

AN ASSESSMENT OF CULTURAL IMPACTS IN RELATION TO THE KAITUNA RE-DIVERSION & WETLAND CREATION PROJECT

Prepared on behalf of

Waitaha, Ngati Makino, Ngati Pikiako e³ Ngati Tunohopu

Prepared for

Bay of Plenty Regional Council



Prepared by

Mauri Tau Solutions Ltd e³ Hinemoana Associates

16 Arawa Ave

Maketu

(07) 5332499

14 April 2014

Cover picture taken at Tangatarua marae, Rotorua

On the right is Ngatoroirangi, a poupou (wall-post) that originated from a wharenui built in 1906, Nuku te Apiapi, once extant close to Pohutu Geyser. Beside Ngatoroirangi is a newer poupou depicting his sisters, Kuiwai and Haungaroa, the gods credited with bringing thermal activity to Aotearoa. The heke (rafter) pattern above them is an abstract depiction of thermal mist and steam.¹

HE TIMATANGA KORERO

Ko Te Arawa te waka
Ko Matawhaura, ko Rangiuru, ko Otawa nga maunga
Ko Ngati Makino, Ngati Pikiāo, Ngati Whakaue, Waitaha nga iwi
Ko Kaituna te awa
Ko Ongatoro te moana
Ko Maketu te wa kainga

Tihei mauriora!

DISCLAIMER

There have been many significant issues relating to the management of natural resources in Maketu. In particular the Kaituna River diversion and its impacts on Ongatoro has over the years been a topic of deep angst among ahi kaa. Iwi/hapu members and representatives consulted for this study often spoke from both a localized perspective and in a broad context of issues and the complex longer term effects of cumulative impacts.

The focus of the report is to identify and assess the cultural impacts associated with the Kaituna Re-diversion & Wetland Creation Project (and resource consents) that the Bay of Plenty Regional Council has been working on. The cultural impacts identified in this report specifically pertain to Waitaha, Ngati Makino, Ngati Pikiāo and Ngati Tunohopu iwi.

This report is not to be quoted or used as a reference for other work without the express permission of the authors, the express permission of Waitaha, Ngati Makino Heritage Trust, Ngati Pikiāo ki Maketu or Ngati Tunohopu representatives and including the client – the Bay of Plenty Regional Council.

¹ Debby Thyne 2009 "Walls That Speak Creative Multivocality Within Tangatarua" A thesis submitted to Auckland University of Technology in fulfilment of the requirements for the degree of Master of Philosophy (MPhil) School of Art & Design Primary Supervisor: Natalie Robertson

Table of Contents

HE TIMATANGA KORERO	1
DISCLAIMER	1
1.0 INTRODUCTION.....	4
2.0 METHODOLOGY	6
2.1 CONTRACTUAL OUTCOMES:	9
3.0 MANA WHENUA and AHI KAA HISTORY	10
3.1 MANA WHENUA:	10
3.2 WAITAHA, NGATI MAKINO, NGATI PIKIAO, TUNOHOPU	12
3.2 COLONIAL HISTORY and LAND CHANGES	15
3.4 EARLY COLONIAL DESCRIPTIONS of the ESTUARY and MAKETU ENVIRONMENT:	18
3.5 HISTORY of DRAINAGE in the MAKETU AREA:	19
PART 2	21
RESTORING the ESTUARY, RESTORING MAURI, RESTORING CULTURE	21
4.0 INTRODUCTION – OUR APPROACH:.....	21
5.0 The SUBSISTENCE ECONOMY	23
6.0 1924 AHI KAA “STATEMENT of VALUES”	27
6.1 IMPACT ASSESSMENT FRAMEWORK:	29
7.0 VALUES EXTRACTED:	29
7.1 WAIRUATANGA:	31
7.2 RANGATIRATANGA:.....	32
7.3 WHAKAPAPA:.....	32

7.4	WHANAUNGATANGA:	33
7.5	IDENTITY:	33
7.6	PAKIWAITARA	34
7.7	KAITIAKITANGA:	35
7.8	MANA:	36
7.9	MANAAKITANGA	36
7.10	MAURI	37
7.11	TAHA TINANA	37
8.0	INDIGENOUS KNOWLEDGE:	38
8.1	Ko NGATOROIRANGI te TOHUNGA, Ko ONGATORO te MOANA, ko MAKETU te WA-KAINGA. Traditional [Indigenous] Knowledge	39
8.2	INDIGENOUS KNOWLEDGE GLIMPSES of AHI KAA in MAKETU	41
9.0	RESTORING the ESTUARY, RESTORING MAURI, RESTORING CULTURE	44
10.	CONCLUSION:	45
11.	RECOMMENDATIONS	45

EMBARGOED INTERNAL USE ONLY

PART ONE

1.0 INTRODUCTION

Maketu is a poor, rural Maori community and the 1996 census provides evidence of this and other generally negative socio-economic statistics. It never used to be.

In 1843, Shortland described Maketu people as “better fed and clothed than their neighbours because of their coastal location”². In 2006, the Ministry of Health index of deprivation ordinal scale assessed Maketu at a decile ‘10’ health status, ‘10’ representing the highest deprivation score on a scale of 1-10.

Unfortunately, just as indigenous peoples all over the world have had to do, we must provide proof of the negative effects on well-being and identity arising from being mere onlookers in the destruction of our environment. While we see the need to do that, what becomes irksome is the lengths we have to go to provide evidence of our cultural values. This issue is taken up in part 2.

There is increasing evidence linking the effects of disruption to indigenous peoples’ relationship to the environment to poor health. The Rena Cultural Impacts report on Maketu uncovered research that validates ahi kaa’s beliefs about the Maketu situation: that indigenous peoples suffer more when compared with the general population when harm is done to their environment.

The cultural loss from subsistence disruption should not be underestimated. The

meaning of such activities to participants identifies the core cultural relevance of subsistence behavior. In a 1992 follow up study of Alaska Natives in Cordova, 80 percent agreed that sharing subsistence food reminded them of their childhood, 71 percent agreed that sharing subsistence food reminded them of times spent with grandparents, and 77 percent agreed that sharing subsistence brought them closer to other people and reminded them of what was good about life (Picou and Gill 1995).

Further, over 80 percent of the Alaska Natives agreed that collecting local foods was an important activity for them and 84 percent wanted their children to have the opportunity to participate in subsistence harvests³ (Picou and Gill 1995). The Exxon Valdez oil spill resulted in the contamination of subsistence resources for Alaska Natives, thereby directly disrupting cultural behavior and threatening future practices of cultural transmission.

Furthermore, by disrupting traditional patterns of subsistence production and distribution, exposure to oil spill had greater cultural significance for the Natives because these activities dominate the social relations and cultural

² Edwards Shortland Manuscripts, MS86A, unpaginated photocopy; Auckland University Library.

³ Picou, J. Steven and Duane A. Gill. 1995. The Exxon Valdez Oil Spill and Alaska Natives in Cordova: A User's Guide to 1991 and 1992 Survey Data. Draft report to the Regional Citizen's Advisory Council. Mississippi State University: Social Science Research Center.

framework of Alaskan Native communities. ...it was also perceived to be a threat to the continued survival of Native culture and the individual identity that derives from it⁴.

Notwithstanding all the above, the Rena disaster revealed other impacts which highlight how tangata whenua were severely disadvantaged over the years and at the time of the diversion. At no stage was any consideration given to the economic well-being of Maketu ahi-kaa as swamps were being drained and at the time of the various discussions over the diversion. The focus was on advantaging the economic well-being of colonials, farmers and the “nation”. With the Rena, there were immediate subsidies arranged for any business that may have been affected by the Rena disaster. However as we now know, the diversion was a similar disaster. We know it comes within the definition of “technological disaster”, as did the Rena. The only time ever Maori were considered was as a possibility to extract money from them. As the NZ Herald reports:

THE KAITUNA RIVER. FLOOD WATER PROBLEM. INSPECTION BY ENGINEERS
[by TELEGRAPH.—OWN CORRESPONDENT.] TE PUKE, Saturday.*

The question of dealing with the flood water of the Kaituna River is still demanding the attention of the River Board. No effective scheme within the means of the ratepayers has yet been adopted.

*A visit of inspection was made yesterday by Messrs. F. S. Dyson and Haskell, engineers to the Public Works Department. Mr. O. J. Hodge and other members of the River Board accompanied the engineers, who went by launch and made a careful examination of the river and its present outlet. A suggestion, has been made that the old outlet of the Kaituna River at Maketu should be reopened. **As this is the landing place of the Arawa canoe, it is of historical interest to the Arawa tribe, who may assist financially in the cost⁵.***

The newly formed Te Arawa Trust Board agreed to put up 1,000.00 pounds to have the estuary mouth returned to Maketu. They were astute enough to ensure the complimentary legislation⁶ excused their people from any rates or taxes, even if they did not manage to work out that they had no obligation to do so and that the river would have made its way back naturally and also that the return of the river mouth was about helping out framers, tangata whenua were only considered because the Public Works Dept were wanting to keep funding costs off farmers. Maybe, the Trust saw the request as affirmation of the Te Arawa rangatiratanga over the estuary.

⁴ Palinkas, Lawrence A.; Russell, John; Downs, Michael A.; Petterson, John S. Ethnic differences in stress, coping, and depressive symptoms after the Exxon Valdez oil spill. Journal of Nervous and Mental Disease, Vol 180(5), May 1992, 287-295. doi: page 292

⁵ THE KAITUNA RIVER. New Zealand Herald, Volume LXI, Issue 18844, 20 October 1924, Page 8

⁶ The Kaituna River District Act, 1926.

Mason Durie, the eminent Maori psychologist, educationalist and scholar has noted⁷:

A secure Maori identity appears to be correlated with good health, and with better educational outcomes even in the presence of adverse socio-economic conditions.

The results of cultural dislocation and the ensuing loss of strength in identity may be observed in the number of Maoris in prison, reliant on state-funded benefits, and otherwise failing to reach their potential. Exactly the same phenomena is observable, and with similar intensity, whenever colonisation has displaced indigenous peoples and broken their connections with their culture.

The point we are making is that there were significant cultural impacts from taking the estuary away from tangata whenua and the Exxon spill studies gave credibility to ahi kaa's claims to their decades of angst. This cultural impact report highlights some of the connections to culture that were broken arising from the 1958 diversion, that contributed to that 2006 situation referred to above. We start by giving context to the present situation, by way of **mana whenua history** and reference to **land changes** arising from **colonialism**. For our tribal audience, of Ngati Makino, Ngati Pikiao, Ngati Tunohopu and Waitaha, we see the need to help them understand the mind-set of people who helped destroy the Maketu estuary. We then identify those **cultural values** associated with Ongatoro which **values which were evident** preceding the 1958 diversion and even immediately afterwards. Of course, to do that properly would mean writing an anthropological study on the Te Arawa ahi kaa of Maketu. There is not the time or the resources but we acknowledge the Bay of Plenty Regional Council's support to enable this report.

Our identity starts and finishes in Maketu. In Part 2, we identify the **values which were evident** preceding the 1958 diversion and immediately afterwards. We look at the literature that reflected the concerns of tangata whenua after the diversion and up till today. We then look at how the **proposed 20% re-diversion** may in turn affect those values which we want restored and which were unresolved post 1958 impacts. And how the re-diversion no 2 may impact them positively or negatively.

2.0 METHODOLOGY

As much as possible, we use previously published literature emanating from Maketu ahi kaa. Ahi kaa have a relationship to the estuary which is more than "ancestral" and ahi kaa status would with few exceptions, enable kaitiakitanga beyond mere theory. This is important because of the "ancestral connection" which almost gives as much status to non-ahi kaa. The kaitiakitanga links to the "ancestral" status should be to ensure and support the kaitiakitanga of the ahi kaa. To be the backstop should the ahi kaa become remiss in their kaitiakitanga.

The ahi kaa literature includes a folder of newspaper clippings on news items pertaining to the estuary and issues around its deterioration and restoration. These articles were collected by the ahi kaa and are stored in a folder at the Maketu Information Centre. It is a precious resource. We

⁷ Durie, M. (2001) Mauri Ora: The Dynamics of Māori Health, Oxford University

have also drawn on the affidavits that were prepared for the WAI 676 case, the Te Arawa fisheries case, and the Kaituna WAI 4 case. There are also submissions to various authorities over the years. All were lead by Maketu ahi kaa. The more recent WAI 262 case report, “Ko Aotearoa tenei”, has helpful information on Maori and their relationship to the environment and brings with it some excellent supporting research reports. Parks’ report “Effective exclusion”⁸ is particularly pertinent in our case.

Special mention must be made of the 1924 letter addressed to Apirana Ngata from the ahi kaa of Maketu in 1924. This was discovered by researchers for the Ngati Makino claim in the National Archives. This letter forms the basis of part 2 of the report.

This report is mindful of and concurs with the recommendations given in the Akwe-Kon Guidelines⁹ published by the CBD secretariat. The guidelines provide a valuable checklist. They are also useful for political reasons by indigenous minority peoples for the weight that they add to the legitimacy of cultural impacts assessments reporting given the esteemed standing of Akwe-Kon development committee and publisher.

More specifically, the purpose of these Guidelines is to provide a collaborative framework within which Governments, indigenous and local communities, decision makers and managers of developments can:

(b) Properly take into account the cultural, environmental and social concerns and interests of indigenous and local communities, especially of women who often bear a disproportionately large share of negative development impacts;

(c) Take into account the traditional knowledge, innovations and practice of indigenous and local communities as part of environmental, social and cultural impact-assessment processes, with due regard to the ownership of and the need for the protection and safeguarding of traditional knowledge, innovations and practices;

(e) Identify and implement appropriate measures to prevent or mitigate any negative impacts of proposed developments;

(f) Take into consideration the interrelationships among cultural, environmental and social elements.

In defining a “cultural impact assessment”, the Akwe Kon authors say:

a cultural impact assessment will generally address the impacts, both beneficial and adverse, of a proposed development that may affect, for example, the values, belief systems, customary laws, language(s), customs, economy, relationships with the local environment and particular species, social organization and traditions of the affected community;

⁸ Park, Geoff, (2001) Effective Exclusion? An Exploratory Overview of Crown Actions and Maori Responses Concerning the Indigenous Flora and Fauna, 1912–1983 Waitangi Tribunal Wellington (WAI 262)

⁹ Akwé : Kon Guidelines Secretariat of the Convention on Biological Diversity <http://www.biodiv.org>

Identifying those values, belief systems..etc. should not be interpreted to mean that they can be disengaged and individually ring-fenced from the way of living (culture) of the ahi kaa, which process forms the basic tool of planners. The ahi kaa values over-lap and together constitute tikanga or principles for guiding how tangata whenua live as Maori. If one of these values is affected, it impacts on all the others. If several are affected it will be catastrophic. Given the erosion of our culture (way of life) through colonisation, it is taken for granted that further erosion of our culture through misappropriate recognition of our way of life by the authorities these days is unacceptable. We have all been informed through indigenous studies and Waitangi Tribunal claims on the damage of colonisation and there is no excuse to perpetuate the injustices.

We are also mindful that some decision-makers in authority still hold colonial views with regard to Maori and see cultural impact reports as giving preference to tangata whenua over other cultures. We wish!! Hence the need to be quite clear that our culture depends in the relationship we have with our environment to be sustained with integrity. And unlike other cultures, recent or otherwise, there has been no erosion of their cultural values through disconnecting them from the New Zealand environment. The difference is that our identity as Maori depends on it. As was recently reported in the WAI 262 Report,

..slowly generation upon generation as the people reacted to their new environment and the environment responded to its new residents, something distinctive began to take shape in the space between them... perhaps it was when the people and the environment reached a point of equilibrium that the former felt truly justified in calling themselves tangata whenua (people of the land) and their matauranga could credibly called Maori. Or, to put this another way, it was through inter-action with the environment that Hawaiiikian culture became Maori culture.¹⁰

Besides the Treaty of Waitangi and the Akwe Kon Guidelines, there are other international instruments which also call on Governments to protect indigenous peoples' rights.

Article 9 of the Declaration of Indigenous peoples Rights¹¹, which the New Zealand Government has affirmed, says:

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

The Convention of Biological Diversity¹² holds at 8 (j), that

(j) Subject to its national legislation, respect, preserve and maintain knowledge,

¹⁰ Waitangi Tribunal (2011). Ko Aotearoa Tenei WAI 262: Te Taumata Tuatahi.page 6 www.waitangitribunal.govt.nz

¹¹ http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

¹² <http://www.cbd.int/convention/text/default.shtml>

innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

Any form of forced assimilation or integration;

The Ahi Kaa have made use of every means available to remedy the environmental injustices which have been dumped on them, including the United Nations processes. In respect of the then proposed Ohau Channel diversion wall, with its diversion of Rotorua lakes nutrients into the Kaituna River, the ahi kaa having been unable to stop the wall through an appeal to the Environment Court, submitted to the 2006 United Nations "Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people", Rodolfo Stavenhagen, report¹³. Stavenhagen assessed the human rights situation of Maori in New Zealand, and made reference to the estuary impacts "the coastal site of Maketu a similar waste disposal built up in an estuary where the river had been diverted. Despite a Planning Court decision in 1990, the river has not yet been redirected." He called on the Government to get involved.

Finally, we have deliberately quoted whole texts of information instead of the academic small phrases. Our reason for this is to ensure that our people of Ngati Makino, Ngati Pikiao, Ngati Tunohopu and Waitaha have access to information that they do not normally find easy to access. We want them to be properly informed. This is our way of ensuring the report information moves from the ownership of academics and institutions and goes some way to meeting the information needs of the ahi kaa. Also in the course of gathering the information, various bias have been noted. By quoting a fuller context we hope to avoid bias. This technical aberration does not detract from the report's purpose: to provide an accurate and honest explanation of the impacts on the culture or way of life of tangata whenua iwi of Ngati Makino, Ngati Pikiao, Ngati Tunohopu and Waitaha from the re-diversion. We seek better decision-making having drawn attention to the harm from biased and uninformed, colonial decision-making of the past.

2.1 CONTRACTUAL OUTCOMES:

The contract with the Bay of Plenty Regional Council seeks the contractor to: "On behalf of Waitaha, Ngati Makino, Ngati Pikiao and Ngati Tunohopu, assess and report on the cultural impacts of the proposed Kaituna River Re-diversion and Wetland Creation Project".

¹³ Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen Addendum MISSION TO NEW ZEALAND Economic and Social Council E/CN.4/2006/78/Add.3 10 March 2006

3.0 MANA WHENUA and AHI KAA HISTORY

3.1 MANA WHENUA:

Maketu is the birthplace of the Te Arawa nation, the final anchorage place of the Te Arawa waka. The Maketu estuary, Ongatoro, takes its name from the esteemed and tapu navigator and Tohunga, Ngatoroirangi. The Maketu Peninsula, Okurei, was named by the captain of the waka, Tamatekapua. From here the ancestors who came on the waka explored their new homeland. Waitaha's descendants remained largely coastal peoples, being as far north as Coromandel and dominating the Western shores of Tauranga Harbour. The Ngati Makino branch of Waitaha had interests not only on the coast but as far inland as the Lake Rotoehu. Tamatekapua's descendants include Pikiaro and Tunohopu. By the time these latter Iwi had emerged as Iwi in their own right, Iwi tensions within the Te Arawa nation were being played out by way of many Te Arawa inter-tribal feuds and skirmishes. These conflicts in the time of Ngati Tunohopu's ascendancy were to be voluntarily put aside in order to address the greater threat coming from a non-Te Arawa Iwi, the Ngai te Rangihouhiri.

Ngai te Rangihouhiri (Ngaiterangi) were to eventually displace Te Arawa control and mana in Maketu and along the coast on either side of Maketu. Despite the unity of the Te Arawa Iwi, they were unable to prevent Ngaiterangi victory at the battle of Poporohuamea which event cemented Ngaiterangi's noho (occupation) in Maketu. However skirmishes between Ngaiterangi and Te Arawa and their respective allies, continued right until the Battle of Te Tumu (1835) and even in minor battles after this date.

The above introduction recognises that there are many Te Arawa and other Iwi who can claim ancestral connections to Maketu and that the Ngai te Rangihouhiri noho was the start of another chapter in Te Arawa history in Maketu.

This new chapter in Maketu's history would determine the present day mana whenua arrangements in Maketu. Though it started with the Ngaiterangi occupation, it was the expulsion of Ngaiterangi concurrent with the growing colonial presence post 1840 which was to forever determine the mana whenua arrangement in Maketu. The combined Te Arawa Iwi army, once they had united and successfully defeated Ngaiterangi at Te Tumu, then competed or fought against each other again to lay claim to the land in and around Maketu via the Native Land Court.

The Paengaroa block claims sum up the post-Ngaiterangi history of Maketu starting with the Battle of Te Tumu which was pivotal in the re-establishment of mana whenua by Te Arawa in Maketu. The Paengaroa decisions became the platform for determining the many Te Arawa competing claims in and around Maketu and along the coast. The decision was appealed three times

At the second appeal in 1878¹⁴, Heale summed up:

"...so that in investigating the titles to lands around and at some distance from Maketu, it is commonly necessary to look closely into the ancestral title; but this is generally for the purpose of adjusting disputes between closely-allied hapus, and nothing is more clear than that such rights derive their value wholly from the conquest, and from the resuscitation of them by the tacit consent of the conquerors. But it is utterly incredible that the whole of the allied tribes conquering the invaders of this great territory, after a long series of warfare, with immense losses of leading chiefs killed, and so recovering the lands connected with all their earliest traditions, should then give up the whole fruits of their conquest to a small tribe which had never assisted them, except at the very last, and for no other reason than that ten generations before, their ancestors had been left in sole occupation of it. The conquerors cannot be shown to have ever thought of such a romantic generosity.

After the fight, the Ngatirangiwewehi and Ngatirangiteaorere made a claim to the land by setting up "rahui" on the right bank of the Kaituna river, which seem to have been maintained for about two years, and then to have been thrown down by the Ngatitunohopu. The other tribes, ...they do not seem to have thought of venturing to live permanently on any of the Maketu lands in defiance of the still formidable "mana" of Ngaiterangi and Waikato, until the Ngatipikiao made up a party from all the tribes they could induce to accompany them, and took the bold and decisive step of occupying Maketu in force.

At the 3rd and final appeal by Te Arawa and some other claimants, Judge Puckey¹⁵ made the observation:

...There are three principal links in the chain of events, which brought about the re-conquest [Of Maketu and coast]. a. The coming of Tapsell, and the introduction of firearms; which appears to have been principally effected by Ngati Whakaue. b. The capture of Te Tumu, in which all the Arawa (except the Ngati Pikiao)¹⁶ aided by their allies, took part. c. The re-occupation of Maketu by Ngati Pikiao and other hapus. Now, without the musket and ammunition the storm of Te Tumu would not have been effected; without the capture of Te Tumu the re-occupation of Maketu would have been impossible; and without the re-occupation of Maketu which has been maintained to the present time, the Tumu victory would have been a barren one and the blood of all the chiefs who fell there would have been spilled in vain.

¹⁴ Native Land Court. (1879) Important Judgments: Delivered in the Compensation Court and Native Land Court. 1866–1879. Auckland. Part of: New Zealand Texts Collection

¹⁵ New Zealand Herald, Volume XXII, Issue 7423, 3 September 1885, Page 6 IMPORTANT NATIVE LAND JUDGMENT

¹⁶ Ngati Pikiao hapu had taken part in the battle of Te Tumu viz Ngati Tarawhai, Tamakari, Takinga, Hinerangi. Its curious as to why Pikiao were both identified by hapu and Iwi. Taranui, the leading Pikiao chief, had been at the battle of Te Tumu.

There is no doubt but that the re-occupation of the commanding position of Maketu completed the re-conquest. The Court, after considering carefully all the evidence submitted to it in the present case, and that imported (from other previous cases), confirms the division of Paengaroa made by Judge Heale and awards Paengaroa South to the Ngati Pikiaio, making no distinction between them and the Ngati Te Takinga, Ngati Hinerangi, and the descendants of Wharekaikino. As to Paengaroa North, the Court awards that to the whole of the Arawa in the manner following 1. One fourth to Ngatiwhakaue and Ngatitunohopu, along with the balance remaining out of the last fourth after providing for the specific awards enumerated thereunder, 2. One fourth to Ngatipikiaio and to such persons of Ngati Whakahemo as are members of Ngatipikiaio, including the few persons of the Ngati Pukenga who live at or near Maketu,...., three hundred and twenty acres for Tapuika, and six hundred and forty acres for Tuhourangi, we award the residue (along with the portion first abovenamed), to the Ngati Whakaue and Ngati Tunohopu

The following dates of memorable events in connection with the history of the Paengaroa Block, and the wars waged for the possession of the district, have been fixed with tolerable accuracy:- Storm of Mokoia by Hongi Hika, 16th April, 1822; Tapsell landed at Maketu. 3rd January, 1831; murder of Te Hunga by Haerehuka and the Tuhourangi, 25th December, 1835; Maketu taken by the Waikato and deaths of Te Ngahuru and Te Haupapa; March, 1835 storm of Te Tumu and defeat of Ngaiterangi by the Arawa; 9th May, 1836; defeat of the Arawa at the battle of Mataipuku 28th May, 1836; re-occupation of Maketu by Ngatipikiaio, so about the close of 1838.

3.2 WAITAHA, NGATI MAKINO, NGATI PIKIAO, TUNOHOPU

Waitaha are an ancient tribe who descend from Hei and his son Waitaha who arrived on the waka Te Arawa. According to Waitaha tradition, ka huri mai a Te Arawa i te Rae o Papamoa, Hei stood and claimed the land for his son Waitaha, te takapū o tāku tama, Waitahanui a Hei. In time, some of the sons of Waitaha settled along the coast extending from Katikati to Ōtamarākau and the island of Tuhua. Waitaha had close whakapapa links with other iwi of Tauranga, Waikato, Ngāi Tahu, Ngāti Porou, Kahungunu and Te Arawa. By the 1840s, Waitaha primarily occupied the land between Tauranga harbour in the west, and the Waiari River in the east, as well as staying inland. Waitaha also stayed for periods of time with their Te Arawa kin.

Waitaha never agreed to cede their mana to the Crown. Most Waitaha rangatira did not sign the Treaty of Waitangi. Waitaha were one of the only Te Arawa tribes who suffered raupatu land confiscation.

Ngati Makino descend from Hei and so are very closely connected to Waitaha through whakapapa. Along with Waitaha, Ngati Makino were the other Arawa tribe to suffer the loss of their lands through raupatu confiscation. Ngati Makino are indigenous to the area between the Bay of Plenty coast and the Rotorua lakes. Ngati Makino were earlier known as Waitaha, after

their ancestor Waitaha-a-Hei. Ngati Makino are also closely connected with Ngati Pikiāo through marriage.

Ngati Pikiāo descend from Tamatekapua and are generally associated with Lake Rotoiti and the southern Rotorua lakes areas. They are closely related to Ngati Makino and thus Waitaha also. Their coastal presence, as Ngati Pikiāo, rather than as part of other affiliations, is associated more with the re-occupation of Maketu, after the battle of Te Tumu in 1837. In the Maketu Minute Book No 1, Pokiha¹⁷ recounts the re-occupation story. The initiator had been Te Puehu of Ngati Pikiāo and Ngati Makino proper. Puehu had sometime in 1837 led a deputation which had canvassed all the Rotorua settlements¹⁸ on the matter of Te Arawa re-occupying Maketu. The response from Ngati Whakaue had been “Te whakahihi a Ngati Pikiāo” and “Go as food for Waharoa and Ngaiterangi”¹⁹. Tuhourangi’s had been “E kore te patiki e hoki ki tana puehu”. Nonetheless, Pokiha says that 20 Tuhourangi, 30 Ngati Tarawhai, 30 Ngati Pukenga and 300 Ngati Pikiāo were involved in the re-occupation.

The re-occupation involved some strategic planning and is a story worth repeating. The mixed group assembled at Rotorua and brought with them all the materials needed to erect a pa. They dragged two war canoes into which materials were placed as they were gathered, using the Pongakawa river as the access route. During the night they moved the building materials from Waihi to Maketu and overnight built Maketu Pa. This was so as to maintain secrecy from Ngaiterangi Iwi. By the next morning all the palisading had been built. They over time built their houses within this pa and the famous 8 gateways. From the pa they moved out across the deserted countryside and appropriated lands for agriculture and flax gathering. Neich²⁰ says that Ngati Pikiāo subdivided all the lands around Maketu sharing them with the rest of Te Arawa and carved totara posts were set up to show the land claims.

In 1978, members of Ngati Pikiāo filed a claim (WAI 4) with the Waitangi Tribunal asking that the proposal to build the pipeline be stopped because it transferred the pollution process into their territory and was objectionable on medical, social, cultural, and spiritual grounds.

Ngati Pikiāo’s strongest protest was made on spiritual and cultural grounds. They held that to mix water that has been contaminated by human waste with water used for gathering food was deeply objectionable. Māori custom requires water used for the preparation of food to be kept strictly separate from water used for other purposes.

It was accepted that the Kaituna River and the Maketu Estuary have long been an important source of food for Ngati Pikiāo and that the name itself 'Kaituna' tells you of its importance. 'Kai' means food and 'tuna' means eel. At the time, Ngati Pikiāo contended that if the pipeline was built, the kaumatua of the tribe would have had no choice but to declare the river tapu, and therefore out of bounds.

The tapu will also apply to any vegetation that has contact with the water, either through splashing or through flooding. A tapu will create a great economic loss for

¹⁷ Native Land Court (1878). Maketu Minute Book 1. Wellington: NZ Government. P193

¹⁸ Bay of Plenty Times (1977, March 7). Maketu. Tauranga page 3

¹⁹ Don Stafford (1967). Te Arawa. Wellington: A.H.& A.W. Reed.p258

²⁰ Roger Neich (2001). Carved Histories. Auckland: Auckland University Press.p16

Ngati Pikiao, because they will not be able to fish in the river or even collect plants from the riverbanks for making medicines and for weaving and dyeing.

Burial caves lining the river will also not be able to be reached. Ngati Pikiao will suffer a loss of tribal mana²¹.

The Tribunal decision was made in favor of Ngati Pikiao acknowledging Ngati Pikiao as the 'owners' of the river. Demonstrating their connection to, and mana and kaitiakitanga over the river as such, forever cemented Ngati Pikiao's mana over the Kaituna.

Ngati Tunohopu descend from Tamatekapua as well. The more commonly accepted belief is that Ngati Tunohopu are a hapu of Ngati Whakaue but in more recent times, this relationship has been challenged. It was Ngati Whakaue (viz Ngati Tunohopu) who continuously fought against Ngaiterangi when that tribe occupied Maketu. However these battles were largely conducted by Ngati Whakaue (viz Tunohopu) travelling from Rotorua.

This changed on the arrival in Maketu of Tapsell the pakeha trader. After his Ngapuhi wife died, Te Arawa presented the puhī, Hineiturama to him to ensure his allegiance to Te Arawa in Maketu. Ngati Whakaue hapu then located to Maketu where chiefs were subsequently killed by Waharoa and Ngaiterangi when Tapsell was burned out and had to relocate to save his life and his family. Notwithstanding, Ngati Whakaue were prominent in the attack on Te Tumu pa (and in turn attacked in Rotorua by Waharoa) which was the turning point in the re-occupation of Maketu by Te Arawa.

Pokiha did not mention any inclusion of Ngati Whakaue at the re-occupation. However Stafford makes reference to 30 Ngati Whakaue joining up with Pikiao ope at the Waihi estuary, but only staying 2 weeks as they continued on their journey North to Ngapuhi. The Maketu Minute Book 4 also refers to Tohi (presumed to have been Tohi Te Ururangi) being with Ngati Pikiao for the re-occupation but "appears to have had no following" (page241). Because Tohi had a strong Pikiao whakapapa, he may have given his support.

However, he is recorded as being present for the 1839 fight by Ngaiterangi and Waikato against the Maketu Pa, Wilson saying:

This time, however, they [Waikato] were beaten, and pursued by Nga-ti-whakaue, headed by Tohi-te-uru-rangi, as far as the Tumu. The Wai-kato found Maketu much more strongly fortified than it had been on their visit three years before²²

We have already referred to Ngati Whakaue's continuous attempts to wrest Maketu away from Ngaiterangi, starting with the Poporohuamea battle. Also with the location of Tapsell to Maketu and the Ngati Whakaue presentation of the puhī, Hineiturama, and subsequent relocations of some Whakaue whanau to Maketu, Whakaue were consistently seeking a Maketu noho. The Native Land Court made a division of Paengaroa lands to Whakaue amounting to 1179 acres and to "Tunohopu including individuals of Ngati Pukenga now living at Maketu, who are not entitled

²¹ <http://www.justice.govt.nz/tribunals/waitangi-tribunal/resources/teaching-aids/resource-kits/the-waitangi-tribunal-and-the-kaituna-river-claim>

²² White, John (1888). *The Ancient History of the Maori, His Mythology and Traditions:Tainui*. Vol.V. Wellington: George Didsbury, Government Printer.p248

however as Ngati Pukenga of 1179 acres²³. The land allocation was based on the “toa” or battle of Te Tumu being the decisive battle which had overthrown Ngaiterangi’s mana whenua. Ngati Tunohopu have been recognised by the Crown in their own right and are presently progressing the settlement of their claim.

3.2 COLONIAL HISTORY and LAND CHANGES

Unfortunately for Maketu and a lot of other areas in Aotearoa, the circumstances which precipitated the desecration of Ongatoro were pre-ordained with the arrival of Captain Cook. He took pains to note the country’s resources. Banks, his natural scientist observed New Zealand as

*..abounding with ‘Swamps which might doubtless Easily be Drained’.*²⁴

From that first English encounter with a New Zealand floodplain and the recognition of the country’s fertility and suitability for agriculture, swamps represented an obstruction to pastoral prosperity.

In the WAI 262 claim, Park²⁵ researched the Crown’s practices and policies associated with the demise of wetlands and coastal ecosystems. He admits though that he has not been able to ascertain the impediments to “kaitiakitanga by ahi kaa”²⁶ during the desecration of these systems by local jurisdictions. The writer includes Councils, national and local lobbying agencies in this latter category. However, as Park has thoroughly researched and proven, there was a European worldview in New Zealand which dominated (and still does) how the landscape is viewed. This view transferred into policies and actions by authorities.

It started with the wresting of land from tangata whenua. Research of the history as noted in the Native Land Court decisions in the mana whenua section, does not provide the complete picture. At every sitting of the Court there were also lawyers, speculators and Government purchase agents watching to see who were given title by the Court. Their intention was to start pressure to sell land or in some cases the deal had already been negotiated prior to the decision as there is proof that they made deals before titles were confirmed. The old newspapers files record many of these carpet-baggers and the reports are obviously newsworthy items for the press of the day in that land is being opened up to settlers. In the Maketu area, from Otamarakau to Te Puke, government Crown agents, Davis and Mitchell were especially active. Suffice to say that Maori land was sold and made available to colonial settlers. The NZ Herald and the Bay of Plenty Times reported:

²³ Native Land Court (1880). Maketu Minute Book4. Wellington: NZ Government.page242

²⁴ Cited in Park (2001)

²⁵ Park, Geoff, (2001) Effective Exclusion? An Exploratory Overview of Crown Actions and Maori Responses Concerning the Indigenous Flora and Fauna, 1912–1983 Waitangi Tribunal Wellington (WAI 262)

²⁶ This is the writers interpretation of Park (2001) on this point.

THE NATIVE LANDS COURT AT MAKETU. ²⁷ [FROM A CORRESPONDENT]

Maketu, Thursday. The Native Lands Court left Maketu this morning after a brief sitting, which, however, has had great results, which must effect speedy improvements in this district. Nearly 60,000 acres of land have been awarded to the Crown, and this, it is expected, will be devoted to the Tauranga-Rotorua Railway. Seventy thousand acres at Paeroa also have been finally disposed of; more than half being purchased by private persons, who intend commencing pastoral and agricultural operations thereon at an early date.

The beautiful estate at Rangiuuru, near Te Puke settlement, has also been dealt with, the Crown getting over 2000 acres, Messrs. Vercoe over 6000 acres, and the remainder, about 3000 acres, being retained by the native owners for their own use. The Puke native reserves, a long-pending and difficult problem, has also been solved and set at rest. The Paengaroa, or Maketu Plains, remain alone now to be finally passed the Court, and then this promising district, which has been for over fifteen years the scene of so much native troubles, difficulties, and delays, will have been fairly launched, and have an opportunity of proving itself to be one of the most favoured spots in the North Island for general settlement.

*Great credit is due to Messrs Fonton, H. Mitchell, and O O. Davis, for the manner in which the matter was brought before the Court.*²⁸

Tangata whenua analysis of colonisation which brought about the demise of the estuary is that it involved an Anglo-European culture based on class and money wealth, which views land as a resource that the individual can and should use to improve his particular situation. The Western economic system re-inforces and validates a Pakeha world-view that includes treating land as a commodity and evaluating it only in terms of its cash profit potential. There was a universal view that land not developed was sinful in a progressive society and people who owned that land were lazy. Getting to grips with this way of thinking or world-view, is quintessential to understanding why the Maori environment suffered, including Ongatoro, and thus all biodiversity in New Zealand.

It was only apparently during the civil rights era of the 60s and 70s that a consciousness of human rights and the environment began to emerge in Pakeha New Zealand which then started pulling back the rampant environmental abuse of over a 100 years. The Treaty of Waitangi Act of 1975 for example. However, as successive and existing Governments and Councils actions show, the colonial world-view still dominates and economic concerns and land use that risk Papatuanuku and our water-ways is still the dominant and politically powerful Pakeha New Zealand world-view. Maketu Maori were virtually voiceless in Maketu post World War 2. Though they contributed men and boys to the Crown during the New Zealand wars and to both World Wars: the ahi kaa were invisible. It was this dominant and unsustainable world-view that is responsible for the impoverishment of Maketu ahi kaa, environmentally, economically, socially and culturally.

²⁷ THE NATIVE LANDS COURT AT MAKETU NZ Herald Volume XX, Issue 6748, 4 July, 1883, Page 5

²⁸ MAKETU Bay of Plenty Times, 26 June 1883, Page 2 [By Electric Telegraph]

Bodley²⁹ asserts that societies organized around capitalist means of consumption outgrow their own local resources, requiring expansion, and therefore forms of domination. Industrialisation and the unsustainable use of resources forced European powers to seek resources in other countries.

*"In case after case, government programs seemingly intended for the progress of indigenous peoples directly or indirectly forced culture change, and these programs in turn were linked invariably to the extraction of indigenous peoples' resources to benefit the national economy"*³⁰

He claims that the discourse of progress is intimately linked to acculturation and exploitation "... displacing and destroying peoples, ways of living, ways of knowing, ways of relating"³¹. His observations are confirmed in the Maketu situation.

*The drainage operations carried out under Government control have resulted in bringing previously useless swamp land to profit, ... there are many areas untouched which it will pay to take in hand. One cannot be too enthusiastic in the matter of land-reclamation, ... watching seemingly irreclaimable areas coming into profit is very heartening. There are many purely swamp areas throughout the Dominion, ... which must... be re-claimed. Then comes the large tracts of marsh lands on the foreshores of the coast... the periodically flooded bottom lands in the flood-plane slopes of rivers.*³²

Farmers, with government subsidies, went on to drain and fill more than 90 percent of New Zealand's wetlands between 1840 and 1940. The amount of wetland filling varies from one part of New Zealand to another. Southland still has 37% of its original wetland area. South Canterbury retains 25%, Waikato 15% and the Bay of Plenty less than 1%.

The RAMSAR Convention was one of the early international environmental treaties. Set up in 1971 to protect wetlands. New Zealand belongs to the convention. Unfortunately, the loss of wetlands has become so extensive the problem is no longer how to prevent further loss, but how to restore and rebuild wetlands³³.

In respect of the dominant political discourse and colonial world-view, despite the civil rights movement of the 1960's and 70's worldwide, the Ramsar convention of 1971, and the pleas from tangata whenua since 1957 to restore the Kaituna flow through Ongatoro, we draw your attention to the proof of the dominant unsustainable economic discourse. In **1979**, the Government and its agencies and Federated Farmers, this time joined by the alleged tourism traders, were still committing taxpayers funding to drainage schemes and ignoring both the environmental consequences and the legitimate tangata whenua concerns. The NZ Herald reported "

²⁹ Bodley, John H. (1990) Victims of Progress. Mayfield Publishing Co. 3rd Ed.

³⁰ Bodley, John H. 2008 Victims of Progress, 5th edition. New York: Altamira Press.p18

³¹ Bodley, John H. 2008 Victims of Progress, 5th edition. New York: Altamira Press.p76

³² 1921 Land Drainage Report to Parliament

³³ <http://seakeepers-nz.com/RIVERS/wetlandf.html>

The Bay of Plenty catchment Commission yesterday gave approval for soil and water conservation works to begin following the approval by the government of the \$18.3 million Kaituna Catchment control scheme. The moment was described by the chairman of the commission as "almost historic." In 1976, the government offered to pay \$7.9 million of the total cost of \$9.9 million. But once again this was not acceptable to the local bodies. The plan was to basically clean up the pollution problems of Lake Rotorua and Rotoiti and eliminate flooding and erosion on urban and rural lands in the region. At the time it was regarded as of national and international importance because 90 percent of overseas tourists were visiting the lakes. Without the scheme, further deterioration, caused by urban sewage and nutrient runoff from farmland, would be inevitable. The building of an effluent pipeline from the Rotorua sewage treatment plant to the Kaituna river was recommended³⁴.

This demonstrates the persistence of the colonial world-view towards land and unsustainable economics and the attitudes towards tangata whenua. The ahi kaa and others were continually being fobbed off at the time, with the excuse that the estuary could not be restored because there was no economic justification to commit funds. In 2014 we are all now paying towards the millions, over 100 million, to restore the Lakes from the problems of unsustainable use brought about by failure to bring the farming lobby to its senses.

In 2008, the "Nga tangata ahi kaa roa submission" to the Board of Inquiry on the NZ Coastal Policy Statement, said: "...Feel that what has been left out is the due recognition of the important ecological relationships between land and sea. E.g. importance of wetlands to marine life. The Bay of Plenty has only 1% of its original wetlands. Something like 80%-90% of the ocean food chain is connected to wetlands."

3.4 EARLY COLONIAL DESCRIPTIONS of the ESTUARY and MAKETU ENVIRONMENT:

These recorded observations give a glimpse of what Ongatoro had once been. At low tide, 3-4 feet deep at the bar. At high tide, another report gives depths of 15-20 feet in the estuary.

"Before reaching Maketu, the Waihi river runs in many branches through an extensive flat. ...The large Pa at Maketu is on the S.E. side of the Kaituna river, just within the bar, which at low water has three feet in it. Within, the river expands considerably, and is navigable for boats eight miles"³⁵.

Leaving Tauranga there is a straight line of sandy beach between South Head and Maketu of about 16 miles, terminating in a spit which forms the North Head of Maketu Harbour. The entrance to Maketu river is about sixty yards in width at full tide, but owing to the bar and the sunken rocks inside, only a very limited channel is open for navigation even at flood tides.

³⁴ The NZ Herald 6/7/1979 Kaituna Scheme on Its Way At Last

³⁵ From Orete, Westward, Round the Bay of Plenty part of an official survey of the coast conducted by Captain of the Pandora, Captain and Surveyor. Nelson Examiner and New Zealand Chronicle, Volum X111, Issue 641, 17 June 1854, Page 3

Vessels of the highest draught, sailed by men well acquainted with the coast, can venture on the passage with safety....The land between Tauranga and Maketu, lying between the wooded range and the sea line, is undulating, but towards Maketu, it becomes marshy, from the accumulated drainage of the high land at the back, the outlets for which are Maketu and Waihi rivers.³⁶

On arriving within 3 miles of Maketu, the track runs along the back of the River Kaituna, which flows parallel with the beach, having a sandhill 20 feet in height and about 40 yards in width between the sea and the river. At low water there is only 4 feet on the bar but at high water small vessels can readily enter the river – the water is perfectly fresh as far as the bar.³⁷

This is one of the descriptions from the ahi kaa which was published in 1987:

*The Kaituna river ran as much as it did today (before its artificial present time outlet) hardly deviating from its course, which was closer to the Cliffside and swinging around to a north-eastern direction, as it met the ocean over a boulder strewn bed. As the Kaituna cut through the semi-thermal swamps and shallow lagoon, its languid green brown waters succoured a bounteous supply of water-fowl and tuna (eel). The lagoon with its beach and berm were the habitation of shoals of herring, mullet and flounder, which darkened the water that flowed over dense beds of delicious bi-valves and univalves. The sacred beds of Ngatoroirangi, they were known by...*³⁸

3.5 HISTORY of DRAINAGE in the MAKETU AREA:

The Te Puke Land Drainage district was formed as far back as 1895 in an effort to co-ordinate and extend drainage works for some 4500 hectares of land west and north of the Kaituna river. In 1906 the Tumu-Kaituna land drainage district of 3400 ha was formed to drain all the land to the east of the river. These two drainage districts together with an area of higher land around Te Puke, came under the administration of the Kaituna River Board in 1921. The board's chief concern was the maintenance of the Kaituna River channel. Floods occurred in 1907, 1951 and another after the diversion in 1962. Various reports were developed over this period to deal with the flooding. The Murray report in 1951 suggested a direct diversion cut from the bend below the rail bridge to the outlet at Maketu. H.A. Acheson modified the Murray report in 1953 which included the diversion at Te Tumu.

In 1958, the Tauranga County Council took responsibility for administration of the Kaituna River District. The County engineer prepared another report in 1962 proposing straightening the river channel, stopbanks and flood gates and pumping stations. In 1963, the Bay of Plenty Catchment Commission accepted responsibility for flood control in the district.

Further reports followed building upon previous reports. Mr Revingtons was in 1970 and in 1976 Murray-North partners. By 1983, Mr Revington the CEO of the Catchment Commission was

³⁶ In Friends and Foes at Maketu Daily Southern Cross, Volume XX, Issue 2141, 31 may 1864, Page 7

³⁷ Williams, Arthur P: Material on a trip to Lake Taupo. Notes from his journal. December 1866 Turnbull Library – MS Papers 3677 pp1-2 Cited on Page 3 MIC Folder

³⁸ Tapsell, Mark. (1987) Alien Bonds: A Roman A Clef. Rotorua, New Zealand. Published by the author.p12

agreeing with Mr Barry Wilkinson of Maketu in the Te Puke Times 14.12.83 that he didn't think the controversial decision at the time was the right one. But rerouting was now a question of who pays for it.³⁹

The Bay of Plenty Catchment Commission's engineer, Mr. E.D. Revington said in Whakatane yesterday he doubted that there would be any economic justification for re-channelling the Kaituna River back into the Maketu Estuary in an attempt to combat serious silting there. He was commenting on recent suggestions by Maketu residents that the estuary could be saved from total destruction by silting⁴⁰.



Picture by James Richardson 1849

³⁹ Te Puke Times 14.12.83 MIC Folder

⁴⁰ DIVERSION TOO COSTLY; ESTUARY SILTING DISCUSSED BOPT(?) (date not noted on the newspaper clipping, in the MIC folder page 15

PART 2

RESTORING the ESTUARY, RESTORING MAURI, RESTORING CULTURE

We note that the Maori comprehension of taonga such as rivers, waterways, lakes, lagoons, harbours, bays, and oceans has been covered in detail in a number of Tribunal reports. It is clear that such resources are often highly significant to Maori wellbeing and ways of life. The relationship exists beyond mere ownership, use, or exclusive possession; it concerns personal and tribal identity, Maori authority and control, and the right to continuous access, subject to Maori cultural preferences.⁴¹

I am angry about the river and Ongatoro... I will never understand how people can think they can act like gods and do things with our environment which nature has taken millions of years to perfect. How can a dollar ever be worth more than the awe of a living thing? The river had a mauri; I don't know that it has anymore. It's dying, and bureaucracy still protects the "New Zealand farmer, the pioneer". What a lot of... Maori never got anything but heartache from that section of New Zealand society. All of our Maori resources went to subsidise that creature. And there is a lingering historical pakeha memory of this mythical being that was the "backbone of New Zealand". Christ we are all paying for it, while a few get rich and establish dynasties. We are still paying for the great damage to the environment, but do that section take any responsibility? What's the catch cry, don't replace one wrong with another. Yes the messages are getting more sophisticated but the underlying message is till the same; Maori accept your place as a second-class citizen, colonialism still rules.⁴²

In this the second section, we set out the cultural connections to the estuary.

4.0 INTRODUCTION – OUR APPROACH:

The Environment Court's decision in *Winstone Aggregates Limited v Franklin District Council* (A80/2002) sets out the parameters for assessing Maori values:

*The first is to determine, as best as we are able in the English language, the **meaning** of the **concept**. The second is to assess the **evidence** to determine whether it probatively establishes **its existence and relevance** in the context of the facts of a particular case. If so, the third is to determine how it is to be **recognised and provided for**.*

⁴¹ Waitangi Tribunal (2002). Ahu Moana WAI 953 The Aquaculture and Marine Farming Report. Wellington: Ministry of Justice.p57

⁴² WAI 676 Evidence Ahi Kaa evidence

This section: “Part 2, Restoring the Estuary, Restoring Mauri, Restoring Culture,” is consistent with this direction. We attempt to convince authorities of the “values” which the ahi kaa of Ngati Makino, Ngati Pikiao, Ngati Tunohopu and Waitaha hold which revolve around Ongatoro.

As per Section 1, we are mindful that our audience includes our own people.

In giving context to the relationship that ahi kaa have with Ongatoro, we feel it is pertinent to explain the nature of the subsistence economy. We also have incorporated a section on traditional knowledge for the same reason. These two over-arching paradigms are critical to understanding impacts on the culture of the ahi kaa of Maketu, how an impact on one value had flow-on effects to others and how difficult it is to try and isolate one value from others. We also give some attention to the Mason Durie, Maori Health model, “Whare Tapa Wha” now widely used in health programming for Maori, as support to our reference to Maori well-being, the environment and cultural values.

Throughout this section we quote extensively from the ahi kaa. In the main these quotes come from documents which have already been through a public scrutiny process as was referred to in Section 1. This not only under-pins the legitimacy of the evidence, it provides a voice in this whole sorry saga to people who have been marginalized by the coloniser, by the more politically powerful (including other Maori and Maori organisations) and by national and local authorities. At other times, we have used definitions from authoritative sources aka, the NZ Law Commission⁴³, Wai 262 and other Reports^{44 45}, the MFE Making good decisions Maori supplement⁴⁶, and He Hinatore ki te Ao Maori⁴⁷

We have deliberately omitted any details on ahi kaa sacred knowledge as it would not be appropriate to make it publicly available. However we have quoted from a published document on some⁴⁸ of the whakapapa which links people to the environment. This information would traditionally constitute ‘sacred knowledge’, a subset of “traditional knowledge.” Nevertheless, as it is published information, through a thesis, we have included it for the insight it provides of an aspect of traditional knowledge, whakapapa and Matauranga Maori. We have edited where it does not concur with our Te Arawa ki tai ahi kaa Matauranga.

⁴³ NZ Law Commission (2001). Maori Custom and Values in New Zealand Law. Wellington: NZ Law Commission.

⁴⁴ Ahumoana, The Aquaculture and Marine Farming Report WAI 953 2002

⁴⁵ OCEANS POLICY SECRETARIAT (2003). Maori and Oceans Policy: Working Paper Three. Wellington: Ministry for the Environment.

⁴⁶ Good Decisions Workbook ME 679 Maori values supplement (2010) Atkins Holm Joseph Majurey Limited for the Ministry for the Environment

⁴⁷ He Hinatore ki Te Ao Maori: A Glimpse into the Maori World (2001) Ministry of Justice Wellington New Zealand.

⁴⁸ Readers need to be aware that this whakapapa is only a small portion of the connections of people to atua and the environment around the awa and moana.

5.0 The SUBSISTENCE ECONOMY

The subsistence economy was based on community (the hapu) and natural resource use. Cultural values were integrated across the social, economic, and environmental domains, reinforcing and sustaining each other. One definition of subsistence that encapsulates much of pre-1958 mana whenua life is:

...subsistence is defined as the cultural values that socially integrate the economic relations of a non-market economy. In this interpretation, subsistence refers not just to social values and channels of distribution but also relationships of production between humans and the environment, along with their respective ideological underpinnings.

The Estuary was central to the Maketu ahi kaa existence and identity. The economy of Maketu up till the 1958 diversion had been largely a subsistence one, as was the case with most indigenous societies. By subsistence, we do not mean that it was one of poverty and bare survival. Though not wealthy in material terms, the ahi kaa say without exception that they felt they were well off and the community was more caring.

Caring, sharing, manaaki quotes

The things we needed money for were petrol, flour, sugar, tea, baking powder, butter, church. We would buy flour by the 50 lb bag. We made our own bread. In a wood stove. We did not go to town. We had a good life when Mum was alive.⁴⁹

When someone set the hīnaki, the tuna would be shared out. One person would set the hīnaki – but the tuna was shared out to everybody.⁵⁰

Also at the right time of year and right tide fishing for kahawai at the mouth of the Kaituna was an early morning sight. My own husbands record was 54 one morning, most given away before coming home for breakfast...⁵¹

People seemed to care more in those days. We seemed to be safer because there was someone who cared (Interview 2001)⁵²

Sharing food and resources was a manifestation of 'caring' that was demonstrated in the Maketu subsistence economy. Most of the resource was communally owned, was freely accessible for gathering and re-distributing (sharing) as were the tools for gathering it.

⁴⁹ WAI 646 ONGATORO Evidence in support of Wai 646, concerning the diversion of the Kaituna River from Ongatoro (Maketu Estuary).

⁵⁰ Part 2: Before the Diversion (reconstruction history) notes for WAI 676

⁵¹ Meg Tapsell Fishing As I Remember It In The Late 1930's and Early 1940's.

⁵² WAI 646 ONGATORO Evidence in support of Wai 646, concerning the diversion of the Kaituna River from Ongatoro (Maketu Estuary).

Our stand was just at the corner of the drain. I suppose where that fulla has got his airstrip now. And over here was where the kuia and koroua had a stand opposite. Then around the corner was Toby Kameta. There were no chiefs having the best place and ordering someone out of their place. Not like now. I mean our koroua was the chief, but he would not think of trying to take over someone else's stand. It was a gentleman's agreement, the stands. We respected each other's possie. Everyone had their own place.⁵³

The same is for whitebait. The families all had their traditional places at the river and at the bar. The nets were left there. Any whanau could use another whanau's gear and site if no one was there. But as soon as the rightful whanau came, there was no argument you just left it to the whanau whose spot it was. The arrangement was one of mutual respect.⁵⁴

You respected each others stand. You would leave your net on your stand and come back the next day it was still there.⁵⁵

The resource was managed according to traditional values associated with tangata whenua and ahi kaa culture.

As the Kaituna cut through the semi-thermal swamps and shallow lagoon, its languid green brown waters succoured a bounteous supply of water-fowl and tuna (eel). The lagoon with its beach and berm were the habitation of shoals of herring, mullet and flounder, which darkened the water that flowed over dense beds of delicious bi-valves and univalves.

The sacred beds of Ngatoroirangi, they were known by, for it was he, in the interests of ecology perhaps, who had placed a restriction on the amount of shellfish allowed for consumption in a given period.⁵⁶

We only took enough for a feed – even though we could have deep freezeed them.⁵⁷

We did not go to places we were told to stay away from. The old people used to say "Mehemea ka haere koe ki kora, ka mau koe i tē taipo". [If you go there a ghost will get you.] We just did not go if that was said. Even the watermelon patch. That would be it. We wouldn't dare. [The taipo is a ghost associated with coastal places]⁵⁸

⁵³ MC WAI 676 evidence

⁵⁴ AFFIDAVIT OF RAEWYN BENNETT Dated: T 1999 Woodward Law Offices, 4 Floor, Druids Chambers, 1 Woodward Street, Wellington

⁵⁵ Part 2: Before the Diversion (reconstruction history) notes for WAI 676

⁵⁶ Tapsell, Mark. (1987) *Alien Bonds: A Roman A Clef*. Rotorua, New Zealand. Published by the author. p12

⁵⁷ The third generation. Interviews for the WAI 676 claim.

⁵⁸ The first generation. Interviews ditto

When they cut the [beach road] road out, they found some skulls there and they had to do the “thing.” It was serious stuff in those days [rahui and whakanoa], I remember the koroua going down to Tē Teko to pick up the tohunga. Which was unusual because hē knew enough about those things himself, however hē would get the tohunga.⁵⁹

The respect for Ngatoroirangi was a compelling reason for ensuring the Ongatoro beach was cleaned up to highest standards during the recent Rena Oil disaster, so as to recognise his mana and have his approval.

I hope that they [ancestors] would think we did the best we could under the circumstances. I know I kept them to the front of my mind. Ngatoroirangi, my koro and kuia, Aunty Pia. They were there inspiring and strengthening our resolve. I hope our actions honoured them⁶⁰.

These five quotes show that: Firstly, the traditional ancient lore of Ngatoroirangi gave a basis for preventing over-harvesting, the second quote shows that people obeyed and practised self-imposed limits on kaimoana quantities taken, the third shows that there were traditional ways that children learned among other things which involves a ghost of the coast, to stay away from places which were out of bounds, that the higher sacred rituals were also important and practised and lastly that ancestral beliefs are still practised today. Taken all together they demonstrate kaitiakitanga.

Subsistence activities included harvesting “wild” foods, e.g. a wide variety of fish and shell-fish, whitebait, eels, water-cress as well as cultivation of crops, kumara and potatoes mainly. Fruit trees and other crops which were introduced by the missionaries had been willingly included. Other local “wild” resources used included flax and supple-jack, flax for a myriad of uses and supple jack for making harvesting equipment e.g. white bait nets, crayfish pots. Most fish species and kaimoana harvested outside the estuary could also be caught inside the estuary. Pig and deer hunting in nearby Ngati Pikiāo and Ngati Makino forests added to the new subsistence resources available

I have friend who have been out of work for a while – in coming to the beach you will never starve – beach supplements household cupboard – it always has been kind – hate to lose that – ability to go to the beach and get a feed, Maketu and Papamoa was bad, kids helped clean up here and there⁶¹

The subsistence economy of the ahi kaa had started changing since colonialism, but at a pace that was culturally non-threatening in that the ahi kaa group was self-determining the “labour for cash” in the mix: the scraping of flax for example in the 1830’s by various hapu was to enable purchase of guns. In the period 1840-1860’s various hapu also worked in gumfields outside Te Arawa’s rohe and invested in schooners for taking part in trading opportunities.

⁵⁹ The first generation. Interviews ditto

⁶⁰ See Kua Mamae interviews

⁶¹ See Kua Mamae interviews

The ahi kaa also took on soldiering for the Crown, followed by road-making work, and some later laboured clearing forests for new settlers. Excess of fish catches (what was left after all village whanau had been supplied) were sold to traders or in the immediate pre-1958 period, weekend tourists.

These cash activities were of a temporary nature. Immediately prior to the diversion, in 1958, the estuary and coast was fundamental to this subsistent economy which in turn was integrated with the social and cultural fabric of Maketu tangata whenua. As quoted earlier, it was “a good life”.

The point is that an effect on any of the resources in this subsistence economy involves values which are integrated with the rest of the culture. These values cannot be isolated and ring-fenced or “commodified”. The effect of the diversion was not then to merely force ahi kaa into a capitalist economy and dependency, without having a say on the matter, but with it went the resources and values which sustained a subsistent economy and a healthy, functioning resilient Maori community. For Maori men especially was the psychological well-being of being able to provide food they had caught for whanau and manuhiri was severely constrained. Womens roles as nurturers and carriers of specialist knowledge pertaining to kaimoana was obstructed and knowledge progression mostly lost. Traditonal knowledge was not able to be passed on to the next generation.

There was a general despondency over the loss of bio-diversity and the mauri of the estuary which grew to anger by the time of the first consent application for re-diversion in 1990.

Tino pouri – sad because of its decline – the mauri - the things that fed us are. I feel sad. It is a gift that has slowly been taken away from us. There is still hope for the future. To rectify it. The matter by Maori fix it up. Maori have to drive the fixing up. I feel we understand the problem – we see it every day – we watch it. I think it can be done. I’m sure a couple of years and we can fix it ourselves – if its done properly. This is a very sensitive issue. The kai now wants help, whats entering it, its shrivelling up inside. Its really looking sick. It most be unhealthy but we have eaten it all our lives and Maori will go on eating it even if it is no good for our health even polluted down we came and eat it.

A person used to get rongo from the kai, from the fish oil, its good for your hinengaro – helps with mental stress. If its was a healthy river there would be less dacking out there they would be out there.⁶²

⁶² Interviews, 2nd generation, 2001

6.0 1924 AHI KAA “STATEMENT of VALUES”

We referred to this letter in Part One as having been discovered in the National Archives and used as evidence in the Ngai Makino Waitangi claim. The letter is hand-written in Maori. Through personal knowledge and in comparing names with the 1919 census names where Maori self-identified their Iwi, we have been able to identify most of the signatories' Iwi. There are a mix of Iwi. Ngati Pikiao as expected has the most numbers. There are also Ngati Makino, Ngati Tunohopu and Waitaha iwi⁶³ represented. They represent the ahi kaa of Maketu whanau. The script of the original Te Reo Maori version follows:

Maketu

24, Maehe 1924

To Hon. A. T. Ngata,

E pa tena koe.

He whakaatu kia koe I te hui a Te Poari o te Moana o Tauranga (Tauranga Harbour Board).

I whakaotia ai e ratau he motini, “Kia riro ki raro I to ratau mana nga taha tika o te moana o Maketu tae atu ki Waihi.

Ko matau ko nga Maori o tenei takiwa kaore I te whakaae ki tenei take a ratau I raro ano I nga huarahi e whai ake nei:-

- 1. Ko enei taha-taha ara takutai o te moana he wahi rongu nui no matau no te Arawa, a, he unga mai hoki no te matau tupuna waka (Te Arawa)*
- 2. Ko nga taha o taua takutai o Maketu ki Waihi he mea nunui anake no matau no nga Maori ara`
 - a. He urupa no matau tupuna iho, tae mai ki naia nei*
 - b. Ko etahi wahi o taua takutai, he mahinga oranga mo matau mo nga Maori, ara, he paru mahinga ika, mahinga pipi, mahinga kutai,(kuku) paua, kina, a, he paru mahinga tuna hoki.*
 - c. A, ko etahi wahi atahua kua meinga hei wahi takorotanga mo nga ahua iwi e tai mai ki konei I nga wa o te Raumati⁶⁴*
 - d. Ko nga kohatu me nga onepu o etahi takiwa o taua tahataha e tikina mai ana e nga hoa Pakeha noho tata mo a ratau mahi ririki kaore e whakararururua e matau, no te mea he hoa pai tonu no matau o matau hoa Pakeha noho takatapu o te wa mai ano I o matau matua e ora ana.*
 - e. I runga I tenei tikanga nui ka eke mai nei ki te rohe o to matau takutai me nga parutu o te akau, ka mohio ake matau tera e pa he raruraru nui ki waenganui I a matau me te hunga na ratau tenei take, mehemea tupono riro nga whakahaere ki raro I te hiahia o Te Tauranga Harbour Board.**

⁶³ PC with Maru Tapsell

⁶⁴ See translation at appendix

No reira matau te hung aka haina nei I o matau ingoa ki raro iho nei, ka tono kaha atu kia koutou ko ou hoa honore, kia puta to koutout aroha, kaha hoki ki te whakakore atu I tenei take a o matau hoa o Tauranga.

Heoi ano na o hoa.

[66 signatures follow]

Translation⁶⁵ of letter from Maketu tangata whenua ahi kaa roa to Apirana Ngata:⁶⁶

*Maketu
24 March 1924.*

To the Honourable A.T. Ngata

This is to inform you of the proceedings of the meeting of the Tauranga Harbour Board. They ruled that they be granted authority over the coast from Maketu to Waihi.

We, the Maori of the area do not concede to that matter for the following reasons:

- 1. This stretch of the coast is a significant area to us of Te Arawa as well as being the landing place of our ancestral waka (Te Arawa).*
- 2. The coastline from Maketu to Waihi is important exclusively to Maori, that is*
 - a. It is the burial ground from the time of our tupuna and has remained so up to the present*
 - b. Certain places on the coast were places that provided sustenance for us Maori, those being the mudflat fishery, pipi beds, mussel rocks, paua, kina and eel fishery as well.*
 - c. Certain areas, noted for their beauty, cater for Iwi social activities, during the warmer months.*
 - d. The rocks/reefs and beaches of particular areas of the coast are used by our Pakeha neighbours for recreational purposes which we do not interfere with, because they are good friends of ours since the days of our parents.*
 - e. Based on this major ruling that applies to the beaches and cliffs of our area, we are concerned about the potential for conflict to arise amongst us and those to whom this ruling applies to should the authority be granted to the Tauranga Harbour Board.*

⁶⁵ Translation by Heeni Hope, Maketu May 2008.

⁶⁶ Letter from National Archives of New Zealand, Wellington.

We whose names are signed below, appeal to you and your honourable friends too, for your compassion and support to undo the undertakings of our Tauranga friends.

That is the case from your friends:

[66 signatures follow.]

6.1 IMPACT ASSESSMENT FRAMEWORK:

The 1924 letter appropriately provides the framework for this impact assessment because it is the Ahi Kaa who are articulating their relationship to their environment, providing a tuapapa⁶⁷ for assessing the values which may be impacted by the proposed re-diversion. The English translation is presented and we have extracted from the various statements that comprise the letter, the values.

7.0 VALUES EXTRACTED:

No	Statement	Values
1.	“This stretch of the coast is a significant area to us of Te Arawa as well as being the landing place of our ancestral waka (Te Arawa).	Ancestral links, identity, rangatiratanga, wairuatanga, pakiwaitara, kaitiakitanga, whakapapa, mana, mauri
2	“The coastline from Maketu to Waihi is important exclusively to Maori, “	Special significance to Maori, kaitiakitanga, identity, wairuatanga, rangatiratanga, identity, mauri
2a	“ It is the burial ground from the time of our tupuna and has remained so up to the present”:	wahi tapu, history, identity, ancestral links, kaitiakitanga, wairuatanga, mana
2b	“Certain places on the coast were places that provided sustenance for us Maori, those being the mudflat fishery, pipi beds, mussel rocks, paua, kina and eel fishery as well”	Economic/subsistence, indigenous knowledge, manaaki, mana, rangatiratanga, arts and crafts, biodiversity, whakapapa, kaitiakitanga, manaaki, mana, mauri, taha tinana
2c	“Certain areas, noted for their beauty, cater for Iwi social activities, during the warmer months”	landscape amenity, social and physical activities, whanaungatanga, traditional kai gathering areas, manaaki, indigenous knowledge, mana, identity, traditional sports, arts and crafts, weaving, swimming, diving, rowing, mauri, taha tinana
2d	“The rocks/reefs and beaches of	Manaaki, acceptance of different values not

⁶⁷ Foundation

	particular areas of the coast are used by our Pakeha neighbours for recreational purposes which we do not interfere with, because they are good friends of ours since the days of our parents”.	conflicting, rangatiratanga, indigenous knowledge, whakapapa, history, pakiwaitara, manaaki
2e	“Based on this major ruling that applies to the beaches and cliffs of our area, we are concerned about the potential for conflict to arise amongst us and those to whom this ruling applies to should the authority be granted to the Tauranga Harbour Board”.	Rangatiratanga, kaitiakitanga, historical connections, indigenous knowledge

Remembering that the context is Ongatoro, we will focus the analysis on 1 and 2 b values. Note that 2b along with 2c covers values which depended on Ongatoro and which have not been sustained, or sustained to a limited extent. Though the play or recreation activities in 2c are easy enough to work out, Matauranga, cultural identity and kaitiakitanga through children engaging in these activities in Ongatoro have been interrupted and are not obvious values associated with 2c. Ongatoro was and remains the dominant Maketu playground, providing for children’s activities which developed their kaitiakitanga as well as providing the environment where they enjoyed all their physical activities. The siltation has restricted what activities are possible.

It is considered that there are a number of central values that underpin the totality of tikanga Māori. They include: whanaungatanga; mana; tapu; utu; and kaitiakitanga. These values in no way form a definitive list. Each tribal grouping will have its own variation of each of these values. Some will also have slightly different ideas as to which values inform tikanga Māori.⁶⁸

We set out the values which experience tells us are harder for non-Maori to understand. We define them and then provide quotes as examples. Where there are substantial over-laps, we have not pursued explaining them as often the context has done that.

- 1. Wairuatanga, rangatiratanga, identity, pakiwaitara, kaitiakitanga, whakapapa, whanaungatanga, mana, mauri**
- 2b Economic/subsistence, manaaki, taha tinana, indigenous knowledge,**

⁶⁸ Maori Customs and Values in New Zealand Law (2001) Study Paper 9. NZ Law Commission. Wellington p28-29

7.1 WAIRUATANGA:

In Section One we inferred that the estuary despoliation had been the main reason for the Deprivation 9 health index of Maketu. The respected academic and psychologist Mason Durie, in 1984, presented a model for explaining Maori well-being factors. The model, “Whare tapa wha”, [The four walls of the house] says that good health for Maori recognises that there are four connected aspects to Maori well-being: taha wairua (spirituality), taha tinana (human body – physical aspects), taha hinengaro (intellect, mind, emotions) and taha whanau (human relationships,) The model stresses the connectedness of all four⁶⁹ though wairuatanga has been presented as being the most important.

Wairuatanga is identified as a value of the estuary, and staying with the whare tapa wha model, the following has been put forward as an explanation:

Taha wairua is generally felt by Maori to be the most essential requirement for health. It implies a capacity to have faith and to be able to understand the links between the human situation and the environment. Without a spiritual awareness and a mauri (spirit or vitality, sometimes called the life-force) an individual cannot be healthy and is more prone to illness or misfortune. A spiritual dimension encompasses religious beliefs and practices but is not synonymous with regular churchgoing...Belief in God is one reflection of wairua, but it is also evident in relationships with the natural environment. Land, lakes, mountains, reefs have a spiritual significance quite apart from economic or agricultural considerations, and all are regularly commemorated in song, tribal history and formal oratory. A lack of access to tribal lands or territories is regarded by tribal elders as a sure sign of poor health since the natural environment is considered integral to identity and fundamental to a sense of well-being.

Durie quoting “The Geneva and Survival Declaration of Health of Indigenous Peoples” says that the determinants of health are identified: loss of identity, environmental degradation, community development, culturally appropriate care and “war, conflicts and vigilantism”.⁷⁰

I always dreamed about our ancestors coming in the waka and landing in Maketu. I used to see it quite clearly⁷¹

One of my ambitions is to go so far out to sea that I can't see the land and then see what Okurei looks from way way out – how our ancestors would have seen it.

⁶⁹ Durie, Mason (2004) An Indigenous Model of Health Promotion: 18th World Conference on Health Promotion and Health Education: Melbourne

⁷⁰ Durie, Mason (2004) An Indigenous Model of Health Promotion: 18th World Conference on Health Promotion and Health Education: Melbourne page 5

⁷¹ Interviews, 2nd generation, 2001

*With the river restored and then being able to see from way out at sea, I will die happy. I will have done the best that I can for my children and other generations*⁷²

There is plenty of evidence that wairuatanga has been affected by the degradation of the estuary and that it was a value that was held by the ahi kaa and attached to the mauri of Ongatoro.

7.2 RANGATIRATANGA:

- tino rangitiratanga – the exclusive control of tribal taonga (all those things important, both tangible and intangible) for the benefit of the tribe, including those living and those yet to be born⁷³

The 1924 letter is about Rangatiratanga. That is, the ahi kaa are the “owners of the estuary” and are providing proof. The Te Arawa waka anchored here, our identity as a nation starts here and also as a community and as ahi kaa. It is of special significance because of all these reasons, plus in defence of our rangatiratanga our ancestors fought many battles. The last major being the battle of Te Tumu which was referred to in Section One

The ahi kaa in the last statement are saying that should the mana of Ongatoro go to Tauranga, there will be trouble, “potential for conflict”.

More recent research has shown that these values are still held:

*Maori should .. look at the TOW ..we should take our mana back the way the Treaty is the document which says that following that... its all there. We don't have it follow the kupapa Maori way. The Treaty confirmed our tino rangatiratanga. Confirmed by our own tupuna at Kohimarama in 1860. To follow it will benefit us ...*⁷⁴

*You know that they sent Maori who weren't Te Arawa to check our beaches? Do you think that was tikanga? The people who were appointed by others. Both other Maori and Pakeha thought that they could rule us. It was a challenge to our mana. Our rangatiratanga*⁷⁵

7.3 WHAKAPAPA:

(Genealogy) transcends the Maori world and evidences the relatedness (the whanaungatanga) of all things. For Maori, whakapapa demonstrates the linkages between the transcendental realm of Te Kore, Te Po (the world of the night) where atua and ancestors dwell and the material-physical world of Te Ao Marama (the world of light or the natural world) knowing place and history and whakapapa enables kaitiakitanga as does wairuatanga.⁷⁶

⁷² Interviews, 2nd generation, 2001

⁷³ OCEANS POLICY SECRETARIAT (2003). Maori and Oceans Policy: Working Paper Three. Wellington: Ministry for the Environment. Para 11-12, pages 3 & 4

⁷⁴ Wai 676 , 2nd generation interviews

⁷⁵ Kua mamae interviews

⁷⁶ OCEANS POLICY SECRETARIAT (2003). Maori and Oceans Policy: Working Paper Three. Wellington: Ministry for the Environment. Para 11-12, pages 3 & 4

Whakapapa is tied to history, place, whanaungatanga (extended family relationships) ancestors, land and rangatiratanga. Rangatiratanga is tied to kaitiakitanga which is tied to wairuatanga. These connections were learned through everyday inter-action with whanau, marae and Ongatoro. We provide more explanations in the indigenous knowledge section.

7.4 WHANAUNGATANGA:

Denotes the view that, in the Maori world, relationships are everything. From the Maori perspective, humans are not considered superior, but an equal part of life in the natural world.⁷⁷ Whanaungatanga is related to whakapapa and identity. This is explained further in the Indigenous knowledge section. It is also tied to kaitiakitanga, as kaitiaki inherit responsibilities and are obliged to maintain the resources on behalf of others⁷⁸.

The loss of our taonga has affected our relationship with our cousins in Rotorua. By our kaitiakitanga, that was our job, to awhi it and nurture it (the kai, the river, the privileges that have been taken from us, that was over to our governorship, have been lost – due to the pakehas – they push their takes (issues) first before us the farmers bulldozing their – before us – loss of mana – those government departments – they, the people, have been pushed aside. They forget that it benefits their people too, the loss of taonga is a loss to them as well and they don't realise it. They come first, Maori come last.⁷⁹

7.5 IDENTITY:

Kaumatua kuia Pia Kerr told the tribunal it had a cheek to ask for a water right.

"I was born in Maketu, I breathe the water of the Kaituna, I eat the food in the Kaituna and you came along and you took the river away. You took our food basket which was an asset to New Zealand, it was one of the taonga (treasures) ..it is a cheek that we should ask for a water right when they took our river away without asking us – the people of Maketu."⁸⁰

Our kuia, is referring to identity, which aspects tie her to the estuary. Every Te Arawa child will be told that Maketu is the landing place of the waka Te Arawa. We were told what taka the waka was tethered to, about Ngatoroirangi, about special ceremonies, urupa, whakapapa. There are other connections to the place which re-inforce that history and whakapapa including urupa, mauri, Polynesian connections and world-views, or myths. These connections generate kaitiakitanga as you need the every day interaction with your environment to become an effective kaitiaki, hence the ahi kaa status having pre-eminence in a multi-tribal situation.

⁷⁷ OCEANS POLICY SECRETARIAT (2003). Maori and Oceans Policy: Working Paper Three. Wellington: Ministry for the Environment. Para 11-12, pages 3 & 4

⁷⁸ OCEANS POLICY SECRETARIAT (2003). Maori and Oceans Policy: Working Paper Three. Wellington: Ministry for the Environment. Para 11-12, pages 3 & 4

⁷⁹ WAI 676 interviews

⁸⁰ Te Puke Times Vol 9 No 28 31 July 1991 Front page. Estuary revival will preserve Maketu mauri.

Cultural Identity is, according to Durie, a critical pre-requisite for good health outcomes,

Deculturation has been associated with poor health whereas acculturation has been linked to good health. A health promotional goal must therefore be to promote security of identity. In turn that goal requires ready entry into the indigenous world – a world that encompasses tribal estates, language and culture, family, indigenous networks, and a unique heritage⁸¹

Knowing your whakapapa and ancestral links are critical to the well-being of Maori and their identity.

7.6 PAKIWAITARA

There are a myriad of stories (pakiwaitara) associated with each generation since the beginning of Te Arawa in Maketu which have been preserved and added to over the years. These form part of our indigenous knowledge and also become part of the bonding between whanau and generations. Indigenous knowledge is oral in nature and the various knowledges were often transmitted by story-telling.

The koroua's favourite story was about the little rock. That was Raumati's wife and baby. They turned into the little rock because of Raumati. Taka parore. Then he would talk about how Hatu Patu caught Raumati. That was his favourite, Hatu Patu. I listened hard to his stories because I wanted to impress him.⁸²

The boys would line up between the rocks trying to estimate how many people could fit on the Tē Arawa waka. That would have made a good maths lesson.⁸³

I also grew up with the Maui stories. I knew that scientifically speaking Maui could not have fished up the land, but I still believed in him. When I found out as an adult that he had also fished up other Polynesian Islands, then I had some doubts. The stories were so vivid.⁸⁴

Mum is a real sea person... She would try to tell us stories about Ongatoro. Some we took notice of, some we did not. It was the timing. The one she keeps telling is the one where her mother gave her a hiding in front of her friends for going to the beach when she wasn't supposed to. She kept saying Mum don't hit me in front of them, she still says how cruel that was⁸⁵

⁸¹ Durie, Mason (2004) An Indigenous Model of Health Promotion: 18th World Conference on Health Promotion and Health Education: Melbourne page 5

⁸² WAI 676 Evidence Ahi Kaa evidence

⁸³ WAI 676 Evidence Ahi Kaa evidence Appendix A

⁸⁴ Affidavit

⁸⁵ Interviews 2001 Second generation

7.7 KAITIAKITANGA:

– the obligation of whanau, hapu and iwi to protect the physical and spiritual well-being of taonga (things of value) within their mana (control)⁸⁶ The Wai 953 report acknowledged the codes that kaitiakitanga embraces e.g.

From the world view of Maori it is difficult to divorce kaitiakitanga from mana, which provides the authority for the exercise of the stewardship obligation; or tapu, which the special or sacred character of all things and hence the need to protect the spiritual well-being of those resources subject to tribal mana; or mauri, which recognises that all things have a life force and personality of their own. It is from the ethic of kaitiakitanga that the traditional mechanism of rahui comes⁸⁷.

The report says that anyone with “mana must exercise it in accordance with the values of kaitiakitanga- to act unselfishly, with the right mind and heart and with proper procedure”.

The Maori values supplement⁸⁸ appropriately classes kaitiakitanga as an intergenerational responsibility “inherited at birth”:

The purpose of kaitiakitanga is not only about protecting the life supporting capacity of resources, but of fulfilling spiritual and inherited responsibilities to the environment, of maintaining mana over those resources and of ensuring the welfare of the people those resources support.⁸⁹

Kaitiakitanga is a term coined in relatively recent times to give explicit expression to an idea which was implicit in Maori thinking but which Maori had hitherto taken for granted. It denotes the obligation of stewardship and protection. These days it is most often applied to the obligation of whanau, hapu and iwi to protect the spiritual wellbeing of the natural resources within their mana.

It is difficult to divorce kaitiakitanga either from mana, which provides the authority for the exercise of the stewardship or protection obligation; or tapu, which acknowledges the special or sacred character of all things and hence the need to protect the spiritual wellbeing of those resources subject to tribal mana ; or mauri, which recognises that all living things have a life-force and personality of their own. It is from the ethic of kaitiakitanga that the traditional institution of rahui comes⁹⁰.

One of the ahi kaa kaitiaki gave this as the reason for cleaning the oil off the Te Arawa beach:

... I was unwilling to let others take charge of our beaches because I did not trust them to clean them up as we wanted. We ahi kaa took charge and the result was

⁸⁶ OCEANS POLICY SECRETARIAT (2003). *Maori and Oceans Policy: Working Paper Three*. Wellington: Ministry for the Environment. Para 11-12, pages 3 & 4

⁸⁷ Waitangi Tribunal (2002). *Ahu Moana WAI 953 The Aquaculture and Marine Farming Report*. Page 58

⁸⁸ Ministry for the Environment (2010) *Maori values supplement: A supplement for the Making Good Decisions Workbook MFE 679*, Wellington

⁸⁹ (Miller, 2005, p 6): cited Page 270 Ministry for the Environment (2010) *Maori values supplement: A supplement for the Making Good Decisions Workbook MFE 679*, Wellington.

⁹⁰ *Maori Customs and Values in New Zealand Law (2001) Study Paper 9*. NZ Law Commission. Wellington p40

a well-run operation and we did not use any harsh chemicals or scrapers. I think we did OK. I saw all the old ahi kaa families attend, day after day. That is kaitiakitanga⁹¹.

The Rena interviews detailed active kaitiakitanga im Maketu:⁹²

Last month quite a few times just for an exploration to see where it is, how it is. From Newdicks walking back this way.

A few friends say mussels not in usual places, used to be closer to shore – don't seem to be there.

Left side – Waihi side, rocks have some. On this side rocks don't. Out today, there are none. I saw three guys – rape and pillage kai. I go all the time – something I won't give up

7.8 MANA:

When derived through sheer personality, leadership qualities or achievements it is referred to as mana tangata. In reference to the marine environment, it denotes the authority for the exercise of the stewardship obligation as deriving from atua, ancestors and confirmed by the Treaty of Waitangi.

In the context of the ahi kaa being kaitiaki of the moana of Maketu, the mana attached to that position has been eroded due to the despoliation of the estuary. Whilst Te Arawa ki uta, do not blame the Maketu ahi kaa, the inability to get some resolution is not helping the despondency of the ahi kaa.

7.9 MANAAKITANGA

- An obligation to provide guests with care and kindness in the knowledge that some day that care and kindness will be reciprocated.

When the lake relations came over they would get fish given naturally. But it was our only means of income by then and they respected that. Koro would prepare the sharks for them. It would be cut into strips, salted and dried. Pawhara. It would be for the lakes people. If koro was going over to Rotorua he would take fish over for his relations. During the war they would gather kai moana and dry it and send it overseas to the Te Arawa soldiers.

No we never thought bad about people from Rotorua coming over to get kai. We did not think, hey this is ours. I was too young to think that way⁹³

⁹¹ Kua mamae interviews

⁹² Kua mamae interviews 2012

⁹³ MC Interview 2001

I think our problem is that we as a people are people focussed, we do try to accommodate everybody, make sure everybody's needs are met, and when we come across another human we think that's how they think too, so we trust them to act in the best interests of everyone. However that's not how it is. The farmers think of themselves and money, how much that bit of land will bring in with so much fertiliser on it, or what it will be worth when the mauri is gone, as a quarter acre development and the city's boundaries are over the fence. Then the river is wanted as a dumping place for wastewater, stormwater. etc. The rhetoric then becomes jobs for the people. Jobs, we know, don't even last one generation. Then what?

7.10 MAURI

– the life force and unique personality of all things animate or inanimate. It is a divine force that in the creation process entered into the realm of atua giving them a life force. In Te Ao Turoa (the natural world), mauri binds all things to their spiritual source in atua. A key consideration of resource management practices (tikanga) is the maintenance and protection of mauri. Makareti refers to mauri as being the “tapu life-principle”:

...not only human beings, but everything, such as trees and all plants in the forest, fish, birds, animals, mountains, and rivers, had a mauri or life-principle. With human beings it was likened to a soul. The Maori believed that nothing in this earth existed without its mauri, and that if this were violated in any way, its physical foundation was open to peril or exposed to great risk.⁹⁴

The estuary does not mean much to me, I have to say. I know the history but look at it. Its pourī.⁹⁵

The cultural and conservation values of the estuary will be restored and, equally important to the physical rehabilitation is the restoration of the mauri of the waters and the mana of Te Arawa through re-establishment of the traditional connection between the river and the estuary.⁹⁶

7.11 TAHA TINANA

We have said that the estuary was the centre of ahi kaa's existence in Maketu. It was the playground for children. Durie's Te Whare Tapa Wha posits taha tinana as a cornerstone of Maori health. Silting of the estuary and the reduced flow, has removed most of those activities and constrained the potential to try new activities.

I remember as an older kid, pinching boats and going for a little row. And then putting the boat back again. It was allowed, as long as you put it back intact. We

⁹⁴ Makareti page 118-119

⁹⁵ Second generation

⁹⁶ Te Puke Times 24/10/90

did not pinch cars, we pinched boats! If the owner was ranting and raving on the beach we would row further down, land it there and take off.⁹⁷

You just learnt to swim. It was automatic, nobody taught you. You learned to swim at the rocks [in Ongatoro] when you grow you go to the next one. You would start with the small rock. You would swim out and then back. Then when you got better and bigger you would try the bigger rock. Further out. Same thing, swim out and then back. Then when you got braver you would swim to the third rock. That was further out. You would use the current. Swim back when the current was right, so you might start at one place and with swimming and the current you would end up where you wanted. You had to work it out right otherwise you could end up at sea – be carried out. There's no chance of that now. As kids, that's how we learnt to swim. We did not have anyone teach us, you just did it. I don't know where that rock is now.⁹⁸

How did you learn to row? It just was automatic eh? I wasn't taught anyway. It was just something you did. No-one taught you. It just came to you. You just sort of got in the boat with your oars and away you went.

My kids I try to tell them how to work the river – where to put their net, what shellfish is to eat. Before they used to be all good to eat. You did not need to look at them. Where to set your net so you don't get sea lettuce and rubbish in it. They only swim over by the diving board Too much sea lice up here now down this end. Only by the diving board⁹⁹

8.0 INDIGENOUS KNOWLEDGE:

According to Maori, from Ranginui and Papatuanuku came Wainui. Wainui is the Spiritual Guardian of all the waters in this world, whether it is sea, fresh or lagoon waters, that is Wainui. My ancestors say in the time when mountains would roam, the waters could converse.

In this last values section, we look at what has probably been the biggest impact and one that will struggle to revive, that is the indigenous knowledge of the ahi kaa.

Matauranga Maori is a way of describing the world which acknowledges the links between natural things, a phenomena commonly referred to as "holistic". The lands, wetlands and estuaries were always seen as being connected to the sea. The most obvious verification of this world-view is reflected in the whakapapa of the Maori creation. Tanemahuta, god of forests and mankind is the brother of Tangaroa, god of the sea and all resources within. Hinemoana, atua of the sea, and in some places the wife of Tangaroa, gave birth to shellfish in general and is the main kaitiaki of sea-shore resources.

⁹⁷ Part 2: Before the Diversion (reconstruction history) notes for WAI 676

⁹⁸ Part 2: Before the Diversion (reconstruction history) notes for WAI 676

⁹⁹ Interviews WAI 676 second generation 2001

Hinemoana's descendant Hunga-terewai produced various univalves, some whelks and limpets, and oysters, while Te Arawaru and Kaumaihi were the progenitors of the pipi (cockle) family.

This world-view requires us to treat the resources with respect, as we all descend from the gods, people and flora and fauna. It includes being able to pass on this traditional knowledge and whakapapa to future generations. If there are no whelks, what happens to the whakapapa? How do we teach our children about respect, to manaaki visitors, the elderly? Have we been remiss in our kaitiakitanga? If there are no whelks, and other species left, can we call ourselves kaitiaki? What is left of our identity if we are no longer kaitiaki?

The connection in whakapapa between rocks, gravel, sand, seaweed and mussels comes through a story of fostering and care. Hine-moana produced seaweed in all its forms (Wharerimu). She then took Wharerimu and placed this family with Rakahore and Tuamatua (personifications of rock and stones). She did this so that her offspring, the mussel family, might have shelter and protection amongst both the seaweed and the rocks. The mussels were also said to be placed there to be companions for Hine-tū-ā-kiri (gravel) and Hine-one (sand).

This provides information on the mussel habitat, the coastal gravel and sand being important and related in the coastal environment. We also learn about nurturing and shelter and how important one thing is to another, that is the interconnectedness of the environment or "ecological" services.

On the social side, the ability to pass on these stories strengthens bonds within families, between grandparents and mokopuna. Without them we lose our identity as Maori.

Whakapapa also reminds us of our own human connections to other species. ... humans are neither the pinnacle of creation nor the ultimate in evolutionary success; we are not here to dominate over nature (Durie 2004). Rather we are one of many entities, animate and inanimate, that are interconnected. We do not have a right to take more than we need, to kill without giving thanks to the atua whose offspring we are harvesting¹⁰⁰

8.1 Ko NGATOROIRANGI te TOHUNGA, Ko ONGATORO te MOANA, ko MAKETU te WA-KAINGA. *Traditional [Indigenous] Knowledge*

The UN Declaration of Indigenous Peoples Rights took nearly 25 years to develop, though for Maori seeking justice from an International body started with Ratana's visit to the League of Nations, the fore-runner of the United Nations in Geneva in 1925. The Declaration is a statement of values that indigenous peoples seek protection for their survival as distinct peoples. Maori, therefore, are not alone in their desire to restore and protect their environment. In the context of Ongatoro's potential restoration, we refer to articles 25 and 31 of the declaration which cover traditional knowledge:

¹⁰⁰ Maori values supplement MFE p271

Article 25

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

Article 31

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

There is not an “official” international definition of “traditional knowledge” and one may ask why there should be? The University of the Arctic¹⁰¹, in answer to this very question states:

Quite simply, it is important to define traditional knowledge in order to distinguish it from other kinds of knowledge. Traditional knowledge reflects belief systems and ways of life that are distinct from modern, industrial belief systems and ways of life. Defining traditional knowledge becomes particularly important when the people with whom it originates are trying to preserve and renew their cultural identity.

This statement aligns with Mason Durie’s explanation of distinctiveness of Indigenous Peoples, confirm attachment to place:

Although there is no simple definition of indigenous peoples’ two important characteristics are an ancient relationship with some geographical place and an ethnic distinctiveness from others now living alongside them.

¹⁰¹ <http://www.uarctic.org/singleNewsArticle.aspx?m=505&amid=3174>

The University of the Arctic (UARctic) is a cooperative network of northern universities, colleges and other organizations dedicated to education, research and the promotion of indigenous and local capacities and sustainable development in the circumpolar North. With over 130 member institutions and organizations spanning 24 time zones in the eight Arctic countries and beyond, UARctic is the North’s only truly circumpolar higher education institution and one of the world’s largest education and research networks.

BCS 332: Contemporary Issues II Module 4 Indigenous Knowledge

The World Intellectual Property Organisation¹⁰² struggling with how to protect the intellectual property of Indigenous Peoples adds that

Traditional knowledge is not so-called because of its antiquity. It is a living body of knowledge that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity.

Some key characteristics of indigenous traditional knowledge¹⁰³ include: transmission between generations and thus oral in nature; combines secular and sacred; it is local; it is about cultural identity; it arises from an “immense knowledge of their environments, based on centuries of living close to nature”, it is dynamic and based on observation, innovation, adaptation and experimentation.

Indigenous women have a special place in the protection of traditional knowledge. They not only hold a different knowledge through the different roles between men and women, but are more likely to be the main transmitters of knowledge.

8.2 INDIGENOUS KNOWLEDGE GLIMPSES of AHI KAA in MAKETU.

It shows you how full the estuary was, at spring tide our stand was useless – it was covered. The Estuary was much deeper than it is now and it always had water in it. It was never dry like it is now. Dad had a launch after his outboard. It used to be moored on the lagoon side of the sand spit. There were about three or four launches later on that used to moor there¹⁰⁴.

Winiata Rau used to whitebait at the entrance – the kahawai would run and then the whitebait would start.¹⁰⁵

... until the pipi disappeared. And who got the blame for that, but old Polly Kameta. They reckoned “you went there with your mate again eh Polly?” Way goes the pipi.¹⁰⁶

¹⁰² http://www.wipo.int/pressroom/en/briefs/tk_ip.html

ce Organisation adds some basic insights:

It is practical common sense based on teachings and experiences passed on from generation to generation. It is knowing the country. It covers knowledge of the environment - snow, ice, weather, resources - and the relationships between things. It is holistic. It cannot be compartmentalized and cannot be separated from the people who hold it. It is rooted in the spiritual health, culture, and language of the people. It is a way of life.

Traditional knowledge is an authority system. It sets out the rules governing the use of resources - respect an obligation to share. It is dynamic, cumulative, and stable. It is truth. It is using the heart and the head together. It comes from the spirit in order to survive. It gives credibility to the people
<http://www.nativescience.org/>

¹⁰⁴ MC Interview 2001

¹⁰⁵ MC Interview 2001

Another fortnight you go there when the moon is shining, say the moon is shining and the beach is just white with pipis.¹⁰⁷

In between the cut and the island we laid hinaki. We would boil them, fry them, pawhara them. Hang it to attract maggots¹⁰⁸

There is still no enough water to flush it out. Its not in the right place. To push the sediment out. It is till building up. Where Fords cut is, not enough. Its not at the right place either, where Fords cut is, its not enough it should be further back, just before where it opens up now up there. It used to hit Papahikahawai right on the nose and then split part round on past the left side and the other into the channel by the old ladys area. The bank was really high at one time, a natural stop bank, it helped buffer the wind. It was calm. the kai had a good place to grow. We used to catch snapper, kahawai with Boys father by where the Nicholas's are.¹⁰⁹

A person used to get rongo from the kai, from the fish oil, its good for your hinengaro – helps with mental stress. If its was a healthy river there would be less dacking out there they would be out there.¹¹⁰

He was a carver, taught by his Ngati Tarawhai grandfather. He was brought up by his grandparents. He practised tikanga tuturu all the time. It was never an afterthought. The carving protocols affected the fishing protocol. He had a huge shed at Maketu, his boat shed. This is where he carved also. Carving and fishing are connected. The skill of carving was learnt from Tangaroas children. Both skills were tapu¹¹¹

Uncle Robert used to go out fishing with koro. He was the only surviving male in the family. The weather would be gauged first. He would look at the sea, the clouds and Mauao (Mt Maunganui) to work out the weather. If the weather was right, out fishing they went. That is, it was more or less a daily occurrence.¹¹²

I would leave to go out just as the sun came up, when the whitebait starts moving, whitebait moves when the sun starts coming up - early – I would go till about 4 pm in the afternoon. Depending on the tides, (MC 12.03.03)

You would go along and then catch a flounder, you would see two eyes looking at you and you'd put your foot down on it and say "got you".

¹⁰⁶ Interviews WAI 676 second generation 2001

¹⁰⁷ Interviews WAI 676 second generation 2001ews WAI 676 second generation 2001

¹⁰⁸ Interviews WAI 676 second generation 2001

¹⁰⁹ Interviews WAI 676 second generation 2001

¹¹⁰ Interviews WAI 676 second generation 2001

¹¹¹

¹¹²

The thing I remember about that harbour, there was this special place, and all sick fish that had been bitten they all go to this one place you know. Aye. They called it "the hospital". Where the old man had his launch. It was around that area. And all these fish, that sharks bite them or whatever, they all go there and people never touched them you know. Everybody called it "the hospital". Nobody till ...what's name, that fisherman in Tē Puke, Watkins, bloody Watkins went in there with his bloody set net and caught the poor things. And actually that was quite unique that, I reckon eh? in the one place and nobody touches them, nobody will try to thing, everybody knew it was there, the locals eh?

In fact when I come back and I run into this Jonah Moses, and that's the first thing he said to me "Aw do you remember that hospital you know where all the ... I said yes. It's a bloody pity alright. All varieties, you know, get attacked, there must have been something there why they went there. But nobody, none of the locals would ever try and catch them. Not till the old pakeha come along with his bloody set net.

Walk up and down the river. There was a lot of greenery around then, flax and willows and grasses, strolling around. Play with the eels. They were only babies. You would see an eel hole and put your foot over it and they would pop out another hole.

Dad and all them used to catch kingfish inside there by the little rock and the big rock. We used to get kutai off the big rock and nia nia. He used to come in on his clinker gutted his fish by the big rock and he would always have a line, and he would catch kingfish. Big kingfish, they would tow the boat around. They used to come in there. I can remember Dad and Tumbo and I think old Taa. And that was inside the bar. It wasn't outside.

Dad was a carver. He never mixed his koha money with money made from whitebait. The carving money was kept separate. When he was dying he gave it to me and said don't buy food with it. He said use it to pay for his funeral expenses.

The hot summer had attracted a number of sharks into the lagoon and estuary, and it was Uncle Taa's determination to land one in close to the shoreline. For nearly a week, day and night, he laid bait until finally one morning the shark took the inducement.¹¹³

¹¹³ Tapsell, M p 118

9.0 RESTORING the ESTUARY, RESTORING MAURI, RESTORING CULTURE

No	Values	Assessing Impacts from a re-diversion 20% quantum of water
1.	Ancestral links, identity, rangatiratanga, wairuatanga, pakiwaitara, kaitiakitanga, whakapapa, mana, mauri	All values could to some extent be positively impacted, probably only marginally, though some may not agree that there will be any positive effects due to failed previous attempts to restore the estuary. However with only a 20% water quantity re-diversion, the mauri will remain fragile.
2	Special significance to Maori, kaitiakitanga, identity, wairuatanga, rangatiratanga, identity, mauri	Same as above, mauri will remain fragile. Wairuatanga will also remain fragile for similar reasons.
2a	wahi tapu, history, identity, ancestral links, kaitiakitanga, wairuatanga, mana	Mana will not shift much, but other values may show positive changes.
2b	Economic/subsistence, indigenous knowledge, manaaki, mana, rangatiratanga, arts and crafts, biodiversity, whakapapa, kaitiakitanga, manaaki, mana, mauri, taha tinana	These values will rely on increase in species abundance population and size distribution to show a positive impact. Because we are not absolutely certain of what the short, mid and long term results could look like, and whether the 20% re-diversion will enable the maintenance, survival and growth and enhancement of the remaining kai moana species, it is considered too hard to precisely evaluate for impacts. What we are able to clearly and confidently conclude is that Makino, Pikiāo, Waitaha and Tunohopu ahi kaa involvement must be empowered in any restoration work so that we can resurrect our indigenous knowledge.
2c	landscape amenity, social and physical activities, whanaungatanga, traditional kai gathering areas, manaaki, indigenous knowledge, mana, identity, traditional sports, arts and crafts, weaving, swimming, diving, rowing, mauri, taha tinana	Most of these values will be improved. More water will enable more passive recreation pursuits and maybe waka ama can resume from the estuary.
2d	Manaaki, acceptance of different values not conflicting, rangatiratanga, indigenous knowledge, whakapapa, history, pakiwaitara, manaaki	As above at 1 and 2a and 2 b.
2e	Rangatiratanga, kaitiakitanga, historical connections, indigenous knowledge	As above.

10. CONCLUSION:

We have demonstrated how Maketu earned its high decile negative score for health through the cultural impact assessment. The technological disaster, which is the Kaituna diversion, has eroded cultural values to the extent that for some it is hard to see how they will ever recover their cultural well-being. This erosion of cultural values has impacted on health and wellbeing of Makino, Pikiāo, Waitaha and Tunohopu ahi kaa.

It would be an absolute travesty of justice, should the remaining biodiversity in the kaimoana species be lost through not trying to save them. Kai moana were under the kaitiakitanga of the women mostly, so Maori women's knowledge and well-being has been particularly affected.

Ngati Makino, Ngati Pikiāo, Waitaha and Ngati Tunohopu maintain that the full return of the river is the only way that the injustices of the past can be repaired to the fullest extent possible.

Te Awhe marae is being restored as this report is being prepared and maybe the cultural values that tie people to the taiao o Ngatoro, will also be restored.

In respect of our Indigenous knowledge, this has been the biggest loser; in fact the loss and gap that is left, will never be recovered.

11. RECOMMENDATIONS

This report attempts to identify the actual, potential and cumulative effects, both positive and adverse, on Ngati Makino, Ngati Pikiāo, Waitaha and Tunohopu. The adverse historical cumulative effects have been so significant that it is unclear whether they can ever be remedied. Notwithstanding the historical nature of some of the effects presented in this report, and given the nature and extent of those impacts, it would be well received at this time, if any measures that work towards repairing those effects are taken.

The re-diversion project is an innovative, unique and complex project and against that backdrop it was quite difficult to evaluate any positive impacts the project may have. There were no comparable projects to use as a benchmark. With that in mind, whilst the effects that may be deemed by some to be more relevant to the re-diversion proposal before us, the historical context should not be forgotten but be a lesson to all, especially the authorities, to ensure that history is not repeated. There are lessons to be had, measures to be identified and actions to be taken to avoid a repeat of this.

The following recommendations have been made:

1. BOPRC shall ensure that every effort is made to empower Ngati Makino, Ngati Pikiāo, Waitaha and Ngati Tunohopu ahikaa kaitiaki involvement in any restorative measures for Ongatoro;

2. In collaboration with Ngati Makino, Ngati Pikiao, Waitaha and Ngati Tunohopu ahikaa kaitiaki, prepare a cultural effects monitoring, mitigation and restoration plan for Ongatoro;
3. In collaboration with Ngati Makino, Ngati Pikiao, Waitaha and Ngati Tunohopu ahikaa, actively work towards full return of the river through Ongatoro;
4. We recommend as a mitigation plan, or condition, that tangata ahi kaa roa be given every opportunity to engage with the parties in any research and monitoring activities arising from the re-diversion.
5. Appointment of an appropriate cultural monitor or an appropriate cultural monitoring regime for onsite monitoring during the earthworks component of the project. Ngati Pikiao, Ngati Makino, Wataha & Tunohopu have submitted as Appendix "A" the protocol document the four iwi wish to see used for this particular project. The appointment of a suitable cultural monitor or a cultural monitoring program must be approved by the Ngati Pikiao, Ngati Makino, Wataha & Tunohopu representatives identified in the Protocol document.

Mauri ora. Paimarire.
Mauri Tau Solutions Ltd // Hinemoana Associates

