



## **The role of courts in articulating local imaginaries of sustainability for tourism**

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IONA MCENTEE<sup>1</sup> 

### **Abstract**

This article examines the role of courts in articulating local imaginaries of sustainability, by crafting legal compromises based on the notion of legal ecumenism. As a concept, legal ecumenism reflects the mutual acknowledgement and non-dogmatic co-existence of rival normativities that exist in plural societies (de Sousa Santos 2020). In other words, it is a novel conception of legal pluralism. Drawing on the dispute over Te Urewera forest, it explores how the Waitangi Tribunal engaged in legal ecumenical decision-making when recognising rights to the forest, and in turn, created space for a Tūhoe imaginary of sustainability. This resolution, which was embedded in the Te Urewera Act 2014, challenged the previous conservation paradigm underpinning Crown governance, and accommodated the integration of place-based values into land management. Situated within critical debates on tourism, this article argues that local imaginaries provide a foundation for counter-hegemonic approaches to tourism governance, by embedding community values and relationships with Nature within resource management. While recognising the limits of compromise, it concludes that legal ecumenism has the potential to enable more inclusive and locally grounded articulations of sustainability, to better inform tourism.

### **Key words**

Rights of Nature, sustainable tourism, local imaginaries, legal ecumenism, courts

### **Resumen**

Este artículo examina el papel de los tribunales a la hora de articular imaginarios locales de sostenibilidad, mediante la elaboración de compromisos jurídicos basados en

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<sup>1</sup> Iona McEntee, University of Edinburgh. Email: [iona.mcentee@ed.ac.uk](mailto:iona.mcentee@ed.ac.uk) ORCID: <https://orcid.org/0009-0000-5646-7441>

la noción de ecumenismo jurídico. Como concepto, el ecumenismo jurídico refleja el reconocimiento mutuo y la coexistencia no dogmática de normatividades rivales que existen en las sociedades plurales (de Sousa Santos 2020). En otras palabras, se trata de una concepción novedosa del pluralismo jurídico. Partiendo de la controversia sobre el bosque de Te Urewera, el artículo explora cómo el Tribunal de Waitangi aplicó una toma de decisiones basada en el ecumenismo jurídico al reconocer los derechos sobre el bosque y, a su vez, creó un espacio para un imaginario de sostenibilidad propio del pueblo Tūhoe. Esta resolución, que quedó consagrada en la Ley de Te Urewera de 2014, cuestionó el paradigma de conservación anterior en el que se basaba la gobernanza de la Corona y facilitó la integración de los valores ligados al lugar en la gestión del territorio. Enmarcado en los debates críticos sobre el turismo, este artículo sostiene que los imaginarios locales proporcionan una base para enfoques contrahegemónicos de la gobernanza turística, al integrar los valores comunitarios y las relaciones con la naturaleza en la gestión de los recursos. Aunque reconoce los límites del compromiso, concluye que el ecumenismo jurídico tiene el potencial de permitir articulaciones de la sostenibilidad más inclusivas y arraigadas en el contexto local, con el fin de orientar mejor el turismo.

### **Palabras clave**

Derechos de la Naturaleza, turismo sostenible, imaginarios locales, ecumenismo jurídico, tribunales

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## 1. Introduction

Tourism has long been understood as a profitable activity related to economic development, with associations to wealth creation, increase of employment, and regional development (Rutty *et al.* 2015). However, recognising the environmental and socio-cultural implications of tourism for Nature<sup>2</sup> and host communities (Rutty *et al.* 2015) - particularly within post-colonial settings<sup>3</sup> (Higgins-Desbiolles 2022) - there is a necessity to engage critically with tourism beyond the economic lens. In recent years, research on tourism has increasingly been engaging with impacts of colonialism, on the basis that “[t]ourism’s entanglement with colonial power is deeply rooted and complex” (Grimwood *et al.* 2019, 1). Grimwood *et al.* even argued that “[re]search has recurrently demonstrated how the production and consumption of tourism (re)inscribes colonizing structures, systems, and narratives across time and space” (Grimwood *et al.* 2019, 1).

Looking specifically at the impacts on Nature, colonialism has perpetuated a form of “ecological imperialism”, as in “the wilful destruction of the natural resources of colonial lands through exploitation, extraction, and transfer” (Anchal 2023, 44). It has moreover played a role in the commodification of Nature, particularly in the context of tourism. The exploitation of Nature has underpinned some forms of tourism (Milanović Pešić *et al.* 2025), as “tourism itself is impossible without a valuable resource basis, and natural resources are often vital for tourism development on a given territory” (Ruban 2021, 6685). Notably, the commodification of ecosystems is not a new phenomenon, and has long historical roots dating back to the Judeo-Christian school of thought of man’s domination over Nature (DeWeese 2023). This Western legal tradition has advanced an anthropocentric view of the natural world, emphasising ownership over Nature by qualifying such in terms of property rights, and therefore an object free to exploit (Adelman 2017, 299). This view, however, is not universally shared. Conversely, some non-Western cosmovisions (i.e., worldviews) recognise Nature as an intrinsic being, in which humans relate to through relationships of reciprocity and kinship (Tănăsescu 2013, 2020, Knauß 2018).<sup>4</sup> Where both legal traditions exist in tension, the Western legal tradition has remained the dominant ontological and epistemological paradigm for arguably too long.<sup>5</sup> This narrative has ultimately seeped into the field of tourism,

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<sup>2</sup> This paper capitalises “Nature” to reflect a shift in mentalities towards natural spaces, one which regards Nature as subjects, rather than objects. This approach often underpins rights of Nature frameworks, and aligns more closely with theoretical ideals of relationality and reciprocity with Nature, developed under Wild Law and Earth Jurisprudence. This capitalisation is therefore employed to respect the recognition of Nature as an entity with its own intrinsic rights, and not an economic resource for exploitation. For more information of the deconstruction of Nature as an object through theories of Wild Law and Earth Jurisprudence, see Berry 1999, Burdon 2011, Cullinan 2011.

<sup>3</sup> The use of “post-colonial” in this context does not understand colonialism as having come to a definitive end. Rather, it speaks to the status of countries which have gained “formal independence” from colonisers, but nonetheless, are still impacted by long-lasting, structural legacies of colonialism.

<sup>4</sup> For example, Indigenous cosmovisions such as *sumak kawsay* and *buen vivir* relay notions of living well in harmony with Nature based on heterarchical relationships of respect. These cosmovisions have been enshrined within law. Specifically, *sumak kawsay* has been incorporated in the Ecuadorian Constitution, and *buen vivir* in national legislation of Bolivia (Constitution of Ecuador, 2008; Law of the Rights of Mother Earth 2010, Framework Law of Mother Earth 2012).

<sup>5</sup> De Sousa Santos uses the term “globalised localism” to illustrate how the globalisation of certain local norms has become “universal” legal standards and/or contributed the formation of dominant epistemological and ontological paradigms. Through such a process—which has often involved the

including, through conservationist paradigms and the concurrent establishment of national parks.

The ideology behind nature conservation has been inherently conflictual, with contradictions between the preservationist and progressive (economic) conservationist schools of thought (Nash 1967, Minter and Corley 2007). Preservationists argue for the protection of the environment, based on the importance of conserving natural ecosystems, and the diverse plant and animal species that inhabit it (Minter and Corley 2007). They moreover focus on preserving the “aesthetic and spiritual qualities of forest wilderness” (Hall *et al* 2015, 21). Comparatively, progressive, or economic, conservationists argue for the “wise use” of natural resources, as in, preserving nature for its perceived economic, rather than aesthetic, value (Hays 1959, Hall *et al.* 2015). This conservationist ideology has been the “dominant narrative for resource management, including tourism, in the industrialised world for most of the twentieth century” (Hall *et al.* 2015, 23) In fact, “[t]ourism gave value to lands that were otherwise [perceived as] useless or worthless in terms of other common forms of economic exploitation” (Hall *et al* 2015, 19), and was a driving force behind the early establishment of some national parks (Frost and Hall 2012). However, the tensions between the preservationists and progressive conservationists have not manifested in a polarised manner. It would hence be inaccurate to paint one school of thought as more conducive to promoting sustainability over the other. This line of thought becomes clear when taking the example of the dispute over the management of Te Urewera (a forest in Aotearoa New Zealand) between Tūhoe Māori (hereinafter referred to as Tūhoe) and the Crown. Without prejudice to an in-depth discussion of the case below, the dispute was demonstrative of competing understandings of “ownership” and approaches to governing Te Urewera. On one hand, the Crown qualified ownership in terms of property rights, establishing Te Urewera as a national park in 1954 to be used as a resource for public use and enjoyment. It took a preservationist approach to conservation, whereby the Department of Conservation (DOC) was directed to ensure the preservation of Te Urewera’s unique ecological systems, for the “benefit, use, and enjoyment of the public” (Kauffman 2020) (National Parks Act 1980, section 4). Whilst the Crown’s approach has been criticised for prioritising environmental protection over the social and economic development of local communities, their approach is arguably representative of a progressive conservationist. On the other hand, Tūhoe rejected sentiments that Te Urewera could be “owned” in the traditional Western sense, instead perceiving it as an entity with its own intrinsic rights.

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globalisation of norms originating in Western societies—these local norms have become the accepted universal standard (de Sousa Santos 2020). Moreover, through his concept known as the “abyssal line”, de Sousa Santos depicts the clear division of epistemologies from the “North” and the “South”, that emerged as a consequence of colonialism. Through this imagery, he unpacked how those knowledges that fell under the abyssal line—as in, non-Western, Indigenous and local knowledges from the “South”—were rendered invisible, and therefore, not valid. The abyssal line is linked to the privileging of certain knowledges, at the expense, and exclusion, of others. De Sousa Santos captured this notion in the following: “From the standpoint of the epistemologies of the South, the epistemologies of the North have contributed crucially to converting the scientific knowledge developed in the global North into the hegemonic way of representing the world as one’s own and of transforming it according to one’s own needs and aspirations. In this way, scientific knowledge, combined with superior economic and military power, granted the global North the imperial domination of the world in the modern era up to our very days” (de Sousa Santos 2018, 6).

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In fact, in Tūhoe cosmologies, it is impossible to truly own Nature (Kauffman 2020).<sup>6</sup> The position of Tūhoe could then be described as more aligned with the preservationist, as relationships with Nature are built upon reciprocity, with “kaitiaki” (trustee/guardianship) obligations ensuring the conservation, protection, and enhancement of Nature (Waitangi Tribunal Report 2011). However, upon closer inspection, Tūhoe are unaligned with the preservationist ideology, and are in tension with the Crown’s conservation logic, based on the limitations both pose to Tūhoe economic and social development (explored in section 3). Whilst this dispute highlights inherent conflicts between competing approaches to natural resource management, it moreover demonstrates how one idea of *sustainability* may conflict with another, and impact other pillars of sustainable development (defined in section 2).

Whilst tourism can, and has, been discussed from many different angles, this paper understands tourism as a hegemonic project where dominant paradigms for the conservation and/or management of natural resources have excluded local communities, failed to meet their subjective needs, or achieve intergenerational equity. On this basis, a counter-hegemonic approach to tourism seeks to challenge, and overcome these limitations. One approach, which will be explored throughout this paper, is through the articulation of local imaginaries of sustainability. However, local imaginaries of sustainability are not merely “aspirational” or “idealistic”, but rather concrete iterations of sustainability which are tailored to local communities’ epistemologies, ontologies, and cosmovisions. Through the integration of placed-based values, tourism can be practiced in a more sustainable manner, by enabling spaces for resistance against intensive (over-)tourism which disrupts local livelihoods and culture. Using a critical socio-legal analysis, and the specific example of the Te Urewera dispute, this paper analyses how the Waitangi Tribunal— a quasi-judicial body (Stokes 1992, Boast 2016)—articulated a local imaginary of sustainability. More specifically, it unpacks how the recognition of rights to Te Urewera opened up a space for a Tūhoe imaginary of sustainability (Wai 894 2009; 2012; Te Urewera Act 2014), through the fostering a legal compromise in the style in *legal ecumenism*. As a concept, legal ecumenism speaks to the mutual acknowledgement and non-dogmatic co-existence between hegemonic and counter-hegemonic epistemologies and ontologies, that exist in plural societies (de Sousa Santos 2020). It draws inspiration from the term “ecumenism” relating to the theology of promoting unity and cooperation between different denominations of Christianity (Doe 2012, 2020), and the importance of recognising and respecting their fundamental differences to promote co-existence (de Sousa Santos 2020). In practical terms, resolutions modelled on legal ecumenism strike a creative compromise between conflicting legal traditions (de Sousa Santos 2020). They can be described as hybrid

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<sup>6</sup> This sentiment was captured by one of the lead Tūhoe negotiators during the Te Urewera dispute, who explained: “Ownership represented a very big challenge and hurdle, and stood in the way of a Tūhoe way of life. Ownership and the owning of Te Urewera has been a mechanism to destroy belonging and care, and therefore community. Ownership grants entitlement without having earned it. It grants rights without having earned them. Ownership does not value kinship with the things around us. It means that we do not care enough. It does not let us see wide enough the impacts that we therefore have on the land. Rather, it feeds and nurtures self-interest... The impact of this is that it breeds very transactional relationships between humans and the land, and the very thing that breeds transactional relationships between humans and each other. Transactional relationships do not grow community” (Luke 2018).

resolutions, or “legal hybrids”, on account of being tools grounded in legal pluralism.<sup>7</sup> Legal ecumenism is reflected in the construction of rights to Te Urewera, which balances Tūhoe cosmovisions recognising Te Urewera as an entity with its own intrinsic rights (and incapable of being owned), with inherited English common law (i.e., property rights). In this context, legal ecumenism facilitates the inclusion of local epistemologies, ontologies and cosmovisions, which underpin local imaginaries of sustainability.

The remainder of this article proceeds as follows. Section 2 outlines the conceptual foundations of sustainability and sustainable tourism, highlighting the tensions that arise between competing normative visions of environmental protection, economic growth, and social development. By engaging with the criticisms of sustainable tourism as a developmental project which creates constraints on the socio-cultural lives of host communities, this section argues that sustainability in tourism is better achieved through place-based/community-based approaches. Section 3 then examines Te Urewera dispute, exploring how the Waitangi Tribunal opened up space for a Tūhoe imaginary of sustainability when recommending the recognition of rights to the forest. It investigates how this imaginary came to fruition through the articulation of a legal compromise based on legal ecumenism, which was later embedded within Te Urewera Act 2014. Thereafter, section 4 assesses the impact of a Tūhoe imaginary of sustainability on the resource management of Te Urewera forest under Te Kawa o Te Urewera (Te Kawa 2017).<sup>8</sup> It considers how the integration of Tūhoe onto-epistemological frameworks challenged the pre-existing conservation paradigm under the DOC, and also, acts as a counter-hegemonic project of tourism. Section 5 then concludes on the capacity of courts to engage in legal ecumenical decision-making more broadly, to facilitate counter-hegemonic projects of tourism.

Before turning to Section 2, it is important to clarify that the Waitangi Tribunal is not a court in the strict sense, but a standing Commission of Inquiry. It was established in 1975 to investigate claims by Māori over alleged breaches of the Treaty of Waitangi (Treaty of Waitangi Act 1975; Guide to the Practice and Procedure of the Waitangi Tribunal 2023). As part of its procedure, the Tribunal investigates Māori grievances, and then issues reports with non-binding recommendations to the Government. Where these recommendations are taken into consideration, subsequent legislation is often passed to facilitate the settlement of disputes. The term “courts” is therefore used broadly throughout this article to refer to juridical bodies exercising adjudicative expertise. This terminological use allows for broader consideration of the role courts in the articulation local imaginaries of sustainability, beyond the specific context of the Waitangi Tribunal and Te Urewera dispute.

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<sup>7</sup> Legal pluralism is a diverse area of legal scholarship which has been extensively discussed and contested by a range of notable academics. On this basis it is outwith the scope of this paper to delve into its various theoretical foundations. For a variety of different perspectives: (Moore 1973, 2014, de Sousa Santos 1974, 2020, Griffiths 1986, Teubner 1991, 1996, 2012, Berman 2009, 2016, Tamanaha 2021a, 2021b).

<sup>8</sup> Hereinafter referred to as Te Kawa. See: <https://www.ngaituhoe.iwi.nz/te-kawa-o-te-urewera>.

## 2. Beyond “sustainable” tourism

Since the late 20<sup>th</sup> century, the idea of sustainability, or more specifically, sustainable development, has gained significant traction. Around the 1960's, an environmental consciousness grew, followed by the recognition that economic and social development are essential for environmental protection in 1972 (United Nations Conference on the Human Environment in Stockholm).<sup>9</sup> However, “sustainable development”, was not defined until 1987. In the Brundtland Report (formerly the World Commission on the Environment and Development), “Our Common Future”, sustainable development was recognised as “the development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (Report of the World Commission on Environment and Development 1987, 43).<sup>10</sup> Whilst the concept has been subjected to wide interpretation, a simple understanding of such speaks to the aspirations for a balance between economic growth, social development, and environmental protection, with an emphasis on inter-generational equity (Hall *et al.* 2015, Weiss 2019). Notably, sustainable development (in particular, as applied within the field of tourism) has been criticised for focussing primarily on the economic and ecological components of the definition, with less attention to social development. In what will become an important point in this article, “failure to recognise the aspects of the definition which relate to local community involvement and maintenance of livelihoods compromises the ability of sustainable development [...] to meet subjective needs and achieve intergenerational equity” (Hardy *et al* 2002, 481).

Amidst the rise of sustainable development discourse, tourism has become subjected to the discussion.<sup>11</sup> Albeit not explicitly discussed by the Brundtland Commission, tourism has been recognised as an inherently problematic activity for the environment, and the socio-cultural lives of host communities. Whilst recognising that tourism has often been framed as a profitable activity for economic development (Rutty *et al.* 2015)—especially for developing countries and less developed countries—it has led to the depletion of “natural capital”. For example, the mass mobilisation of peoples due to tourism exacerbates forms of pollution, by increasing “air emissions, noise, solid waste, littering, sewage, oil, and chemicals, architectural/visual pollution, heating, car use” (Baloch *et al.* 2023, 5918) and so on. Moreover...

... uncontrolled, overcrowded, and ill-planned tourist population has substantial adverse effects on the quality of the environment. It results in the over-consumption of

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<sup>9</sup> This idea was then encapsulated within Principle 8 of the Declaration of the United Nations Conference on the Human Environment, which states: “Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life” (Stockholm Declaration on the Human Environment 1972, Principle 8).

<sup>10</sup> Hereinafter referred to as the Brundtland Commission.

<sup>11</sup> In fact, sustainable tourism has now been integrated into three of the main UN Sustainable Development Goals (SDGs), including in SDG 8.9 (“By 2030, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products”), SDG 12.b (“Develop and implement to monitor sustainable development impacts for sustainable tourism that creates jobs and promotes local culture and products”), and SDG 14.7 (“By 2030, increase the economic benefits to Small Island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism”) (The 17 Goals, UN: Department of Economic and Social Affairs, accessed 4<sup>th</sup> March 2026).

natural resources, degradation of service quality, and an exponential increase in wastage and pollution. Furthermore, tourism arrivals beyond capacity bring problems rather than a blessing, such as leaving behind soil erosion, attribution of natural resources, accumulation of waste and air-pollution, and endangering biodiversity, decomposition of socio-cultural habitats, and virginity of land and sea (Baloch *et al.* 2023, 5918).

Beyond the environmental implications, tourism has profound socio-cultural impacts, both positive and negative. On one side, tourism encourages respectful inter-cultural interactions, the preservation of cultures and heritage (both present and ancient), and improved social welfare. On the other side, tourism can be destructive on the socio-cultural lives of host communities. For example, some tourists—with an entitled mindset—behave in a careless or ignorant manner on the basis of having spent a large sum of money, believing they can act in a reckless manner that would not be accepted at their home destinations. In some instances, this had led to a failure by tourists “to respect local customs and moral values” of host communities (Gnanapala and Sandaruwani 2016, 62). Particularly destructive behaviours by tourists have led to an increase of “drug abuses, [...] crime rates, prostitution, friction between tourist and residents [and changes in] traditional cultures and host’s way of life” (Gnanapala and Sandaruwani 2016, 62). Recognising the social-cultural and environmental implications of continuous economic growth through tourism, authors have since recognised the necessity to “reorient” understandings of tourism to a more balanced, sustainable, perspective (Wall and Mathieson 2006).

Sustainable tourism is, however, an inherently ambiguous concept, and like the concept of sustainable development, has been interpreted widely. To offer a definition, and taking starting point from the World Tourism Organisation (WTO), sustainable tourism was defined in 1993 as “[t]ourism which meets the needs of present tourists and host regions while protecting and enhancing opportunity for the future” (McIntyre 1993, 9). In more recent years, it has come to be understood as “tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities” (Sustainable Tourism, UN: Department of Economic and Social Affairs, accessed 14<sup>th</sup> May 2025). With this new definition, there is emphasised importance on balancing all three components of sustainable development, with a focus on ensuring wide stakeholder involvement. Perhaps in response to criticisms on tourism’s lack of focus on the social and cultural impacts of host communities, this new definition offers a more inclusive vision, akin to the ideals of inter-generational equity<sup>12</sup> (Hardy *et al.* 2002).

Richard Butler has contributed to this discussion by differentiating sustainable tourism, with the development of tourism in accordance with the principles of sustainable development (Butler 1999). Taking the former, Butler emphasised the misleading nature of sustainable tourism. Focussing on the verb “to sustain”, he understood sustainable tourism as “tourism which is in a form which can *maintain* its viability in an area for an

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<sup>12</sup> Intergenerational equity has been considered a principle based on equity and fairness between present and future generations. It is a temporal principle which creates ethical responsibilities on present generations to manage resources in a way as to not unfairly burden future generations, and ensure their needs are met. It is a principle intimately linked with sustainability. See Weiss (1987) for more detail on this concept.

indefinite period of time” (Butler 1999, 36). Sustainable tourism within this conceptualisation speaks more about the preservation of tourism, rather than the “wise” or “sustainable” use of Nature’s resources which benefit tourism. Conversely, he found that the development of tourism in accordance with the principles of sustainable development more accurately captured the discourse around sustainable tourism. He defined the latter as “[t]ourism which is developed and maintained in the area (community, environment) in such a manner and at such a scale that it remains viable over an indefinite period and does not degrade or alter the environment (human and physical) in which it exists to such a degree that it prohibits the successful development and wellbeing of other activities and processes” (Butler 1993, 29; 1999, 12). By emphasising the differences between these two concepts, Butler’s distinction “is a valuable foundation for understanding that efforts directed at sustaining tourism might not guide us in a direction of sustainable development, must less long-term sustainability” (Higgins-Desbiolles 2018, 158). In fact, it speaks precisely to the problems associated with unlimited growth, and how the latter may impede the pillars of sustainable development, relating to environmental protection and social development.

Recognising some of the failures relating to the practice and thinking of sustainable tourism, Higgins-Desbiolles and Bigby proposed the “local turn in tourism” as a “pathway to ensure long-term sustainability, equity, and justice by reorienting tourism governance to allow for local community authority over tourism” (Higgins-Desbiolles and Bigby 2025, 165). This framework—which has relevance for the forthcoming discussion—focusses on the integration of local communities’ onto-epistemological frameworks into the management of tourism. Specifically, Higgins-Desbiolles and Bigby consider the impact of integrating place-based values and responsibilities of local communities, and how it changes the power arrangements between tourists and hosts. They use the example of Māori welcoming protocols, which invites tourists to engage in a ceremony on the traditional meeting grounds of Māori communities (known as the marae). Through this ceremonial welcoming, which is known as “guest-making”, tourists immerse themselves with the local Māori customs, and open themselves up to ideas of relationality with Nature. Through this process, they are transformed from (entitled) visitors, to guests, as “the foundation of this interaction and relationship is respect for the local people’s authority as the sovereign peoples of that place” (Higgins-Desbiolles and Bigby 2025, 172). Using this example, Higgins-Desbiolles and Bigby unpacked the connection between informed and educated tourists, and respectful forms of tourism. Moreover, they demonstrated how the integration of host communities’ onto-epistemological frameworks moves away from the notion of sustainable tourism, which remains a *developmental project* for sustaining tourism. Where sustainable tourism still bears socio-cultural and environmental costs, particularly for host communities, moving towards place-based/community-based approaches appears more conducive to meeting their socio-cultural needs. On this basis, this paper aligns with these critical perspectives on sustainable tourism (Kallis *et al.* 2012, Kallis 2013, Higgins and Desbiolles and Bigby 2025), and situates its analysis within the “local turn in tourism” to move beyond the notion of “sustainable tourism”.

Combining ideals of sustainability with tourism is therefore not a straightforward task. Rather, it often presents as a balancing act between conservation and economic growth, which is furthermore complicated by ensuring the subjective needs of relevant actors are

met. We must also consider that ideas of sustainability are not universally shared, and that sustainability can be understood as differentiable based on social and cultural values. Taking the example from section 1, the preservationist might argue that sustainability is the absolute protection of the environment, and that de-growth is essential to curb economic development. Conversely, the progressive conservationist may argue that sustainability relies on the “wise use” of natural resources to sustain economic growth, and in doing so, exhausts natural capital. On this basis, there is no singular vision of sustainability, and its interpretation varies on the intentions, and the social and cultural values, of the stakeholders. This also means that normative ideals of sustainability may come into contact, and conflict with one another, as was the case in Te Urewera dispute (section 1). Against this backdrop, and faced with the reality of competing visions of sustainability, must one vision prevail, or are there possibilities for rival visions to co-exist through compromise? In other words, is it possible to integrate local imaginaries of sustainability into paradigms for tourism, as a counter-hegemonic project of tourism?

The next section will consider these points using the example of Te Urewera dispute. It will argue that courts can articulate local imaginaries of sustainability by engaging with legal ecumenism, and in turn, trigger the embedding of place-based values of local communities.

### **3. The Te Urewera dispute: the role of the Waitangi Tribunal in articulating local imaginaries of sustainability**

This section discusses the role of the Waitangi Tribunal in articulating a local imaginary of sustainability through the recognition of rights to Te Urewera. However, to briefly unpack the field of rights of Nature, it is a legal and philosophical movement which argues for the legal recognition of rights to ecosystems (i.e., rights to exist, persist, regenerate its life cycles) based on its own intrinsic value. Underpinning its philosophy is the idea that Nature cannot be owned in the traditional property rights sense, and should not be exploited for human gain (Berry 1999, Cullinan 2011, Burdon 2011). Rights of Nature challenges, and shifts the recognition of Nature as property, to Nature as a rights-bearing subject. Its construction often involves the (1) granting of legal personality, to recognise Nature as an entity with justiciable rights and duties, and the (2) creation of a guardianship body to uphold Nature’s rights, duties, and liabilities (Stone 1972, Tănăsescu 2020, 2022).<sup>13</sup> Before outlining the dispute, it is important to note that the rights to Te Urewera came to fruition owing to the (non-binding) recommendations delivered by the Waitangi Tribunal (Wai 894 2009; 2012). The claim before the Waitangi Tribunal was hence crucial, giving space for the recognition of Tūhoe cosmovisions which would ultimately shape the rights to Te Urewera. Whilst the specific contours of the legal hybrid were worked out in the negotiations, and embedded

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<sup>13</sup> Recognising the limited scope to consider the philosophical foundations and practical construction of rights to Nature in more detail—as the intentions of this paper are to unpack the role of courts in articulating local imaginaries of sustainability for tourism—please see these sources for more information: Stone 1972, Berry 1999, Cullinan 2011, Burdon 2011, Kotzé and Villavicencio Calzadilla 2017, Villavicencio Calzadilla and Kotzé 2018, Cano Pecharroman 2018, Alley 2019, Alley and Mehta 2021, Jolly and Menon 2021, Tănăsescu 2020, 2022, Macpherson 2023.

in Te Urewera Act (2014), the Waitangi Tribunal “kick-started” the concretisation process, by triggering the articulation of a resolution based on legal ecumenism.

### *3.1. Framing the tensions: The Te Urewera dispute*

Te Urewera dispute pertained to a contestation of land ownership, arising from the allegations that the Crown’s progressive encroachment of Tūhoe land constituted a violation of the Treaty of Waitangi (1840).<sup>14</sup> The Treaty, signed between the Crown and over 500 Māori chiefs, was intended to secure British sovereignty over New Zealand, whilst protecting Māori interests and rights. Although presented as the foundation of an ongoing partnership between the Crown and Māori, the Treaty has been highly contested (Orange 2017). Several factors have contributed to this contestation, including, the assertion of British sovereignty over the entirety of the country, despite many Māori not signing the Treaty, and others, including the Tūhoe, not given the opportunity to do so. Moreover, inconsistent translations between the English and Māori texts of the Treaty produced different understandings of its provisions, leading to breaches, and an ensuing conflict between the Crown and Māori, more generally (Salmond 2014, Orange 2017). Based on these grievances, the Waitangi Tribunal was created to investigate claims by Māori over alleged breaches of the Treaty of Waitangi (Treaty of Waitangi Act 1975, Guide to the Practice and Procedure of the Waitangi Tribunal 2023).

The dispute was brought by Tūhoe, a Māori community from Te Urewera region in the North Island of Aotearoa Zealand. Whilst on the surface, their claim was grounded on a contestation of land ownership, it was rooted in the brutal and violent history of Tūhoe and the Crown (Wai 894, Pre-Publication Part I, 2009; Orange 2017). Whilst it is outwith the scope of this paper to delve comprehensively into this historical conflict, it is important to mention that the forceful assertion of British sovereignty over Tūhoe lands, meant the nineteenth century was characterised by Tūhoe’s fight for autonomy, self-determination, and authority over their ancestral lands (O’Malley 2024). However, the fierce resistance of Tūhoe was not met unchallenged. Rather, the colonial forces of the Crown responded, employing scorched-earth tactics, destroying Tūhoe lives, homes, lands, crops, and livestock (O’Malley 2024). The pervasive invasions by British forces were also accompanied with the gradual dispossession of Tūhoe lands, including, their ancestral home: Te Urewera (O’Malley 2024). As mentioned in section 1, Te Urewera was established as a national park in 1954 under the rhetoric of conservation, to be managed by DOC (National Parks Act 1980). Without consulting Tūhoe, or recognising their special interest in the forest, the Crown expanded the reach of the park in 1957 and 1982 (Tūhoe Claims Settlement Act 2014), to encompass majority of the native reserve. In addition to displacing the local communities, the conservation measures imposed by the DOC increasingly constrained Tūhoe’s customary use of their land, leading to “local perceptions of injustice in conservation legacies” (Coombes 2020). The establishment of Te Urewera as a national park “restricted the Tūhoe people’s access to customary resources and obstructed their ability to develop lands adjoining or enclosed by the Park” (Kauffman 2020, 582). In consequence, “most Tūhoe people [today] (roughly 45,000) live outside the Te Urewera (Kauffman 2020, 582). Many of the roughly 5,000

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<sup>14</sup> The Treaty of Waitangi—known in Māori as Te Tiriti o Waitangi—was the founding document recognising British sovereignty in Aotearoa New Zealand (Treaty of Waitangi 1840).

Tūhoe that remain suffer severe socio-economic deprivation” (Kauffman 2020, 582). In response to decades of violence, unfulfilled commitments to Tūhoe self-government, and the severe socio-economic and cultural consequences of widespread land alienation, Tūhoe submitted a claim to the Waitangi Tribunal, seeking reclamation of their ancestral lands and affirmation of their *mana Motuhake* (self-determination) (O’Malley 2024).

As part of a broader collection of claims and grievances relating to Te Urewera (Wai 894 2009; 2012), the Waitangi Tribunal were tasked with investigating issues of land alienation and dispossession which were facilitated through the Urewera District Native Reserve Act of 1896, Urewera Consolidation Scheme, and the establishment of Te Urewera as a national park. During the inquiry, the Tribunal considered the social impacts of land dispossession, including, “economic deprivation, urbanisation, colonisation [and], the loss of traditional methods” (O’Malley 2024). However, the key themes which characterised the dispute, as outlined by Presiding officer Judge Patrick Savage, included, “[t]he Crown’s defeat of promised self-governance; [t]he Crown’s repeated broken promises; [e]xtensive land loss; and [t]he creation of a national park in Te Urewera which came to symbolise dispossession” (Maori Law Review 2014). The Waitangi Tribunal found the Crown to be in breach of the Treaty of Waitangi, detailing that the Crown’s actions of land alienation, dispossession, and purchasing of up to 75 percent of Native land not only violated the Treaty, but “caused significant prejudice to the peoples of Te Urewera” (Wai 894 2012). Based on these findings, the Tribunal recommended the enactment of two pieces of legislation, to resolve the dispute, the Tūhoe Claims Settlement Act and Te Urewera Act 2014.

The Tūhoe Claims Settlement Act 2014 outlined the settlement between the Crown and Tūhoe, and an apology and acknowledgement for the Crown’s colonial harms (Tūhoe Claims Settlement Act 2014, section 3(a), (b) and section 10). The settlement also included provisions for cultural (Tūhoe Claims Settlement Act 2014, section 21 – 50) and commercial redress (Tūhoe Claims Settlement Act 2014, section 51 – 87), with financial redress of up to \$170 million (Maori Law Review 2014). Te Urewera Act—which is the focus of this paper—recognised Te Urewera “is a legal entity, and has all the rights, powers, duties, and liabilities of a person” (Te Urewera Act 2014, section 11(1)). The granting of legal personhood to Te Urewera is significant for several reasons. First, it removes all vestiges of ownership from the Crown, and any recognition of Te Urewera as a national park under the National Parks Act 1980. The Act removes the idea of Te Urewera being owned in the traditional property rights sense, and shifts towards an understanding which sits more comfortably with Tūhoe cosmovisions. By disestablishing Te Urewera as a national park, the Act also restored forms of access, degrees of sovereignty and ancestral land use to Tūhoe (Te Urewera Act 2014). However, there are limitations, as the management of Te Urewera is not wholly in the hands of Tūhoe. Instead, the legislation created a guardianship body — Te Urewera Board — to “act on behalf of, and in the name of, Te Urewera” (Te Urewera Act, section 17). This body is designed in the style of co-management, creating a role for both Tūhoe and the Crown in the governance of the forest. In their role as statutory guardians, the selected representatives are not to act on behalf of Tūhoe or Crown interests, but those of Te Urewera (Kauffman 2020). Second, the Act created space for the inclusion of Tūhoe cosmovisions when constructing rights for Te Urewera. In particular, Te Urewera Act shaped Te Urewera’s legal personality around Tūhoe worldviews, by integrating within

the legislation how Tūhoe relate to, and perceive, Te Urewera. For example, Te Urewera creates space for the recognition of Tūhoe as *tāngata whenua* (i.e., hosts of Te Urewera), and *kaitiaki* (i.e., guardians) of Te Urewera (Te Urewera Act 2014, section 3(6)), and that Te Urewera is a place of spiritual value, with its own *mana* (i.e., spiritual and physical authority and power) and *mauri* (i.e., spiritual life essence) (Te Urewera Act, section 3(3)). It moreover includes respect for Tūhoetanga—relating to the cultural philosophies and cosmovisions of Tūhoe—as one of the principles for implementing the Act (discussed in more detail in section 3.2). It therefore captures the notion that Nature cannot be “owned” by (1) formalising Tūhoe worldviews as part of the construction of rights to Nature, and (2) removing ownership vestiges and the recognition of Te Urewera as a national park. It hence challenges, to a certain extent, Western ideals of ownership over Nature, in an effort to reflect a Tūhoe worldview.

Whilst the recommendations of the Waitangi Tribunal led to the integration of Tūhoe cosmovisions, the resolution itself was built on a compromise between Tikanga law (Māori customary law) and Pākehā law (inherited English common law). The following section will outline the specific contours of this compromise to highlight the way in which it engages with legal ecumenism, by specifically tracing the legal compromise as embedded within the Te Urewera Act. It will also consider the limits of resolutions based on compromise.

### *3.2. Recognising rights to Te Urewera: a compromise between Tikanga and Pākehā law*

The legal compromise underpinning Te Urewera Act is reflected in the construction of the legislation, which (1) centres Tūhoe cosmovisions to fulfil the intentions of the Act, and (2) establishes a co-management guardianship body to operationalise its provisions.

Te Urewera Act was created to establish a “legal identity and protected status for Te Urewera for its intrinsic worth, its distinctive natural and cultural values, the integrity of those values, and for its national importance” (Te Urewera Act 2014, section 4). To fulfil these intentions, the Act guides parties in the preservation and conservation of Te Urewera. Whilst the legislation carves out space for the recognition of Tūhoe relationship with Te Urewera (outlined above), it also creates further provisions for the respect of Tūhoetanga, which gives expression to the forest. Notably, Tūhoetanga differs from Tikanga. Where Tikanga has been described as a “set of principles to determine justice, and is, therefore generally referred to as Māori customary law”<sup>15</sup> (Vieille 2012, 3; Coates 2015), Tūhoetanga denotes specific worldviews, culture, and heritage of Tūhoe. Tūhoetanga can thus be understood as Tūhoe traditions or the essence of being Tūhoe. It has been described as encompassing “the people, the land, the assets; these things [which] give form to longevity and force—ihi, mauri and mana to whanau, hapū, iwi” (Being Tūhoe, no date). It is moreover “the language, the culture, the identity that Tūhoe reaffirms through wānanga, hui, reunions, whaikōrero, kapa haka and the Tūhoe Ahurei” (Being Tūhoe, no date). Accordingly, Te Urewera Act does not incorporate Tikanga in a broad, generic manner. Instead, it carves out space specifically for the

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<sup>15</sup> Some authors have used the terms Tikanga and Māori customary law interchangeably, whereas others find this conflation problematic. See these authors for a more in-depth discussion on these concepts: Vieille 2012, Coates 2015, Sykes 2021.

formalisation of Tūhoe cosmovisions through the centring of Tūhoetanga, which consequently shapes both the recognition of rights to Te Urewera, and its management framework. As will be considered in more detail in section 4, the integration of Tūhoetanga within the governance framework for Te Urewera resembles the model proposed by Higgins-Desbiolles relating to the “local turn” in tourism (Higgins-Desbiolles and Bigby 2025).

The recognition of rights to Te Urewera also warrants the creation of Te Urewera Board, to act as the guardianship body to uphold the rights, duties, and liabilities, of the forest (Te Urewera Act 2014). As mentioned above, Te Urewera Board takes a co-management approach to governing Te Urewera, meaning, both Tūhoe and the Crown are responsible for acting in the best interest of the forest. However, the institution of co-management to operationalise Te Urewera’s rights somewhat concedes to the inherited property rights scheme, used previously to establish ownership and governance over Te Urewera as a national park (National Parks Act 1980). The construction of rights to Te Urewera is hence underpinned by a tension, in which co-management sits in friction with Tūhoe worldviews on the impossibility to “own” Nature. Moreover, when reflecting on the case as a whole, concessions to Western law have been made long before the embedding of rights to Nature through Te Urewera Act, as the proposition of recognising rights to Te Urewera surrenders to forms of Western law, when considering that for Tūhoe, “rights” is a foreign concept stemming from the European legal system” (Kauffman 2020, 11). Where Tūhoe care for Te Urewera, owing to their responsibilities of guardianship to preserve their ancestral ties, the recognition of rights to Nature in general, is arguably a compromise of their own worldview. On this basis, this resolution is entangled with both Tikanga (more specifically Tūhoetanga) and Pākehā law (in the form of property right).

Based on the recommendations of the Waitangi Tribunal, the recognition of rights to Te Urewera can be considered a hybrid resolution. It is one which creates space for the inclusion of Tūhoe cosmovisions through the centring of Tūhoetanga, whilst making concessions to Pākehā law through co-management. Reminding ourselves of the definition of legal ecumenism (section 1), as in, the mutual acknowledgement and non-dogmatic co-existence between hegemonic and counter-hegemonic epistemologies and ontologies (de Sousa Santos 2020), this hybrid resolution engages precisely with ecumenism by balancing tensions between norms traditionally in conflict.

Whilst the creation of a legal ecumenical resolution opened up space for the inclusion of Tūhoe cosmovisions, like anything based on compromise, there are limitations. In this case, the recognition of rights to Te Urewera undermined Tūhoe’s initial emancipatory claim: to regain their dispossessed land (Coombes 2020). In fact, the Crown’s representative even asserted that the return of alienated land was non-negotiable, as Te Urewera “was now public land and all New Zealanders owned it, and loved it” (Kruger 2017).<sup>16</sup> The recognition of rights to Te Urewera, and the establishment of shared

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<sup>16</sup> This notion was encapsulated within the Te Urewera Act, which in addition to recognising the importance of strengthening the connection between the Te Urewera and Tūhoe, and respecting Tūhoetanga, expressed, ‘Te Urewera is also prized by all New Zealanders as a place of outstanding national value and intrinsic worth; it is treasured by all for the distinctive natural values of its vast and rugged primeval forest, and for the integrity of those values; for its indigenous ecological systems and biodiversity, its historical and cultural

governance was thus a compromise of Tūhoe's unconstrained sovereignty. Moreover, as will be discussed below, co-management was also perceived as being accompanied with the risks of constraining Tūhoe development, particularly where their development conflicted with the Crown's intentions for conservation/preservation of Te Urewera (Coombes 2020).

Resolutions based on legal ecumenism are therefore imperfect resolutions, ones which are not suitable to resolve all dimensions within complex disputes. Despite the risk's legal ecumenical resolutions bear in diluting counter-hegemonic emancipatory claims, it is important to stress that legal ecumenism demands degrees of compromise, to balance competing normativities in the view of promoting cooperation and/or co-existence. In situations which can be resolved by compromise, we must therefore assume there exists a willingness by parties to cede on normativities in conflict, to balance their respective interests. However, there are equally situations which cannot be resolved by compromise. Looking deeper into the nature of compromise itself, the fusion of intensely irreconcilable norms may risk further silencing onto-epistemological frameworks, where concessions to one normativity, compromises the intrinsic nature of the other. Take for example the issue of land dispossession of Etosha national park explored by Vermeylen and Kaplan (2025)<sup>17</sup> as part of this special issue. The park, which was once home to the Hai||om communities, signalled more than just physical displacement of these peoples, but also, the exclusion of Hai||om cosmologies of inhabiting the land. These cosmovisions are grounded in a relational ontology of shape-shifting, where the boundaries between human, animals, spirits, and land are continually being transformed and renewed. On this basis, the embedded fluidity of these worldviews, sits uncomfortably with the rigidity of Western legalities which separate human and nature (i.e., Cartesian dualism; see Grear 2017) and impose ideals of ownership. If legal ecumenism was employed as an attempt to overcome these normative conflicts, it nonetheless begs the question whether concessions to Western law in this context would confine the transformative qualities of Hai||om cosmologies, to such an extent, that it conditions their silence. We must therefore be aware of the limitations, and inherent risks of legal ecumenism, understanding their condition to create concessions must be agreed and readily accepted by the parties.

In the context of Te Urewera dispute, there appears to be degrees of willingness by the Tūhoe and Crown to engage in compromise, to reconcile the historical grievance and work towards future-orientated cooperation. This notion was captured in the Settlement Act which stated that "[t]hrough this apology and settlement the Crown hopes to honestly confront the past and seeks to atone for its wrong. The Crown hopes to build afresh its relationship with Tūhoe and that this new relationship will endure for current and future generations" (Tūhoe Claims Settlement Act 2014, section 10(7)). Accordingly, and despite the limitations of compromise underpinning the rights of Nature resolution, it (1) gave space for a formal recognition of Tūhoe cosmovisions, which fed into the management framework of Te Urewera (section 4) and (2) signalled a cooperative

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heritage, its scientific importance, and as a place for outdoor recreation and spiritual reflection' (Te Urewera Act 2014, section 3(8)).

<sup>17</sup> "'Therianthropoc Law': Conservation, Tourism, and the Removal of the Hai||om from Etosha National Park". Paper presented at the workshop on *Tourism and sustainability? Towards a new socio-legal research agenda* (Oñati International Institute for the Sociology of Law (5-6 June 2025)).

relationship towards future oriented reconciliation (de Sousa Santos 2020). Although there are apparent costs and benefits associated with legal compromises, resolutions which engage with legal ecumenism are, at the end of the day, tools which can embed non-hegemonic localities within law. On this basis, and as the next section will explore, legal ecumenical resolutions can be vehicles for local imaginaries of sustainability.

### 3.3. *A local (Tūhoe) imaginary of sustainability*

Te Urewera dispute was not just an issue over land ownership, but moreover, a conflict between ideals of conservation, and hence sustainability.

Under the authority of the Crown, Te Urewera was established as a national park to preserve its natural state, for “the benefit, use, and enjoyment of the public” (National Parks Act 1980, section 4(1)), as it “contains scenery of such distinctive quality, ecological systems, or natural features, so beautiful, unique, or scientifically important that their preservation is in the national interest” (National Parks Act 1980, section 4(1)). However, governance of Te Urewera under the Crown—which took a preservationist approach to environmental protection as outlined in section 1—constrained both the economic and social development of Tūhoe. For example, “[s]cenic and game reserves criminalized the bird hunts upon which a land-locked people had been dependent” (Coombes 2020). Moreover, “as the amalgamations of the 1920s did not address fully land fragmentation, designation of protected areas and catchment control regulations impacted significantly on the use of Tuhoe land remnants, arrogating most Tuhoe opportunities for development” (Coombes 2020). When reminding ourselves of the basic understanding of sustainable development—as in, the aspiration for balancing economic growth, social development, and environmental protection, with an emphasis on inter-generational equity (Hall *et al.* 2015)—the Crown’s approach to conservation falls short of the definition. Instead, conservation under the DOC created a situation in which environmental protection superseded, and constrained, Tūhoe economic and social development. Moreover, the limited involvement of Tūhoe in park planning—primarily post hoc consultation (Hardy *et al.* 2002)—meant their subjective needs were not met, and prospects for inter-generational equity were impeded. From one perspective, the Crown’s conservation paradigm can be considered a hegemonic project of sustainability by excluding the involvement of local communities, failing to meet their subjective needs, or achieve intergenerational equity. From another perspective, it can be understood as a conflict with a Tūhoe imaginary of sustainability.

Where the Waitangi Tribunal’s recommendations to recognise rights to Te Urewera was significant for the reasons outlined above (section 3.2), it can moreover be understood as having articulated a local imaginary of sustainability, by centring Tūhoetanga. The rights recognised to Te Urewera have arguably operationalised a Tūhoe imaginary of sustainability, by shaping the Te Urewera Act, guiding the Te Urewera Board in performing their duties (Te Urewera Act 2014, section 18(2(a))), and influencing the design of the management plan known as Te Kawa o Te Urewera (hereinafter referred to as Te Kawa) (Te Urewera Act 2014, section 18(1); Te Kawa 2017). In fact, “by centering *Tuhoetanga* (Tuhoeness) within planning, and by re-authorizing Tuhoe forms of resource management Maori culture and governance is affirmed more than in any other environmental statute in Aotearoa. The new board has a defining role through the writing and review of management plans” (Coombes 2020). The formalisation of a Tūhoe

imaginary of sustainability therefore bears greater capacity to challenge the preservationist approach of the Crown, and promote a version of sustainability more aligned with Tūhoe worldviews and subjective needs.

However, despite the influence of Te Urewera Act in formalising a Tūhoe imaginary of sustainability, some Tūhoe remain wary of the risks these rights (and of rights of Nature more generally) in restricting Tūhoe development. For example, the Act has been criticised for circumscribing Tūhoe aspirations for development by focussing on upholding the rights, duties, and liabilities of Te Urewera, and less on Tūhoe's rights to economic and social development. Whilst not to disregard the commitments of the Act to defend Tūhoe cultural heritage, and the connection shared between Tūhoe and Te Urewera, the Act has been dubbed as "fundamentally preservationist" (Coombes 2020). In the view of Coombes, whilst Te Urewera Act removed the conventionally Western perspective of land preservation under the categorisation of the forest as a national park, it nonetheless encourages forms of preservation, similar to that under the provisions of the National Parks Act (1980) (Coombes 2020). In addition, the co-management scheme has been criticised for carrying the risk of compromising, or completely disregarding Tūhoe interests in favour of preservationism. Co-management is hence a double-edged sword. On one hand, it creates space for the inclusion and participation of Tūhoe in the management of Te Urewera. In doing so, co-management can support the operationalisation of a Tūhoe imaginary of sustainability, by meeting their subjective needs whilst working towards intergenerational equity. However, on the other hand, co-management may encourage the privileging of environmental agendas of conservation, over economic and social development, and ultimately stifle Tūhoe notions sustainability. There thus appears to be a balancing act between the Tūhoe and Crown's competing interests and approaches towards sustainability, underpinning the Te Urewera Act framework.

Despite these criticisms, a Tūhoe imaginary of sustainability has nonetheless been crystallised within the Te Urewera Act (Te Urewera Act 2014). As the next section will discuss, this imaginary has created a more sustainable paradigm of conservation for Te Urewera, and interconnectedly, for tourism. In particular, this imaginary has re-shaped the resource management regime governing Te Urewera, and in doing so, better meets the needs of Tūhoe. In other words, it represents a "local turn" in area management (Higgins-Desbiolles and Bigby 2025) by placing Tūhoe cosmovisions at the centre of the governance framework for Te Urewera.

#### **4. Feeding local imaginaries of sustainability into resource management**

Under Te Urewera Act, Te Urewera Board were obligated to prepare a management plan to govern the forest (2014, section 44(1)). In 2017, the Board presented "Te Kawa o Te Urewera", a unique management framework grounded on Tūhoe values, and cultural normativities (Kauffman 2020), which places Tūhoetanga at its core. Te Kawa expresses its focus on processes of "unlearning, rediscovery and relearning to seize the truth expressed by [Tūhoe] beliefs" (Te Kawa 2017, 9). In the words of Te Urewera Board Chairman Tamati Kruger:

Te Kawa does not work the same way as other management plans, which focus on settling rules and stock-taking. That traditional approach can frame nature as a set of

discrete resources to be managed and used. Te Kawa is different. It asks us to stop and reflect on Te Urewera and what that means as a living system we depend on for survival, culture, recreation, and inspiration. Te Urewera has its own identity that is legal, but also physical, environmental, cultural and spiritual (Kauffman 2020, 591).

Te Kawa challenges paradigms of conservation, such as that imposed by the Crown (managed by the DOC), by destabilising notions of human superiority in regulating and managing land. Instead, it creates space for kaitiaki, which support heterarchical, reciprocal relationships between Māori and Nature—bound by mutual respect, with obligations of conservation, protection, and enhancement of Nature (Waitangi Tribunal Report 2011). Te Kawa iterates that its focus is for the “management of people for the benefit of the land—it is not about land management” (Te Kawa 2017, 7). Although Te Kawa does *not* call for the non-interference with Nature, it does create a responsibility to limit activities, by calling for Tūhoe to prioritise “the common worry for excessive use by human activity and perhaps also our inactivity to better our habits for living with Te Urewera” (Te Kawa 2017, 37). To ensure the natural balance of Te Urewera, Te Kawa calls for trust and cooperation—between Tūhoe and the Crown as part of co-management —, and to use “tikan[g]a, instinct and new knowledge to enable people to do right by Te Urewera” (Te Kawa 2017, 29). The framing of Te Kawa has been described by Mihnea Tănăsescu as a “philosophical guidebook in finding one’s way in building relationships with the natural world” (Tănăsescu 2020, 458). Rather than outlining a strict, legalistic framework, Te Kawa guides those implementing its provisions to engage with self-reflection, and to be open to evolving understandings of Te Urewera and its relationship with Tūhoe.

In the view of Craig Kauffman (2020, 20), the framing of Te Urewera to manage *people* for the benefit of the land reverses the focus of the National Parks Act, to conserve Nature for “the benefit, use and enjoyment of the public” (National Parks Act 1980, section 4(1)). Whilst Te Urewera Act recognises legal personality for Te Urewera for the benefit of “public use and enjoyment”—aligning with the preservationist critique outlined above—the implementation of Te Kawa, as the *operational* framework to enact Te Urewera Act reframes conservation based on Tūhoe cosmovisions. In other words, Te Kawa acts as the operational framework for Tūhoe’s local imaginary of sustainability for Te Urewera. This in turn, has led to alternative approaches to governing Te Urewera. To demonstrate this point, Kauffman contrasts the different approaches taken to regulating the possum population in Te Urewera by the DOC under the National Parks Act, and then by Tūhoe (in co-management with the Crown) under the Te Urewera Act. In 1858, possums were introduced into Aotearoa New Zealand, for the purpose of establishing a fur trapping trade. With no natural predators within the forest area, the possum population came to be perceived—by the Crown—as one of the main “pests” of Te Urewera, threatening native plant and animal species. To manage this problem, the DOC decided to disperse a synthetic poison as the most cost-effective option. However, it was extremely harmful to human health and the environment (Kauffman 2020). Tūhoe, who finding the perception of possums as “pests” to be inherently problematic, recognised the necessity to limit the rapid growth of the population to ensure the ecological balance of the forest ecosystem. In contrast to the approach by the DOC, Tūhoe—under Te Kawa—manage the possum population through traditional hunting and trapping practices. Importantly, the management of the possum population was not

perceived as “pest eradication”, nor “an economic exercise that might incentivize Tūhoe to boost possum populations to maximize profits” (Kauffman 2020, 592). Rather, it was “a duty to help maintain the possum population at a level that will not overwhelm the ecosystem and cause other important species to go extinct” (Kauffman 2020, 592).

The approach taken by the Tūhoe is hence more conducive to ensuring environmental protection in comparison to the DOC, by using low impact, sustainable methods for population control. Importantly, these methods minimised ecological impact by the Tūhoe, a component central to Te Kawa, as outlined above. It moreover (1) supported an economically viable, and “sustainable livelihood for Tūhoe families”, and the (2) “revival of traditional practices of sustainably living off the land, which allows [Tūhoe to] conduct ecologically sustainable practices rejected by DOC as too expensive” (Kauffman 2020, 592). Area management under Te Kawa is therefore more aligned with the ideals of sustainable development, and that of the Tūhoe imaginary of sustainability. Importantly, whilst Te Kawa places limits on human activities that are harmful to the ecological balance of Te Urewera, it does not negate Tūhoe opportunities to develop. It is about striking a balance between promoting environmental protection, whilst meeting the social and economic needs of the local communities. This Tūhoe imaginary of sustainability has furthermore guided other aspects of area management of Te Urewera, including the development of Aotearoa New Zealand’s first Living Building (known as Te Kura Whare) (Kauffman 2020), and the construction of “Nature’s Road”, using environmentally friendly methods based on Tūhoe technologies.

Of even more relevance for this paper has been the influence of Te Kawa—and hence a Tūhoe sustainability imaginary—on tourism. Since Te Urewera is a popular tourist destination, Te Kawa has influenced the manner in which tourists engage with these natural spaces. For example...

... [u]nder Te Kawa, people continue to go hiking, fishing, camping, photographing, hunting, and foraging for natural medicines. However, Te Kawa principles do require some changes compared to DOC management. For example, visitors are no longer permitted to use ‘tired boats’ that leak oil and gas into the lake. Restrictions are placed on where people can free camp and light fires, and campers are required to carry out their trash with them. Visitors are not allowed to chop down native trees without permission. In short, visitors are welcome to continue traditional recreation activities but must do so in a way that respects the land (Kauffman 2020, 593).

Te Kawa has changed the dynamics of power within tourism, by integrating Tūhoe’s onto-epistemological frameworks into the Te Urewera management plan. In particular, Tūhoetanga has reframed the way in which tourists interact with Te Urewera, whilst encouraging the recognition of Te Urewera as a “living system that others depend on for survival, culture, recreation, and inspiration” (Gibson 2020). Tourism through Te Kawa allows for visitors to immerse themselves in Tūhoe culture and learn how to engage respectfully with the forest. For example, tourists can participate in a traditional welcoming ceremony known as *migi whakatua*, “a ritual designed to transition newcomers from the everyday world into the spiritual world of the rainforest” (Gibson 2020). Moreover, Tūhoe guides, as cultural and environmental custodians of Te Urewera, lead tourists through the forest, sharing with them oral histories and traditions. Moreover, by encouraging tourists to experience Tūhoetanga, Tamati Kruger (Tūhoe tribal leader) hopes that “[i]t will move people beyond a way of thinking that

says: ‘I’ve paid my fee, I want a service’ to a mindset that says: ‘I love this place I feel a connection to it. Now, what can I do to care for it?’” (Gibson 2020). Through cultural immersion and educational practices, there is a shift away from treating tourists as visitors, to being welcomed as respectful guests (i.e., processes of “guest-making” (Higgins-Desbiolles and Bigby 2025)). In what could be considered a “local turn” in the management of Te Urewera, Te Kawa reshapes tourism. In particular, it accommodates local community authority over tourism, and challenges the necessity to sustain economic of projects of tourism where it compromises the ability of Tūhoe to meet their subjective needs. By centring Tūhoe onto-epistemological frameworks in such a manner, Te Kawa moves beyond notions of sustainable tourism, towards a counter-hegemonic projects of tourism.

Te Kawa is hence an operational framework for a Tūhoe imaginary of sustainability, which influences various sectors of area resource management, including tourism. Where the integration of a Tūhoe imaginary of sustainability appears more appropriate to preserving the ecological balance of Te Urewera, it is also more adept to meeting the subjective needs of the local communities. Interconnectedly, by challenging the conservation paradigm of the DOC—and by re-shaping such through Tūhoetanga—Te Kawa is more likely to achieve inter-generational equity, by tailoring management of Te Urewera to better meet the needs of present generations, without compromise those of the future. In this regard, a Tūhoe imaginary of sustainability is better suited to achieve forms of sustainable development, *for Tūhoe*.

## 5. Conclusion

Colonial legacies have continued to shape forms of tourism, by reinscribing colonial structures which exclude local communities, fail to meet their subjective needs, or achieve inter-generational equity (Grimwood *et al.* 2019, Mika and Scheyvens 2022, Higgins-Desbiolles 2022). Although tourism is recognised as an economic enterprise with prospects for financial and developmental gain (Rutty *et al.* 2015), it nonetheless bears the cost of disrupting the lives of host communities (Higgins-Desbiolles 2022). Where expansive forms of (over-)tourism continually pose threats to the livelihoods of local peoples, there is a call for more *sustainable* forms of tourism (Wall and Mathieson 2006, Mika and Scheyvens 2022). However, recognising that *sustainable tourism* is still an economic project for sustaining tourism, there is a move towards place-based approaches (Higgins-Desbiolles and Bigby 2025) which argue for the integration of host communities onto-epistemological frameworks into tourism governance. Described as the “local turn” (Higgins-Desbiolles and Bigby 2025), place-based approaches facilitate counter-hegemonic projects of tourism, by accommodating local community authority over tourism, and the tailoring of tourism agendas to meet their subjective needs.

One way in which courts can facilitate the local turn in tourism is through the articulation of local imaginaries of sustainability. However, recognising that place-based values vary between different stakeholders (i.e., between different Indigenous communities, and/or between local (Indigenous) communities and the State), notions of sustainability must be understood as equally diverse. We cannot assume, much less guarantee, that one understanding of sustainability meets the subjective needs of all. Accordingly, place-based approaches require the articulation of *plural imaginaries* of sustainability.

As argued throughout this paper, courts can play a role in articulating local imaginaries of sustainability by crafting legal compromises based on legal ecumenism. Where legal ecumenism is a tool to overcome tensions between rival normativities, and allows for the co-existence of diverse, or hybridised normativities, it is a mechanism for elevating local visions of sustainability. Using the example of Te Urewera dispute, this paper explored how the Waitangi Tribunal triggered the embedding of a local imaginary of sustainability, by engaging in legal compromise when recommending the recognition of rights to Te Urewera. Where this resolution opened up space for the integration of the local communities' cosmovisions, it moreover facilitated the creation of Te Urewera management plan based on Tūhoe onto-epistemologies (i.e., Tūhoetanga). The articulation of a Tūhoe conceptualisation of sustainability thus empowered Tūhoe to regain authority over the governance of Te Urewera (however, in co-management with the Crown), and tailor the land management regime to better meet their subjective needs. In other words, the recognition of rights to Te Urewera, facilitated a place-based approach to land management, which in consequence, influenced tourism.

The ability of courts to engage with legal ecumenism should not, however, be generalised, nor overstated. Recalling that the Waitangi Tribunal is not a court per se, but rather a standing commission of inquiry tasked with reconciling Māori grievances (Guide to the Practice and Procedure of the Waitangi Tribunal 2023), it has specific institutional features which are conducive to engaging with legal ecumenism. As discussed in section 3.2, legal ecumenism is underpinned by compromise, and demands concessions of normativities and aspirations. Where parties are not willing, or able to compromise, legal ecumenism is a particularly undesirable resolution. Where the specific context of the Te Urewera dispute was underpinned by intentions to address colonial grievances and promote future-oriented co-operation, the Waitangi Tribunal was able to facilitate these broader intentions as part of its reconciliatory mandate. The Tribunal therefore willingly engaged in the complex interweaving of legalities demanded by legal ecumenism, which resonates with processes of inter-legality (de Sousa Santos 1987, Shany 2019), as noted by Cardesa-Salzmänn (2026)<sup>18</sup> within this special issue. Moreover, the institutional composition of the Tribunal has greatly facilitated its effective engagement with local Tūhoe epistemologies and ontologies. Specifically, the Tribunal benefits from the legal expertise of the (Māori and non-Māori) judges from the Māori Land Court, and a range of non-legal experts who possess specialist knowledge on Māori studies, anthropology, linguistics and history (Boast 1993 2016). Described as a "bi-cultural body," as "many of its members are Maori *kaumatua* (elders, experts in custom and Maori language and oratory)" (Boast 2016, 348), the expertise of the Tribunal has greatly improved their openness to Māori cosmovisions. Where these institutional features accommodated the ability of the Tribunal to engage in legal ecumenical decision-making, it therefore begs the question to what extent these institutional features can extend to courts, more broadly, to engage in the creative exercise of legal compromises. Nevertheless, and irrespective of the (non-)existence of

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<sup>18</sup> "Tackling the global challenges of tourism and sustainability: epistemic subsidiarity, posthuman democracy and the law". Paper presented at the workshop on *Tourism and sustainability? Towards a new socio-legal research agenda* (Oñati International Institute for the Sociology of Law (5-6 June 2025).

these specific qualities, due credit must be given to the exercise of judicial willingness, as a fundamental first step to engaging with legal ecumenism.

## References

- Adelman, S., 2017. Rethinking global environmental governance. In: E. Daly, J. May and L. Kotzé, eds., *New frontiers in global environmental constitutionalism*. United Nations Environment Programme.
- Alley, K. D., 2019. River goddesses, personhood and rights of nature: Implications for spiritual ecology. *Religions* [online], 10(9), 502. Available at: <https://doi.org/10.3390/rel10090502>
- Alley, K. D., and Mehta, T., 2021. The experiment with rights of nature in India. In: C. La Follette and C. Maser, eds., *Sustainability and the rights of nature in practice* [online]. Boca Raton: CRC Press, 365. Available at: <https://doi.org/10.1201/9780429505959-18>
- Anchal, 2023. European imperialism and ecological change in the colonies. *History Research* [online], 11(2). Available at: <https://doi.org/10.11648/j.history.20231102.12>
- Baloch, Q. B., et al., 2023. Impact of tourism development upon environmental sustainability: A suggested framework for sustainable ecotourism. *Environmental Science and Pollution Research* [online], 30(3), 5917. Available at: <https://doi.org/10.1007/s11356-022-22496-w>
- Berman, P. S., 2009. The new legal pluralism. *Annual Review of Law and Social Science* [online], 5, 225. Available at: <https://doi.org/10.1146/annurev.lawsocsci.093008.131539>
- Berman, P. S., 2016. The evolution of global legal pluralism. In: R. Cotterrell and M. Del Mar, eds., *Authority in transnational legal theory*. Cheltenham: Edward Elgar.
- Berry, T., 1999. *The great work: Our way into the future*. New York: Three Rivers Press.
- Boast, R. P., 2016. The Waitangi tribunal in the context of New Zealand's political culture and historiography. *History of International Law/Revue d'histoire du droit international* [online], 18, 339. Available at: <https://doi.org/10.1163/15718050-12340062>
- Boast, R.P., 1993. The Waitangi Tribunal: "Conscience of the nation", or just another court? *University of New South Wales Law Journal* [online], 16(1). Available at: <https://search.informit.org/doi/10.3316/informit.105834683959741>
- Burdon, P., 2011. *Exploring wild law: The philosophy of earth jurisprudence*. Kent Town: Wakefield Press.
- Butler, R., 1993. Tourism: An evolutionary perspective. In: J. G. Nelson, R. Butler and G. Wall, eds., *Tourism and sustainable development: A civic approach*. 2<sup>nd</sup> ed. University of Waterloo.
- Butler, R., 1999. Sustainable tourism: A state-of-the-art review. *Tourism Geographies* [online], 1(1). Available at: <https://doi.org/10.1080/14616689908721291>

- Cano Pecharroman, L., 2018. Rights of Nature: Rivers that can stand in court. *Resources* [online], 7(1), 13. Available at: <https://doi.org/10.3390/resources7010013>
- Coates, N., 2015. The recognition of tikanga in the common law of New Zealand. *New Zealand Law Review*.
- Coombes, B., 2020. Nature's rights as indigenous rights? Mis/recognition through personhood for Te Urewera. *Espace populations sociétés. Space populations societies* [online], 1-2. Available at: <https://doi.org/10.4000/eps.9857>
- Cullinan, C., 2011. *Wild law: A manifesto for earth justice*. Oxford: Bloomsbury.
- de Sousa Santos, B., 1974. *Law against law: Legal reasoning in Pasargada Law*. Yale University.
- de Sousa Santos, B., 1987. Law: A map of misreading. Toward a postmodern conception of law. *Journal of Law and Society* [online], 14(3). Available at: <https://doi.org/10.2307/1410186>
- de Sousa Santos, B., 2018. *The end of cognitive empire: The coming of age of epistemologies of the South* [online]. Durham: Duke University Press. Available at: <https://doi.org/10.1215/9781478002000>
- de Sousa Santos, B., 2020. *Toward a new legal common sense: Law, globalization, and emancipation* [online]. 3<sup>rd</sup> ed. Cambridge University Press. Available at: <https://doi.org/10.1017/9781316662427>
- DeWesse, G., 2013. A Theocentric environmental ethic. *Religions* [online], 14(7). Available at: <https://doi.org/10.3390/rel14070913>
- Doe, N., 2012. Juridical ecumenism. *Ecclesiastical Law Journal* [online], 14(2). Available at: <https://doi.org/10.1017/S0956618X12000038>
- Doe, N., ed., 2020. *Church laws and ecumenism: A new path for Christian unity* [online]. London: Routledge. Available at: <https://doi.org/10.4324/9781003084273>
- Frost, W., and Hall, C. M., 2012. American invention to international concept: the spread and evolution of national parks. In: W. Frost and C. M. Hall, eds., *Tourism and national parks: International perspectives on development, histories and change*. London: Routledge.
- Gnanapala, W. K. A., and Sandaruwani, J. A. R. C., 2016. Socio-economic impacts of tourism development and their implications on local communities. *International Journal of Economics and Business Administration*, 2, 59.
- Grear, A., 2017. Human rights and new horizons? Thoughts towards a new juridical ontology. *Science, Technology & Human Values* [online], 43(1). Available at: <https://doi.org/10.1177/0162243917736140>
- Griffiths, J., 1986. What is legal pluralism? *The Journal of Legal Pluralism and Unofficial Law* [online], 18(24). Available at: <https://doi.org/10.1080/07329113.1986.10756387>
- Grimwood, B. S. R., Stinton, M. J., and King, L. J., 2019. A decolonizing settler story. *Annals of Tourism Research* [online], 79, 102763. Available at: <https://doi.org/10.1016/j.annals.2019.102763>

- 
- Hall, C. M., Gössling, S., and Scott, D., 2015. The Evolution of Sustainable Development and Sustainable Tourism. In: S. Gössling, C. M. Hall and D. Scott, eds., *The Routledge handbook of tourism and sustainability*. 1<sup>st</sup> ed. London: Routledge.
- Hardy, A., Beeton, R. J. S., and Pearson, L., 2002. Sustainable tourism: An overview of the concept and its position in relation to conceptualisations of tourism. *Journal of Sustainable Tourism* [online], 10, 475. Available at: <https://doi.org/10.1080/09669580208667183>
- Hays, S. P., 1959. *Conservation and the gospel of efficiency: The progressive conservation movement 1890 – 1920*. Harvard University Press.
- Higgins-Desbiolles, F., 2018. Sustainable tourism: Sustaining tourism or something more? *Tourism Management Perspectives* [online], 25, 157. Available at: <https://doi.org/10.1016/j.tmp.2017.11.017>
- Higgins-Desbiolles, F., 2022. The ongoingness of imperialism: The problem of tourism dependency and the promise of radical equality. *Annals of Tourism Research* [online], 94, 103382. Available at: <https://doi.org/10.1016/j.annals.2022.103382>
- Higgins-Desbiolles, F., and Bigby, B. C., 2025. Rethinking governance in tourism: Centring local communities. In: F. Saarinen and C. M. Hall, eds., *Handbook on tourism governance* [online]. Cheltenham: Edward Elgar. Available at: <https://doi.org/10.4337/9781800374287.00021>
- Jolly, S., and Menon, K. S. R., 2021. Of ebbs and flows: Understanding the legal consequences of granting personhood to natural entities in India. *Transnational Environmental Law* [online], 10(3), 467. Available at: <https://doi.org/10.1017/S2047102520000424>
- Kallis, G., 2013. Societal metabolism, working hours and degrowth: A comment on Sorman and Giampietro. *Journal of Cleaner Production* [online], 38. Available at: <https://doi.org/10.1016/j.jclepro.2012.06.015>
- Kallis, G., Kerschner, C., and Martinez-Alier, J. 2012. The economics of degrowth. *Ecological Economics* [online], 84. Available at: <https://doi.org/10.1016/j.ecolecon.2012.08.017>
- Kauffman, C. M., 2020. Managing people for the benefit of the land: Practicing Earth jurisprudence in Te Urewera, New Zealand. *Interdisciplinary Studies in Literature and Environment* [online], 27(3), 578. Available at: <https://doi.org/10.1093/isle/isaa060>
- Knauß, S., 2018. Conceptualizing human stewardship in the Anthropocene: The rights of nature in Ecuador, New Zealand and India. *Journal of Agricultural and Environmental Ethics* [online], 31, 703. Available at: <https://doi.org/10.1007/s10806-018-9731-x>
- Kotzé, L. J., and Villavicencio Calzadilla, P., 2017. Somewhere between rhetoric and reality: Environmental constitutionalism and the rights of nature in Ecuador. *Transnational Environmental Law* [online], 6(3), 401. Available at: <https://doi.org/10.1017/S2047102517000061>
-

- Macpherson, E., 2023. Can western water law become more 'relational?' A survey of comparative laws affecting water across Australasia and the Americas. *Journal of the Royal Society of New Zealand* [online], 27(3). Available at: <https://doi.org/10.1080/03036758.2022.2143383>
- McIntyre, G., 1993. *Sustainable tourism development: Guide for local planners*. World Tourism Organisation.
- Mika, K. P., and Scheyvens, R. A., 2022. Te Awa Tupua: Peace, justice, and sustainability through Indigenous tourism. In: F. Higgins-Desbiolles, L. A. Blanchard and Y. Urbain, eds., *Peace through tourism* [online]. London: Routledge. Available at: <https://doi.org/10.4324/9781003299578-21>
- Milanović Pešić, A., Brankov, J., and Oliveira Moreira, C., 2020. Sustainable tourism and use of natural resources – Contemporary practices and management challenges. *Sustainability* [online], 17(6). Available at: <https://doi.org/10.3390/su17062383>
- Minteer, B. A., and Corley, E. A., 2007. Conservation or preservation? A qualitative study of the conceptual foundations of natural resource management. *Journal of Agricultural and Environmental Ethics* [online], 20(4). Available at: <https://doi.org/10.1007/s10806-007-9040-2>
- Moore, S. F., 1973. Law and social change: The semi-autonomous social field as an appropriate subject of study. *Law & Society Review* [online], 7(4), 719. Available at: <https://doi.org/10.2307/3052967>
- Moore, S. F., 2014. Legal pluralism as omnium gatherum. *FIU Law Review* [online], 10(1). Available at: <https://doi.org/10.25148/lawrev.10.1.5>
- Nash, R., 1967. *Wilderness and the American mind*. Yale University Press.
- Orange, C., 2017. *Te Tiriti o Waitangi: The treaty of Waitangi, 1840*. Bridget Williams Books.
- Ruban, D. M., 2021. Natural resources of tourism: Towards sustainable exploitation on a regional scale. *Sustainability* [online], 13(12), 6685. Available at: <https://doi.org/10.3390/su13126685>
- Rutty, M., et al., 2015. The global effects and impacts of tourism: An overview. In: S. Gössling, C. M. Hall and D. Scott, eds., *The Routledge handbook of tourism and sustainability* [online]. 1<sup>st</sup> ed. London: Routledge. Available at: <https://doi.org/10.21832/9781845415006>
- Salmond, A., 2014. Tears of Rangi: Water, power, and people in New Zealand. *HAU: Journal of Ethnographic Theory* [online], 4(3), 285. Available at: <https://doi.org/10.14318/hau4.3.017>
- Shany, Y., 2019. International courts as inter-legality hubs. In: J. Klabbers and G. Palombella, eds., *The challenge of inter-legality* [online]. Cambridge University Press. Available at: <https://doi.org/10.1017/9781108609654.014>

- 
- Stokes, E., 1992. The treaty of Waitangi and the Waitangi tribunal: Maori claims in New Zealand. *Applied Geography* [online], 12(2), 176. Available at: [https://doi.org/10.1016/0143-6228\(92\)90006-9](https://doi.org/10.1016/0143-6228(92)90006-9)
- Stone, C. D., 1972. Should trees have standing ? Toward legal rights for natural objects. *Southern California Law Review*, 45(2), 450.
- Sykes, A., 2021. The myth of tikanga in the Pākehā law. *Te Tai Haruru Journal of Māori and Indigenous Issues*, 8.
- Tamanaha, B. Z., 2021a. Legal pluralism across the Global South: Colonial origins and contemporary consequences. *Journal of Legal Pluralism and Unofficial Law* [online], 53(2), 168. Available at: <https://doi.org/10.1080/07329113.2021.1942606>
- Tamanaha, B. Z., 2021b. *Legal pluralism explained: History, theory, consequences* [online]. Oxford University Press. Available at: <https://doi.org/10.1093/oso/9780190861551.001.0001>
- Tănăsescu, M., 2013. The rights of nature in Ecuador: The making of an idea. *International Journal of Environmental Studies* [online], 70(6), 846. Available at: <https://doi.org/10.1080/00207233.2013.845715>
- Tănăsescu, M., 2020. Rights of nature, legal personality, and indigenous philosophies. *Transnational Environmental Law* [online], 9(3), 429. Available at: <https://doi.org/10.1017/S2047102520000217>
- Tănăsescu, M., 2022. *Understanding the rights of nature: A critical introduction* (Vol 6). Bielefeld: Transcript.
- Teubner, G., 1991. The two faces of Janus: Rethinking legal pluralism. *Cardozo Law Review*, 13.
- Teubner, G., 1996. Global Bukowina: Legal pluralism in the world-society. In: G. Teubner, ed., *Global law without a state*. Aldershot: Ashgate.
- Teubner, G., 2012. *Constitutional fragments: Societal constitutionalism and globalization* [online]. Oxford University Press. Available at: <https://doi.org/10.1093/acprof:oso/9780199644674.001.0001>
- Vieille, S., 2012. Māori customary law: A relational approach to justice. *The International Indigenous Policy Journal* [online], 3(1). Available at: <https://doi.org/10.18584/iipj.2012.3.1.4>
- Villavicencio Calzadilla, P., and Kotzé, L. J., 2018. Living in harmony with nature? A critical appraisal of the rights of mother earth in Bolivia. *Transnational Environmental Law* [online], 7(3), 397. Available at: <https://doi.org/10.1017/S2047102518000201>
- Wall, G., and Mathieson, A., 2006. *Tourism: Change, impacts and opportunities*. London: Pearson Education.
- Weiss, E. B., 1987. Intergenerational equity international law. *Proceedings of the ASIL Annual Meeting*, 81. Cambridge University Press.
- Weiss, E. B., 2019. Intergenerational equity in a kaleidoscopic world. *Environmental Policy and Law* [online], 49(1). Available at: <https://doi.org/10.3233/EPL-190115>
-

*Legislation/legal documents*

*Constitution of Ecuador* [Constitución de la República del Ecuador] (2008).

*Framework Law of Mother Earth* [Ley marco de la Madre Tierra y desarrollo integral para vivir bien], Plurinational Legislative Assembly, Law 300 of the Plurinational State, 15th October, 2012.

*Guide to the practice and procedure of the Waitangi Tribunal: A comprehensive practice note issued under clause 5((0 and (10) of schedule 2 to the Treaty of Waitangi Act 1975* (August 2023).

*Law of the rights of Mother Earth* [Ley de derechos de la Madre Tierra], Plurinational Legislative Assembly, Law 071 of the Plurinational State, (21st December, 2010).

*National Parks Act* (1980).

*Te Kawa o Te Urewera* (2017).

*Te Tiriti o Waitangi (Treaty of Waitangi)* (1840).

*Te Urewera Act* (2014).

*The Treaty of Waitangi Act* (1975).

*Tūhoe Claims Settlement Act* (2014), s.8(10).

*Waitangi Tribunal Report* (2011), WAI 262, Wellington: Legislation Direct.

*Wai 894: Te Urewera Pre-Publication Part I* [online] Waitangi Tribunal (2009). Available at: <https://www.waitangitribunal.govt.nz/news/wai-894-te-urewera-pre-publication-part-i-2/>

*Wai 894: Te Urewera, Pre-Publication Part III Released* [online] Waitangi Tribunal (2012). Available at: <https://www.waitangitribunal.govt.nz/news/wai-894-te-urewera-pre-publication-part-iii-released-2/>

*UN documents*

*Report of the World Commission on Environment and Development (WCED): Our Common Future* (1987).

*Stockholm Declaration on the Human Environment, in Report of the United Nations Conference on the Human Environment, UN Doc.A/CONF. 48/14, at 2 and Corr. 1* (1972).

*Grey literature*

*Being Tuhoe who we are* [online]. Available at: <https://www.ngaituhoe.iwi.nz/being-tuhoe>

Gibson, J., 2020. The Māori tribe protecting New Zealand's sacred rainforest. *BBC* [online], 9 June. Available at: <https://www.bbc.co.uk/travel/article/20200608-the-mori-tribe-protecting-new-zealands-sacred-rainforest>

Kruger, T., 2017. Tāmami Kruger: We are not who we should be as Tūhoe people. *E-Tangata* [online], 18 November. <https://e-tangata.co.nz/identity/tamati-kruger-we-are-not-who-we-should-be-as-tuhoe-people/>

- 
- Luke, K., 2018. *Presentation at the United Nations interactive dialogue of the General Assembly on harmony with nature*. United Nations Headquarters, New York, Monday 23 April.
- Maori Law Review, 2014. *Tūhoe-Crown settlement – Tūhoe claims Settlement Act 2014; Te Urewera Report of the Waitangi Tribunal* [online]. October. Available at: <https://maorilawreview.co.nz/2014/10/tuhoe-crown-settlement-tuhoe-claims-settlement-act-2014-te-urewera-report-of-the-waitangi-tribunal/>
- O'Malley, V., 2014. Tūhoe-Crown settlement – Historical background. *Māori Law Review*, October.
- United Nations Department of Economic and Social Affairs, Sustainable Development, no date-a. *Sustainable Tourism* [online]. Available at: <https://sdgs.un.org/topics/sustainable-tourism>
- United Nations Department of Economic and Social Affairs, Sustainable Development, no date-b. *The 17 Goals* [online]. Available at: <https://sdgs.un.org/goals>