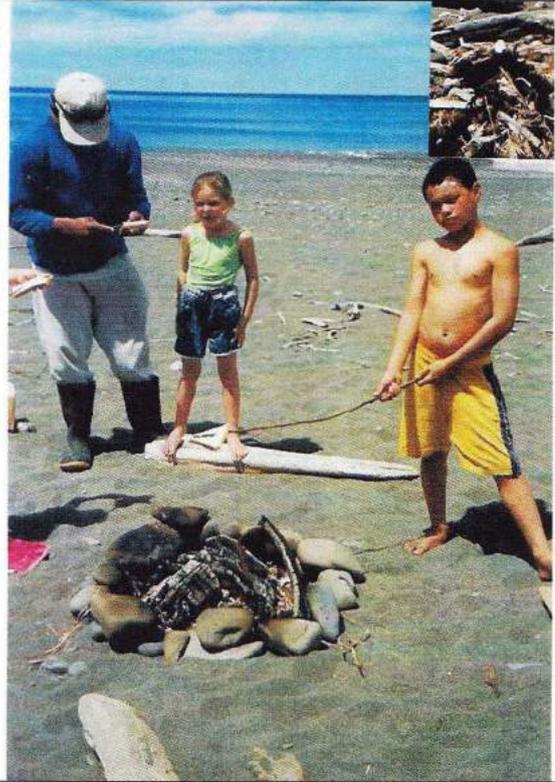


Vilma Hape photo 23: Raupunga School Beach trip to Mohaka 1999 – driftwood teepee and parent



Vilma Hape photo 24: Raupunga School Beach trip to Mohaka 1999 – fire with children and parent, note fire is contained with rocks for safety

**STATEMENT OF ANGELA HAWKINS IN SUPPORT OF NGĀTI  
PĀHAUWERA TAKUTAI MOANA NEGOTIATIONS**

I, <sup>Widow</sup>ANGELA HAWKINS, ~~Retired~~, of Mohaka, would like to state that:

1. I am the Chairperson of the Ngāti Pāhauwera Kaumatua Charitable Trust. I am an active community member and this Trust is very important to the older people in our area. We support them however we can. By fundraising, with a van for shopping trips in to Wairoa and by having regular meetings, where we can get together.
2. My husband Jack was a big fisherman, he knew all of the Tikanga. Being on the Trust is a personal journey for me. I am learning Maori. I am Pakeha but I married someone from Ngāti Pāhauwera. Living in this area we all practice Ngāti Pāhauwera protocol and those from outside the area learn quickly when they are not following the Tikanga.
3. I know that several members of the Trust gave evidence in the Customary Rights Order hearing in 2008. I support them and Ngāti Pāhauwera Development Trust in their application for the Takutai Moana claim.

Angela Hawkins

Date: 21 / 11 / 2013

Angela Hawkins

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER The Marine and Coastal Area (Takutai  
Moana) Act 2011

IN THE MATTER OF An application by NGĀTI PĀHAUWERA  
DEVELOPMENT TRUST for Customary  
Marine Title and Protected Customary  
Rights

IN THE MATTER OF An application by NGĀTI PĀHAUWERA  
(as originally filed by WAYNE TAYLOR,  
KUKI GREEN AND RUKUMOANA  
WAINOHU) for Protected Customary  
Rights

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AFFIDAVIT OF GAYE HAWKINS

AFFIRMED 4th February 2014

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**NGĀTI PĀHAUWERA DEVELOPMENT TRUST**

74 Queen Street, Wairoa  
Phone: (06) 838 6869  
Fax: (06) 838 6870  
Email: [npdtt@xtra.co.nz](mailto:npdtt@xtra.co.nz)

I, **GAYE HAWKINS**, Trustee, of Waihua solemnly and sincerely affirm:

1. My name is Gaye Hawkins. I live in Waihua, I was born and raised here. My mother was from Muriwai and has a connection through Pahauwera through Kurahikakawa. We have always known ourselves as Ngāti Pahauwera whanui. I am a Trustee of the Ngāti Pāhauwera Kaumatua Trust, I am a Trustee of Waihua Marae and am on the Maori Standing Committee in Wairoa, among other things. I am a member of Ngāti Pāhauwera and absolutely support the Takutai Moana negotiations as I am very concerned about the Waihua community, the river and the ocean.
2. In 2008 I filed a brief of evidence annexed and marked “A” (“my brief”) and I would like to state that everything in that brief is true today. In my brief I talked about wai tapu, sand, gravel, the river mouth and Tauranga waka. I am giving evidence in this affidavit because I would like to expand on my brief. I feel that we are no further ahead than we were in 2008 – in fact it is getting worse. In the following evidence I am talking about local Ngāti Pāhauwera whanau. There were local Pakeha families, I used to work for one and they were very much a part of the community. However, all of the evidence below only talks about people who identified as Ngāti Pāhauwera.

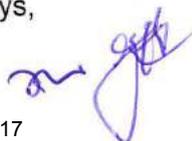
#### **Family life in Waihua**

3. When I was growing up all of the families in the area survived by subsistence farming. Each family had a big garden, a cow, a few horses and a few sheep and would supplement their food with kaimoana and fish. Some would rabbit, help with lambing, go pig hunting, whatever they could do to bump up the larder. We didn't have much money. People who worked for the government might get paid fortnightly but others would get paid monthly and their pay was relatively poor so things were tough.
4. I was the first of my brothers and sisters to be born in our family home. Growing up here, every child had a duty around the house, whether it was sweeping a dirt path, collecting eggs or milk or collecting



watercress – for the 4 to 10 year olds; collecting puha and going down the beach to stack driftwood on the beach – for the young teenagers; and coming along to pick these stacks of driftwood up - for the older kids. They would drop a bunch of wood at each house as they went along.

5. That was the same with fishing, you would catch enough fish for your whanau, and if you caught extra you would drop them off at each of the houses. You never took a lot of fish unless you were going to share it. We didn't know it as practicing Tikanga or being Kaitiaki, it was just natural. My Grand-uncle was the only one with a draft horse and sled back then, so I knew all of the comings and goings of the village. We would service all of the other houses because we knew that they didn't have the means to collect as much as we could.
6. We used to stay at the place called Takapau, where Mamangu's marae was, what is now known as Spooner's point. It was a Tauranga waka. My brother and the rest of the whanau would catch snapper there – huge snapper. That was when we used big ugly bamboo rods. You had to cast the rod out really far. The pipi bed was about 60 foot out from there. Snapper would come there and dig around the area around the pipi bed. It would be red with snapper, just like how you hear of the Mohaka river mouth being black with Kahawai. That was about 50 years ago. We would camp there overnight and fish all night. It was the only place between here and Mohaka where we could put our horses on a big flat area of grass and where they would not run away. They would line the fish up on the beach. If it was daytime we would bury them to keep them cool and wet. Before it got too hot we would head home and every house we came across we would drop off some fish to the rest of the community.
7. When I was young I remember that every family used to fish. It was necessary. When it was the Tuna heke (migration) we used to dig these big channels, we would catch herrings in the day, then eels would come at night, flounders would hang around at the mouth – it was like they were waiting to get caught. Each family would take turns manning these channels. I talked about this in my brief. In those days,



a 'rama' was a cut up tyre. When the eels started to run whoever was manning the channel would light the fire and look out for the big ones. You wouldn't take every one like a net would. They would not gaff every eel, you would be selective as they came through the lit up channel and only choose the big ones. Same as the snapper, every house would get some.

### Ngāti Pāhauwera Tikanga and Hui

8. There was a time for everything. We knew the seasons and when certain fish would spawn or when to collect kaimoana. For example about whitebait, I never fish outside of the season. I live by the Waihua River and I see the whitebait come in early around May – but I never ever get whitebait then. You know that you should let them go out and breed and wait for the next lot to come in around August because if you fish out of season, they will not come back, you are doing damage to the open season. Same with all fish and kaimoana. This is continuing practice of Tikanga and Kaitiakitanga.
9. I was taught the Tikanga by my father. I had the privilege of accompanying my father around the land. He would take me everywhere, I met everyone in the area and that was how I learned. I have continued to research our history. I practice it every day and I pass on the knowledge to our whanau, both informally and through organised Tikanga and Information Sharing Hui. I have been involved in Camp Waihua which is a Te Aho family initiative to bring more whanau back to the area to reconnect.
10. For example, I was recently a presenter at an Ukaipo Hikoi at Waihua on 23 November 2013. I spoke to Ngāti Pāhauwera whanau who were interested in Waihua Marae and the area. We had a beautiful day and it was very special. My presentation was captured on film <sup>and transcript</sup> Annexed and marked "B" is a video <sup>of</sup> footage from the Ukaipo Hikoi and a summary of what I discussed. In my presentation I talked about our history, how Waihua got its name, our urupa, an overview of our moana and awa, taniwha and my connection to this area.

11. I am Ahi Kaa at Waihua and it is a big responsibility. We are a poor community and there are not many people living in the area. I am very passionate about our Marae and this area. Living by the river I can see the pollution, the effects of the erosion and I want to do whatever I can to improve this area and get it closer to how it was when I was young.

Affirmed at Wairoa this 4th )  
day of FEBRUARY 2014 )  
before me: )



A ~~Solicitor~~ of the High Court of New Zealand/~~Justice of the Peace~~

D.Walker  
Deputy Registrar  
District Court  
Gisborne/Wairoa/Ruatoria

"A"

APPLICATION FOR CUSTOMARY RIGHTS ORDER  
FORESHORE AND SEABED ACT 2004  
SECTION 48(1)

IN THE MAORI LAND COURT  
OF NEW ZEALAND  
TAKITIMU DISTRICT

A20050006643

IN THE MATTER of an application by Wayne Taylor,  
Rukumoana Wainohu and Kuki Green  
pursuant to section 48 of the Foreshore and  
Seabed Act 2004 for a Customary Rights  
Order over the area of foreshore and seabed  
from Poututu Stream to the Waikare River

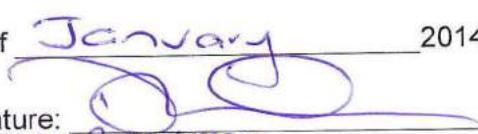
BRIEF OF EVIDENCE OF GAYE HAWKINS  
DATED 10 SEPTEMBER 2007

This is the exhibit marked "A" referred to in the  
affidavit of Gaye Hawkins affirmed at

Wairoa this 21<sup>st</sup>

day of January 2014 before me

Signature:

  
A Solicitor of the High Court of New Zealand / Justice of  
the Peace

D. Walker  
Deputy Registrar  
District Court  
Gisborne/Wairoa/Ruatoria

POWELL WEBBER and ASSOCIATES  
PO Box 37 661, Parnell  
DX CP27025  
AUCKLAND  
Telephone: (09) 377 7774  
Facsimile: (09) 307 4301  
Solicitor: LG Powell/RN Smail

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I, **GAYE HAWKINS**, Manager of the Ngati Pahauwera Hauora, of Waihua say as follows:

1. I was born in Wairoa but I grew up in Waihua. In my youth I spent a lot of time with my Dad visiting the elders of the area. I lived away from the area for about 30 years, but during that time I was still a frequent visitor to my home in Waihua. I returned to live in Waihua in 2000 and live there today.
2. As a child and an adolescent growing up in Waihua I was taught by my elders how to use the various resources on the foreshore and seabed and practised this myself. I have learned more since I returned to live in Waihua as an adult, and continue to follow these practices today. Now I have been passing on the knowledge further through wananga at Waihua, following up with Maori Land Court minutes where the sites are along the coast. We are treated as one family (the Hawkins) and Waihua marae is being re-established.
3. Our people have traditionally used the resources on the foreshore and seabed because we have mana whenua, mana moana and tino rangatiratanga. Therefore we are entitled to use whatever resources are available according to whatever our present needs may be. One of our Kaumatua who was speaking at a gathering once said "*What may be contemporary today can become traditional tomorrow*". The tikanga surrounding our use of the resources on the foreshore and seabed is the same in that it also changes with the needs of the people. We have always taken what we need, when we need it, no matter how that need has changed over time. In utilising the resource, the principle of kaitiakitanga ensures that the resource is conserved for the benefit of all members of a hapu and for future generations.

#### **Sand / Stones / Gravel**

4. Sand was traditionally used in the preparation of parekareka tanu kai for kumara, hue and kamokamo plants. In particular, these were used for seed beds to assist with the germination of seeds. In conjunction

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with heat, they would speed the sprouting of seeds, including kamokamo and hue.

5. Seeds were heated overnight under a fire. The fire was built on top of a pit in which seeds pre-soaked in water were placed in a medium of loam and sand. The seeds would shoot within 1-3 days if left undisturbed. They were then moved into parua to grow. This method was applied by my mother and father and is still used by myself today as it gives seeds an immediate start.
6. The people of Ngati Kura (Kurahikakawa) had extensive crops in the Waihua area and used sand from the foreshore and seabed to grow these crops from before 1840. Even after Waipapa was settled and people moved to live there, they would still return to their gardens in Waihua to plant food.
7. Sand, stones and gravel can be seen in use in our Urupa in grave stones. Over the generations sand, stones and gravel have been used for building materials, metalling driveways and gathering grit for the hen house.
8. In the dry season the Waihua River closes as the sand bar builds up across the mouth of the River. In late January through to March the sand and shingle from the River to the sea was used to catch herring that had been landlocked in the River for several months. A drain was dug in the sand and shingle from the river towards the sea, which was from 8 to 15 metres long. Once it was full the entrance to the drain from the river was blocked with a log so that the water could not flow back into the river. The water flow was therefore blocked, the water seeped out through the shingle and sand, and the fish were stranded. Patiki (flounder) and mullet could also be trapped by draining at night. In a drought where the Waihua River closed for several months, the heke tuna was also drained.
9. The people of Ngati Kura have always used the sand and shingle where it sits to make drains like this. I was taught about this by my

Great Grand Uncle Erueti Hokena who died when I was eight years old. His wife Hine-te-Kawa then instructed our whanau on how to make the drains. This was a whanau project where parents and their children took turns to 'man' the drain. The produce was shared by all of the village.

10. Drains were used for a specific period only, usually when the fish were urgent to get to the sea. When whanau had sufficient fish for their needs the mouth of the drain at the river was pushed in to close it. The fish caught were dried for storage for the winter.

### **Wai Tapu**

11. Wai tapu was used in traditional healing practises by healers. This is an ancient tradition which related to pre-European religious beliefs. The practice is still applied for some whanau of the Waihua area especially by those who have been raised in a traditional manner or who are associated with the Ringatu or Tu te Kohe religion continue to practice this tradition. Wai tapu was also used in association with mate hinengaro. The tikanga underlying these uses included karakia.

### **Driftwood**

12. The people of Ngati Kura utilised driftwood to build whare and fences around gardens, for Tokotoko, raparapa, carving walking sticks, and for firewood.
13. Ngati Kura had been gathering driftwood for firewood from pre 1840 for their cooking and heating needs. When I was a child the village would send all the children along the foreshore to pile the driftwood up and then to load it on to horse-drawn sleds to bring back home. The exercise often involved a number of whanau or the whole hapu so that enough driftwood was gathered in one big drive to supply a number of houses for the next month.

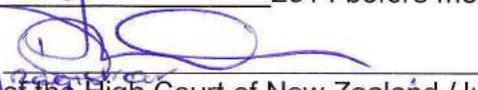
14. Driftwood suitable for carving was set aside for this purpose, especially as large native trees became more and more difficult to obtain. This driftwood was gifted to people learning the carving trade for practice pieces.
15. As a hapu we lived in close proximity with the foreshore and seabed as well as the river. When bush was cleared from the surrounding farms and the hapu was restricted from the remaining bush covered lands, the foreshore became the last bastion that could provide wood for the above. My people became gatherers who were dependant on the foreshore to provide for the low-income whanau who could not afford to purchase wood.

#### **Tauranga waka**

16. The foreshore has always been important for the launching and returning of waka and other boat, in order to gain access to the sea. Traditionally, tauranga waka were the area above highwater, where the waka were stored when they were not being used, but it was on the foreshore where they were launched. We continue to use the foreshore for the launching of waka, and now our launch boats straight off the beach at the end of the public roadway over the foreshore.
17. Two Tauranga waka were spoken of by my tipuna in the Waihua area that I can recall. The first was the A36 Maori Reservation, more commonly known as the Island at the mouth of the Waihua River, part of which was designated as a landing place for Manuhiri passing through the area. This tauranga waka is no longer in place, the land having been exchanged for a property further up the river.
18. The other Tauranga waka was at a place called Takapau between Waihua and Mohaka where an old pa site was established by Mamangu the younger brother of Kurahikakawa. In earlier times this was used as a resting place for travellers. This tauranga waka is still there, however as very few people have waka, the use has changed so that manuhiri now can camp at this place.

19. Mamangu and Kurahikakawa predate the European settlement. As a child my family used the place for overnight fishing expeditions when gathering puha, collecting seagull eggs or fishing for snapper to dry for storing for winter supplies.
  
20. The foreshore remains an access-way to all the resources that are there, not just those that are claimed in this application.

“B”

This is the exhibit marked "B" referred to in the affidavit of Gaye Hawkins affirmed at  
Wairoa this 21<sup>st</sup> day of  
January 2014 before me  
Signature:   
A Solicitor of the High Court of New Zealand / Justice of the Peace  
D. Walker  
Deputy Registrar  
District Court  
Wairoa

**TRANSCRIPT**

**Video of Gaye Hawkins' presentation at Ukaipo Whanau Hui held on 23 November 2014 - extract of relating to Ngāti Pāhauwera moana**

Gaye Hawkins: "[Brief introduction in Te Reo Māori]"

So I will start with the name Waihua. This area is named after the, after the river, Waihua. Percy Smith wrote in his, ah the NZ Maori society books about this name, this Waihua name. He relates the story about Paoa coming through here. When Paoa hikoī'd [travelled] down this way with his kuri [dog] as he approached the mouth of the river he noticed that his dog was eating a porcupine fish. And he, the fish had dried on the side of the beach at the river mouth. He ate all around it and left the roe of the fish so that sort of tells you that that must be the poisonous part of the porcupine fish. So that name Waihua relates to that incident, Paoa walked along here.

That's, I've heard many versions from different people but that's the only one that I could actually put a finger on, aye, because I researched it in the Polynesian Society Record Booklet and found, and I can't remember the reference, the page number in there, but it's in there if anyone wants to research it. Ah, so, in the past I heard people talking about oh 'bad waters', 'muddy waters', 'Waihua' and I you know mehemea whakaaro Maori ana koe ka titiro koe ka kaore koe e whakaae ki era korero ne, aye, that, that was my thought as a Māori thinking person I would never agree that that was the name 'muddy waters' or 'dirty waters', 'waihua. So I relate it to the story of Percy Smith and he got his korero from an old koroua [man] living in Wairoa at the time. Yep. So that's the name Waihua.

In this page here [points at map of Waihua in 'Ukaipo Booklet' a copy of which is annexed in Maadi Te Aho's Affidavit 2013] I notice that we have put Kiwi Stream on the Waihua river, its actually the Waihua river, this one in the dark here [points at map] and if you look across state highway there's a stream running up there, that's the Kiwi stream. It runs on that side of the road it goes right up to the foot, into the Mohaka hill foothills aye comes over from Paroa that's Kiwi stream there.

And at the mouth of the Kiwi stream, which is below my home, the Taniwha of the Waihua river lives. Yeah. When you see him and the water is clear, the mouth it's a rock and the mouth looks like the open mouth of a tuna, so all of us that live along that, that river, we know that Taniwha is a tuna, it's a big tuna with horns on it and not often seen but you see it in the Kiwi stream. From the corner down here by the old mouth right out to the sea and along the front of the sea is the other taniwha. This one is a woman [*points North*] in this corner i warewaretia au tona ingoa [*I forget her name*] when I was a kid I was taken and shown her because we used to go and sit on her and eat 'ngupara', my father caught us and gave us a crack and took us down and showed us why she was known as a Taniwha. In flood you can get swept into her mouth and trapped in there, yeah.

Now, on that corner over there [*points north east*], the same thing happens the flood waters have dug into the bank on the other side and that's the Tangotango Taniwha. Used to be when you look at this map where the mouth is there is a black mark going around there, [*points out on map where Taniwha lived*] and the corner on that side is where that Taniwha lived, aye, and we were told as children never to go there. When we were going to school here, one of our kids from this school his parents came from Whangara, Hubert Matete, got taken down at the beach during a school gala down there and that's when we heard about that Taniwha. Because before that they hadn't bothered to tell us why we weren't allowed to go for a swim there or why we weren't allowed to go down that place [*points south east*] it wasn't till Hubert got drowned and then they called all the school kids together and gave us this korero on that Taniwha, now according to Wayne Taylor he has seen it somewhere written Toro [*speaking to Toro*] that that Taniwha's name is Mamangu but I never heard that. I said to him 'If it's Mamangu it means Mamangu would have had to have drowned and they wouldn't have lifted his wairua', they would, in the old days they did that, left them to Taniwha in the area. So that's the only explanation that I could say to Wayne. But I never ever heard of it referred to as Mamangu. All we told, all we were told was ah don't, that's the Tangotango Taniwha."

Toro Waaka: "I have heard of the Moremore one out there."

Gaye Hawkins: "Yes Morere, ah Moremore. Moremore is known from Turanganui [*Gisborne*] right down this way to Ahuriri [*Napier*]. That's the shark, ae. Big area. And you will know Moremore if you see him he's only got one fin. I have seen Moremore at Muriwai. He will circle you and tell you 'time to get out of the water', and you go, aye, if you're in the sea

and Moremore comes, He's a grey shark with one fin, and he'll circle you. Time to get out the water."

*[Brief murmur from group]*

Duane Culshaw: "Gaye, the name of the taniwha was a tangata *[person]* or was that just a reference?"

Gaye Hawkins: "No Tangotango means he is the one who takes *[moves hand north to south inference is that he is responsible for the drownings]* yeah so we have had one, two, two drownings in modern time and others that we have heard or read of in the past. So that's the name Waihua kapai and the river, now, our river is a river kaituna, um, we catch patiki, flounders, eels, whitebait, ah, they used to have those blimmen um fresh water mussels in them, those horrible fresh water mussels, it was alright our kuias *[grandmothers]* knew how to cook them, but us kids we could never cook them, they were tough, they were sour, and in years gone by we, they took all of us kids up the valley and there's ah river sand banks along there where they put us in to go and get those fresh water mussels and then put us on the cliffs down the beach, down the beach they've got these high cliffs and the puha gets blown by the southerlies and they grow flat aye, big huge things, and we'd climb like goats you know, right up these cliffs, and you spun them out like a frisbee so they floated down onto the beach, aye. If you didn't throw them out they'd get caught on the cliff so we learned to flick them out like a frisbee to float them down. And they collected them by the sacks and then used that for 'toroi' *[mussel and puha dish]* but you had to know how to cook them aye.

Fresh water crayfish is another kai in our waters, um our river closes for a good part of the year during the summer months it can really dry out when it's really hot this Kiwi creek can dry right out and your tuna and that are trapped in pools and they used to go, not 'rama' because that's torching, oh trying to think, where they go in and they feel for them with their hands and then throw them out on the bank. They threw all of us you know kids in and we would do the same. I couldn't touch an eel now I'd probably scream. So but those were our kai from our thing. And the moana *[ocean]* we had kuku out there and they swam draft horses out to the rocks and 'cause the horses were big and they would stand on the rocks up to their withers and they would dive below their horses and with their pikau *[bag]* over the back of the horse and fill their pikaus up and then the horses would swim back in carrying

the sacks on them. So those were the kai here as well as the ika *[fish]* aye a lot of fish. Our beach is known for surfcasting and that that korero I will leave it. I will leave the rest till we go up to the Te Aho farm *[indistinct]*. I remember distinctly about Takapau because it was the only place you could get up and um feed your horses. We used to go there and fish for snapper in those days the snapper were big and the fishing ground was there because the pipi bed was there. The pipi bed was about 60 to 80 feet, feet in those days, you had to be able to cast your rod at least a hundred feet to get to the pipi bed. So the the the big snapper come up this big channel and the channel was between the shore and the pipi bed and then you'd see them go up on to the pipi bed and their tails would come up and there were times when we were fishing there in those days when the sea was absolutely red, just like how the kahawai are nowadays you see not very often but now and again you see them at the Mohaka River the same aye, its black, well in those days I'm talking ah 50 odd years ago yeah you would see it red with snapper coming up to eat aye and they'd dig for their pipi and then they'd turn go back into the channel and go down to *[indistinct]*. We had those big ugly bamboo rods then and the longer the better 'cause you could actually flick it and get it far enough out yeah they were quite big they were 12 foot, 14 foot you know, and the old spool um reels that tangled if you didn't know how to work it properly."

**STATEMENT OF GEORGE ALBERT HAWKINS, RETIRED, OF MOHAKA,  
IN SUPPORT OF NGĀTI PĀHAUWERA TAKUTAI MOANA  
NEGOTIATIONS**

1. My name is George Albert Hawkins. I was born on January 22<sup>nd</sup> 1927. I am 86.
2. I am a Ngāti Pāhauwera kaumatua and I was brought up in the Mohaka area.

**Fishing**

3. I went fishing in this area as a kid. My father and grandfather taught me to fish mostly, but we always received advice from the other locals - Ngāti Pāhauwera.
4. My family are known as good fishermen and when we had a good day of fishing we knew that it was right to share our catch with others, this is our tikanga.

**Reti Board**

5. I learned to fish on the reti board. I learned that a big reti board is no good – too hard to pull – smaller is better and it all depends on the current. In the old times you had the two spinners. Sometimes the fish came in high, sometimes in low and you put the lead weights on high and low on your line. These were the tricks that we Ngāti Pāhauwera learned. It was clever the way the old boys did it in those days. The old people were clever with their spinners, they put a heavy weight on the spinner in case there are fish running below the water and they put a light one on top in case the fish are running near the top.
6. Some greedy fishermen tried 3 spinners. We have ways to fix people who want to hog the river mouth with three spinners. The people who used 3 spinners would cause everyone problems so we used to put one spinner on and tangle them up deliberately because by the time they had untangled their line we would have caught some fish. Some

people's boards won't run, the secret is where you have the hole – some people put it too far back and it won't pull.

7. The fisherman would all be lined up at the river mouth. There is a local rule to give way to the reti board that had a fish on it. The other fisherman would move their lines out of the way when someone caught a fish to let them bring their fish in.
8. It was also always a rule also that the reti board had right of way over rods. One day down there was one fellow who kept fishing with his rod and throwing it on my board and tangling me up. I thought I would fix him up, so I kept my reti board there so he couldn't fish and I said to him that there are rules down here, if someone is using a reti board out down here then you have to fish somewhere else – and he said "oh, sorry" and moved to another area.
9. In the past the kahawai down there at the bar was so thick that it made the water black. There's plenty of kahawai at Waihua I saw a big school of kahawai there the other day

### **The Bar at Mohaka**

10. The bar is dangerous now because it has a very narrow entrance out to the sea, and the waves can cut you off from behind you and you will drown. When someone drowns it puts a tapu on our water – it means that we aren't allowed to fish for a few weeks. We put a rahui on the water.
11. People shouldn't take their kids down by the bar now it's too dangerous. The Council has opened it up in the past with a digger when it has been blocked. You have to know what you are doing. The Regional Council should open the bar for safety – it would only take them a couple of hours. We have asked the Council to open our river mouth because they have the resources. They had two diggers up at Wairoa recently because it blocked, but I don't think this one would block it flows too swiftly – they should open it up. We want it opened for safety of people fishing and walking on the shore, but the Council

is only interested if there is flooding. It all depends on the wind where the mouth is, the Tonga (southerly) or the Kapekape (westerly). You have to dig out the shingle at the back first and wait for the high tide to help unblock it. I go down to the beach and river mouth nearly every day and you meet a lot of people, I always go and have a check.

### **Out at Sea**

12. Sometimes Trawlers come in close to shore at night and they take all our fish with their nets. You need a rifle to see them off and some of our people have taken shots at them. The Wairoa hard is a reserve and you are not allowed to use commercial netting there.
13. Davy Jones, who was a Pakeha who married into Ngāti Pāhauwera, and I used to go out on a boat and we used to have our own markers on the land. Everyone had their own markers, Ngāti Pāhauwera are the locals so we know the good fishing spots and how to get back to them. One place we used to go to was 12 miles out from Waihua – I can't remember the name of the spot. Soon as you can just see the top of Whakapuanaki you stop. Man, we used to get the snapper there.
14. You've got to be careful when you take your boat off the beach – you have to count the waves. You can't come up the bar – land on the beach, it's safer. When you come in you have to time it to come in behind the big waves – you have to count them. A big one can take you up onto the shore but if you don't do it right a big one can come behind you a big one can swamp you. You have to have good men on the oars. Before the motor came you had to row to get you out beyond the bar and it was dangerous coming in.

### **Rules on the Beach**

15. Pāhauwera when they get a lot of fish they used to give it out to all the families on the way home – everyone was happy. In the old days we used to put in our whitebait nets and if you left it there a long time it was too heavy to lift out. I like smelt better than whitebait. We used to get it by the bucket, especially when the bar was going the other way. The net would get full in minutes. George Harvey (who is Ngāti

Pāhauwera) came along one day and it took two or three of us to lift the haul onto his tractor. I gave a few sackfuls away that day – there was so much. Some people came down with plastic drums to take some of my haul that day. It was so hard to lift there were so many smelt. We still fish and whitebait, and Ngāti Pāhauwera know the custom is to share when there's extra.

16. I fish with the Maori calendar – you work it off the full moon. You can't go wrong it tells you the good days and the bad days. You just work it off the full moon and if the sea is calm you can't go wrong.
17. Another rule is gutting fish on the beach – if the old people saw you doing that you got it – boom! Not that long ago this joker was cleaning his fish on the beach at Mohaka in the backwash and one of the local young fellas came along and told him he wasn't allowed to do that here. The person was cheeky in his response so the next minute we heard a splash and the offender was thrown into the water. The old people teach them that – you need to take it seriously. This rule is for our whole rohe.
18. One day I went fishing down by the Ngaruroro river there were a lot of people in the bar catching fish. I saw an old Maori man gutting his fish there and I said to him you should be ashamed of yourself – if you come to Mohaka and do that you would be thrown in the river. You only pollute your own river if you gut your fish there – the locals don't do it. A lot of these visitors who use the torpedoes and long lines sometimes leave dead fish or fish they don't want on the beach. Our people tell them that it's wrong and not to do that. The locals pick up dead fish on the beach and take it away to tidy it up.

**Teaching Ngāti Pāhauwera and Others the Rules**

19. We teach our young people and let them know the rules. I exercise kaitiakitanga as a kaumatua and have sometimes put up signs to remind people about the rules on the beach. Most listen. They don't listen until something happens that shows them you not to mess around on the beach. One troublemaker wouldn't listen until he nearly drowned. Lucky his wife was there. She had to save him.

*George Albert Hawkins*

Date: 11 11 2013

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George Albert Hawkins

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER The Marine and Coastal Area (Takutai  
Moana) Act 2011

IN THE MATTER OF An application by NGĀTI PĀHAUWERA  
DEVELOPMENT TRUST for Customary  
Marine Title and Protected Customary  
Rights

AND IN THE MATTER OF An application by NGĀTI PĀHAUWERA  
(as originally filed by WAYNE TAYLOR,  
KUKI GREEN AND RUKUMOANA  
WAINOHU) for Protected Customary  
Rights

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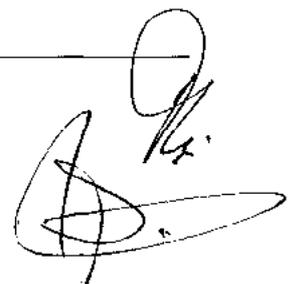
AFFIDAVIT OF WIREMU ITEREAMA SYLVESTER HODGES

AFFIRMED

*11 December* 2013

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NGĀTI PĀHAUWERA DEVELOPMENT TRUST  
74 Queen Street, Wairoa  
Phone: (06) 838 6869  
Fax: (06) 838 6870  
Email: npdtt@xtra.co.nz



I **Wiremu Itereama Sylvester Hodges** of 23 Livingstone Road, Flaxmere, Hastings solemnly and sincerely affirm:

1. I offer the following affidavit in support of the above described proceedings. I have been encouraged by Toro Waaka on behalf of the Tiaki and Development Trusts of Ngāti Pāhauwera to proffer such evidence in support that is within my competence and experience to give and I do this gladly.
2. I was born at Mohaka on 13 July 1941, the youngest child of Itereama Wiremu Hodges and Hohipera Hana Wainohu. Both my parents whakapapa to Ngāti Pāhauwera through Ngati Kura, Mawete, Tuhemata, Paroa and Kahu o Te Rangī, to name some hapu. In addition, my mother is Ngati Hikairoa of Tuwharetoa. She was born and educated at the Waihi Convent, Tokaanu. At age 19 she moved permanently to Mohaka when she married my Dad.
3. My father had one brother (Henry Hodges of Waihua) and two sisters (Auntie Dottie – Te Awhi Winiata and Aunty Miriama – Mrs Sonny Hawkins of Waipapa) When the family land holdings were divided up, my father got our home farmlet of 60 odd acres along the northern banks of the Mohaka river overlooking Hororoa which is approximately 5km inland from the mouth. Uncle Henry got a farm in Waihua, Auntie Dottie's was located at Tunnel Flat and adjoining ours to the west and Aunty Miriama had interests in Waipapa and Waihua.
4. My mother had seven brothers and one sister and they succeeded to their father's (Pitiera Te Wainohu) farm that stretched from the Mohaka river in Hororoa to the majority of Tunnel flat across to and surrounding the narrow neck – all of which is now part of the greater Paroa Station. Before amalgamating with Paroa, Pitiera's farm was split into two dairy units (Hororoa and Tunnel Flat) and a dry stock unit run respectively by Auntie Waikouka, Uncle Naera and Uncle Tuki for the whanau collective.
5. The fact of these land holdings had no real significance for me

until much later when as District Deputy Manager of The Department of Maori Affairs (“DMA”) in Hastings – Ariel Aranui came to me for help to fight attempts by the Acclimatisation Society and others to have a conservation order placed on the Mohaka River. Through Ariel, I came to realise things about our Pāhauwera Mana Tipuna, Mana Whenua, Mana Moana and the very central role the river had to do with this, plus we got a new slant on the “land sales” and their devastation. Along with Ramon Joe, Ariel provided a whole lot of linkages that helped me connect some of the dots relative to our cultural past. They helped to give perspective to some of the unconsciously absorbed and accumulated lessons of our tribal kin and mentors.

6. The land holdings of my father and my mother's family are contiguous. Both have direct access to the river. So in a real sense I was brought up surrounded by the whanau umbrella in a community that was, like many others were, still suffering the debilitating effects of the second world war – where goods were purchased with tickets from ration books doled out to each family. We milked cows and ran some dry stock but the farm could not sustain a family. Outside work had to be taken to adequately sustain our immediate family. Without the supplementary resources of the river and the moana, it is hard to say how we would have survived.
7. Under these prevailing economic circumstances we did not see our family as being in any better off situation than the rest of the community. We had no sense of being any more privileged than anyone else but looking back in hindsight, we must have been – at least to some extent. We had land where most others did not. Manaakitanga was a reciprocal caring and sharing, knowing that every family suffered hardship.
8. From an early age my tuakana Rata and I went eeling at every opportunity - day or night. During the day (when not at school or doing house chores) we would eel by hand and/or gaff in many of the various streams and waterways – including below the river cliffs of Hororoa. My tuakana was the 'gun', I was just the tag

along. When we were about 12 and 10 respectively, we would ferry fish back three miles from the river mouth by horseback, especially when the big runs were on. My father, brothers, sisters and brothers-in-law fished for the whanau collective and a haul of 100 kahawai in a day at peak times often happened. Mum and my bachelor Uncle (Tipene) would fillet, salt and hang the fish strips to dry, then store for winter. Meantime we survived on the heads, frames, roe and the herrings we kids caught. Some of the whanau would 'tahu' the fish steaks (preserve them in dripping) as an alternative to strip drying. We also dried smelt and paua as winter fodder. Given that our household numbers fluctuated from 9 to 19 (sometimes 26) every last bit of winter fodder was precious.

9. Over the school years and before motorisation, we would sometimes ride to the beach the night before an intended whanau fishing trip and camp on the beach above the mean high water mark. We used glow worms as bait either directly on a hook or fashioned into a 'BOB' (where glow worms were threaded on to a string or piece of flax - the ends of which were then looped back and tied together. Then the worms were bound in criss-cross fashion and used as bait at the end of a pole. The eels teeth would get caught in the cotton) to catch eels for supper and breakfast. Food was never cooked below high water mark nor was kaimoana eaten below high water mark. No utensil that had had cooked kai in it or had been burnt on a fire i.e. a pot could be used in the sea for any purpose. Fire safety was drummed into us and our fire was kept to the minimum needed for warmth and/or cooking. Other campers would exchange camp fire visits just to natter or share information. The next morning one had to be up early to get a good Reti location, but subject always to an (unwritten tacit) pecking order.
10. At around that same time period my tuakana and I would now and then go pig hunting on horseback, each with a .303 rifle and uncle Tuki's dog. This was not recreation, it was serious hunter gathering. Besides that we would catch koura and inanga in the local creeks. We had to fill Dad's enamel billy with koura as snapper bait (it took 125 koura to fill it). From an early age we

became aware of the need for every family member to contribute to the acquisition of food for the family cupboard. Even so there were strict rules that applied and practices to follow.

### **School**

11. I attended Raupunga Primary and then on to the newly opened Raupunga District High School for one year. I recall that the primary school had a roll in excess of 100 – 130 maybe and the high school about 30 in the first year. After my third form year there I went to Hato Paora until May 1958 when I refused to go back as there was only one other pupil in the 6<sup>th</sup> form – the year before there were only four of us.
12. For six months after leaving college I cut scrub and worked as a wool presser. Fed up with my seeming lack of ambition my father packed me off to work at the Maori Land Court in Gisborne in December 1958 as a 17 year old. I was to spend the next 30 or so years with the Department of Maori Affairs or Maori Trust Office in four different regions.
13. It is pertinent to relate that when my older brothers and sisters were at school, speaking Te Reo was forbidden in school grounds. By the time I came along my parents no longer taught us Maori or even spoke to us in Te Reo unless they didn't want us to know what they were saying. But they did not appreciate Uncle Tipene's self-appointed tutor role nor a child's enormous inquisitiveness and sponge like retentiveness. Though illiterate Uncle Tipene would speak Maori to me constantly in terms I understood. Being the youngest of 8 children with many uncles, aunties and extended whanau around it was inevitable that some of their ways and habits became absorbed - unconsciously or not.
14. By the time I went to Hato Paora I knew enough to write in Maori because I had time to think about what needed to be said but I could not speak with any conversational fluency. I always topped the class in Maori exams but could do no better than

runner up when it came to oratory competition because I had to write my speech first then commit it to memory. It was hell. Later in life my job required me to become more fluent, and learn about different Iwi dialects and kawa.

### **Work History**

15. This is being traversed because it inextricably links back to my formative years and some of the parts I was to play at an Iwi and Hapu level. My thirty odd years as a public servant took me away from Hawkes bay for the first 25 years of that time. First Gisborne for three years, Hamilton for 13 and a half years, Rotorua just over eight years until finally being promoted to D.M.A Hastings as second in charge. Following the death of Star Renata I became District Manager until September 1989 when the department was dis-established. I took redundancy and then a good holiday.
  
16. I did some freelance consultancy until Tohara Mohi and John Mackie (Chairman and C.E.O of the then Iwi authority, Te Runanganui o Ngati Kahungunu "TRONK") asked me to be their Resource Management Facilitator - planning mainly but trouble shooting generally. About this time the Resource Management Act 1991 came into force and for the first time ever, the Treaty had to be taken into account legislatively. That Act also required the Regional Council (Hawkes Bay in our case) to have regard for "Iwi Planning Documents" in formulating its first "Regional Policy statement". Of course Iwi had no such plans - a deficiency I was charged to rectify. There were no precedents, so we literally started from scratch. I was invited by the Maori Standing Committee to join them in their meetings and assist with their business also as part of a joint planning and operational effort.

### **Influential Factors**

17. As the early part of my career entailed administrative (as opposed to Social Welfare) work I had little or no ambition to

become more fluent with Te Reo or more culturally competent. With the onset of managerial roles and a consequently higher public profile I discovered a need as well as an urge (thirst even) to fill a cultural vacuum. By the time I returned to Takitimu region (Hastings) and got involved with Ariel Aranui and the likes of Ramon Joe over the Mohaka River issues, my focus changed considerably and I began to spend more time back home (in Mohaka) dealing with local issues. For example I was one of the original trustees for Paroa Station and only retired in recent years after 25 years of continuous committee service.

18. Thus began a period of research and enquiry aimed at fact finding on which to base an Iwi policy. In short, my co-worker (Tracey Gartner) doubling as my clerical assistant and researcher, did a hikoi with me throughout Kahungunu. We held a series of six hui where we sought the guidance of Iwi and the advice of Kaumatua on a framework for such a plan and the key points to be covered. Early in the piece it was clear that it needed to be based around Tikanga and embrace Kaitiakitanga. We asked Kaumatua to define Tikanga. No one - but no one - could or would say. All we got were various examples and none of them consistent throughout. They knew well enough what Tikanga was but did not feel competent to define it in English. They gave examples readily enough. If one was to ask a Kaumatua for an explanation of something or ask how things ought to be more than likely the response would be "...Weren't you watching? (or listening?), get on with it I'll tell you if you've got it right". So it was with getting an Iwi Kaupapa together.
19. I turned to Tohara Mohi, Ngati Kahungunu Rangatira and my greatest mentor, for guidance. I also relied on the work by Gray and Saunders to do with a framework for Maori Management. They spoke of the key value elements of Wairuatanga, Rangatiratanga, Whanaungatanga, Kotahitanga and Manaakitanga. The concepts were discussed and modified by different groups at some length i.e. The Maori Standing Committee of Hawkes Bay Regional Council (HBRC), TRONK board, staff at TRONK. All of these consultations culminated in the eventual

production of the Ngati Kahungunu document 'Kaitiakitanga mo nga taonga tuku iho - 1992' annexed and marked "A".

20. My mentors, along with these writings of Gray and Saunders struck a chord with the knowledge and practices I had grown up with through my parents and wider whanau. Often we'd be told to do or not to do something without being told why. Some of these things we kids flagged away as "superstitious" or "old wives tales". So while certain practices and observations were ingrained in us we were mostly at a loss to know why they were so
21. Being baptised a Catholic with over 3 years at a Catholic Boarding School (College) helped to add conflicting teachings about creation, the Bible and the 10 Commandments. However the discussions to do with Gray and Saunders principles went a long way to clarify and actually simplify the essence of our values; of how like the 10 Commandments they are God given - therefore immutable; of how spirituality is a gift of Whakapapa - God given whereas religion is man-made therefore varied, diverse and changeable by man; of how the things we had had drummed into us were in fact aspects of Kaitiakitanga with the accent on Manaakitanga.
22. I am not saying that we need the likes of Gray and Saunders writings to give our practices validation. But what I do say is that as a coherent outline written in English, for us they helped us discuss our tikanga and through that discussion get a better appreciation for the things that we perform naturally, habitually and sustainably as we have done "MAI RANO", and continue to do.
23. I think we have given expression to our values in a way that we can explain intelligibly to our Treaty Partners through the likes of HBRC and other agencies of Government. But the greatest benefit arises from our ability to demystify these things for our future generations "KIA KORE AI E NGARO TE KAKANO I RURUIA MAI I RANGIATEA". "The seed that will be sown will not be lost". This refers to the fact that the things that make us who we are – will not be lost.

### Adoption of Kaupapa

24. In February 1992 under the Chairmanship of Tohara Mohi the completed draft of a Kaupapa: 'Kaitiakitanga mo nga taonga tuku iho' was ratified and adopted by a Ngati Kahungunu Hui-a-lwi at Wairoa. Later that year the document was presented by the Maori Standing Committee of HBRC to the full council. The Maori Standing Committee was (and is) made up of three reps from each of the four northern most Taiwhenua, of Wairoa, Whanganui a Orotu, Heretaunga and Tamatea plus two nominated members of the Regional Council. Selected people from the Maori Standing Committee took turns reading parts of the document as full Council considered it page by page. That same meeting, the HBRC formally acknowledged receipt of the document and the need for Council to heed the Maori perspective. HBRC placed a special chapter 'Chapter 5 - The Maori Dimension' in its first ever Regional Policy Statement (RPS). I had contributed substantially to the writing of the chapter. HBRC prided itself as being the first to produce its RPS with the Maori Dimension. Their relationship with our Iwi was the envy of other regional councils, (so they claimed). Following this, the Department of Conservation asked me to prepare a document outlining the Maori Conservation ethic – this was produced in 1994 and is annexed at "B".
25. One of the then members of the Maori Standing Committee was our Kaumatua from Ahuriri, Heitia Hiha. In talking to the principles recited in our Kaitiakitanga document he likened Tikanga and Kawa to the terms Kauae Runga and Kauae Raro – the first representing that which is fixed (like the upper jaw) therefore immutable because it is god given and that which is flexible (like the lower jaw) hence dynamic, and being man-made – is changeable – evolutionary. Until this document is altered in any way by Ngati Kahungunu (and by association Ngāti Pāhauwera) it stands as current Ngati Kahungunu kaupapa and affects no one else but Ngati Kahungunu. This needs to be said because Tuhoe and others say that those labels of Tikanga

and Kawa are used to mean the opposite by them. I know that other Iwi do as well. We respect that but we of Ngāti Pāhauwera will do our domestic thing 'our way'. When all is said and done it is not the label on the medicine bottle that counts but the efficacy of the rongoa inside. In the same way that Hapu combine as Iwi (Ngāti Kahungunu) for power in times of war and projects in times of peace, it can be said that in supporting the Hui-a-Iwi at Wairoa where the Iwi Kaupapa was adopted, the constituent Hapu (which includes Ngāti Pāhauwera) have individually adopted it as well and is still applicable now.

### **Application of Ngāti Pāhauwera Tikanga**

26. As I have mentioned above, 'Kaitiakitanga mo nga taonga tuku iho' was a Ngāti Kahungunu wide document and was adopted by Ngāti Pāhauwera. Therefore I am able to provide some explanation about Ngāti Pāhauwera tikanga, which I do now. I note that the H.B.R.C still relies on this document, and it is referred to at Schedule 1 of the the current Hawkes Bay Regional Resource Management Plan, annexed and marked "C".
27. There are five value elements of Ngāti Pāhauwera tikanga, namely:
- 27.1. **Wairuatanga** – the binding spiritual element, spiritual ties that acknowledge our creator and all his gifts. We reaffirm this through prayer;
- 27.2. **Rangatiratanga** – denotes a terrestrial role as Kaitiaki and our status through Whakapapa to exercise mana tipuna, mana whenu, mana moana;
- 27.3. **Whanaungatanga** – denotes the relationship to all things within the terrestrial environment and the need for reciprocal respect;
- 27.4. **Kotahitanga** – denotes the principle of unity for decisions/management by consensus; and

- 27.5. **Manaakitanga** – the result of achievement of the first four elements or manifestation of benefits.
28. There are everyday issues of Tikanga which affect different levels of Maori Society “...mai rano ite timatatanga, tainoa ki enei wa, putanoa ki nga ra kei te heke mai mo ake tonu”. In English, this is interpretable to mean that from time immemorial up to now and into the eternal future there are levels of Maori Social responsibility based on tikanga, which when simply put imposes a duty - a responsibility – on leaders to bestow Manaakitanga on their people. This applies to Manaakitanga for:
- 28.1. Whanau by their domestic providers;
  - 28.2. Hapu by its Rangatira through nominated Whanau systems; and
  - 28.3. Iwi by its participating constituent Hapu nominee providers.
29. Kaitiakitanga principles provided the foundation for the ease with which this duty and responsibility is carried out. For Pāhauwera, the principle of Kaitiakitanga in concise terms is the “preservation of mauri and the conservation of species”. This description of Kaitiakitanga was fully endorsed by our late revered Tribal Rangatira Tohara Mohi. It applies to Ngāti Kahungunu generally and Ngāti Pāhauwera specifically. He emphasised the belief of all Maori that everything in this world has its own Mauri - life essence - which is extinguishable if not properly protected, or wisely conserved, as in unsustainable over use to the point of depletion.
30. Therefore in order that these levels of social responsibility are met the provider’s attention is divided by the dual need to look after those who are reliant on them but in so doing protect the Mauri and conserve the species of those resources being used. This meant any of the life sustaining resources (all of which are taonga) which was mainly - but not exclusively food sources. Those resources are managed through the Maori system of Rahui, Tapu or Noa which can be described as follows :

- 30.1. Rahui - the placement of a temporary ban on resource(s) use for a specified place or until a particular time;
- 30.2. Tapu - this is an absolute ban on a resource or place; and
- 30.3. Noa - exists where neither Rahui or Tapu has been declared, or having been declared, is uplifted by someone competent.
31. Clearly mahinga kai - be they water and/or land based were highly prized and jealously guarded and this continues. So too are other physical resources of a non-food nature. Whanau and Hapu exercise proprietary rights through Whakapapa from whence they derive Mana Tipuna, Mana Whenua and Mana Moana. Whakapapa traces lineage through an eponymous ancestor and beyond, to Waka, to the Atua, to Rangi and Papa back to Io. The knowledge of our origins and that of our taonga tuku iho gives us Wairuatanga - our spirituality. We acknowledge this through prayer in which we ask for permission to take/use something. Before and during trips we ask for safe passage; subsequently we give thanks for the tolerance and protections given as well as the largesse.
32. Through Whakapapa our Rangatiratanga is acquired at a Whanau or Hapu level where domain has already been established. It can also arise through conquest. Protection of resources from outsider incursion was vital to the ongoing Manaakitanga of Whanau/Hapu and often led to fights/wars with the interlopers. Rangatiratanga bestowed not just the right of access to resources but also the responsibility to preserve the mauri and conserve the species (i.e. the exercise of Katiakitanga).
33. Knowing the celestial origins of anything and being able to claim sovereignty over them - whether land based or oceanic, the third facet of the Tikanga principles for Pāhauwera is the Whanaungatanga concept. To us this fits in with our philosophy of relationships with all things of this earth. Like them, we ('te tangata') belong within the environment - we don't 'own' it as such. 'Ownership' is a foreign concept of 'title' whereas ours is one of 'entitlement' through Whakapapa and is celestially founded.

As such our 'people' (tangata whenua) status gives us the Kaitiaki duties which we manage through our system of Rahui, Tapu and Noa.

34. The fourth element is Kotahitanga which we interpret to include our system of decision making by consensus. The norm was to debate issues in open forum between Rangatira on the Marae. Decisions that emerged were binding on everyone both at Whanau and Hapu level and were enforceable accordingly. These decisions might include barter/trade treaties with other Whanau/Hapu. Kotahitanga also had another manifestation. The smallest autonomous unit was the whanau and the greatest was Hapu. M.L.C judge Norman Smith highlighted this when he said that "Hapu combined (as lwi) for power in times of war and for projects in time of peace". Outside of this they were autonomous.
35. The fifth element is the ultimate one and that is Manaakitanga: it is the happy result that is produced by accomplishment of all facets of the previous four values. When we pray we include a phrase of thanks to god for his 'Manaakitanga' in its various forms – given for the benefit of man. An example is saying grace before and after meals. We thank God in our prayers for the varying forms of life supporting sustenance given to our Whanau and Hapu.
36. It is logical to realise because Ngāti Pāhauwera control our rohe moana that all our resource sources including those in our moana are so important to us. I have seen the transcript of questions raised by Crown Counsel in the 2008 Customary Rights Order Hearing that went to the question of resource 'quantities' consumed whether daily, weekly etc or by individuals, Whanau, Hapu. This idea of quantities consumed is a crass European concept which has no basis in assessing customary usage. Key issues to be remembered are:
  - 36.1. Over use, abuse and undue exploitation of natural resources came from colonising greed and lack of ethics; and has no place in kaitiakitanga;

- 36.2. Our attitude of Whanaungatanga with our resources emphasises our respect born out of interrelationships and the knowledge they are God given; and
- 36.3. As such our use is dependent on our strict adherence to our Kaitiakitanga practices, our Rangatiratanga responsibilities and our ongoing responsibilities to our families.

### **Mana Moana/ Mana Whenua**

37. When we talk in terms of our Mana Tipuna, Mana Whenua and our Mana Moana we have no doubts as to their origins, their territory or their coverage. As others have pointed out Takitimu represents our Mana Tipuna coming as it did from the Moana. It is useful to repeat again the Ngāti Pāhauwera korero that says:

*“Ko tangitu ki te Moana  
Ka titiro whakarunga ki Maunga Haruru ki uta  
Ka titiro whakararo ki nga wai e patapata ana ki roto ki te awa o  
Mohaka Putanoa ki te moana-nui-a kiwa  
Ko Tawhirirangi te Maunga Ko Mohaka te Awa  
Ko Kahu-o-te Rangi te tangata  
Ko Waipapa- A-Iwi ki Mohaka te Marae”*

38. Tangitu and Maunga Haruru were indicators of two key resource locations (within their environs). From there the focus is downstairs to the sparkling waters of the Mohaka River as it courses to the mouth and beyond out to sea. Together they gave the overall source of resources. There was no reason to attempt to be specific about what those resources were because they were all encompassing.
39. Then the korero deals with the key Rangatiratanga indicators of Maunga - Tawhirirangi, River - Mohaka, Chief - Kahu-o-te Rangi, and Marae - Waipapa-a-Iwi. To know this Pāhauwera saying is to be left with no doubt about where its Mana lies or where it comes from. My evidence is not the first to quote it. Whatever is in our Rangatiratanga domain, whatever the nature, was ours to use in

fulfilment of our Manaakitanga responsibilities. That was so "mai rano", aiane tonu, a mo ake tonu..." That's how it was, is and will ever be.

40. We are not arguing for just a few specific resources - just quoting some specific examples to illustrate that we exercise Rangatiratanga over our moana and the resources found there. One example is driftwood which was talked about in the 2008 Customary Rights Order application. In the hearing His Honour, the Chief Judge said "... are you really wanting to argue for driftwood if it becomes valuable...?". To Pāhauwera driftwood is a taonga therefore it is already valuable. It is not merely "cast-up" matter. Driftwood is (and was) fundamental to our way of life for the Marae (without which it would lose the basic functionality) for household heating, decoration and ornament creation. We frown on those strangers who arrive unannounced and help themselves. It is as though they are invading our homes and helping themselves to our goods.
41. Those who try and remove our driftwood by the trailer or truck load have no idea what they are letting themselves in for. Likewise we particularly resent the unsanctioned removal of hangi stones by people outside our confederation. We also resent any attempt to exert control over these by H.B.R.C. Driftwood, hangi stones and our other resources are cultural taonga, the mana over which is Pāhauwera's to exercise. We are adamant about this. Manifestly we will exercise Mana Moana over that which is ours.
42. In the old days, interlopers would have the well-known and established belligerence of Kahu-o-te-Rangi to contend with - individually or by "OPE". Other Hapu flocked to his side and sought sanctuary under his umbrella like protection. From the Court records we know that our borders (land and sea) were upheld by subsequent leaders like Paora Rerepu, Hone Te Wainohu and his sons Wepiha and Pitiera and Itereama Kupa to name some of the more prominent ones.
43. Subsequent to them were the likes of my Dad, my Uncles and

other community leaders like Ned and Sid Hawkins, Sonny Hawkins, John and Naera Wainohu, Hori Paul Te Aho, Hune Kupa. It is not possible to name them all but they were all part of a vast PAEPAE on the Marae and wherever else there were important gatherings.

44. The next wave of Rangatira/Kaitiaki were broadly members (coincidentally) of the Waipapa Rugby team from Mohaka. Their team included the feared Buck Tumataroa, the Te Ahos, Hawkins and Te Kahus most of whom graced the Paepae and all of whom enforced Pāhauwera Tikanga on the river and especially the beaches.
45. Post the 2nd World War, individuals like Dave Jones (Pakeha married to a local) Bill Adsett and George Hawkins used their boats to go to sea to fish for themselves and the community. They kept strict tabs on other ocean going craft as well as watching for what was happening on shore. It was not a good idea to get on the wrong side of these generational reps. Hardly an occasion went by when their exploits were not recounted about how some transgressors had been summarily dealt to. As a goggle eyed child, I took impish satisfaction from these tales.
46. Today Ngati Pahauwera continue this practice of monitoring our moana and I understand other witnesses talk about how this works today. I simply add that when your land resources are stripped away by various means it doesn't take a giant leap of imagination to accept that any self-respecting Ngāti Pāhauwera took the duty of surveillance seriously, from Kahu o Te Rangi's time to now.

### **Hangi Stones**

47. If Manaakitanga is central to our cultural values (and it is) then hangi stones are vital to the scale of providing it. Hangi stones to Pāhauwera are like Pounamu to Ngai Tahu in the taonga sense. For practical catering purposes – particularly when providing for manuhiri on important occasions the men folk would take over the cooking by means of a hangi and continue to do this. As far as

memory serves our Marae have invariably used the hangi system for hui, tangihanga, birthdays, weddings and other celebrations. It served a practical purpose of catering no matter how big the 'ope' was, and is still serves this purpose. On occasion it has taken as much as a truck load of driftwood and over a cubic metre of stones to achieve the heat necessary to cook a hangi big enough to feed the visitors and hau kainga.

48. At a domestic level individual households used the hangi whenever family occasions meant having to provide larger than usual meals, for example at Christmas, birthdays, baptisms, family hui and the like, and this still happens. Often the normal cooking equipment was inadequate to the scale of cooking necessary. An added benefit was that the womenfolk were freed up to fulfill other duties/chores.
49. The process for heating the stones has evolved through necessity and innovation and the amount of wood used for domestic hangi can be a lot more efficient – less wood needed - and fire safety greatly improved. Personally I don't need an occasion to provide an excuse to put down a hangi. I make one when the family mood takes. Most Pāhauwera households have their own supply of hangi stones that can average from 10 to 30 or more depending on size and intended use and the number to be fed.
50. Hangi stones are volcanic and porous and this allows for some expansion (without cracking or splitting) when heat is applied. But they are brittle and will shatter if smashed against each other so care with handling – hot or cold – is essential. One serves one's apprenticeship before being entrusted with the handling of stones. I have personally been involved with putting down hangi since my early teens, some 60 years. Wherever I have been, I have taken my set of hangi stones with the exception being when I moved from Rotorua back to Hastings. Over 20 or so years I virtually used the same stones, replacing only those which – through occasional accident or inattention – were shattered from time to time. This is proof that they can be used year after year when handled with loving care. After all they are highly prized

taonga and should be treated as such. Hangi stones are our heritage – no one else's and Pāhauwera is jealous of its Rangatiratanga claims to their access and choice of disposition. Our family source was the river at Hororoa but we also gathered from the coast when fishing.

#### **“Ownership” of the rivers**

51. I understand that this application touches on the mouths of our rivers in the application area. I understand that the H.B.R.C's statutory role of management of the Mohaka River and our other rivers is said to come from Government. However, there is a principle of law which says: “You cannot give away what you have not got”. In this case the Crown presumes to have ownership and we Ngāti Pāhauwera say “How did you get it? – The right is ours and we never gave it away”.
  
52. Under the former Ngāti Pāhauwera Section 30 committee my cousin Ruku Wainohu had the “River Portfolio”. Because of my previous connections with Iwi, H.B.R.C and the Maori Standing Committee, Ruku asked me to join him in discussions with H.B.R.C on river jurisdiction. Throughout our discussions we firmly but tolerantly made it clear that the Crown and HBRC do not own the Mohaka River or any of our rivers because they are Ngāti Pāhauwera's. The upshot of discussions resulted in a mutually acceptable (though temporary) decision that Pāhauwera would rely on H.B.R.C for day to day management but engage in joint discussions/decision making on certain points. We continue to maintain that our rivers are ours.

#### **Korero Whakamutunga**

53. There are many Maori like me but not just Pāhauwera – who shed tears of frustration at not having taken closer attention to our elders' teachings. Sometimes we were so callow as to not know when we were being instructed. Maori Culture and Traditions were orally transferred from generation to generation so that unless one could

understand the Reo there were apt to be gaps in one's knowledge. I now rue the days when I ignored my Mum's efforts to teach me things. Some "stuck" in my subconscious but had I been more attentive there is so much more that I would have been able to contribute.

54. Fortunately, as a group enough knowledge was passed on to allow us to continue to exercise our tikanga. I stress again, that the passing on of this knowledge was and is so much a part of life that we barely realised that we were learning. For example people from Pāhauwera were always party animals and at many of these parties stories would be recounted about fights and their purpose. Many songs were sung that enshrined past memories. Without intending to be these occasions provided the 'curious' with a lot of information about current and past affairs. This informal and continuous passage of knowledge continues.

55. In my family my mother and father were born just before and after the turn of the 19th century. My mother's brothers and sisters were a lot older. My Dad was a whangai of his great Uncle Itereama Kupa who was born within the time scale of this application (1840). My immediate and extended whanau lived during these times and experienced (mainly) the deprivations.

56. We know our history. We know what we have lost. We will fight for what we have left.

Affirmed at *Havelock* (this)  
day of *17<sup>th</sup> December* (2013)  
before me: )

*Hodges*

*Brian P.J. Rabblite*



A Solicitor of the High Court of New Zealand/Justice of the Peace

Brian P.J. Rabblite J.P.  
17 Luaknow Road  
Havelock North  
Tel. 06-877 4909

"A"

**NGATI KAHUNGUNU**



**Kaitiakitanga Mo Nga Taonga Tuku Iho**

December 1992

*D.* This is the exhibit marked 'A' referred to  
in the affidavit of *William Itearama Sylvester Hodges*  
affirmed at *Aos Lopus*  
this *11* day of *December* 2013 before me  
Signature: *Brian R.J. Rabbitte J.P.*  
~~A Solicitor of the High Court of New Zealand/  
Justice of the Peace~~



Brian R.J. Rabbitte J.P.  
17 Luaknow Road  
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## EXECUTIVE SUMMARY

### OVERVIEW OF THE MAIN POINTS

- The principal objective is to introduce Councils to a Ngati Kahungunu "Ethic for Sustainable Resource Management"
- In the process of presenting the basis for such an ethic we examine the following salient aspects:
  - \* Global trends, particularly as regards to the role of indigenous peoples and their culture, science and technology in today's perspectives on conservation, protection and environmental preservation.
  - \* The way that Maori culture, science and technology is rooted in Maori mythological origins.
  - \* The use of Maori terminology, their mythological roots and a Ngati Kahungunu understanding of them in the modern context, particularly in the context of the Resource Management Act 1991.
  - \* The principles of the Treaty of Waitangi and what they mean for Ngati Kahungunu.
  - \* Ngati Kahungunu holistic approach to both 'resource management' and 'resource development' to indicate our tribal resolve to make the greatest contribution possible to the conservation, protection and preservation of our regional (ie. Ngati kahungunu wide) resources while also contributing to the economic, social and cultural well-being of our general Regional communities. (Hawke's Bay, Manawatu-Wanganui and Wellington).
- The document lists significant issues to Ngati Kahungunu with suggestions for **OUTCOMES** and methods of **IMPLEMENTATION**. This list is not exhaustive merely indicative. A list of likely concerns/issues for Hapu is also incorporated.
- Fundamental to the preparation of this draft document is the understanding that:
  - (i) It is introductory by nature, for the dual purpose of:
    - a) Providing a planning process for Ngati Kahungunu to prepare, by graduated stages, for the ultimate production of an Iwi Development Plan, at the same time affording constituent Hapu with the background and incentive to prepare their respective Hapu plans, and
    - b) Providing Regional Councils (3) and Territorial Local Authorities (8) with a basis

for discussion leading to the preparation of Regional Policy Statements, Regional Coastal Plans, Regional Plans and District Plans.

- (ii) It is only a draft which has yet to be ratified by a Hui-A-Iwi (Ngati Kahungunu hui of the people) but is nevertheless based on consultation held at the behest of local Taiwhenua/District Maori Tribal Executive Committees/Hapu and feedback received in a variety of ways.
- (iii) Time frames imposed by Regional Councils have limited the scope of this document and its standard of presentation.
- (iv) Its use is strictly limited at this stage to discussions with Regional Councils over Regional Policy Statement and Regional Coastal Plan preparation and, save only by prior agreement, to T.L.A's for District plans.

- The key aspects of this document focus squarely on:

- \* The Treaty of Waitangi as our Nation's founding document and the principles (in descending order of priority) of:

**TINO RANGATIRATANGA** - denoting our powers to 'treat'

**PARTNERSHIP** - the exercise of that power through sharing

**KAWANATANGA** - the granting of power to make rules in exchange for concrete guarantees, including the retention of **TINORANGATIRATANGA**

**ACTIVE PARTICIPATION** - denoting an equal partnership

**RESOURCE DEVELOPMENT** - inferring autonomy and access to new technologies.

- \* The statutory delegation of the **CROWN'S PARTNERSHIP** role to Regional and Territorial Local Authorities for resource management and development respectively.
- \* Proposals for the resolution of significant issues using a Ngati Kahungunu Resource Management Ethic as the basis.
- The Ngati Kahungunu **ETHIC** is based on the notions (when included in the management system) of:

**TURANGAWAEWAE, MAURI, MANA, TINORANGATIRATANGA, TAPU**

All of these terms are explained in Chapter 2 at Page 8.

- It remains clear to us that for these plans to bear fruit, discussions and negotiations must take place in an atmosphere of reason and utmost good faith on both sides. In God we trust for the triumph of goodwill and common sense.

**"KAITIAKITANGA MO NGA TAONGA TUKU IHO"**

(Introductory perspectives to Iwi Resource Management Planning - December 1992)

**PURPOSE**

**Provide a medium for the constituent hapu within Ngati Kahungunu to express their unity of purpose and a tribal consensus to do with sustainable resource management.**

**Provide an introduction for Regional Councils and Territorial Local Authorities to the Ngati Kahungunu ethic and policies for sustainable resource management.**

**Form the basis for negotiation with Regional Councils of Hawkes Bay, Manawatu-Wanganui and Wellington for recognition and inclusion of these policies along with the overarching ethic into the respective regional policy statements.**

**Provide a Tribal Umbrella for constituent hapu to treat with the respective/appropriate Regional Council/Territorial Local Authority for the practical implementation of policies in a spirit of co-operation and utmost good faith.**

**Provide Ngati Kahungunu with the foundation upon which to produce a comprehensive Tribal Development Plan that constructively contributes to regional, (and by association, national) prosperity of a sustainable nature.**

## CHAPTER 1

### INDIGENOUS CULTURES AND THE ENVIRONMENT

#### 1. A WORLDWIDE PERSPECTIVE

1.1 Ngati Kahungunu takes heart from the increasing global recognition of indigenous knowledge and its contribution to present day resource management. The following examples are indicative of this recognition :-

1.2. The United Nations Conference on Indigenous People and the Environment, held in Santiago in May 1992, reinforced the importance of traditional indigenous knowledge about the environment through the adoption of the following principle:-

*"Recognition, protection and respect for indigenous knowledge and practises are essential contributions to the sustainable management of the environment".*

1.3 Principle No. 22 adopted by the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, 3-14 June 1992 says :-

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

1.4 That same conference in Rio, at page 381 of its report said, inter alia, :-

*"Indigenous people and their communities represent a significant percentage of global population. They have developed over many generations a holistic traditional scientific knowledge of their lands, natural resources and environment..."*

1.5 From that same conference report, pages 381 and 382, the following extract is taken :-

*"Objectives*

*26.3 In full partnership with indigenous people and their communities, Governments and, where appropriate, intergovernmental organisations should aim at fulfilling the following objectives:*

- (a) Establishment of a process to empower indigenous people and their communities through measures that include :*
  - (i) Adoption or strengthening of appropriate policies and/or legal instruments at the national level;*
  - (ii) Recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate;*
  - (iii) Recognition of their values, traditional knowledge and resource management practices with a view to promoting environmentally sound and sustainable development;*
  - (iv) Recognition that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, continues to be essential to the cultural, economic and physical well-being of indigenous people and their communities;*
  - (v) Development and strengthening of national dispute-resolution arrangements in relation to settlement of land and resource-management concerns;*
  - (vi) Support for alternative environmentally sound means of production to ensure a range of choices on how to improve their quality of life so that they effectively participate in sustainable development;*
  - (vii) Support for alternative environmentally sound means of production to ensure a range of choices on how to improve their quality of life so that they effectively participate in sustainable development;*
  - (viii) Enhancement of capacity-building for indigenous communities, based on the adaptation and exchange of traditional experience, knowledge and resource management practices, to ensure their sustainable development;*

- (b) Establishment, where appropriate, of arrangements to strengthen the active participation of indigenous people and their communities in the national formulation of policies, laws and programmes relating to resource management and other development processes that may affect them, and their initiation of proposals for such policies and programmes;*
- (c) Involvement of indigenous people and their communities at the national and local levels in resource management and conservation strategies and other relevant programmes established to support and review sustainable development strategies such as those suggested in other programme areas of Agenda 21."*

## **2. THE NEW ZEALAND EXPERIENCE**

- 2.1 Without exception settlement of new colonies through the application of dominant monocultural perspectives, often to the exclusion of any indigenous cultural input, has resulted in an unsustainable exploitation of natural and physical resources that has wrought unjustifiable depletion and pollution.**
- 2.2 Sadly the colonisation of New Zealand has been at great and unsustainable expense to its natural and physical resources and to the culture, practises and traditions of its indigenous people.**
- 2.3 Use of Maori language was openly discouraged in schools and the social fabric of Whanau/Hapu/Iwi was deliberately undermined. Political agendas for "assimilation" of Maori have been tried in a variety of ways under a number of guises. The Maori Housing "Relocation" programme of the late 1950s - early 1960s must rate as one of the most devastating of modern times. It represents a cultural upheaval - even "cultural dislocation" - the way whole families were uprooted from their whanau/hapu/iwi supportive social network into an alien insensitive urban environment.**
- 2.4 From the outset the practise of Maori medicine through the use of natural herbs and plants was dismissed as "pagan practices" and "quackery". The Whare Waananga through which these and a variety of other skills and practices were handed down were discontinued to the point now where much of that cultural heritage has been lost, some of it irrevocably so. The irony is that today, more than ever before, there is a global move away from "pill-popping" to the pursuit of health through natural foods and remedies.**
- 2.5 The heritage arising from the politically orientated social discrimination is directly responsible for the modern levels of Maori social dislocation, best exemplified through the poor performance within the Education system and crimes against society.**

**2.6 Wholesale rape of the Country's Forestry and Fisheries, unsustainable land clearing practises with resultant land erosion and water pollution were all aided and abetted by Government, often in direct contravention of the guarantees of the Treaty of Waitangi.**

### **3. LOOKING AHEAD**

- 3.1 Economic, social and cultural advancement are goals that all New Zealanders must aspire to but their attainment must not and cannot continue to be achieved at the expense of the environment. Man's selfish tendencies for being greedy, grasping and avaricious must be tempered by policies practices and codes of conduct designed to allow development to proceed in a manner that recognises our duty to future generations and to the environment.**
- 3.2 Ngati Kahungunu have the practices and control mechanisms that are adaptable to the modern situation. Ngati Kahungunu expresses its willingness to share these with Regional and Territorial Councils within the principles of the Treaty of Waitangi and the spirit of the Resource Management Act 1991.**
- 3.3 This Act is an enlightened statute that provides the framework within which various Iwi and Local Government (Regional and Territorial Councils) authorities can negotiate meaningful strategies, policies and practises for the good of the regional communities. Regional Policy Statements provide the medium for the expression of those strategies, and policies while Coastal, Regional and District Plans will attempt to provide the methodology for practical application.**

## CHAPTER 2

### TOWARD AN UNDERSTANDING OF THE MAORI CONSERVATION ETHIC

*"The notions of Turangawaewae, Mauri, Mana, Kaitiaki, (Tino) Rangatiratanga and Tapu, when included in the management system, form the basis of a very strong conservation ethic within traditional Maori Society".*

*- Rev. Maurice Gray and Lindsay Saunders -" A policy Framework for Traditional Maori Society".*

#### 4. MAORI VERSION OF CREATION

- 4.1 To fully appreciate the depth of meaning and the profound implications of these terms, one needs to go back to Maori mythological origins.
- 4.2 Much of what follows can be ascertained from most Kaumatua of all tribes but in terms of oral tradition it will inevitably be given in Maori. For the purpose of this document the works of the Rev. Maurice Gray (Ngai Tahu) of Lincoln College, Canterbury have been drawn on in some way to provide a clearer expression in English.

#### 5. THE SPIRITUAL BEGINNING

- 5.1. In simplistic terms IO-MATUA KORE (IO - the parentless one) sprung from out of the great void - TE KOREKORE. From Te Korekore came the realm of darkness - TE PO - within which IO -MATUA KORE created RANGINUI and PAPATUANUKU - the Sky father and Earth Mother. RANGINUI was reluctant to release PAPATUANUKU from his embrace and in the process became the procreator of many children who were to become the various "Departmental Gods" or Atua living within the realm of darkness (TE PO).

## 6. THE SEPARATION

- 6.1 TANE was one of these many children (ATUA) who were repressed in this way. He sought release from this repression by burying his head in his Earth Mother's bosom, at the same time thrusting his feet against his Sky Father thus separating both parents.
- 6.2 By this act of separation light and space began to fill the darkness thus bringing about the third state of reality. i.e. "TE AO MARAMA" - the broad daylight.

## 7. THE PHYSICAL BEGINNING

- 7.1 Tane was the procreator of mankind. Having no female counterpart he took part of the soil from mother earth to fashion a female form and invoking authority from IO-MATUA KORE, Tane was given the Mana to breathe life (MAURI) into his female creation so giving rise to the first human being. Thus began an evolutionary process which produced mankind.
- 7.2 In order to cover his mother's nakedness, Tane clothed her with forest and plant life and became dominant over the land and all who dwelt upon her.
- 7.3 TANGAROA took over the oceans - TAWHIRIMATEA, the elements of wind, rain, and lightning - RUAMAKO, earthquakes and so on in diminishing order within the hierarchy of the Departmental Gods or Atua. Various Atua contributed to the evolutionary processes. Through empowerment from IO-MATUA KORE the other Atua, like Tane, created other beings within the physical realm.
- 7.4 The Maori was but a part of this universal creativity and his perception was (and is) that he belonged to the physical environment - but that environment did not belong to him.
- 7.5 The "Natural and the physical resources" (words of the Resource Management Act", like the REO (language) were TAONGA TUKU IHO (in the vernacular "heaven sent treasures") that the gods had made available for wise use and management within the laws and traditions handed down over the eons of time.
- 7.6 Because these things emanated from the Atua or Gods, it became a customary prerequisite to seek their permission whenever the use of a resource was intended. Appropriate prayers and incantations preceded the use or action.
- 7.7 Tikanga (being generally described as the values and belief systems of Maori) always dictated such constraints as may apply to the acceptable use of any resource (TAONGA).

## SUMMARY

The first state of reality was TE KOREKORE - the great void - from which IO-MATUA KORE (the parentless one - the supreme being) emerged.

The second state of reality was TE PO - the darkness, within which IO-MATUA KORE created RANGINUI (sky father) and PAPATUANUKU (earth mother). Their many children who were Atua or Gods were born into this great darkness.

The third state of reality was TE AO MARAMA - the broad daylight, created by one of the Atua, Tane, by the act of separating his parents.

The creation and evolutionary processes were continued through the Atua through the Mana, Mauri and Wairua (authority, life essence and spirit) granted to them by IO MATUA KORE.

These Atua were responsible for the creation and evolution of all living things, including human beings, within the physical world. The Maori was born into this physical reality as a part of it. He belonged to this physical environment - it did not belong to him.

The Maori role as Tangata Whenua (being born of the earth) was to "wisely manage" the physical world and to assist him in this task he was given the gifts (TAONGA) of MANA, WAIRUA, TIKANGA and REO being respectively the Power of Representation, Spirituality, Values and Beliefs System and Language. Being as it was a management and guardianship role, he had Kaitiakitanga.

Within the Maori social structure he developed Turangawaewae (permanent settlements) over which he exercised Tino Rangatiratanga which he enforced through the system of TAPU.

This simplistic outline, designed for the layman and not the academic, indicates the deep Maori spirituality that goes back in genealogical terms to IO-MATUA KORE. That is why whakapapa is regarded by Maori as being so tapu yet so basic in the hierarchical sense in terms of traditional Mana and Tino Rangatiratanga.

To understand these beginnings is to understand the Maori ethic for modern day "sustainable resource management".

To understand the sanctity of whakapapa and the notions of Mana, Turangawaewae, Kaitiakitanga and Tino Rangatiratanga is to understand not only the need to consult but whom it is that ought properly to be consulted.

**SUMMARY OF TERMINOLOGY - THEIR EXPLANATIONS**

- IO-MATUAKORE** Literally "IO the parentless one" - Known by a number of other names, all of which have the prefix "IO". He is the Supreme Being - GOD - who emanated from the great void - the first state of REALITY.
- ATUA** Departmental God - being a child of Ranginui and Papatuanuku.
- TE PO** Literally "the darkness" described in varying ways and names, prefixed by "Te Po..." - the second state of REALITY.
- TE AO MARAMA** Literally "the world of light" - broad daylight.
- RANGINUI** Created by IO-MATUAKORE to be the sky father (of the atua or departmental gods)
- PAPATUANUKU** Created by IO-MATUAKORE to be the Earth Mother (wife of Ranginui)
- MANA** The "authority" sought by the Atua from IO-MATUAKORE to exercise certain of his powers, i.e. creation and (as with Tane) procreation. Aspects of this authority were invoked by Tohunga (being experts who were products of the Whare Wananga or various branches of learning) who exercised it within and for the purposes of the natural and physical world. In the modern context it denotes the notion of empowerment, entitlement, authority, prestige, influence and control.
- MAURI** Life essence which was that of IO-MATUAKORE to give to worthy delegates (being the Atua).
- WAIKUA** Spiritual essence also derived from IO-MATUAKORE.
- RANGATIRATANGA** Denotes the status of the individual, whanau, hapu, Iwi in which MANA reposes or sits. TINO Rangatiratanga is the ultimate status.
- TAPU** Is the notion of being in the presence of the Atua set aside for restricted use by that Atua. Restrictions imposed by dedication or consecratory ritual. There are various forms i.e. permanent, temporary or seasonal. RAHUI is a temporary state of Tapu.
- TURANGAWAEWAE** Literally "a place to stand" - permanent settlement.

## CHAPTER 3

### TOWARD AN UNDERSTANDING OF NGATI KAHUNGUNU ASPIRATIONS FOR TRIBAL DEVELOPMENT.

#### 8. LEGISLATION

- 8.1 The Resource Management Act 1991 is, and ought to be seen to be, one of the more enlightened pieces of legislation of recent times, even if it (the Act) may have the appearance of being vague or even tepid in some respects.
- 8.2 At the very least, it places squarely upon our shoulders (as a tribe) and on the shoulders of Local Government Politicians (Regional and Territorial Councillors) the responsibility to find district and regional solutions of a practical nature for sustainable resource management.
- 8.3 For Ngati Kahungunu the attractive and timely parts of the statute have to do with consultation, recognition of Maori values and last but not least, recognition of the principles of the Treaty.
- 8.4 Ngati Kahungunu welcomes the opportunity to demonstrate the worth of our ethic for Conservation and protection of the Environment; we can give practical examples during the course of our current and future relationships with Regional and territorial Local Authorities that our principles, unchanged by the passage of time, have a very real application in the modern setting.
- 8.5 However enlightened and well intentioned the Act might be, as Maori we still harbour some regrets. The Act talks only of "Natural and Physical" resources which reflects a mentality for compartmentalisation. We as Maori prefer to look at all of our resources (TAONGA KATOA) holistically.
- 8.6 Our greatest resource are our people epitomised by the (abridged) saying - "... he aha te mea nui? He tangata, he tangata, he tangata." What is of most importance? People, people, people. Ngati Kahungunu plans for development must include our greatest resource (or Taonga) and that is our people!

## **9. HOLISTIC APPROACH TO RESOURCE "MANAGEMENT/DEVELOPMENT"**

- 9.1 One of the stated purposes of this tribal document is to respond to the opportunity afforded by the Resource Management Act for Ngati Kahungunu to contribute to Regional Policy Statements of Regional Councils.
- 9.2 The scheme of the Act, according to the Ministry for the Environment is such that it should not be used as a vehicle for the pursuit of social and economic objectives". The Ministry points out that the emphasis is on "MANAGEMENT" of natural and physical resources while "social and economic considerations are relevant only to the extent that adverse social and economic effects of resource use are to be avoided, remedied or mitigated".
- 9.3 While such statements reflect the attitude of this present Government to the said statute, those same statements run contrary to our traditional approach to all our resources, the regard for which is a holistic one.
- 9.4 There is clearly a link between the "management" of natural and physical resources and issues of an economic and social nature which go beyond those that are (happily) coincidental to the "management" process.
- 9.5 Natural and Physical resources, spoken of in the Resource Management Act cover only two of the three categories of TAONGA (meaning in this context "resources"). Those two categories are embraced by the terms MANA WHENUA - being land and air resources - and MANA MOANA - being water resources. The third category is MANA TANGATA - being people resources.
- 9.6 It is foreign to Maori philosophy to think of these categories as things apart - it is not within our traditional make up to deal with one without considering the widest effect and implications for the other two. It is even more foreign to talk merely of the "management" of resources in isolation to the "development" of resources.
- 9.7 Figure 1. below has been adapted to take into account the implications of resource management planning under the Resource Management Act and the way that Ngati Kahungunu would like to see it dovetail into our overall Tribal Development planning scenario that takes into account both "management" and "developmental" aspects.
- 9.8 Our approach is consistent in that in the umbrella tribal sense, we want to create the MACRO environment within which the MICRO elements to do with Taiwhenua, Hapu, Whanau and individuals can find the scope to develop and manage their Economic, Social and Cultural well being.

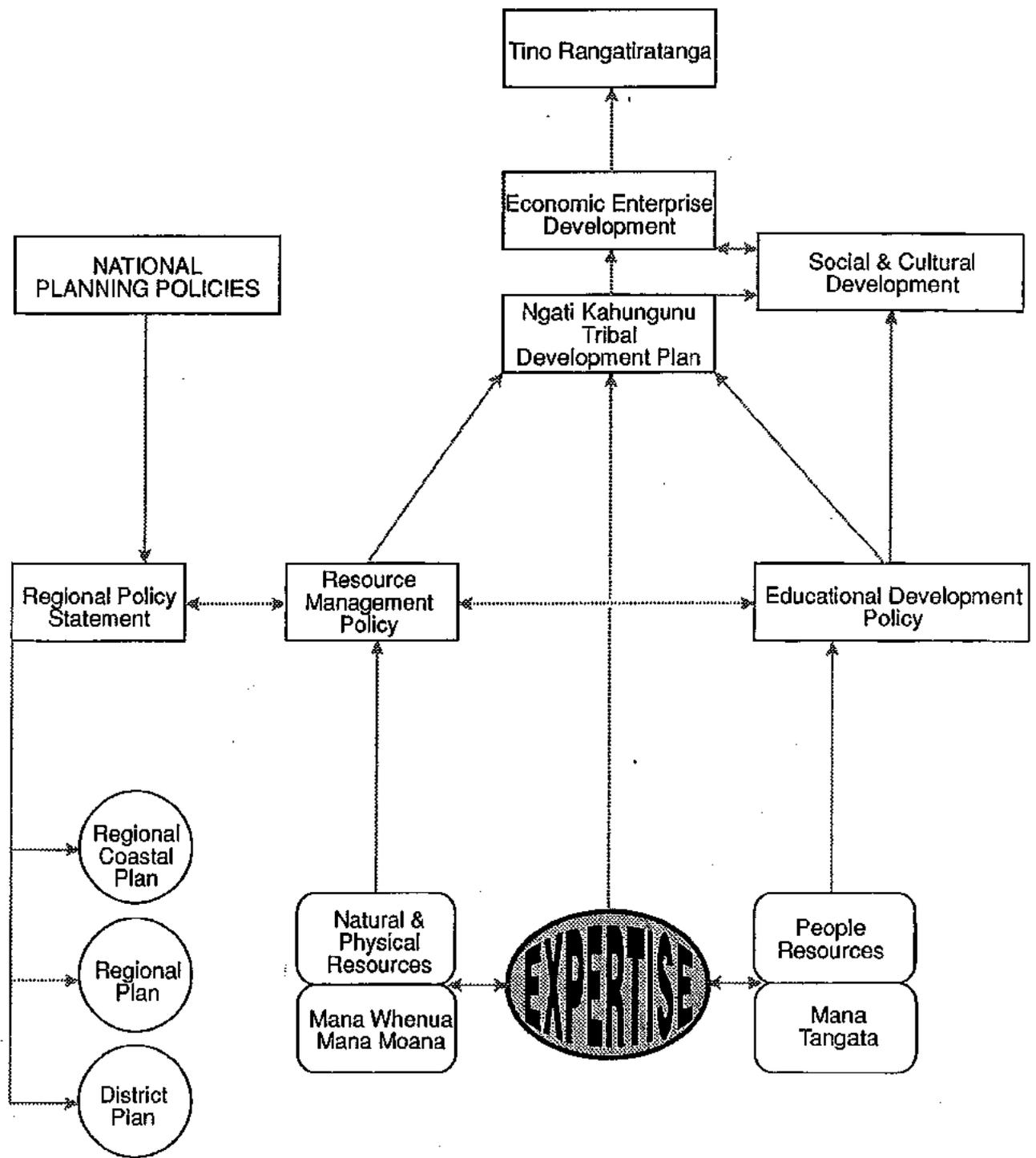


Figure 1:  
Tribal Development Strategy

- 9.9 The MACRO environment that we wish to help foster (in tandem with Regional/Territorial Councils) relies on Education as the key to our people development. In essence what we want to do is to bring together Expertise and Resources in a way that marries Education to the practical requirements of INDUSTRY/PRIVATE ENTERPRISE that is in turn linked to the SCIENTIFIC community for PRODUCT and MARKET development.
- 9.10 We cannot realistically achieve our vision by insisting on unnecessarily restrictive policies and guidelines for inclusion within the Regional Policy Statement. On the other hand we will not suffer gladly the kinds of resource management practises of the past which gave way to the pursuit of the dollar without due regard for sustainability of the resource or resources affected.
- 9.11 Ngati Kahungunu are clearly of the mind that with current operations as well as future development, there must be a move toward a "polluter pays" enforcement policy. This will be our attitude towards our own development ideals and will be accorded high priority in our management practises for any of our enterprises. In this we are determined to practise what we preach.
- 9.12 Within that "management/development" scenario is contained a general Maori scientific process for the determination of what is sustainable and this is indicated by figure 2.

**The Maori "Holistic" Philosophy:**

In Maori terms there are three sides to the "holistic" being, viz.

- Taha Wairua - spiritual side or being
- Taha Hinengaro - Mental side or being
- Taha Tinana - Physical side or being

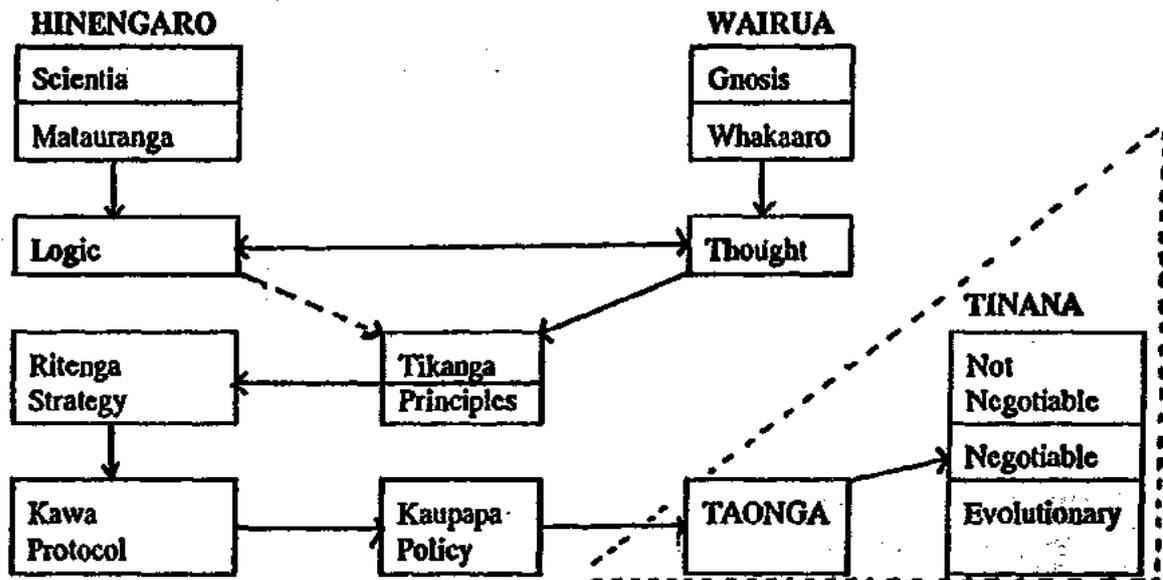
It has equal application to an individual or group (eg tribe). The achievement of total well being requires the development and nurturing of all 3 in association - never in isolation.

**Maori "Science" Model**

The spiritual (Wairua) in association with the mental (Hinengaro) produce a physical (Tinana) balance.

Added Maori Perspective

**Conventional (European) Approach**

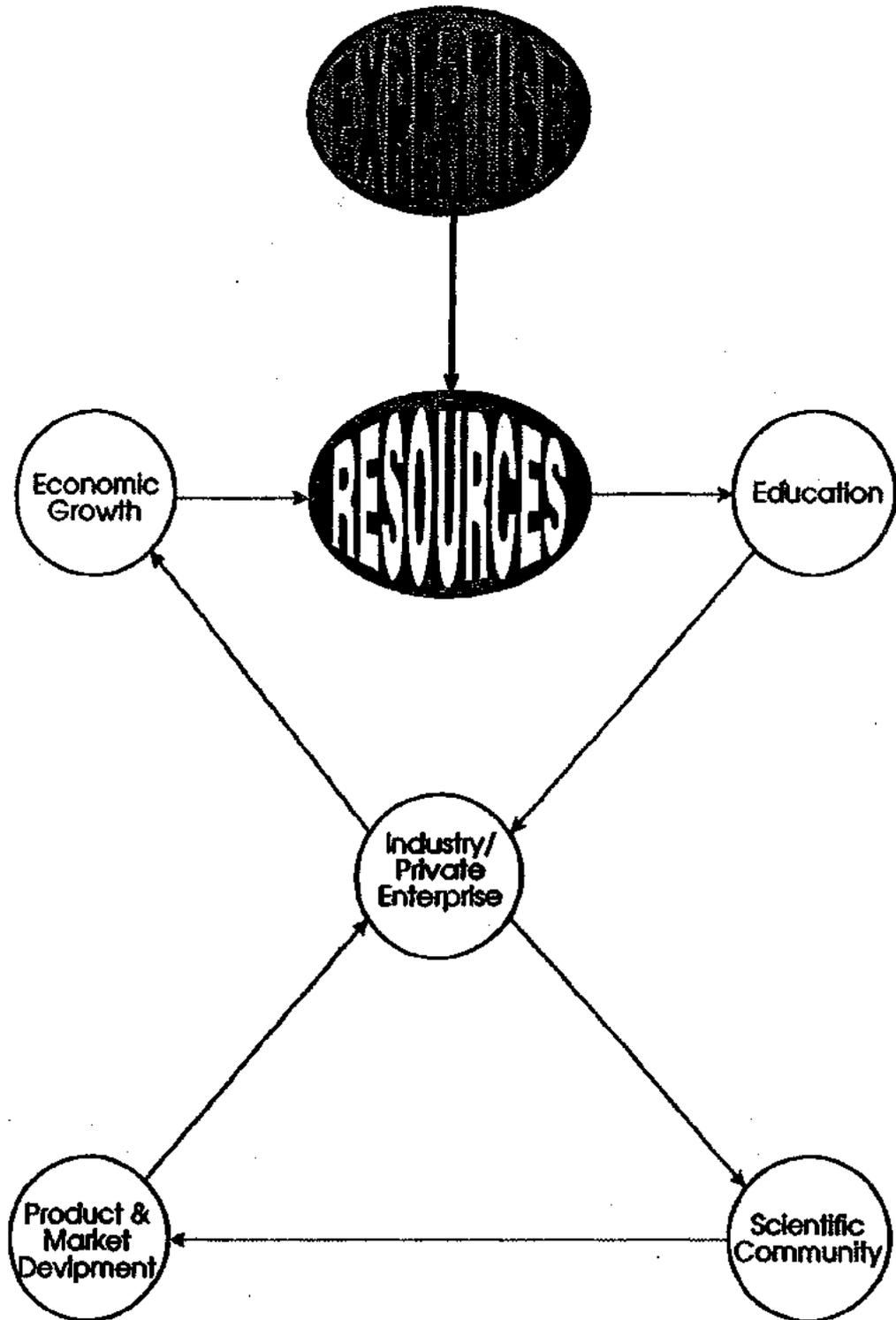


## **10. HAPU STATUS**

- 10.1 Although a tribal system for general authority is likely to evolve through more in depth tribal discussion and planning, it is well to repeat that the Mana for such monitoring - enforcement even - traditionally lies with the respective constituent hapu through the use of such mechanisms as TAPU (prohibition), RAHUI ("closed season" of variable duration) and NOA (lifting of TAPU or RAHUI). The Fisheries Act contains the mechanism of "TAIAPURE".
- 10.2 This signals the need for Territorial Authorities in particular to enter into meaningful dialogue with the appropriate hapu on how the general theme of our tribal "management/development" philosophy can be given practical effect, not merely to accommodate the "Maori perspective", rather because there are obvious benefits that will be seen to be generated for the wider community.

## **11. PEOPLE RESOURCES/DEVELOPMENT**

- 11.1 Because of the "floating" nature of part of our Maori population statistics derived from the national census tend to understate the Maori population within Ngati Kahungunu. Our best estimates through our research and knowledge gained from our networks put our total Maori (not just Ngati Kahungunu) population at 50,000 some 20% of whom are unemployed. This is a gross waste of our people resources but we will never overcome that problem by looking at "employment" in isolation.
- 11.2 Figure 3. below indicates how we wish to apply our WANANGA CONCEPT (broad process for EDUCATION/TRAINING) in a way that best serves our resource management and development aspirations. For us it serves to indicate the absolute necessity of a holistic approach.
- 11.3 Our Rohe (i.e. the whole of Ngati Kahungunu) must benefit from enhanced productivity from our natural and physical resources, particularly land and fisheries; from the increases in employment generated; from the injection of "outside money" into the regional economy; from the opportunities generated for our local tourism industry; from the rise in the social esteem of our wider community.



**Figure 3:**  
Application of Wananga Principles

## CHAPTER 4

### TREATY PRINCIPLES · LINKAGES TO OUR CONSERVATION ETHIC AND DEVELOPMENT ASPIRATIONS.

#### 12. TREATY PRINCIPLES EXPLORED

*"The Treaty was an acknowledgement of Maori existence, of their prior occupation of the land and of an intent that the Maori presence would remain and be respected. It made us one country, but acknowledged that we are two people. It established the regime, not for uni-culturalism but for bi-culturalism. We do not consider that we need to feel threatened by that, but rather that we should be proud of it and learn to capitalise on this diversity as a positive way of improving our individual and collective performance.*

*The Treaty was also more than an affirmation of existing rights. It was not intended to merely fossilise a status quo but to provide a direction for future growth and development. The broad and general nature of its words indicates that it was not intended as a finite contract but as the foundation for a developing social contract.*

*We consider then that the Treaty is capable of a measure of adaptation to meet new and changing circumstances provided there is a measure of consent and an adherence to its broader principles."*

(Quotation from the Waitangi Tribunal in the Atiawa Report.)

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*"It was inherent in the Treaty terms that Maori customary values would be properly respected, but it was also an objective of the Treaty to secure a British settlement in a place where two people could fully belong. To achieve that end the needs of both cultures must be provided for, and where necessary, reconciled."*

(Quotation from the Waitangi Tribunal in the Mangonui Report)

12.1 These quotations by the Waitangi Tribunal provide some bases for an understanding of the Treaty. The points made by the Waitangi Tribunal can be summarised as :-

- \* An acknowledgement of Maori existence and prior occupation.
- \* Maori presence would be respected.
- \* We become ONE COUNTRY OF TWO PEOPLE.
- \* A regime was established for biculturalism.
- \* An opportunity to capitalise on diversity - be positive about improving individual and collective performance.
- \* Not intending to fossilise the status quo - serve as a direction for future growth and development.
- \* Not intended as a finite contract - rather a foundation for a developing social contract.
- \* Being capable of a measure of adaptation to meet new and changing circumstances.
- \* Requiring a measure of consent and adherence to its broader principles.
- \* Inherent (in its terms) that Maori Customary values would be properly respected.
- \* Being an objective of the Treaty to secure a British settlement in a place where two (races of) people could belong.
- \* Both cultures must be provided for, and where necessary, reconciled.

#### **TREATY EXPLORED**

12.2 The Court of Appeal (on questions of interpretation) has said, in the NZ MAORI COUNCIL CASE, that

*"... the principles of the Treaty are to be applied, not the literal words"*

and further

*"... it should not be approached with the austerity of tabulated legalism. A broad unquibbling and practical interpretation is demanded. It is hard to imagine any Court or responsible lawyer in New Zealand at the present day suggesting otherwise."*

12.3 The Report entitled "A STARTING POINT AND FRAMEWORK" prepared for the Taranaki Regional Council by Maui Solomon and Robert Schofield provides an excellent guide on matters to do with the Resource Management Act, the Treaty and some MAORI terminology.

12.4 On the subject of Treaty principles pages 32 and 33 of that report has this to say :

*"The Waitangi Tribunal and the Courts have developed principles which have, in the main, been concerned with the duty of the Crown to put in place protective mechanisms to safeguard claims to resources being corporatised and/or privatised by the Crown (for example, memorials on land titles, Crown forest rental trust and fishing quota for Maori).*

*The thrust of the Resource Management Act requires a new emphasis to be given to those principles for interpretation in the context of issues concerning resource management as distinguished from resource ownership. It is therefore important that, in the first instance, the Council and Te Putahi (for the Taranaki people) endeavour to arrive at a consensus on what the principles should be, bearing in mind that these principles will need to be revisited and modified with practical and legal experience under the Act. The spirit of partnership and good faith requires as much".*

12.5 The Taranaki report goes on to summarise the principles drawn from the Waitangi Tribunal and the Court of Appeal decisions. They are the principles of :-

- KAWANATANGA
- PARTNERSHIP
- RESOURCE DEVELOPMENT
- RANGATIRATANGA
- ACTIVE PARTICIPATION

12.6 Pages 33 to 43 (both inclusive) of that report (reproduced as appendix ..... in this document) provides some perceptive insights into those principles.

### 13. NGATI KAHUNGUNU PERSPECTIVE

13.1 For Ngati Kahungunu purposes our approach is somewhat different if a little less analytical. The key from our perspective is the understanding of the various terms and how deeply rooted they are in our mythological origins.

13.2 RANGATIRATANGA should read TINO RANGATIRATANGA which includes the notion that such chiefly rank is supported by the MANA delegated by the ATUA to protect as KAITIAKI, the MAURI and the WAIRUA of the natural and physical resources pertinent to ones TURANGAWAEWAE and all who share those things.

13.3 Given that TINORANGATIRATANGA was not (nor was it intended to be) relinquished by MAORI, KAWANATANGA must include the notion that there was to be a PARTNERSHIP where KAWANATANGA would be seen in the light of a Management role of shared responsibility and an exchange of gifts. In the MOTUNUI case the Waitangi Tribunal expressed the exchange of promises under article I and II as :-

*"An exchange of gifts ... the gift of the right to make laws, and the promise to do so as to accord the Maori interest an appropriate priority".*

13.4 That our Maori forebears were willing to "share" the natural and physical resources is a fact - they never ever intended to give away or cede TINORANGATIRATANGA or KAITIAKITANGA in the process. An invitation to share a meal is not a licence to take the whole harvest.

13.5 The distortions wrought by successive governments to these Maori understandings over the last century and a half has reduced Maori to the point where there is an intolerable imbalance that was never intended by the Treaty. There has been little or no ACTIVE PARTICIPATION.

13.6 In talking of those in power, the Waitangi Tribunal said (Manukau Report)

*"All too easily will such bodies merely assert a 'democratic' right for the majority to outvote the minority which will perpetuate grievances and bring no better results in the future than those that have been produced in the past."*

13.7 In her 1988 report, the Parliamentary Commissioner for the Environment noted that token representation will not be enough. Although it may provide an educative function in the short term, it will not resolve the imbalance unless both sides are willing to compromise.

- 13.8 This and the preceding paragraph have been adapted from the Solomon Schofield report for Taranaki Regional Council. Pages 41 to 43 of that Report goes on to deal with a **RESOURCE DEVELOPMENT PRINCIPLE** and a **SPIRITUAL PRINCIPLE** (see the reproduction of these pages as part of appendix .....). For Ngati Kahungunu purposes we fully endorse those comments.
- 13.9 In terms of finding the means for the reasonable and practical application of our perceptions of the Treaty principles, it is necessary to revisit the principle of **PARTNERSHIP**, some elements of which are :-
- \* That the Crown is the Treaty partner with the ultimate responsibility for resource management (subject to Maori rights preserved and guaranteed by the Treaty)
  - \* That the Crown has given Regional Councils and Territorial Local Authorities statutory delegations for the exercise of some of its obligations and responsibilities
  - \* Those delegates are, ipso facto, (and in terms of Section 8 of the Resource Management Act) in partnership with Ngati Kahungunu for their respective rights and interests, to co-operate in utmost good faith for the determination of principles for sustainable management of natural and physical resources.
- 13.10 As such, we cannot be brushed aside as "just another interest group" or "another ethnic minority". For our part, we pledge a desire, through means of reasoned dialogue and negotiation, conducted in an atmosphere of good will and utmost good faith, to consider the cultural and philosophical differences in order to arrive at outcomes that both partners can live with for the betterment of the whole regional community.
- 13.11 This document can do no more than stipulate our overarching tribal principles as the basis for us to promote matters for inclusion in the Regional Policy Statement, Regional Coastal Plans, Regional Plans and District plans.
- 13.12 Although we have indicated the tribal approach to resource development, it is to be understood that the autonomy reposes with the constituent hapu of Ngati Kahungunu who will deal directly with Territorial Local Authorities for the production of District plans that take into account the Maori considerations as required by the Resource Management Act Sections 5,6,7,8, 32, 61 and 62 and the First Schedule.

## CHAPTER 5

### SIGNIFICANT ISSUES AND GENERAL POLICIES

#### 14. KEY CONSIDERATIONS

- 14.1 Central to any discussion on issues relating to environmental matters, and not just those to do with sustainable resource management (but for us resource development too), is the absolute importance to Ngati Kahungunu of **PRESERVATION and PROTECTION OF MAURI**.
- 14.2 As already explained, MAURI is the life essence of nature itself on this planet. To see to its preservation and protection is to provide for conservation of bio-diversity, the outcomes from such case being restoration and regeneration of Ecosystems. This is the least of our collective community duties to the future generations of our Region - of our Nation. (such case)
- 14.3 Once the MAURI has been extinguished within a species, the result is extinction because the natural restorative and regenerative powers are lost. Little wonder then that MAURI plays such a large part within the Ngati Kahungunu Conservation Ethic.
- 14.4 High in our priority list are the Principles of the Treaty of Waitangi - the founding document of our Nation of one country - two people, hence two cultures. While this document leans in favour of the five principles to be gleaned from decisions of the Courts of Appeal and the Waitangi Tribunal, Ngati Kahungunu reserves the right to temper those principles with our own appreciation of what they mean for us as an Iwi.
- 14.5 For one thing **TINORANGATIRATANGA**, is the number one principle in that through having it in the first place, were able to treat with the Crown on respect to the second ranked principle - that of **PARTNERSHIP**.
- 14.6 Under that **PARTNERSHIP** we ceded **KAWANATANGA**, subject to the GUARANTEES - promises which the Crown never kept but which Section 8 now charges Councils with the responsibility for in terms of Sustainable Management.
- 14.7 The **PARTNERSHIP** with the Crown is an enduring one, some aspects of which have now been statutorily delegated to Regional Councils. In a sense we see this relationship at best as being an equal partnership - at worst one akin to a **TRUSTEE/BENEFICIARY** relationship where although the Trustee (the Crown - hence Regional Council) has the legal estate, the beneficiary (Ngati Kahungunu through its constituent Hapu) have the beneficial estate under a relationship that demands that the trustee maximises the returns to the beneficiaries.

14.8 The principles of ACTIVE PARTICIPATION fits the notion of shared partnership responsibility presupposing consultation and a sharing of the decision making process. This notion is epitomised by one of the Maori Chiefs (a signatory to the Treaty of Waitangi) who said words to the effect that

"... to the Queen (Victoria) I give my shadow, but I retain unto myself my substance."

14.9 The principle of RESOURCE DEVELOPMENT needs to be weighed up by Councils in arriving at their sustainable resource management decisions. As previously stated, our holistic approach to all TAONGA and their sustainable use development and management mitigates against looking at one aspect in isolation.

14.10 In the context of RESOURCE DEVELOPMENT (as well as management) the recent hallmark decision by the WAITANGI TRIBUNAL over the Mohaka River is very relevant to the Hawke's Bay Regional Council in the way that it needs to seriously rethink its functions relating to that TAONGA, or rather that part of the river which is deemed by the Waitangi Tribunal to have never gone out of Ngati Pahauwera "ownership". Negotiations with the Crown and Ngati Pahauwera are about to get underway in an effort to negotiate a settlement. But the case does point to the very real need for Councils and Iwi/hapu of Ngati Kahungunu to promote meaningful dialogue in an atmosphere of reason and good faith. Goodwill on both sides will inevitably serve the long term interests of the Regional communities involved.

14.11 Also high on the priority order of SIGNIFICANT ISSUES is the reaffirmation of the traditional social fabric of Whanau/Hapu/Iwi. Policies of the past aimed at "assimilation" as well as "divide and rule" practices must be left in the past. One sided domination of resource acquisition, development and management at any price, can never be justified. The social dislocation leading to social disorder and unrest; the denial of access to legitimate resources to the detriment of educational/academic advancement plus the cultural deprivation are prices no ethnic group should have to pay.

14.12 To get Ngati Kahungunu back on track across the board as worthy contributors to the economic, social and cultural wellbeing of our regional communities, the significance of our social networks must be recognised and actively supported insofar as it allows Ngati Kahungunu full cultural expression through its social networks that have the marae as the nerve centre.

14.13 Other issues of general tribal significance are covered below but these ought not to be seen as being exhaustive of the issues of moment to us as an iwi. They are merely indicative of the Wainua or spirit of this document that attempts to provide a basis for negotiation between Ngati Kahungunu and Hawke's Bay, Manawatu-Wanganui and Wellington Regional Councils in terms of their respective Regional Policy Statements (and Regional Coastal Plans, Regional Plans) and with Territorial Local Authorities for District plans.

14.4 We recognise the need to develop cordial and lasting relationships with all Councils to give practical effect to Treaty principles and by that process, resolve issues.

**15. KEY ISSUES OF SIGNIFICANCE TO NGATI KAHUNGUNU**

<b>Issue No. 1</b>	<b>ELIMINATION OF RESOURCE MANAGEMENT PRACTICES THAT THREATEN THE MAURI OF NATIONAL SPECIES</b>
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**Significance**

"MAURI" or life essence of natural species are under threat through pollution, loss and degradation of habitat, unsustainable exploitation.

Traditional Maori practices, based on Tikanga with resource conservation and preservation as the overriding consideration have either been ignored or supplanted by the imposition of a monocultural management regime and development policies.

Mindless rape of native forests has destroyed habitats disrupted the food chain and caused water pollution through erosion and nutrient run-off, all of which undermine the Mauri of the affected species.

**Desirable Outcomes**

- \* Ecosystem restoration (forestry/Fishery)
- \* Ecosystem regeneration
- \* Practice of Tikanga Maori according to Ngati Kahungunu Kawa.

**Suggested Implementation**

- \* Planning process (sustainable "waste" management, controls over water quality, impacts on climate)
- \* Public Education (Wananga or seminars on natural elements - eg. Nga tamariki O Rangi rāta ko papa; traditional Maori science/technology studies, traditional harvesting practices, planting practices)
- \* Service delivery (tree plantings for soil erosion, land based sewage disposal, coastal pollution monitoring/clean up exercises)

Issue No. 2	<b>ESTABLISHMENT AND IMPLEMENTATION OF THE PRINCIPLES OF THE TREATY OF WAITANGI (AS PROPOSED WITHIN THIS DOCUMENT) AS A LIVING GUIDE FOR REGIONAL COUNCILS AND T.L.A.'s IN PARTNERSHIP WITH NGATI KAHUNGUNU</b>
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**Significance**

The Treaty is our Nation's founding document. In the words of the Court of Appeal:

*"... the principles of the Treaty should be applied, not the literal words"*

and

*"... it (the Treaty) should not be approached with the austerity of tabulated legalism. A broad unquibbling and practical interpretation is demanded"*

Section 8 of the Resource Management Act requires that the principles of the Treaty be taken into account.

Ngati Kahungunu wishes to apply its own interpretation to the established principles (in descending order) of:

**TINORANGATIRATANGA  
PARTNERSHIP  
KAWANATANGA  
ACTIVE PARTICIPATION  
RESOURCE DEVELOPMENT**

By defining a Ngati Kahungunu understanding of such terms at KAITIAKITANGA, MAURI, MANA, TURANGAWAEWAE, TAPU AND TAONGA, the notions of the Treaty principles as we understand them are capable of being better understood in terms of the Iwi/Hapu/Whanau role in resource management.

**Desirable Outcomes**

- \* A working relationship based on PARTNERSHIP that is centred around accepted and respected principles.
- \* Policies designed to create the best "environments" possible
- \* Reaffirmation of the "active participation" principle in the decision making process
- \* Ongoing consultation

**Suggested Implementation**

Policy directives (for inclusion in Regional Policy Statement, Regional Coastal Plans and Regional Plans for which T.L.A's shall have regard)

Education (publicity to raise community awareness, seminars, training)

Funding (ie. general consultative process, representative process, iwi/Hapu planning, monitoring and evaluation)

Issue No. 3	<b>THE REAFFIRMATION OF THE MAORI SOCIAL FABRIC OF WHANAU, HAPU, IWI AND THE IMPORTANCE OF THE ENVIRONMENT</b>
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Marae

**Significance**

It has been accurately said that although Hapu have always exercised autonomy, the Maori social fabric allowed the constituent Hapu within an Iwi to unite for power in times of war and projects in times of peace.

This social fabric with its unique networking system has been drastically eroded for political purposes of "assimilation" and "divide and rule" to the point where its strengths have been undermined and has thereby become increasingly less effective. Social disorder and lack of achievement has resulted.

In order to get the most sustainable, and therefore effective use, out of this valuable resource, both Regional and other Councils must do their part to actively encourage the re-establishment of that Maori Social order as a means to cement a lasting foundation for the inclusion and for use of indigenous scientific and technological knowledge within the Regional resource management policies and plans.

**Outcomes would Include**

- \* Standardised levels of Maori representation for CONSULTATION.
- \* Marae being respected as the physical manifestation of Tinorangiratanga for constituent Hapu of Ngati Kahungunu.
- \* Optimum use being made of Marae as the physical, cultural and spiritual base for meaningful consultation with Councils as appropriate.

**Implementation**

Some suggestions include: rationalisation of the Maori Social fabric of "representation" at District Council level through to Regional Council (may require adjustment by both Maori and Councils), regulation (rules in plans), service delivery (e.g. confirmed funding of the evolving relationship) economic incentives (e.g. rating concessions, works concessions, employment schemes, tourism support), education (e.g. cultural awareness by Council/General public).

(continued)

**Issue No. 4    MANAGEMENT OF THE COASTAL ENVIRONMENT**

**Significance**

Ngati Kahungunu has one of the largest Coastal environments within Maoridom. Our Fisheries resources are vast but have been devastated by commercial over exploitation and inept political/executive management.

Our coastal environment is a major recreational and tourism asset as well as playing an important part as a life-support system. Despite that some District and City Councils continue to pollute our rivers and coastal waters by allowing unacceptable levels of improperly treated wastes (effluent and sewage) to be discharged into them.

The contamination of our coastal waters is highly objectionable and totally unacceptable culturally. The "MAURI" or life essence of the coastal ecosystem, particularly where our "MAHINGA KAI -MATAITAI" (food sources - fisheries) are concerned, is being progressively destroyed.

Licenses continue to be issued for the commercial exploitation of the resource but little or no part of this revenue is being used to look at research and/or reseeding. No part of that revenue, it would seem, is assigned to the monitoring of levels of contamination from a variety of causes.

Our constituent hapu have prided themselves on their tradition of being good hosts, a status judged by the quality, quantity and variety of foods (particularly seafoods) for guests. Within parts of Hawkes Bay waters, our mussels particularly have been contaminated and are not fit for human consumption.

The toxic and other wastes (which have contributed to this sorry state) might as well have been dumped onto our dinner tables -the cultural significance is the same as though they (the wastes) had been.

Those persons, groups, organisations and bodies that contribute to the pollution of our water ways and coastal waters should be made to pay a heavy "pollution tax" on a "polluter pays" basis until they have taken appropriate lasting corrective measures.

Farmers, foresters, horticulturalists, commercial and industrial firms, private individuals, local bodies are examples of those who ought to be held to a strict compliance code where the quality of our water in general and our coastal waters in particular are being, contaminated, polluted and ecologically damaged.

When all is said and done, it is often a combination of a range of bad management practises inland which has a cumulative effect on the ever diminishing quality of our waters as they progress towards the sea.

The variety and diversity of land uses, particularly the intensive settlements that produce so much man made wastes must be monitored and controlled for coastal protection purposes.

**Outcomes for Coastal Protection should include:**

- \* Preservation and protection of the "MAURI" of the coastal ecological system.
- \* Protection of the characteristics of the coastal environment of special value to Ngati Kahungunu including waahi tapu, tauranga waaka, mahinga kai - mahinga mataitai and taonga raranga.
- \* Respect for RAHUI and TAIAPURE.
- \* Practise of Tikanga Maori, according to Ngati Kahungunu kawa in the use of coastal resources, including the acknowledgement of Kaitiakitanga based on Tinorangatiratanga.

**Implementation**

Ngati Kahungunu expectations include regulation (rules jointly established in consultation with Hapu/Iwi - in the Regional Coastal Plan and District Plan, "Polluter pays" penalty or tax, cessation of untreated or only partly treated sewerage and effluent into water ways/sea, move to land based/wood lot orientated disposal of treated wastes), service delivery (signs, servicing of camping areas), education (publications that increase community awareness of cultural perspectives), advocacy (e.g. support for initiatives such as RAHUI, TAIAPURE and marine reserves under other legislation).

<b>Issue No. 5</b>	<b>GREATLY REDUCE, WITH THE ULTIMATE AIM OF ELIMINATING AVOIDABLE ENVIRONMENTAL POLLUTION AND DAMAGE THROUGH PROPER WASTE MANAGEMENT POLICIES/PRACTICES</b>
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**Significance**

Waste is of grave concern to Iwi and has been emitted in areas where it has caused serious cultural damage and affront through the desecration of waahi tapu, kaiawa, kaimoana and mahinga kai. Waste also results in a downgrading of amenity values and a degrading of property values.

We repeat by way of emphasis our abhorrence at the dumping of waste viz. through sewage outfalls into waterways and the ocean.

In terms of hazardous waste Ngati Kahungunu is concerned at the lack of Government implementation systems for the storage and disposal of such waste.

**Expected Outcomes**

- \* Reduction of environment pollution to levels mutually acceptable to Ngati Kahungunu and District/Regional authorities.
- \* Relocation of waste disposal systems to meet the cultural sensitivities of Ngati Kahungunu.

**Implementation**

- \* Regulation and rules and by-laws
- \* Service delivery
- \* Economic (restoration and pollution tax)
- \* Education, training and publicity
- \* Installation of effective monitoring systems

<b>Issue No. 6</b>	<b>PROTECTION AND PRESERVATION OF WATER QUALITY</b>
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**Significance**

Water quality is the very essence of life and the preservation of Mauri within the natural world.

Within the Maori management regime for the physical world, water had a variety of classifications according to the intended use. It is not proposed, for the purposes of this document to enlarge on those classifications except to say that with each "use" care was taken to respect and preserve the natural quality and inherent Mauri.

Waters used for human consumption or from which a variety of foods were gathered was never allowed to be contaminated by human waste. To defile or pollute water in that way would be akin to dumping human excrement on ones dinner table. Distasteful as this analogy may be, it only begins to explain the absolute cultural abhorrence of practices whereby untreated or improperly treated sewage and effluent are deliberately discharged into rivers, streams, lakes and oceans that are Maori traditional food sources or from whence water for domestic use is drawn.

Such culturally insensitive and environmentally unsustainable practices must cease. Similarly farming, horticultural and forestry practices, industrial and commercial discharges, which are harmful to the surface, underground and/or the coastal waters must be curbed and eliminated, particularly where there is clear evidence that the bio-diversity of nature is being unacceptably interfered with.

#### Expected Outcomes

- \* Cessation of sewage/effluent discharges into the water courses, streams, rivers and oceans.
- \* Provision of proven land based waste disposal systems for treated sewage/effluent as part of tree/woodlot plantings.
- \* Change in farming/forestry practices that eliminates unacceptable levels of nutrient enriched runoffs into natural water ways.

#### Implementation

- \* Regulation (within planning documents and bylaws)
- \* Service delivery (land based waste disposal)
- \* Economic (introduction of "pollution tax" to fund corrective or prevention measures)
- \* Education (publications to increase awareness, seminars, training)

<b>Issue No. 7    ENSURE THE PROTECTION AND PRESERVATION OF WAAHI TAPU</b>
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#### Significance

Waahi tapu are defined by the Resource Management Act 1991 and are usually translated as "sacred sites". As a general rule they are land based but some, such as Tauranga Waka are coastal.

Their range include such places as burial sites, ceremonial or funeral sites, pa sites, objects or places of historical significance to Whanau, Hapu or Iwi.

These sites bare<sup>ce</sup> particular cultural significance and sensitivity and their location are often a closely kept secret. At least one Council within our tribal territory has actively undertaken the task of locating Waahi Tapu within its area of jurisdiction by funding that research. While the Council's motives might, at first blush, seem commendable, such a programme which is embarked upon without due consultation could be construed at best as insensitive and worse yet highly objectionable.

Consultation on this issue ought to begin at Iwi level to get a feel for what will be divulged for planning and protection purposes. If the sites are of Hapu/Whanau significance then consultation must proceed to these levels.

#### Expected Outcomes

- \* Protection and preservation of sites
- \* Access to sites
- \* Suitable physical identification where that is permissible

#### Implementation

- \* Regulation (through indicators within Regional Policy Statements, rules of Regional Coastal Plans, Regional Plans and District plans)
- \* Publicity (Notices, signs, publications)

<b>Issue No. 8</b>	<b>LAND USE, OF WHATEVER TYPE, CONFORM TO AND HAVE DUE REGARD FOR THE NGATI KAHUNGUNU ETHIC FOR SUSTAINABLE RESOURCE MANAGEMENT</b>
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#### Significance

Papatuamuku by the earth mother was the basis for all creation within the natural order. Tane clothed her and procreated mankind. Other Atua provided other species within the natural and physical world.

Therefore if she is to continue to nurture and nourish that natural bio-diversity, we must do our best to assist her in that process or rather refrain from doing anything that obstructs or undermines the process.

Farming practices, emphasise a point. Some farmers persist with pastoral activities that fly in the face of natural forces such as climate and weather patterns instead of heeding those natural forces and undertaking enterprises that are more in keeping with nature.

Stripping of natural vegetation thus exposing Papatuamuku to the ravages of avoidable erosion is, again, another example. Removing or destroying habitats by cutting down forests/bush is yet another.

The ethic of applying Tikanga to Taonga in order to reach a decision on whether a use is sustainable should be applied for each intended use. If the result is in the negative, rules for acceptable (sustainable) management should automatically *debar* such intended use.

The specifics of land management and development are matters for Hapu, having Mana Whenua, to decide in conjunction with the appropriate authorities having regard to Hapu requirements set out in separate Hapu planning documents.

For tribal purposes, the issue is to outline a general, ethic pertaining to land that can be incorporated into a Regional Policy Statement which affords protection through management yet still allows resource development.

#### Desirable Outcomes

- \* Practices that are conservation oriented.
- \* Uses which safeguards the general environment.
- \* User control/monitoring that avoids unacceptable nutrient, effluent, sewage pollution to both land and water.
- \* Rules which have regard for cultural integrity and Maori Socio-economic needs (eg. preservation of Taonga Raranga such as Pingao) *Kie Kie Taonga Raranga*

#### Implementation

Education (publications that make public environmentally aware, support for school programmes, seminars, training)

Regulation ("polluter pays" tax, planning documents, special project levies, resource consent/refusal process)

Service delivery (improved control practices eg. afforestation, retirement, reserves)

*Put on agenda / - planning (budget)*

### 16. INTER RELATIONSHIP OF ISSUES

16.1 The above examples are indicative of the inter-relationship of the various issues and by their nature cover a host of other issues that are not mentioned.

16.2 These few serve our purpose if they provide us and Regional Councils with the basic material for on-going exchanges and discussions that serve our mutual benefit.

**17. HAPU ISSUES**

**17.1 This document is not intended to traverse issues which are properly the concern of the constituent hapu**

**17.2 Hapu plans will deal with the following types of issues ie.**

**LAND** Pastoral  
Horticultural  
Forestry  
Marae and Reserves  
Papakainga/Rural Housing  
Mining  
Prospecting  
Sewage/Effluent Disposal Projects  
Mahinga Kai

**WATER** Underground - Aquifer  
Surface -  
Lakes and Beds  
Rivers and Beds  
Shingle removal  
Swamps  
Rahui  
Drains  
Mahinga Kai

**AIR** Emissions/Pollution

**COASTAL** Mahinga Kai/Mahinga Mataitai  
Estuaries  
Commercial  
Rahui/Taiapure  
Settlement/Development  
Reserves  
Mining

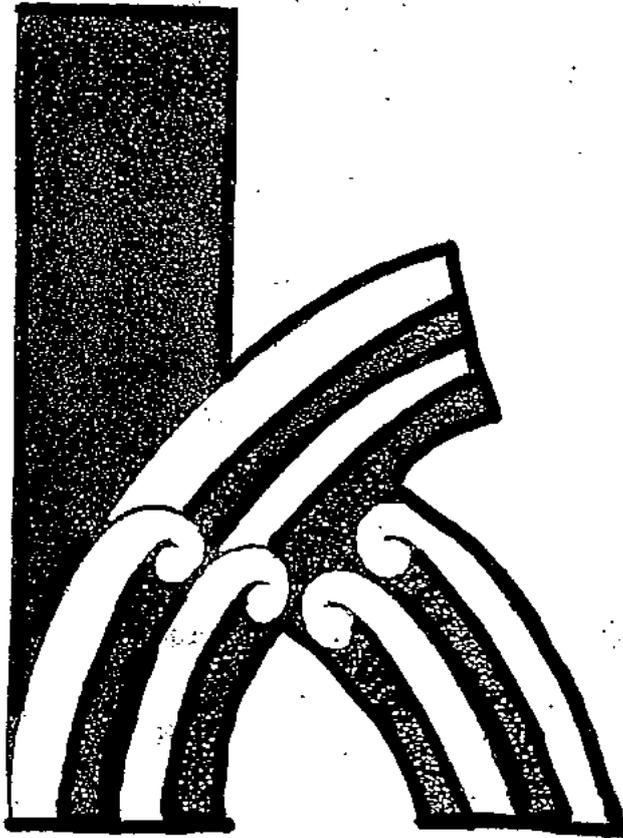
"B"

This is the exhibit marked 'B' referred to  
in the affidavit of <sup>W. HENRI</sup> William Itearama Sylvester Hodges  
affirmed at <sup>Havelock</sup>  
this 11 day of December 2013 before me  
Signature: [Signature]  
A Solicitor of the High Court of New Zealand/  
Justice of the Peace



Brian P.J. Rabbitte J.P.  
17 Lucknow Road  
Havelock North  
Tel. 06-877 4100

**NGATI KAHUNGUNU**



**Kaitiakitanga Mo Nga Taonga Tuku Iho**

**CONSERVATION ETHIC 1994**

# TE RUNANGANUI O NGATI KAHUNGUNU

## "MAORI CONSERVATION ETHIC: A NGATI KAHUNGUNU PERSPECTIVE"

A Discussion Paper for the Hawkes Bay Conservancy, Department of Conservation, Napier.

Presented by W Hodges  
Resource Management Facilitator  
Te Runanganui O Ngati Kahungunu  
Hastings

### TERMS OF REFERENCE

Te Runanganui O Ngati Kahungunu has been commissioned to develop a discussion paper that indicates the following:

- \* The Ngati Kahungunu ethic;
- \* Application of that ethic to Ngati Kahungunu taonga;
- \* Practical examples of such application;
- \* Adaptation of that ethic to a bicultural conservation ethic.

### CONSTRAINTS

- Time given for preparation was less than 32 hours.
- What is asked for is intellectual property belonging to our Iwi.
- The project budget allowed does not match the quality of information sought. Accordingly the detail has been trimmed in line with budget constraints.
- Consequently the information given is indicative, not exhaustive of our Ngati Kahungunu perspective.
- **NB: All information herein (save that attributed to other authors) remains the property of Ngati Kahungunu and use of the information is limited to the Atawhai Managers of DOC and may not be reproduced or copied for any other purpose.**

# TE RUNANGANUI O NGATI KAHUNGUNU

## CONTENTS

- (a) Terminology
- (b) Ethic
- (c) Practicle example of past and present application of Ngati Kahungunu Conservation Ethic.
- (d) Three Examples of processes that could be utilised and contribute to a national and bicultural conservation ethic.
  - (i) Kaupapa Atawhai Management Strategy as jointly developed between the HB Conservancy and Iwi/Hapu/Whanau.
  - (ii) Mechanisms to enable Iwi to access cultural materials jointly developed between Iwi/Hapu/Whanau and present in the HB Conservancy's CMS.
  - (iii) Marine reserve. Ngati Kahungunu submission. Amendments to the intent and purpose of Marine reserves legislation that would ensure Iwi/Hapu/ Whanau support. At the moment Mahinga Mataitai concepts are more attractive.
- (e) Conclusion

## MAORI CONSERVATION ETHIC

### TERMINOLOGY

**MAORI:** Maori person with geneological links with indigenous people of Aotearoa.

**CONSERVATION:** The Maori system of environmental management encompassed spiritual and temporal concepts of guardianship to ensure sustainable use, preservation and protection of specific resources

**Kaitiakitanga** Kaitiakitanga is the role played by kaitiaki. Traditionally, kaitiaki are the many spiritual assistants of the gods, including the spirits of deceased ancestors, who are the spiritual minders of the elements of the natural world. All the elements of the natural world, the sky father and earth mother and their offspring; the seas, sky, forests and birds, food crops, winds, rain and storms, volcanic activity, as well as people and wars are descended from a common ancestor, the supreme god. These elements, which are the world's natural resources, are often referred to as taonga, that is, items which are greatly treasured and respected. In Maori cultural terms, all natural, and physical elements of the worlds are related to each other, and each is controlled and directed by the numerous spiritual assistants of the gods.

These spiritual assisstants often manifest themselves in physical forms such as fish, animals, trees or reptiles. Each is imbued with mana, a form of power and authority derived directly from the gods. Man being descended from the gods is likewise imbued with mana although that mana can be removed if it is violated or abused. There are many forms and aspects of mana, of which one is the power to sustain life.

Maoridom is very careful to preserve the many forms of mana it holds, and in particular is very careful to ensure that the mana of kaitiaki (who are, after all, their relations), becoming the minders for their relations, that is, the other physical elements of the world.

As minders, kaitiaki must ensure that the mauri or life force of their taonga is healthy and strong. A taonga whose life force has been depleted, as is the case for example with the Manukau Harbour, presents a major task for the kaitiaki. In order to uphold their mana, the tangata whenua as kaitiaki must do all in their power to restore the mauri of the taonga to its original strength.

In specific terms, each whanau or hapu (extended family or subtribe) is kaitiaki for the area over which they hold mana whenua, that is, their ancestral lands and seas. Should they fail to carry out their kaitiakitanga duties adequately, not only will mana be removed, but harm will come to the members of the whanau and hapu.

Thus a whanau or a hapu who still hold mana in a particular area take their kaitiaki responsibilities very seriously. The penalties for not doing so can be particularly harsh. Apart from depriving the whanau or hapu of the life sustaining capacities of the land and sea, failure to carry out kaitiakitanga roles adequately also frequently involves the untimely death of members of the whanau or hapu.

An interpretation of kaitiakitanga based on this explanation must of necessity incorporate the spiritual as well as physical responsibilities of tangata whenua, and relate to the mana not only of the tangata whenua, but also of the gods, the land and the sea.

**ETHIC:** Set of moral principles

**Culture** Culture is what holds a community together, giving a common framework of meaning. It includes how people communicate with each other, how we make decision, how we structure our families and who we think is important or unimportant. It expresses our values towards land and time and our attitudes towards work and play, good and evil, reward and punishment.

Culture is preserved in language, symbols and customs and celebrated in art, music, drama, literature, religion and social gatherings. It constitutes the collective memory of the people and the collective heritage which will be handed down to generations still to come.

**Monoculture** A way of organising the life of a person or a group which is based on the cultural values, norms and practices of only one cultural group. In Aotearoa, most Pakeha people are monocultural persons, and almost every national institution is a monocultural institution.

**Bicultural** A way of organising the life of a person or a group which is based on the cultural values, norms and practices of two cultural groups. In the context of Aotearoa, most Maori and Pacific Islands peoples are bicultural - being able to function adequately, and with a sufficient understanding of two cultural bases - their own and that of the Pakeha majority.

Most Maori organisations are bicultural - organising their structures and their practices according to both Maori and Pakeha cultural norms (eg. beginning a gathering with traditional speeches, eating etc and using some English and some Pakeha meeting procedures).

In Aotearoa, the term "Bicultural" refers to the two main cultural streams of the indigenous Maori and the numerically dominant (and mostly British-related) Pakeha.

**Multicultural** A way of organising the life of a person or a group which is based on the cultural values, norms and practices of more than two cultural groups. A multicultural person will probably be also multilingual, and will be able to function adequately in several cultural settings.

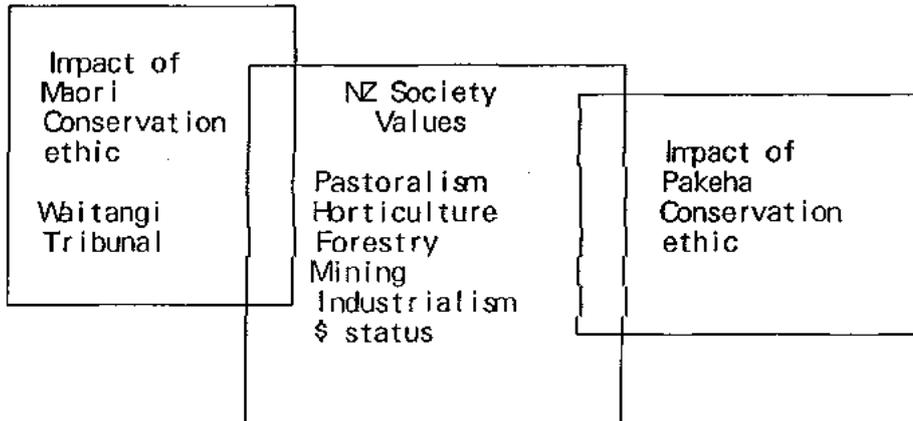
Some commentators dispute whether a truly multicultural society is possible, contending that so-called "multiculturalism" is rather a series of one-to-one (bicultural) encounters between various cultural groups.

The conservation ethic of a culture is determined by the values of the majority and their mandated leadership. It is visible in social and environmental outcomes and effects.

The levels of acceptance of the Pakeha conservation movement within its own culture has not been of significance to counter the values of the majority and the environmental effects of pastoralism, pine forestation, industrial pollution, sewage outfalls, commercial fishing and mining over the last 150 years.

Equally the weighting given to the Maori concerns for conservation is not supported by the majority Pakeha culture.

### Levels of Acceptance



The operational value base of the majority culture determines the weighting it gives to conservation concerns.

## **EXPLANATION**

References herein to "Gray and Saunders" are reference to their publication "A Framework for Traditional Maori Society".

## **BACKGROUND**

Within the rohe of Ngati Kahungunu (Wharerata to Wairarapa) there are three (3) Regional Councils and eight (8) Territorial Local Authorities (TLA's); with whom our Iwi must treat.

Our Resource Management team was officially set up in May 1992 to develop a draft Iwi Plan that Councils had to take into account in dealing with their responsibilities under the Resource Management Act.

The first major hurdle was to extract the financial resources from Regional Councils to fund the exercise. This meant developing arguments (and by necessity providing much needed educations for the RC's) about Treaty obligations on the one hand and the validity of our cultural ethics on the other.

The report (of Maui Solomon and another) commissioned by the Taranaki RC for the Iwi of that region provided a good model from a Treaty point of view. Agenda 21 (Rio Conference on the environment) gave timely impetus to the value of indigenous environmental knowledge, and together they gave a powerful basis for advocacy.

Nevertheless there remained an attitudinal barrier to the acceptance of "things Maori" in the modern day context. In general the pervasive attitude (not limited to Councils) was that "Maori tradition" was out of place, out of time and therefore irrelevant. A typical comment was "What was good for the 1840's has no application now".

This brief background has been traversed because no doubt, you as Atawhai Managers will have run up against the same mind sets - mind sets born out of ignorance where, in many cases, some Maori terms have been misconstrued in the search for English synonyms where none existed. The term "Kaitiaki" and consequently "Kaitiakitanga" is a good example and a very relevant example given the pertinence of each within the scope of conservation (see the comments of the Board of Enquiry re NZCPS report of February 1994, pages 16, 17 and 18).

The ignorance of Tauwi is put in to perspective when it is realised that within our own rohe there are not many people - Maori people, who have a common understanding of what "Tikanga Maori" is. And yet the need for such an understanding goes to the very essence of what an ethic for conservation is and how, in te Ngati Kahungunu perception of things, it arises.

What follows is the Ngati Kahungunu perspective that is applied within our rohe; we recognise the right of other Iwi to their own determinations.

### **TIKANGA MAORI : A PERSPECTIVE**

To understand anything properly is to first go back to its roots, its origins. So too, in the search for an understanding of the Maori ethic for conservation one must go back to Maori roots which are to be found in our cosmogonic origins and mythology to do with creation:

Our understanding is that IO MATUAKORE is the supreme deity; that Rangi and Papa were the PRIMORDIAL PARENTS who bore their many children within the realm of TE PO (darkness); that Tane, one of those many children separated the parents thus creating light (TE AO MARAMA); that those children (celestial beings - atua) empowered by IO MATUAKORE set about the business of creating the natural and physical world, including mankind.

From this understanding of creation springs the Maori notion that man does not "own" the natural and physical world but is a part of it at the behest of his creator.

What the Atua sought from IO MATUAKORE was the gift of life - MAURI - and it is the preservation of this MAURI within the natural and physical world which goes to the very heart of conservation.

The next gift to be sought and obtained by the Atua (Tane) was the divine gift of knowledge as represented by the "Three KITS OF KNOWLEDGE". These were:

TE KETE TUARI:

Scientific knowledge or knowledge pertaining to human activities, natural phenomena relating to the kingdom of nature (Summarised by Gray and Saunders and "MATAURANGA").

TE KETE ARONUI:

Celestial and cosmogonic information designed to benefit humankind (ie. anthropogenic mythologies summarised by Gray and Saunders as "WHAKAARO").

TE KETE TUATEA:

All rituals, acts and formula with all things on earth and the cosmos (ie. "RITENGA and KAWA).

We subscribe to the view of GRAY and SAUNDERS that MATAURANGA based values are reflected within the need to protect resources and their MAURI through the use of institutions such as RAHUI and TAPU.

We also agree that together the notions of "MATAURANGA" (from TE KETE TUARI) and "WHAKAARO" (from TE KETE ARONUI) combined to form the notion of TIKANGA.

These gifts of knowledge or TIKANGA which combine the scientific knowledge of nature and spiritual knowledge of our origins are God given gifts and as such they are to be regarded as immutable - changeless - because they spring from divine knowledge.

TE KETE TUATEA on the other hand containing RITENGA and KAWA is perceived as that set of processes and protocols by which TIKANGA is applied. They are the dynamic processes which allow us to adapt the application of TIKANGA to our TAONGA in order to arrive at an ethic for CONSERVATION. Being dynamic, they allow us to take advantage of new technologies for use, development and conservation of taonga.

Returning for a moment, to the practical difficulties mentioned under "Background", this understanding of the way we see "TIKANGA MAORI" and its dynamic application through RITENGA and KAWA, puts to rest any notions of our concepts being old hat, buried in the past, non-applicable in the modern setting. The plain fact is that they are just as relevant now as they ever were.

The thrust of this part of this paper is to emphasise for Atawhai Managers the need to come to grips with what Tikanga Maori means for you and your Iwi because that becomes your "Bible" by which you apply your notions of a conservation ethic in terms of your role as KAITIAKI irrespective of whether you do so by virtue of your own mana or as an officer of government.

### **INTER-RELATED CONCEPTS OF TIKANGA**

Professor James Ritchie (Paper undated) represents TIKANGA as being comprised of five inter-related concepts that capture the wider concept implicit in TIKANGA.

These include WAIRUATANGA at the very core, along with the complimentary concepts of:

- RANGATIRATANGA
- WHANAUNGATANGA
- KOTAHITANGA
- MANAAKITANGA

Recognising the CONSTRAINTS listed above, here is a brief outline of each in our terms:

#### **Wairuatanga**

In a word "spirituality" being the acknowledgement of our origins and our allegiance to GOD: the basic cement or thread upon which all else is dependant. It denotes our place as part of the natural and physical world.

Kotahi te wairua i nga mea katoa.

There is but one spirit in all things.

#### **Rangitiratanga**

Our brand of sovereignty denoting our Mana - Mana Tangata, Mana Moana, Mana Whenua ana.

It is through RANGITIRATANGA that we exercise KAITIAKITANGA in respect to NGA TAONGA TUKU IHO.

Our key role as KAITIAKI is to preserve the MAURI of our TAONGA (which allows us to conserve the taonga itself) through practises (RITENGA AND KAWA) that allows current use in a way that has regard for future generations.

Our management regime is TAPU and RAHUI.

### **Whanaungatanga**

In a word "RELATIONSHIPS" as people, as well as the way we relate to all else within the natural and physical world. To quote the Great Chief SEATTLE "all things are connected".

### **Kotahitanga**

Denotes unity of purpose through group dynamics of decision making by consensus.

### **Manaakitanga**

The basis for mutual caring and sharing. It is not merely caring for others but being demonstrably able (and willing) to care for others.

## **MAORI HOLISTIC APPROACH : TO USE OF TAONGA**

The Maori approach is three dimensional on triangular and regard, for it to be holistic, must be directed to all three dimensions or sides equally and in balanced fashion.

The dimensions or "SIDES" are:

TAHA WAIRUA - spiritual

TAHA TINANA - physical

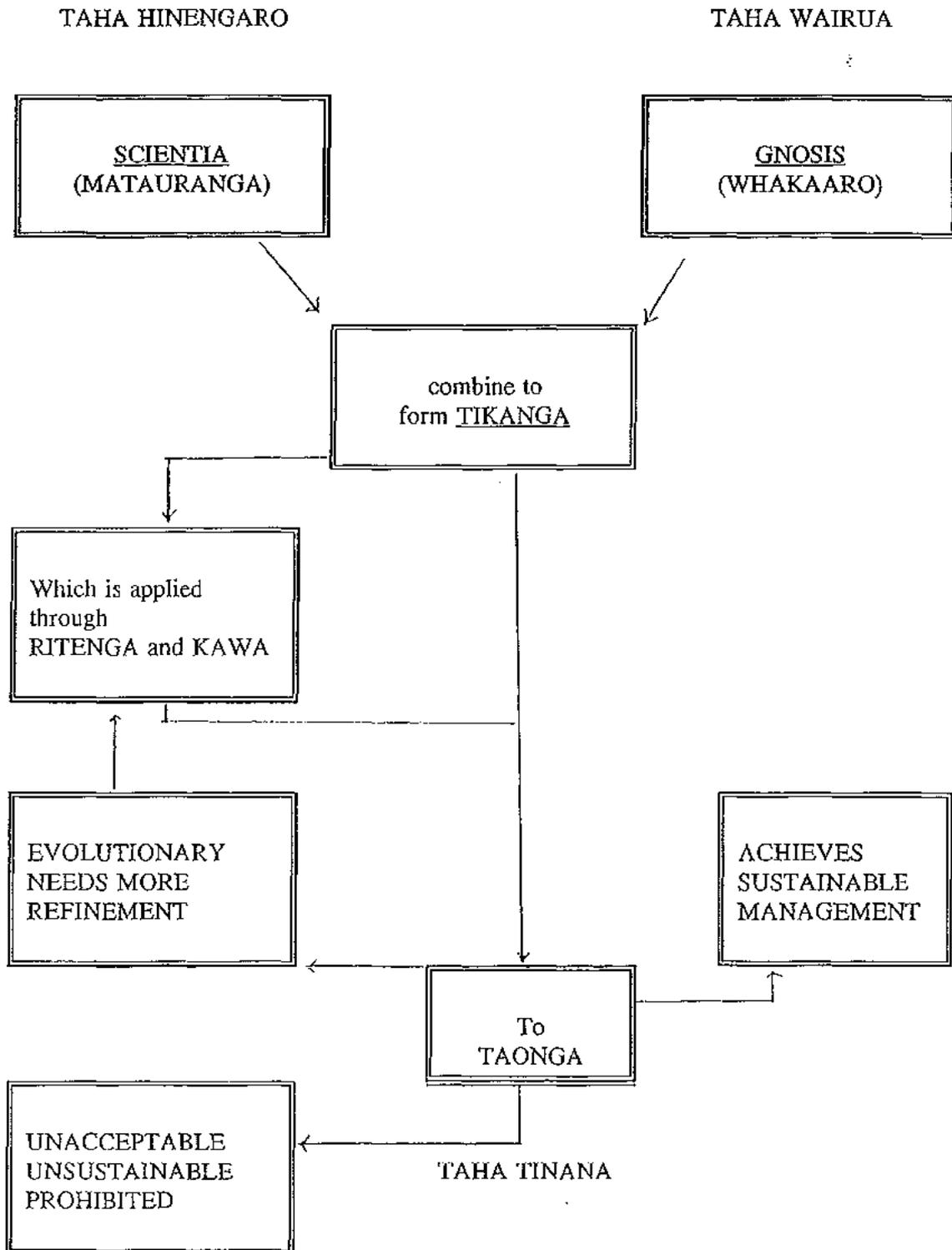
TAHA HINENGARO - mental

To capture the essence of this philosophy let us return to the three kits of knowledge which give us the summarised notions of MATAURANGA and WHAKAARO in context.

Given that MATAURANGA represents the scientific or HINENGARO and WHAKAARO represents the spiritual or WAIRUA then the joint application of both gives us our TIKANGA.

The TIKANGA when applied to proposed uses of our TAONGA, being our physical assets (TINANA) by reference to our RITENGA and KAWA (rituals, practises and protocols) tell us whether or not the proposed use is sustainable - therefore permissible or prohibited or requires further adaptation.

This diagrammatic expression is as follows:



The penchant of government for dividing up the "environmental cake" into various agencies or bodies of central and local government seriously works against the Maori holistic approach and only serves to emphasise the need for integrated management across the Board. It means an unnecessary duplication of effort by Maori to match the sectoral whims of each agency. That is wasteful of Maoris meagre management resources and often detrimental to the whole purpose of sustainable management.

#### **SUMMARY OF NGATI KAHUNGUNU ETHICS FOR CONSERVATION**

- Tikanga Maori is at the very core of any conservation ethic.
- The application of Tikanga Maori, through Ritenga and Kawa is made for the express purpose of preserving the Mauri of all representative species.
- The responsibility for preservation of Mauri (and by association the conservation of the Taonga concerned) is that of the accredited Kaitiaki.
- The first duty of the Kaitiaki is to the Taonga then to current resource users and to future generations.
- The management regime is Tapu and Rahui.
- The approach is holistic.

#### **ADAPTION OF ETHICS TO A BICULTURAL CONSERVATION ETHIC**

Time does not allow the development of this topic in the way it deserves (nor does the budget allowance for that matter).

If DOC is serious about this aspect it needs to face up to reality and properly apply its financial allocation to the development of this process. Our own Iwi ideas for this are already well formulated and any further explanations of what is already contained in these pages will be a matter for renegotiation.



## Contributions of Maori Conservation Ethic Past and Present

Prior to the arrival of the European Maori had learnt from past mistakes, and out of necessity developed a system of resource regulation and conservation.

This ethic had become integrated into the social fabric through early education, enforcement of Rahui and respect for Tapu.

Some activities were prohibited, others were tempered by restriction. At sea for example there were the seeding areas for specific species. Where gathering or hunting for food was allowed this was restricted to the time when the resource was either at its best or alternate times to the specific species breeding times. Pollution of waterways was not socially acceptable nor were practices that destroyed life sustaining resources.

Following the signing of the Treaty of Waitangi, increasing settlement of immigrants encouraged land acquisition. These transactions were conditional on reserves being set aside to sustain the tangata whenua and their culture.

In the 1860's the NZ Settlements Act was past resulting in the confiscation of these reserves. These reserves have past though various crown structures and today many still survive and are under Territorial or Crown stewardship. The Puketitiri Reserve is one such example as a place where Maori could hunt Kereru and have access to cultural materials.

Some reserves were voluntarily gifted to the nation. One of the largest was the Tongariro National Park. This was the nations first National Park. It was gifted by Te Heu Heu the paramount chief of Tuwhartoa.

On a smaller scale close to home was the gifting of the Tiwaewae reserve at Lake Tutira. This was gifted by the hapu Trustees for public use and wildlife protection.

Te Whanganui a Orotu the local area currently under claim was an area reserved from the Ahuriri purchase. Within this area are the Ahuriri Estuary reserve Te Ihu o te Rei reserve, Tapu te ranga and other areas of spiritual and cultural significance to Iwi. The estuary was a prized source of sustenance. As far back as the 1860's there was complaints by Iwi regarding the destruction of the wetlands within the bay. Today the nurseries of our birdlife and fish have nationally been reduced by 90% since 1840. The nations waterways and coast have been threatened by pollution. This aspect has served as a catalyst for early Maori land claims to the Waitangi Tribunal and constant submissions to local councils.

Today 50% of the nations indigenous forest remains in Maori ownership even though landholding remaining in Maori ownership is 1/65 the of the total landmass.

The following extract from the Ngati Kahungunu Iwi Management plan 1992 illustrates the contemporary relevance of the traditional tribal ethic in regard to conservation

Issue No. 5	<b>GREATLY REDUCE, WITH THE ULTIMATE AIM OF ELIMINATING AVOIDABLE ENVIRONMENTAL POLLUTION AND DAMAGE THROUGH PROPER WASTE MANAGEMENT POLICIES/PRACTICES</b>
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**Significance**

Waste is of grave concern to Iwi and has been emitted in areas where it has caused serious cultural damage and affront through the desecration of waahi tapu, kaiawa, kaimoana and mahinga kai. Waste also results in a downgrading of amenity values and a degrading of property values.

We repeat by way of emphasis our abhorrence at the dumping of waste viz. through sewage outfalls into waterways and the ocean.

In terms of hazardous waste Ngati Kahungunu is concerned at the lack of Government implementation systems for the storage and disposal of such waste.

**Expected Outcomes**

- \* Reduction of environment pollution to levels mutually acceptable to Ngati Kahungunu and District/Regional authorities.
  
- \* Relocation of waste disposable systems to meet the cultural sensitivities of Ngati Kahungunu.

**Implementation**

- \* Regulation and rules and by-laws
- \* Service delivery
- \* Economic (restoration and pollution tax)
- \* Education, training and publicity
- \* Installation of effective monitoring systems

Issue No. 6	<b>PROTECTION AND PRESERVATION OF WATER QUALITY</b>
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**Significance**

Water quality is the very essence of life and the preservation of Mauri within the natural world.

Within the Maori management regime for the physical world, water had a variety of classifications according to the intended use. It is not proposed, for the purposes of this document to enlarge on those classifications except to say that with each "use" care was taken to respect and preserve the natural quality and inherent Mauri.

Waters used for human consumption or from which a variety of foods were gathered was never allowed to be contaminated by human waste. To defile or pollute water in that way would be akin to dumping human excrement on ones dinner table. Distasteful as this analogy may be, it only begins to explain the absolute cultural abhorrence of practices whereby untreated or improperly treated sewage and effluent are deliberately discharged into rivers, streams, lakes and oceans that are Maori traditional food sources or from whence water for domestic use is drawn.

Such culturally insensitive and environmentally unsustainable practices must cease. Similarly farming, horticultural and forestry practices, industrial and commercial discharges, which are harmful to the surface, underground and/or the coastal waters must be curbed and eliminated, particularly where there is clear evidence that the biodiversity of nature is being unacceptably interfered with.

#### Expected Outcomes

- \* Cessation of sewage/effluent discharges into the water courses, streams, rivers and oceans.
- \* Provision of proven land based waste disposal systems for treated sewage/effluent as part of tree/woodlot plantings.
- \* Change in farming/forestry practices that eliminates unacceptable levels of nutrient enriched runoffs into natural water ways.

#### Implementation

- \* Regulation (within planning documents and bylaws)
- \* Service delivery (land based waste disposal)
- \* Economic (introduction of "pollution tax" to fund corrective or prevention measures)
- \* Education (publications to increase awareness, seminars, training)

Issue No. 7	<b>ENSURE THE PROTECTION AND PRESERVATION OF WAAHI TAPU</b>
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#### Significance

Waahi tapu are defined by the Resource Management Act 1991 and are usually translated as "sacred sites". As a general rule they are land based but some, such as Tauranga Waka are coastal.

Their range include such places as burial sites, ceremonial or funeral sites, pa sites, objects or places of historical significance to Whanau, Hapu or Iwi.



## **KAUPAPA ATAWHAI MANAGEMENT STRATEGY**

### **HAWKE'S BAY CONSERVANCY**

Kaupapa Atawhai is the Maori philosophy and practice of Conservation Management. It is a philosophy and practice through which tangata whenua participate in decision making and policy creation processes within the Department.

A Management Strategy sets out a process by which the Maori Conservation ethic can contribute to the bicultural management of the Hawke's Bay Conservancy.

#### **PREAMBLE**

This Management Strategy sets out a process by which the coherent expression of a Maori Conservation ethic within the policies and practices of the Hawke's Bay Conservancy can be realised.

Phase one of the strategy sets out a process for the identification and adoption of a Maori Conservation ethic, formulated and endorsed by the tangata-whenua of the Hawke's Bay Conservancy through a process of consultation and negotiation, facilitated by the Kaupapa Atawhai Manager.

Phase two focuses attention on the Maori Conservation ethic thus determined and the legislative responsibilities of the Department of Conservation.

These two "value systems" are then analysed and an attempted reconciliation within the Principles of the Treaty of Waitangi is undertaken. Reconciliation may not be legislatively possible. If it is not possible the process might recommend legislative amendment.

The outcome of this analysis will form the basis of the Hawke's Bay Conservancy Kaupapa Atawhai Management Plan.

This analysis will require the participation of tangata-whenua representatives, conservancy staff and members of the Conservation Board.

## **SUMMARY OF LINE DIAGRAMS**

**Figure 1** describes the process of consultation required to establish a Maori Conservation Ethic endorsed by the tangata-whenua of the Hawke's Bay Conservancy.

**Figure 2** describes the process by which the Crown determines and implements its Conservation commitments.

**Figure 3** describes the 'reconciliation process' of both systems, regulated by the Principles of the Treaty of Waitangi.

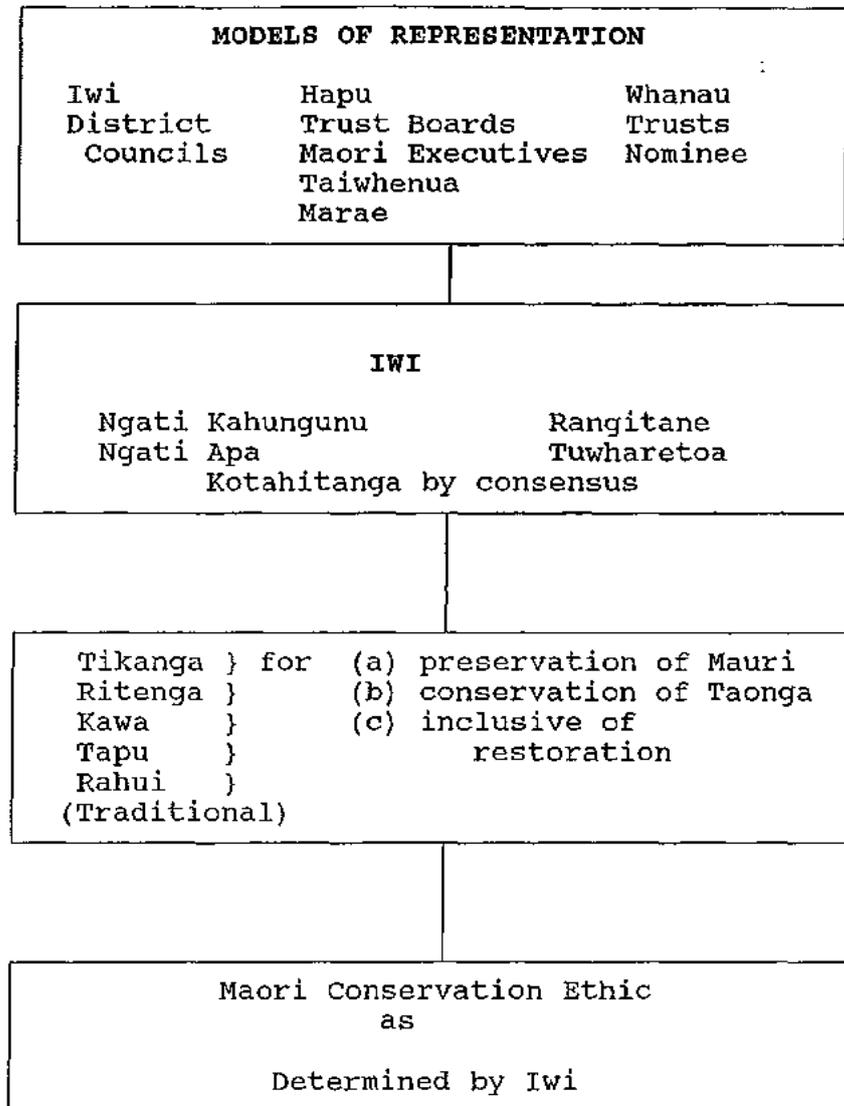
The outcome of this process will lead to the production of the Kaupapa Atawhai Management Plan that gives effect to the Maori Conservation Ethic, formulated by the tangata-whenua of Hawke's Bay Conservancy, in a manner consistent with and compatible to both tangata-whenua and Crown expectations, as determined through the Principles of the Treaty of Waitangi.

**Figure 4** sets out a hierarchical structure by which implementation of the Plan can be monitored, managed and accounted for.

**Figure 5** shows an interim conservancy view of where it wants to be in regard to kaupapa atawhai by the year 2000.

**A more detailed description of the Maori components shown in the diagrams is also provided in the Appendices.**

Figure 1



**DESCRIPTION OF FIGURE 1 - MAORI COMPONENTS**

Nga Iwi Tangata-Whenua

This component includes all of the tangata-whenua in the Hawke's Bay Conservancy. It is these Iwi who, collectively represent the philosophical value base of Kaupapa Atawhai in the Hawke's Bay Conservancy.

- Ngati Kahungunu
- Rangitane
- Ngati Apa
- Tuwharetoa

These Iwi are the Crown's partners in this Conservancy through this various models of representation.

Kawa/Tikanga/Rahui/Tapu

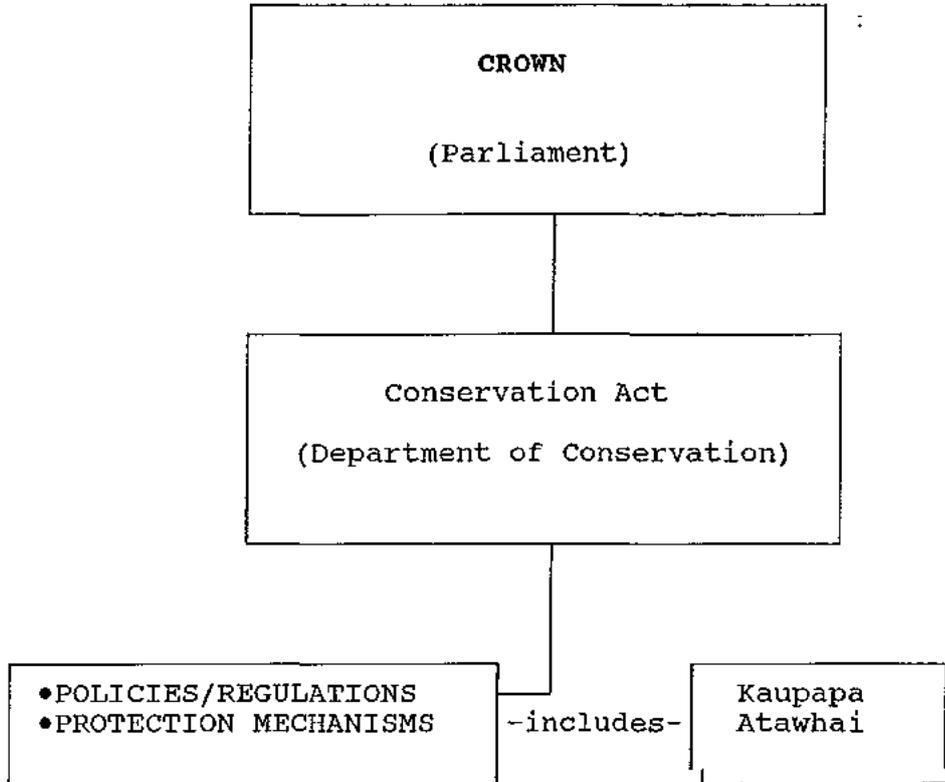
This component embodies the regulatory practices and methods for their implementation and observance.

These will vary in some way between tangata-whenua groups, however, it will be possible to establish a set of practices and mechanisms that express the peculiarities of each tangata-whenua group where this is necessary.

Kaupapa Atawhai/Maori Conservation Ethic

This component contains the collective Iwi Conservation Philosophies and Principles of the tangata-whenua of the Hawke's Bay Conservancy. In short this component represents the Kaupapa Atawhai Principles of the Conservancy, recognising that these are an 'Iwi-owned' set of values.

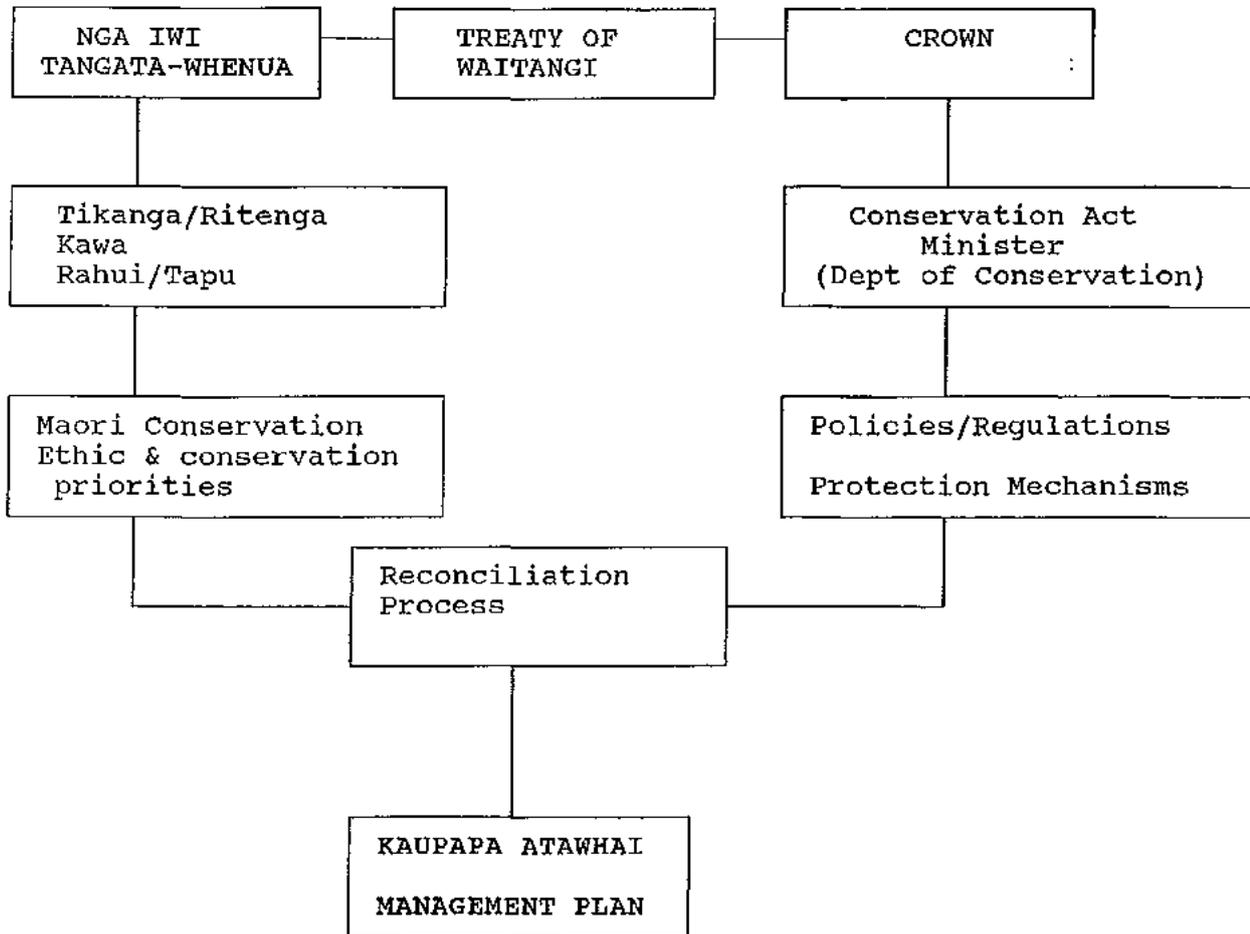
**Figure 2**



**DESCRIPTION OF FIGURE 2 COMPONENTS**

The components set out in Figure 2 basically shown the process by which the Crown establishes and implements legislation.

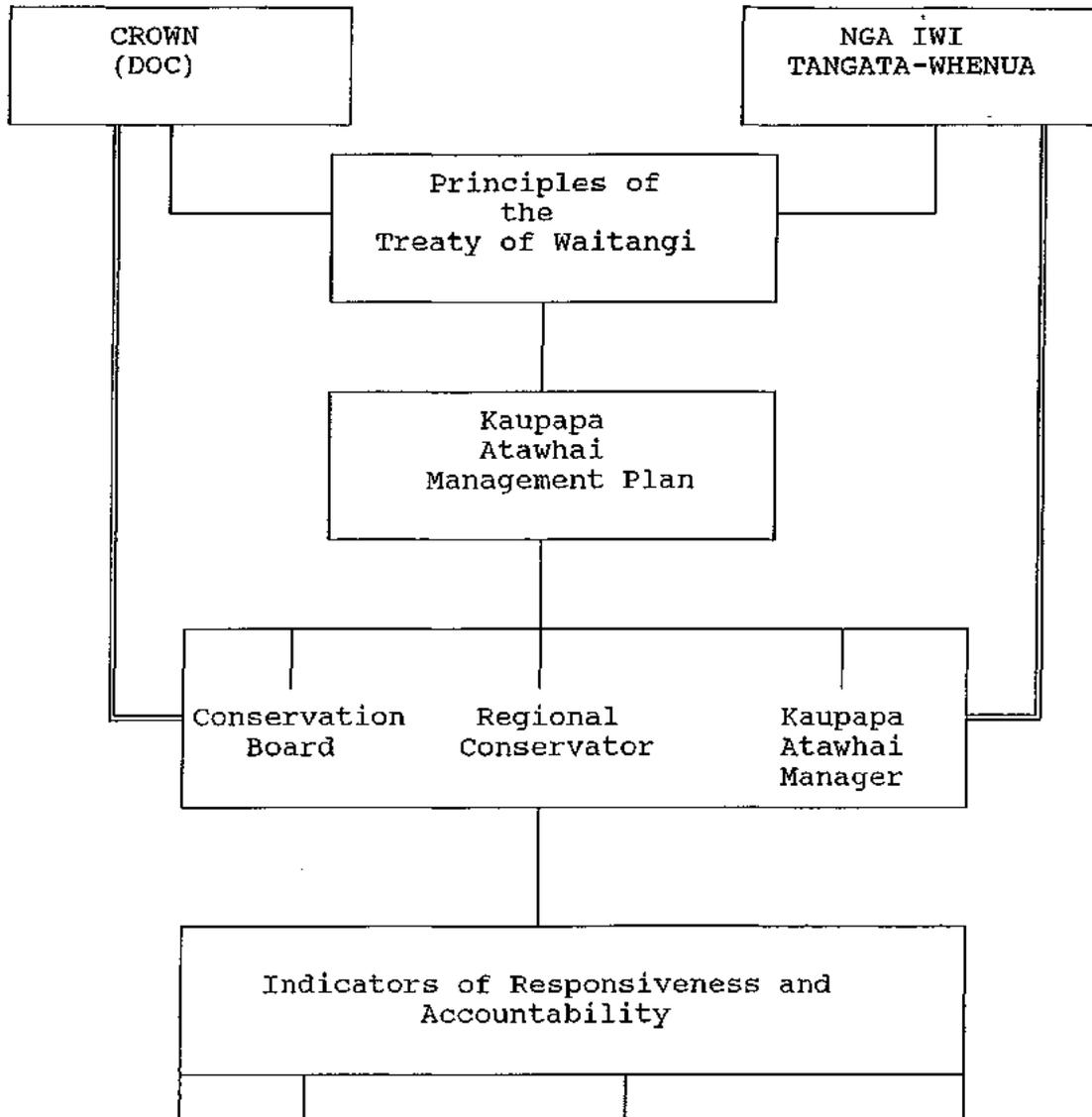
**Figure 3 Reconciliation**



**DESCRIPTION OF PHASE 3 COMPONENTS**

This diagram brings the tangata-whenua and Crown components together within context of the Principles of the Treaty of Waitangi.

**Figure 4 Implementation Structure**



**DESCRIPTION OF FIGURE 4 COMPONENTS**

Given the Kaupapa Atawhai Management Plan is a result of reconciling Crown and tangata-whenua aspirations with each other, Figure 4 is an example of how existing structures can be utilised to provide a monitoring, supervisory and advocacy role in respect of the Plan.

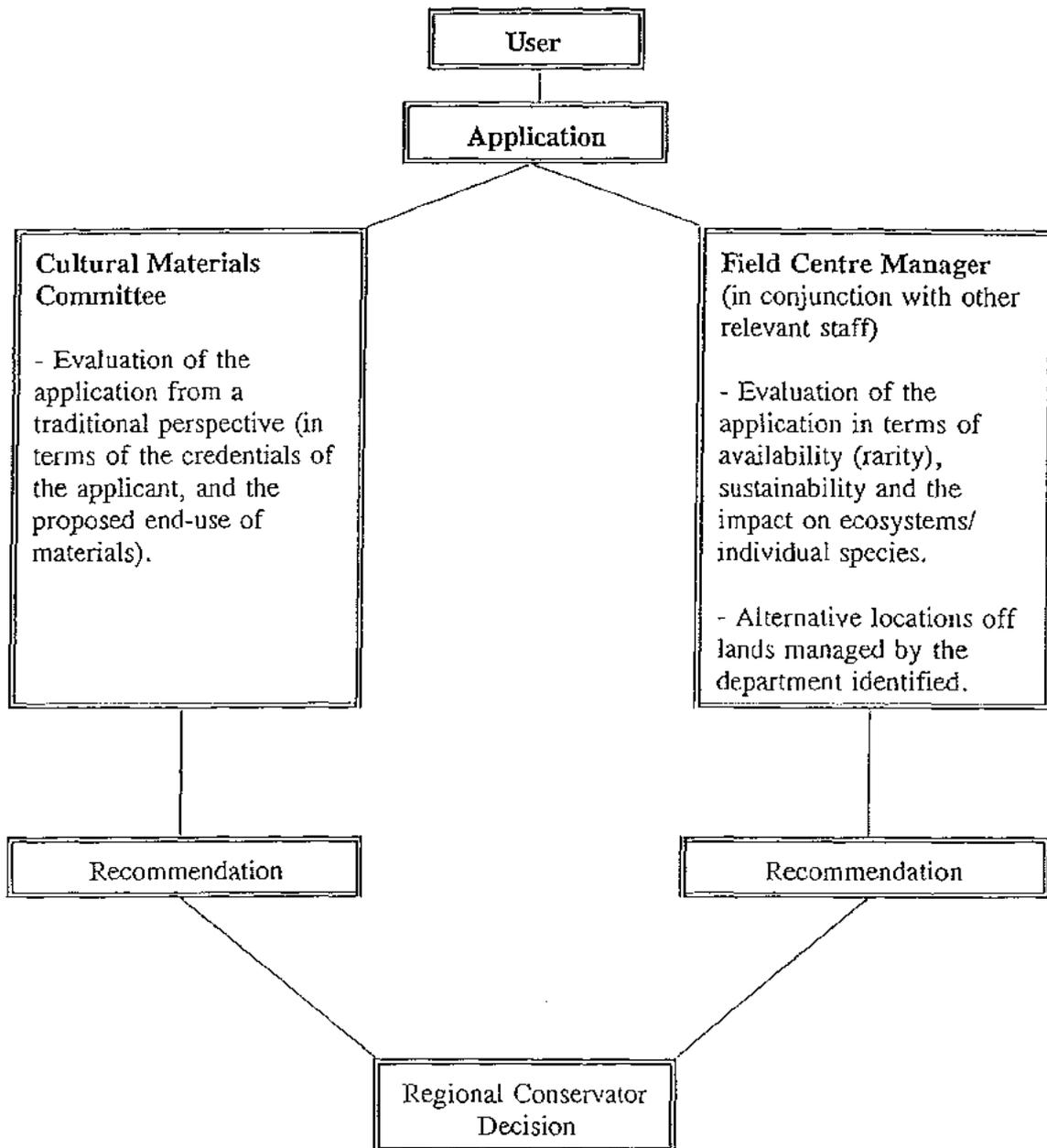
Figure 5

**Q Where does the Conservancy want to be in its relationships with tangata-whenua and its incorporation of Kaupapa Atawhai in its business by the year 2000?**

- A
- 1) Established and effective communication lines with Maori organisations in the Conservancy, with regular communication over planning issues and annual prioritising and budgets.
  - 2) Incorporation of maori conservation ethic within the overall DOC conservation ethic (i.e. DOC conservation ethic should be fully bicultural).
  - 3) DOC staff in Conservancy become biculturally aware and demonstrate appropriate sensitivity in consulting Iwi regularly and fully.
  - 4) Enhanced protection of important conservation values on Maori lands.
  - 5) Iwi input into management of the public conservation estate.
  - 6) Conservation values fully recognised and protected through the resolution of Treaty claims. DOC fully involved and respected by all parties for an unswerving commitment to conservation and lateral approach to resolving grievances as a part of the Crown team.
  - 7) Kaupapa atawhai management plan completed, under implementation, evaluation and ongoing review.



**APPLICATIONS FROM IWI TO GATHER MATERIALS FROM  
LANDS MANAGED BY THE DEPARTMENT OR TO TAKE PROTECTED  
SPECIES FOR CULTURAL PURPOSES - PROCEDURE TO BE FOLLOWED**



**APPLICATION FOR CULTURAL MATERIALS  
FROM THE DEPARTMENT OF CONSERVATION**

1. Name of applicant: \_\_\_\_\_
2. Contact address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Phone No: \_\_\_\_\_
3. Type of cultural material required: \_\_\_\_\_  
\_\_\_\_\_
4. Quantity required (e.g. timber measurements, number and type of whale bones, number of feathers or skins, number of leaves/tufts of pingao, kiekie, harakeke):  
\_\_\_\_\_  
\_\_\_\_\_
5. What is the material required for? Give details and dimensions of the end product:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Will the material be used for monetary gain? \_\_\_\_\_
7. Who will work the material? \_\_\_\_\_  
\_\_\_\_\_
8. Where will the material be worked? \_\_\_\_\_  
\_\_\_\_\_
9. Where will the material be housed when the work is completed? \_\_\_\_\_  
\_\_\_\_\_
10. Who will instruct the use of the material? \_\_\_\_\_  
\_\_\_\_\_

22. If materials other than kiwi, kereru, kaka and tui feathers and whalebone or whale teeth can't be used, give reasons why. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. Are other materials possible for this use? \_\_\_\_\_

24. Will similar material be needed for other uses by you in the near future?  
\_\_\_\_\_

25. Has this application been authorised by Marae Committee/Runanganui?  
\_\_\_\_\_

26. If this application is on behalf of a marae/iwi/school or other organisation, please give name: \_\_\_\_\_

27. Contact people for further information are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Completed application to be forward to:

Regional Conservator  
Department of Conservation  
P O Box 644  
NAPIER  
Attention: Kaupapa Atawhai Manager

**Note:** All applications will be forwarded to the Cultural Materials Committee of Hawke's Bay Kaupapa Atawhai for their comment before any resources are allocated.

11. What qualifications/experience does the instructor have? \_\_\_\_\_  
\_\_\_\_\_
12. Are traditional or modern methods to be used? \_\_\_\_\_  
\_\_\_\_\_
13. Is the finished project required for a specific purpose or occasion? \_\_\_\_\_  
\_\_\_\_\_

---

**IN THE CASE OF HARVESTED MATERIAL**

14. Who will harvest the material? \_\_\_\_\_  
\_\_\_\_\_
15. How will the material be harvested? Give details of harvesting/extraction method if known: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
16. Is a particular area preferred or identified for harvest? \_\_\_\_\_  
If YES, what is the name of this area? \_\_\_\_\_
17. Have resources of this material been identified here? \_\_\_\_\_
18. Who are the tangata whenua for this area? \_\_\_\_\_
19. Can materials be take from other sites? \_\_\_\_\_
20. Who will possess the material? \_\_\_\_\_
- 
21. Is there a time limit for this request? \_\_\_\_\_



TE RUNANGANUI O NGATI KAHUNGUU INC.

509 ORCHARD ROAD  
P.O. BOX 2406  
STORTFORD LODGE  
HASTINGS

TELEPHONE: (06) 876-2718  
FACSIMILE: (06) 876-4807

17 March 1994

Our file ref: CS 02-17 JS

The Director General of Conservation  
c/- Regional Conservator  
Hawkes Bay Conservancy  
PO Box 644  
NAPIER

Attention: John Ombler

"TE ANGIANGI" (ARANGANA-BLACKHEAD, CENTRAL HAWKES BAY):  
MARINE RESERVE APPLICATION.

E te TUMUAKI, e HONE,

Tena koe. Tena koe i roto i te korero a koro ma a kui ma.

"TANGAROA PUKANOHI NUI"

A. BACKGROUND

1. We think it appropriate to preface this submission, objecting to your proposed application (for an Order in Council to create a Marine Reserve) with the proverb of big-eyed Tangaroa, the moral being that:-

"The God of the Sea can observe all  
we are doing"

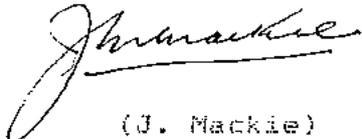
2. In the context of an Iwi strategy for Ngati Kahungunu whanui, particularly in respect to our umbrella role on behalf of our constituent hapu, we take very seriously our KAITIAKI responsibilities knowing that the eyes of Tangaroa are watching our every move.

3. So as to reinforce the importance of KAITIAKITANGA, there is appended to this submission (and marked "A"), an extract from pages 16, 17 & 18 of the "REPORT AND RECOMMENDATIONS OF THE BOARD OF ENQUIRY INTO THE NEW ZEALAND COASTAL POLICY STATEMENT" dated February 1994, where the Board of Enquiry gives an in depth commentary on "KAITIAKI" and "KAITIAKITANGA".
4. The notion of "Kaitiaki" and "Kaitiakitanga" arises out of TIKANGA MAORI (as understood by Ngati Kahungunu) and is based on the constituent concepts of WAIRUATANGA, RANGATIRATANGA, KOTAHITANGA, WHANAUNGATANGA, and MANAAKITANGA.
5. WAIRUATANGA is the all pervasive element that overrides and cements the other 4 elements of TIKANGA MAORI in place. It constantly reminds of our cosmogenic origins, our whakapapa and our place within the physical world.
6. RANGATIRATANGA denotes our status and right to exercise KAITIAKITANGA in respect to our MANA WHENUA - MANA MOANA. In so doing we use the management tools of RAHUI and TAPU. Protection of MAURI is paramount.
7. KOTAHITANGA denoted unity through the process of collective decision making by consensus.
8. WHANAUNGATANGA is the recognition of kin-ship ties through whakapapa, both terrestrial and celestial.
9. MANAAKITANGA is, simplistically stated, not merely caring for others but also being demonstrably able to care for others.
10. While TIKANGA are GOD-GIVEN - and therefore immutable, changeless - RITENGA and KAWA are the rituals, processes and protocols by which TIKANGA are applied; RITENGA and KAWA are dynamic and are adaptable to the circumstances of the times.

8. OUR CONCERNS.

1. The MARINE RESERVES, under the MARINE RESERVES ACT 1971 on the other hand are unnecessarily rigid, and permanent, devoted solely to preservation. The statutory purpose is ostensibly the preservation of representative species for scientific research.
2. The Act is out of step with more recent and more enlightened legislation that give cognisance to the principles of the Treaty of Waitangi and the role of Tangata Whenua as Treaty partners.
3. The Act in its present form and because it is out of date, does not recognise the far reaching implications for Ngati Kahungunu in its attempts to balance the effects of commercial fishing with the non-commercial aspects of fisheries regulations and MAHINGA MATAITAI.
4. Agencies of Government lack proper integration of effort in respect to overlapping interests and effects in a way that seriously undermines Ngati Kahungunu ability to apply TIKANGA MAORI in the usual holistic way. (See the specific comment by the Board of enquiry - referred to in A3 above - at page 103 second paragraph *ibid*)
5. TIKANGA MAORI has not been applied to the process of determining the validity or otherwise of this subject application. If it were then the alternative Maori system of Rahui and Tapu would be shown to be a more effective management process by virtue of it being dynamic, adaptable and mobile.
6. The proposal pays no attention to the more urgent managerial problem of restoration. If government, through D.O.C., were to balance its focus between "preservation" and "restoration" (especially "restoration" with respect to Hawke Bay) its arguments would be a lot more persuasive. BUT the Act itself, as it stands, will still be seen to be ill equipped for the purpose it needs to serve.

- C. NGATI KAHUNGUNU STRONGLY OBJECTS to this subject application for an Order in Council for the reasons stated above, and on other grounds that we wish to reserve to the time of a formal hearing.
- D. Ngati Kahungunu wishes to be heard in terms of its objection at a time, date and venue to be mutually negotiated. We urge that this hearing be conducted at a Marae venue of our choice.



(J. Mackie)  
CHIEF EXECUTIVE OFFICER

## LOOKING TO THE FUTURE

As our Iwi is trying to achieve what is best for our constituent hapu, we are conscious of our role as educators, in matters to do with conservation.

Our experience with two Regional Councils is that they seem far more genuinely interested in getting to grips with their role as Treaty partners than are the agencies of Central Government. Councillors and staff alike have shown a responsible attitude to educating and being educated.

Central Government itself is the best proponent for a "user pay" environment yet there still lingers within the halls of some agencies a mentality for getting Maori collective knowledge for little or nothing.

The continued retention of that mentality does not answer well for future bicultural relationships between Iwi and the agencies affected. Our Iwi has invested a lot of its own resources to get ourselves to our current position and neither we nor any other Iwi should be expected to continue to provide free education.

Let our future relationships be based on mutual respect and mutual giving, manaakitanga in its fullest sense.

W Hodges  
March 1994

EXHIBIT NOTE  
This is the exhibit note marked  
C mentioned and referred to  
in the annexed affidavit of WIREMU  
TERERANGA SILVESTER HODGES,  
sworn at Hastings this 11-10-13



# Schedule I. Background to the Maori Dimension

Deputy Registrar/Justice of the Peace

Brian P.J. Rabbitte J.P.  
17 Lucknow Road  
Hawke's Bay  
Tel. 06-877 4909

## 1 INTRODUCTION

- 1.1 The review of the original Regional Policy Statement has included a review of Chapter 15 of the Maori Dimension.
- 1.2 At this time of second-generation planning, both Regional Council and Maori of Hawke's Bay can reflect on the original Regional Policy Statement and the developed Regional Plans knowing:
  - (a) that the parties have made good progress towards developing a positive Council/Maori relationship
  - (b) that there has been a real and positive move to accommodate the statutory and the Treaty imperatives for Maori
  - (c) that this revision by HBRC to provide a combined RPS and a single Regional Plan for most things sets up the opportunity for Maori of Hawke's Bay to update the "Maori Perspective" as their contribution to making the dimension more intelligible and therefore more user-friendly.
- 1.3 As part of the review the Regional Council has consulted widely with Maori of Hawke's Bay by holding seven consultative hui in Raupunga, Mahia (Kahungunu and Rongomaiwahine), Tuai (Ruapanui/Tuhoe/Kahungunu) Wairoa, Napier, Hastings and Porangahau. A synopsis of these hui are available as a background report to the Plan.
- 1.4 The purpose of the consultation was to advise Maori of the plan review and to invite them to re-state the issues of significance to them. Understandably, Rongomaiwahine (Mahia) and the people of Tuai have indicated that they wish to express their rangatiratanga independently. Therefore, the views expressed in this section are predominantly, though not exclusively, of Ngati Kahungunu. Nevertheless, these iwi share common principles, with the exception that 'tikanga' to Ngati Kahungunu is 'kawa' to Tuhoe and their concepts of each may differ.
- 1.5 The only iwi plans available to Regional Council are "Kaitiakitanga Mo Nga Taonga Tuku Iho" (Runanganui O Ngati Kahungunu, December 1992) and "Nga Tikanga O Te Whanau " (O Rongomaiwahine Policy Statement, October 1992). Where possible aspects of both documents have been used to update this part of the Policy Statement/Regional Plan.
- 1.6 This Schedule provides background information on aspects of the Maori dimension which expand on the context in which it is set. This information includes: the Principles of the Treaty of Waitangi; the Maori conservation ethic and tikanga and taonga.

## 2 PRINCIPLES OF THE TREATY OF WAITANGI

- 2.1 Section 8 of the Resource Management Act requires all persons exercising functions and powers under it to take into account the principles of the Treaty of Waitangi. To tangata whenua those principles, based on interpretations by the Courts and the Waitangi Tribunal and as applied in the context of sustainable management of natural and physical resources under the Act, mean as follows:

### *The Principle of Te Tino Rangatiratanga*

- 2.2 Te tino rangatiratanga (full chiefly authority) over resources including lands, forests, fisheries and other taonga were guaranteed to Maori under Article II of the Treaty. Tino rangatiratanga includes tribal self-regulation of resources in accordance with their own customary preferences. Tino rangatiratanga was not, nor was it ever intended to be, relinquished or given away by Maori to the Crown.

### *The Principle of Partnership*

- 2.3 The Treaty signified a partnership between Maori tribes and the Crown. The exchange of promises under Articles I and II of the Treaty is seen as an exchange of gifts. The gift of the right to make laws and the promise to do so as to accord the Maori interest in appropriate priority. Utmost good faith, reasonable co-operation and compromise are fundamental to this concept of a partnership.

### *The Principle of Kawanatanga*

- 2.4 Kawanatanga, as ceded by Maori under Article I of the Treaty, gave the Crown the right to govern and to make laws applying to everyone. The delegation of resource management powers by the Crown to local authorities under the Act means that those authorities can make policies, set objectives and make rules affecting the management of natural and physical resources, subject to the guarantee of tino rangatiratanga to Maori and recognition of the partnership between Maori and the Crown.

### ***The Principle of Active Partnership and Consultation***

- 2.5 The spirit of the Treaty calls for Maori to have a much greater say in the management of the environment. Effective, early and meaningful consultation is an integral and necessary component and forerunner to greater participation by Maori in resource management decision-making.

### ***The Principle of Active Protection***

- 2.6 The guarantee of te tino rangatiratanga given in Article II is consistent with an obligation to actively protect Maori people in the use of their lands, water and other protected taonga, to the fullest extent practicable. In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment (including mauri, tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Maori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Maori.

### ***The Principle of Hapu/iwi Resource Development***

- 2.7 Article III of the Treaty gave to Maori the same rights and duties as other New Zealand citizens. The Treaty guaranteed to Maori retention of their property rights under Article II, and the choice of developing those rights under Article III. To Maori, the efficient use and development of what are in many ways currently under utilised hapu/iwi resources is a very important principle of the Treaty in the context of resource management under the Act. Ngati Kahungunu seek restoration of their tribal resources in accordance with their own needs and aspirations. In pursuing development, Maori may choose to pursue non-traditional uses of their resources instead of or as complementary to, their traditional practices. Recognition of the ability and need for hapu/iwi to develop their resources in a manner which achieve the purposes of the Act is a fundamental principle embodied in the Treaty.

## **3 THE MAORI CONSERVATION ETHIC**

- 3.1 In essence, this ethic involves the preservation of mauri – simplistically translated as the ‘life-force’ – and the conservation of the species. Where the habitat remains healthy a species will flourish allowing usage that is mindful of conservation.
- 3.2 The notions of kaitiakitanga:
- stewardship that respects the heritage of future generations
  - mana and rangatiratanga depicting the power and leadership to exercise kaitiakitanga
  - tapu/rahui as the management system for the conduct of kaitiakitanga
- all contribute to the application of the ethic.
- 3.3 To appreciate fully the depth of meaning and the profound implications of these terms, one needs to go back to Maori cosmogenic origins. The Maori version of Creation embodies both spiritual and physical concepts of the world's origins. In terms of tradition, those origins should properly be given in Maori. For the purposes of this statement, however, the English approximations are used.
- 3.4 Maori believe that in the beginning there were three states of reality. The first state was Te Korekore from which emerged Io-Matuakore – or Io, the parentless one. The second state was Te Po within which Io created Ranginui (Sky Father) and Papatuanuku (Earth Mother). Within the darkness of their embrace Ranginui and Papatuanuku begat many deities called atua. The third state of reality was Te Ao-Marama brought about when one of the atua called Tane separated his parents to form sky and earth.
- 3.5 As with Ranginui and Papatuanuku, these deities or atua had the power to create. Dominant among them was Tane, who created natural and physical covering for the land and was god of the forests; Tangaroa created the marine life and presided over the oceans; Tawhirimatea took to the heavens out of sympathy for Ranginui and from there he presided over the elements.
- 3.6 Tane was also the creator of humans, the first of whom, a woman, was fashioned from the soil of Papatuanuku. Although these atua or deities had the power to create, only Io-Matuakore could grant the gift of Mauri – that is, the life force – for those things that make up the natural and physical world. The atua had to seek delegated approval to imbue their creations with Mauri that those creations may live.
- 3.7 If rangatiratanga is ‘authority’ and tino-rangatiratanga is “ultimate authority” then only Io can truly be said to have tino-rangatiratanga, which he exercised by creating Ranginui and Papatuanuku who begat the deities responsible for the terrestrial and celestial environment including human genesis.

- 3.8 The Maori was born into this physical world and became part of it. Whakapapa, or genealogy, is sacred to Maori because it not only establishes whanaungatanga links within society but also within the physical environment and more especially the wairua or spiritual links back to Io-Matuakore.
- 3.9 Genealogical links are readily understood. The relationship links to the environment are typified by the notion that the trees of the forest, for example, like Maori, are "Children of Tane". The spiritual links recognise that Mauri comes only from Io and represents the paramount gift of all taonga tuku iho, or god-given gifts.
- 3.10 While the ultimate homage is given to Io, the values system that emanates from these cosmogenic origins recognises the role that the lesser deities served in the creation process that gave rise to an evolutionary physical environment. No taonga or resource is used without prior propitiation to the creator-deity. They were the first kaitiaki from whom Maori inherited the whakapapa right to exercise kaitiakitanga or perpetual stewardship.

## **4 TIKANGA AND TAONGA**

- 4.1 The predominant view of Maori in Hawke's Bay is that the identification of their values and interests must start from an understanding of the philosophical basis for Maori beliefs and customs. The essence of that philosophy arises from the significant differences, in traditional Maori society, between the concepts of tikanga and taonga.

### **4.2 TIKANGA**

- 4.2.1 Tikanga comprises the values, norms and practices of Maoridom. This is represented by both the notions of whakaaro and matauranga, which when brought together represented wisdom. Tikanga, in a traditional context, comprised "the three kits of knowledge" representing all the knowledge and the values, norms, rituals and protocols.
- 4.2.2 The three kits of knowledge are:
- (a) **Te kete Tuwari** - This kit contains the scientific knowledge or that knowledge pertaining to human activities or to natural phenomena relating to the kingdom of nature (matauranga).
  - (b) **Te kete Arounui** - This kit consists of celestial and cosmogenic information designed to benefit humankind (that is, the anthropogenic mythologies), or whakaaro.
  - (c) **Te kete Tuatea** - This kit comprises all the rituals, acts and formulae with all things on earth in the cosmos (that is, reinga and kawa).
- 4.2.3 The matauranga based values are reflected within the need to protect resources and their mauri through the use of institutions such as rahui and tapu.
- 4.2.4 Together the notions of whakaro and matauranga combine to form the notion of tikanga which may be explained as being Nga Tikanga Maori – their own ways, rules, conditions of proper conduct or lifestyle, exercised through the binding concepts of wairuatanga, whanaungatanga, rangatiratanga, kotahitanga, and manaakitanga.
- 4.2.5 From a Ngati Kahungunu standpoint these tikanga value concepts are god-given and therefore immutable or changeless – fixed as in the case of the upper jaw (Kauae runga). Kawa, on the other hand, is one of the dynamic processes, protocols and practises deriving from the value concepts to provide a living evolutionary culture – flexible as is the case of the lower jaw (Kauae raro). While tikanga has iwi-wide application, kawa can, and very often does, differ from hapu to hapu within a single iwi, a pertinent point for the purpose of consultation, and management decisions.

### **4.3 TAONGA**

- 4.3.1 Taonga encompasses all things tangible or intangible and derive their meaning at both the physical and spiritual levels. Taonga comprises all treasures inherited from the past, to the present, and for future generations. At a spiritual level, taonga includes the three great states of reality - Te Kore Kore, Te Po and Te Ao Marama - and all that was created out of those states. At a physical level, taonga is manifested in the physical states of moana through to whenua. The notion of mauri is representative of a continuum involving mana, wehi, ihi, tapu and wairua that embraces both the physical and the spiritual.

#### **4.3.2 THE RELATIONSHIP BETWEEN TIKANGA AND TAONGA**

- 4.3.2.1 The predominant view of Maori in Hawke's Bay is that the concepts of tikanga and taonga are strongly inter-related due to the importance of cosmogony and the spiritual dimension within both taonga and tikanga. It is from these concepts that Maori decision-making processes and the structure of Maori society emerge.

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER **The Marine and Coastal Area (Takutai  
Moana) Act 2011**

IN THE MATTER OF **An application by NGĀTI PĀHAUWERA  
DEVELOPMENT TRUST for Customary  
Marine Title and Protected Customary  
Rights**

AND IN THE MATTER OF **An application by NGĀTI PĀHAUWERA  
(as originally filed by WAYNE TAYLOR,  
KUKI GREEN AND RUKUMOANA  
WAINOHU) for Protected Customary  
Rights**

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AFFIDAVIT OF WI DEREK HUATA/KING

AFFIRMED

5 December

2013

V.A. Harris, JP  
#9053  
NAPIER  
Justice of the Peace for New Zealand

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**NGĀTI PĀHAUWERA DEVELOPMENT TRUST**

74 Queen Street, Wairoa

Phone: (06) 838 6869

Fax: (06) 838 6870

Email: [npdtt@xtra.co.nz](mailto:npdtt@xtra.co.nz)

**I, WI DEREK HUATA/KING, Kaiako of Napier, solemnly and sincerely affirm:**

1. I am a member of Ngāti Pāhauwera and I support these negotiations.
2. One of our sayings goes "*Taku reke reke taku turangawaewae or Ko ratou pa ko nga rekereke*" "*Where their heels take them is where they make their living or stand.*" Another saying of Ngāti Pāhauwera is "*Kainga tahi kainga mate, kainga rua kainga ora*". In short, if you rely on one place for your sustenance you will die.
3. Ngāti Pāhauwera has a large number of traditional hapu and ancestors who had customary rights and long occupation (*takewhenua /noho tuturu/ahi ka roa*) of the area. The value that Ngāti Pāhauwera, Ngati Popoia, Ngati Kura, Ngati Kurahikakawa, Ngati Kapekape, Ngati Paikea, Ngati Hine te rangi, Ngati Hikapi, Ngai Tane and other hapu of the area placed on the *whenua,awa* and the *moana* goes back many centuries.
4. My name is Wi Derek Huata/King I am 58 years old and have lived most of my life in Raupunga. Both my grandparents Wi and Ena King (nee Aranui), who brought me up are buried at Te Huki urupa, Mohaka. They taught me the *kawa, tikanga, mauri, wairua* a system of principles that all hapu observed and practise to this day.
5. My grandfather and all families in the Mohaka valley went to great lengths to feed not only their whanau also the extended whanau. It wasn't till later in my life that I realised how much they depended on the natural environment to survive and have a reasonable quality of life. As young children we were protected from the harsh realities that they had encounter: a poor harvest, not enough fish to feed everyone. It was hard some years. One year we were eating maize corn that my grandmother had stored in the tank stand. My grandfather fell ill and he couldn't attend to the vegetable garden so it was left up to the mokos to help as much as we could in the vegetable garden and tend to the animals. My grandmother had to send my mother out shearing to help feed ten children. But like all people at that time they found ways to cope during hardship.
6. They followed the Maori calendar. It was their guide to cultivating, hunting, gathering, harvesting of food from the *whenua, awa, moana*. My grandmother told me that everything had *wairua* and *mauri*. The Mohaka



river, the whenua and the moana are the life force of the Pāhauwera people: they are vital to the health and well-being of the whanau, they have healing powers (for example bathing in the seawater for healing), can feed the multitudes, provide rongoa. Both my grandparents followed the cultural practices and values of Ngāti Pāhauwera

7. My Aranui and Huata whanau are known for their hunting, fishing, eeling, harvesting, gathering of food and resources. As far back as I can recall at an early age, my grandparents woke about 3 o'clock every morning during the fishing season which was from October to late March. Following the Maori moon calendar, they would begin their trek down to the Mohaka beach. The Kahungunu families (living further inland near Kahungunu marae) would arrive at our house by horse to pick up my family who were ready with their packed horses and along the way the rest of the village would join them. In tow would be reti boards, harakeke nets and bamboo rods and they would all make their way to the moana to fish at the Mohaka river mouth. My grandmother and the village women with their children and mokos would follow later in the morning either by the few ford tractors and cars, and the older children would have their horses and some followed on a wooden sledge pulled by draught horse. For us children it was an adventure: we were pirates on a raid.
8. On arrival at the beach you could see the sea black with kahawai, the ocean was the colour black, you could see the enormous shoals of kahawai splashing, flying over one another to get up the Mohaka river to spawn. The first thing we did was dive into the lagoon for a swim away from the men and women who were fishing. They had rules we had to follow, you were not allowed to play around them or yell or you would get a telling off. Our job was to collect the fish and take the fish up to the inner lagoon to scale and pack in the haversacks. The grandmothers would be preparing lunch to feed all who were at the beach. Everything was shared amongst the community and fish was distributed amongst the whanau who didn't fare well. As kids we loved it swimming most of the time, washing our horses down, our grandmothers doting over us, you couldn't ask for more.
9. You fished at low tide and high tide. During the changes of the tide my grandfather, my father and my uncles would come back to the camp to have a feed, and fixed up their fishing gear. Their spinners were made out

of paua shells some were coloured blue, red, pink and green. These paua came from Waihua, Waikare, Aropoanui and Ahuriri.

10. At Waihua there was once a flourishing reef. That's where my uncles would dive for pauas, kinas and mussels and there was also pipis and flounders. Me and my cousin Tiwana's job was to float around with a tube with a haversack that the local farmers used for everything from vegetables to wool. Boy were these bags heavy in the water, we would be hanging onto the Waihua reef waiting for the divers to surface and collect what they had harvested. It wasn't an easy job. My cousin was fearless in the water. He would encourage me to hang on and when the haversacks were filled we had to swim back to shore to unload the catch. There at the shore would be my grandmother and other women of Waihua and Mohaka ready to unload the catch and they would send us back out again. In those days they didn't have fancy diving suits but you would not be able to tell with my cousin. He had thick skin and here I was shivering with cold - but you maintain your dignity because all your girl cousins would mock you if you showed a sign of weakness.
11. We would camp there at night for two or three days. We would check the nets for flounders then we would go eeling up the Waihua river. In those days the awa was clear running water. Nowadays our awa is in a terrible state because of what happens upriver. It is full of cow manure and all the pollutants that have come off the farms up the river. The Waihua mouth is blocked with logs and silt and the reef no longer provides the abundance of sea life: snapper, kahawai, gurnet, mussels, pipis, crayfish, whitebait, that was once abundant in my grandparent's day. Nowadays people go to Waihua to fish mainly for snapper - they say the reef is their covered in silt. I haven't been myself for a long time but my nephews go there. So much for the Wairoa District Council, Hawkes Bay Regional Council and the Department of Conservation. How could they let a taonga of our people get to this state? If you are wondering what the hapu was doing, we have been fighting to have this issue rectified for years.
12. I will now go back to the Mohaka beach. My father drowned in the Mohaka lagoon. A freak wave knocked my father and other fishermen from the mouth of the river into the lagoon. I was about ten or eleven years old at the time. We were at home and the people came to get my mother and

grandmother. Me and my brothers and sisters were told to stay home. I remember we did go to the beach though later and on arrival I could see the whole community looking for my father. My uncle Barry King found him. My mother screamed with all the other women. It was heartbreaking. I had to stand by the men, you couldn't show any kind of emotion it was frowned upon by the men so I just stood there waiting for them to bring his body up to us. A rahui was placed immediately and the area blessed and I think the rahui lasted for the week. I can remember Canon Wi te Tau Huata coming to my grandmother's house to ask for permission to have the rahui uplifted so that families could stock up fish for the coming winter.

13. To this day I and my family still carry on fishing at the Mohaka beach. We love it. The shoals of kahawai are not as big as in the old days, we see many trawlers out in the bay - they are wiping out our resources with their huge nets. Just last week we spotted a huge shoal of dolphins about 50 strong, first time I have seen dolphins so close to the Mohaka beach. We even had killer whales come up on shore - a killer whale was chasing a school of kahawai and landed right on the beach, some of the fishermen nearly had a heart attack. It is quite reasonable to say that the fish stocks are getting less because of these trawlers overfishing and the pollutants that are coming from the farms up river that there will be less kaimoana for our future generations. You will find that in my story I am going from one area to another because that's how it is.
14. My Uncle Wally and Tama Huata would take me on their fishing trips. One trip was to the Waikare. Uncle Wally had a small wooden green boat. I don't know how it managed to float but he was an expert on getting a boat out into the moana. This one day the swell was heavy when we started to go out through the Waikare River mouth, the waves were enormous. I held onto the boat for my life, they were fearless my uncles. This was a day off for them, they were hard workers either shearing, scrub cutting or doing other farmwork. On this boat there was eight crates of beer, my tube and various fishing gears. Our first stop was the Tangitu Reef. Both my Uncles went diving for pauas, kinas, mussels, crayfish and my job was to stay on the boat to load their harvest. After they finished diving we would head near the mouth to wait for the shoals of kahawai that would be coming up the Waikare awa to spawn. We would get out our sticks ready with one hook attached to it and you would just hook the fish up one after another.

There were hundreds of kahawai - the water was just black with kahawai. I don't know why they would look black because the kahawai is silver, grey. After we had enough to feed the families they would relax and share their stories of our tipuna fishing these grounds then we would head back into the lagoon where we would unload and set up camp for the night and later on we went eeling. In the morning they would pull in the net and there was plenty of flounder caught. My cousins still travel by horses from Mohaka to the Waikare awa and along the way they will set up hinakis eeling traps in the creeks that flow into the moana and pick them up after their campouts depending on how long they camp out.

15. I will now go to another area where my family gathered kaimoana. The hapu of Ngati Popoia harvested from Waikare awa to Ahuriri to Cape Kidnappers. My Aranui cousins still carry out that practise to this day for example Tiwana Aranui takes his boat out most weekends. Our tipuna used to work on a farm in Aropaoanui. We therefore had access down to the moana to harvest the kaimoana there. Even now when farmers are reluctant to give permission to enter by land, my family now uses boats to harvest along this boundary of Ngati Popoia. This is the area that my Uncle Hector Aranui knew well.
16. Hector Aranui had one of the biggest shearing gang contracts along this stretch of coast, so this gave him and the whanau access through the many farms that border the coast. Whenever there was a break in shearing, we would all head to the shoreline to gather and dive for kaimoana. As always me and my younger cousins were given a tube each with a sack attached and swam out to the Tangitu reef where my Uncles and older family members were already diving for paua, mussels, kinas and crayfish. While they were diving we would be sorting out where each of us were to head for because the divers would go in pairs to different parts of the reef and two of us would swim towards that section of that reef and wait for the divers to fill their bags and unload onto us, and when our bags became full with kaimoana we would swim back to shore to unload the harvest. Those on the shore would be collecting mussels, pipis, bobos and whatever they came across. One time at Tangoio around by the head, me and my cousin Tiwana were caught in a surge. We couldn't get across this section of water, the current was so strong that it wouldn't allow us to swim back to shore with our bags filled with kaimoana, so we made a decision to dump

our loads and get back to shore. I tell you it was quite a dramatic thing to go through. We didn't tell anybody because in those days boys weren't allowed to show weakness of any kind. On returning back to camp we had made up some kind of story up and I think it worked out because we didn't get a boot up the backside. We still are gathering kaimoana from this stretch of coastline.

17. From here I will go to another part of the coast, Ahuriri. Both my Aranui and Huata whanau still fish these shores to this day. My cousin Tiwana goes out on his boat whenever he can to fish from the Cape Kidnappers right down to the Waikare awa. He covers the ground that his father had taken him to when he was young whereas I mainly fished at the Mohaka beach. The Tangitu reef is not far from the shore I would say about a 100 metres in most places along the seashore. My grandparents often spoke about the treks they took along the beach in both directions from Mohaka with their parents in their younger days. They would speak amongst their generation of that time. Mokos were taught to listen and observe - you dare not interrupt a conversation amongst the elders. And that is how I learned most of what I know from the many hapu I whakapapa to. In my younger days my grandparents spoke of the hapu that they whakapapa to they never gave their mana to any Crown agency nor did they give their mana to any other hapu but theirs. I am known as and give evidence here about my rights in the application area as Ngati Popoia, Ngai Tane, Ngati Kapekape, Ngati Hikapi and Ngāti Pāhauwera and many others. Through each of these hapu I am tangata whenua. Ngāti Pāhauwera represents all the hapu of this coastline in this application but each hapu retains its mana.
18. I gave a brief in support of the Foreshore and Seabed Act Customary Rights Order application ("my brief"). A copy is annexed and marked "A".
19. The evidence in my brief is all true. We couldn't talk about everything because the Foreshore and Seabed Act was restrictive but now I understand we have much more flexibility which is why I have given this affidavit. To this day we still carry on the traditions that our tipuna have passed on to us and it is up to the hapu of Ngāti Pāhauwera to keep that tradition intact. Who better knows the area than the hapu? We have been here hundreds of years. We know who owns this coastline - not the Crown, not the Department of Conservation, not the Wairoa District Council and

especially not the Hawkes Bay Regional Council so keep your thieving hands off our taonga. The Crown's so called management of the area is pathetic and our country's clean green image is a joke. Our awas are polluted, our fisheries are being depleted, our whenua laid with poison, the moana being polluted with tons of human effluent being pumped into it. Is this what will pass on to the next generation for the sake of money? We all depend on one another to survive and if you don't know this simple equation your children suffer the consequences. Like I said my grandparents told me everything on this planet has a mauri a life force from stones, to wood, to water, to fishes, to animals, plants and humans. Ngāti Pāhauwera are tangata whenua of this coast from Poututu to Ahuriri and we must look after this taonga of ours for future generations.

Affirmed at *Napier* this *5th* )

day of *December* 2013 )

before me: *V.A. Harris, JP* )

*#9053*  
**NAPIER**  
Justice of the Peace for New Zealand

*Mr. David Wray*  


~~A Solicitor of the High Court of New Zealand / Justice of the Peace~~

*Wray*

"A"

APPLICATION FOR CUSTOMARY RIGHTS ORDER  
FORESHORE AND SEABED ACT 2004  
SECTION 48(1)

IN THE MAORI LAND COURT  
OF NEW ZEALAND  
TAKITIMU DISTRICT

A20050006643

IN THE MATTER of an application by Wayne Taylor,  
Rukumoana Wainohu and Kuki Green  
pursuant to section 48 of the Foreshore and  
Seabed Act 2004 for a Customary Rights  
Order over the area of foreshore and seabed  
from Poututu Stream to the Waikare River

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BRIEF OF EVIDENCE OF WI DEREK HUATA/KING  
DATED 12 OCTOBER 2007

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This is the exhibit marked "A" referred to in the  
affidavit of Wi Derek Huata/King affirmed at

Napier this 5 day of

December 2013 before me

Signature:   
A Solicitor of the High Court of New Zealand /Justice  
of the Peace

V.A. Harris, JP  
#9053

NAPIER  
Justice of the Peace for New Zealand

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POWELL WEBBER and ASSOCIATES  
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AUCKLAND  
Telephone: (09) 377 7774  
Facsimile: (09) 307 4301  
Solicitor: LG Powell/RN Smail

I, **WI DEREK HUATA/KING**, Teacher at Te Kura Kaupapa Maori O Ngati Kahungunu Ki Heretaunga of Hastings, say as follows:

1. I was born in Wairoa, Hawkes Bay on 31 August 1957. I grew up in a small community called Raupunga, about five miles from the foreshore of Ngati Pahauwera. I have spent most of my life in the Raupunga and Mohaka area.

### Introduction

2. Although widely recognised as an iwi rather than a hapu, Ngati Pahauwera is known as the Confederation o Nga Hapu o Ngati Pahauwera. Under its umbrella it represents many other hapu. The hapu Pahauwera shares the foreshore and seabed along with other hapu within the Ngati Pahauwera Confederation who have been collecting the resources since the days of old:

*Ehara taku mana i te mana hou  
He mana tawhito tonu tōku mana*

*My ethos is not new  
But is indeed ancient*

3. My whenua, awa, foreshore, seabed and mountain are essential to my mana and my people's mana. Without these, could we still claim to be Maori? I do not think so, for it is all these things which have given me what mana I have and which differentiate me from anyone else. What makes me Maori, apart from the blood of my Maori ancestors which courses through my veins, is my whenua, foreshore, seabed, awa, mountain and all the natural resources in this rohe. These are the key to the waiata, whakatauki, legend, philosophy and rhetoric of my Maori world. No key means any admittance, and no admittance means an ignorance of the culture to which I am heir along with the rest of the hapu in this rohe.
4. I cannot think of the lot of the majority of the Maori population without some feeling of frustration and sadness. For over 200 years, others have dictated what the destiny of Maori should be, and they have

*W D K*

been brazenly assimilationist in their attempts to make Maori Pakeha and to stifle any Maori cries for self-determination. It is clear now that this policy has failed, and I doubt that the Maori will again be blinded by the rhetoric which had them almost accepting assimilation. Can Maori do better by having greater responsibility for their own destiny? History proves that they can do no worse – not economically, not educationally, not socially and certainly not linguistically. This application is part of a decision by our hapu that we should be the ones to determine our own destiny.

### Ngati Pahauwera

5. I would like to talk about Ngati Pahauwera, how we came to be in this rohe, and our connection to it.
6. One of the most celebrated grandsons of Kahungunu was Rakaipaaka. He established himself and his people at Nuhaka in the fortress known as Moumoukai. The eldest son of Raikaipaaka was Kaukohea. By his first wife Mawete, Kaukohea had three children: the eldest a son named Tutekanao, a daughter Kurahikakawa and another son, Mamangu. These three children form the seed bed of Ngati Pahauwera.
7. The eldest son of Tutekanao was Tureia. He and his cousins, (the children of Kurahikakawa and Mamangu) migrated to Mohaka. Whilst there, a dispute arose with Ngai Tahu over fishing rights. At this time Tureia enlisted the help of his cousin Te Whatuuiapiti and his father in law, Kahutapere. With their help the whole of Ngai Tahu were pushed from the region and the mana of the land from Waihua to Waikare and inland to Maunga Haruru passed to Tureia. At this stage the people were known as Tini a Tureia. As a tribute to his mana the following whakatauki is remembered by our people.

*He mano o nga kahawai i te moana  
He mano o nga whetu i te rangi  
He mano o Tureia hei tiaki i a koe.*

8. The eldest son of Tureia was Te Huki. The eldest son of Te Huki was Puruaute and from Puruaute descends Te Kahu o Te Rangi, the eponymous ancestor of Ngati Pahauwera. It is said that at the time of his death his head was cured by smoking when his whiskers became singed by the fire. From this incident the name 'Pahauwera' is said to have begun.

#### **My experiences of the foreshore and seabed**

9. I have travelled and walked from the Mohaka awa to the Waikare awa to collect and gather food for the whanau. When I was younger my uncles Wally Huata and Tama Huata showed me the best places for catching snapper, mullet, gurnard, whitebait, mussels, pipi, kahawai and eels from the many creeks that flow into the sea. When we set up camp it was my job to collect water, make fire and gather watercress to cook alongside the catch of the day, which could include fish, eels or crayfish. But the most important thing to me was the tikanga that my uncles practised. They only took enough to feed us till it was time to go home then we would stock up on whatever we had caught or gathered to take home. Their knowledge of these different gathering places was immense, and on our trips I saw the ocean teeming with life. On many occasions I saw the sea actually turn black with fish where huge shoals of kahawai had gathered. It was a sight to witness.
10. My uncles would set traps to catch birds for bait. They said the eels could not get enough of this kind of bait, and they were right, we would always have fresh eels and we would also dry them to take home. There are ancient tracks that our ancestors used in the old days, and on one of these trips I asked my uncles how they came about knowing all this knowledge about the best places to go. They said it was a natural process and through experience it made sense that these certain areas were the ideal areas to congregate.
11. When we went to the Waikare awa, we would stock up on flounder and collect mussels and pipis, but today the mussel and pipi are no

longer here. We also used to dive for mussels off the Waihua beach with my uncle Hector Aranui and catch flounder, and these two resources are no longer in this area either.

12. As holders of mana whenua, mana moana, and mana tupuna, in accordance with tikanga Maori, the Confederation O Nga Hapu O Ngati Pahauwera are the customary owners of the Ngati Pahauwera foreshore and seabed between Poututu Stream and the Waikare River and through the exercise of tino rangatiratanga and kaitiakitanga are entitled to take, utilise, gather, manage, and or preserve as necessary all natural and physical resources within that area.
13. The Minister of Conservation and the Resource Management Act are evil in the way they proclaim on behalf of all New Zealanders to be the most appropriate means of looking after these resources for all. History shows that they are only interested in monetary gain at the expense of the natural environment. Everywhere you look the environment has changed. There is pollution, gravel and sand are taken, the fisheries in the area are depleted, all our resources are being destroyed because of pure greed. We know what is happening, and we will take action. My purpose in giving this evidence is not to enlighten the thief, the Government, but to inform people all over the country that we all need to make sure that our future generations enjoy, share, and preserve a culture that is truly in tune with the environment.
14. We have always tried to preserve the natural resources for all to share. We have never excluded other cultures from sharing what we have. But we will not put up with a thief who misleads, steals and desecrates and stomps on a people who have lived here for hundreds of years.
15. If you think you can take our last bastions, you had better be prepared for a fight. We have been humble for so long. It's about time we stood strong for our beliefs.

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER

The Marine and Coastal Area (Takutai  
Moana) Act 2011

IN THE MATTER OF

An application by NGĀTI PĀHAUWERA  
DEVELOPMENT TRUST for Customary  
Marine Title and Protected Customary  
Rights

AND IN THE MATTER OF

An application by NGĀTI PĀHAUWERA  
(as originally filed by WAYNE TAYLOR,  
KUKI GREEN AND RUKUMOANA  
WAINOHU) for Protected Customary  
Rights

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AFFIDAVIT OF JANET HUATA

AFFIRMED

2013

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**NGĀTI PĀHAUWERA DEVELOPMENT TRUST**

74 Queen Street, Wairoa

Phone: (06) 838 6869

Fax: (06) 838 6870

Email: [npdtt@xtra.co.nz](mailto:npdtt@xtra.co.nz)

I, **Janet Huata**, Retired/Kaumatua, of Raupunga, solemnly and sincerely affirm:

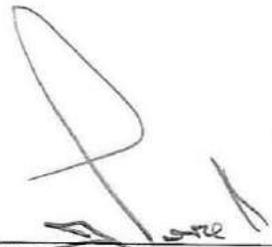
1. I am a member of Ngāti Pāhauwera. I gave evidence in support of the Ngāti Pāhauwera Customary Rights Order application under the Foreshore and Seabed Act 2004. I filed a brief of evidence annexed and marked "A" ("my brief").
2. I want to confirm again that the evidence I set out in that brief is true and correct. I also want to record again that from Poututu to Waikari from the land far out to sea is Ngāti Pāhauwera domain. I cannot be any clearer than this. In my brief I gave some examples of resource usage from parts of the application area but these were examples only. I talked about driftwood, pumice and hangi stones because that answered the questions under the Foreshore and Seabed Act. I want to talk about those things and more.
3. I am a member of the Ngāti Pāhauwera Kaumatua Charitable Trust and am community minded. I operate a homebased kindergarten. We live in a small rural community and this Takutai Moana application is an important issue to us. I would like to expand on the evidence that I presented in 2008. My whanau go down to the river, rivermouth and beach all of the time, they fish, collect driftwood and pumice. I still use driftwood and pumice in my garden and for decoration. When whanau who don't live here come back, they always go down to the beach and pick up little stones, interesting pieces of wood, whatever they like.
4. Some of my whanau live in Australia. When they come back here, the first place they go is down to the beach, to go fishing, to gather kaimoana or whatever on the beach. When they are back in Australia, they sing our Pāhauwera songs. One of my nieces teaches our songs to her Kapa Haka group.
5. In 2008 I did not talk about collecting food. I know for a fact our tipuna lived off of those resources collected from the moana. My brother Wi Barry and I used to go and collect kaimoana, just like my Mother used to. We did it more at Mohaha, she would go down to Waihua too.

When fishing, kahawai was our favourite. To get there, we had to cross over the river three times. We rode by horseback and there were sacks on the back, sewn in half to hold the kaimoana. When we used to go down as kids, I think we were allowed to go down by ourselves when we were about ten or so. My parents would do a karakia at home before we left to go down. We know the Tikanga and we teach it to our moko. Our moko all know the Tikanga. If someone does not know the Tikanga, they will be taught quickly. They are included in our prayers whether they know it or not. I do that now, I do a karakia for everyone down there.

6. Even these days, everyday there is someone down at the beach, you can be sure of that. During whitebait season, sometimes they go twice or three times a day to check their nets. Someone even still uses a Reti board today. If you don't catch any fish, someone else will share with you. If they are a regular fisherman or woman and catch more than they need, they drop it off at the other homes in the village on the way. For instance Marie Moses, does that regularly. It's an everyday thing amongst us. You will probably get three or four of what they have caught.
7. We have always had mana moana and I support the Ngāti Pāhauwera negotiations under this application. It was always ours and will continue to be.

x J. Huata  
Janet Huata

Affirmed at NAPIER this 21 )  
day of NOVEMBER 2013 )  
before me: JOHN PURCELL )

  
~~A Solicitor of the High Court of New Zealand / Justice of the Peace~~  
John Purcell  
Bay View, Napier  
Justice of the Peace

"A"

APPLICATION FOR CUSTOMARY RIGHTS ORDER  
FORESHORE AND SEABED ACT 2004  
SECTION 48(1)

IN THE MAORI LAND COURT  
OF NEW ZEALAND  
TAKITIMU DISTRICT

A20050006643

IN THE MATTER of an application by Wayne Taylor,  
Rukumoana Wainohu and Kuki Green  
pursuant to section 48 of the Foreshore and  
Seabed Act 2004 for a Customary Rights  
Order over the area of foreshore and seabed  
from Poututu Stream to the Waikare River

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BRIEF OF EVIDENCE OF JANET HUATA  
DATED 31 AUGUST 2007

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+ *J. Huata*  
JANET HUATA

This is the exhibit marked "A" referred to in the  
affidavit of Janet Huata affirmed at

*Napier* this *21<sup>st</sup>* day of

*NOVEMBER* 2013 before me

Signature: *[Signature]*

~~A Solicitor of the High Court of New Zealand /  
Justice of the Peace~~

*John Purcell*  
Bay View, Napier  
Justice of the Peace

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**POWELL WEBBER and ASSOCIATES**  
PO Box 37 661, Parnell  
DX CP27025  
AUCKLAND  
Telephone: (09) 377 7774  
Facsimile: (09) 307 4301  
Solicitor: LG Powell/RN Smail

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I, **JANET HUATA**, Retired, of Raupunga say as follows:

1. I have lived in Mohaka most of my life. I grew up mostly here but I went out to other places a lot for work, as I was a mid-wife for many years. I always came back to Mohaka a lot even when I was living away and would gather things from the foreshore and seabed when I made these trips home.
2. I learned about Ngati Pahauwera's connection with the foreshore and seabed through the Waitangi Tribunal hearing of our lands claim and also through listening to my grandmother. Our spiritual connection to the Ngati Pahauwera foreshore and seabed and the fact that Ngati Pahauwera have mana whenua, mana moana, tino rangatiratanga, and exercise kaitiakitanga over the foreshore and seabed was not really talked about. We just always knew that we could use the resources there.

#### **Driftwood**

3. We use small pieces of driftwood as ornaments around our homes.

#### **Hangi stones**

4. Rukakore is our tupuna that connects us to the hangi stones.
5. Small hangi stones are used as ornaments. Hangi stones are not painted, we seal them with polyurethane. These are given as gifts. We also put decorated stones in the urupa as an alternative to flowers.
6. Some of the baby hangi stones are egg-shaped. We look for the four colours, and we pick up these hangi stones to protect them. We make a little kete and fill them with stones. Hangi stones are not for sale. They are god given and so cannot be sold. As locals, we reserve the right to give the hangi stones to people. Most people cannot recognise hangi stones and they take river stones instead.

7. We are not able to protect the hangi stones all the time, so sometimes we come across hangi stones in odd places. For example we found one of the garden centres had some of the Mohaka hangi stones for sale, but when they realised that they were important, they arranged to take them back to the beach, and they were returned to Mohaka.
8. In another incident, when it was found that hangi stones had been taken, they were too far away to be returned to Mohaka. We invited them to return them to a local marae, which they did.

### **Pumice**

9. Ngati Pahauwera have also always used the pumice and still use it for many purposes. It is good for whittling, for crushing up on the garden, for washing away the rough spots on your skin, especially on your feet. It can also be used to scour pots.
10. The beach is an important place for Ngati Pahauwera and when we go there we always bring something back, whatever resource it might be. In the fishing season practically every day someone is going down to the beach. People and especially the children always pick something up and bring it back so there is always a steady stream of pumice coming from the beach back home for example.
11. The last verse of the reti board waiata by Ramon Joe translates as follows:

*Waiting for fish/Shells for spinners  
If you don't catch any fish, fill up your bag with firewood*

12. This demonstrates that we use the resources of the foreshore and seabed, and we don't come home empty handed.

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER The Marine and Coastal Area (Takutai  
Moana) Act 2011

IN THE MATTER OF An application by NGĀTI PĀHAUWERA  
DEVELOPMENT TRUST for Customary  
Marine Title and Protected Customary  
Rights

AND IN THE MATTER OF An application by NGĀTI PĀHAUWERA  
(as originally filed by WAYNE TAYLOR,  
KUKI GREEN AND RUKUMOANA  
WAINOHU) for Protected Customary  
Rights

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AFFIDAVIT TAMA TURANGA HUATA

AFFIRMED

2013

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NGĀTI PĀHAUWERA DEVELOPMENT TRUST

74 Queen Street, Wairoa

Phone: (06) 838 6869

Fax: (06) 838 6870

Email: [npdtt@xtra.co.nz](mailto:npdtt@xtra.co.nz)

I, **Tama Turanga Huata**, CEO of Takitimu Performing Arts of Hastings, solemnly and sincerely affirm:

1. I am a member of Ngāti Pāhauwera. My name is Tama Turanga Huata. My father was Canon Wi Te Tau Huata, and my Mother was Ringahora Heni Ngakai nee Tomoana. I am the third eldest of nine children. I was named after my Uncle and born at Rotorua, 15 April 1950. I support the Ngāti Pāhauwera case for Customary Marine Title, Protected Customary Rights and protection of Wahi Tapu in the application area between Poututu Stream and the Waikare River.
  
2. I want to start at the beginning, from the korero that has been passed on to me and from my many years of research about this matter. The focus of my submission is that Pāhauwera has connections across the moana to Rarotonga through our waka Takitimu which we continue to foster. The second part of my submission touches on the Takitimu Performing Arts School and Kahurangi Dance Company, which I founded and still run. There, we continue to practice Tikanga every day, when we do kapa haka, sing waiata and say karakia. We do this in Hawkes Bay and all over the world as representatives and ambassadors of our whanau, our hapu, our Iwi and our country.

#### **Pāhauwera connection to Rarotonga**

3. Rarotonga's former name was Tumetevarovaro, when our waka sailed from Tahiti from Bora Bora. It was captained by Tangiia and was being chased by his cousin Tutapu. He headed for Tumetevarovaro or Rarotonga. On the way to Rarotonga he met another cousin out at sea. This cousin's name was Karika - they had a bit of a waka jostle and after that there was no real winner. As they got talking Tangiia told him that he had been pursued by his cousin Tutapu and asked Karika to support him. Karika sailed with Tangiia and they arrived in Rarotonga and prepared and waited for the arrival of Tutapu and his warriors who were sailing not that far behind. When the warriors landed with Tutapu, Karika's men were ready and waiting for the taua. They fought and Karikas men prevailed - they won that battle. Then Tutapu fought Tangiia and the result of that battle was that Tangiia

TLA

defeated Tutapu. The final act that he did after killing Tutapu was that he gouged his eye out. The eye of Tutapu was held in the air and he exclaimed "Takitumu Takitumu"

4. From that time the settlement of Tangiia and Karika in Rarotonga took place and the name of our waka Takitumu. "Takitumu" is the word that they use. Researching there and speaking with the Pa-Ariki (Paramount Chief), Pa-Tuterangi and their elders and Mataiapo (Chiefs) over the years they told me about the name Takitumu. "Tumu" is taken from the coconut tree and palm trees because of their solid roots in the ground. "Taki" is complete or finished so that is how they got that name. When I asked them how we got the name Takitumu they said to me straight out "You know how you Maori's are in New Zealand, you're a bunch of dreamers you just make up your own name and that's how you fellas operate". We were having a bit of fun but we know we are speaking about the same waka: Takitumu/Takitumu.
  
5. Another part of that story from around the 1300's is that Tangiia and Karika were asked to stand at one point and go separate ways around the island and where they met was that would be the boundaries for each other of the island. What happened was Karika walked and Tangiia ran and so to this day the greater portion of Rarotonga is under Tangiia. So when I always go over there I am with the Nga Tangiia people and when they had the opening of the palace they had the Nga Tangiia choirs and all their speakers so that's our main connection there – to Nga Tangiia.
  
6. My father also had a relationship with the people in Rarotonga. He went over to Rarotonga with Charlie Mohi and others and I remember they talked about land that was offered to Takitumu: New Zealand. That was one way and the other was through the Maori battalion because Rarotonga was under D company during World War II along with the Maori battalion. This was because they had a historical relationship directly through Takitumu so it made sense that they fought together.

7. We have always maintained our relationship with Rarotonga. Those relationships have been built up over the years through their royal line. They came down from the Pa-Ariki (Paramount Chief) and down to the present Pa-Ariki. Her mother was the queen of Takitimu and her second marriage was to Pa Davis. He was the Prime Minister and a scientist from Rarotonga and so those links have always been maintained. Of course that first Pa-Ariki sent her daughter, Mahinarangi, back home here. When I say back home she actually sent her to be with Koroki and Te Puea in Waikato. They brought her up and so they maintained that link through Te Puea, Koroki and that line.

#### Connection to other islands

8. We are connected to the other islands but when you look at the stories, the only stories that I've heard that have all those connectors has been the ones that come off Takitimu. Our waka was built in 1060 and then came through from there to here. When they built it, it was the largest in the Pacific, perhaps thirty roa (arm spans) long and twelve roa wide. That is a big waka and that line comes down from Whatonga.
9. When I met with Pa Ariki Pa-Tuterangi his research and his korero had been unchallenged. Still nobody has been able to challenge it. Normally everybody shoots holes in people's research but his has maintained. He was a scientist in his own right, from one of the main Boston Universities and apparently had perfect recall. I brought him over here and we sat down and we talked about these connections and histories. Because we spent that time together he shared some of his research.
10. He said that when he tracks our people coming down (this is from the Asia side and coming into the Pacific), we had Micronesia, Melanesia, Polynesia, but the original strand that actually came out from there was a Samoan strand. Then the Samoans got conquered by the Tongans and there was inter-breeding and so on. He always maintained that the original strand was Samoan. When I queried this,

I was told in no uncertain terms that his recall was perfect, so for him to be a historian and researcher with that accuracy was his gift.

11. It is through the history I have talked about that we have links with Rarotonga. Not long before he died we had talked about his book and his 90<sup>th</sup> birthday. I have maintained links with his wife who is in New York and others of his family. For example I once had two boys from his family stay and train with me, they felt comfortable enough to give me a call, and then send them over - they whangai, just like Maoris do. When I go to Rarotonga, I am involved in family and royal functions as well as wananga. I have followed the Chief's children's progress – one of them sailed a waka for nine years straight and now he is a Mataiapo. You can see that they have maintained their connection with Tangaroa as much as we have.
  
12. So in terms of safety for themselves New Zealand is a safe haven for them, for their people. We have just got to remember those ties. We remember them, respect them. I remember when they came over for the Takitimu festival they stood up at Waipatu they said "You know, you fullas you just jumped into that waka and you bugged off and you left us in Rarotonga" It was said as a joke, they said "to this day, no feedback". They have been clear about the fact that they want to "come back closer together, because you are us and we just happen to be your tuakana".

#### **Pāhauwera connection with Hawaii**

13. On one occasion when I was in Rarotonga at a Wananga with all of them (it was only me from home), they had some Hawaiians there and they were telling their Takitimu stories from Hawaii. Part of the sailings of that original waka was to link all the royal lineage of every island including Hawaii and it was the main trading vessel. So the waka collected mats from Samoa then they went to all those islands and they exchanged mats because that was the currency of the day. That's what linked Tonga, Fiji all those islands including Hawaii and the royal lineage from Hawaii straight through. Our whakapapa lines to Rarotonga are also maintained through the Kingitanga line.

14. I have never heard anybody else's waka story as detailed as what we know about ours. They just say that they came on this waka and that waka but nobody else has a story about them. This story of our waka, and our path here and connection back across the moana is important to us.
  
15. In the South island they say that "The Takitimu canoe sunk at Lake Te Anau, it got into a whirl pool down there then went into a cave". I heard from Pa-Tuterangi that he built a small replica of the original Takitimu. When they launched the replica, they carried it to the lagoon in Rarotonga and a huge mist came down. Never in its history had there been a mist like that. But from that time Pa-Tuterangi said it was unbelievable - every time when they sailed it to retrace the voyage, a mist come down on all those islands.
  
16. Ratana went down to the South Island because he wanted to go and see Takitimu. He got there and a big mist came down he couldn't get in to Te Anau. That is written in Ratana's book. When Dad was alive he went down to Te Anau specifically to see the resting place of Takitimu. When Dad went there they had a Pakeha guide from the Department of Conservation. The mist came down on Dad and that DOC guy. Dad did a Karakia, the mist went up and he went in. So he was able to get in and that was how he was able to get all the korero about how those waters meet and how Takitimu got in. When Pa-Tuterangi was telling me about what was happening when they launched his replica and all the mist I recalled the story I knew straight out. I said "That's how special this waka had become." It's so important we maintain those links.
  
17. There are differing versions of some of the histories that I speak of, from different tribes and from different islands. I have heard them but I stick to what I know. I'm lucky enough to be a holder of this information.

## Continuing Tikanga Practice

18. I could do another submission purely on my professional/educator side and yet another on the history of my whanau and its contribution to Maoridom, Ngati Kahungunu and Ngāti Pāhauwera. This is public knowledge. As I mentioned at the beginning, I founded Te Wananga Whare Tapere o Takitimu Performing Arts School which celebrates its 30th birthday this year. Its history and success is well documented so I will let it speak for itself. From its website:

*"In 1991 it gained registration as a Private Training Establishment from the New Zealand Qualifications Authority and accredited to teach Certificate and Diploma courses in Maori Performing Arts and Maori Arts. Takitimu has been a pioneer in the emerging field of Maori Performing Arts and was the first to deliver and teach the Certificate, Diploma and Degree in Maori Performing Arts. The unique learning environment incorporates a Kohanga Reo, Kura Kaupapa and Wananga based programmes that provide students with a seamless education within a nurturing environment. [They] offer a range of programmes tailored to the needs of [their] students that are practical and allow students to work alongside professionals in the theatre, tours, music and events."*

19. You can also see from the mission statement:

**"KAUPAPA - MISSION STATEMENT**  
**THE TAKITIMU PERFORMING ARTS SCHOOL IS A WHARE**  
**TAPERE (SCHOOL OF LEARNING). IT ACKNOWLEDGES**  
**THE MANA OF REO, WAIRUA, WHAKAPAPA, WAIATA,**  
**WAIATA KORI,**  
**WAIATA POI, WAIATA HAKA, WAIATA A RINGA. IT SEEKS**  
**TO**  
**RESTORE RANGATIRATANGA, REAFFIRM TIKANGA**  
**MAORI, AND UPHOLD MANA MAORI –TINANA – WAIRUA –**

HINENGARO, ALL WITHIN THE WHANAU .... HAPU .... IWI

....  
TUKU RANGATIRATANGA  
WHAKAPAPA TE MAURI  
TANGATA, MANA, IWI  
TE TIRITI O WAITANGI  
TINO RANGATIRATANGA”

20. We maintain our connection to Tangaroa and Rarotonga at the Whare Tapere literally daily, when we speak and sing of Takitimu and when we continue those relationships with whanaunga from Rarotonga via interaction, information exchange and whangai fostering practices. My contribution to this is that I am trying to maintain things through music, rather than politics, so we teach both Maori, Rarotongan and other Pacific Nations’ songs. Kahurangi represent graduates from the Takitimu School of performing arts and are true ambassadors to the world and have performed these waiata, haka and whakatauki at numerous prestigious occasions and in many diverse countries, too many to name.



Affirmed at *Hastings* this *28<sup>th</sup>* )  
day of *November* 2013 )  
before me: )

  
A Solicitor of the High Court of  
New Zealand/Justice of the Peace

A.M. Thomson, JP  
#89092  
HAVELOCK NORTH  
Justice of the Peace for New Zealand

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER

The Marine and Coastal Area (Takutai  
Moana) Act 2011

IN THE MATTER OF

An application by NGĀTI PĀHAUWERA  
DEVELOPMENT TRUST for Customary  
Marine Title and Protected Customary  
Rights

AND IN THE MATTER OF

An application by NGĀTI PĀHAUWERA  
(as originally filed by WAYNE TAYLOR,  
KUKI GREEN AND RUKUMOANA  
WAINOHU) for Protected Customary  
Rights

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AFFIDAVIT OF ANI KEEFE

AFFIRMED

2013

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**NGĀTI PĀHAUWERA DEVELOPMENT TRUST**  
74 Queen Street, Wairoa  
Phone: (06) 838 6869  
Fax: (06) 838 6870  
Email: [npdtt@xtra.co.nz](mailto:npdtt@xtra.co.nz)

I, ANI KEEFE, Retired/Kaumatumā, of Mohaka, solemnly and sincerely affirm:

1. I support Ngāti Pāhauwera Development Trust in their application regarding the Takutai Moana negotiations.
2. I gave evidence in support of the Ngāti Pāhauwera Customary Rights Order application under the Foreshore and Seabed Act 2004. I filed a brief of evidence annexed and marked "A" ("my brief"). In my brief I talked about hangi stones, gravel and Ngāti Pāhauwera usage of the seabed and foreshore. I understand that the law has changed now and I want to state that my evidence still stands and I would like to add a few more things.
3. I am a Ngāti Pāhauwera Kaumatua and am a member of the Ngāti Pāhauwera Kaumatua Charitable Trust. As Kaumatua for Ngāti Pāhauwera and member of the trust, we practice Tikanga every day. For example in my brief I said 'we take what we need when we want it'. When I do this, when we take anything from the sea bed or the foreshore, we adhere to Ngāti Pāhauwera Tikanga, we teach it to our moko, to the young ones in the area. That is our responsibility as Kaumatua.
4. We maintain our spiritual connection to the area when we sing the waiata about the awa and the moana. Our moana needs to be protected and I support the Ngāti Pāhauwera Development Trust in this application which is why I am doing this affidavit. I will repeat myself and say Ngāti Pāhauwera have and will always have mana whenua, mana moana, rangatiratanga and exercise kaitiakitanga in our rohe.

Affirmed at Napier this 21<sup>st</sup> )  
day of November 2013 )  
before me: John Purcell )

ANI HANCY KEEFE,  
ANI KEEFE

A Solicitor of the High Court of New Zealand / Justice of the Peace  
John Purcell  
Bay View, Napier  
Justice of the Peace

"A"

APPLICATION FOR CUSTOMARY RIGHTS ORDER  
FORESHORE AND SEABED ACT 2004  
SECTION 48(1)

IN THE MAORI LAND COURT  
OF NEW ZEALAND  
TAKITIMU DISTRICT

A20050006643

IN THE MATTER of an application by Wayne Taylor,  
Rukumoana Wainohu and Kuki Green  
pursuant to section 48 of the Foreshore and  
Seabed Act 2004 for a Customary Rights  
Order over the area of foreshore and seabed  
from Poututu Stream to the Waikare River

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BRIEF OF EVIDENCE OF ANI KEEFE  
DATED 31 AUGUST 2007

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*Ani Keefe*

This is the exhibit marked "A" referred to  
in the affidavit of Ani Keefe affirmed at  
Napier this 21 day of  
NOVEMBER 2013 before me

Signature: *John Purcell*

A Solicitor of the High Court of New Zealand/  
Justice of the Peace

John Purcell  
Bay View, Napier  
Justice of the Peace

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**POWELL WEBBER and ASSOCIATES**  
PO Box 37 661, Parnell  
DX CP27025  
AUCKLAND  
Telephone: (09) 377 7774  
Facsimile: (09) 307 4301  
Solicitor: LG Powell/RN Smail

I, **ANI KEEFE**, retired, of Raupunga say as follows:

1. I am a member of Ngati Pahauwera. My mother was from Ngati Porou and my father was from Ngati Pahauwera. I have lived in Mohaka since moving back here in 1972 to bring up my children. Most of my children live in the Waikato now and my husband died in 1980.
2. I learned about Ngati Pahauwera's connection with the foreshore and seabed through listening to my grandmother. Our spiritual connection to the Ngati Pahauwera foreshore and seabed and the fact that Ngati Pahauwera have mana whenua, mana moana, tino rangatiranga, and exercise kaitiakitanga over the foreshore and seabed was not really talked about. We just always knew that we could use the resources there.
3. Pakeha would gather things as well but there were very few Pakeha in the area when I was younger and most of them were accepted as part of Ngati Pahauwera so there was no conflict about this.

### **Hangi Stones**

4. Ngati Pahauwera hangi stones are an important taonga of Ngati Pahauwera, both from the river and those that wash down the river into the ocean and are spat up back on to the beach. We would customarily trade our hangi stones with people from further away for whatever they could offer in exchange because you cannot get hangi stones like the ones that we have anywhere else. We traded with people from Waipiro Bay and Te Araroa. Whanau from Ngati Pahauwera take hangi stones away, even down to the South Island as far as Invercargill. One of my brothers in the South Island has a headstone made out of hangi stone.

### **Gravel**

5. The gravel in the river and at the mouth of the river going out to sea on the Ngati Pahauwera foreshore and seabed is important to Ngati Pahauwera. The gravel where it currently sits makes the water of the

Mohaka River very clean. In comparison you can taste the mud in the kahawai from the Wairoa River. The gravel is a taonga because it keeps the water quality good, and the kahawai sweet.

### **Sand**

6. We have always used sand from the foreshore and seabed on our gardens and for growing kumara seedlings. The kumara seedlings grow best in sand. Ngati Pahauwera have always used the sand to grow the kumara seedlings, that is always how it has been done in Mohaka. We get the sand from further away from the mouth of the river on the foreshore and seabed so that it is less gravely. In the old days I know that Ngati Pahauwera would take the sand for building, for use in concrete. Ngati Pahauwera would take the sand from wherever they lived closest. Those people from Ngati Pahauwera who lived up the river would take sand from the river but those who lived down on the foreshore and seabed would take sand from there. These days each family probably uses a couple of trailer loads of sand per year for their gardens and for filling in their pot holes.

### **Wai Tapu**

7. Ngati Pahauwera have also always used wai tapu from the beach. We particularly use it for drying fish.
8. We take whatever we need, whenever we need it from the Ngati Pahauwera foreshore and seabed and have always done so.

**STATEMENT OF HAZEL ELIZABETH KINITA, KAUMATUA, OF  
RAUPUNGA, IN SUPPORT OF NGĀTI PĀHAUWERA TAKUTAI MOANA  
NEGOTIATIONS**

1. I am a member of Ngāti Pāhauwera. I gave evidence in support of the Ngāti Pāhauwera Customary Rights Order application under the Foreshore and Seabed Act 2004. I filed a brief of evidence annexed and marked “A” (“my brief”) and I appeared at the hearing at Mohaka in February 2008 to present my brief. I also gave evidence in an application under the Water and Soil Conservation Act annexed and marked “B” where I stated my history and my family’s and my personal connection to fishing and the Mohaka River mouth.
  
2. I want to confirm again that the evidence I set out in my brief (“A”) is true and correct. I also want to record again that from Poututu to Waikari all of that land and beach, all of the moana in that area is Ngāti Pāhauwera’s. It is something that I am willing to fight for and feel strongly about. In my brief I gave some examples of resource usage of things such as pumice and driftwood from parts of the application area but these were examples only.
  
3. I did not need to expand on this in my evidence in support of the customary rights order because that application was about usage because that was all that the Foreshore and Seabed Act allowed. I would like to add the following about our control of the application area.
  
4. Ngāti Pāhauwera people around here go to the river and beach every day to catch fish, eel, get whitebait – all of that. Examples of how we practice Tikanga are:
  - 4.1. You are not allowed to clean your fish at the beach;
  
  - 4.2. You never cook your fish on the beach;
  
  - 4.3. You share your catch if you can; and

#### 4.4. Don't turn your back on Tangaroa.

5. There is heaps of tikanga about reti boards, even though we don't use them as much now, some people do. I know it is important to teach my moko the rules. When they go with Nan they know all of the rules because I teach them the tikanga, the prayers, everything has a reason. You don't gut your fish on the beach because it can attract sharks and it is not showing respect. You move out of the way if someone catches a fish because otherwise the lines get caught up. It's all common sense. I do what my tipuna, my Aunties and Uncles taught me. My Auntie Dottie was great with a Reti board, she was a stickler for that – if you didn't follow the rules she would soon let you know. I am the same, I tell everyone to teach their moko the rules. Those ones at the beach, they soon learn if you yell at them 'Hey, what do you think you're doing?'
6. I live in Raupunga and have been here almost my whole life. Fishing, the moana, the beach, it is part of everyday life. I go fishing all of the time and if I don't have any fish my neighbours or brother will bring me some. We don't have a lot of money, we are getting old – we need that fish to survive. I still bring driftwood and pumice back from the beach, it's in my garden and I love it. I do crafts with things that I have picked up from the beach.
7. We have mana moana, mana whenua around here. If someone came here and tried to stop us from going to the beach, or if they take our fish – well they better watch out. Those trawlers come in really close to the beach and overfish. They will get shot one day because people around here are very angry about that. It needs to stop.

8. I support the negotiations that the Ngāti Pāhauwera Development Trust are doing for our Iwi. I will keep doing these statements because it is so important – I want to make sure that it is looked after for my moko. No-one can claim the moana and the beach in the application area except for Ngāti Pāhauwera. It's the locals that are using it everyday, like we have for generations.

H. E. Kinita  
Hazel Elizabeth Kinita

Date: 12 / 12 /2013

**"A"**

**APPLICATION FOR CUSTOMARY RIGHTS ORDER  
FORESHORE AND SEABED ACT 2004  
SECTION 48(1)**

**IN THE MAORI LAND COURT  
OF NEW ZEALAND  
TAKITIMU DISTRICT**

**A20050006643**

**IN THE MATTER** of an application by Wayne Taylor, Rukumoana Wainohu and Kuki Green pursuant to section 48 of the Foreshore and Seabed Act 2004 for a Customary Rights Order over the area of foreshore and seabed from Poututu Stream to the Waikare River

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**BRIEF OF EVIDENCE OF HAZEL ELIZABETH KINITA  
DATED 31 AUGUST 2007**

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This is the exhibit marked "A" referred to in the statement of Hazel Elizabeth Kinita

Signature: H. Kinita

Date: 31 / 08 / 2007

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**POWELL WEBBER and ASSOCIATES**  
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DX CP27025  
AUCKLAND  
Telephone: (09) 377 7774  
Facsimile: (09) 307 4301  
Solicitor: **LG Powell/RN Smail**

---

I, HAZEL ELIZABETH KINITA, Mother, of Raupunga, say as follows:

1. I was born in Mohaka and also grew up here. I have lived in Mohaka most of my life.
2. The use of the resources of the foreshore and seabed at Ngati Pahauwera have always been an interest of mine. Ngati Pahauwera have always used the resources on our foreshore and seabed. We have always known that we have a right to do so as we exercise manawhenua and manamoana over this area. Because Ngati Pahauwera have manawhenua and manamoana over the foreshore and seabed, we use whatever resources we need, when we need them, and have always done so. We have always had the foreshore and seabed there and we will always use it. It has always been in us and will always be ours. Who else does it belong to? The river and sea have always been there, they are sitting there, and we have always used them. It would be stupid if we didn't.

#### **Pumice**

3. I have used pumice in a number of ways, including to decorate the garden and to make ornaments for inside my home. Pumice has been used in this way by Ngati Pahauwera forever.

#### **Driftwood**

4. Driftwood from the Ngati Pahauwera foreshore and seabed is an important resource for the Marae at Mohaka and Raupunga. We use it as firewood for heating and for cooking.
5. We use the driftwood in the same ways in our own home, to keep us warm and to cook our food.
6. Like pumice, Ngati Pahauwera have always used driftwood from the foreshore and seabed, and like pumice, driftwood can be used for garden ornaments and to make ornaments for indoors. I have many such ornaments in my garden and home.

**"B"**

IN THE MATTER

of the Water and Soil  
Conservation Act  
1967

AND

IN THE MATTER

of two objections  
under Section 20C of  
the Act

BETWEEN

ELECTRICITY  
CORPORATION OF NEW  
ZEALAND LIMITED

(211/90)

AND

NGATI PAHAUWERA  
IWI

(253/90)

Objectors

AND

THE MINISTER FOR  
THE ENVIRONMENT

Respondent

AND

THE NEW ZEALAND  
FISH AND GAME  
COUNCIL

(successor to the  
Hawkes Bay  
Acclimatisation  
Society)

Applicant

This is the exhibit marked "B" referred to in the  
statement of Elizabeth Hazel Kinita:

Signature: E Kinita

Date: 22 / 12 / 2013

EVIDENCE OF HAZEL KINITA

1. I am a widow, 57 years of age. I was born on 20 August 1934, at Mohaka. Ngati Pahauwera is my tribe. I grew up at Tunnel Flat. My father was Len Culshaw and my mother was Selina Mihi Te Rina Te Kahu. A lot of people lived in Raupunga in those days.
2. I married my husband in 1956 while I was nursing at Queen Elizabeth Hospital in Rotorua. He was from there but some of his family lived at Te Hoe. We visited that place a couple of times. When Dave Kinita's mother died, we took her back to where the family urupa is at Te Hoe.
3. I have spent most of my life at Raupunga. My late husband and I raised four girls and one boy.

#### FISHING

4. I really got interested in fishing when all my children had left the family home to start their own families and it was during this period of my life from 1979 to 1991. I had more time to myself to do what I wanted to do, so, I chose fishing. The first time was with the Reti-Board. On my first day I caught thirteen fish, I was absolutely thrilled to bits and I have been fishing ever since. When I first started to fish, I couldn't tell that I had a fish on the Reti-Board. If you catch a fish with a rod/line you can feel it tug but if you get one on a Reti-Board the board goes backwards. If you don't pull it in, you will lose the fish. The current must be just right. Every time I get visitors, I take them down to the Mohaka mouth and show them how to use the Reti-Board. I take my grandchildren fishing when they visit me. I take them to the mouth to fish for herrings. They live in Hastings and Tamatea.
5. When I was a young girl, Joe Hancy, an elder at the time, would pick us up by horses. There would be over ten families altogether. We would have packed all our gears before day-break for our journey to the Mohaka Beach, which was five miles away. We used to cross the Mohaka River in three places to get

to the beach because it was quicker than going along the road. It was a wonderful experience for me to be a part of this great adventure, repeated nearly every day. There were the elders, men and women, who had their own special places by the river mouth. I remember if anybody wanted to fish by their spot they had to ask permission first.

6. As for my girlfriends and I, we would play all day and help to pack the fishes into nikau bags (a big sack with a cut on one side, in the middle) so when you put it on the horse you had two separate bags. They not only put fish in these bags, it was also used for tired children to sleep in. They would make a bed for them in the nikau sack after everybody had enough fish, which was usually late in the afternoon. We would all make our way home with home-made torches. On the way home you could go to sleep on the wagons as the horses seemed to know where to drop off one family and move onto the next.
7. I know some of the young generation still do it, but not as the great treks of the old days. In those days you had to go fishing to support your families and that tradition is still carried on today.
8. The new chums at fishing use to get the blame if anything went wrong with the lines while we were all fishing with Reti-Boards. The old people pick on you. If their boards get tangled with yours, it's your fault. If you hook them up, they cut your line.
9. Many people here fish. Those who fish all the time include; myself, George Hawkins, Maurice Te Kahu and Tweenie Te Aho. The young people here are fishing all the time. We, the mothers, rely on our husbands and whanau to catch fish to feed our children, it is a staple part of our food.

10. The mouth of the Mohaka is the best place for fishing for kahawai, shark and mullet. We can fish for white-bait there as well as in Raupunga. We can also catch trout at this end of the river. I have also caught shark, snapper and kahawai with a rod, and brown trout with a trout rod. I fish by the Maori calendar.
  
11. I also collected hangi stones and firewood for heating and cooking. The point I want to make clear, is that our people have always depended on the Mohaka River for survival, and I strongly oppose anything that will affect our lives and our future generation. I would like our Maori heritage preserved at any cost.