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ABSTRACT

The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 was a landmark case where the Whanganui iwi (tribe) of the Māori cosmovision collaborated effectively across difference to exceed the boundaries of a universalism known as Rights of Nature (RoN), making new forms of politics possible in Aotearoa New Zealand. Through its ground-breaking political arrangement, a specific natural entity, Te Awa Tupua (the Whanganui River), was granted legal personhood. Inspired by Anna Tsing's *Friction*, this paper traces the contingent lineages of the Māori cosmovision and RoN discourse to show how RoN gains relevancy and operates through friction. Critically, it established a detailed legal structure indicating how the river should be represented, institutionalizing Māori ideas of a usage-centered and reciprocal, kinship-based relationship with nature. Rather than pursuing the human rights-inspired Rights of Nature of the modernist cosmovision, the Whanganui iwi focused on the management of people, alongside both their responsibilities towards and relationships with nature, deemed appropriate to their socio-natural landscape.

BY

Sarah Wulbrecht

ABOUT THE AUTHOR

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1. Introduction

In *Pluriversal Politics: The Real and the Possible*, Colombian American anthropologist Arturo Escobar insists that beyond the "heteropatriarchal capitalist modern/colonial world system," hereafter *modernist cosmovision*, "another possible is possible."[1] He argues that instead of a universe, we exist within a pluriverse, "a world where many worlds fit," each with their own onto-epistemology, or rather *cosmovision*.[2] Cosmovisions are the world-constructing visions of what life is, based on implicit premises arising from particular histories. Within any onto-epistemology there is of course internal heterogeneity, but cosmovision here works as a shorthand that captures both internal commonalities as well as the external hierarchy of power that has formed between different cosmovisions. The modernist cosmovision, then, is first and foremost an epistemology of colonial domination with a long postcolonial afterlife. Drawing inspiration from his words and an analytical framework from Anna Tsing, this paper attempts to trace the contingent lineages formed in "the grip of encounter"[3] as the Whanganui River in Aotearoa[4] New Zealand was granted legal personhood in 2017.

This case falls within the Rights of Nature (RoN) movement, which promotes the inherent rights of ecosystems and species using a Western legal framework. It is noteworthy in that there was significant Indigenous involvement by Māori in all stages of the legal process. RoN discourse was used in novel ways, ultimately leading to the Whanganui River likely becoming the first river in the world to gain legal personhood.[5] RoN is a Western legal universalism, which took form in the 1970s, that seeks to challenge the modernist view of nature as a passive resource for extraction. Inspired by Indigenous beliefs, various religious traditions and Western human rights discourse, it has since manifested in unique socio-spatial forms across different local and international scales. This paper traces the genealogies of the Māori cosmovision and the emerging global discourse of RoN to the moment of their historic interaction.

1 Arturo Escobar, *Pluriversal Politics: The Real and the Possible* (Duke University Press, 2020), xii, ix.

2 Escobar, *Pluriversal Politics*, ix, 121–122.

3 Anna Lowenhaupt Tsing, *Friction: An Ethnography of Global Connection* (Princeton University Press, 2005), 5.

4 Aotearoa is the Māori word for New Zealand, originally it referred to only the North Island but has since been expanded to include all of the state. "Aotearoa," Te Aka Māori Dictionary, accessed March 28, 2026, https://maoridictionary.co.nz/.

5 New Zealand Parliament, "Innovative bill protects Whanganui River with legal personhood," New Zealand Parliament, updated 28 March 2017, https://www.parliament.nz/en/get-involved/features/innovative-bill-protects-whanganui-river-with-legal-personhood/.

In *Friction*, US American anthropologist Anna Tsing asks, "how do political models from elsewhere become relevant?"[6] Rather than explain what RoN as a universalism *is*, this paper looks at how RoN gains relevancy and *operates* through friction, specifically how certain features of the discourse were used, modified and added onto by the Whanganui iwi (tribe) in this case study. Tsing's concept of friction, emerging from and describing "the sticky materiality of practical encounters" through which universalisms like the Rights of Nature movement are enacted, demonstrates how RoN can be both a project of the modernist cosmovision, while at the same time also translated and locally reconfigured as a tool for transition into a more pluriversal reality.[7] Rights of Nature is a "social project" with local particularities grown from culturally diverse and spatially far-flung collaborations.[8] In each zone of awkward engagement, "words mean something different across a divide even as people agree to speak."[9] Friction is the two-way force that both slows things down, and is responsible for movement. Regarding Tsing's terminology, a universalism is "knowledge that moves across localities and cultures," where movement is a force that allows "globally circulating terms, theories, and stories" to be "harnessed for local uses."[10] This local usage is achieved through translation, which involves "remaking ideas, practices, and local, regional, and global histories."[11] Finally, translation occurs in particular socio-natural landscapes, defined as "the configuration of humans and nonhumans across a terrain."[12]

In this article, I argue that two particular cosmovisions interact in the case of Te Awa Tupua (Whanganui River Claims Settlement) Act 2017: the modernist cosmovision of the Aotearoa New Zealand executive government, "the Crown,"[13] populated by its ontologically separate urban-moderns;[14] and the pluriversal cosmovision of the Māori, characterized by its radical relationality, territoriality and ancestrality. In this cosmovision, land exists as a social place threaded with enduring "biographical connections" linking past

6 Tsing, *Friction*, 215.

7 Tsing, *Friction*, 1.

8 Tsing, *Friction*, 12, ix.

9 Tsing, *Friction,* xi.

10 Tsing, *Friction*, 7, 215.

11 Tsing, *Friction*, 212.

12 Tsing, *Friction*, 173.

13 "The Crown" is used today to refer to the executive branch of Aotearoa NZ government, and I use this wording throughout the article to acknowledge the persistent colonial effects of Queen Victoria's government's treaty with Māori rangatira still felt to this day. See "Sovereign of New Zealand," Department of the Prime Minister and Cabinet, New Zealand Government, updated April 19, 2023, https://www.dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual/1-sovereign-governor-1.

14 Escobar, *Pluriversal Politics*, xiv, 15.

and future to location.[15] This theoretical perspective will be used to attempt to answer the question: In the case of Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, how were new forms of politics made possible in Aotearoa New Zealand both despite and because of friction between the Māori cosmovision and the modernist cosmovision's Rights of Nature discourse? To answer this question, the Māori cosmovision and RoN discourse will be analyzed and their lineages traced, with particular focus on how they converge in this case study. It is the ultimate aim of this paper to show how the Earth is not just one world that individuals and groups must coordinate across, but instead consists of many distinct cosmologies which must be navigated on their own terms.

1.1 Statement of Positionality

I am a white, cis woman who grew up in a small, predominantly white, upper middle-class town north of the Metro Detroit area of Michigan, USA. My academic background is in political science, specifically public policy, and Chinese studies.[16] Following Lauren Tynan's understanding of research as relation, I would like to briefly acknowledge the genealogy of this research project.[17] This article and I have co-become together from the idea's initial formulation in the seminar Decolonizing Anthropocene Origins taught by Dr. Frederik Schröer, where my interest in the more-than-human was first sparked. We then further developed under the guidance of Dr. Andrea Fleschenberg dos Ramos Pinéu in her seminar Negotiating Research Ethics where I was first introduced to decolonial and Indigenous methodologies and was encouraged to reflect on my own research practices. Finally, Dr. Sarah Bellows-Blakely's seminar Silencing and Disconnections in Global History introduced me to Anna Tsing's concept of friction, which guided my analysis of this case. My background and the genealogy of this research project have blended to become this political science-infused, critical anthropology-informed historical research project, which I hope opens up new lines of thought through its hybridity.

There are significant weaknesses in this paper due to my positionality:

15 Tsing, *Friction*, 190.

16 The River & Fire Collective caution that "positionality can be limited to a confessional style check list of, 'yes, I am a white (cis) man/woman, and I know that this affects my data,'" and instead assert that "positioning is relational and should be accountable, meaning that writings on positionality in research should include descriptions of your relationships to people whom you create knowledge with." The River & Fire Collective, "The Fires Within Us and the Rivers We Form," *Teaching Anthropology* 10, no. 4 (2021): 100, https://doi.org/10.22582/ta.v10i4.627.

17 Lauren Tynan, "Thesis as Kin: Living Relationality with Research," *AlterNative: An International Journal of Indigenous Peoples* 16, no. 3 (2020): 163–170.

I have no kinship to the Māori people or Aotearoa New Zealand, I have no formal background in Indigenous studies or Indigenous methodologies, and I am a native English speaker with no prior knowledge of the Māori language (hereafter: te reo Māori[18]). Nevertheless, this landmark case is of particular relevance to the history of Rights of Nature and environmental history more generally and deserves "outsider" interest and study. While it is my aim to highlight how other "worlds and ways of worlding life" possess unique onto-epistemologies that can open new variations for thought and practice, my more personal aim is to familiarize myself with other ways of being in a more historically grounded and less theoretical manner.[19]

1.2. Structure of Paper

The following section defines key Māori concepts underpinning their particular onto-epistemology. Section three explores Rights of Nature as a traveling universalism—the particular modernist cosmovision it arises from, its implicit premises, and their implications for its instrumentalization.[20] Section four

18 Due to the role of language in the history of oppression by the Crown over the Māori, as well as te reo Māori's heavy usage in official Aotearoa New Zealand state documents today, Māori words will be used frequently throughout this paper. From the enactment of the Native Schools Act 1867 to the 1970s when revitalization efforts finally began to gain momentum, te reo Māori was discouraged in schools, often with corporal punishment, in favor of English. It was not until the Māori Language Act 1987 was passed that te reo gained official status in Aotearoa New Zealand.
In acknowledgement of the repression te reo Māori has faced in Aotearoa New Zealand, te reo usage conventions will be honored to the best of my ability throughout this paper. The translations given cross-reference both Te Ara – The Encyclopedia of New Zealand and Te Aka Māori Dictionary, through their online portals. While the translations and explanations of concepts are simplified, they hopefully provide a starting point for those from different cosmovisions, and enable a more nuanced understanding of the historical context and debates at hand. There is a Glossary after the Conclusion for quick reference.
See Rawinia Higgins and Basil Keane, "Te reo Māori – the Māori language," Te Ara - the Encyclopedia of New Zealand, accessed March 18, 2026, http://www.TeAra.govt.nz/en/te-reo-maori-the-maori-language; New Zealand Government, *Native Schools Act 1867 (31 Victoriae 1867 No 41)* (Wellington, 1867), accessed March 18, 2026, https://www.nzlii.org/nz/legis/hist_act/nsa186731v1867n41290/; "Māori–Pākehā relations - Māori renaissance," Te Ara - the Encyclopedia of New Zealand, accessed March 18, 2026, http://www.TeAra.govt.nz/en/maori-pakeha-relations/page-6; "Compulsory classes will help right the wrong after Te Reo Māori 'beaten' out of school children a generation ago – Sir Pita Sharples," 1News, accessed March 18, 2026, https://www.1news.co.nz/2018/09/09/compulsory-classes-will-help-right-the-wrong-after-te-reo-maori-beaten-out-of-school-children-a-generation-ago-sir-pita-sharples/; "About this site," Te Ara – the Encyclopedia of New Zealand, accessed March 28, 2026, https://teara.govt.nz/en/about-this-site; "Who is Te Ara?" Te Ara – the Encyclopedia of New Zealand, accessed March 28, 2026, https://teara.govt.nz/en/who-is-te-ara; "Māori Dictionary Project," Te Aka Māori Dictionary, accessed March 28, 2026, https://maoridictionary.co.nz/dictionary-info; "Sources and acknowledgements," Te Aka Māori Dictionary, accessed March 28, 2026, https://maoridictionary.co.nz/dictionary-project.

19 Escobar, *Pluriversal Politics*, 26.

20 Escobar, *Pluriversal Politics*, 122.

evaluates the case itself, parsing out the structural elements of the Te Awa Tupua Act and explaining how RoN discourse was used as an effective tool for transition by Māori negotiators. The final section returns to the overarching themes of friction and collaboration and reiterates how RoN was used by the Whanganui iwi through the process of translation, making the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 a prime example of how universalisms must be operationalized differently within specific socio-natural landscapes.

2. The Treaty of Waitangi and the Māori Cosmovision

The 1840 Treaty of Waitangi, signed by the Crown and many Māori iwi rangatira (chiefs), is the founding document of Aotearoa New Zealand and lays the foundation for the current relationship between Māori and the Crown government. Crucially, it had both an English and Māori text which created fundamentally different expectations regarding sovereignty.[21] Aside from one sheet of signatures where the text was written in English, all other rangatira signed the te reo Māori version of the treaty.[22] In the First Article's English text, Māori leaders gave "sovereignty" to the Queen; in the Māori text, they gave "kawanatanga" (governorship) over their land. As sovereignty has no direct Māori equivalent, the transliteration of "governance" was used instead, leading Māori to believe they still maintained absolute authority within their territories and were entering into a system of power sharing and partnership. Moreover, in the Second Article, not only in the English text were Māori guaranteed possession of their territories, but in the Māori text they were specifically guaranteed tino rangatiratanga (self-determination).[23] The unfulfilled assurance of tino rangatiratanga, the belief that "tikanga[24] would remain as the first law of Aotearoa," and disrespect of their mana (prestige) have been the basis of disputes between Māori and the Crown, and eventually prompted the establishment of the Waitangi Tribunal in 1975, to resolve

21 Carwyn Jones, "Tino Rangatiratanga and Sustainable Development: Principles for Developing a Just and Effective Environmental Law in Aotearoa," *Te Tai Haruru Journal of Māori and Indigenous Issues* 3 (2010): 59–74, https://cdn.auckland.ac.nz/assets/law/Documents/2021/our-research/Te-tai-haruru-journal/Vol3/Te%20Tai%20Haruru%20Journal%203%20(2010)%2059%20Jones.pdf.

22 Manatū Taonga — Ministry for Culture and Heritage, "Treaty sheets and signing locations," updated May 28, 2024, https://nzhistory.govt.nz/politics/treaty/making-the-treaty/treaty-of-waitangi-signing-locations.

23 Manatū Taonga – Ministry for Culture and Heritage, "Differences between the texts," accessed March 28, 2026, https://nzhistory.govt.nz/page/differences-between-texts.

24 "Tikanga" is defined as "correct procedure; the customary system of values and practices that have developed over time and are deeply embedded in the social context." "Tikanga," Te Aka Māori Dictionary, accessed March 28, 2026, https://maoridictionary.co.nz/search?idiom=&phrase=&proverb=&loan=&histLoanWords=&keywords=tikanga.

disagreements over Treaty interpretations and land.[25]

2.1. Key Concepts of the Māori Cosmovision

Before further delving into the historical developments culminating in the Te Awa Tupua Act 2017, it is important to spend time exploring integral ideas of the Māori cosmovision, especially as they pertain to their interrelationship with nature and land, which highlight the structural differences between the Māori and modernist cosmovisions. Please note, however, that these are views of the Māori *in general*. There are variations across time and between different iwi (tribes), generations and individuals. Nevertheless, these concepts are utilized in the enactment of certain aspects of RoN discourse and as a mobilizing political force in Aotearoa New Zealand.[26]

Whenua (land) also means "placenta,"[27] and is conceived of very differently in the Māori cosmovision than by urban-moderns, those who operate from within the modernist cosmovision.[28] In the modernist cosmovision, man has God-given sovereignty over the natural world, and in many cases must subdue or master nature. The Māori cosmovision views whenua not as a commodity they have mastery over, but rather as the source of their identity linking them to past and future generations.[29] Iwi are the tribe, literally "bones," who are bound by descent from a shared ancestor. Each iwi consists of many hapū (subtribes or clans), literally "to be conceived." Finally, each hapū includes whānau (family groups), literally "to be born." It becomes clear from the direct translations that the concepts of land and kin are intimately linked. Pepeha, traditional Māori personal introductions that offer a perspective on where one comes from and what one is connected to, not only include the human aspects of their genealogy (their iwi, hapū, whānau, etc.)

25 Charpleix, Liz, "The Whanganui River as Te Awa Tupua: Place-Based Law in a Legally Pluralistic Society," *The Geographical Journal* 184, no. 1 (2018): 20–21, https://doi.org/10.1111/geoj.12238.

26 It is important to note that while the picture painted here might seem idyllic, no culture or cosmovision is flawless. Problems existed—and exist—within Māori society, but listing them here is beyond the scope and authority of this paper.

27 The traditional practice of burying the whenua/placenta in the whenua/land after a baby's birth is still practiced to this day. See Te Ahukaramū Charles Royal, "Papatūānuku – the land – Whenua – the placenta," Te Ara – the Encyclopedia of New Zealand, accessed March 28, 2026, https://teara.govt.nz/en/papatuanuku-the-land/page-4 and "Whenua to Whenua," Home Birth Aotearoa, accessed March 28, 2026, https://homebirth.org.nz/whenua-to-whenua/. The literal connection is characterized in the expression "Whenua ki te whenua/Whenua to whenua."

28 Escobar, *Pluriversal Politics*, 15.

29 Ministry of Justice, *He Hīnātore ki te Ao Māori: A Glimpse into the Māori World. Māori Perspectives on Justice* (Ministry of Justice, 2001), 43–44, https://www.justice.govt.nz/assets/he-hinatora-ki-te-ao-maori.pdf.

but also reference tribal boundaries and other landmarks such as mountains and rivers that have specific significance for that iwi/hapū/whanau.[30] In the Māori cosmovision, the world is viewed as a complex family, ultimately sharing the same ancestors, within a vast family tree.

Mauri, "the natural bent of a thing" is the life force that joins and animates all beings—human and non-human—as part of an interdependent whole, where each part depends "for its well-being upon the health of each other part."[31] This restricts human intervention in the environment to actions that maintain balance.[32] Closely tied to mauri is mana (spiritual power, prestige and authority). Because a being has mauri, it has some degree of mana. A place is understood through its various resources and uses, and understanding of the mauri of a place relies on careful attention during repeated interactions.[33] Humans and other animals can make *reasonable use* of natural beings and features, so long as mana and mauri are respected. Appendix 1 of the National Policy Statement for Freshwater Management 2014 specifically includes this Māori tikanga (practice, convention) through its inclusion of the health and mauri of the water as one of two compulsory national values for fresh water.[34] A river flourishes according to its bent (mauri) when it is considered as an ecosystem. It is through this culturally distinct way of recognizing the environment that urban-moderns can begin to understand the onto-epistemology of the Māori.

Due to shared ancestry and the importance of relationality, whakapapa (genealogy, literally "to place in layers") is used to explain relations between things. It places the self in the world through connection to human and non-human ancestors. Through these interwoven descent lines, maintained through obligations and reciprocity, rights to collect and harvest particular animals or resources are passed down to different hapū, "tangling across the

30 For an example and further elaboration, see University of Otago, "Mihi – Introductions," accessed April 1, 2026, https://www.otago.ac.nz/maori/world/te-reo-maori/mihi-introductions and Emile Donovan, "The Anatomy of a Pepeha," RNZ, accessed March 28, 2026, https://www.rnz.co.nz/programmes/the-detail/story/2018858864/the-anatomy-of-a-pepeha.

31 New Zealand, Waitangi Tribunal, *The Whanganui River Report* (WAI 167) (GP Publications, 1999), 39, https://ngatangatatiaki.co.nz/assets/Uploads/Important-Documents/Whanganui-River-Report-1999.pdf; John Patterson, "Respecting Nature: A Maori Perspective," *Worldviews* 2, no. 1 (1998): 70.

32 Patterson, "Respecting Nature," 71.

33 Mihnea Tănăsescu, *Understanding the Rights of Nature: A Critical Introduction* (Transcript, 2022), 84–85, 91.

34 Ministry for the Environment, *National Policy Statement for Freshwater Management 2014* (ME1 1155), (New Zealand Government, updated 2017), 6, 20, https://environment.govt.nz/publications/national-policy-statement-for-freshwater-management-2014/.

landscape in overlapping patterns of seasonal residence and harvest."[35] This is vastly different from the modernist cosmovision's grid-like division and quantification of territories.

As the Māori are cousins with other beings and natural features through whakapapa, they have obligations to promote the welfare of the land's whānau, just as they have social obligations to their human whānau.[36] These obligations take the form of kaitiakitanga (guardianship). The people with the authority to act on behalf of the mauri of a region derive their authority through whakapapa linked to that place, which allows them to make use of the land but also places the obligation of kaitiakitanga with that group.[37] Tino rangatiratanga (absolute sovereignty; from rangatira – chief; literally "absolute chiefly authority") is the manifestation of the political aspects of mana linked to a particular territory, where the rangatira leads in a way that ensures the iwi preserves its mana.[38] The Māori notion of sovereignty is completely different from that of a modernist sovereignty where dominion over a large area is given to a single person.[39] It instead emphasizes a specific iwi's authority in their own territory and in their kinship groups' affairs.

When landscapes are looked at as a whole, as in the Māori cosmovision, rather than in a nonsocial way, these areas become features of that group's whakapapa, identity and mana. "Interpreting a landscape in its entirety, therefore, requires an understanding of the relationships between people and their environment over time, and an understanding that sites are reference points of a cultural value system."[40] While vastly simplified, the above concepts, with regards to the case discussed in this article, compose tikanga,

35 Anne Salmond, Gary Brierley, and Dan Hikuroa, "Let the Rivers Speak: Thinking about Waterways in Aotearoa New Zealand," *Policy Quarterly* 15, no. 3 (2019): 46, https://doi.org/10.26686/pq.v15i3.5687.

36 Māori Marsden, "Kaitiakitanga: A Definitive Introduction to The Holistic World View of the Māori," in *The Woven Universe: Selected Writings of Rev. Māori Marsden*, ed. T.A. Henare (The Estate of Rev. Māori Marsden, 2003), 66, https://www.academia.edu/16394238/Kaitiakitanga_A_Definitive_Introduction_To_The_Holistic_World_View_Of_The_Maori.

37 Ministry of Justice, *He Hīnātore ki te Ao Māori*, 49–50.

38 Ropata Paora et al., "Tino Rangatiratanga and Mana Motuhake: Nation, State and Self-Determination in Aotearoa New Zealand," *AlterNative: An International Journal of Indigenous Peoples* 7, no. 3 (2011): 246–57, 249; Margaret Mutu, "Mana Māori Motuhake: Māori concepts and practices of sovereignty," in *Routledge Handbook of Critical Indigenous Studies*, ed. Brendan Hokowhitu et al. (Routledge, 2021), 269–82.

39 Ropata Paora et al., "Tino Rangatiratanga and Mana Motuhake: Nation, State and Self-Determination in Aotearoa New Zealand," *AlterNative: An International Journal of Indigenous Peoples* 7, no. 3 (2011): 250.

40 Merata Kawharu, "Ancestral Landscapes and World Heritage from a Māori Viewpoint," *The Journal of the Polynesian Society* 118, no. 4 (2009): 326, https://www.researchgate.net/publication/287630217_Ancestral_landscapes_and_world_heritage_from_a_maori_viewpoint.

the customary law of Aotearoa, and the system by which the proper course of action is determined.[41] These ideas form the material and representational practices that make up the socio-natural landscape upon which Rights of Nature discourse then enters the fray.[42]

3. Rights of Nature: A Universalism That Travels

This section examines the Rights of Nature (RoN) discourse, an emerging project shaped through the frictions of collaboration encountered as it travels through various socio-natural landscapes. While RoN can be a tool for change, it is crucial to trace the genealogies through which present forms have emerged.[43] Following these lineages makes RoN's premises and their implications explicit, so that the project can be viewed through a more critical lens. At its best, RoN insists nature has intrinsic value beyond utility, and treats nature as a legal personality at an ecosystem level that includes humans.[44] Ideally, RoN opposes the modernist cosmovision's human-nature dualism, where nature is considered a passive resource or as property for human extraction.[45] My analysis has been guided by a variety of secondary sources, especially work within the discipline of political science. Instrumental were Mihnea Tănăsescu's comprehensive look at the theory and practice of RoN in *Understanding the Rights of Nature: A Critical Introduction*; Kauffman and Martin and their scholarship on the construction of RoN laws across the US, Ecuador and Aotearoa New Zealand; and Rafi Youatt's research on collective personhood, translation and law in Ecuador and Aotearoa.

3.1. Rights of Nature's Genealogy

RoN is what Tsing might call a "charismatic transnational package" offering tools for local actors, where "each deployment of the concept … 'locks in' to larger projects of governance and political identification."[46] While many Indigenous cosmovisions have long held radically relational understandings of their worlds, it is important to trace RoN's intellectual origins from within the

41 Charpleix, "The Whanganui River as Te Awa Tupua," 21.

42 Tsing, *Friction*, 174.

43 Tsing, *Friction*, 127.

44 Ashis Kothari, Ariel Salleh, Arturo Escobar, Federico Demaria, and Alberto Acosta, eds., *Pluriverse: A Post-Development Dictionary* (Tulika Books and Authorsupfront, 2019), 245; Craig M. Kauffman, and Pamela L. Martin, "Constructing Rights of Nature Norms in the US, Ecuador, and New Zealand," *Global Environmental Politics* 18, no. 4 (2018): 48, https://doi.org/10.1162/glep_a_00481.

45 Kothari et al., *Pluriverse*, 159, 246.

46 Tsing, *Friction*, 236; Eden Kinkaid, "'Rights of Nature' in Translation: Assemblage Geographies, Boundary Objects, and Translocal Social Movements," *Transactions of the Institute of British Geographers* 44, no. 3 (2019): 559, https://doi.org/10.1111/tran.12303.

modernist ontology and its initial permutations across space. US lawyer and legal scholar Christopher Stone is considered the first to have written on RoN (in 1972) in response to the unsuccessful lawsuit *Sierra Club v. Morton*, where it was ruled the Sierra Club lacked legal standing to contest the development of California's Sierra Nevada mountains by Walt Disney Enterprises, Inc.[47] His main argument concerned how legal standing for nature is a recognition of the moral standing law has failed to recognize.[48] An ecotheological, rather than pragmatic strand of RoN emerged formally in 2001 with Thomas Berry's concept of "earth jurisprudence" discussed in Cormac Cullinan's *Wild Law* in 2003.[49] This ecotheological strand blended the morality of human rights discourse with a more spiritual conception of an Earth-wide nature, sometimes referred to as Gaia or through other religious ideas. While greatly simplified, these two strands of RoN have influenced its manifestations in two key cases prior to the Te Awa Tupua Act 2017.

The US and Ecuador have both enacted RoN in landmark actions. In 2006, the Tamaqua Borough in Pennsylvania, USA attempted to ban toxic dumping in their community through RoN. The Community Environmental Legal Defense Fund (CELDF), while implicitly including the ecotheology of Berry and Cullinan to justify their reasoning on moral grounds, relied heavily on Stone's legal standing focus to frame RoN as defending local democracy by expressing community rights.[50] Indigenous actors were not involved and the environment was not framed as a spiritual being. This and many similar RoN actions have since been overturned in the US due to the relative weakness of municipal law vis-à-vis state and national law. It could be said that RoN had not yet become an "engaged universalism," in Tsing's language, capable of bridging "aspiration and practical achievement" as it travelled across difference.[51] In 2008, Ecuador became the first country to enshrine RoN in its constitution. Its 2007 rewriting allowed a constellation of actors to encode their unique version of RoN within law.[52] CELDF helped draft the RoN Articles, this time with a strong ecotheological strand.[53] Significantly, Indigenous groups played a central role in propelling President Rafael Correa to power, and therefore also shaped

47 Christopher D. Stone "Should Trees Have Standing? – Towards Legal Rights for Natural Objects," *Southern California Law Review* 45 (1972): 450-501; Tănăsescu, *Understanding the Rights of Nature*, 20–21.

48 Tănăsescu, *Understanding the Rights of Nature*, 22–23.

49 See Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice* (Chelsea Green, 2003).

50 Tănăsescu, *Understanding the Rights of Nature*, 48; Kauffman and Martin, "Constructing Rights of Nature Norms," 53.

51 Tsing, *Friction*, 8, 85.

52 Kauffman and Martin, "Constructing Rights of Nature Norms," 53.

53 Tănăsescu, *Understanding the Rights of Nature*, 53.

much of the language used in the Articles.[54] The RoN of Ecuador's constitution specifically recognized nature as a spiritual being and is perhaps the most expansive case of rights for nature. However, as ultimate authority is left to the state, conflicting interests of economic development and conservation have led to weak enforcement.

These two cases represent a broad recognition of nature's right to exist, function and flourish; implicitly and (in Ecuador's case) explicitly, using the moralizing ecotheological notion of an Earth-wide nature inherently possessing rights—which closely mirror human rights—that need to be respected. Aotearoa New Zealand represents a subsequent lineage of RoN which focuses on specific natural entities and legal personhood, without generalizing nature or holding a moralizing focus on rights, and will be explored in the fourth section of this paper.

3.2. Rights of Nature's Implicit Premises

Norms of value, property and ownership—which form the basis of the legal system of the modernist cosmovision—are part of broader belief systems that have always been contested. While often presented as a solution to the environmental crisis, RoN discourse does not necessarily represent the fundamental shift in structure and values needed to transition to a pluriversal politics "where many worlds fit."[55] RoN theory and practice instrumentalize "legal personhood" and "legal standing" (locus standi) to give nature *legal* rights. While nature as a legal object must address harm through owners' and property rights, nature as a legal subject—a legal person—has "the capacity to bear rights and duties in law."[56] Legal personality is a pragmatic legal fiction that enables rights and duties while sidestepping the thorny philosophical issues of what constitutes psychological and ethical personhood.[57] For a legal person to have locus standi, they must demonstrate a reasonable connection to the action or law in question.[58] In the modernist cosmovision, locus standi requires a proven (by modernist logic) cause-and-effect connection to the contested action to justify intervention, rather than in the Māori cosmovision where connection through whakapapa grants authority to intervene. The legal

54 Rafi Youatt, "Personhood and the Rights of Nature: The New Subjects of Contemporary Earth Politics," *International Political Sociology* 11, no. 1 (2017): 48, https://doi.org/10.1093/ips/olw032.

55 Escobar, *Pluriversal Politics*, ix.

56 Erin O'Donnell, Anne Poelina, Alessandro Pelizzon, and Cristy Clark, "Stop Burying the Lede: The Essential Role of Indigenous Law(s) in Creating Rights of Nature," *Transnational Environmental Law* 9, no. 3 (2020): 408, https://doi.org/10.1017/S2047102520000242.

57 Youatt, "Personhood and the Rights of Nature," 43.

58 Lidia Cano Pecharroman, "Rights of Nature: Rivers That Can Stand in Court," *Resources* 7, no. 1 (2018): 13, https://doi.org/10.3390/resources7010013.

uncertainty of when and on what basis nature holds locus standi has been an ongoing issue with RoN.

RoN recognizes the intrinsic worth of nature through the Enlightenment human rights tradition. In its ecotheological strand, humans are simply recognizing rights that are already there. The expansion of human rights follows a "moral" evolution where increasingly more rightless "things" (slaves, women, corporations…) are included as "subjects" worthy of rights.[59] Man's ultimate role of "conscious guardian" is complete when the rights of nature are finally recognized.[60] Furthermore, ecotheological RoN frequently views nature as a unitary whole upon which governments need to coordinate and manage their differences more effectively to achieve common—often modernist—goals.[61] By contrast, respect for nature in the Māori cosmovision arises from recognition that all things are connected by mauri, and through a complex web of whakapapa each being or object has individual mana that must be cared for by those related to that location. While the RoN activist package has been learning from Indigenous cosmovisions and attempting to incorporate their values as it travels, they often become imperfect approximations "when they are unmoored from the contexts of culture and politics from which they emerged."[62] For example, preserving traditional ways of life becomes preserving a harmonious Eden, where the nuances of "balance" and other unique, pluriversal concepts get lost in translation.

3.3. Implications: Positive and Negative

The modernist cosmovision does its best to cannibalize RoN and incorporate it within its framework. This diminishes its radical intentions, especially as its orthodoxy (i.e., Stone, Berry and Cullinan) were arguably already thinking from within the confines of a generalizing ontology. Rights-based approaches rely on the very states they are seeking to subvert for their enforcement. The Māori cosmovision comprises a different explanation of the intrinsic value of non-human beings and objects, one that moves beyond dualisms. Instead, value exists through radical relationality, where if one being is positively or negatively affected, so are its human and non-human kin through whakapapa. It is truly humans being *with* nature, holding a place within the meshwork of a territory. The opposite of anthropocentric does not mean the human is removed from the picture. Māori balance is not a form of Edenic balance where nature remains pure but is instead reasonably used through an economy of

59 Tănăsescu, *Understanding the Rights of Nature*, 39.

60 Tănăsescu, *Understanding the Rights of Nature*, 88.

61 Youatt, "Personhood and the Rights of Nature," 41.

62 Tsing, *Friction*, 234.

reciprocity that indicates how humans should act in order to encourage a mutually thriving relationship. Reasonable use of resources that maintains a proper flow of mauri guarantees the health of all beings in that socio-natural landscape. Ecotheological nature is broad and flat, with no flexibility. The nature of territory-peoples practicing "place-thought" is specific, textured and flows with changing socio-spatial conditions.[63]

Despite its shortcomings, RoN has had some success where environmental regulations have failed. Even where it has been ineffective, proponents hope that these legal changes will lead to a change in the urban-modern mindset. In many cases, Indigenous groups are leading the RoN push and helping to move law beyond its fundamental conceptualization of nature as property reduced to economic or instrumental value for humans—from a resource extraction model towards a partnership. When Indigenous concepts are incorporated into settler-colonial laws, this incorporation becomes codified validation of Indigenous land management practices and ways of thinking. Their strategic use of modernist legal frameworks and concepts like "legal personhood" become a way of decolonizing the law from within, establishing their interests and instigating a societal value shift that includes their own cosmovision. RoN is a paradigm shift rather than an introduction of something new,[64] and it is important to guard against the partial incorporation or simplification of Indigenous cosmovisions. It is debatable whether RoN can fundamentally confront the modernist ontology, but it is a tool that, when anchored to a socio-natural landscape like the Whanganui River, affords new possibilities for pluriversal politics. As this universalism traveled, it encountered resistance in some areas and found traction in others, the two sides of friction.

4. Whanganui River Meets Te Awa Tupua

It was around the time when Stone had published "Should Trees Have Standing?" that the Whanganui iwi entered into their legal battle with the Crown over ownership of the Whanganui River, or Te Awa Tupua,[65] whom they consider their ancestor. Negotiations eventually started—and stalled—and started again between 2002 to 2009, with the issue of ownership being particularly contentious. Stone's writings and the RoN legal case of Tamaqua Borough, along with that particular strand of pragmatic usage of legal personhood,[66] helped inspire the solution to this main obstacle when

63 Tănăsescu, *Understanding the Rights of Nature*, 44.

64 Cano Pecharroman, "Rights of Nature," 1.

65 The Māori name for the Whanganui River, literally "a river from the ancestral realm," see Salmond et al., "Let the Rivers Speak," 49.

66 Kauffman and Martin, "Constructing Rights of Nature Norms," 57.

negotiators realized ownership could be taken off the table if Te Awa Tupua was returned to *itself*. If the Whanganui iwi's main goal was respect for the river as a whole, spiritual being[67] and the ability to protect it as an ancestor, then legal personhood status could be an approximation of that within the modernist ontology. In this way, the Crown did not have to transfer ownership to the Whanganui iwi, and the Whanganui iwi no longer had to see Te Awa Tupua under the ownership of the Crown. A deed of settlement was passed in 2014 and was approved as an Act of Parliament in 2017.[68]

4.1. Structure of the Act

The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 is prime example of how RoN discourse becomes translated and operationalized within a specific socio-natural landscape, where Māori and modernist cosmovisions interact and compete through friction. Without a "common vocabulary or ontology," approximate translations of Māori concepts and modernist principles had to be found.[69] First among these is the distinction in the Act between the "Whanganui River" and "Te Awa Tupua," where Whanganui River refers to its physical components and Te Awa Tupua to its entirety, including metaphysical elements.[70] Legal personhood is granted to Te Awa Tupua rather than to the Whanganui River, respecting the Māori cosmovision, and names the river and the Whanganui iwi as inalienably connected, with their health and well-being mutually interlinked.[71] The Te Awa Tupua Act, therefore, is not solely about protecting nature, but is also motivated by unequal power relations and the promotion of Indigenous agency within a colonial regime, to preserve Māori particular kinship relationality with their land.

Giving Te Awa Tupua legal personhood status could have driven it into the legal and moral quagmire surrounding RoN discussed in the previous section, but critically, it establishes a very specific representational structure that sets it apart from the US and Ecuadorian cases. Te Pou Tupua, the "human face of Te Awa Tupua," is established as its representative, where one appointee stands for the interests of the Whanganui iwi, and the other for the Crown.[72] Two bodies are then tasked to support it: an advisory group, Te Karewao, consisting of three core Māori and Crown appointees along with temporary advisors; and a strategy group, Te Kopuka, consisting of a mixed

67 Kauffman and Martin, "Constructing Rights of Nature Norms," 57.

68 Kauffman and Martin, "Constructing Rights of Nature Norms," 58.

69 Youatt, "Personhood and the Rights of Nature," 50.

70 Te Awa Tupua Act 2017, sec. 7, sec. 12.

71 Youatt, "Personhood and the Rights of Nature," 49.

72 Tănăsescu, *Understanding the Rights of Nature*, 88; Te Awa Tupua Act 2017, sec. 20.

assembly of no more than 17 representatives with interests in the river.[73] Te Kopuka is especially unique, as it specifically designates ten interests with permission to become involved, ranging from tourism to the Genesis Energy Limited power company, and how many members from each can be appointed (i.e., five members from the iwi and one from conservation interests).[74] This institutional structure works to bring together opposing cosmovisions and protects the well-being of Te Awa Tupua through dialogue. It is also important to note that Te Pou Tupua as Te Awa Tupua's human face is the river's representative, not guardian, and kaitiakitanga still lies with specific, related local hapū and whanau to maintain the mauri of the river. Instead of focusing on the rights of nature, the management of people and their responsibilities are central in Te Awa Tupua Act 2017. Significantly, the Māori have focused on protecting their right to maintain a particular relationship with the river, through RoN instruments.

4.2. Rights of Nature as a Tool

The treaty settlement, where Māori and Crown interests converged with RoN discourse, created an opportunity to codify Māori customary law (tikanga) within Aotearoa New Zealand common law. It remains to be seen whether incorporating the Māori cosmovision within the modernist cosmovision in this way will be of lasting benefit to the Māori people, but it takes steps to remedy the harm which misuse of language has caused in Aotearoa New Zealand's past. Tikanga formed the foundation and frame of reference for the law and its elaboration, and gained access to the "circuits of state and governance."[75] Incorporation of te reo Māori and Māori concepts into the Act ensured tikanga would direct future management of Te Awa Tupua, Whanganui iwi's ancestor. The emphasis on relationships and management as opposed to rights echoes the radical relationality of Māori with their territories—their kin through whakapapa. However, the Act also demonstrates how the modernist ontological status quo seeks to perpetuate itself. Yes, the agreement was innovative; nonetheless the Māori cosmovision and its ways of being were still squeezed into the Western legal framework, against the backdrop of nearly two centuries of state oppression. Māori have been forced to enter into negotiations through the ruling discourse and represent their demands in ways that are not based on Māori tikanga, or risk their efforts being delegitimized.[76] Official state "Māori-friendliness" is not necessarily a

73 Te Awa Tupua Act 2017, sec. 27 and 28, sec. 29.

74 Te Awa Tupua Act, sec. 32.

75 Charpleix, "The Whanganui River as Te Awa Tupua," 24; Youatt, "Personhood and the Rights of Nature," 50.

76 Tănăsescu, *Understanding the Rights of Nature*, 79.

confirmation of Māori tikanga and tino rangatiratanga,[77] and incorporation into the dominant legal model still subjects it to that hierarchy. Nevertheless, the Whanganui iwi succeeded in creating movement through friction, where their ontology gained authority as it engaged with the RoN activist package.

The Whanganui iwi used RoN to weave a place-specific view of nature as a socio-natural landscape into law. They translated concepts from multiple cosmovisions to operate from within the dominant system of politics. This "strategic inconsistency" necessitated by the frictions of encounter enabled a new and perhaps more effective form of RoN.[78] A form where legal personality is granted to a specific entity, together with explicit establishment of who and how the entity should be legally represented in court.[79] Even more than its legal innovation, Te Awa Tupua Act 2017 represents a ground-breaking, highly regulated political arrangement.[80] The Māori cosmovision, which regards Te Awa Tupua as an ancestor, is supplemented by legal personhood and scaffolded by the institutional form of Te Pou Tupua, thereby building continuous dialogue between diverse interests into the structure. Rights of Nature's legal personhood was "made to do something that theory did not yet know it could do" by setting aside its focus on recognizing an Earth-wide nature's ecotheological rights and instead focusing on the management of concrete socio-spatial structures that enable a relationality appropriate to Aotearoa New Zealand.[81]

5. Conclusion

Concepts are transformed in translation. When universalisms are made to "work within the compromises and collaborations of their particular situations,"[82] new meanings are gathered as they become unique political interventions. The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 was a landmark case where the Whanganui iwi of the Māori cosmovision effectively collaborated across difference to exceed the boundaries of the Rights of Nature universalism. This made new politics possible in Aotearoa New Zealand not despite, but *because* of friction. To do this, they co-created a complex management structure that focused on the relationship with and responsibilities of people towards Te Awa Tupua, their ancestor. Pragmatic and novel use of the legal personality function of modernist law enabled

77 Charpleix, "The Whanganui River as Te Awa Tupua," 25.

78 Youatt, "Personhood and the Rights of Nature," 51.

79 Cano Pecharroman, "Rights of Nature," 7.

80 Matthias Kramm, "When a River Becomes a Person," *Journal of Human Development and Capabilities* 21, no. 4 (2020): 307–19, https://doi.org/10.1080/19452829.2020.1801610.

81 Tănăsescu, *Understanding the Rights of Nature*, 91.

82 Tsing, *Friction*, 5.

the Whanganui iwi to codify elements of the radical relationality of their cosmovision into the legal structure of the dominant cosmovision. They set aside the prior moralizing and generalizing narrative of RoN discourse that sought to expand the concept of human rights, where the ultimate aim was of man in the role of conscientious guardian of nature. Instead, they institutionalized Māori ideas of kinship and place-specificity, with humans as relational beings within a meshwork of whakapapa and reciprocity, securing political power for a being that had not existed previously in the urban-modern ontology.

As shown in this article, our planet does not consist of just one world various actors must coordinate across but rather consists of distinct cosmologies with their own ways of being and of transformation. Te Awa Tupua gaining legal personality is not a model that can be copied and pasted carelessly in any location. The Earth does not consist of just one world following a consistent set of rules. However, collaborations within difference "engage political abstractions, making them applicable to local situations," forming "new cultural and political configurations that change the arena of conflict."[83] This case indicates how the utilization of RoN, with careful consideration of the socio-natural landscape with which it is engaging, can be an agent of transition to a more pluriversal planet.

There is no single way to address the ecological crisis. Place-based specificities determine how each place discovers its own methods for overcoming challenges. At the very least, the Te Awa Tupua Act can be considered a success in that it expanded the realm of possibility for strategic instrumentalization of legal personality and RoN discourse. It is an excellent demonstration of the possibilities of "collaboration with friction at its heart."[84] On a final note, this paper hopes to inspire urban-modern readers to reexamine their cosmology and uncover their own forms of radical relationality with nature, what guardianship might look like, and where sources of value and responsibility lie.

Ko au te awa, ko te awa ko au.
I am the river, the river is me.[85]

83 Tsing, *Friction*, 245, 161.

84 Tsing, *Friction*, 246.

85 Traditional saying of the Whanganui iwi. See "Change-maker – the Whanganui River," He Tohu (exhibition), National Library of New Zealand, accessed March 28, 2026, https://natlib.govt.nz/he-tohu/learning/social-inquiry-resources/cultural-interaction/cultural-interaction-supporting-activities-and-resources/change-maker-whanganui-river.

6. Glossary[86]

hapū	subtribe, to be pregnant, section of a large kinship group and the primary political unit in traditional Māori society
iwi	tribe, bone, people descended from a common ancestor and associated with a distinct territory
kaitiaki	guardian, trustee, steward
kaitiakitanga	guardianship, trusteeship, stewardship
mana	prestige, authority, status, spiritual power, charisma
mana whenua	power from the land, authority over territory, power associated with possession and occupation of tribal land
mauri	life force, vital essence, the essential quality of a being or entity
pepeha	tribal oration given when a person is introducing themself
rangatira	chief; maintains integrity and prosperity of the people, the land, and other cultural treasures
tangata	people, person
tangata whenua	people of the land, hosts, of the placenta and of the land where the people's ancestors have lived and where their placenta are buried
te reo Māori	the Māori language
tikanga	the customary system of values and practices that have developed over time and that are deeply embedded in the social context
tino rangatiratanga	self-determination, sovereignty, autonomy, self-government
utu	retaliation, payment, reciprocity, concerned with the maintenance of balance and harmony in relationships
whakapapa	genealogy, to place in layers
whānau	family group, to be born, the primary economic unit of traditional Māori society
whenua	land, placenta

86 All definitions are taken from the Te Aka Māori Dictionary and the Te Ara Glossary, see Te Aka Māori Dictionary, accessed March 28, 2026, https://maoridictionary.co.nz/ and "Glossary," Te Ara – The Encyclopedia of New Zealand, accessed March 28, 2026, https://teara.govt.nz/en/glossary.