minister of Electricity lodging a formal application to a national authority for water rights under the Water and Soil Conservation Act (1967).

Before the Water and Soil Conservation Act 1967, much of the legislation regarding the allocation and maintenance of water resources included development goals. For example, the Counties Act 1920, Public Works Act 1928, and Municipal Corporations Act 1933 had provisions for water resources for energy production (i.e., hydropower) and irrigation. In addition, as I discussed in the previous chapter, the 1941 Soil Conservation and Rivers Control Act created the management and planning of catchment sites.

The Water and Soil Conservation Act (1967) was created with the explicit aims to:

> "make better provision for the conservation, allocation, use, and quality of natural water"; the promotion of soil conservation; the prevention of flood risks; the regulation of the "multiple uses of natural water" in a way that took "adequate account … of the needs of primary and secondary industry" and to ensure the continuity of "water supplies of local authorities, fisheries, wildlife habitats, and all recreational uses of natural water." (Water and Soil Conservation Act, 1967, pp. 1015–1016)

Section 4 of the act created the National Water and Soil Conservation Authority. The NWASCA comprises smaller organizations, including the Soil Conservation and River Control Council, the Water Pollution Council, and the Water Allocation Council (created under the act) (Ward & Scarf, 1993). The NWASCA held several responsibilities, including:

> "examining problems of water allocation and quality, erosion, flooding, and water conservation; advising the Minister [of Works]; guiding national and local administration of water and soil conservation; guiding research; and promoting the best uses of water." (Ward & Scarf, 1993 p.65)

The Minister of Electricity was required to apply for two water rights (application 220 and 221) that would allow the power station to take up to 1340 cusec of water from the Waikato River for cooling purposes dispose of the cooling water back into the river (National Water and Soil Conservation Organisation, 1973). The application was made under section 23 of the act, which stated:

> "Any minister of the crown may, in respect of any development by the Crown, apply to the Minister i.e., Minister of Works for the right to dam any river or stream, or for the right to divert or take natural water, or to discharge natural water or waste into any natural water, or to use any natural water, or to vary any existing use of natural water. Every such application shall be made in writing and shall be referred by the Minister to the [National Water and Soil Conservation Authority] for consideration and decision."(Water and Soil Conservation Act, 1967, sec. 23)

Other sections of the act also applied to the Minister's application to the National Water and Soil Conservation Authority, most notably legislation's requirement that minimum standards of water quality (of natural water) were maintained and that efforts were taken to ensure the conservation and the best use of water occurred (Water and Soil Conservation Act, 1967, sec. 26 H).

The NZED was granted the two water permits, known at the time as "water rights." The water rights allowed for water extraction up to 1340 cusec and the right to discharge water used for cooling purposes back into the Waikato River for 21 years; however, these rights came with conditions. First, the NZED was required to conduct a biological survey of the river to determine the biological conditions before the power station was built, completed in 1976 (Blakeley, 1976b; Times, 1973). Second, the NZED was required to maintain the water levels of the Waikato River (O'Donoghue, 1973).

5.2.2 **First Water Rights Applications (220 and 221) and appeals**

Not long after the Minister of Electricity gained the two water rights, two applications to appeal the water permits were lodged. One appeal was made by Waikato-Tainui rangatira Sir Robert Mahuta (on behalf of his iwi). The other appeal came from the Environmental Defence Society. The appeals were made under Section 25 of the Water and Soil Conservation Act (1967) and sections under the Town and Planning Act (1953, sections 4 and 5) which allowed for "person which or who claims to be detrimentally affected by the decision of the Authority."

Sir Robert Mahuta of the iwi Waikato-Tainui appealed because he and his iwi were negatively affected by granting water rights to the power plant. Mahuta, as a critical tribal leader within Waikato-Tainui, held immense mana due to his whakapapa and his skills as a political leader and negotiator with the settler-colonial government. He stated that Waikato-Tainui maintained their customs and traditions, including their right to control who and how the Waikato River was used, their responsibilities for protecting the river, and the freshwater foods provided to local people (National Water and Soil Conservation Authority, 1973)

In Mahuta's written address to the Town and Country Planning Appeal Board regarding Water Rights No. 220 and 221, he makes a point of outlining his position within the community. He included that he was a member of the Kaahui Ariki (Paramount Family) and represented the subtribes (Ngati-Mahuta, Ngati Whawhakia, and Ngati Kuiarangi) of the Tainui Māori Trust Board (I discuss the board later in this section), as well as one of the trustees and spokesman for the Waahi Pā Marae. He was then given authority by the Waikato Tribe to speak on their behalf Waikato Tribe. Mahuta also makes a point, all be it secondary, to list his educational qualifications. He was director of the Centre for Māori Studies at Waikato University from November 1972. He was in the process of studying the change in social and economic statuses in Māori communities (including Huntly).

Mahuta attempted to demonstrate that the grating of the water rights directly and detrimentally impacted the interests of Waikato-Tainui. According to the appeal, Mahuta stated that as "Chiefs, Elders and Spokesmen and therefore representatives" of the Waikato tribes, they were "by custom, tradition and usage" charged with four key roles:

> "1. Charged with the control of the right to use the Waikato River.
>
> 2. Charged with responsibility to protect the rights of our people to traditional foods such as white-bait, mullet, kaeo, ell and carp, which was guaranteed to us under Section 2 of the Treaty of Waitangi.
>
> 3. Charged with the care and well being of the Waikato River which we regard as our ancestor.
>
> 4. Charged with protection, preservation and improvement of the community life of our people which in turn centres around the Waikato River." (National Water and Soil Conservation Authority, 1973, p. A579) (section14)

The second sub-application of his appeal (Appeal 273/73) articulated that the iwi were also negatively affected by the allocation of water rights to the power plant because they (iwi members) were the ones who lived beside the river. Accordingly, the plant's extraction of water from the river and its discharge of wastewater from the plant was going to impact Māori (as individuals, households, communities, whanau, hapū, and iwi) capacities to access freshwater supplies.

Concerns were expressed over the cultural and biological consequences of taking and returning used water to the river. The Waikato River was (and still is) considered through from Waikato-Tainui ontological understandings of human-environmental relations and of Tikanga to be: 1) their tupuna (ancestor); 2) their taonga (the sacred thing) that they could use but must act as kaitiaki (guardians) over in a way to ensure the river's mauri (lifeforce was maintained); and their culturally significant waterscape (interwoven with the landscapes and seascapes of the iwi) that was made up of both material (people, flora and fauna, biophysical) and non-material (supernatural, spiritual) things, all of which needed to be cared for. Mahuta's appeal also drew attention to the fact that the National Water and Soil Conservation Authority (henceforth NWSCA) declined to provide iwi with a copy of the water permit and other supporting evidence of the submission made by the NZED to the NWSCA. As a result of the lack of information, Mahuta argued that Waikato-Tainui could not investigate the information NZED supplied to the

NWSCA. Ultimately, Waikato Tainui was left in the dark as to the full extent of the impacts of the intake and discarding of the cooling water would be on their tupuna.

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The second group to file an appeal to the power station's two water rights was the Environmental Defence Society. The Environmental Defence Society (henceforth the EDS) is a non-for-profit environmental group established in 1971. The EDS has a long-standing history of involvement in significant environmental cases besides the Huntly water rights, including the Aramoana Smelter and Clyde High Dam. The EDS (referred to as "the society" in the appeal) argued that their interests in water rights stemmed from their objects which "include the preservation, protection and scientific study of natural resources and environment." (National Water and Soil Conservation Authority, 1973, p. a581). Furthermore, they argued that "a significant number" of their members resided in Auckland and Hamilton (no mention of members in Huntly). Therefore, they would be dependent on the Waikato River water supply and the use of the river for recreational activities.

The EDS expressed significant issues with the process whereby the NWSCA granted water rights to the NZED. They argued that organizations or individuals could not submit any available scientific evidence into the potential side effects of dumping cooling water back into the river without commissioning any new scientific studies to investigate the potential environmental impacts. The EDS was concerned about the lack of scientific information about the environmental impacts on the river (including its biota) and the lack of scientific monitoring of the river's health as the plant became operational and water was taken and discharged on an ongoing basis. However, unlike Mahuta, the EDS did not call for revoking the rights but rather an amendment to the conditions. In its appeal, the EDS suggested that a biological survey be carried out continuously. The first biological survey should be made available within the following two years to provide information about the effects of increased water temperatures on the river's life.

Initially, the board charged with hearing the appeals (the Town and Planning Committee) rejected Mahuta's and the EDS's appeals. The committee ruled that Mahuta's testimony could not be accepted because most of the evidence he presented was not considered relevant to the inquiry. Instead, the committee focused on the technical impacts that the power station would have on the river. It gave nothing more than a subtle acknowledgement of the power station's cultural impacts on Tainui.

Mahuta's submission on the cultural impact of the water rights could not be considered because The Water and Soil Conservation Act had no provisions that take into consideration Māori cultural and spiritual values when it comes to decisions being made about rivers. The Motunui-Waitara Tribunal Report 1983 highlights in the report the failings of the Water and Soil Conservation Act:

> "Thus, in its review of environmental considerations in the context of sections 20(5)(c) and 20(6) of the Water and Soil Conservation Act 1967 the Planning Tribunal felt unable to take into account Māori cultural and spiritual factors that transcend the mere physical environment.... To that extent, the Māori interest in the environment is equated with the general public interest." (Waitangi Tribunal, 1983, p. 18)

The 1984 Waitangi Tribunal report for the Kaituna River claim continued from the 1983 findings by pointing out the continued disregard of Māori spiritual and cultural values in the planning process and the ultimate conflict with the principles of the Treaty of Waitangi:

> "The Water and Soil Conservation Act 1967 and related legislation does not contain any provision to enable Regional Water Boards or the Planning Tribunal to take into account Māori spiritual and cultural values…. This gap in the Water and Soil legislation puts Māori objectors at a disadvantage and does not reflect the principle contained in Article II of the Treaty of Waitangi by which the Crown guaranteed to Māori New Zealanders, (" ... to the Chiefs and Tribes of New Zealand, and to the respective families and individuals thereof ...") the full exclusive and undisturbed possession of their Fisheries and other properties." (Waitangi Tribunal 1984, p 32)

The Kaituna River report recommended in section 10.2.3 that the Water and Soil Conservation Act 1967 (along with related legislation) be changed to enable Māori spiritual and cultural values to be included when considering applications for water rights (Waitangi Tribunal, 1984 p. 33). In addition to the Kaituna River Report and the Motunui-Waitara Tribunal Report, the 1985 Manukau Report also addressed the absence of Māori cultural and spiritual interests in the Water and Soil Conservation Act 1967, labelling the act as being 'monocultural legislation' (Waitangi Tribunal, 1985 p.86).

In other words, the Water and Soil Conservation Act 1967 (as well as the Town and Country Planning Act 1953) failure to recognize the cultural and spiritual relationship between Māori (in this context Waikato Tainui) and environment reveals systematic misrecognition. This system of misrecognition is embedded within the confines of colonial rhetoric and encourages the further subjugation of the misrecognized (Coulthard, 2014; Fanon, 1968). In the context of this

case study, Mahuta and Waikato Tainui's submission on the cultural impact of the water rights on the Waikato-Tainui community placed the community in the act of "asking for recognition which often reinforces the process of subordination and misrecognition (Anker & Shah, 2014; Vermeylen, 2013, 2015, 2019). Despite Article II of the Treaty of Waitangi, the community is powerless in the decision-making process, guaranteeing their rangatiratanga. The misrecognition of the cultural dynamics of the community adds to the ongoing disrespect and injury to the identity of Waikato Tainui.

The Town and Planning Committee considered that part of Mahuta's appeal (regarding the water permit not being made available to the public) was valid and suggested that Mahuta could lodge another appeal based on the failure to provide information regarding the water rights to the iwi. The EDS's appeal, on the other, was found to possess no legal standing. The committee argued that appeals could not be made on behalf of the public of Aotearoa, and the applicant (the EDS) did not demonstrate how the decision to grant the Huntly Power Plant with water rights was going to "detrimentally" affect them. (point 35).

> "It could be said that every member of the public is affected by every right granted under the Act, because every right granted authorizes some change in the status quo. But the subsection [s.23] does not confer a right of appeal upon members of the public at large, nor does it permit an appeal to be founded up the general effect of the grant of a right upon the public." (National Water and Soil Conservation Authority, 1973, p. A591)

The Town and Country Appeals Board's reaction to the EDS's submissions reveal two critical things. The first is how public participation is a gradient rather than binary. The broader participation scholarship recognizes the multi-layered dynamics of participation between different stakeholders or interested parties. In this case, while acknowledging the general public's potential interests in water rights, the Town and Country appeals board sets a boundary between who has the 'right' to turn to submit an appeal.

Despite the Town and Country Planning Appeals board overruling most of their claims, Mahuta and the EDS managed to gain more minor victories. However, the Town and Planning Committee did consider that part of Mahuta's appeal (regarding the water permit not being made available to the public) was valid and suggested that Mahuta could lodge another appeal based on the failure to provide the water permit to the iwi. Moreover, during the hearing into the appeals, the Minister of Electricity consented to the inclusion of amendments to the water rights application made by the EDS, including:

> "9a. As soon as practicable after the granting of these rights, the New Zealand Electricity Department shall have a biological survey of the river carried out to the satisfaction of the National Authority to determine the biological conditions obtaining in the river before the right being first exercised and after full commissioning of the power station. Results of the surveys shall be transmitted to the Waikato Valley Authority, which shall make such results available for public inspection." (National Water and Soil Conservation Authority, 1973, p. A583)

In both cases, these concessions by the appeals board revolved around granting access to information to the public.

5.2.3 **Second Water Rights Application (Water rights 469 and 470) and appeals**

In 1975, the NZED applied once again for water permit rights. This time for water rights to discharge water was used to clean the boilers in the power station (water rights 469 and 470). The water rights were again approved by the NWSCA, with the decision appealed by iwi and a range of stakeholder groups (under section 23 of the Water and Soil Conservation Act 1967). In addition to the appeal lodged by Sir Robert Mahuta (on behalf of the Tainui Māori Trust Board), the Waikato Valley Authority, Auckland Regional Authority, and the Environmental Defence Society all made separate appeals.

The Tainui Māori Trust Board was established under the Waikato-Maniapoto Claims Settlement Act 1946. The Waikato-Maniapoto Claims Settlement Act 1946 was an attempt by the government to address the confiscation of Māori land in Waikato by granting monetary compensation (Tainui Māori Trust Fund). The Act also established the Tainui Māori Trust Board, a board comprised of members of the Waikato Tribes who were responsible for administering the funds. In the context of the appeal, the Tainui Māori Trust Board claimed "by custom" that their interest in the water rights appeal, not just because of their physical proximity to the affected area of the Waikato River, but also around the cultural rights of members of the Waikato Tribes to access the river for traditional foods (whitebait, mullet, kaeo, eel, and carp) as well as to care for the wellbeing of the river which is regarded as their ancestor. The board also exerted their claim that they had the right to control the usage of the Waikato River. Because of the mana previously mentioned in the last section, Sir Robert Mahuta was sought to represent the Tainui Māori Trust Board.

Mahuta presented several arguments as the basis for the appeal. The first and most glaring was that according to the National Water and Soil conservation Authority had no right to grant the rights in the first place, stating:

> "That the National Water and Soil Conservation Authority does not have the authority to grant water rights which derogate from the rights preserved to the Māori people under the Treaty of Waitangi." (Tainui Maori Trust Board & Mahuta, 1975, p. 2)(Section 3)

To be specific, Mahuta is arguing that the authorization of the water rights by the National Water and Soil Conservation Authority is in direct conflict with the Treaty of Waitangi principle around Tino Rangatiratanga. Tino Rangatiratanga is sometimes translated as 'self' determination' or sovereignty but is also seen as a responsibility and capacity to make decisions around resources and land. In this case, Mahuta and the board argue that they [Tainui] have, by cultural right, the power to grant access to the river, not the National Water and Soil Conservation Authority. The basis of Mahuta's appeal likewise centred around interlinked socio-cultural, political, and environmental concerns related to the continued failure to acknowledge iwi's rights to govern, manage, and use the river and its resources. Mahuta also drew attention to how the government's policies continued to be enacted that conflict with Waikato-Tainui exercising their rangatiratanga over the Waikato River.

In addition to the overarching claim over the river, Mahuta also mentions that once again, the rights had been grated on "the basis of incomplete and inadequate knowledge" and "the conditions are in numerous respects uncertain and unenforceable." (Tainui Maori Trust Board & Mahuta, 1975, p. 2). As I discussed in the previous chapter regarding the environmental impact statements, access to limited information renders it almost impossible for communities to advocate for their best interests, effectively rendering their ability to participate in the decision-making process limited at best. In addition, the conditions within the approved rights, which in essence made them 'uncertain and unenforceable," is not surprising considering how previous conditions and procedures were developed in the earlier stages of the Huntly Power Station construction. As a result, most of the policies (including the TCP) created to 'protect' the environment were rendered moot. They did not provide the political power and authority necessary to enforce recommendations and penalize those who did not abide by the conditions. Instead, the ambiguity and lacklustre policies allowed for more control by the departments to decide how much they were willing to abide by the conditions.

The appeals of Mahuta and the other parties led to a meeting by the NWSCA with the NZED. All four of the applicants expressed their concerns about the implications of wastewater ("pollutant effluents") being discharged into the river, and the potential for the discharge rates could be "excessive." Indeed, the EDS's grounds on appealing the water rights emphasized the

incomplete scientific data about the effects on the river and the need for more in-depth studies and monitoring.

The Waikato Valley Authority and the Auckland Regional Authority considered how water rights were being processed by the NWSCA and the lack of local voices in decision-making processes. The two authorities were local government institutions charged with different but overlapping responsibilities over spatial planning and environmental governance within their jurisdictions. The Waikato Valley Authority was responsible for managing the Waikato River catchment. The Auckland Regional Authority was responsible for the wider Auckland region, including the lower reaches of the Waikato River. Accordingly, planning processes and how water rights (and environmental governance and management regimes) were determined were of critical concern to them. The Waikato Valley Authority's ground for appeal was based on the NWSCA granting water rights to the power plant without noticing the water rights to the Waikato Valley Authority (the local government authority responsible for governing and managing the Waikato River and its tributaries). Therefore, the two local government authorities requested that any future water rights applications be held "pending receipt of a report by resolution of the WVA in writing." In addition, the Auckland Regional Authority complained that they were not included in the water rights process at all, even though their jurisdictional boundaries included parts of the Waikato River.

It is important to note here that despite both Mahuta/ Waikato Tainui and EDS lodging appeals for the water rights, there is no evidence that I have found that both groups worked together to appeal the water rights. This consigns with the separation of Māori and mainstream environmentalism mentioned in chapter two. Despite both groups petitioning to protect the environment, both sides also have their agendas. For Māori, it was about restoring their connection and 'ownership' of the resources. While for environmentalists, it was about preserving the environment for their recreational value.

5.2.4 **Confusion about Water Rights**

When the water permit rights were awarded to the Huntly Power Plant scheme, no specific legislation clarified how these rights to use the Waikato River were allocated—specifically regarding who possessed the actual water usage rights when multiple agencies were involved. According to a correspondence between J. J Chesterman, Chief Power Engineer of the MWD, the NWSCA preferred to give rights directly to those who used the water. Accordingly, Chesterman declared, the water "[r]rights related to the operation of power stations [should be]

properly applied for by the NZED," and these rights should be separated from those acquired by MWD during the construction of the power plant (Chesterman, 1975). However, officials were unclear about who possessed water rights and whether their organization could take or discharge water. In many instances, it seems that the water rights were to be transferred from one department or agency to another at different stages of the power plant's construction and operations.

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5.3. Gaining Land: Public Works Act 1928 and Electricity Act 1968

At the same time as the MWD and Minster of Electricity were lodging applications for water rights, the government was also attempting to secure land for the power project. As I previously outlined in chapter three, the development of the Huntly Power Station was not just the station itself but also consisted of developing a township. This included building houses, schools, and other facilities for workers (and their families) employed to construct the power plant (and those later employed by the power plant). The initial plan was for called for five hundred permanent homes as well as other facilities. This plan required the MWD to acquire a large land area close to the plant; however, the department encountered difficulties locating suitable land.

In November 1973, N.C. McLeod, Commissioner of Works, reported only one large land block (Kimihia Farm). However, department officials (including one J. H. Macky, Commissioner of Works) disagreed about whether the Kimihia farm was a viable option (Beaumont, 1973). Furthermore, the landowner (Rosser) was unwilling to sell the entirety of the property to the Crown. Instead, the farm owner informed the MWD that he would sell most of the property to a private developer (presumably to a high price) and sell a small portion (whatever was remained following) to the Crown. Accordingly, the Commissioner of Works (McLeod) wrote advising his colleagues that the government would need to use the provisions of the Public Works Act (1928) and Electricity Act (1968), which allowed for the compulsory and "immediate acquisition of the land" for public works and the "generation of electricity" (McLeod, 1973, p. 2). This meant that in situations where landowners refused to sell their land to the government, both central and local governments were empowered to 'take' (compulsory) acquire land under the Public Works Act (1928) and (if the works involved electricity generation) under the Electricity Act (1968).

McLeod's comments directly contradicted what other officials were telling members of the Huntly Community. For example, NZED officials stated that they would not be taking land

under the Public Works Act 1928 (Stokes, 1978b). However, there were documented cases where the government took land under the Public Works Act (1928). When landowners refused to sell their land, the government had legal recourse to force them to sell it. The government would pay them compensation (the amount to be paid as compensation was determined by a government-appointed property valuation agent and did not necessarily reflect market values). For instance, R. E. Hermans, District Commissioner, presented a Proclamation in May 1974 to landowners (T.H. and P.M. Baker) to inform them that their property would be "taken under the authority of section 276" of the Public Works Act (1928) (Hermans, 1974).

Section 276 stated that: "Land required for water-power or irrigation works or purposes may be taken as for public work." However, even in situations where the owners were willing to sell their properties to the MWD, there were still issues determining the property's value. The owners' appraisal of their property's worth did not match the government's valuations on several occasions. For instance, John McNeil Sloper and Winifred Sloper approximated the value of their parcel of land to be sold to the government (totalling 30 acres, 2 roods, and 23 perches) at 41,345.00. In contrast, the department's valuation of the property was only 30,000.00. Similarly, Annie Eleanor Bailey and Lena May Harris' appraisal for their land (37 acres 2 roods 28.4 perches) was slightly higher (27,250.00) than the department's valuation (22,000.00) (Hermans, 1973).

5.3.1 **Māori Concerns About Land Rights**

Early in the process of the government acquiring land for the station and workers' accommodation (and other facilities), the local Māori community expressed concerns about what would happen to their landholding. Māori landowners did not allow surveyors onto their properties because of their concerns that the government would take their land under the Public Works Act 1928.

Two articles, *No More Land Needed and Huntly* and *Māori s fear they'll lose their home and more*, referred to Māori experiences of land confiscation by the settler colonial government. These experiences included the military invasion (1863-1864) and subsequent confiscation (rauputu) of a large portion of Waikato-Tainui lands within the middle reaches of the Waikato River (south of Huntly) (Auckland Star, 1973a; New Zealand Herald, 1973d). These articles demonstrate the lasting impact of the iwi's histories of dispossession and marginalization on the residents. As a result, the community opposed their properties being surveyed by government employees. In addition, the lack of communication between different government officials and

miscommunication with local community members about surveyors visiting local properties exacerbated the issue.

Although NZED explicitly stated they would not take any Māori land, their actions (sending surveyors to Māori properties) seemed to communicate the exact opposite to Māori residents. For example, correspondence between W.H. Roberston and Walton discussed local Māori concerns about Māori land being compulsorily acquired by the government for the power station and housing for workers (Robertson, 1973). The correspondence referred to the 12 March 1973 meeting that the Minister of Electricity had with residents at the Rakaumanga School. R.E Herman comments that the Minister of Electricity was confused about the type of land that would be confiscated. However, it may be required for temporary housing during the construction phase. In that case, Clauses 102 and 103 would be used and distinguish between Māori Tribal Land, Inherited Māori Land, and freehold or leasehold land owned by Māori.

> "It should be pointed out that there is some land in the vicinity of the proposed site in European Title with multiple ownership, one or more of the part-owners being Māori. Such land would, in our interpretation, come under Clauses 102 and 103 of the [Public Works Act 1928] and would thus be covered by the Minister's assurance."

Both Clauses 102 and 103 of the Public Works Act 1928 gave the Crown the ability to confiscate land for public work. However, the two clauses are different in terms of approach. Clause 102 refers to taking the taking of Māori land. Simply put, Clause 102 gives the Crown the right to take any Māori land. Clause 103, on the other hand, provides stipulations, including possible compensation for the land. The difference between how Māori owned land and non-Māori owned land is acknowledged by Herman (1974), who states:

> "There are indications that this discrimination between Māori and European owned land has not gone unnoticed by some of the European owners. But we cannot foretell at this stage just what the effect it will have on our negotiations with various owners."

The Public Works Act 1928 and later amendments caused considerable effects on Māori at the time. They helped establish pervasive attitudes amongst government officials and settler society towards the treatment of Māori land for public works. Such attitudes persisted throughout much of the 20th century. The premise, for instance, that it was too hard to notify Māori owners was maintained through the discriminatory notification procedures that were not significantly improved until the 1970s. The protections on Māori land were less than on free-hold lands, particularly compensation, which made Māori land a significant target for public works takings. The ease by which Māori land could be taken under the legislation and the various challenges

Māori landowners faced in using the land contributed to Pākehā perceptions that Māori land was worth little if left in Māori ownership and that it would be better off to be productively used for government purposes. It was just a further step to decide that compensation was a minor concern since Māori land had little economic value. Any public works undertaken would automatically be of higher value than any compensation due to the Māori landowners. The continued unfair treatment of Māori when it comes to land deals in the Huntly Power Station case reads as a continuation of unfair treatment by the government stemming as far back as the land confiscations.

Once again, this time as documented by Stokes (1978), the government's indiscriminate use of power to push through the Huntly Power Station created a sense of hopelessness within the community, especially for local Māori, but also for non-Māori:

> "Many local people, Māori and Pākehā, expressed a helplessness in the face of a central government decision to locate the power station in Huntly…Many local people felt it was pointless to object for "government" would do what it intended anyway. This attitude was particularly evident, but not exclusively so, among the Māori community, who already felt a deep-seated distrust, based on experience, of Government, bureaucracy, and officialdom at all levels." (Stokes, 1978b, p. 52)

Fookes later documents in his fourth research memorandum that the loss of land impacted Māori cultural stability and purposes, recreational purposes (including the Rakaumanaga school, which I discuss later in the chapter), and agriculture.

5.3.2 **Interpretation of Policies: Public Amenity and the Waahi Pā Marae**

In previous sections, I alluded to Pākehā government officials' lack of understanding of Māori culture, beliefs, and value systems and how it led to the dismissal of Waikato-Tainui's protests over water rights. This section explores another example of Māori and Pākehā culture's ontological and epistemological differences regarding the Waahi Pā Marae. Waikato-Tainui sought assistance from the government to designate the Waahi Pā Marae a public amenity so that it and the surrounding Māori land would be eligible to receive a government grant of one percent (of the property's value) to assist with repairs to the marae. However, the completed Stage Environmental Impact Report (written in the lead up to the construction of the power station) declared that the Waahi Pā Marae was not a "public amenity" under Section 11 (2) of the Electricity Act 1968 and thus was not entitled to the one percent grant (The Huntly Monitoring Project Steering Committee, 1976). The Electricity Act (1968) used the Town and Country Planning Act 1953's definition of an amenity to refer to "those qualities and conditions

in a neighbourhood which contributed] to the pleasantness, harmony, and coherence of the environment and its better enjoyment for any permitted use." The NZED expressed that the Waahi Pā Marae was not a public amenity because it was not freely accessible. Specifically, there were restrictions (based on cultural protocols) on when and how the space was used and by whom. Therefore, the NZED argued that the marae should not be classified as a public amenity (and, by extension, be excluded from receiving the one percent grant).

Members of Waikato-Tainui iwi submitted complaints that challenged the validity of the environmental impact assessment report, including its finding that the marae was not a public amenity. Sir Robert Mahuta lodged a submission called the NZED's interpretation of what constitutes a public amenity as "predictably subjective and discriminatory" (Mahuta, 1976). Another submission, made by the Waahi O Marae Committee (on behalf of the marae committee as well as hapū members who lived in Waahi, Te Karui, and Rakaumanga) to the Commission of the Environment. The committee declared the report, and the NZED failed to comprehend the "nature of the marae as a public place and a public facility." They argued that in "the sense in which [we] understand the term" of public amenity:

> "we maintain (and insist) that it is a public amenity.
>
> …the particular role of the marae as a democratic forum of discussion and as a ritually appropriate place for the whole of the Huntly community, not only the Māori community….
>
> c) the central nature of the tribal significance of the marae.
>
> d) the role and position of Waahi marae as a national historic place."
>
> (Marae Committee, 1976)

Additional documents held within the government archives about the Huntly Power Plant attests to the lack of understanding amongst government officials with regards to the functions and importance of marae with Māori culture more broadly, and within the daily lives of the Tangata whenua (as individuals and members of whanau, hapū, and iwi). One author similarly critiqued the Town and Country Planning Act 1953 for its lack of recognition for Māori values and the government's failures (within legislation and its interpretation) to ensure that marae (and all interwoven with marae from a Māori perspective) were protected. The marae was (and is still) the key place wherein hapū gathered and made decisions about the hapū, including governance and management of their rohe (traditional lands and waters). The marae was the level (a social, political, economic, cultural, and spiritual space) at which hapū and iwi around Aotearoa,

including in the Huntly area, sought to exercise rangatiratanga (chiefly authority) and kaitiatanga (guardianship) of their environments (both prior and after settler colonization).

In an untitled document regarding the Waahi Pā marae, the author tried to connect the importance of the Marae to the community to other community-based buildings in the town:

> "We support the view that cultural diversity as the new philosophy of Government would decree that the marae is just as much the centre of a community as the store-hall-tavern- church complex of many small centres…" (Unknown, n.d., p. 4)

While it is impossible to determine the author's identity of the document, nor the author's intent beyond what is written, the author attempted to make it clear that the Waahi Pā marae was a public space for all. The author also challenged the role legislation, particularly the Town and Planning Act 1953, played in the misrecognition of the Waikato Tainui. The author of the anonymous letter recommended that the Town and Planning Act 1953 be altered to acknowledge the importance of marae to Māori, which could include "marae purposes" and "marae community" as a way of better encompass "the cultural and community needs of … marae centred community" like that of Waahi. (Unknown, n.d. p. 5)

The above document represents a standard limitation found in archival research. Archival material is not always reliable when identifying information (i.e., a name or date). In some instances, I figured out whom the author was by looking at the neighbouring documents. In this case, the above document had no other attached or referencing documents. However, that does not mean that the information is any less valuable.

What the document reveals is, once again, the government's lack of understanding when it comes to essential aspects of Māori culture. For example, Tapsell describes a marae as representing "the core, the very essence of their genealogical identity to the surrounding lands, which they interpret as mana o te whenua. [Elders] see their home marae as both a tangible (physical) and intangible (spiritual) space to which they belong- turangawaewae- which metaphysically embodies the 'now' within their ancestral past." (Tapsell, 2002, p. 142)

Tapsell's description of the marae consigns with Winter (2018) and Whiteford and Barns (2002) discussion around the how Māori (and to a large extent indigenous) concept of time was not linear but ran in a loop, where the past, present, and future were often running into each other. In the case of maraes, they became a space where people could connect with their ancestors and the environment. As Kawaharu writes:

> "Marae are the forums where Tikanga or customs are performed, discussed, or negotiated. Marae are the focal point where values of stewardship and management in relation to the environment and the people are grounded" (Kawharu, 2010, p. 221)

Now relating this understanding of a marae in the context of this discussion, the Waahi pā marae serves as a multi-layered site of both identity and connection for Waikato Tainui. Maipi's submission gives clear context to the importance of Waahi pa marae:

> "Waahi marae is a national asset and a historic place. It has been and remains a location where the people of the Huntly area, Māori and Pākehā, gather from time to time. It is a recognized centre for the whole of the tribes of Waikato. It performs a national role in the reception of distinguished visitors, in seminar, and other educative functions. It is a place where matters of affecting the fate of the people are regularly and fully discussed. We continue to regard it as a public amenity." (Maipi, 1977)

The submissions of Waikato-Tainui and the response of government officials in the Huntly Power Plant/ Station case reflect the conflicting ontological and epistemological paradigms of the hegemonic western liberal justice world view. The legislation and implementation of legislation are defined by western values, economic benefits, and concerns of the present. In contrast, Waikato Tainui's submissions and statements of opposition reflected an interconnected [what scholars define as kin-centric] of social, cultural, spiritual, environmental, and economic values stretching backward and forwards through time towards an indefinite future/past.

5.3.3 **Rakaumanga Primary School**

The Rakaumanga Primary School was established in 1896 under the Native Schools Act. Before the Huntly power station, the school's land was purchased from Hone Haki by the Crown on 6th September 1898. In 1949, the then headmaster T.A. Tait and the Education department approached the fifth Māori King, Rata Mahuta, to purchase roughly four acres of land to build a field for the local community to use. As a result, the Rakaumanga school represented not only the only source for academic education but also served to develop a strong sense of community among local Waikato Tainui:

> "Since its establishment, the school functioned relatively successfully, providing basic education for local Māori children, and although academic success amongst its pupils was not outstanding, it managed to arouse a strong sense of community amongst the three Māori settlements surrounding it."

When the NZED presented the possibility of the Huntly Power Project, the community immediately shared their concerns over the project's impact on neighbouring sites, including Rakaumanga. In the 12 July 1972 NZED sponsored meeting, Sir Robert Mahuta expressed concern over the status of the school and Waahi marae, stating:

> "Concerned about the (Rakaumanga) School, Māori land and the Marae. What alternatives is there for the school? There is a proposal to move it to Huntly West, but this may not be acceptable…The school area could be used for construction if alternative arrangement is made for the school. Would prefer a site near the Marae, but would need a further meeting." (NZED, 1972, p. E-8)

Mr. Gill, the Huntly Borough Councillor also in attendance, stated that an intermediate school would be established to accommodate the new children and then continued to ask about the impact of the power station on a neighbouring school. Mahuta and Gill's exchange demonstrates how concerns regarding the school were mentioned during the meeting.

NZED's first official comments about the school and the surrounding area appeared in the October 1972 Environmental Impact Statement:

> "Because of the proximity of the proposed site to the Waahi Marae and to the Māori land occupiers generally in the area, a particular point was made in the early stages of planning of letting the Māori community know of the proposal. The Department's District Manager held discussions personally with Dame Te Atairangikaahu, the Māori Queen, and the District office of the Māori Affair Department has been consulted and has given useful advice." (NZED, 1972)

In the 1972 Environmental Impact Report, there is mention of the Rakaumanga school as being a concern for the Māori community; however, the writers of the report minimize the importance of the school by saying:

> "It would seem that this school is regarded locally as a "Māori" school and the wish of the elders is to keep it so. In fact, the school does not have any special designation as there are no longer any Māori schools, other than some private schools, and the Education Board have, for some time, been planning to relocate the school further to the south nearer a new housing area."(NZED, 1972, p. 6)

The special designation referred to in the quote is regarding the Native Schools Act 1867. The act created primary schools in Māori communities to assimilate the children into Pākehā culture. However, in this case, it appears the author misunderstood what the community meant in terms

of it being a "Māori" school. Rather than assimilating into Pākehā culture, the school was attached to the community's cultural development, working with the marae.

In a letter sent by Prime Minister Norman Kirk to J.A Walding (Minister for the Environment) dated March 13, 1973, mentions the concerns that the local Māori had about the proposed power station and its proximity to Waahi Pa marae and the Rakumanga school.

> "These works are disturbing their community, and the children are now having to go to school in the local meeting house [Waahi Pa marae]. Some I believe are also having to attend an overcrowded school some miles away." (N. Kirk, personal communication, March 13, 1973)

Prime Minister Kirk acknowledges that the issues with the power station influence the relationship between the local Māori community and the Government. He continued by stating:

> "The Māori people who had such confidence in a Labour government are becoming disillusioned at the erosion of their rights and the compulsory buying of their land by the Government. Their environment is also being disturbed, and this is causing disruption."

Similar letters were sent to the Minister for the Environment and the Minister of Electricity.

I want to point out that the Prime Minister's concern over the dwindling confidence that Māori had in the Labour government was more driven by the four Māori seats that Labour held. I also argue that the 'disillusion' that Norman refers to did not begin with the issues with the power station but always lingered in the mind of Waikato Tainui. Since the late 1800s and the use of policies that ignore Māori interests, the combination of past land confiscations provided the foundation for the mistrust. The lack of information provided by the NZED regarding the power station merely amplified their response.

As mentioned above, the school represented an important piece of the community. Initially, the local parents wanted the school to remain at its current location. However, as Mahuta writes in his submission on behalf of the community, the parents were concerned about the impacts of the power station construction, namely dust, noise, and access to the school along Te Ohaki Road. In the end, both the parents and the larger community felt a disconnect with the new school. Fookes echoes these concerns by stating that the movement of the school created a "loss of identity of the Rakaumanga school and a breakup of the long and close association between the school, community, and marae."(Fookes, 1976)

In a later correspondence between M.Raureti, District Māori Welfare Office, and Assistant District Officer, it was discussed that the Rakaumanga School was already being phased out:

> "The Minister, Mr. McGuigan, had referred to the Rakaumanga school being phased out. This is indeed great, but the phasing out initially had nothing to do with the power project at all. This was simply a policy of the Education Department."

The letter went on to say that five years prior, the school had over 100 students. However, due to the creating of the Huntly West Primary School, the student enrolment dropped to just over 50. "With the development of the power project next door to it. It is likely that the phasing out will be speeded up. At the moment, three or four of the rooms have already been vacated for some time."

Again, no follow-up documents are available stating whether community members were aware of the Education Departments' plans to phase out the school. Stokes (1978) documents that the lack of communication did not stop between the Education Department and the local community. The South Auckland Education board claimed that the NZED provided no information regarding the proposal nor consulted about the power project.

Indigenous peoples, Indigenous scholar Alfred observes, seeking to achieve the "goal of harmonious co-existence within their communities [often] find that this is impossible within the mainstream political system as it is currently structured" (Alfred, 2009, p. 22). The Huntly Power Plant was originally based around the New Zealand government's desire to secure energy and expand the nation's economic development in the future. Waikato-Tainui iwi and hapū expressed opposition to the construction and operations of the plant due to the iwi's desire to maintain the integrity of the whole (the place) and their assertion of their mana whenua status. The government valued the place because of the resources that could be extracted and exploited: coal beneath the Huntly hills; the flat land on which it could build the plant; the water that the plant could take from the river and then discharge (once dirty) back into the river; and the labour that could be supplied from the township. Iwi assigned value to the place because of the relationships between people, various ancestors, animals and plants, and supernatural beings (such as taniwha) that arise from the landforms (whenua) and waterways (awa) – the landscapes – that form the whakapapa (literally meaning to place into layers but also meaning genealogical connections) of places of iwi, hapū, and whanau (Mahuika, 2019; Mead, 2016; Winter, 2018, p. 32).

The government focused on the extraction of value, whereas Waikato-Tainui wanted to preserve value. In addition, the government's goal stretched less than a decade into the future (with the

initial proposal in 1968 calling for the plant to be operational by 1976). In contrast, Waikato-Tainui's stretched throughout all time (from the past to the present and future of the iwi). The iwi's resistance to the power plant and various aspects of its operations included writing letters, sending petitions and making face-to-face submissions to government officials (who worked for central and local government agencies) and seeking assistance from members of parliament, lodging formal claims with the Waitangi Tribunal (established in 1975), and making statements to media to attempt to force the government to provide them with information, hear their concerns, and allow them to participate in decision-making about their land and waterways.

It is clear when reading through the letters, meeting minutes, submissions, and reports written by Māori and New Zealand Government (government ministers, officials employed by the various government agencies and scientists and engineers commissioned to conduct studies) over the 1970s and 1980s that significant differences persisted in how each group perceived places, the material values they attached to those places, and what that meant in terms of how they interacted with places and people.

There were essential ruptures between the New Zealand Government and Waikato-Tainui, and their understandings of how the environment should be managed and what constituted good (and just) environmental governance. Each constructed knowledge of the environment differently. The New Zealand Government (underpinned by a Western Liberalist worldview) worked within, what Winter (2018) and Parsons et al. (2019) observe, a positivist epistemological framework whereby both the land and water can be divided into measurable blocks, with resources quantified and owned. Waikato-Tainui used (and continues to use in the present-day) whakapapa to inform their understanding and actions in the world. Ontologically, the New Zealand Government was anthropocentric in outlook, with decision-making emphasis on ongoing (forward-thinking) progress and the drive for economic expansion. Waikato-Tainui's ontology, on the other hand, linked humans with nonhumans, physical and metaphysical together; the Waikato River, for instance, an ancestor of iwi, an active actor who possessed a mauri/life force, the lifeblood of iwi and biota, and a physical entity in the landscape (Muru-Lanning, 2016; Salmond, 2017). Therefore, such a view was directed at the intergenerational protection of the environment to ensure sufficiency and to enact care for and reciprocity toward present, past, and future generations (encapsulated in the practice of kaitiakitanga).

In the 1990s, more than 150 years after the signing of the Treaty of Waitangi between the Crown and Māori, changes to the legislation (such as the RMA) were supposed to mean that Māori

voices and values were able to be heard and that Māori place-based and intergenerational environmental values were included in local decision-making about environmental governance and management (Harmsworth et al., 2016; Jacobson et al., 2016; Resource Management Act, 1991; Thompson-Fawcett et al., 2017; Tipa et al., 2016). However, as the next section attests to, despite the legislative changes, the government (which from the 1990s chiefly involved representatives of local government rather than central government) Māori continued to be marginalized. Even though the legislation included explicit acknowledgement (recognition) of Māori relationships with local environments, it remained only superficial (little more than tokenistic). It confined Māori values to cultural and spiritual dimensions (excluding Matauranga Māori as a complete knowledge system and the political and economic dimensions of Māori values). In doing so, government officials and Māori continued to "talk past each other" (Metge & Kinloch, 2014).

5.4. Huntly Power Station, Think Big and the National Development Act 1979

According to Fookes (1981), the 'Think Big Era' and the resulting National Development Act 1979 had no impact on the planning and construction of the Huntly Power Station. This is because most decisions regarding the project were made before the election of the Third National government in 1975. However, the Huntly Power Station's development impacted future large-scale development projects, particularly the use of environmental and social impact statements in the planning process. Furthermore, the outcomes of the 'Think Big Era,' including the National Development Act 1979, contributed to the ongoing push to develop New Zealand's economic and energy independence and ultimately the return of the Labour government and the creation of the Resource Management Act 1991. Because of these contributions, I will briefly discuss both the Think Big Era and the National Development Act 1979. (Dixon, 2015).

5.4.1 **Third National Government, the Think Big Era, and National Development**

As discussed in chapter three, the combination of the 1967 wool bust, Britain's entering the ECC, and the first oil shock in 1973 brought the economic prosperity of the 1950s and early 1960s to an end (Cardow & Wilson, 2020; Carlyon & Morrow, 2013). Under Norman Kirk's (and later Bill Rowling's) leadership, the third Labour government attempted to address these economic issues while balancing the environmental and development promises made in the 1972 Labour Manifesto. However, by the 1975 election, inflation was around 15 percent, and unemployment was above 5000.

The National Party's leader, Robert Muldoon's 'New Zealand the way you want it,' campaign targeted the increasingly frustrated public, especially the 'everyday bloke' and retired couples (Carlyon & Morrow, 2013). The National Government won the 1975 election with promises of reducing New Zealand's dependency on foreign oil, reducing inflation, and increasing employment. However, between 1975 and 1978, support for Muldoon and the government began to wane. By 1976, inflation was 18 percent, while unemployment rose from 10617 in 1976 to 46894 in 1978 (Carlyon & Morrow, 2013). In addition, New Zealand faced another crisis in oil supply in 1978. The oil crisis grew worse when in 1979, oil production dropped in response to the Iranian Revolution. Like the first oil shock in 1973, Muldoon implemented 'Carless days' initiatives to reduce petrol consumption. The desire to be more independent, which began during Holyoake's leadership and continued through Kirk's, along with the oil crises (1973 and later 1979), helped inspire National's 1977 'Think Big' economic strategy.

Despite the concept of 'Think Big" being linked to Robert Muldoon, the concept of Think Big is nothing new (Belich, 2001). The Second Labour and National governments attempted similar large-scale industrial projects to support New Zealand's energy and economic needs. However, what set these previous attempts of 'Think Big' and Robert Muldoon's version is that some of the projects that Muldoon approved relied on importing materials from overseas and thus did not cater to New Zealand (Belich, 2001, p. 401). Furthermore, the Think Big, according to Belich (2001), was:

> "…perhaps, was a proxy for things less rational than careful economic forecasts; a sense of change that needed shape, a sense of emergency 'akin to a wartime crisis,' and a sense of inappropriate dependence on the oil-exporting countries." (Belich, 2001, p. 402)

The Think Big Era created several large energy projects. One set of the Think Big Projects centred on the Maui natural gas fields in Taranaki. Initially discovered in 1968, the Mauri gas field was used to produce synthetic fuels at Motunui, fuelled a methanol plant in Waitara, and petrol substitutes (Belich, 2001). Additional projects included the expansion of the Marsden Point Oil Refinery and the Clyde Dam on the Clutha River (Carlyon & Morrow, 2013; Le Heron, 1992; R. Wilson, 1987). Furthermore, the projects increased the need for mining of coal and gold, which had previously slowed (Knight, 2018). Thus, Think Big not only promised a reduction of dependence on imported oil, but the projects promised economic benefits in the form of employment for New Zealanders (Mintrom & Thomas, 2019). It was predicted that the projects would create close to 450,000 new jobs (Carlyon & Morrow, 2013). However, to get

these projects off the ground, the National government introduced a bill that would fast-track development projects deemed nationally important.

Barry Bill, the Energy Under-Secretary, revealed the National Development Bill in July 1979 "as "an alternative between using these [Town and Country Planning Act 1977 and the Public Works Act 1928] extreme powers and running the risk of having to go through a delaying process of hearings under the normal environmental decisions." (Knight, 2018; “New Protection for Environment Proposed,” 1979). In essence, the then bill would allow the government to set aside provisions in these acts to 'fast track' large-scale projects. The bill was met with resistance immediately. Geoffrey Palmer, the Labour Opposition leader, argued:

> "The Bill is oppressive, unjust, and thoroughly bad. To me, it seems to be a deliberate, conscious, and cunning act to keep the courts out and retain decisions in the hands of the Minister. The application of the Bill is far too broad. Clause 4 provides that almost anything can be brought within the ambit of the legislation. The provisions are like those of the Remuneration Act. The Bill provides for government by fiat and government by regulation without parliamentary control. Members have not had adequate answers about why such extraordinary powers should be considered necessary." (Palmer, 1979, pp. 3360–3361).

The University Students Association also comments on the National Development Bill. The vice president at the time, J. Brown stated:

> "The speed with which the bill is bulldozed through its legislative course and the ill-conceived and unfounded supportive comments from its proponents are perhaps indicative of the manner in which projects of national importance will be processed should be Government acquire the powers outlined in the bill." (N.Z. Press, 1979a)

However, members of the National-led government, for example, Venn Young, the Minister of the Environment, defended the National Development Act 1979. In response to those criticising the bill, Young stated:

> "It is long overdue for such elements to come out honestly into the open and put forward the real reasons for their objections and to stop using the environmental lobby for their own personal ends." (N.Z. Press, 1979b)

Young continued by acknowledging that while "constructive and honest" objections from environmentalists prevented several environmental disasters, he also argued that most of the

objections focused on worst-case scenarios based on hypothetical projects and not based on realistic situations accruing in the country at that time.

Fears of the draconian nature of the bill increased when the Lands and Agricultural Select Committee, responsible for hearing submissions on the bill, chose to end the hearing unexpectedly, leaving many submissions unheard. Out of the hundreds of comments received regarding the bill, few supported the act. Nevertheless, parliament passed the National Development Act of 1979 in November.

The resulting National Development Act of 1979 was an act that fast-tracked projects that were deemed of 'national importance' by referring proposals directly to the Planning Tribunal to receive consents. The NDA 1979 allowed setting aside the provisions of 22 previously established acts, including the Town and Country Planning Act 1977. Section 11 of the act allowed the Governor-General in Council the ability to grant the title of 'national importance' to large scale projects if it was "essential for the purposes of-

(i) The orderly production, development, orutilisation of New Zealand's resources; or

(ii) (The development of New Zealand's self-sufficiency energy (other than atomic energy as defined in section 2 of the Atomic Energy Act 1945); or

(iii) The major expansion of exports or of import substitution; or

(iv) The development of significant opportunities for employment;"

(National Development Act, 1979)

One of the selling points of the NDA 1979 was its inclusion of environmental impact reports and audits. Section 5 of the NDA 1979 made it mandatory for the projects to submit an environmental impact report (National Development Act, 1979, sec. 5). However, there were several issues with the EIR regulations within the NDA. The first was that the EIR did not clearly define what an environmental impact report was. It also allowed for the EIR to be prepared late within the planning process of the project. Furthermore, no provisions allowed the Commission for the Environment to outright reject or return incomplete EIR to the applicants. As Murray (1990, p. 28) argues, the strict criteria in the NDA regarding EIR were ironic considering the purpose of the act was to "minimise the public debate over, and expedite approval of, projects which the government declared of "national interest."

In terms of public participation, the combination of the 1981 revised Environmental Protection and Enhancement Procedures and the National Development Act 1979 suffered similar issues identified in previous acts. Despite having slightly more public participation abilities than other legislation, the EP&EP still limited access to relevant documents to the public (Dixon, 1993). Furthermore, there was a lack of clear communication regarding when the Planning Tribunal would take place. Even though the Planning Tribunal inquiries were listed in the paper, often, these notices would go out after the inquiry had already started. As Allin (1984) points out, the tribunal inquiries that involve the National Development Act were given during different stages of the proceedings, and newspapers

5.4.2 **The Outcome of Think Big and the Return of the Labour Government**

Overall, the outcome of the 'Think Big' projects was disastrous for New Zealand. From an economic and development standpoint, the decisions made regarding projects during Think Big were based on Muldoon's assumption that while inflation was temporary, the price of petrol would remain high (Bassett, 2013; Belich, 2001). Thus, the need for large-scale projects. However, by the early 1980's the price of oil plateaued and then dropped by the mid-1980s. Furthermore, the project also ran into issues as several projects ran well over budget and time. Projects such as the Clyde Dam (the Huntly Power Station) fell behind on their timetables by years. Also, plans for the second smelter at Aramoana fell apart when Alusuisse pulled out of the deal. By 1984, the annual borrowing by the government tripled, with New Zealand borrowing close to $ NZ 7 Billion to finance the projects.

From an environmental perspective, projects developed under the National Development Act 1979 had a detrimental impact on the environment. An example of this is in 1981 when the New Zealand Synthetic Fuels Corporation (Syngas) applied (and received) rights to discharge sewage into the sea. The application was opposed by the local Māori (Te Atiawa) due to the potential impact (environmental and cultural) the discharge would have on the Motunui reef (Bielby, 1988). The Motunui-Waitara report (1983) found that the reefs were extensively polluted due to the discharge, to the point where that hapū involved in the claim could no longer access kaimoana (seafood).

Like the several acts mentioned in this thesis, the National Development Act 1979 held no meaningful consideration of Māori interests in the environment. Furthermore, as the Waitangi Tribunal report for Motunui found:

> “The result appears to be also that in the application of the National Development Act to important works involving outfall pipes the application merely needs the consent of

the Minister to construct the pipe and the Minister is under no obligation to take into account the protection of Māori fishing grounds or other fishing resources."(Waitangi Tribunal, 1983, p. 34)

Despite being a failure in both economic development and environmental policies, the Think Big Era unwittingly became the linchpin for a dramatic resurgence in environmental concerns and the implementation of policies that allow for an open government. For example, in Geoffrey Palmer's 2013 speech, *The Resource Management Act: How we got it and what changes are being made to it ?*, the National Development Act 1979 helped push forward the Resource Management Act 1991(Palmer, 2014).

5.5. Resource Management Act: A step towards New Zealand Environmental Justice?

Up to this point of the thesis, the focus has been on analysing the Huntly Power Station/ Waikato Tainui case study between the 1970s and 1980s. So far, the analysis has extended back over 100 years to understand the historical/settler colonialism dynamics, which laid the foundation for the relationship between Waikato Tainui and the Huntly Power Station. In the next chapter, I will discuss what the Huntly Power Station/ Waikato Tainui case study tells us about the future of the environmental justice framework.

Given the indigenous ontologies and epistemologies around time (the past, present, and future functioning in a loop rather than a linear progression), I wanted to take a moment to jump beyond the initial scope of the thesis (the 1970s-1980s) to discuss the Resource Management Act 1991. Therefore, I will not be giving a complete analysis of the RMA or its connection to the case study featured in this thesis. In the next chapter, I recommend studying the RMA, Huntly Power Station, and environmental justice framework as future research. Instead, I will present an argument that the RMA is a step towards true environmental justice in New Zealand. However, the act is still obligated to dominate colonial/ western epistemologies and ontologies.

On the heels of repealing the National Development Act 1979, New Zealand's interest shifted towards environmental concerns. At the time, Ian Baumgat, the Commissioner of the Environment, sought an independent review of New Zealand's environmental policies (Knight, 2018). As a result, the New Zealand government reached out to The Organization for Economic Co-operation and Development (OECD). The Organization for Economic

Co-operation and Development (OECD) is a continuation of the Organization of European Economic Cooperation (OEEC), which was established in 1948 for reconstructing the European continent after World War II (OECD,2019). In 1980, the Organization for Economic Co-Operation and Development (OECD) released the report reviewing the environmental policies and practices in New Zealand. While the report commended New Zealand for earlier changes to their practices, namely the introduction of the EPEP, the comprehensive study also offered several recommendations. One of the recommendations was to strengthen the adviser capacity of environmental agencies and establish an environmental agency that operates independently.

When the Fourth Labour Government took over in 1984, one of the primary focuses was updating current environmental legislation. For example, Labour wanted the Water and Soil Conservation Act 1967 and the Soil Conservation and Rivers Control Act 1941 by consolidating the acts and removing overlapping and outdated provisions (New Zealand Labour Party, 1984). The Labour government also recognized the wetlands as 'nationwide importance' and developed plans to protect the coastlines. In addition to these changes in environmental legislation, Labour's last policy regarding natural waters focused on the interests of Māori. Specifically stating:

> "In all matters affecting natural waters, particular attention will be paid to ensuring full consultation with the Māori people"(New Zealand Labour Party, 1984, p. 79)

The Commission for the Environment and the Centre for Māori Research at Waikato University held several seminars to discuss Māori views on water and the environment in the same year. In the preface of the report, Ken Piddington (Commissioner for the Environment) details discusses the disproportionate impact of environmental issues on Māori communities and the need for agencies to recognise these impacts in their decision-making process:

> "The problem for the Māori community is that these pressures bear disproportionately on their values and on traditional tribal resources, such as kaimoana. For the administrator of local, regional or national agencies, there is a need to come to grips with this perspective and to use this knowledge to avoid simplistic decisions and insensitive actions." (Piddington, 1984)

The sessions outlined in the report detailed the impacts of the environmental legislation's absence of cultural values on Māori communities. For example, in the third session, *Te Puaha Ki Manuka: Māori Guardians of the Manukau*, Nganeko Minhinnick (Executive Officer of Huakina Development Trust) describes the experience of appealing a decision from the Planning

Tribunal regarding rights sought to discharge into the Manukau Harbour. Minhinnick describes the process as "futile" and that "despite the fact that out kaumatua stand up and say it should not be done, we know that the decision will come out in favour of the developer." (Minhinnick, 1984, p. 32).

Labour's comments, along with the joint venture with Commission for the Environment and the Centre for Māori Research at Waikato University, display the government's growing attention regarding the inclusion of Māori cultural values in the environmental decision-making process. However, the reality of this would not manifest until the Environment Act 1986.

The Environment Act 1986 created new environmental agencies, The Office for the Parliamentary Commissioner of the Environment and the Ministry of the Environment. The Parliamentary Commissioner of the Environment replaced the Commission for the Environment and is responsible for providing advice on environmental issues and assisting agencies established by the government on environmental legislation and procedures (*Environment Act 1986*, 1986, sec. 16: Functions of Commissioner; Parliamentary Commissioner for the Environment, 2021).

Section 31 of the Environmental Act 1986 establishes the responsibilities and functions of the Ministry for the Environment. Like other environmental agencies, the Ministry for the Environment provides advice to the government regarding environmental management. In addition, the Ministry also provides ways to ensure public participation. Rather than being involved in the ever-day management of the environment, The Ministry for the Environment provides:

- "environmental management systems, including laws, regulations and national environmental standards
- national direction through national policy statements and strategies
- guidance and training on best practice
- information about the health of the environment." (New Zealand Government, 2020)

Under the act, in addition to establishing the new agencies and position, there was a need to "balance the management of the natural and physical resources through taking account of:

> (i) The intrinsic values of ecosystems; and (ii) All values which are placed by individuals and groups on the quality of the environment; and (iii) The principles of the Treaty of

Waitangi; and (iv) The sustainability of natural and physical resources; and (v) The needs of future generations (*Environment Act 1986*, 1986)

The Environment Act of 1986 would help to lay the foundation of the Resource Management Act 1991. The Resource Management Act 1991 is a national framework that combines environmental policies under one national framework. According to the Ministry for the Environment, the RMA's sole objective is to "promote sustainable management of natural and physical resources"(Resource Management Act, 1991, sec. 5: Purpose). The Resource Management Act replaced over seventy already established environmental acts, including the Town and Planning Act, the Clean Air Act, and the Water and Soil Conservation Act. The Act is comprised of 16 parts and fourteen schedules. Under the act, all land, air, and water use were regulated using resource consents. For the most part, the Resource Consents are regulated by Section 88 and Schedule 4 as they discuss what information needs to be included with a resource consent application. For applicants, these provisions are crucial in guiding the content of their application (Ministry for the Environment, 2014).

The RMA followed the trajectory of previous acts in that it took a greater interest in recognizing and protecting Māori. Sections 6 through 8 specifically require decision-makers to recognize and protect the relationship between Māori, their culture, and their connection to ancestral homelands (section 6). Part 2 of the fourth section of the RMA considers the principles of the Treaty of Waitangi (Te Triti o Waitangi) (Resource Management Act, 1991).

The act also provided procedures for joint management agreements between local authorities and local iwi. In Waikato Tainui, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 achieved a level of co-management concerning the protection and management of the Waikato River. The incorporation of Kaitaikitanga (Māori environmental practices) into the decision-making process of the RMA aligns with indigenous environmental justice.

To understand what this would look like regarding rights to access resources, I will briefly discuss the first resource consent requested under the Resource Management Act 1991 for the Huntly Power Station. The first consent request regarding the Huntly Power Station was submitted in 1993. At that point, all the permits gathered under the previous Water and Soil Conservation Act were set to expire in June 1994. By the time the new resource consent was written, it was no longer under the NZED. Instead, the Huntly Power Station had been turned over to the newly established ECNZ under the State-Owned Enterprise Act 1986. Under the new RMA restrictions, an application for resource consents had to include an assessment of the

effects of the power station. Section 88 and Schedule 4 of the RMA was key factor for how the report was to be written and included:

> " The activities or which resource consents are applied for in this application are essentially a continuation of the operation of Huntly Power Station. However, because of the detailed assessment of the existing regime contained in the "Assessment of Water-Related Effects on the Environment" (prepared following the Fourth Schedule to the Resource Management Act), it is also proposed that structures be placed on the bed of the Waikato River to mitigate any adverse effect of activities associated with the operation of the station."

The Assessment of Water-Related Effects on the Environment differed from the previous Environmental Impact Assessment/ Statement, including information about the environmental effects of the continued use of the power station, but also had to detail the mediation procedures ECNZ would have to take. The Assessment also gives a detailed list of the communities they consulted in developing the resource consent. However, "Cultural and spiritual concerns have been identified as an important issue, however, ECNZ recognizes that only Tangata Whenua can address such matters. Accordingly, ECNZ has not provided any comment on cultural and spiritual matters in this report." (page 10)

The RMA has made strides towards becoming a tool to encourage indigenous environmental justice in New Zealand. However, the RMA is not without its flaws and has not fully transitioned to indigenous environmental justice. The following quote from Muru-Lanning (2016) helps to explain this:

> "The RMA significantly influenced the way that the state, commercial groups, and Māori tribes related to one another and the Waikato River, even though the word 'stakeholder' was not used in the Act. In the years following the passage of the RMA, Māori and other stakeholders with interests in the Waikato River found that, while the state shed responsibility in certain areas of governance, *it did not relinquish any real control* (my emphasis) over the important natural resource" (p. 120–121)

The Environmental Defence Society's 2016 evaluation of the RMA echoed Muru-Lanning's argument, stating:

> "Māori were particularly vocal about the rapid and meaningless consultation that was not based on good practice and did not have any influence on the eventual outcomes." (Brown et al., 2016, p. 49)

The EDS's evaluation reflects Arnstein's (1969) concerns around consultation practices and participation, mainly that the consultation practices of government agencies at times fail to genuinely include communities in the decision-making process. Muru-Lanning continued by referencing the works of Shore and Wright (1997). They argued that the government's use of terms like 'stakeholder' or 'participant' creates the illusion of shared or collaborative power but is used as a tool to manipulate these people, in this case, Māori, into believing that they have more power than they do. Scholars argue a similar position that the government's rhetoric honouring indigenous people was a way to appear inclusive. However, in reality, it was a tactic to manoeuvre these communities to make decisions that favoured the government in the long run (Coulthard, 2014; Nadasagy, 2005). As a result, indigenous communities are denied or at the very least limited in their abilities to participate in the decision-making process.

In 1996, the Parliamentary Commissioner for the Environment released a document, *Public Participation in Environmental Decision Making*, responding to the public's growing concern over their ability to participate in the decision-making process. According to the document, the concerns fell into four categories:

- "the public's lack of awareness of RMA procedures and failure to recognize the importance of becoming involved as early as possible in the planning process.
- Inappropriate council management of decision-making process (including prehearing meetings and hearings, which are not user-friendly).
- Lack of resources (people, skills, funding) for the public to participate.
- The nature of statutory procedures (time available and the adversarial nature of hearings)."

The report also acknowledged that access to information could become a real barrier to being able to participate in the environmental decision-making process and that "rights of standing cannot be utilized effectively without knowledge of what the RMA provides for or the resources to participate" (Parliamentary Commissioner for the Environment, 1996, pp. 45–46)

Despite the development of the Resource Management Act and the reforming of other environmental policies, the same underlining issues of lack of information and participation are ongoing. Despite acknowledging Māori culture and influence, ultimately, the decision-making process still relies heavily on the New Zealand government. As a result, the government is not necessarily a benevolent ally or neutral party in the broader context of environmental justice, especially the indigenous and decolonial aspects of environmental justice. Instead, they are

ultimately held responsible for the ongoing history of epistemic violence contributing to environmental degradation and the continued isolation of Māori communities (Pulido, 2017).

5.6. Conclusion

The purpose of this chapter was to continue the analysis of the Huntly Power Station construction, particularly the interpretation of the Public Works Act 1928, Electricity Act 1968, and Water and Soil Conservation Act 1967. As discussed in later Waitangi Tribunal reports, the procedures under these acts failed to acknowledge Tikanga Māori and, to a larger extent, the articles of the Treaty of Waitangi. The lack of recognition of Tikanga Māori in the Public Works Act 1928, Electricity Act 1968, and Water Soil Conservation Act 1967, in this case, is not surprising considering that these policies represent an ongoing practice of coloniality. Understanding the ownership of natural resources in these policies on the western worldview makes no room for indigenous (Māori) practices.

This lack of cultural/ spiritual recognition by the government creates what is known as misrecognition within the environmental justice framework. The result of this leads to cultural and spiritual harm, which negatively impacts the community's identity. In the cause of Waikato Tainui, the government's inability to recognize the importance of specific sites (Waahi pa marae and Rakaumanga Primary School) and their cultural and spiritual connection to the Waikato River and the surrounding land amounts to cultural abuse. The continued 'contamination' of the land through the placement of the power station and the subsequent changes to the Waikato River damages both the environment and the community's identity.

Towards the end of the chapter, I focused on both Think Big and the National Development Act 1979, along with the Resource Management Act 1991. While both topics are slightly beyond the scope of the study, there are attachments to the Huntly Power Station case study. The National Development Act 1979 did not directly impact the Huntly Power Station because the decisions regarding the power station had already been made. However, the case study and Muldoon's Think Big economic strategy presents the continuing narrative of ‘national importance’ and desperation to complete power projects. Like the acts used to develop the Huntly Power Station, the National Development Act 1979 failed to recognize the cultural value that local Māori had on the land and water.

However, the Resource Management Act 1991 (along with the changes to other acts prior) was one of the first to incorporate Māori values into the decision-making process actively. Like the

Treaty of Waitangi Act 1975 and the resulting Waitangi Tribunal, the Resource Management Act incorporates Māori values. In the case of the Waikato River, the RMA, along with the Waikato Water Settlement, created an opportunity for Waikato Tainui to be a part of the decision-making practices regarding the river. In this instance, the presence of the RMA relates to indigenous environmental justice precisely because of the inclusion of Māori values.

However, as depicted by both Muru-Lanning and the Environmental Defence Society, the Resource Management Act and its procedures, while certainly a vast improvement compared to previous environmental acts, still have shortcomings when collaborating with Iwi. I would argue, this is because of the lingering influence of western/colonial viewpoints, which centre on the importance of national development. Furthermore, as Pulido (2017) points out, the government has its interests to maintain, which could clash with the interests of local/indigenous groups.

Chapter 6. Conclusion

6.1. Introduction

Environmental justice is a complicated and multi-dimensional concept. It was (and is still) defined and understood in many ways by different people (be they scholars, activists, government officials, or Indigenous leaders) and applied in various contexts. While there are several frequently accepted components of environmental justice - distribution, recognition, procedures, and participation - a diversity of definitions and understandings of these elements are proposed and debated amongst scholars worldwide. Furthermore, multiple temporal and spatial dimensions exist within these different components. Accordingly, environmental justice is not a straightforward concept or a singular thing; instead (as my thesis demonstrates), it is highly contested and complex. Indeed, rather than a particular way of framing or enacting environmental justice, I illustrate the importance of considering environmental justice through a pluralistic lens.

Indigenous experiences of environmental injustices are not single events or narrowly defined environmental harm but part of their historic and ongoing experiences of the injustices of colonisation. As my examination of the history of Waikato Tainui iwi's experiences of the construction and operations of Huntly Power Station in the 1970s and 1980s aptly demonstrated, Indigenous people's demands for environmental justice are multi-sided and extend beyond the confines of distributive-, procedural- or recognition-based justice framings to also encompass Indigenous ontologies of justice (emphasising the relational and intergenerational).

Now I will return to my original research questions to discuss how my thesis addresses each question individually before discussing the limitations of my research and identifying future research directions. Finally, I end the chapter with my final thoughts as to what decolonial environmental justice could lead.

6.2. Research Questions

6.2.1 **Question 1: What does environmental justice mean in the context of the Huntly Power Station case, and what are the implications of this case for wider theorising about Indigenous environmental justice and environmental justice in the New Zealand context?**

The meaning of environmental justice in the context of the Huntly Power Station case study changes depending on the type of environmental justice framework/ lens that the case study is viewed from; (western or "Global North") environmental justice, indigenous environmental justice, or decolonial environmental justice.

Suppose we were to look at the Huntly Power Station/Waikato Tainui case study from a (western) environmental justice standpoint presented in the first half of chapter two. In that case, the understanding of environmental justice sits under Rawl's Theory of Justice, focusing on distribution, participation, and recognition. Keeping this framework in mind, the Huntly Power Station case study reveals an environmental injustice directed towards Waikato Tainui. The Huntly Power Station represents the environmental risk placed near a marginalised minority community (Waikato Tainui) that continued to experience intergenerational trauma because of colonisation, violence, dispossession, and socio-economic disadvantage. Furthermore, despite the attempt by the NZED to 'include' local Māori in the process (through the planning forum and liaison committee), the actions often came after the fact. As a result, they limited the actual ability for Waikato Tainui to be heard.

However, as I mentioned in chapter two, there are several reasons why this approach to environmental justice is inappropriate for the case study. First, the Global North environmental justice is dependent on the US/Civil Rights historical influences. Second, this form of environmental justice has been centralized in environmental justice literature despite cultural differences and often leads to other forms of injustice (Alvarez Villarreal & Coolsaet, 2016; Gilio-Whitaker, 2019). Third, the environmental justice framework combines the interests and experiences of injustice into a monolithic narrative. Finally, as Gilio-Whitaker (2019) mentions, it silences the unique experiences that indigenous groups have when engaging with settler-colonialism.

Ultimately, I argued that Waikato Tainui's connections to their awa (Waikato River) and their surrounding whenua (land) were woefully underestimated in environmental justice. Instead, we need to extend how we conceptualize Indigenous environmental justice to include Indigenous

ontologies and epistemologies to acknowledge and address the multiple dimensions of justice/injustice experienced by Indigenous peoples.

By taking the time to lay out the historical context (chapter three), I revealed that the Huntly Power Station case study is not an extraordinary environmental injustice event. Instead, it has been an ongoing case of environmental injustice and epistemic violence since the 1800s. The policies and procedures (i.e., Public Works Act 1928, Water and Soil Conservation Act 1967) helped reinforce environmental injustice by not including or recognizing Waikato Tainui's spiritual and cultural connection to the land. The indigenous environmental justice framework recognizes the importance of engaging with past land confiscations and other acts of colonialization to contextualize contemporary environmental injustices experienced by indigenous communities.

In this case, the environmental injustice experienced by Waikato-Tainui was not just based on the physical changes to the environment (land, air, or water pollution). But the cultural and spiritual significance of the material changes to the environment, whether it be the physical placement of the power station near a culturally significant site (Waahi Pa marae) or the inability to access the river for gathering food or recreation. Ultimately, indigenous environmental justice recognizes the importance of sovereignty and Māori ownership of the land.

Taking it a step further by adding the indigenous ontology and decolonial element to environmental justice, the Huntly Power Station would possibly not have been built at all. As I mentioned in chapter five, the Huntly Power Station would discharge contaminated water into the Waikato River. The Waikato River is an ancestor to Waikato Tainui; placing contaminated water back into the river would be unacceptable. Furthermore, the location of the power station impacts Waikato Tainui's cultural and spiritual connection to the land and thus injures the community.

On a broader scale, environmental justice in New Zealand is in some ways different from other settler-colonial countries like the United States and Australia due to the existence of the Treaty of Waitangi/Te Tiriti o Waitangi. The treaty/te Tiriti (even when not acknowledged or respected by the Crown) set up a partnership between two cultures (Māori and Pākehā). This partnership allows for the New Zealand Government (the Crown) and iwi Māori to negotiate, reach Treaty settlements, and form co-governance and management partnership arrangements in novel ways which are not as readily available to settler-colonial countries where there are multiple (as is the case in parts of Canada and the USA) or no treaties in existence (in Australia). In this way,

achieving Indigenous environmental justice is perhaps a closer reality in New Zealand than in other countries. In addition, the passage of various legislative changes, including the RMA in 1991, the government's payment of reparation packages ("Treaty Settlements") to iwi since the 1990s, as well as the creation of shared co-governance arrangements (between Crown, local government, and iwi) over the various rivers during the 2010s, all demonstrates the commitments (by the Crown and by Māori) to work together and address environmental injustices in the country.

However, as my thesis demonstrates, one of the critical things that limit efforts (both historically and in the present day) to achieve environmental justice in New Zealand is the continued dependence by scholars and decision-makers on narrow confines of environmental justice. Environmental justice (and environmental injustices) continued to be defined through Western understandings of justice and the environment. Therefore, Māori contestation of government actions (or inactions) was not acknowledged as being injustice because it did not fit within the confines of western framings of justice. Yet, for Indigenous environmental justice in New Zealand and other settler-colonial societies to be fully recognized and addressed in actions requires scholars, activists, and decision-makers to think beyond western liberal theorising and consider Indigenous worldviews, values, and lifeways. And ultimately deconstruct the dominant western structures of knowledge, creating a balanced relationship between the western and indigenous worldviews.

6.2.2 **Question 2: How were the differing value systems held by Pākehā and iwi Māori cultures articulated in the conflict between the New Zealand Government and Waikato Tainui over the Huntly Power station?**

Mahuta's comments about the Huntly Power station gave the best understanding of the Huntly Power Station/ Waikato Tainui Case study:

> "We saw this whole development not just as a kind of planning exercise, but as a clear demonstration of the ideological conflict we have been undergoing all the time."(Mahuta, 1979, page 20)

Waikato Tainui perceived the power station being situated beside Waahi Pā marae and discharging dirty water into their scared awa (river) as another attempt by the Crown (Pākehā-led settler-colonial society) to oppress, marginalise, and destroy their culture, identity, lives, and

lifeforce (mauri), just as the Crown attempted to do when they invaded the region in 1863. In chapter three, I unpacked the ideological conflict that Mahuta alludes to in this statement.

The Crown's actions and refusal to allow Māori information about the power station plans and operations, as well as to engage in meaningful consultation processes (and contribute towards decision-making) was interpreted by Waikato Tainui as another Pākehā attempt to suppress the values, beliefs, knowledge system (Mātauranga Māori) of iwi. Such actions (or inactions) to marginalise, restrict, and suppress Māori values and worldviews occurred through various government policies and those policies (which were implemented differently in different contexts). For example, the Town and County Planning Act (1953) included no recognition of Māori cultural claims and connection to the land. Instead, government officials' application and interpretation of the act regarding public amenities were based on Western understandings of what it means for a space to be public. As a result, the Waahi Pā marae was declared not a public amenity and, therefore, could not be protected from any damage caused by the power station.

Similarly, Waikato Tainui was forced to argue its case (against various aspects of the power station) within an institutional system designed by the settler-colonial state, which ensured the Crown's interests (as a manifestation of the broader settler-colonial state) was maintained. The settler-colonial system, which historically attempted to assimilate and destroy Māori identity through land confiscation and policies, was the same one that was meant to be protecting Māori from environmental injustices (caused by the settler-colonial state itself). Thus, the odds were stacked against Waikato Tainui. Still, the iwi continued to contest, protest, and resist settler colonial actions of oppression and suppression throughout the period I studied (and into the 1990s, 2000s, and 2010s). Iwi leadership and individuals sought protection and restored the mana and mauri of Waikato Tainui people, their awa, and whenua.

6.3. Limitations of the Study

There were undoubtedly clear limitations to the research I undertook for this doctoral thesis. Many documents I analysed as part of my archival research were those produced by government officials (who were primarily Pākehā/non-Māori) working for various central government agencies or local government, and only a small amount of the documents were written by Māori. As discussed in Chapter one, archives are created by people who occupy positions of authority within institutions and hold the capacity (to some extent) to decide what information is worth

keeping or not. From the eighteenth century onwards, archives have operated as institutions for collecting and categorizing information deemed "important" and "significant." Alongside museums, the work of the archives was closely aligned to the broader histories of the European Enlightenment and European empire-building activities around the world.

The archives (including government archives such as the New Zealand National Archives) reflected the forms of governmentality that emerged as part of the rise of the modern nation-state (Harris, 2010; Stoler, 2010b). The archives are both a repository of records and a highly socially constructed and regulated space. They can be read as a product of power relations and historical practices (which, of course, change over time). Thus, the voices of marginalised peoples (including Māori) were often excluded or highly censured within government record-keeping. Moreover, the few Māori who did write into government departments were all official representatives of the leadership of Waikato Tainui iwi (of high rank - rangatira) and were all men. As a result, the voices of Māori women (mana wahine) were absent from the documents held within the government archives I examined (Mikaere, 1994, 2011; Paterson & Wanhalla, 2017). Moreover, women's voices were absent throughout all the documents (both by government departments and Māori), reflecting the exclusion of women from positions of authority within government and iwi organisations (Simmonds, 2009; Toi, 2018).

In addition, I could not interview people involved in the Huntly Power Station project or the Waikato Tainui community. As I explained in chapter two, my initial intention was to conduct interviews (and later focus groups) to gain insight into the case study. However, due to time constraints and difficulties gaining access to the community, I took a historical/archival approach. Thus, at specific points when analysing and constructing my historical narrative, I found it difficult to fully explore the rationale and motivations of different actors (and people's underlying values and emotions) and the causality of actions.

6.4. Future areas of Research

The environmental justice framework in New Zealand is in the earlier stages of its development compared to other countries. The benefit of this is that there is an infinite number of possibilities in terms of New Zealand/ Aotearoa environmental justice research, some of which I discuss below.

6.4.1 **Inclusion of Capabilities Framework**

Chapter two discussed the justice lenses of the Environmental Justice framework (distributive, procedural, and recognition/ justice as recognition). However, recent environmental justice scholarship introduces another lens, the capabilities framework. The capabilities framework focuses on the communities' ability to sustain themselves despite the decisions made about distributing resources (Schlosberg, 2007; Schlosberg and Carruthers, 2010). The capabilities framework connects with the distributive, procedural, and justice as recognition by arguing that a community's well-being depends on recognizing their cultural identity, ability to participate in the decision-making process, and proximity to environmental goods. Murphy (2014) argues that self-determination is intertwined with capabilities in that by supporting the community's cultural identity, the community can determine and preserve their capability of establishing a 'good life.

In the earlier stages of the study, I considered incorporating the capabilities framework into the environmental justice analysis. However, there are several examples throughout the study where I could have applied the capabilities framework. For example, the capabilities framework could further unpack the impact of colonialism on Waikato-Tainui discussed in chapter three, which began the restrictions on Waikato-Tainui's ability to access the Waikato River. Furthermore, as demonstrated in chapters four and five, the lack of recognition of the economic and cultural significance of the Waikato River and surrounding areas by the government and the resulting decisions regarding the power station would also benefit from analysis under the capabilities framework.

I chose not to include the capabilities framework in this study because, as Watane (2016) argued, the capabilities framework developed by Sen and Nussbaum does not account for the Māori experience and cultural uniqueness. Similarly, the capabilities framework suffers from the same issues as the rest of the environmental justice literature, mainly its dependence on Western understandings of well-being. In this case, a capabilities framework guided by indigenous understandings of well-being would be appropriate.

6.4.2 **Revisiting the Huntly Power Station Social, Economic, and Environmental Impact Report**

The Huntly Power Station Monitoring Project was ahead of its time. Despite not offering suggestions to the Huntly Power Project during the construction phase, the results of the impact report helped several projects afterwards. However, there is little research on what happens

when a large-scale development project is deconstructed, especially in New Zealand. Since the late 2000s, there have been conversations around the decommissioning of the Huntly Power Station. I would recommend that another social, economic, and environmental impact report be conducted for the Huntly Power Station as it stands today and the possible impacts of completely decommissioning and removing the power station.

Questions that should be considered include:

- How would the power station's closure impact the Huntly Community economically and socially?
- What will happen to the land the power station is occupying?
- Who will be responsible for the environmental clean-up of the area?

The purpose of this analysis would be to determine the possible outcomes of this decision on the community before decisions are made. I would also recommend that the research keeps in mind the concerns about previous environmental/social impact reports, mainly around the timing of the reports and the access to these reports to the public.

6.4.3 **Environmental Justice and the Resource Management Act**

Another potential direction of the study would be to examine the Huntly Power Station and other development projects and their interactions with Māori under the research management act. As I allude to towards the end of chapter 5, while the Resource Management Act 1991 has provided more agency to Māori communities than previous environmental policies, the RMA is still under the influence of colonial/settler ideology. As such, the RMA has at times failed to include Māori in the decision-making process altogether. Including a decolonial indigenous environmental justice analysis of the RMA (with or without the Huntly Power Station as the case study) could uncover the colonial imprints embedded in the Resource Management Act in writing and practice.

6.4.4 **Expansion of the Environmental Justice Framework in New Zealand**

Scholarship around framing environmental (in)justice in New Zealand is relatively underutilized compared to other countries. As I discussed in chapter two, the framing of New Zealand environmental justice scholarship is either active (directly engaging with environmental justice discourse and terminology) or passive (engaging in environmental justice through other themes). The progression of environmental justice scholarship in New Zealand is in reverse compared to other countries. Most of both passive and active engagements with environmental justice centre

around recognition, followed by procedural and lastly distributive. The environmental justice scholarship in New Zealand needs to examine the distribution of environmental risks and goods between communities and understand why (in the context of New Zealand). Environmental Justice scholarship in New Zealand also needs to discuss the health impacts of the proximity of environmental risks on the marginalized. With a few exceptions, the environmental justice scholarship in New Zealand does not engage with environmental health discourse, despite it being one of the centre discussions pieces within environmental justice framing

6.5. Final Thoughts and Conclusion

This thesis represents a small step towards an ongoing journey towards an inclusive environmental justice framework. As I mentioned in chapter one, a decolonial theory infused indigenous environmental justice is not about fixing the western underpins within environmental justice to perform benevolent marginalisation of indigenous and other oppressed communities. Instead, the purpose of decolonial theory in indigenous environmental justice is to dismantle Western liberal understandings of environmental and justice so that indigenous worldviews on justice and the environment can exist uninhibited by past colonial ideologies. I am not arguing that indigenous environmental justice completely replaces the environmental justice framework. However, there are critical elements of the environmental justice framework beneficial to indigenous environmental justice (i.e., recognition).

In many ways, New Zealand is closer to fulfilling the goals of indigenous environmental justice than anywhere else in the world. A bicultural government and a renewed dedication towards honouring the Treaty of Waitangi have given Māori a greater presence than other indigenous communities. However, the systems in place are not perfect. There seems to be a constant struggle between the Pākehā and Māori worldviews that often battle one another. As Sir Robert Mahuta mentions, there needs to be a 'joint commitment' between Māori and Pakeha world views:

> "I can accept the national policy aimed at developing a sense of nationhood within our geographic and ethnic reality. I can accept a national label with a bit of Māori and a bit of Pākehā in it. But for this to succeed there need to be a joint commitment by Māori and Pākehā to create this nation. We as a people might have to forgo a lot of what we currently believe in but that's the kind of price we need to be prepared to pay. How much Māoritanga are we prepared to forgo? How much Pākehātanga is the Pākehā prepared to forgo to allow us in that eventual image of nationhood? It's not going to be easy."(Mahuta, 1979, p. 21)

In the same way, there needs to be a balance between the western understandings of environmental justice and indigenous environmental justice. Decolonial environmental justice is about restoring a balance between humans and nature (both human to human and human to nature). As McCaslin & Berton (2008) argue, decolonialization is about healing the colonized and the colonizer. The case of environmental justice is about healing the environment, the oppressive, and the oppressed together. The decolonization of environmental justice creates space for that healing to occur without suppressing a world worldview or perspective over another.

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