

Te Whakatau Kaupapa



**Ngai Tahu
Resource Management Strategy for the
Canterbury Region**

by

**Te Maire Tau, Anake Goodall
David Palmer & Rakihia Tau**

Ngāi Tahu

STATUTORY ACKNOWLEDGEMENTS

Information for resource consent applicants

Introduction

The Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) gives effect to the Deed of Settlement signed by the Crown and

Te Rūnanga o Ngāi Tahu on 21 November

1997 to achieve a final settlement of Ngāi

Tahu's historical claims against the Crown.

The Settlement Act includes a new instrument

called a Statutory Acknowledgement.

Statutory Acknowledgements recognise

Ngāi Tahu's mana in relation to a range

of sites and areas in the South Island,

and provide for this to be reflected in the

management of those areas. Statutory

Acknowledgements impact upon Resource

Management Act 1991 (RMA) processes

concerning these areas.

This pamphlet provides a brief outline

of Statutory Acknowledgements, and how

they may affect you, as an applicant for

a resource consent. The information provided

in this flyer relates only to Statutory

Acknowledgements under the Ngāi Tahu

Claims Settlement Act 1998.

What are Statutory Acknowledgements?

A Statutory Acknowledgement is an acknowledgement by the Crown of Ngāi Tahu's special relationship with identified areas, namely Ngāi Tahu's particular cultural, spiritual, historical, and traditional association with those areas (known as statutory areas). The statutory areas are indicated on the attached map.

Information relating to specific Statutory Acknowledgements will be attached to regional policy statements, district plans and regional plans.

What are the Purposes of Statutory Acknowledgements?

The purposes of Statutory Acknowledgements are:

- to ensure that Ngāi Tahu's particular association with certain significant areas in the South Island are identified, and that Te Rūnanga o Ngāi Tahu is informed when a proposal may affect one of these areas; and
- to improve the implementation of RMA processes, in particular by requiring consent authorities to have regard to Statutory Acknowledgements when making decisions on the identification of affected parties.

Who may be Affected by Statutory Acknowledgements?

You may be affected by a Statutory Acknowledgement if you are applying for a resource consent for an activity that is within, adjacent to, or impacting directly upon a statutory area.

What happens when you apply?

If you are applying for a resource consent for an activity within, adjacent to, or impacting directly upon a statutory area:

- the consent authority must send a summary of your resource consent application to Te Rūnanga o Ngāi Tahu; and
- the consent authority must have regard to the Statutory Acknowledgement in going through the process of making a decision on whether Te Rūnanga o Ngāi Tahu is an affected party in relation to the resource consent application.

Use of Statutory Acknowledgements in Submissions

Members of Ngāi Tahu will also be able to cite Statutory Acknowledgements in submissions to consent authorities, the Environment Court and the Historic Places Trust, as evidence of their particular association with statutory areas. In this context, the Statutory Acknowledgement does not of itself prove the association for the purpose of consent proceedings but may be taken into account by decision-makers.

More Information

You can obtain further information on Statutory Acknowledgements from:

- your local council;
- Ngāi Tahu Group Management Limited
Level 7, Te Waiopounamu House
158 Hereford Street
PO Box 13-048, CHRISTCHURCH
Phone 03-366 4344, Fax 03-377 7833
- Ministry for the Environment
South Island Office
Level 3, Westpark Towers
50 Cashel Street
PO Box 1345, CHRISTCHURCH
Phone 03-355 4540, Fax 03-353 2750

Statutory Acknowledgements – Deeds of Recognition

- 1 Ōkari Lagoon
- 2 Taramakau River
- 3 Kōtuku-Whakaoho (Lake Brunner / Moana)
- 4 Lake Kaniere
- 5 Poumura (Salt Water Lagoon)
- 6 Ōkārito Lagoon
- 7 Mākaawhio (Jacobs) River
- 8 Karangarua Lagoon
- 9 Aoraki
- 10 Lake Paringa
- 11 Whakarukumoana (Lake McGregor)
- 12 Takapo (Lake Tekapo)
- 13 Lake Pūkaki
- 14 Lake Ōhau
- 15 Lake Hawea
- 16 Lake Wanaka
- 17 Tititea (Mount Aspiring)
- 18 Tūtoko
- 19 Pīkarakatahi (Mount Earnslaw)
- 20 Te Waiare (Lake Dunstan)
- 21 Whakatipu-wai-māori (Lake Wakatipu)
- 22 Manawapōpōre / Hikutaki (Mavora Lakes)
- 23 Te Anau (Lake Te Anau)
- 24 Motoreu (Lake Manapouri)
- 25 Waitai River
- 26 Lake Hauroko
- 27 Aparima River
- 28 Unurewa (Lake George)
- 29 Ōteti River
- 30 Motupōhūe (Bluff Hill)

Fiordland

Kaikōura

Banks Peninsula

Otago

Foveaux Strait / Rakiura

- 31 Waituna Wetland
- 32 Mataura River
- 33 Kuremea (Lake Cattins)
- 34 Tokatā (The Nuggess)
- 35 Pomahaka River
- 36 Waihora / Waipori Wetland
- 37 Mata-ou (Clotha River)
- 38 Kā Moana Haehae (Lake Roxburgh)
- 39 Te Tauraka Poti (Merton Tidal Arm)
- 40 Matakāea (Shag Point)
- 41 Kakaonui River
- 42 Waitaki River
- 43 Punatarakao Wetland
- 44 Hakataramea River
- 45 Mahi Tikumu (Lake Aviemore)
- 46 Te Ao Mārama (Lake Benmore)
- 47 Ōrakipapa Wetland
- 48 Rangitāia River
- 49 Hekeao (Hinds River)
- 50 Ō Tū Wharekai (Ashburton Lakes)
- 51 Hakatere (Ashburton River)
- 52 Waimwa (Lake Forsyth)
- 53 Whakamatani (Lake Coleridge)
- 54 Kōwai River
- 55 Kura Tāwhiti (Castle Hill)
- 56 Moana Ruia (Lake Pearson)
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- 58 Hoka Kura (Lake Sumner)
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- 61 Lake Rotorua
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Coastal Statutory Acknowledgements

Te Whakatau Kaupapa

Ngai Tahu Resource Management Strategy for the Canterbury Region

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**Te Maire Tau, Anake Goodall
David Palmer & Rakiiahia Tau**

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HE MIHI ATU

E nga mana, e nga reo

E nga karangaranga o nga herenga waka

*Tena koutou i raro i te maru o Te Matua, Tama,
Wairua Tapu, me nga Anahera Pono*

Tena hoki koutou nga kanohi ora o ratou

Kua wehe i tua o te Arai

Haere e nga mate, haere, haere, haere

Te hunga ora Tena koutou, tena tatou katoa.

He tapa tu a ko i uta

The inland boundaries have
been defined

He tapa tu a ko i tai

The sea coast has been
defined

He tapa tu a Tane

Tane is responsible for the
interior

He tapa tu a Tangaroa

Tangaroa is responsible for
the sea

He kaha ko i uta

The inland areas are
important

He kaha ko i tai

The coastal areas are
important

He kaha a Tane

Tane's influence is very
strong

He kaha a Tangaroa

Tangaroa's influence is very
strong

Hei tapa tu a Tane

Tane stands for the land

Hei tapa tu a Tangaroa

Tangaroa stands for the sea

Ko o matou whakaaro ki
te whenua

Nga roto, nga awa, te
moana

Hei here i a tatou

Our thoughts are to the land

To the lakes, the rivers and the
sea

That bind us together

O nga tuputupunga

o Te Aka O Tu Whenua

To preserve the well-being

Of the vines of Tu Whenua (land
& water)

Hei whakato whakatipu

I nga mahinga kai

a te Iwi

That gave rise to

The people's food gathering
places

Ko o matou tumanako

Our hopes are that

Te tatau o te
matauranga

The doors of knowledge

O nga whakaaro

And the doors of thought

Hei here ai a Iwi, a mana

That have held our people

And our authority captive

Ka whakapuakina

Will be opened

Kia marino ai te wai	That the waters of these thoughts
O te whakaaro kotahi	Be calmed and settled As one thought
Kia tau ki uta	That this canoe of hope
Tenei waka tumanako	That this canoe of love
Tenei waka aroha	May reach shore safely
Kia tau te rangimarie.	And that peace may prevail amongst us.
Ko Aoraki te maunga	Aoraki is the mountain
Ko nga wai huka e rere ana	The snow-fed rivers
Ko nga waitapu	Are the sacred streams
Ko Ngai Tahu te Iwi	Ngai Tahu are the people
Tenei te tangi	This is the call
O nga whakatupuranga	Of the rising generations
O Ngai Tahu Whanui	Of the Ngai Tahu people
Kia koutou, nga iwi	To you, the people
O nga marae maha	Of the many marae
Kia ora tatou e tau nei.	Greetings to you all.

AUTHORS' NOTE

Legal Status

This document has been prepared in an attempt to assist planners, resource managers and politicians at both regional and district levels. It had no binding status at law at the time that it was completed, but that does not mean that it should be ignored. Under existing statutes and case law, our report has at least persuasive value, in accord with the requirements of reasonable consultation and considerate behaviour as between Treaty Partners acting towards each other with good faith.

This document is a statement of Ngai Tahu beliefs and values which should be taken into account when Town and Country Planning Schemes, or plans under the Water and Soil Conservation Act, are being prepared or changed. The same will apply for their successors under new legislation expected to be enacted in the near future, Resource Management Schemes, Regional Policy Statements and Coastal, District and Regional management Plans.

Ngai Tahu have conducted private and open marae discussions, spending many hours of effort, in preparing this report, incomplete though it must be in some respects. We hope it will assist our Treaty partners in Local Government, as they wrestle with their own legal and planning obligations.

We hope that this document will be adopted by the Canterbury

Regional Council as part of its resource management policy, and we hope that it will assist planners in identifying the resource values and the objectives of the tangata whenua.

Maps

In an effort to limit the bulk of this document no maps showing locations of the Maori reserves have been included, but those maps needed to indicate the location of important, unprotected wahi tapu are included in the text. Any wahi tapu areas on Maori reserve land have not been mapped. The maps showing these "silent files" are based on the Historic Places Trust series of A4 cadastral maps, and are included as Appendix A.

The New Zealand Historic Places Trust has published an extensive inventory of important cultural and historic sites and their precise locations. Ngai Tahu refer planners to these detailed reports as a necessary preliminary step in considering any future development options within the Ngai Tahu tribal rohe potae (traditional tribal boundary).

All of those sites recorded by the Historic Places Trust in the Canterbury Regional Council area have been

consolidated onto ten maps and attached to this report as Appendix B. These maps are accompanied by a full schedule of those sites in Appendix C which contains the site number, a site classification and specific grid references. The maps are based on the 1:250,000 NZMS 262 series.

It should be noted that Appendix B is neither complete or definitive. It is, however, an accurate, easy to read, and quick reference to the distribution of important sites in the region.

Language

The authors are aware that many readers of this report may have had no prior experience with the Maori language, and also that Maori in other tribal areas may be interested in both the contents and format of this document.

For these reasons, a deliberate attempt has been made to use "national" Maori terminology. We hope that this will allow a direct "translation" of the Maori terms contained herein, as far as is practicable. We have also consistently used the more common 'ng' orthography in preference to our own dialectal 'k' for these same reasons.

This notwithstanding, we appreciate that all tribal groups, as well as our own, have their own unique vocabulary and definitions.

We have attached a glossary of Maori terms and names at the end of this report, and a translation is provided immediately after the first instance of every Maori term used within the text.

Methodology

Finally, we would like to provide a brief introduction to the methodology used in the compilation of this document.

The number, range and complexity of the issues discussed is considerable. The authors have, therefore, been conscious that this material needs to be well organised if it is to be read, understood and of some practical benefit to our target audience.

We have started, as we believe all discussion on resource-related issues must, with the implications of the Treaty of Waitangi. This section also includes a cursory comment on the Ngai Tahu Claim currently before the Waitangi Tribunal.

This is followed by a discussion on Ngai Tahu attitudes and values as they relate to natural resources. It also attempts to show how Ngai Tahu managed their activities within the environment in pre-European times. The overall aim of this section is to give the reader a backdrop against which to view the following text.

The third section focuses solely on specific categories of resources and includes Ngai Tahu

policy statements concerning their future management.

The final, and largest, section is a comprehensive schedule of Maori Reserved lands, including their block numbers, and also other resources of importance to the tangata whenua. The Canterbury Region has been subdivided into logical, and traditional, areas. Each of these is in turn introduced by relevant historical data and, where appropriate, is followed by site-specific policies.

A number of case studies have also been included to further expand certain points. While these are site-specific, the underlying issues are surprisingly common, and the case studies therefore also help place the various discussions in context.

Such a report as this must necessarily be incomplete in the sense that limitations of tribal resources and people and time prevent us from doing similar detailed case studies of every area of known interest and concern to planners working within our tribal rohe. It is our hope that the particular Case Studies included here will enable planners in Local Government to make intelligent extrapolations to cover some of the problem areas that are likely to emerge in their future work, and so provide preliminary guidance until such time as Ngai Tahu themselves can progressively expand the present study. We envisage this as a work extending over many years into the future, in co-operation with government and local authorities.

To further improve the accessibility of the information

contained in this report, we have structured the policy section so that it mirrors the organisation of each geographical section in the following schedule. We hope that our efforts have enhanced the usefulness of this information to the reader.

Finally, we recommend that planning issues in particular districts should not be taken in isolation, and that this document is read in its entirety.

Te Maire Tau

Anake Goodall

David Palmer

Rakihiia Tau

November 1990

Christchurch

Note on second printing, September 1992:

While it was, and remains, our intention to publish updated commentaries and new regional supplements to this book, pressure of other work and lack of resources has delayed these efforts somewhat. In the meantime continuing demand for the present book has made it necessary to reprint; apart from the new ISBN no changes have been made to the original text or maps. On several Ngai Tahu marae members of our various Runanga are working on supplemental reports for their own regions, and we hope these may be ready for publication during the next year or so.

The Authors and Publisher take this opportunity to thank the many people who have written letters or spoken to us directly to comment on this work. We especially thank Kaumatua and research workers belonging to many North Island Iwi for their support and generous remarks on the marae and in correspondence. We are grateful too for the comments and suggestions from many Planning and Legal professionals, and those experts working for Maruwhenua and the Ministry for the Environment, Department of Conservation, Department of Justice and several other Government departments who have helped us with their questions and commentary. So far, the only critical response has been from our own whanauka. He tika tena! We'll try to do a bit better next time, e hoa ma.

Aoraki Press & The Authors

September 1992

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Preface

Everyone involved in management of natural resources in these islands in the 1990s has to take into account the views and values of the tangata whenua. That is necessary for several reasons. It is required by the law, responding to the Crown's obligation under the Treaty of Waitangi and to the needs of the nation. It is required by respect for the tangata whenua as inhabitants of long-standing. It is required, too, by appreciation of the value of their experience in observing our natural features and using them with respect over scores of generations.

The duty of resource managers to take into account the needs of the Maori people has not been fully performed in the past. In part that has been because many planning and resource management authorities have not obtained ready and reliable sources of information about the attitudes and interests of the tangata whenua. Planning decisions have been the poorer for that.

The present document, although it is modestly described as an interim contribution, provides a substantial source of understanding for those engaged in planning and resource management in the region where Ngai Tahu are tangata whenua. It contains a treasury of information about specific tribal interests in that rohe. In that respect it provides an example which might with profit be followed in other regions. The work also sets out Ngai Tahu beliefs and values relevant to natural resources, and their policies for their future management. Although each tribal group has its own beliefs and values, that chapter will have general interest and value throughout the country.

The authors and publisher are to be commended for their initiative and enterprise in producing this valuable work, for its attractive design and for its timely publication. Planning authorities in the Canterbury region are fortunate indeed to have such a source available to them and to their advisers. It is to be hoped that other tribal groups will be encouraged to produce similar collections.

David FG Sheppard
Principal Planning Judge

Foreword



NGAITAHU MAORI TRUST BOARD

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4 December 1990

Tena koutou

Te Whakataurau Kaupapa has been a major project deriving from the Ngai Tahu need to clarify and define a Resource Management Strategy.

This need has been brought firmly to our peoples' attention by the long drawn hearings before the Waitangi Tribunal on the Ngai Tahu Claim. Those hearings dwelt long on the issues of our traditional mahika kai and the values inherent in them.

Underlying those mahika kai, the more basic resources of water, land and habitat. We can only manage our Treaty responsibilities in terms of these important natural values in co-operation with and collaboration with our Treaty partners.

The authors of this study have brought together a strategy for the Canterbury region which could well serve as a model for the other regions within our vast rohe of Ngai Tahu. The Ngai Tahu Maori Trust Board is proud that we have accumulated such competence amongst us and congratulates the authors on the quality, depth and honesty of the Strategy Document.

Heoi ano

Tipene O'Regan
CHAIRMAN
NGAI TAHU MAORI TRUST BOARD

[1] INTRODUCTION

For the last three years Government has been preparing a new Resource Management Law Reform Bill, which is currently before the House, having been carried over into the new 1990-1993 Parliament. The Bill brings together a large number of Acts of Parliament each of which deals with isolated aspects of resources and planning law. While it is not yet known what changes of detail the new Government will propose, the legislative Policy which underlies the whole of the Bill is the creation of a system which will provide for the *sustainable* use of the country's resources, and reach a better balance between development and conservation. Ngai Tahu subscribe to the belief that "We did not inherit the earth, rather we have borrowed it from our grandchildren".

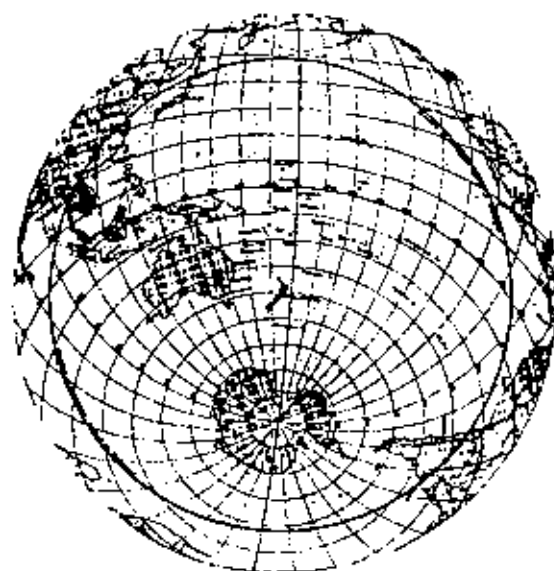
Ngai Tahu, the tangata whenua (people of the land) of the Canterbury region, support this new approach to planning. They wish to be part of the process and believe that they have much to contribute to it. With that and the proposed Local Government No 8 Amendment Bill establishing Maori Advisory Committees in mind, the Ngai Tahu appointee to the former Canterbury United Council, Mr Rakihiia Tau, proposed to the staff of the newly established Canterbury Regional Council that a Resource Management Strategy be

prepared for the region. It was proposed that such a Strategy should reflect Ngai Tahu's beliefs and values in regard to natural resources.

It is hoped that this book will also be of assistance to those who are researching and preparing new resource management plans for the other Regional Councils that span the Ngai Tahu boundaries in Otago, Southland, Westland and the Nelson-Marlborough areas.

In the past, Maori have been largely overlooked when management plans have been prepared, perhaps because those preparing the plans have not known who in the Maori world they should approach to obtain the Maori view. As a consequence, Maori have had little

*The Hemisphere
(heavy line) centered
on New Zealand*



*Decision of the
Court of Appeal
in the case of
New Zealand
Maori Council v
Attorney
General 1987
requires
recognition of
Treaty rights
and obligations
by both
partners.*

input into planning. Their participation has usually been limited to reacting when the results of the planning process have been contrary to Maori beliefs and wishes.

Perhaps the new legislation recently enacted in the Runanga Iwi Act 1990 will help ensure that in future the proper place of the Tangata Whenua will be better recognised by both central and local Governmental authorities.

This document attempts to be pro-active and to assist the planning authorities by spelling out both general and particular attitudes, beliefs and policies which Maori have in regard to natural resources. It is not suggested that this is the final word from Ngai Tahu, rather it can be seen as an *interim* contribution towards a Ngai Tahu Resource Regional Strategy; a more definitive document will have to be prepared when more time and human resources are available.

The general form of this document is different from plans which in the past have been prepared under the provisions of the Town and Country Planning Act. This is deliberate because Ngai Tahu believe that part of the process of being involved in planning, involves assisting the other Treaty Partner to understand Maori approaches to resource and planning.

The first part of the document sets out the Ngai Tahu

understanding of the legal relationships and mutual obligations which flow from Te Tiriti o Waitangi (The Treaty of Waitangi). This is followed by a short description of Te Kereme (The Claim) currently before the Waitangi Tribunal. Despite a growing awareness of these matters, the majority of New Zealanders still have little understanding of what Maori, and in this case Ngai Tahu, are "on about". In the past Maori attitudes to the Treaty have been largely ignored. This is no longer possible since the decision of the Court of Appeal in the case of New Zealand Maori Council v Attorney General 1987.

In that case all five Judges of the Court ruled that the Treaty is not a nullity, and that it creates obligations on both partners. The President of the Court of Appeal, Sir Robin Cooke, began his decision with the words:

"This case is perhaps as important for the future of our country as any that has come before a New Zealand Court".

His Honour concluded his judgment by saying:

"In short the present decision together with the two Acts [The Treaty of Waitangi Act and the State Owned Enterprises Act] means that there will now be an effective legal remedy by which grievous wrongs suffered by one of the Treaty partners in breach of the principles of the Treaty of Waitangi can be righted. I have called this a success for the Maori, but let what

opened the way enabling the Court to reach the decision not be overlooked. Two crucial steps were taken by Parliament in enacting the Treaty of Waitangi Act and on insisting on the principles of the Treaty in the State Owned Enterprises Act. If the judiciary has been able to play a role to some extent creative, that is because the legislature has given the opportunity."

The Ngai Tahu claim before the Waitangi Tribunal has been heard and a decision is awaited. When a ruling is given the result may be a readjustment of both land holdings and rights to manage resources as between the Crown and Ngai Tahu. For present purposes it is sufficient to re-state Ngai Tahu's stance that the dispute is solely between the Crown and the Tribe, and that any acceptable settlement will involve a transfer of some Crown resources to Ngai Tahu. There is no claim against any privately owned property because Ngai Tahu maintain that it is wrong to remedy one injustice by perpetrating another.

At this point it is appropriate to briefly discuss Maori Reserves and Fishing Easements as they figure largely in all site specific parts of the document. The emphasis on these relatively small parcels of land arises from the mechanisms of the Ngai Tahu land sales to the Crown. In the case of all the lands in the Canterbury region which Ngai Tahu sold, they stipulated that in respect of each block certain specified areas should be excluded from the sales. The Crown refused those requests but promised that once the sales were completed "adequate" reserves would be set aside for the Maori vendors.

The Reserves were created by the Maori Land Court and reflect the Court's judgement as to the use of each reserve by local Maori. However, they did not reflect Ngai Tahu wishes. Where a number of Ngai Tahu lived there would be an "occupation reserve" and where they traditionally gained access to fishing waters in rivers, lakes or the sea there would be "fishing easements" allowing them access to the water bodies and the resources they contained.

The number and size of the reserves that were created were totally inadequate and the Waitangi Tribunal has already made a finding to that effect. As time has gone by the pressure on these small reserves has become greater. Also with the passage of time, land drainage, catchment correction and river control have rendered nearly all the fishing easements useless for that purpose. Further, imposed restrictions denied the owners the opportunity to utilise the reserves for either occupational or mahinga kai purposes.

Inadequate as they may be, and often no longer usable for their original purposes, these reserves have remained the only land where Ngai Tahu scattered throughout the country can

"There is no claim against any privately owned property ..."



Turangawaewae and legal zoning boundary conflicts.

exercise their *turangawaewae*, that is, their right to stand on a particular piece of land and to speak and to be heard on matters affecting them and their relationships to that land and its resources.

This point is stressed because the exercise of *turangawaewae* in respect of some pieces of land will often not fit into a pattern of planned land use zoning or resource management. In the future there will need to be some sensitive approach to this problem, and a recognition that simply because Maori use of their reserves for their own purposes does not slot neatly into regional or district plans is not a *prima facie* reason for ignoring them.

Next the document deals with traditional Ngai Tahu approaches to resource use. The text has been kept as short as possible, consistent with clear exposition of these matters. To some extent it mirrors what some Ngai Tahu believe is not understood about them and their culture and traditions. If it transpires that their view is too pessimistic then that will be a cause for rejoicing. It is not meant to be patronising and it is hoped that it will not be seen as such.

Case Study examples

Probably the most novel feature of the document, in a planning sense, is the use of "case studies" showing by actual example some of the various difficulties which Maori have

found with the present processes. Each case study is site specific but it should not be thought that the difficulties shown by that study are limited to that site alone. Each site has been chosen as one example of a more general problem and the lessons learned from each case are applicable to other sites with similar problems. The studies are designed to illustrate problems and, where possible, we suggest solutions to them. They are not cries of recrimination but are expositions of problems which will have to be addressed in any thorough resource management plan.

In its fine detail, this document identifies those areas and sites which are of historical and cultural importance. It is not suggested that this list exhausts those within the region. In the time available to research and compile this document, it was not possible to locate all the sites which have accumulated over the last 1,200 years. Having said that, the sites which are listed are important to Ngai Tahu, and that importance should be recognised in any regional or district plans.

The other departure from normal plans is the use of the "silent file". This is an attempt to identify the general location of wahi tapu (sacred places) or other special sites, without disclosing their precise location. This is a recognition of the fact that these sites have different scales of value. There are sites known to most Ngai Tahu and these are described with particularity. Other sites may be the wahi tapu of small groups - sometimes as small as an extended family. In

these cases, the groups or families will make their own decisions as to what, if anything, should be revealed at the time when any development affecting that site is proposed. In an attempt to assist in the resolution of problems at this level, the Ngai Tahu Maori Trust Board has offered its services as an intermediary between the planners, the developers and those to whom the sites are sacred.

No introduction to this document would be complete unless it mentioned the very real support which has been given to the researchers and those assisting them. At the end of this document is a list of organizations and individuals who have contributed their time and expertise. That so many have been prepared to give time, when in most cases that is their most valuable and scarcest commodity, is an indication of the current level of meaningful communication between the Treaty partners. The financial contributions of the Canterbury Regional Council, the Iwi Transition Agency, the Department of Conservation and the Department of Internal Affairs have greatly assisted the researching of this document.

A note on the use of the Maori language completes this introduction. Throughout the document, Maori names for places, flora, fauna and Maori values have been used without apology. To assist non-Maori readers, on the first occasion that a Maori name or word is used, the English equivalent appears

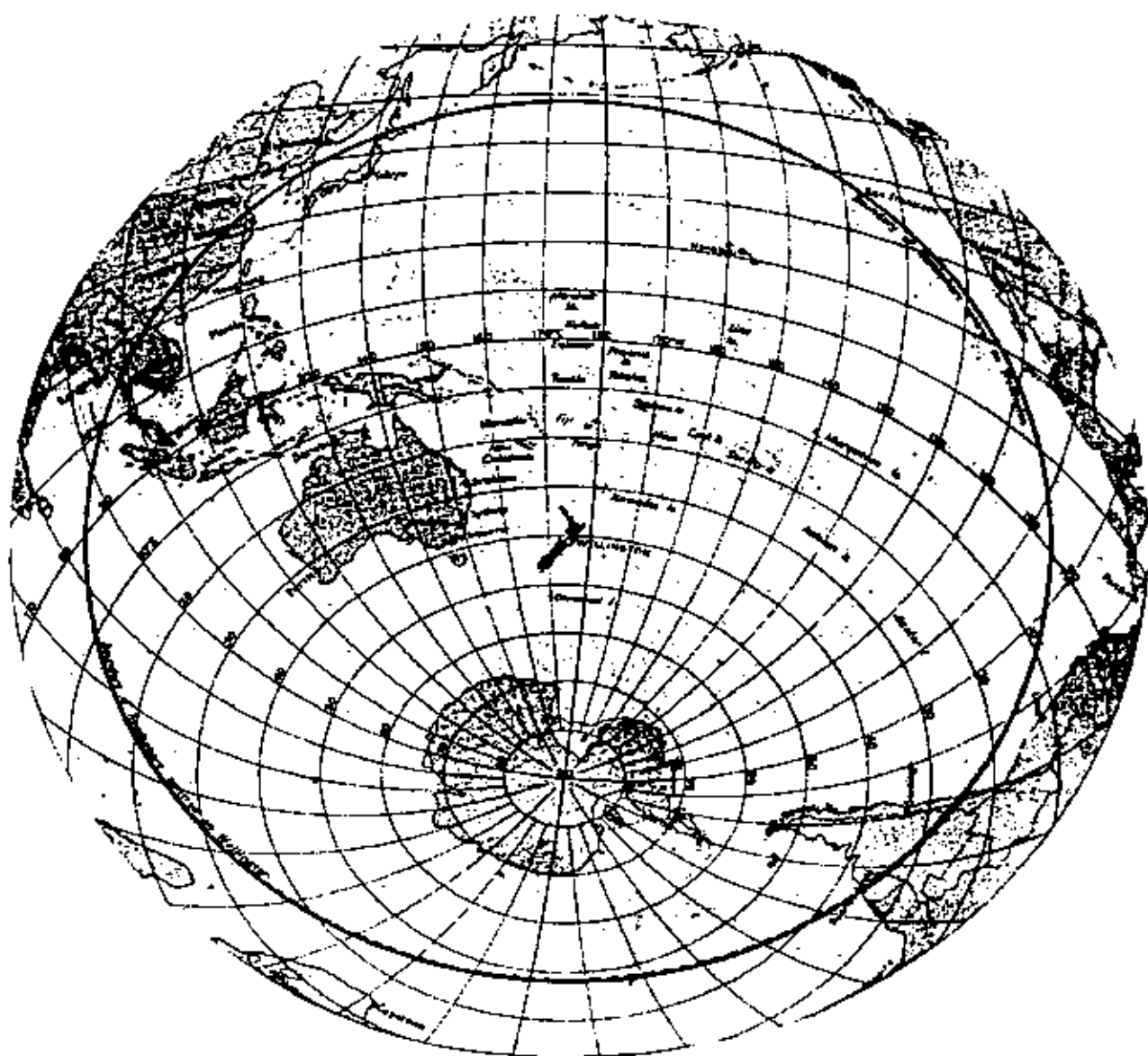
alongside in brackets. At the end of the document is a glossary listing the Maori terms used in the text. A note is given on spelling, because our usage in this report varies, which in turn is due to the unfortunately inconsistent spellings of common usage at present; it is too large a task to try to correct and unify placenames in this context. There are some tribal differences in the Maori language, both in pronunciation (affecting spelling) and in vocabulary, some words being unique to the South, and others having meanings different from dictionary entries which are usually derived from Northern tribes. For this reason it is suggested that our glossary is a better guide to the meaning of the language used in this document than standard Maori dictionaries.

Note.

1. 1987 (1) NZLR: 651.

This document and the tribal policies contained in it were discussed by Ngai Tahu Runanga within the Canterbury Region and drafts were approved by them at marae meetings. The issues are complex and tribal discussions continue; meanwhile the Authors take responsibility for this interim statement.





[2] The TREATY of WAITANGI and The Ngai Tahu Claim

THE TREATY OF WAITANGI

Introduction

Ngai Tahu rangatira (chiefs) signed the Treaty of Waitangi at four different locations in Te Waipounamu (the South Island), on behalf of the Iwi (Tribe) as a whole.

The Rangatira of Ngai Tahu considered that the Treaty bound the whole Tribe of Ngai Tahu irrevocably to an agreement which imposed certain conditions, duties and obligations, on both signatories. However, although it was honoured in important respects by the Queen's executive government during the first decade or so of the New Zealand Colony, and was at first upheld by the Courts, the Treaty was to spend most of its first 135 years in obscurity, because a politically influenced Supreme Court wrongly declared it legally to be a "simple nullity".

(1) The Treaty Principles

The Treaty principles are being interpreted in their modern context and Ngai Tahu concentrate particularly here on the significance of Article the Second:

"Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession [tino rangatiratanga] of their Lands and Estates Forests Fisheries and other properties [taonga katoa] which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; ..."

(2)

Since the passing of the Treaty of Waitangi Act, 1975, both the Courts and the Waitangi Tribunal have been interpreting the principles of the Treaty and their practical implications in the modern context.

(3)



The Essential Bargain

"... the principles of the Treaty and their practical implications in the modern context ..."

Ngai Tahu contend that the Crown's right to govern (kawanatanga), as gifted in Article the First, is totally dependent on the honouring of Article the Second. That is, the recognition and protection of the Tribe's resource ownership and authority rights (tino rangatiratanga), including the rights to use and have access to those resources. This principle is aptly described by the Commissioner for the Environment as

"The Essential Bargain".

(4)

"Taonga embraces the concept of a resource ... the wise use of resources and the maintenance of the health of a resource."

Ngai Tahu maintain that they did not alienate their resources or taonga (treasured possessions) by signing the Treaty of Waitangi. As the Crown has not formally acquired the ownership of the Tribe's water, fishery, and mahinga kai (food and other resources), Ngai Tahu maintain that these taonga still belong to them.

Taonga are both Tangible and Intangible

Ngai Tahu claim that all natural resources are taonga to them, and quote from "The Treaty of Waitangi and its Significance to the Reform of Resource Management Laws":

"The term taonga includes values that are peculiar to Maori belief and outside a Western perception. This does not mean, however, that taonga has no relevance to Western thoughts and

attitudes to resource use. Taonga embraces the concept of a resource - an anthropocentric term which, by definition, contains an aspect of utility. It incorporates the already familiar notion of the wise use of resources and the maintenance of the health of a resource. Sustainability and the need to preserve options for future generations is also recognised in the term. Taonga demands a respect for the past - aspects of the environment which merit preservation for their historical value".

(5)

The Crown's Responsibility to Actively Protect

The Waitangi Tribunal have stated that the guarantees of the second article must be read in the context of the Treaty preamble which states that the Crown is "anxious to protect" the "natives" from the consequences of immigration.

(6)

As the Tribunal stated in the Manukau Report:

"The Treaty of Waitangi obliges the Crown not only to recognise the Maori interests specified in the Treaty but actively to protect them It follows that the omission to provide protection is as much a breach of the Treaty as a positive act that removes those rights".

(7)

This includes values attached to ancestral lands, as defined by the High Court ruling in

Royal Forest & Bird Protection Society Inc v W.A. Habgood Ltd:

"It is now clear that it is the relationship that Maori

have with any particular land, and the manner in which any development may affect it, that is important, not the historical accidents that have given rise to the current legal tenure".

(8)

The Right to Manage

Ngai Tahu claim that tino rangatiratanga, as guaranteed in Article the Second, includes the right to contribute to resource allocation and management decisions where these impact on Tribal resources. This view is supported by Helen Hughes, the Parliamentary Commissioner for the Environment, who states in her 1988 report:

"Tino rangatiratanga includes management of resources and other taonga according to Maori cultural preferences".

(9)

The Crown Cannot Transfer its Treaty Obligations

This principle, also stated by Helen Hughes, is important in the context of this report. She states:

"The Crown cannot evade its Treaty obligations by conferring authority on some other body".

(10)

Ngai Tahu maintain that the Canterbury Regional Council, as an agent of the Crown, is responsible for the application of the Treaty principles and guarantees within its region, when exercising any of the the delegated powers given to them by statute.

The Obligation of Mutual Good Faith

Finally, Ngai Tahu accept and support the statement of Sir Robin Cooke, President of the Court of Appeal, in

New Zealand Maori Council v Attorney-General, 1987

that the principles of the Treaty of Waitangi require the Pakeha (Crown, government) and Maori Treaty partners to act towards each other

"reasonably and in the utmost good faith".

(11)

"... tino rangatiratanga, as guaranteed in Article the Second, includes the right to contribute to resource allocation and management decisions where these impact on Tribal resources."

TE KEREME (THE NGAI TAHU CLAIM)

Ngai Tahu consider that it is important to make some general statements at the outset about "Te Kereme", or "The Claim", which has been part of their Tribal tradition for over 140 years. As such, it is the longest running claim of its type in the world: it has been the continual focus of attention for generations of Ngai Tahu and remains so for Tribal members today. Every Ngai Tahu shares this responsibility.

The first "formal" protest was made by the famous elder Matiaha Tiramorehu, of Moeraki, in 1849. Ngai Tahu





have continued to state their position over the intervening 142 years and have only recently completed the presentation of their evidence on the land claims to the Waitangi Tribunal. At the time of writing, the Tribunal is still receiving evidence on the fishery claims of Ngai Tahu, which are a major part of their broader "Mahinga Kai" claim relating to all aspects of their cultural and economic base.

Briefly, Te Kereme is based on the triple failures of the Crown to meet its Treaty, its common law, and its contractual obligations to Ngai Tahu under major land purchase agreements made subsequent to the signing of the Treaty of Waitangi, as well as on breaches of the Treaty itself.

"... failures of the Crown to meet its Treaty, its common law, and its contractual obligations to Ngai Tahu under major land purchase agreements made subsequent to the signing of the Treaty of Waitangi, as well as on breaches of the Treaty itself."

The range of issues before the Waitangi Tribunal is very diverse, including: the unsold Fiordland National Park; the sale by the Crown of land which belonged to Ngai Tahu, despite the fact that the Tribe wished to retain that land; the threat of military force in various land sales; the inequitable effect of certain legislation; the failure to reserve land for the Tribe; and the list goes on.

An important component of Te Kereme is the loss of access to and damage to the Tribe's mahinga kai (food and other resources, and the areas that they are sourced from). Ngai Tahu are claiming compensation from the Crown for their lost

mahinga kai and effective partnership with the Crown in the management of those few that remain - including the fisheries. They claim that the Crown is obliged under the Treaty to protect their rights in these resources, to arrest their decline and where possible to bring about their restoration. Tipene O'Regan states:

"For generations, Ngai Tahu have petitioned Parliament over deprivation of their mahinga kai. The tribe claims the Crown guaranteed our people all our fisheries and other natural food resources under Article 2 of the Treaty and, in terms of the Kemp Deed, absolutely." (12)

Ngai Tahu refer here to Te Kereme in the interests of keeping their current position perfectly clear. The Tribe is expecting the Waitangi Tribunal to report its findings on the Ngai Tahu case toward the end of 1990. As the Claim includes elements of both ownership and authority, those findings may alter the Tribe's present position on resource management. Ngai Tahu therefore maintain that no resource-management related decisions should be made which will prejudice Treaty-based claims currently before the Courts or the Waitangi Tribunal.

SUMMARY

Ngai Tahu have consistently argued for their Treaty-based rights since the late 1840s. Their Claim

has taken many forms over the ensuing one and a half centuries, but the contentions remain the same.

The Tribe has just concluded the presentation of its evidence to the Waitangi Tribunal, and is expecting their findings to be reported towards the end of 1990 or early 1991. As the Claim deals with matters of both ownership and authority, the current Tribal position on some aspects of this plan may change.

Policy

1. That the Crown's right to govern, given in Article the First, is dependent on the recognition and protection of Ngai Tahu Treaty rights, as guaranteed by Article the Second.

2. That it is the Crown's responsibility to recognise and protect the Tribe's ownership and authority rights (tino rangatiratanga) over its taonga, including the rights to use and have access to them.

3. That it is the Crown's responsibility to actively protect Ngai Tahu interests as specified in the Treaty of Waitangi. These interests include values attached to ancestral land,

regardless of its present ownership. Any omission to afford such protection would constitute a further breach of the Treaty principles.

4. That water, fisheries and mahinga kai resources are Ngai Tahu taonga, as are their cultural and spiritual values. As these resources have never been alienated by Ngai Tahu, they remain Tribal property.

5. That Ngai Tahu retain the right to be involved in, and contribute to, resource allocation and management decisions which impact on Tribal resources.

6. That the Crown cannot evade its Treaty obligations by conferring authority on some other body. Ngai Tahu therefore maintain that the Canterbury Regional Council, possessing powers delegated by the Crown, is responsible for the application of the Treaty principles and guarantees. The Council's actions must be consistent with the principles of the Treaty of



"The Crown cannot evade its Treaty obligations by conferring authority on some other body."

Waitangi and allow for the fact that the implications of these are still being defined.

7. That no resource-management related decisions should be made which will prejudice Treaty-based claims currently before the Courts or the Waitangi Tribunal.

8. That the principles of the Treaty require both parties to act towards each other "reasonably and in the utmost good faith".

Ngai Tahu have listed these Treaty principles with the aim of clarifying their position on resource-related matters such as those contained in this strategy document. The Tribe contend that the principles of the Treaty of Waitangi must be the firm guide-lines for any future relationship. The exact form that relationship may take is a matter to be agreed between the Treaty partners.

Notes

1. The Treaty was signed by Ngai Tahu at Cloudy Bay, Akaroa, Otakou and Ruapuke Island.

2. Wi Parata v Bishop of Wellington, 1877, Judge Prendergast, October 15 1877, (1877) 3 NZLR 72.

3. Translation printed in 1869 by order of the Legislative Council, from AJLC, 1869, pp.69-71.

4. Parliamentary Commissioner for the Environment, Environmental Management and the Principles of the Treaty of Waitangi, 1988, p.19.

5. Ministry for the Environment, Working Paper No. 8, "The Treaty of Waitangi and its Significance to the Reform of Resource Management Laws", August 1988, p.16.

6. Environmental Management, p.107.

7. Waitangi Tribunal Reports:

Manukau Report p.95.

Orakei Report p.135.

Te Roa Report p.27.

Muriwhenua Fishing Report p.194.

8. Wellington, M655/86, March 31 1987.

9. Environmental Management, p.110.

10. *ibid*, p.108.

11. Decision of the Court of Appeal, p.44.

12. Tipene O'Regan, "The Ngai Tahu Claim" in Hugh Kawharu (ed), Waitangi, Maori and Pakeha Perspectives of the Treaty of Waitangi, Auckland 1989, p.253.



It is strongly recommended that anyone wishing to learn more of Ngai Tahu recent Tribal history read these texts:

- Harry Evison,
Ngai Tahu Land Rights, 3rd edition, Christchurch 1987;

- Harry Evison (ed),
The Treaty of Waitangi and the Ngai Tahu Claim,
Christchurch 1988;

- and Tipene O'Regan, "The Ngai Tahu Claim" in Hugh Kawharu (ed),
Waitangi, Maori & Pakeha Perspectives of the Treaty of Waitangi,
Auckland 1989, pp. 234-262.

[3]

NGAI TAHU & THE ENVIRONMENT

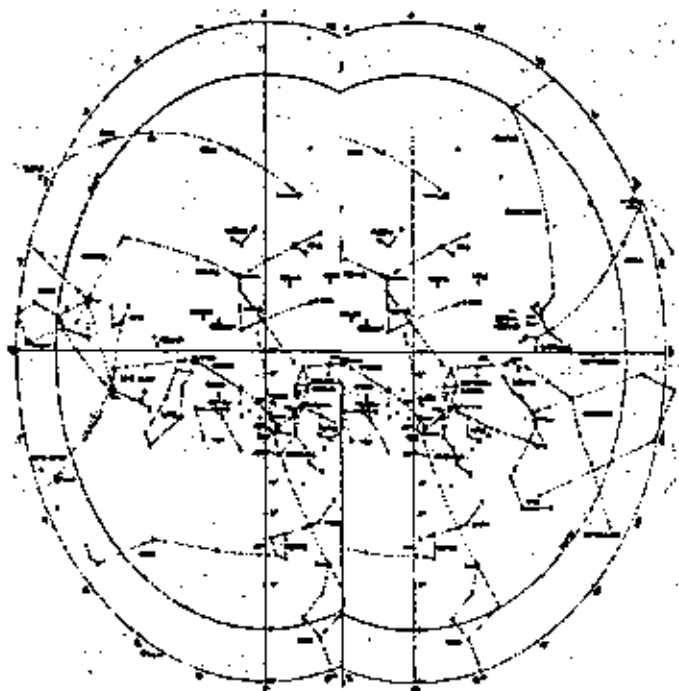
THE NGAI TAHU RELATIONSHIP WITH THE ENVIRONMENT

Introduction

Ngai Tahu concepts involving land, water and resources are determined by a very complex system of inter-relationships. While free to utilise the available resources, Ngai Tahu are also restrained by a system of controls.

The abundance, or lack, of resources directly determines the welfare of every tribal group, and so affects their mana (prestige). Traditionally, the acquisition and maintenance of the exclusive right to those resources was central to the core of Maori society.

This relationship is further modified by cultural values, circumstances and unique geographical environments. A combination of pragmatism and concepts concerning the environment provide the guide-lines for resource management and control, and sustainability is the over-riding consideration.



*Star pathways in the
southern sky*

I Te Timatanga (In The Beginning)

The first Maori arrived in Te Waipounamu (the South Island) approximately 1200 years ago. Their migrations originated in Eastern Polynesia, coming particularly from the Marquesas Islands group. They had left a tropical climate which had allowed a large range of horticultural products to be grown year-round, and had highly developed technologies to enhance horticultural production. The tropical climate supported rapid regeneration, allowing the

"A combination of pragmatism and concepts concerning the environment provide the guide-lines for resource management and control, and sustainability is the over-riding consideration."

planting/cultivating/harvesting process to be repeated many times a year. This food base was supplemented by fish from both coastal areas and the deep sea.

Initially, Maori tried to continue practicing those agricultural methods used in Polynesia, but forest regeneration in New Zealand was a much slower process because of the relatively harsh climate. Also, crops such as kumara would only grow as far south as Te Taumutu in the South Island, and even then only after the development of labour-intensive technologies to create suitable micro-climates.

Over the centuries, a different system of resource management suited to New Zealand conditions was developed. Careful observation led to an advanced understanding of the habitats and breeding cycles of all of the fish, birds and plants that were of utilitarian value. These resources were then harvested in the "flush of the season", i.e. when they were prolific and in prime condition.

New storage technologies were developed to take advantage of this seasonal abundance. It was discovered that seed kumara could be stored in cool, dark shelters over the winter period. Food that had a high fat content could be stored in poha (kelp containers) and preserved in their own fat, for example hapuku (groper) in certain seasons and titi (muttonbirds). These foods were doubly impor-

tant as they provided high quality meat protein, and the fat itself is a good energy-producing food and an important dietary component. Over time there was a shift towards a higher level of fishing activity and a resulting accumulation of knowledge about those species and their population dynamics.

Complex systems were established whereby particular resources were harvested at their seasonal optimum and then attention shifted and focused on the next resource. However, great care was taken to ensure that only the young birds and fish were taken, leaving the breeding stock and thereby sustaining the resource. This system is analogous to "modern" livestock farming systems where the welfare of the capital stock is always considered paramount.

These mahinga kai activities were timetabled according to the resources available in any given area and their seasonally optimal harvest times. This complex and sophisticated system entailed travel over long distances: ranging from deep-sea fishing expeditions in double-hulled canoes, to regular journeys across the Southern Alps. These food-gathering expeditions largely determined the social and work activities of the year and tribal life was based around them.

An extension of these resource management activities, developed over time, was the active manipulation of resources to maximise both quality and quantity.

Shellfish beds were seeded with superior strains taken from other areas, and established beds were both enhanced and depleted by biological methods.

Stands of trees such as karaka (*Corynocarpus laevigatus*) and tikouka (*Cordyline australis*, Cabbage Tree) were planted from selected stock and were actively managed to optimise their production. Examples of these managed plantings can still be seen in the contemporary landscape.

Resource Values

In a fundamental way, the abundance and quality of the resources available to a tribal group directly determined their welfare and future. It was a simple reality that those with resources flourished and those without perished, therefore the management and maintenance of resources was the foremost concern. This acknowledged inter-dependence with the environment is central to the Maori creation stories, religious belief and resource management techniques.

Whakapapa (Genealogical Relationship)

Whakapapa is an integral part of Maori society. It is used both extra- and intra-tribally to establish and maintain relationships between people, their speaking and leadership rights and their environment. These relationships determine access to resources and the philosophies for their use, and also the

responsibilities of people to others.

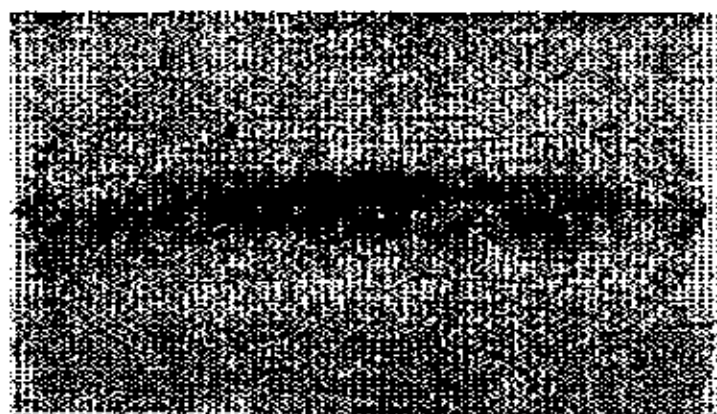
- (1) Whakapapa and turanga-waewae (traditional land rights) establishes a person's right to participate in tribal life, and constitutes a statement of identity, both genealogically and geographically.

As well as reciting their genealogical relationship with each other and with other tribal groups, Ngai Tahu also recite the whakapapa which links humankind to the atua (deities) and to the earth, to the waters, forests, animals and birds.

"... the abundance and quality of the resources available to a tribal group directly determined their welfare and future."



Galaxy M51 (NGC5194), with companion galaxy NGC5195 at end of one arm.



He Po! He Po! ... aeons before the stars took fire

A Ngai Tahu rangatira, Matiaha Tiramorehu, cited the following whakapapa in song form:

Te Po (The Night)

Te Ao (The Day)

Te Aomarama (The Bright Day)

Te Aoturoa (The Long-standing Day)

Te Koretewhiwhia (The Unattainable Void)

Te Koreteraweā (The Intangible Void)

Te Koretetamaua (The Unstable Void)

Te Korematua (The Parentless)

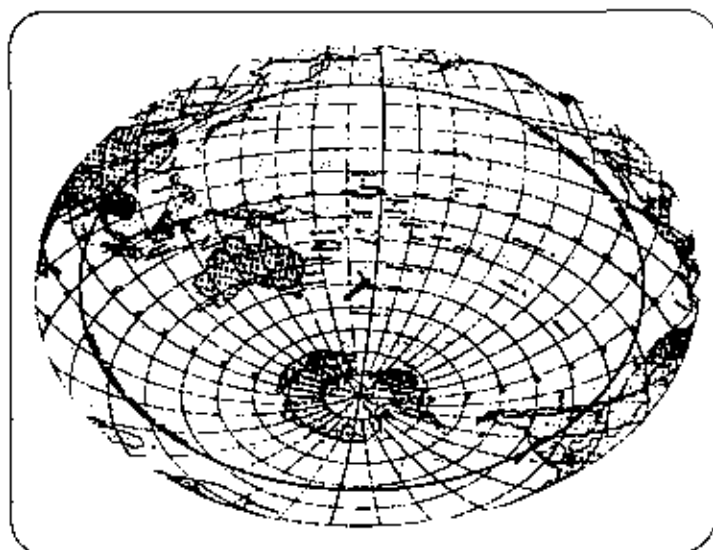
Te Maku (The Damp), who coupled with Mahoranuiatea, and Raki (The Sky) was born ...

Raki coupled with a number of wives including Papatuanuku, the Earth Mother. From Raki's various unions came vegetation, animals, birds, the mountains and people; and a host of departmental atua. For example, Tane is the atua of the forests and those plants and creatures within them.

Like other Maori Tribes, Ngai Tahu claim the same whakapapa through Rakinui and Papatuanuku and see themselves as connected to the other descendants of Raki and his wives. Whakapapa then, binds Ngai Tahu to the mountains, forests and waters, and the life supported by them. In this way, all things are considered to have a mauri (life force) and to be living, and to have a genealogical relationship with each other. People are therefore related to the natural world.

This shared whakapapa, uniting all things, reinforces the tribal philosophy that all things are from the same origin and that the welfare of any part of the environment

(2)



determines the welfare of people.
This is best portrayed by the
whakatauki (proverb):

Toi tu te marae o Tane
Toi tu te marae o Tangaroa
Toi tu te iwi ...

If the marae of Tane (Deity
of the Forest) survives

If the marae of Tangaroa
(Deity of the Sea) survives

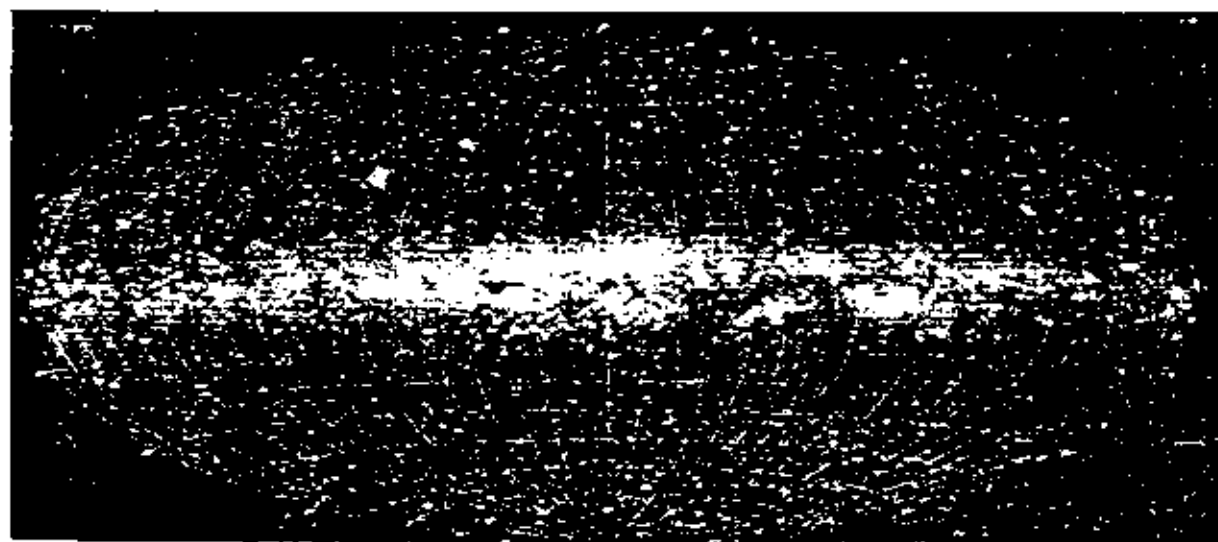
The people live on ...

(3)

As all living creatures are born
from Papatuanuku (mother earth),
and all return to her on their death,
Maori consider that they belong to
the land and not vice versa.



On the following page we
give a very brief history of
the Ngai Tahu people and
their migration into the
South Island,
Te Waipounamu.



He Ao! He Ao! ... bursts of energy, and the creation of the world begins

The Ngai Tahu Migration to the Greenstone Isle

Ko enei tamariki o Raki me Papatuanuku
ka noho etahi i runga i Te Aomarama.
Ko etahi ka heke mai ki raro
ka noho i te taha o te tangata.

E tuku ana koe	You have released
I a Raki e tu nei	The heavens which stand above
E wha kimi ana koe	The four winds which draw
Te Uri a Haremai i tua	towards you
A ti atu Koe	And the descendants of Haere
Hounuku	mai tua
Ko Houraki	Who descended into the earth
Ko Houatea	To our ancestors Hounuku
Ko Houmia	Houraki, Houatea, Houmea
I a Uenuku	And Uenuku, who lived in
	Hawaiki and begat
Ai atu ki a Paikea	Paikea, who rode the whale
	To the shores of Aotearoa
Nana ko	And bore Whatiua Te Ramarama
Whatiua Te Ramarama	Who died at Tokatikitiki
Ko Porouraki	But who bore Porouraki
	Of the Ngati Porou
Ko Tawhiri ki te Raki	Whose son was Tawhiri ki te
Ko Raki Papa ki a Tane	Raki
	Who begat Raki Papa kia Tane
Ko Raki Tane	Who begat Rakitane who
	coupled with
Ko Hine Matoro	The great chieftainess, Hine
	Matoro
	From who comes Hinekaitaki
E tu mai ra	The weeping daughter
I te Raki	
	From whom comes
I to Ariki tapu	the supreme head
I Ngai Tahu	Of the Ngai Tahu people
Tihei Mauri Ora!	Tihei Mauri Ora!

This waiata is known as a waiata whakapapa, or a song that traces the genealogy of the composer's tribe. Waiata such as these are taught to children at a young age so that they are able to recite their genealogies to other Maori whenever the need arises. This particular waiata, "E Tuku Ana", was composed before the turn of the century and has been retained by successive generations of the Ngai Tuahuriri people, a well-known hapu (sub-tribe) of Ngai Tahu.

In this case the waiata traces the descent of Ngai Tahu from the atua (gods) to humankind and eventually to the supreme head of Ngai Tahu. As the song suggests, Ngai Tahu originated in Aotearoa (the North Island) where their ancestor Paikea rode a whale from Hawaiki in the Pacific Islands to Turanga. After a series of migrations Ngai Tahu eventually came to settle and control Te Waipounamu.

Prior to the Ngai Tahu migration the two principal tribes in the South Island were Ngati Mamoe and Ngati Waitaha. The former came from the East Coast of the North Island and the latter were an older tribe of Maori who came from Hawaiki on the Ururao canoe and are believed by many to have settled directly in Te Waipounamu.

However, both of these more ancient Tribes, now merged with Ngai Tahu, have well recognised genealogical and historical connections with the older tribal entities, such as Ngati Kuri and Te Aupouri, in the Muriwhenua region of the far north of the North island, and some other northern tribes also

have traditions of the Ururao canoe and the same ancestors from whom Waitaha and Mamoe peoples descend. There is no connection with the much more recent Waitaha associated with Te Arawa canoe peoples, despite the mistaken statements to that effect by Canon Stack and other Pakeha writers.

A number of much smaller early tribal groups are also known in the traditions of Ngati Mamoe - Kati Waitaha, as being tangata whenua groups who preceded them in even more ancient times in Te Waipounamu. Today Ngai Tahu incorporate all of these ancient groups as well as the two main preceding tribes Ngati Mamoe - Kati Waitaha, as part of their genealogy, and as emphasised in our tribal identification as Ngai Tahu Whanui.

We return to Ngai Tahu itself to briefly sketch the ultimate entry of their chiefly authority into Te Waipounamu, and their incorporation over time of the Ngati Mamoe and earlier Maori into the wider developing Ngai Tahu whakapapa. This was a complex process that ultimately absorbed all the earlier Maori inhabitants of Te Waipounamu, and which at the same time transformed the nature of the originating Ngai Tahu sub-tribal groups themselves as our historical destiny shaped us into the modern tribe now known as Ngai Tahu Whanui.

Some additional material relating to tribal history will be found also in the evidence given before the Waitangi Tribunal

"... Ngai Tahu originated in Aotearoa (the North Island) where their ancestor Paikea rode a whale ... [they] eventually came to settle and control Te Waipounamu"



for Te Kereme, although it is a brief and incomplete history as it includes only material relevant to the Claim for the most part.

The two Ngai Tahu sub-tribes which initiated the settlement of the South Island were Ngati Kuri, who established themselves in the Kaikoura region, and Ngai Tuhaitara who came to settle and control the Canterbury area. Major sub-tribal descendants of Ngati Kuri and Ngai Tuhaitara, such as Ngati Huirapa and Ngai Te Ruahikihiki, eventually headed further southwards and came to control those places as far south as Rakiura (Stewart's Island) and the smaller offshore islands. Indeed Ngai Tahu tribal authority extended into the freezing southern oceans, to where the land is always white (with ice and snow), as poetically expressed in traditional evidence to the Waitangi Tribunal in relation to Te Kereme.

Ngai Tahu established their control of Te Waipounamu in three ways. The first was through strategic inter-marriages, most of which were initiated by the Ngati Mamoe who saw Ngai Tahu as a closely related ally. The second method was purchase where the land was paid for or given for various reasons, and the third method was by conquest, where Ngai Tahu gained the land by warfare.

Intermarriage between Ngai Tahu and Ngati Mamoe occurred even before both tribes

had migrated to the South Island. In fact Tuhaitara, the ancestor of Ngai Tahu's principal hapu, was herself half Ngati Mamoe. And the husband of Tuhaitara, Marukore, was a mixture of Ngati Mamoe and other older tribes.

Regarding the purchase of lands, Ngai Tahu traditions recall the land was sometimes traded for valuable taonga such as mere pounamu and elaborate cloaks. The Rakaia inland for example was paid for by two greenstone mere and Omihi was purchased from a local chief for a canoe. In these purchases boundaries were established between the buyers and sellers and they were kept to. If any intrusion was made onto other lands fighting usually followed.

The issue of taking land by conquest is usually the most controversial and needs explaining. Prior to the Ngai Tahu migration into the South Island, Ngai Tahu were already connected to Ngati Mamoe through a series of inter-tribal marriages which meant that in many cases Ngai Tahu leaders were often fighting their own cousins. This is best depicted perhaps in the stories of Tuahuriri and his sons, and Tutekawa.

Tuahuriri, the tipuna of the Tuahiwi Ngai Tahu, came into conflict with Tutekawa during his residence in the southern North Island (near to modern Wellington). Although Tutekawa had gained the upper hand on that occasion, he thought it better to move away from the scene of dispute to Wai-kakahi, between Little River and

"... Ngai Tahu leaders were often fighting their own cousins"

Lake Ellesmere in the South Island.

Later, Turakautahi and Moki, the sons of Tuahuriri, followed Tutekawa into the South Island to take revenge and Tutekawa was eventually killed. Having reached Canterbury, Turakautahi and his brother Moki established the Kaiapoi Pa, north of modern day Kaiapoi, which was to become the power-house of the South Island. (For an authoritative account of the true name Kaiapoi, as opposed to "Kaiapohia" which is of North Island origin and was wrongly promoted by Canon Stack, see Evison footnote #6). From Kaiapoi Ngai Tahu headed their penetration of the southern end of Te Waipounamu through both war and political alliances with Ngati Mamoe. As a consequence, Ngati Mamoe were driven further south into Murihiku. Peace was arrived at when a Ngati Mamoe chief, Te Raki Ihia, went to Kaiapoi to determine an armistice between the two parties. This was reached and was secured with an arranged marriage between the senior chiefly family lines of the two tribes.

Although the peace was not immediate, it initiated the political union between the two tribes, confirmed by frequent inter-marriages, until by the turn of this century it had become impossible to distinguish between Ngati Mamoe and Ngai Tahu. Prior to this, Kati Waitaha had become similarly closely absorbed into Ngati Mamoe so that no separation was any longer possible by that more ancient group, and as sketched earlier the other very old but rather small



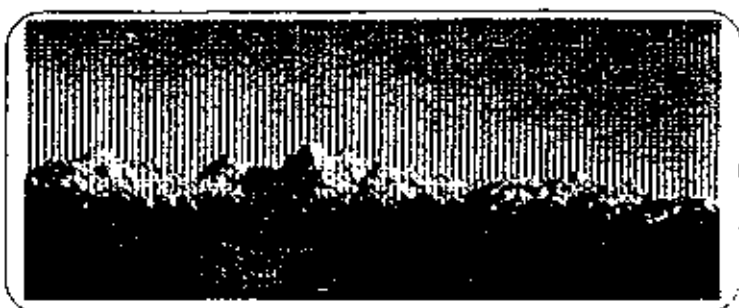
tribes such as Te Rapuwai had also been merged with Ngati Mamoe - Kati Waitaha.

Today Ngai Tahu Whanui thus represents the three principal historic tribes of Te Waipounamu, Kati Waitaha, Ngati Mamoe and Ngai Tahu.

Rights to Resources

Manawhenua

Traditional Maori rights to resources were founded on the manawhenua of a particular Tribe which was based on the lands, waterways and all resources controlled by the Tribe.



Manawhenua is described as the political and occupational authority over a particular area, usually defined by natural boundaries. The verbal expression of a Tribe's manawhenua typically refers to dominant physical features such as mountains, rivers and lakes.

Such assertions of traditional boundaries are commonly included in whaikorero (formal speeches) on the marae, serving to reinforce the relationship between the tribal group and its territories. For example:

Ko Aoraki te Maunga
Ko Waitaki te Awa
Ko Ngai Tahu te Iwi

Aoraki is my Mountain
Waitaki is my River
Ngai Tahu is my Tribe

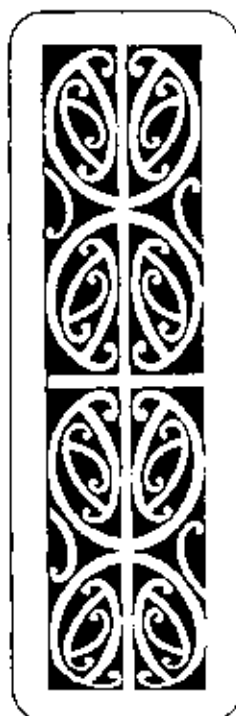


Aoraki

As such, these references are a strong statement of tribal, and therefore personal, identity.

Rangatiratanga

Rangatiratanga was traditionally embodied in the concepts of turangawaewae and manawhenua which centred on the status, role and authority of the rangatira (chief) of the group. He or she was the embodiment of the Tribe and carried the practical, moral and spiritual force of the community.



The rangatira obtained their tapu (spiritual protection) and mana (authority, influence) from a combination of their whakapapa, personality and abilities. However, their authority was not always absolute, and was usually moderated by the rights of the individual, and always had to respond to what the community required. While the rangatira exercised their mana on behalf of the tribal group, that mana was dependent on the continued recognition and support of the tribal members both as individuals and as a group.

In this way land areas were, in practice, controlled by local hapu (sub-tribe) for their own benefit and the benefit of those other tribal

members who had usage rights there. This also reinforced the philosophy that the welfare of the group as a whole was paramount to the welfare of any sub-group or single individual within that group.

Ahi Kaa

While the dominion over land and resources was vested in the Tribe and its chiefly leadership, occupation of the land and access to the resources contained within an area were held by individuals and whanau (extended family) groups by way of whakapapa. Once acquired, manawhenua had to be secured by continued occupation (ahi kaa) and resource use in order to be recognised by other groups.

The principle of ahi kaa applied to both the Tribe and the individual within the Tribe. In practice it meant that the Tribe's "fires" had to be kept burning on the land. Invasion and conquest by another Tribe was insufficient to destroy manawhenua if the original group remained in occupation, or soon returned to their homes, and the invaders failed to establish their dominion by continuous occupation.

As a general principle, either the individual or whanau groups had to occupy and/or use resources on a regular basis to maintain their ahi kaa. Traditionally there were differences between tribes as to how long occupation or use could lapse before rights became maataotao (i.e. their fires went cold).



Individuals within the Tribe traditionally occupied land, or had access to resources as a member of a whanau, or extended family, headed by a kaumatua (elder). This meant that as long as the whanau was exercising a resource use right the individual could be said to have been occupying it, and his or her rights were maintained.

*Te Puna-o-Maru, 1848
(sketch by WBD
Martell, Alexander
Turnbull Library)*

The whanau would often, for various reasons, give gifts which were sourced from that area to a neighbouring whanau, hapu or tribal group. This was an overt statement of their right to take these resources, and if the gift went unchallenged, was considered to be recognition of these usage rights by the recipients.

The on-going occupation of an area by a particular tribal group led to the naming of the prominent natural features by them. These features were often named after important ancestors and atua, both recent and archaic, and became a reinforcement of that Tribe's relationship with that environment.

Continued occupation and usage over time were thus both a confirmation and a condition of land and resource rights. These in turn gave turanga-waewae to the whanau and hapu and resulted in emergence of an Iwi identity.

Resource Allocation

As resource management techniques were developed and improved by Maori, and as the population increased, a structured social organisation evolved. This hierarchical framework defined the control, management and allocation of resources through specialisation. The advent of this complex social organisation also saw more emphasis placed on the intelligence and skills of leaders, as opposed to relying on their whakapapa merits alone.

Each hapu had its own definite area, carefully determined by natural boundaries such as mountain ranges and rivers. All of these prominent landmarks were named by the tangata-whenua (local people) and were a statement of their identity. Within these areas, permission to take resources had to come from those rangatira who held the mana for that area.

The whanau, or extended family, was the main economic unit of the Tribe. Whanau groups specialised in the production of the products sourced

from their respective areas and these would be transported to a central storage area. These products were then exchanged or traded with groups from other areas who specialised in different products. This was known as kai-hau-kai.

On a national basis this trade saw South Island pounamu (greenstone), taramea (the scented resin from the Wild Spaniard) and kotuku feathers (white heron) distributed throughout the North Island, in exchange for canoes, cloaks, cutting stones and other items.

Within a hapu's area, each whanau group had the exclusive usage rights to certain, well-defined areas. To Ngai Tahu, these sections were known as wakawaka. A wakawaka would be marked by a natural feature such as a ridge or stream, or by erected markers of rocks or posts and the whanau would have exclusive rights within those areas.



Arowhenua Marae

Fishing Rights

Hapu (sub-tribal) and Iwi (Tribal) rights to fishing areas were based on the same criteria as those to land and its resources. These rights were not general and open to all, any more than land was. This right to control water-based, and particularly sea-based resources is

called *mana-moana* and incorporates all of those principles included in *manawhenua*.

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To Ngai Tahu, fish were of great cultural, social and economic significance. Their collection was a communal task involving cooperation at a community level and they were traded for the delicacies of other areas, for example, potted birds from inland groups.



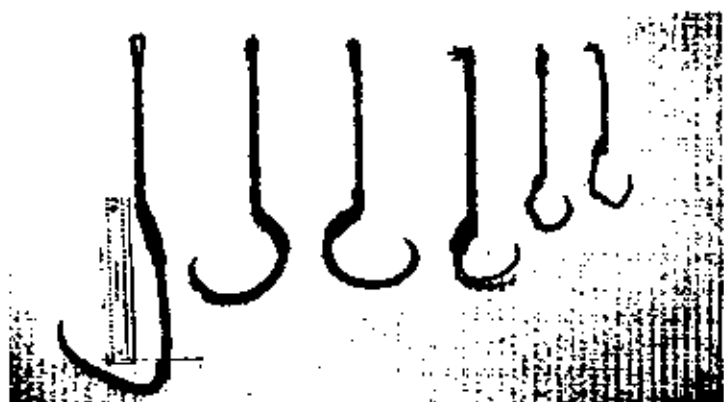
As well as developing extensive knowledge about each species life-cycle, Ngai Tahu developed the technologies to store excess catches for long periods of time.

However, because these southern fishing areas were so productive, and fish were of such great dietary importance, they would often be shared immediately between different whanau groups. The traditional concepts of *whakapapa*, *turanga-waewae* and *ahi kaa* were important in the establishment and maintenance of these fishery usufructuary rights.

Ngai Tahu knew the best fishing grounds, which were found in the waters above the continental shelf. Techniques for locating the fishing grounds were evolved. These were quite complex and included the use of knowledge of the local sea currents, the stars, and trigonometry, the latter involving a technique known to modern "mariners" as running a fix. Recent trials by Ngai Tahu

fishermen comparing traditional methods with modern satellite radio navigation, conducted for presentation to the Waitangi Tribunal, revealed astonishingly small discrepancies in accurately locating traditional fishing grounds over twenty miles off shore.

As for land, these coastal and deep-sea fisheries were jealously guarded and vigourously defended.





Cultural Values

In an economic sense, the resources of an area determined the welfare of the people, but the collection of these resources and the resulting community effort also formed a very important part of the community strength. These seasonal activities were a time of renewing contacts with distant relations; of reinforcing traditional and cultural values; of maintaining controls; and so they provided a tangible link with the past.

Another important example of cultural resource values is that of 'manaakitanga' (hospitality, as towards guests). Tradition demands that the hosts of a given area prepare local foods for their guests. By providing the best food available, the tangata whenua are paying respect to their important visitors, and also enhancing their own mana. This use of resources is another important statement of identity, as each area has its own local specialties.

Traditional Resource Management Controls

Within Maori society there were a number of control mechanisms used to either forbid or limit the access to, and the use of, particular areas and resources. These controls limiting the actions of individuals by use of rahui (restrictions) and tapu were approved and removed by tohunga (experts) working in concert with rangatira, and were reinforced by the fear of both spiritual and physical retribution. Controls were important tools in the pro-active management of all resources.

A rahui is a form of restriction on the access to, and use of, a certain area or resource at, or for, a particular time. They also proclaim that a resource is being actively managed. Rahui were mainly, but not always, used to control food resources and generally took two forms:

The first of these was the rahui symbolised in the form of the Pou Rahui. In this case a post or similar marker was fixed into the ground, stream, lake or coastline. An infringement of the rahui resulted in the trespasser becoming subject to tribal discipline.

Another form of rahui was used for purposes of conservation. If a shellfish bed was being depleted, a pourahui was placed to restrict the use and to ensure sustainability. All economic resources were conserved

this way.

A traditional Ngai Tahu example is the wakawaka (boundaries defined between hapu in hunting grounds or fishing grounds) known as Te Kohaka a Kaikai Oaro, or Pegasus Bay as it is now known. This was a triangular shaped fishing reserve that Ngai Tahu considered a fish breeding ground. Because of this, a rahui was set in this area for part of the year to ensure that the fishery resource was successfully perpetuated.

Sometimes the limits of sustainability would be signalled by nature itself. At Wairewa, for example, the presence of pou tuna (guardians) signal the end of the eeling season.

Another contemporary example is on the Titi (Muttonbird) Islands which the bird, hakuai, is said to also inhabit. The hakuai is considered by some as a guardian of the titi and when the people hear the hakuai call in the night it foretells the end of the season for taking titi. The rahui then remains until the following year.

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In a modern context rahui are used mainly for conservation reasons, or to protect culturally important sites. Ngai Tahu still have rahui existing within the tribal rohe and these places are identified throughout this paper.

SUMMARY

The Maori system of traditional rights to, and attitudes towards land, water and natural resources evolved over time to incorporate a unique blend of religious belief, societal structure, the nature of the surrounding environment and people's reliance on that environment.

While retaining traditional values, this framework also absorbed the changes in social organisation which emerged through adaptation to new environments and the development of a new economy. These changes required the adoption of new skills, new technologies, and new methods of resource control and labour utilisation.

The land, water and resources in a particular area are representative of the people who reside there. They relate to the origin, history and tribal affiliation of that group and are for them a statement of identity. These natural resources also determine the welfare and wealth of the tribal group which owns or controls them.

In principle all individuals were guaranteed resource rights necessary for their survival and well-being, but that ideal was tempered with the practical control mechanisms of manawhenua, turangawaewae, rangatiratanga, whakapapa and



ahi kaa. The further controls of rahui and tapu imposed by tohunga and rangatira were used to protect and manage individual resource areas, and to restrict the actions of individuals in the higher interests of the wider tribal group.

practices which were important to society's welfare and identity. In this way, the physical environment and the Ngai Tahu interaction with it was an unbroken combination of the past, the present and the unfolding future.

These controls regulated the acquisition and maintenance of resource rights and preserved those rights for those who remained within their kin group. Individual rights were strong, however, and could only be abrogated by a serious breach of the laws of the tribal community. At all times the behaviour of individuals, and the controls imposed by tohunga and rangatira, were tempered and moderated by pragmatism, and were directed to the paramount welfare of the larger tribal grouping.

"Kahore te wehenga o te aroha,
ko te hinengaro anake
te kaiwehi"

Love and regard have no place in
decision-making,
rather, it is skills
first and foremost.

While some early Pakeha observers claimed that this was a world ruled by might alone, that is far from true. Indeed, it could be said that the acknowledged "rules of the game" successfully ensured that only sustainable, managed actions endured. Ngai Tahu consider that their systems were far more highly developed and far more successful than modern conservation law and practice in New Zealand today in certain areas, for example in fishery management.

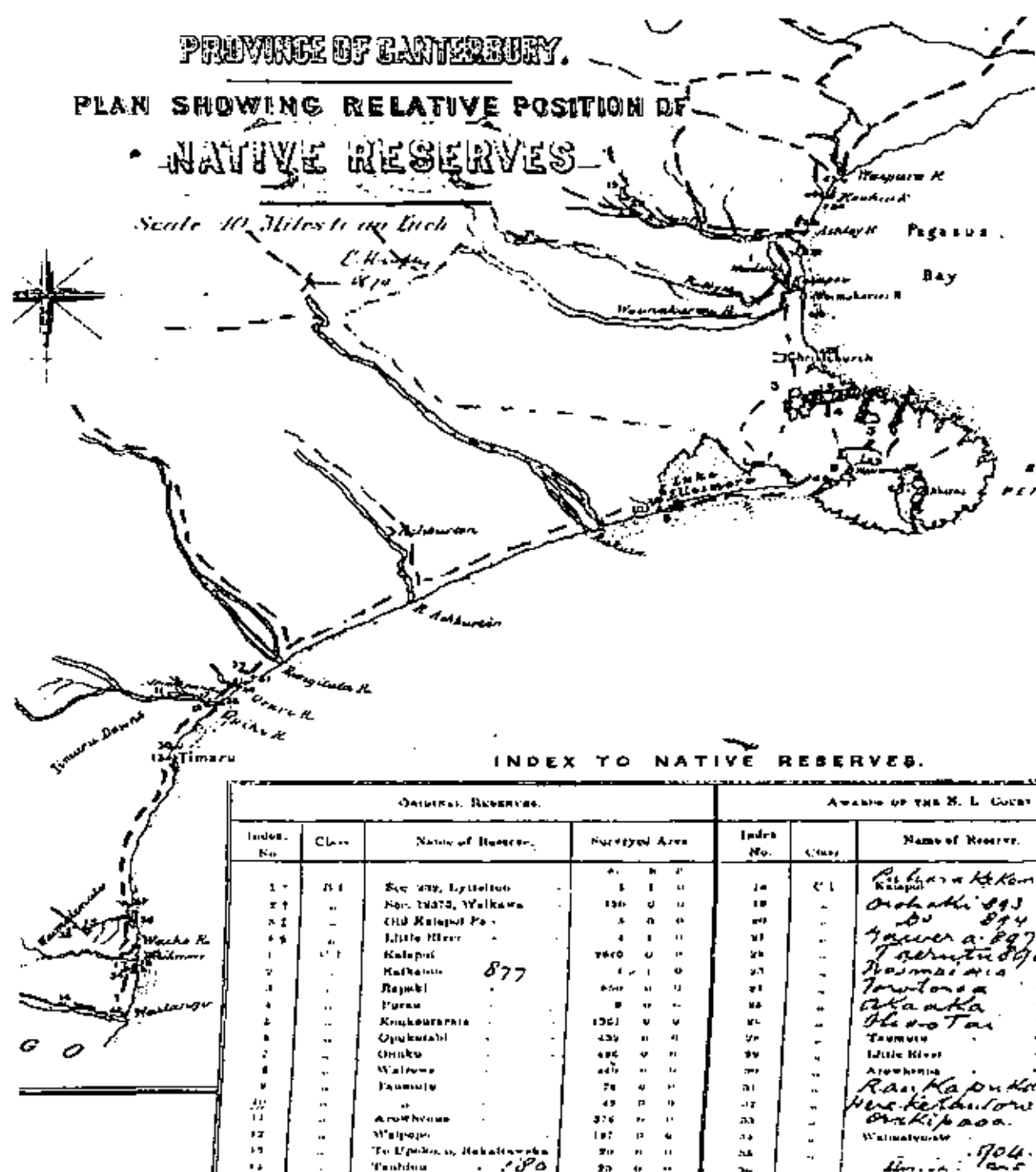
The traditional Ngai Tahu system of resource allocation and control contained and reflected all of those beliefs and



Notes

1. It is interesting to note that the water type, as determined by the catchment, was an important consideration in these shellfish seeding programmes. See the evidence to the Waitangi Tribunal, Ngai Tahu Claim (Wai 27), especially Document J10 and the evidence of Peter Ruka & Rakihiia Tau.
2. Te Waiatanga mai o Te Atua, South Island Traditions recorded by Matiaha Tiramorehu, edited by Manu van Ballekom and Ray Harlow, Dunedin, 1987.
Mahoranuiatea, like Te Maku, is a form of water, being The Long White Mist in the Morning.
3. Evidence to the Waitangi Tribunal, Ngai Tahu Claim.
4. The Treaty of Waitangi and Maori Fisheries,
N.Z. Law Commission, PP9, Wellington, 1989 p.27.
5. Personal communication: M. Whaitiri, R. Bell.
6. Harry Evison, Kaiapohia - The Story of a Name,
Te Karanga, vol 6 (2), August 1990, pp. 3 - 9.







Ngai Tahu believe that the Treaty is always speaking, and it becomes not less but more significant as we go into the future.

Ngai Tahu ties with the land are as strong today as they once were, even though the majority of Ngai Tahu now live in the urban environment.

Maori Land

Introduction

Maori-owned land differs from European-owned land in two major ways:

Firstly, it is not seen in terms of its commercial value alone. To Ngai Tahu, land confers dignity and rank, provides the means for manaakitanga, is the resting place for the dead, a spiritual base for traditional beliefs and a heritage for future generations.

Further, land establishes personal and Tribal identity, is a symbol of social stability and is an important source of emotional and spiritual strength.

Maori land tenure takes several forms, the situation being very complex in some cases. The problems arising from particular forms of land tenure pose a major challenge to both owners and planners. Perhaps the best description of the various forms of tenure is to be found in the "Report of the Royal Commission of Enquiry into Maor Land, 1975".

The Ngai Tahu Relationship with the Land

Ngai Tahu also have rights in land which is no longer in their direct ownership. They point to the decision of the High Court on the

Maori relationship with land in
Royal Forest and Bird Protection
Society v W A Habgood Ltd.

(1)

In this case, The Royal Forest and Bird Protection Society opposed a renewal of a mining application set before the Planning Tribunal by W.A.Habgood Ltd to mine sand on Kaitorete. They took the case to the High Court and argued on the basis that section 3 (1) (g) of the Town and Country Planning Act, 1977, stated:

"(1) In the preparation, implementation and administration of regional district and maritime schemes, and in administering the provisions of Part II of this Act, the following matters which are declared to be of national importance shall in particular be recognised and provide for:- ...
(g) The relationship of the Maori people and their culture with their ancestral land."

Mr Justice Holland of the High Court stated:

"I can see no logical or legal reason why section 3 (1) (g) of the Act should be of no application solely because the land in question is no longer owned by Maoris."

This ruling resulted in W.A.Habgood Ltd being granted a temporary mining right limited to five years and due to expire in 1991.

In effect this case allows for land in respect of which Maori have ancestral connections, to be considered when regional, district and maritime schemes are proposed or administered.

Since this ruling, many important cases have been heard and these have resulted in the creation of a wealth of case history. Ngai Tahu maintain that this significant progress should not be circumvented by future legislation and/or plans and that the findings should be incorporated into future planning decisions.

Policy

1. That as a matter of policy the Canterbury Regional Council will treat as a matter of regional importance the Ngai Tahu ancestral relationship and cultural values concerning the land and waters within the Canterbury region.

Mining

One issue concerning the land itself is mining. While Ngai Tahu are not opposed to mining of itself, they are opposed to mining which destroys or interferes with land or waterways that are culturally important.

Ngai Tahu evidence to the Waitangi Tribunal highlighted some of the problems associated with mining on the West Coast, and particularly the practice of using waterways as 'slurry channels' for mining operations.



These practices are highly detrimental to fish and plant populations.

Ngai Tahu maintain that they have an interest in all waterways, and a very real responsibility for the management of them.

The above-mentioned High Court hearing on the Habgood case heard evidence on the number of archaeological sites and urupa located on Kaitorete Spit where the company was mining. The company's operations were destroying these sites and in one case a worker reported seeing human bones on the loading conveyor. These events highlight Ngai Tahu concerns about uncontrolled mining operations.

Policy

1. Mining should not be permitted in areas which are important to Ngai Tahu, including urupa, wahi tapu and mahinga kai areas.
2. All existing and future mining operations must take due regard of the tangata whenua interest in the land and associated waterways.
3. Mining licenses should not be granted in respect of land and

associated waterways where there is a Ngai Tahu interest unless the mining company has the assent of the tangata whenua.

Marae

The marae is the focal point of the hapu or Iwi that possesses turangawaewae in that area. It is a place to meet and discuss birth, life and death; and those matters concerning their rangatiratanga.

It will normally be the meeting place for the local Runanga and for that reason, will be the centre of discussion of the issues of the day. While serving these functions, the marae has important social, cultural and religious uses and serves as a gathering place for all people and their visitors.

Marae are not open to the public. Those who go onto a marae must do so as of right, that is, because they are the owners and possess turangawaewae or as manuhiri (visitors) who are made welcome. Each marae has its own kawa (protocol) and for present purposes that is Ngai Tahu kawa within their Tribal rohe.

In the Canterbury region most marae are found in rural areas upon Maori Reserved lands. This reflects the fact that until the end of the Second World War, Ngai Tahu were a rural people. Since then, and at an increasing rate, Maori everywhere have been moving into the larger urban centres in search of em

ployment, education and economic advancement.

This trend has resulted in pressure for the construction of urban marae which do not sit well with land-use-based Town and Country Planning Schemes or with local body bylaws.

In a land-use sense, a marae cannot be classified as a place of "public assembly", and, because the whare runanga is often used for overnight accommodation, it cannot meet local body bylaws governing such use.

Any new urban marae will have to provide for off-street parking, comply with bylaws relating to places of occupation, and buildings which meet strict engineering standards. For these reasons they may not fit well into existing land-use patterns. Thus, any proposals for new marae will have to be treated with sensitivity on all sides.

In today's mobile society, the Maori community in any large urban area will be made up of members of many Tribal affiliations. Those who have turangawaewae in any particular area will have or want their own marae. Those without turangawaewae may wish to construct Maori Community Centres where all Tribes may gather. There is a difference between a marae which is the property of those with turangawaewae and a Community Centre for other



Tribes, but both can live together. Any marae for other Tribespeople would be a gross affront to the tangata whenua whose permission to construct a marae would have to be obtained.

Ngai Tahu have outlined these matters in an attempt to illustrate that failure to take account of Maori kawa could lead to land-use planning difficulties and potentially serious political problems if the requirements of inter-Tribal custom are not observed by planners.

Policy

1. New marae must have the consent of those with turangawaewae in the relevant area. That is tikanga Maori.

2. In the preparation of new planning schemes the detailed ordinances should provide an opportunity to establish new marae and Maori Community Centres.

Land Use Changes

There are instances where land was gifted by Ngai Tahu individuals, whanau or hapu for the benefit of the wider community. These sites were often gifted for school sites or churches.

In other instances, land was compulsorily acquired by the Crown for some form of public works, for example, defence installations.

In many of these cases, the original purpose for which the land was gifted and/or acquired no longer applies and Ngai Tahu maintain that such land, and any buildings thereon, should be returned to the original owners.

Policy

1. If land use changes result in gifts of land and/or buildings being no longer required for their original use, such land and buildings should be returned to their original owners or the local Runanga as appropriate.

Rural Land Use

Maori Reserves were originally "granted" to Ngai Tahu to provide an economic base for the communities living in those areas. However, changes in land-use patterns, the economics of certain industries, the moving of many families to the cities and the vast increase in the numbers of owners has often led to these areas being neglected. Many traditional Ngai Tahu settlements have communally-owned land blocks situated close to them. However, due to the above problems, these areas often remain undeveloped.

In other instances, planning laws forbid people to build on blocks of land that do not fit the criteria of "an economically viable unit". This further alienates people from their own turangawaewae and again hinders the re-establishment of their communities.

Associated with the problem of the required "economically viable unit" is the obstacle that this creates for those attempting to re-establish marae or Runanga-based enterprises. Because an individual or a Runanga may not meet a particular requirement of, say, a minimum area of 50 acres, they are prevented from undertaking any activity.

These factors all contribute to a general sense of frustration at being denied the opportunity to develop one's own resources, and are seen as a major impediment to Ngai Tahu development in the future.

Ngai Tahu would like to see an environment where there are as few hindrances to rural community development as possible and therefore maintain that applications by the Tangata Whenua to build on or near Maori land should be considered favourably.

Applications to start community business ventures should also be given favourable consideration, particularly if they are communal business ventures. Such communal businesses offer many opportunities for Ngai Tahu to gain commercial independence, reinforce family and cultural ties, and participate in and contribute to local economies.

Ngai Tahu therefore maintain that planners should bear in mind the original intention of Maori Reserves, that is, to support the welfare and aspirations of their owners. They should also consider the problems associated with developing multiple-owned and communally-owned land, and help the respective individuals and communities overcome these.

Policy

1. That planners should consider applications for building permits on such land in light of their original provision as community resources.

2. That planners should consider applications to initiate business ventures on such land in

light of the original intention to provide an economic base for the communities associated with that land.

3. That at the time of the review of any District Planning Scheme, or the preparation of resource management plans, both Regional and District Plans should provide recognition of the originally intended purposes of Maori Reserve lands. This will involve consultation with the owners.

4. That the original purpose should be generously interpreted to include any activities which support the development of Ngai Tahu's communal base.

5. That applications to initiate community-owned business ventures should be actively encouraged, and that unnecessary constraints should not be applied.

6. That applications to construct buildings for communal Ngai Tahu use, for example whare runanga (meeting houses), should be viewed favourably and actively assisted.

7. That Ngai Tahu individuals and Runanga should be permitted to buy areas of land

"Many traditional Ngai Tahu settlements have communally-owned land blocks situated close to them."

"... a growing understanding that Canterbury water bodies are being seriously compromised."

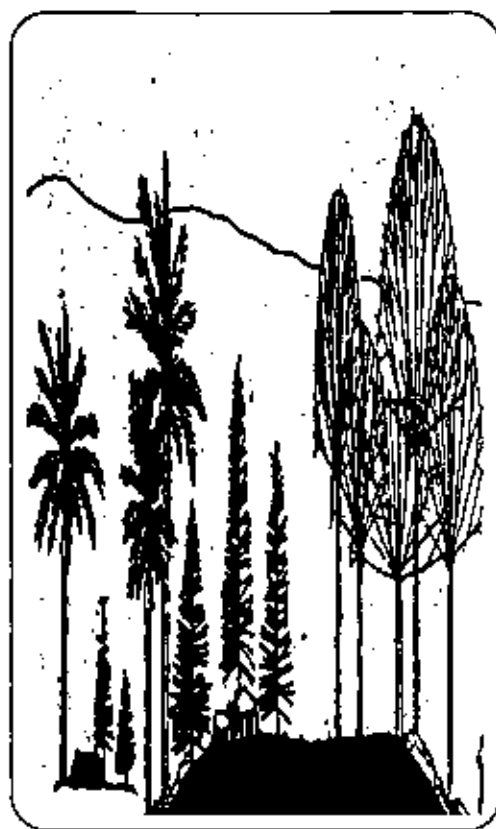
near their rural marae for the purposes of building dwellings or establishing business ventures. Minimum area requirements should not apply in these circumstances.

8. That similar policies should also apply to proposals in urban areas.

9. That public parking places and areas of public recreation not be sited on Maori Reserve land without the consent of the owners of that reserve.

10. That the local Runanga be consulted on all matters affecting Maori Reserve land in their area.

11. That in determining applications by Ngai Tahu individuals or Runanga to initiate aquaculture ventures, whether water or land-based, the responsible authority should have a duty to consider the Treaty of Waitangi.



Forests

Hundreds of years ago, most of Canterbury was covered by forest. Over the years, first Maori and then European cleared the forest to make way for agriculture and grazing operations. In recent years, and especially since the Water and Soil Conservation Act, 1967 became law, there has been a growing understanding that Canterbury water bodies are being seriously compromised.

The run-off of agricultural chemicals, and the entry of nitrates and phosphates into water bodies through accelerated soil erosion, is seriously affecting water quality in all waterways. Lake Wairewa (Lake Forsyth) is a good example of this problem, and there are signs that Lake Waihora (Lake Ellesmere) is also becoming eutrophic. Eutrophication

is a natural process but in the cases of Wairewa and Waihora that process has been vastly accelerated by human intervention. Matters have reached the stage where water scientists believe that the only way to slow down this process is to re-afforest the catchments of the two lakes. Those catchments comprise approximately 285,000 hectares, practically all of it in private hands and used for extensive or intensive agricultural purposes and most unlikely to ever be re-afforested.

Within the Canterbury region there are only small isolated stands of indigenous forests left. These are valuable as examples of what was once a climax vegetation cover and are worth preserving for that reason alone. They serve another purpose in providing the habitat for fast disappearing native bird species. Most of the native birds have now left the Canterbury region following the destruction of their habitat; all of them are under threat and most are classified as endangered species.

Ngai Tahu believe that these forests and their inhabitants are now so scarce that there is justification for stopping the felling of all indigenous trees, even if they are on privately owned land. Plainly in the latter case compensation would have to be paid to the owners, but Ngai Tahu believe that the cost of compensation is outweighed by the need to preserve a heritage that is nearly gone.

There are large exotic forests in the Canterbury region most of which were owned by the Crown but are now in the process of being

sold to private enterprise. There have been suggestions that what will be sold is the cutting rights, not the land. If that is to be the case then there is a strong possibility that after one or two cycles of cutting the Crown may be left owning the bare land where once the forests stood. Who would then pay to replant the forests? For the reasons already given Ngai Tahu believe that large parts of Canterbury should be forested and, for that reason, stipulate that owners of forests should not be allowed to cut the timber and leave the land bare. Forest should be replaced by forest.

"Within the Canterbury region there are only small isolated stands of indigenous forests left."

Policy

1. That logging of indigenous forests should stop forthwith.

2. That owners of indigenous forests be compensated for any loss of income caused by such a ban.

3. That where possible the owners of such forests should be encouraged to enter into heritage covenants and suitable incentives should be made available.

4. That when exotic forests are felled, the owners should be encouraged to replant them.

"... the need to preserve a heritage that is nearly gone."



5. That the detrimental effects of erosion and noxious weed invasion resulting from the clearance of exotic forests should be considered, and suitable conditions applied to avoid these outcomes.

6. Wherever possible, but especially at the margins of lakes and rivers, vegetation should be established to assist in stemming the flow of nutrients into these water bodies.

7. A concerted effort should be made to conserve, protect and enhance existing indigenous vegetation, for their own sake, as a habitat for native bird-life and as a mechanism in assisting in erosion control and the absorption of fertiliser run-off.

8. That a concerted effort to control noxious plants which are threatening indigenous vegetation should be maintained at all times. This effort should treat river-beds as a priority.

9. That the formation and management of any reserves be done with the full involvement and with the assent of the appropriate Runanga.

10. That Ngai Tahu access to, and rights to use resources from public forests, parks and reserves be guaranteed. This includes the use of traditional materials such as pingao and harakeke.

11. That representative native flora be used in revegetation projects, and where possible this should be of local genetic origin.

Ngai Tahu Fishing Easements

Introduction

The following section is a review of the fishing easements set aside for Ngai Tahu in 1868 by the Native Land Court, presided over by Judge Fenton.

The easements or reserves were part of the promises made in Kemp's Deed which promised Ngai Tahu that their mahinga kai would be set aside for them and their descendants.

The Crown took a limited approach when interpreting mahinga kai and took the to phrase to mean "cultivations". On the other hand, Ngai Tahu understand mahinga kai

to mean all food and other resource producing places. This phrase means exactly what it states, that is, Ngai Tahu have a right to take food and other resources from all places, including the ocean, coastline, rivers, inland waterways, swamps, plains, high country, mountains and forests.

Mantell did not reserve any mahinga kai for Ngai Tahu in 1848 when he was instructed to set aside Reserves for the Tribe by Lieutenant-Governor Eyre. This failure of Mantell to set aside adequate reserves of mahinga kai was one of the reasons, among others, why Ngai Tahu sought to have their case heard in the Native Land Court in 1868.

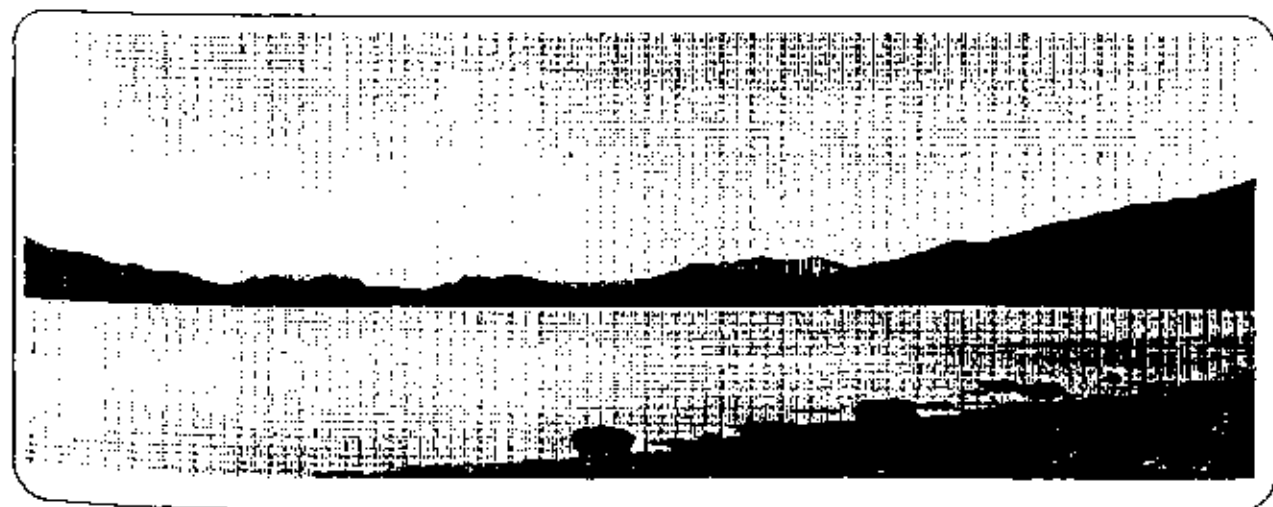
Ngai Tahu faced a new problem in the Court, as Judge Fenton ruled that the Court was bound to take the Crown's interpretation of mahinga kai as the Reserves were to be Crown grants. Fenton then produced an Order of Reference which required the Court to allocate reserves within the area of the Canterbury purchase. Ngai Tahu counsel withdrew in protest on the basis that the Postmaster General of the area, John Hall, did not have

the authority to sign the Order of Reference, and that that privilege belonged to the Governor alone. The outcome was that Ngai Tahu were left without counsel.

Fishing easements were sections of land sited near rivers, lagoons and estuaries that allowed Ngai Tahu to use them as a camping site from where they could take fish, eel or shellfish. The easements did not give any property rights to the water or the beds of the lakes or rivers.

However, from the mid to late 1870s Ngai Tahu began to complain that the water levels of the lagoons, lakes and rivers were falling due to nearby drainage operations by local farmers. The drainage of the waters brought about a decline in the quantity of fish because of the destruction of their habitat.

A common feature of these easements is that they are often subject to erosion which periodically changes their topography as in the case of Waitarakao in the Arowhenua District



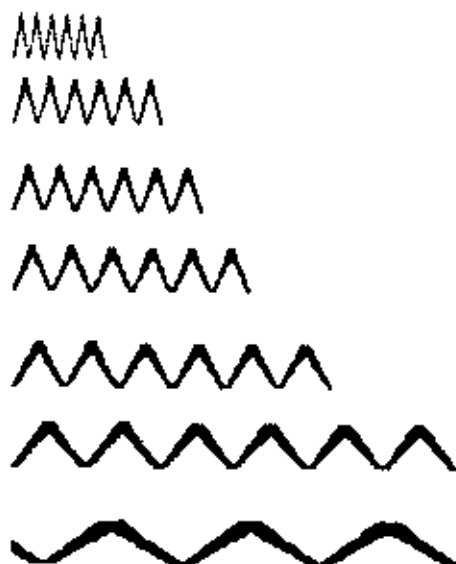
which now lies out to sea.

Policy

1. That Ngai Tahu should be permitted to develop projects on these easements which reflect the original intention of providing an economic base for Tribal communities.

2. That the gazet-
ting of Wairewa as a
Maori Fishing Reserve
be altered to a Ngai
Tahu Fishing Reserve
for Ngai Tahu who
descend from kau-
matua listed under the
land grants of the
Maori Reserves from
Wairewa, Rapaki,
Kaiapoi, Port Levy and
Te Taumutu.

3. See also policies
on Maori Reserved
land, especially in Sec-
tion 5, and the Index
(Section 9).



Water Values

Introduction

This text aims to show the piv-
otal importance of water to Ngai
Tahu. Water, and the resources it
supports, determines the siting of
their kainga (villages), their iden-
tity, and the rhythm of their lives.

The traditional values and con-
trols regarding water are included in
the Tribe's spiritual beliefs and
practices. This recognises and rein-
forces the absolute importance of
water quality in relation to both
mahinga kai and hygiene.

Water is held in the highest
esteem because the welfare of the
life that it contains determines the
welfare of the people reliant on
those resources.

Traditionally, water was the
centre of all activity within Maori
society. It provided the preferred
transport medium; supported fish
and shellfish populations; was used
in religious ceremony; and was also
used for recreation. For these rea-
sons, and like most other cultures,
settlements were centred beside, or
in close proximity to major water-
ways.

As mentioned earlier in the text,
water-sourced foods were particu-
larly important in Te Waipounamu
because of the harsh climate which
precluded the easy or extensive
growing of horticultural crops.

This dependence on kai-moana (sea-food), kai-awa (river-sourced food) and kai-roto (lake-sourced food) is a theme which has remained through to present times. After the Land Sales of the mid-1800s, many Ngai Tahu families were forced to rely on that food which could be sourced from the waterways as their land reserves were of inadequate area and/or quality.

These resources were equally essential during times of great hardship, such as the depressions. For these reasons, and also because this source of mahinga kai is one of the very few opportunities for modern-day Ngai Tahu to participate in the food and practices of their tupuna (ancestors), water and the food that it supports are at the forefront of Ngai Tahu concerns today.

Over a long period of time, Ngai Tahu accumulated an extensive amount of knowledge about the resources within their rohe, particularly water-sourced foods.

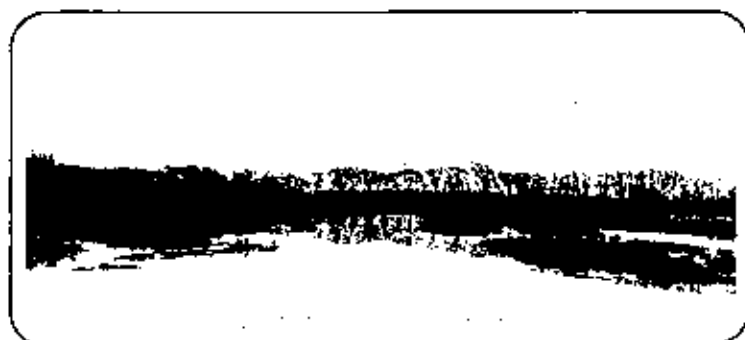
Harvesting methods reflect a sophisticated understanding of the breeding cycles, migration times and feeding habits of all the important fresh and salt-water species, with different names being used for the same fish at different parts of its life-cycle. Many species can be harvested at different times of the year by understanding their habits at those times and adjusting the catching method to suit. To ensure the continuation of the resource, strictly observed restrictions are enforced to protect breeding stock.

Evidence given to the Waitangi Tribunal in particular, hints at a vast and sophisticated traditional knowledge of resource management and enhancement techniques. These include the technologies to both increase and decrease populations of shellfish to provide an optimal product. Genetically superior strains were recognised and transplanted to other areas, often near kainga.



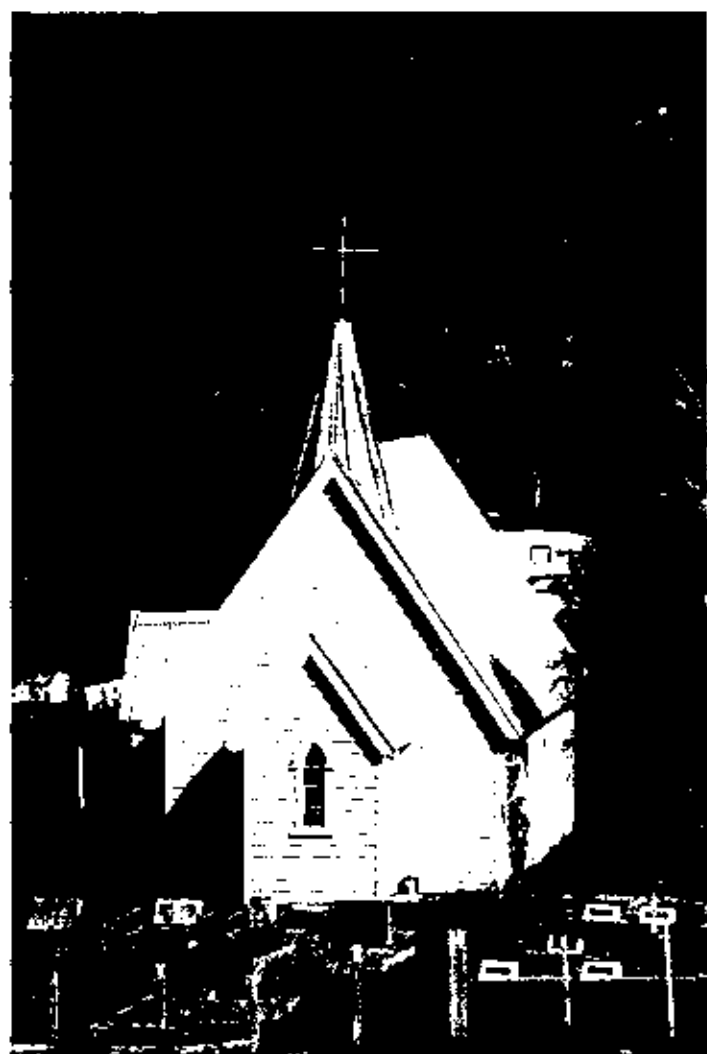
Extensive knowledge also exists of the various sea currents, winds, stars and tides, and which combinations of these indicate which fish can be caught and where. Specific catching methods were developed for each species, whether fresh or salt-water, and appointed specialists controlled the management of each resource.

As mentioned in an earlier section, food and the presentation and gifting of it is central to the Maori culture. Not only is it very important to show 'aroha ki te iwi' (regard to people), but also to be able to support the kaumatua (elders) of the community and to help cater at functions such as takiaue (funeral ceremony).



Spiritual Values

As already mentioned, all life came into being when Maku mated with Mahoroanuiatea, another form of water, and begat Raki. Water, therefore, is the promoter of all life and represents the life-blood of the environment. Its condition is a reflection on the health of Papatuanuku (the Earth Mother).



Water was used by tohunga in various religious ceremonies, including the lifting of tapu from warriors returned from battle; baptisms; initiation ceremonies; and funerary rites. Each ceremony was performed only with water suitable for that function and certain areas were set aside for these purposes. These various water classifications are: waitapu, waitohi and waiora; each having their own characteristics and spiritual function.

Because of the sacred nature and pragmatic importance of water, specific practices and restrictions are enforced. For example, it is unacceptable to discharge sewerage into waterways where food is collected.

One of the most prominent spiritual notions that Ngai Tahu has in relation to waterways is that the sea, rivers, lakes and streams were all guarded by taniwha or kaitiaki (guardians). In some cases they acted as guardians of a particular area, or of particular people. In other cases they acted as messengers, signalling the end to a fishing season, or worse, impending misfortune.

The Canterbury region has a number of examples. Tikao recalled two taniwha who live in a rua (cave) each, near Opukutahi. These taniwha were left there by Te Ake, a Ngai Tahu rangatira, to safeguard friendly people on the sea.

The waterways of Kaiapoi are also guarded by two taniwha, the tuere and the koiro. The tuere is a

lamprey that is spotted and creamy in colour. The koiro is a large black eel that inhabits the waters in the Kaiapoi Pa. The Ngai Tuahuriri and Ngai Te Ruahikihiki hapu believe that these eels, when very young, travel from Kaiapoi through the underground waterways as far as Te Waihora (Lake Ellesmere).

(3)

Connected to the concept of water guardianship is the matter of tapu. Water was declared tapu for several reasons. The best example of waitapu (sacred waters) are those waterways that act as burial places. Because of their primary use, food is not taken from these places.

There is another rahui in the Kaiapoi region, on a site known as O Tu Kai Kino in the Puharakeke (Styx River), this water being used by tohunga for embalming.

At Ihutai, near Sumner, Ngai Tahu fishermen avoid an area known as Tuawera because of an incident where a hapu, Ngati Pohoreare, were killed by makutu (witchcraft).

(4)

All of the above are examples of areas of water which have, or have had, a rahui laid over them.

In conclusion, there are waters within the Ngai Tahu rohe (traditional boundaries) which are categorized as entities with their own distinct characteristics. The classification of these waters determines how they may, and may not, be used. Where water types are incompatible, the mixing of those waters

is unacceptable to Ngai Tahu.

According to Ngai Tahu tradition, it was the Rapuwai people who classified the waters of Te Waipounamu. Water is classified according to its uses, and that classification then determines the future uses of that waterway. For example, it would be inappropriate to drink water used for embalming the dead, or to bury a tupapaku (corpse) in a tauraka (fishing ground). Areas of water were set aside for various types of use by tohunga, either because of their location or because the waters were considered to have special qualities.

(5)

Wai whakaheke tupapaku

Waiwhakaheketupapaku translates as water burial sites. Within this report we refer to some of these water-burials in the Canterbury region. Tupapaku (human corpses) were weighted down in lagoons, rivers, springs and in the ocean in secret places.

To identify the location of these waters identifies the funerary places which Ngai Tahu are less than anxious to do. For this reason Ngai Tahu require some restriction on the information about these sites, and they are therefore identified in the silent file.

These waters themselves have no special qualities, although

they are regarded as culturally sensitive. However, Ngai Tahu would strongly object if a sewerage outlet was sited over a water burial or if some form of industrial waste was discharged there.

Waitohi is a Maori word meaning pure water.

Waitohi

These waters were used by tohunga during initiation and baptismal ceremonies. The function was to remove the tapu from people (whakanoa). For this reason restrictions were imposed on these waters in order to ensure their continued purity.

Waimataitai is a Maori word meaning coastal waters.

Waimataitai

This refers to the coastal sea and waters in the estuaries where salt and fresh water mix.

All estuaries were, and are, important mahinga kai for Ngai Tahu. However, waimataitai should not be taken in the limited context of waters only but also in the wider meaning of the word "estuary". Waimataitai also includes areas of

coastal swamp near the estuary. The water quality of these places was formerly good enough to sustain food.

Waiora is a Maori word meaning pure water.

Waiora

These waters were used for healing by tohunga. Like waitohi, these waters were pure.

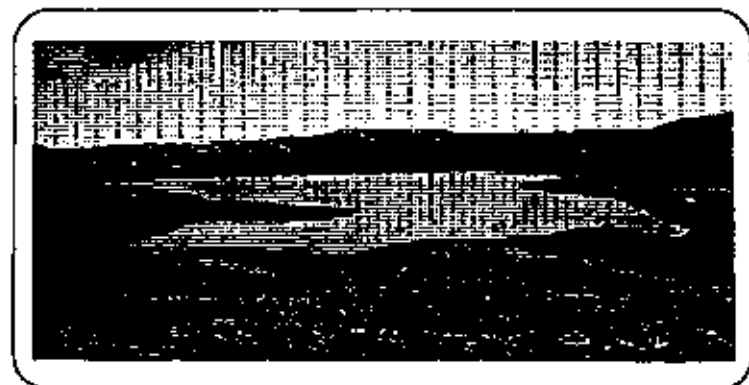
Today it is difficult to identify all such waters in the Canterbury district because that knowledge is now incomplete and most places have been interfered with by modern developments. However, there are some still significant to Ngai Tahu today.

Waterways is a Maori word meaning water.

Waterways: Rivers, Tributaries, Lagoons and Lakes

Planners need to be able to identify traditional Maori fisheries in order to protect them and maintain appropriate standards of water quality. The purpose of this part of the paper is to give effect to the "Draft Regional Planning Scheme Report", which stated as one of its policies:

"That traditional Maori fishing grounds in Canterbury be identified and practical measures be taken to protect these and maintain appropriate standards of water quality."



*(Proposed Section 3.1 "Land & Water"
(Nth Canterbury) 1990 (Policy 4.7), Canterbury Regional Planning Scheme)*

There is a problem here already. There is a mistaken belief that Maori fishing grounds are 'site-specific', whereas in reality all waterways are a source of mahinga kai for Ngai Tahu and are therefore important. The concept of 'site-specific' fishing grounds completely ignores the mobility and migratory habits of fish species.

Take for example the problem of Te Akaaka, a fishing reserve set aside in 1868 by the Native Land Court, for the use by the Kaiapoi Ngai Tahu, near the mouth of the Ashley River. The main foods taken here are the cockle and pipi, but these shellfish move with the mouth of the river. According to one report, the Ashley River has been slowly moving northwards since 1979. The kai moana and kai awa have followed the movement of the river mouth - away from the Te Akaaka reserve.

Similar cases can be made for virtually all Ngai Tahu fishing reserves in the North Canterbury area, as all of the lagoons sited next to the reserves have been drained. The Reserves therefore no longer provide access to resources as originally intended.

The idea of 'site-specific' fishing grounds within the inland waterways and estuarine systems should be resisted. The concept is more applicable to coastal and deep-sea areas where fishing grounds are frequently located over reefs or trenches.

However, there are traditional fishing grounds and fishing easements which need to be discussed further. The following section will deal with some of the principal water bodies in the Canterbury region which are still used as mahinga kai.

Inland Waters

According to Te Waipounamu traditions, the inland lakes were dug by Te Rakaihautu and his ko (digging stick) which was named Tuhiraki - present day Mount Bossu.

Ngai Tahu interests in the waterways extend beyond coastal shellfish beds and off-shore fishing grounds. In the Canterbury region Ngai Tahu have interests in all of the lakes that are fed from the mountains because they support fish populations.

Lakes specifically used up till the middle part of this century by the Ngai Tuahuriri were: Whakamatau (Lake Coleridge), Oporea (Lake Pearson), Oporeaiti (Lake Grassmere) and Kai Moana (Lake Howden). The lakes fed the Waimakariri, and Rakahuri.

Further south, across the Waimakariri to the Rakaia River, Ngai Tuahuriri used the lakes that led into the Rakaia,

Waikirikiri (Selwyn River), Waiwhio (Irwell River) and Hakatere River. Evidence of Ngai Tahu presence in this region was at Whakaepa which sits at Coalgate. This was an outpost Pa of the Kaiapoi Ngai Tahu which was used by foraging parties.

The principal foods taken from these lakes were eels, putangitangi (paradise duck), parera (grey duck), pateke (brown duck), whio (blue duck) and pukeko (swamp hen).

The inland lakes further south down to the Waitaki were used mainly by whanau subdivisions of the Ngati Huirapa as mahinga kai and the foods of those are described above.

Shellfish Seeding

Seeding was a traditional form of aquaculture practiced by Ngai Tahu. It took two forms: the first was that people skilled in the management of specific mahinga kai were given the task of planting (seeding) different types of shellfish in new areas; the second is when shellfish were taken out of their natural habitat and stored in artificial environments - usually in rua (storage pits).

Knowledgeable people would choose their kai moana mataitai (seafood) at a time when they were ready to seed and place

them in poha rimurapa (a container made from seaweed). The poha would be placed along the shoreline near the kainga where the pressure of the waves over the buried poha would trigger the release of the seeds from the kai moana mataitai. Alternatively, the poha would be gently kneaded by the cultivator so that the seeds were pressured out.

This is an oversimplification of a complex process, but it gives a general description. Water quality must be suitable to allow regeneration of the shellfish. This means that the mauri of the river that enters the estuary or coastline where the kai mataitai is to be planted should be compatible with the mauri of the waters from where the shellfish was originally taken. Besides the biological factors involved, social controls were also practised.

The practise of seeding was seldom done in the last few decades, so that many whanau lost part of their tradition. However, to some whanau the art is still known and because of recent commercial stress upon traditional fisheries the family traditions are being shared amongst Ngai Tahu, and most of the coastal kainga are once again reviving this important conservation and resource enhancement practice. Many different areas were seeded by Ngai Tahu in the Canterbury Region, including coastal waters, rivers and estuaries. Ngai Tahu commercial fishermen in their spare time have frequently assisted in transplanting wai mataitai species all around the extensive coastline of Te Waipounamu, trying out prospective breeding sites.

The second form of aquaculture practised was the storage of kaimoana in rua or coastal storage pits. All Ngai Tahu kainga sited near the coastline have whanau-owned rua. The location of these places are known only to the families and are owned exclusively by them.

These pits are usually hollows in the rocks which the tide covers at high water. In these pits are stored shellfish, usually mussels and paua. Foods are taken from the coastline and stored in the pits which are then used as a cupboard, avoiding unnecessary trips to the ocean. For these pits to work, the sea must be constantly moving in and out of the rocks. Also, only the best shellfish can be stored in the rua as diseased shellfish placed in a small rua will infect the rest.

A smaller scale version of this was that some kainga, such as Koukourarata, would communally go to a neighbouring bay and make up small beds of shellfish and store them under piles of rocks for the winter. This was done in the autumn.

Policy

1. That the Canterbury Regional Council should promote the protection of traditional seeding rights in consultation with Ngai Tahu.
2. That in determining applications by Ngai Tahu individuals or Runanga to

initiate aquaculture ventures, whether water or land-based, the responsible authority should have a duty to consider the Treaty of Waitangi.

General Water Policy Statement

The maintenance of water quality and quantity are perhaps the paramount resource management issues to Ngai Tahu.

The important challenge in the modern context is the wise use of our natural resources in a way which is consistent with those values passed onto us by our tupuna. This challenge includes the wise use of natural resources, knowledge and technology passed on to Ngai Tahu by their tupuna, while not forgetting or belittling the sound accumulated wisdom of the past. A combination of balance, realism and an acceptance of Ngai Tahu values is needed.

As mentioned above, Ngai Tahu resource management is primarily focused on the ethic of sustainability and the long-term welfare of the environment, and therefore the long-term welfare of the people within that environment.

It is recognised that the welfare of people and the success of their activities within the environment depended on water being maintained in the best

possible condition.

To this end, the utmost effort must be made to maintain and increase both the quality and quantity of water in *all* waterways. Further deterioration, of either water quality or quantity is unacceptable to Ngai Tahu.

Policy

"Further deterioration, of either water quality or quantity is unacceptable ..."

1. That no discharge into any water body should be permitted if it will result in contamination of the receiving water.

2. That no lowering of water levels in identified waiwhakabeketupapaku (water burial sites) should be allowed.

3. That the quality and quantity of water in all waterways be improved to the point where it supports those fish and plant populations that were sourced from them in the past and that these mahinga kai are fit for human consumption.

4. That the Canterbury Regional Council should actively encourage the disposal of effluent onto land rather than into water, provided that the groundwater is not polluted in the process.

5. Management

Plans should be prepared for each river, their tributaries and catchments, and a coherent list of all water rights made, whether to abstract water or to discharge effluent. These management plans should be developed in consultation with the appropriate Runanga, and only adopted with their consent.

6. That when water rights to discharge effluent come up for renewal, investigations should be undertaken to determine if more modern technology would permit an improvement in the quality of any discharge.

7. That in the case of abstraction, more efficient use of water be encouraged. Any water "saved" in this manner should be returned to the waterways to enhance river flows, and not reallocated to other users.

8. That water right charges should reflect the extent to which the Canterbury Regional Council needs to monitor and supervise rights and ensure compliance.

9. That methods of storing excess water, for example wetlands and dams, should be actively encouraged.

10. That wetland areas be created and expanded. All existing wetlands

should be maintained at their present area at least, in recognition of their value as "buffers" in times of high rainfall and also their crucial importance to fish and plant communities.

11. That no further reclamation of wetlands be allowed.

12. That those Runanga which possess beneficial rights to a particular water body should be consulted on all management practices which will impact on that waterway or its resources.

13. That Maori Advisory Committees at both Regional and District levels should be consulted before any Catchment Management Plan is adopted, and the Committee advise the Council of any issues of concern to the tangata whenua and any requirements to be met in the preparation of the plan.

14. That agricultural and chemical spraying be prohibited in any case where the effects of such spraying will be to degrade the quality of any water body or affect the flora and fauna in the immediate vicinity of such water bodies.

15. That the Canterbury Regional Council should encourage land owners or occupiers to plant vegetation on ripar-

ian strips to prevent contaminated run-off into any wetland, waterway or lake.

16. That efforts to improve the quality of eutrophic water bodies such as Wairewa (Lake Forsyth) and Te Waihora (Lake Ellesmere) should be initiated.

17. That the Canterbury Regional Council, in consultation with the Ngai Tahu Maori Trust Board, appoint an Iwi Liaison Officer and provide appropriate administrative support for that Officer.

MAHINGA KAI (TREASURED POSSESSIONS)

Mahinga kai

Introduction

Mahinga kai was one of the taonga (treasured possessions) reserved from sale in the terms used in the Maori version of Kemp's Deed in 1848.



"To Ngai Tahu, mahinga kai means, and has always meant, the whole resource chain from mountain top to the ocean floor."



Kemp's Deed was a deed of sale drafted by the Crown, and negotiated on the Crown's behalf by Henry Tacy Kemp. The intention of the Deed was to purchase 20,000,000 acres in the South Island from the Ngai Tahu for the sum of 2,000 pounds. The coastal boundary of Kemp's Block ran from Kaiapoi down to Otakou (Otago). The Crown and Ngai Tahu have never agreed as to where the inland boundary of the purchase is located and this matter is part of the Ngai Tahu claim presently before the Waitangi Tribunal.

The Deed also promised that Ngai Tahu would retain all their "mahinga kai" for their own use and for the use of their descendants. The Crown originally interpreted mahinga kai as being 'cultivations' and 'fixed eel weirs'. To Ngai Tahu, mahinga kai means, and has always meant, the whole resource chain from mountain top to the ocean floor.

The Canterbury plains were originally worked as one large mahinga kai. It would take too long to list all of those foods taken from this region and so, for the purpose of this paper, it is simply noted that the majority of the foods available and taken then are not now available. Ngai Tahu have consistently argued that this is a serious breach of the Crown obligation under both Kemp's Deed and the Treaty of Waitangi.

This problem has not simply crept up on Ngai Tahu this century. Ngai Tahu kaumatua in the 1870s recalled the scarcity of bird-life in their time. Rawiri Te Maire, a Ngai Tahu kaumatua, recalled in 1876:

"The tuis and all other birds are gone, and the roots of the kauru and the fern have been destroyed by fire."

One Tuahiwi kaumatua, the late Rima Bell, recalled her childhood in the 1930s:

"The old people would travel up there [North Canterbury] for weka and pigeons, which are no longer there because the forests have been cut away."

Other kaumatua of Ngai Tahu have similar recollections. Wiremu Te Uki explained mahinga kai thus before the Smith-Nairn Commission in 1879:

"We used to get food from all over our island; it was all mahinga kai. And we considered our island in a far superior position to any other, because it is called Waipounamu, the greenstone island, the fame thereof reaches all."

Highly organised seasonal timetables were followed to best utilise the resources available, and were unique to each hapu depending on the resources coming under their manawhenua. A large number of trails were used to gain access to

these areas, including those that traversed Te Tiritiri o te Moana (the Southern Alps) and lead to the treasured pounamu. The defence of these trails was delegated to specific hapu and whanau.

Besides the kakapo, a whole host of other kai (foods) were taken as well including: kaka, kea, tui and flora such as tikumu (*Celmisia* sp.), taramea (Wild Spaniard, highly valued for the perfume produced from it) and aruhe (fernroot). The Torlesse Range was a huge mahinga kai used by families from Kaiapoi Pa and the surrounding area.

Resource usage was determined by whakapapa and occupation, and traditional boundaries were jealously guarded by the individual hapu. The actual usage itself reinforced the user's manawhenua rights. These rights also carried with them the responsibility to manage the resource so that it would be available for future generations.

The high country was all part of the Ngai Tahu mahinga kai. The Ngai Tahu food gathering boundaries covered the whole inland range.

The loss of mahinga kai is due to four main factors:

1. Much of the mahinga kai is now depleted due to the destruction of the habitat.

2. Denial of access to mahinga kai by local by-laws and Government legislation.

3. The fencing of land for subdivision and occupation by pastoral farmers.

4. The introduction of predators such as rabbits, cats, dogs, ferrets and stoats which have severely reduced the traditional foods of Ngai Tahu.

Re-afforestation of the Canterbury plains is not a realistic goal, when much of it is in livestock and agricultural production. For these reasons, there seems little point in citing places as mahinga kai which are no longer available. Nevertheless, there are places in the Canterbury region to which Ngai Tahu still go to obtain foods.

It is important that all areas of remaining native bush be protected. These places must be retained as a mahinga kai, and they must be managed by Ngai Tahu. The Tribe have always argued that Kemp's Deed and the Treaty of Waitangi ensured full access and rights to all food producing places.

Ngai Tahu have been aware since last century that the native wildlife was being destroyed by introduced predators. For example, titi (muttonbirds) were formerly taken in many places on Banks Peninsula. Today there are not enough muttonbirds to take. The main reason is that each titi lays one egg in a burrow, triennially. On the



"The other big pests are Government officials who in ignorance destroy the burrows ..."

"Mahinga kai was, and is, central to the Ngai Tahu way of life."

mainland the eggs are prone to attacks from ferrets, stoats and rats. The adult birds are game for cats and dogs. The other big pests are Government officials who in ignorance destroy the burrows thinking that they are rabbit burrows.

Mahinga kai was, and is, central to the Ngai Tahu way of life. As mentioned in an earlier section, the collection and processing of mahinga kai is an important social and economic activity. Ngai Tahu are concerned that the collection of mahinga kai, in its numerous forms, should continue to remain an integral part of their culture.

Policy

1. That the quality and quantity of water in all waterways be improved to the point where it supports those fish and plant populations that were sourced from them in the past, and that these mahinga kai are fit for human consumption.

2. That wetland areas be created and expanded. All existing wetlands should be maintained at their present area at least, in recognition of their value as "buffers" in times of high rainfall and also their crucial importance to fish and plant communities.

3. Ngai Tahu maintain that future planning procedures should consider the fact that areas such as wetlands are important mahinga kai to Ngai Tahu.

4. Where productive mahinga kai areas still remain, strong policies should be adopted to maintain and enhance them. The Canterbury Regional Council should support the attainment of access provisions where necessary.

5. That local Ngai Tahu be allowed to establish temporary camps for the purpose of collecting mahinga kai during the appropriate seasons.

6. That the local Runanga should be involved in the management of all mahinga kai resources, including fresh and salt-water fish.

7. That the Canterbury Regional Council actively encourage and support all initiatives to restock lagoons and other waterways with native fish species, and all initiatives to maintain those places as a suitable fishery habitat.

8. See also the Tribal policies on water, especially as stated in Section 4, at 4-20 and 4-21.

Wahi Tapu

Introduction

In modern terms - in the Ngai Tahu rohe - the term wahi tapu refers to places held in reverence according to tribal custom and history. Some wahi tapu are important to the Iwi, while others are important to individual hapu or whanau. For example, Kaiapoi Pa is a wahi tapu of Tribal importance.

Wahi tapu in the Waitaha (Canterbury) region are places such as section 88 on the Kaiapoi Maori Reserve. Another category which comes under this term are those areas traditionally used by tohunga, for example, streams used during waitohi ceremonies.

www.kaitiaki.mta.govt.nz

Urupa

Of all wahi tapu the urupa is the most significant. They are important to Ngai Tahu as in these areas lay the bones of celebrated ancestors who are gone but never forgotten.

"Our dead are very close to us. They do not lie alone in that short space between death and burial. We stay with them every minute and talk and sing to them. When we have returned them to the earth we remember them in speech and song. Each time we meet one another after being apart, we pause and weep again, no matter how happy the occasion for our meeting".

The dead are a link to the past and to the land. By protecting the urupa, the mana of the ancestors and their descendants is also remembered.

Knowledge of urupa is often only retained by certain individuals within an Iwi. These individuals are not always willing to divulge the locations of urupa for fear of them being disturbed. The protection of urupa is discussed because of their deep significance and importance in Ngai Tahu culture.

Urupa can have statutory protection under the following Acts:

1. *The Historic Places Act, 1980;*
2. *The Maori Affairs Act, 1953;*
3. *The Town and Country Planning Act, 1977.*

However, the above Acts may be over-ridden in the Courts by other legislation, for example, the Petroleum Act 1981. Because of this, urupa do not have the absolute protection that Ngai Tahu require.

Urupa should have the same statutory protection afforded

cemeteries, at least, in both the rural and urban situation. We say 'at least', because we are aware that Pakeha seem to be able to forget about their dead and when convenient just go ahead and bulldoze a cemetery to make way for some modern project; for example the Bowen Street Cemetery for the Wellington motorway, or in Dunedin the Arthur Street playing field.

We want the Canterbury Regional Council to be quite clear that such behaviour in relation to any of our Maori cemeteries, officially recognised or not, would be entirely unacceptable. We believe that we currently have the sympathy and agreement of the Council in this respect, but the matter must be mentioned as it may indicate a need for future clarification of the law.

It is wrong that there should be any rule of precedence of statutes in the courts which would legally permit any of our urupa to be desecrated. In that respect, Ngai Tahu say that such statutory or Court rules of precedence, and so the statutes themselves, are contrary to the Treaty and should not be applied in the courts.

The Canterbury Regional Council should maintain a register of all wahi tapu and include them in District Planning Schemes.

Besides actually identifying an urupa in its scheme, the local authority should acknowledge the importance of existing urupa whether known or not. Further,

planners should allow for the establishment of new urupa in the future.

Generally, urupa are unmarked burial sites and can be found throughout the Canterbury Regional Council area. The term is also used to describe present-day cemeteries.

Urupa were usually first set aside on a family basis, that is people were placed in areas where they had a right to go. That right was based on whakapapa and turangawaewae. If such sites are accidentally uncovered it is important that the local Ngai Tahu Runanga be contacted and that the connected families be identified and notified before those sites are altered or affected in any way. This needs to be the shared duty of the local Runanga and the Ngai Tahu Maori Trust Board. Maps relevant to these Silent Files are to be found at 5-78 Appendix A.

Ngai Tahu are concerned that their urupa are not disturbed and for this reason have used silent files which cite the urupa in a general location. The "silent file" gives a *general identification* of a place where an urupa or any other important place is sited. Silent files are to be used only by kaitiaki approved by the Ngai Tahu Maori Trust Board and the families concerned.

Urupa were often marked by ti-kouka (*Cordyline australis*, Cabbage Tree). In general, any which is likely to disturb the ground near a visible ti-kouka should be undertaken with care in case an old grave

is accidentally opened. On the other hand and affecting our listings here, because these marker ti-kouka have frequently died or have been removed over time, an exact location is often now unclear. Therefore, if an urupa is sited in a paddock then that paddock will be identified but a site-specific location within the paddock cannot be given.

It will be for the Regional Council to approach the Ngai Tahu Maori Trust Board if the prescribed area is to be affected in any way. The Tribal Trust Board will be able to ensure the appropriate Runanga is involved (sometimes this will require two or more Runanga to confer), and they can also decide whether any non-Maori authorities such as the Police or the Historic Places Trust should also be informed. The Regional Council should never try to 'go it alone' and should always seek the assistance of the Ngai Tahu authorities at the earliest possible time, whenever bones, or taonga Maori such as cloaks or other artefacts are uncovered.

The purpose of contact with the Ngai Tahu Maori Trust Board is to allow the descendants the opportunity to recover, in a culturally appropriate manner, bones that may be under threat.

Throughout the whole Ngai Tahu rohe there are many urupa and it is impossible to identify all of them in the short time-frame available for this study. However, there are a number of burial sites which are important Tribally and which need to be protected and left as they

are.

Urupa are a sensitive issue. Ngai Tahu believe that in most cases they should be strictly left alone.

In some instances it may be desirable to re-inter the skeletal remains, for example perhaps if the site was known to contain only one ancestor and it is deemed by the Runanga and connected interests to be necessary to give way to development. In other cases, however, this would be inappropriate.

The uri (descendants) of the tupapaku are the only people who can make this decision, with assistance from Ngai Tahu kaumatua. The methods used to define the uri of the koiwi (human bones; also wheua) and which uri have the right to decide what happens is a complicated Tribal process. Therefore, our policy statements are:

Policy

1. That urupa must be given full statutory protection and access to those sites must be guaranteed.

2. That the Canterbury Regional Council should support moves to gain such protection, and should encourage others to acknowledge and respect Ngai Tahu's position.

3. That district

schemes should provide for urupa to be subdivided from larger lots. This is important as many Ngai Tahu sites have urupa on them.

4. That urupa should be recognised as a predominant use on Maori-owned ancestral land.

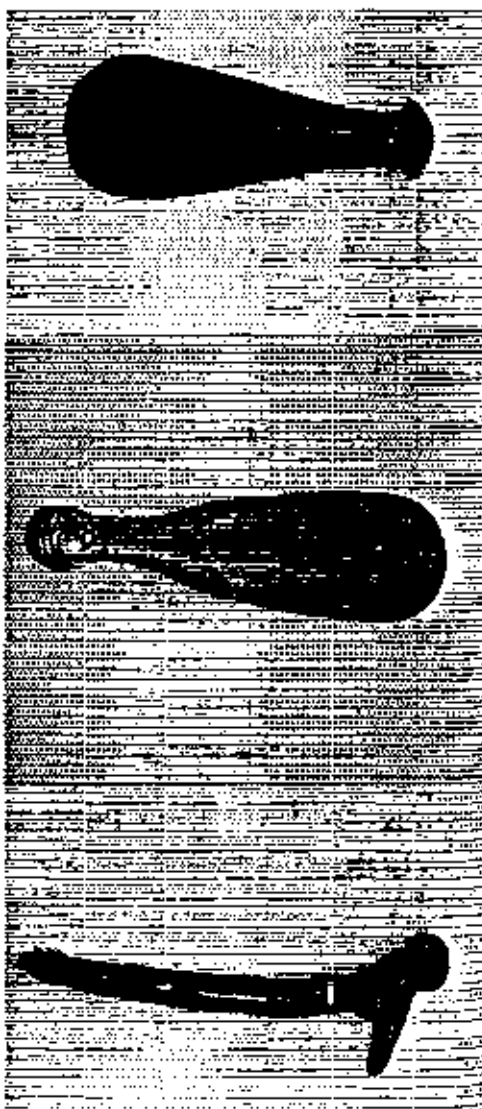
5. That urupa should be recognised as a predominant use in any rural zone.

6. That if wheua are uncovered on privately owned land then immediate contact must be made with the Ngai Tahu Maori Trust Board, and the local Papatipu Marae and Runanga (local representative groups) for the interment in an appropriate Ngai Tahu urupa or cemetery, if that is the desire of the descendants.

7. That for wheua uncovered on Crown-owned property, these remains be reinterred on site and fenced off, after consultation with the Ngai Tahu Maori Trust Board. Free access to these sites must be guaranteed.

8. A silent file will be kept on known burial sites by the Ngai Tahu Maori Trust Board. Where these sites are located out-

side Maori Reserved land they have been given a number and the general area has been marked on the relevant map in Appendix A to Chapter 5. Anyone proposing any change on or near one of these sites should consult the Ngai Tahu Maori Trust Board through the Regional Council's Iwi Liaison Officer. The Ngai Tahu Maori Trust Board in turn can initiate contact with those people who have a direct interest in that particular site. All decisions will be made on a site by site basis.



Nga Wahi Taonga: Tribally Treasured Areas

Introduction

This passage should be read in conjunction with that on Wahi Tapu. While treasured areas can also be correctly referred to as wahi tapu, the authors have chosen, for the purposes of this report, to make a distinction between the two categories.

Ngai Tahu Whanui have a personal relationship with the land which extends beyond mere occupation. This relationship begins at birth with the placenta, like the land, being called whenua. Traditionally, when the child is born the placenta is buried in the earth which expresses the belief that humankind originates from Papatuanuku and returns to her. This is an example of an individual's close relationship with the land, and the loss of land is the loss of self.

Tribally, Ngai Tahu Whanui have a similar relationship with the land. For example, when Ngai Tahu turn to Aoraki (Mt Cook), in one sense they see him as an old man - a relation. The same principle applies to the whole of the Southern Alps.

For these reasons it is important to identify those areas that are culturally important to Ngai Tahu. This is difficult because as the following lines indicate, Ngai Tahu can:

"Find tongues in trees,
books in the running
brooks, sermons in
stones, and good in everything."

This section develops the concept introduced above and aims to expand on the Ngai Tahu relationship with special places in the landscape.

The classes of sites that are covered are, in order:

1. Archaeological and Rock Art sites, including a case study on the lower Waitaki River;
2. Mountains and Mountain Ranges;
3. Fowling Trees, Historic Pa and Other Sites;
4. Tauranga Waka (canoe landing sites);
5. Buried Whakairo (important art and pouāmu).



It should be noted that the sites listed are indicative only and should not be considered a comprehensive listing. Rather, it is an attempt to show the importance of these sites and express their significance to Ngai Tahu Whanui.



ARCHAEOLOGICAL AND ROCK ART SITES

Introduction

Archaeological and rock art sites exist, not only as entities in their own right, but as part of a much larger Ngai Tahu identity. Logically extended, this relationship ties these sites into a more general picture over both time and space. Some areas must be considered in light of the contribution they make to the greater picture, not merely on the basis of their individual and isolated attributes as historical, archaeological and rock art sites.

These taonga are very important to Ngai Tahu Whanui (the entire Ngai Tahu Tribe), as the study and analysis of them furthers the academic understanding of their tupuna and their world. Through scientific study the Tribe learn more of their tupuna, and therefore, learn more of themselves. These sites and taonga are an integral part of Ngai Tahu.

Archaeological Sites

Ngai Tahu concern with archaeological sites extends beyond that of ancestral connection alone. They are also valuable sources of information on the activities of their tupuna which those in the present world know little about.

In the past, knowledge gained from academic pursuits has been of great value in shaping Ngai Tahu understanding of their ancestors. This is particularly so with regard to the more mundane aspects of their lives which are not usually so well defined in traditions.

In this respect, Ngai Tahu note the value of archaeological investigation, although such undertakings are in themselves destructive of the sites. Because the sites are destroyed, it is desirable that as much information as possible is gained in the process.

Each site must be considered on its own merits. However, on the whole there is little objection to the excavation of archaeological sites, and depending on the results, the subsequent use of the land - provided that the following criteria are met:

Policy

1. That all archaeological sites of interest to Ngai Tahu Whanui be given formal protection, and that the right to modify them shall remain solely with Ngai Tahu.

2. That the decision as to whether or not any such site is excavated rests with the affected Runanga and the Tribe alone - in consultation with family members where appropriate - and permission will be granted for each site individually. All such decisions shall be at the sole discretion of the affected individuals.

3. That, consistent with the policies on urupa above, no burials should be disturbed. Should human remains be revealed, the excavation should stop immediately until approval for recommencement is given by the Runanga concerned.

4. That, with due deference to the Historic Places Act, Ngai Tahu retains the right to approve those who undertake the excavations and agree their criteria.

5. That a site is to be excavated in its entirety.

6. That all the material from the site must be processed and analysed in

full as soon as possible following excavation. Ngai Tahu is dissatisfied with the amount of material which is removed from sites and then placed in storage awaiting future analysis. This results in the potential loss of information, and of the material itself, and often such material, we believe, becomes neglected by the investigators in favour of "fresh" material.

7. That if the excavation reports, either individually or collectively, suggest that further investigation or research is warranted, then this should be undertaken, up to the professional or scientific publication level if justified. The commitment to complete the task must be evident as a pre-requisite for Ngai Tahu approval.

8. That strict academic and professional criteria and procedures must be met. In this respect Ngai Tahu request that consultants approved by the Runanga and Trust Board be involved, as several Ngai Tahu may qualify.



9. That all excavating and subsequent processing must be undertaken with the measure of cultural sensitivity that the sites merit, and that tikanga Maori must be observed.

10. In addition to the above points, Ngai Tahu insist that all archaeological sites which reasonably may be expected to be affected by any development activities are investigated. These activities include sites that are in the line of, or nearby to any road, working area, dumping site, stockpiling areas and so on. Such sites are as much at risk as any site directly affected by a development proposal.

Rock Art Sites

See the Case Study in the Arowhenua schedule, which appears in section 5 - 66.

Policy

After investigating the records covering the area of this case study, Ngai Tahu have come to the following conclusions:

1. Rock Art sites of exceptional traditional, spiritual or scientific interest should not be dis-

turbed. Before any development proceeds that could disturb rock art sites, the developer (or planning authority if planning consents are required) shall consult with the Ngai Tahu Maori Trust Board. Ngai Tahu retain the sole right to determine which, if any, sites may be disturbed, and consider that they are entitled to be told, if necessary in confidence, all planning and policy data that are needed to form a reasoned determination.

2. Before the Tribe could state its position in respect of any particular major development affecting rock art sites it would require: a) a map of all areas that will be affected in the *process* of development;

b) a comprehensive and factually informed picture of the distribution of sites.

3. To fulfill the needs of above paragraph, an extensive survey should be undertaken in order to pinpoint all rock art sites potentially to be affected by future development. This would allow all parties to consider which development option is preferable, in a balance of all the proper interests, on the basis of sound factual information.

Mountains and Mountain Ranges

The importance of geographical features to the tangata whenua has been outlined in some detail in earlier sections. The following case study attempts to highlight the significance of these features by concentrating on Aoraki (Mount Cook).

CASE STUDY: AORAKI

Ka tahi au
Ka kitea ai
I a Aoraki
E tu mai ra
E ngaro ana koe
I roto i te kohu
me te hukarere

Aue ra
E Aorangi
Te Maunga Ariki
Maringi ai
O roimata
Ki roto o Pukaki

Katahi ra
Ka haruru mai
Ki te awa o Waitaki
Ka ata titiro
Nga mania
Tekateka o Waitaha

Mehemea au
Ka tu oho ai
Me maunga teitei

Noho mai ra e
Kei te hoki ahau
Ki te ohonga
O te ra e-e-e

I stand alone
And gaze upon
Aoraki who stands
paramount over all
You are lost,
hidden in the mists
and heavy snows

Alas, there you are
Aoraki, our mountain
who reigns supreme
and whose tears
spill
into Pukaki

Behold, there
resounds the mighty
waters of Pukaki as
they thunder into the
swirling pools of the
Waitaki
to where I see the many
pastures
of the Canterbury Plains

Indeed, if I must
bow my head
then let it be
to a lofty mountain

Remain there, majestic
Aoraki
As I shall return to
humble myself before
you again
On that last day.

Aoraki



(8)



held by the cold dark ocean. As the *karakia* stumbled into error, the upward flight lost momentum and the bow and forward part of the *waka* crashed back to the surface. Thus the prow of the *waka* was smashed into many fragments, which you can still see as the many islands and deep sounds and fissures at the north of the South Island. That region today is known as *Te Tau Ihu o Te Waka* (but the northern tribes now living there attribute the canoe to Maui, not Aoraki who was much more ancient.)

After this crash landing the great canoe overturned and Aoraki and his brothers were forced to climb on to the back of it to avoid drowning. They were stranded in the ocean with no way to return home and eventually the broken *karakia* caused the canoe and all of the crew to be turned into stone. The bodies of Aoraki and his brothers, all of them great chiefs in their own right, were changed into mountains, forming the Southern Alps so famous today, with Aoraki being the highest.

It was this canoe which became the South Island (one old Maori name for which is *Te Waka o Aoraki*, The Canoe of Aoraki) and

Aoraki and his brothers thus became the first mountains in New Zealand. (It will be remembered of course that Aotearoa, the North Island of New Zealand, came into existence very much later, when the explorer Maui fished it up from the depths of the sea, while standing on the *Waka-o-Maui* (another later name for the South Island), at a place now known as *Te Taumata-a-Maui* in the Banks Peninsula region.)

Returning to the ancient times of Aoraki and the creation story of *Te Waipounamu*, for a long time after the *aitua i runga o Aoraki* (disastrous petrification of the *waka* and of Aoraki and his crew), there was only a stark rocky landscape utterly devoid of life, and of fresh water and other features required for life to become established. Because of the *aroha* (pity) of the beings who became the gods of Kati Waitaha, Kati Mamoe and Kai Tahu, the heavenly realm again intervened. And so there were many other events related by Ngai Tahu traditions involving visits by other *Atua* (gods) and their energetic feats transforming the landscape and

introducing various forms of life so that the fate of their sacred relatives of the original crew would no longer be barren.

We do not need to relate all these traditional stories here, except to say that the events which took place later by courtesy of the gods and of Rakinui and Papatuanuku made the petrified canoe of Aoraki into a beautiful and habitable place for ordinary human beings (Tangata Maori). However, this story shows the central role of Aoraki in the Ngai Tahu creation stories, and the part he therefore plays in maintaining their unique identity. Modern Ngai Tahu regard Aoraki as a sacred mountain, and they know many Pakeha also share that regard.

As Aoraki represents the beginning of human presence on the South Island, he is also the last place referred to by some Ngai Tahu families in the takiaue (tangihanga, or funeral services) as they send the spirits of their dead away on their last journey, to pause and get their bearings, and to look back towards us for the last time to acknowledge our crying for them, and then to journey back to Hawaiki, the homeland of all Maori. Aoraki in this instance becomes the first stepping stone from which the soul departs finally from the world of the living, leaping off from the last step at Te Rerenga Wairua in the far north at Cape Te Reinga.

In a modern context, Aoraki has become the unifying symbol of Ngai Tahu Whanui and is the one paramount image which signifies the Tribe as a whole. In earlier times, Ngai Tahu consisted of many more loosely affiliated hapu and whanau, who often shifted loyalties and even fought amongst themselves. However, over time Ngai Tahu Hapu throughout their large territory began instead to bind themselves together at a higher level and identify as an Iwi unified on a "national" basis.

Just as Aoraki is a taonga of Ngai Tahu Whanui, so too are the other mountains standing on Te Waka o Aoraki.

Mountains associated with Aoraki also serve as memory maps to the many Ngai Tahu trails which spread across Te Waipounamu. They were also the distant locators used by fishermen when they were sailing to their tauranga hi ika (fishing grounds) far out to sea. Much traditional evidence of these major and regularly repeated navigations at sea, as well as the traverses inland across difficult tramping country, was given in some detail at the Waitangi Tribunal hearing the Claim Wai-27 (Te Kereme).

All of these natural features are of great importance to Ngai Tahu Whanui and must be protected from both physical and spiritual desecration. Ngai Tahu will always maintain that they alone own the histories to Tribal taonga, including for example, Aoraki and the Moeraki Boulders.



Policy

1. That any interpretation of Ngai Tahu histories for either public or commercial reasons must be approved by the appropriate Runanga and its members and beneficiaries. This policy includes identification of traditional place-names.

2. Any development which physically impacts on these taonga must have the approval of the appropriate Runanga and the Tribe before proceeding.

In order to avoid citing these locations exactly, and therefore risk disturbance to these sites by "curio hunters", they have been listed as Silent Files.

Ngai Tahu History, Culture and Whakapapa

There are a number of organisations who appoint researchers to write the local histories of their regions. Because Ngai Tahu histories are so complex it is essential that the Ngai Tahu Maori Trust Board be approached when organisations require information.

The detailed historic and traditional evidence of Maori in the South Island which has been put before the Waitangi Tribunal is now available in the Canterbury Public Library and the Canterbury University Library. Without question this is the best record of South island Maori from pre-history to the present time. It is the work of four professional historians and two anthropologists, assisted by Ngai Tahu university graduates and our supporting lawyers, and based on information obtained from expert Ngai Tahu sources as well as the extensive literature and records on Ngai Tahu written by Pakeha officials or experts over the past 200 years.

Even so the record is far from perfect, and in particular it omits a large amount of Ngai



Tauranga Waka

Tauranga waka are places where Ngai Tahu beached their canoes. Ngai Tahu have a number of historical tauranga waka that are culturally important to them, and these can be found throughout the South Island.

The importance of these tauranga waka to Ngai Tahu is similar to the significance of, say, Cook's Cove in Queen Charlotte Sound where Captain Cook anchored the Endeavour, as seen by the Pakeha.

Buried Whakairo

Ngai Tahu have a number of places where Tribal taonga in the form of carvings or pounamu are buried.

Tahu traditional knowledge
Tahu Tahu traditional knowledge which was considered not necessarily directly relevant to the case put before the Waitangi Tribunal. Also some relevant material was omitted just because of lack of time or sheer exhaustion amongst the small team of people struggling to keep up to the very demanding timetable of public hearings set by the Tribunal to deal with this very complex Claim.

However, most such difficulties were overcome by the Tribal authorities and scholars assisting the Tribunal, and the huge body of material now in the official Record of Documents for the Claim forms undoubtedly the most extensive account of Ngai Tahu history, and the struggle of the Tribe to survive against overwhelming odds, that is likely to be seen for a long time.

Ngai Tahu can take no responsibility for any material written by people that have not been approved by the Ngai Tahu Maori Trust Board and the affected Runanga, and will not be bound by such work.

Policy

1. That any interpretation of Ngai Tahu histories for either public or commercial reasons must be approved by the appropriate

Runanga and its beneficiaries. This policy includes identification of traditional place-names.

2. That only that work done by consultants approved by the Ngai Tahu Maori Trust Board and the appropriate Runanga will be acceptable to Ngai Tahu.

Notes

1. NZTPA 1987: 76.
2. The Ngai Tahu Claim, Wai 27, Document J10.
3. Personal comm: R.Bell.
4. Cowan 1987, p.105; Beattie 1939, pp.86-87.
5. Te Rapuwai were an early small Tribe resident in Te Waipounamu, prior to the Ngati Mamoe and Ngai Tahu occupations.
6. Ashley River Mouth Stability: Issues and Options, North Canterbury Catchment Board and Regional Water Board, 1986.
7. AJHR, 1891 G-7: 47-48.
8. This song was composed in the early 1970s by a Ngai Tahu taua (grandmother or an elder aunt) for her niece who was leaving to live in Auckland.
9. Te Waka o Aoraki, personal communications Dr Maarire Goodall, Rima Te Aotukia Bell and others.

[5]

MAORI RESERVED LAND & CASE STUDIES

In this Chapter we provide a detailed schedule of Maori reserve lands, and some exemplary case studies.

Methodology

This section follows the general layout established in the Policy Section given earlier, and as far as possible conforms to the following format:

GEOGRAPHICAL REGION

Reserves

Fishing Easements

Mahinga Kai

Urupa

Maps

Case Studies and specific policies have been included at appropriate places throughout the text.

The policy statements, in a general form, are all included in the Policy Section, and *all* relevant policies should be considered when evaluating a particular site.

Each area mentioned in the text

is accompanied by basic data about its reserve, block, and where appropriate, section number. A Maori Reserve is identified by the letters MR, followed by that particular reserve's number. Areas are given in hectares or acres wherever the data is available, together with the date of the most recent aerial survey (where available the metric measures are used).

The records of Maori Reserves are held in the Maori Land Court, where they can be searched by the public in the same way as general land is searched in the District Land Registry Office. The Christchurch Maori Land Court holds the records for the entire Canterbury region and can be found in the Government Departments section of the telephone book, under Justice.

Where silent files have been used, a map showing the general location of that site is given in Appendix A. All sites registered (so far) with the Historic Places Trust are mapped in Appendix B, and schedules in Appendix C record details for each site. *It must not be assumed that any site not yet registered will not be subject to the Trust's legislation.* The study and registration of historic and traditional sites well known to the Tangata Whenua is an ongoing process that is far from complete at present.

Introduction

"... reserves were included in the sale of various blocks of land to the Crown, usually against Ngai Tahu wishes."



"... [Waitangi] Tribunal considers Ngai Tahu claims in this regard to be highly justified."

The reserves mentioned within this part of the report lie within the boundaries of the Canterbury Regional Council. These reserves were included in the sale of various blocks of land to the Crown, usually against Ngai Tahu wishes. The Tribe sought to have lands set aside from each of these sales for their own use. However, the Crown insisted on buying all lands and promised that it would later create reserves for Ngai Tahu. For present purposes those reserves were "granted" by the Government in 1848 and by the Native Land Court in 1868, 1880 and 1887.

Ngai Tahu have constantly claimed that the reserves were always and are still inadequate. In the remarks made by the Deputy Chairman of the Waitangi Tribunal at the end of the Ngai Tahu Claim, Wai 27 on the Tribunal's register, it was made clear that the Tribunal considers Ngai Tahu claims in this regard to be highly justified.

(46)

The first reserve dealt with is the Kaiapoi Maori Reserve. It is treated as a case study because it is the largest reserve in the South Island, and one in which many Ngai Tahu have an interest. Kaiapoi exemplifies the issues which have affected all other Ngai Tahu reserves.

KAIAPOI

Reserves

CASE STUDY:

KAIAPOI MAORI RESERVE 873

Maori Reserve 873,
Block ix, Rangiora SD.

Area: 2,640 acres

Description

While the legal description for this area is the Kaiapoi Maori Reserve, it is widely known as Tuahiwi after the principal settlement within it. The name Tuahiwi, properly Te Tuahiwi, literally means 'the back ridge'.

Traditionally, Tuahiwi was a mahinga kai outpost of the Kaiapoi Pa. It was primarily an area of gardens and was guarded by a number of local whanau.

Kaiapoi Maori Reserve 873

This reserve was set aside in 1848 following the signing of the Canterbury Purchase (Kemp's Deed). Following Kemp's visit, Walter Mantell, the Land Purchase Commissioner, was instructed by Lieutenant-Governor Eyre to finalise the negotiations entered into by Kemp and Ngai Tahu. Mantell's principal task

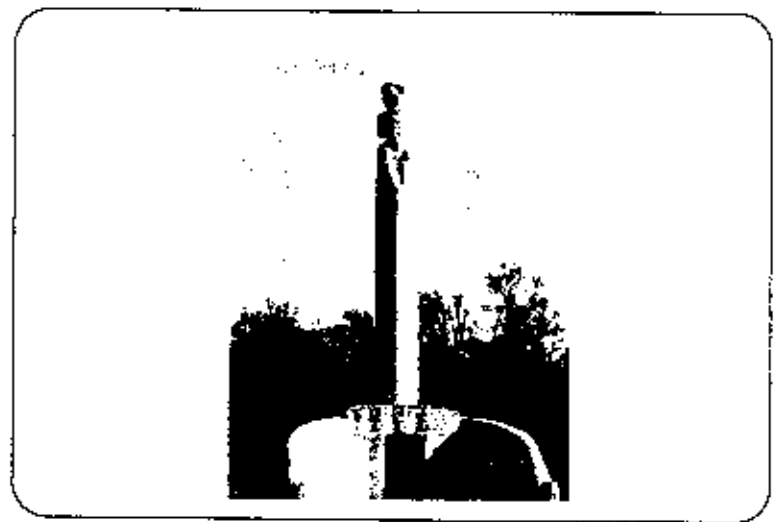
was to set aside ample reserves for Ngai Tahu, for both their present and future needs.

Mantell considered 10 acres per person was ample to live on but the Native Land Court later added an additional 4 acres. As a result, the reserve amounted to 2,640 acres. It should be noted that 50 acres per head was considered to be the bare minimum for Europeans at that time.

As a result of pressure, Governor Gore Browne approved the sub-division of the Kaiapoi Reserve into individual titles in 1860. This was the first model experiment in the individualisation of Maori land in New Zealand. All other Reserves in the Canterbury region were soon to follow the Kaiapoi example.

Despite what the Kaiapoi chiefs were encouraged to believe, the results of individualisation of title were disastrous. Married women and children did not receive any land allocations, and the granting of separate titles opened the way for the accelerated alienation of Maori-owned land. The Government had achieved its objectives. By the late 1800s the Kaiapoi Ngai Tahu were severely disadvantaged - both socially and economically.

With the subdivision of the Kaiapoi Reserve, alienation quickly followed. Many Ngai Tahu were forced to lease their sections, often for less than their market value, because they could



Kaiapoi monument

not afford to work the land. Of this practise Buller noted:

"The propriety of giving power to lease to Europeans admits serious doubt. Common experience suggests the danger of opening thereby a way for the inroad of a class whose influence far from promoting the welfare of the Natives, would rather tend to demoralize and degrade them, and thus deflect the primary design of this scheme."

"... results of individualisation of title were disastrous."

Taituha Hape, a Ngai Tahu kaumatua, explained to the 1891 Commission how the practise of leasing trapped the people in a cycle of poverty:

"The 14 acre farms at Kaiapoi were all the people had to live on. The supplementary land belonging to them was comparatively useless. The rents of the Kaiapoi lands in most cases had been drawn for several years in advance. The areas owned by the people were too small to crop. Debts were contracted, and tradesmen were urgent for payment; this drove people to obtain money in advance on their rents, and the result is that they have nothing left to live on."

"... Ngai Tahu were severely disadvantaged - both socially and economically."

"... they have nothing left to live on."

One of the few options left open to these people to pay their debts was to sell the land, which many did.

In the 1950s, many Ngai Tahu migrated into the urban areas and in Canterbury, Ngai Tahu from traditional kainga moved to Christchurch. This rural to urban drift of Maori was part of an overall pattern being experienced throughout New Zealand.

Reasons for the urban drift are many. Personal desire to leave an economically stagnant kainga in the hope of finding a better future beyond the reservation was one reason. Often the employment opportunities were in the urban areas. Also, the loss of land through Government alienation policies led to families having to leave the "Pa".

"... the 1865 Land Act .. objective was to ... encourage the extinction of [native] propriety customs".

By the early 1980s a significant portion of land had passed out of Maori ownership and it was estimated in 1981 that approximately one third only of the Kaiapoi Reserve remained in Maori ownership.

Tuahiwi, as with all Ngai Tahu kainga, was a reserve that consisted of too little land. One hundred years after the reserve was "granted", there was not enough land to provide an economic base for a community which had, by that time, grown much larger.

The unwelcome result of transferring Maori land into individual title was multiple ownership of land. By the turn of the century ownership had come to mean unpaid rates and numerous owners, which in turn meant that the land became uneconomic. Multiple owned land and the resulting problems were created by Government actions. Successive Land Acts have made the matter worse and have usually hastened the alienation of Maori land. Sewell, a southern Member of Parliament, said that the purpose of the 1865 Native Land Act was:

"... to destroy, if it were possible, the principle of communism ... upon which their [Maori] social system was based." (3)

The preamble to the 1865 Land Act stated its objective was to:

... encourage the extinction of [native] propriety customs". (4)

By 1907 the Stout-Ngata Commission on Native Land stated:

"It is difficult for a European settler to acquire Maori land owing to complications of title, it is still more difficult for a Maori owner to acquire his own land ... His energy is dissipated in the Land Courts in a protracted struggle, first to establish his own right to it, and secondly to detach himself from the numerous other owners to whom he is genealogically bound in the title."

The problem of unpaid rates is an unfair burden on Maori land-owners. Usually for a multiple owned section any identifiable shareholder is rated. Ngai Tahu maintain that the Crown should be responsible for finding the owners of multiple owned land so that each individual owner can be made responsible for his or her proportionate share of rates and other charges.

This may seem pedantic but Ngai Tahu have lost too much land, time and energy, dealing with a problem not of their own making. The other major problem associated with multiple owned land is to do with building. This is discussed in more detail in the Rapaki section, 5.27.

By the late 1970s, the local Runanga became concerned that their reserve was slowly being alienated.

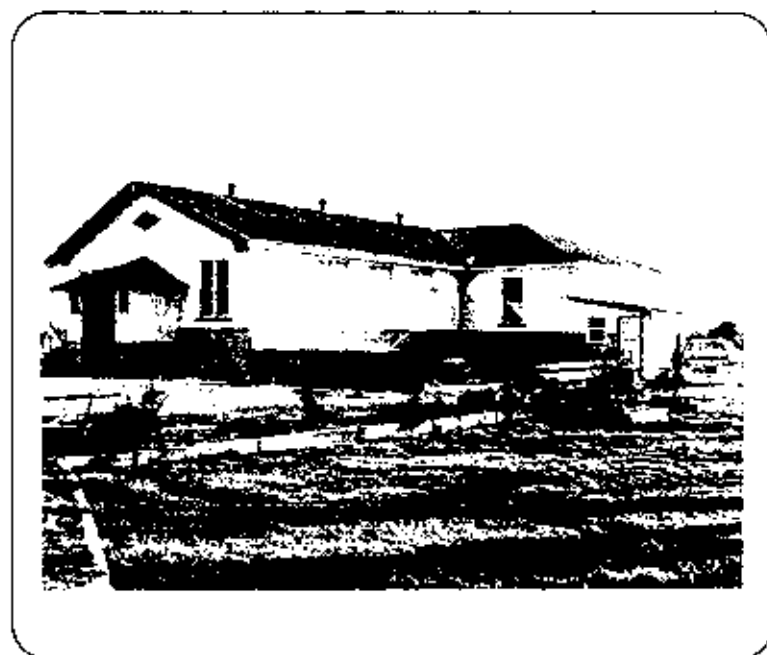
There was a problem, however, in rebuilding on Tuahiwi land because of the zoning policy under the Town and Country Planning Act, 1953. The Tuahiwi land was classified as Rural A, the classification which covered the rural land within the Kaiapoi, Rangiora, and Woodend regions. The purpose of this zoning was to:

"... retain the land surrounding the main urban centres for farming purposes and a small number of other residential uses ...".

(5)

In practice this meant that the land was meant only for farming, afforestation, market gardening and plant nurseries, apart from some factory farming and the housing or keeping of any animals other than in a paddock. Dwellings could only be built as an accessory to these 'economic farm units'.

(6)



This meant that Ngai Tahu who wanted to build in Tuahiwi could not do so if they did not meet the above requirements. In 1978 a meeting was called at the Tuahiwi marae where Ngai Tuahuriri met with the Rangiora County Council. The Ngai Tuahuriri Runanga presented their argument, stating that the 1848 Canterbury Purchase (Kemp's Deed) provided that:

"... for us and our children after us ..."

"... our [Ngai Tahu] places of residence and our cultivations are to be reserved for us and our children after us ...".

(7)

However, the zoning policies of the County Council disallowed

this. After a number of subsequent negotiations, an agreement was reached which allowed the building of houses on the Kaiapoi Maori Reserve. This occurred because the Rangiora District Council and their planners discussed the historical background of the Reserve with the local Tuahiwi land-owners and reached an agreement giving effect to the original intention of the reserved land.

Tuahiwi is now classed as a Rural D Zone (Tuahiwi Community Zone). This means that the Rangiora County Council recognises the traditional and cultural interests that Ngai Tuahuriri has in its ancestral land and permits the descendants of the original grantees to occupy the land and build residences as was intended by the original Crown grant.

Within the Kaiapoi Maori Reserve there are several culturally important and historical sites. Those sites are listed as follows:

PAKIAKA

Maori Reserve:
Section 543-544.

Area: 10 acres

Description

This was formerly an outpost mahinga kai of Kaiapoi Pa and was known as Totaranui. Pakiaka was the name given to it by Ngai Tahu when they established themselves

in the Kaiapoi district - as it records the name of an older Ngai Tahu Pa in the North Island. The main food taken here was eel.

In 1886 the Native Land Court granted Pakiaka to six claimants.

Silent file: 011

Map 5.78 A

PIKI TU ROA

Section 88b.

Silent file: 012

Map 5.78 A

WAITUERE

Maori Reserve:
Section 2

Description

Waituere is sited on the banks of the Ruataniwha (Cam River). Within this site is an urupa which is now unfenced and unmarked. This place also has other significant cultural associations.

Ownership is vested in Trustees nominated by the Ngai Tuahuriri Runanga.

Maori Reserve:
Section 34 - 35

"... culturally important and historical sites"

Area: 1 rood 25 perches

the Ngai Tuahuriri Runanga.

Description

This section is located adjacent to the Tuahiwi Marae (sections 32 and 33).

In 1981 it was in danger of being vested in the Rangiora County because the rates were not being paid. The owners decided that the best solution was to set the section aside as an ancillary to the Tuahiwi Marae.

As a result, the section was vested in the Runanga in 1984.

TE TUAHIWI MARAE

Sections 32 & 33.

Area:

Section 32: 1 rood 23 perches
Section 33: 1 rood 23 perches

Description

The Tuahiwi marae is sited on two sections of land gifted by the original owners to the Ngai Tuahuriri Hapu for the purposes of a marae.

In 1980, sections 32 and 33 were re-gazetted as Maori Reserves under Section 439 of the Maori Affairs Act, 1953. The land is vested in Trustees nominated by

TUAHIWI SCHOOL

Section 91a.

Area: 20 acres

Description

The site where the Tuahiwi School now sits was part of the site set aside by the Kaiapoi Ngai Tahu for a Church and a school which were to be run by the Anglican Church. This site (section 91) was given for these purposes in 1859. However, for a whole host of bureaucratic reasons, the Tuahiwi School did not start up until 1865. In 1870 the school was razed by fire.

(8)

Under the Kaiapoi Native Industrial School Grant Act, 1870, the land passed into the ownership of the Government which set aside 16 acres for the Anglican Church and 4 acres for the Tuahiwi Native School. The section where the Tuahiwi School now sits is section 91a.

On most Ngai Tahu occupation reserves some families gifted land to the Government so that school buildings could be erected. Generally, Ngai Tahu also did a large amount of fund raising to purchase the timber for these schools. However, the land was given only for the purpose of maintaining a

"... most Ngai Tahu .. gifted land to the Government so that school buildings could be erected."

school site and if the school should close, then Ngai Tahu considered that the land would return to the original owners. Often this has not occurred and the Education Board has sometimes tried to sell the land in ignorance.

Policy

1. If any land is no longer required for its original purpose then the land is to be returned to the original owners or the Runanga concerned.

OROHAKI

Maori Reserve 893-894,
Block xiii/xiv,
Mt Thomas SD.

Area: In 1880;

MR 893 was surveyed to 213
acres 2 roods 18 perches

MR 894 was surveyed to 363
acres 0 roods 6 perches

Description

In its modern context Orohaki refers to those Maori Reserves sited beneath Birch Hill in the Mount Thomas district.

Orohaki was one of the Ngai Tahu mahinga kai, specifically used to catch kiore (bush rat). It was also part of the Kaiapoi food gathering network.

Ownership was determined by the Court in 1887 and today the land is vested with Trustees who lease the lands to local farmers.

OXFORD

There are a number of parcels of land in the Oxford district, specifically:

Maori Reserve 2034, Block v
Maori Reserve 2035, Block iv
Maori Reserve 2036, Block iii
Maori Reserves 2037 & 2038
Block vii.

Area: The area was surveyed in 1878;

MR 2034
18 acres 2 roods 18 perches

MR 2035
13 acres 2 roods 12 perches

MR 2036
108 acres

MR 2037
14 acres 3 roods 37 perches

MR 2038
314 acres

Description

This land in the Oxford district has been farmed, mainly by Pakeha farmers, since it was surveyed. Reserves 2034, 2035, 2036 and 2037 are in general title today.

MR 2038 has been subject to a whole host of partitions. Today

only about 113 acres remains as Maori land. This reserve is otherwise known as Mairaki or Starvation Hill. This was formerly an area where ti kouka was cultivated and worked by the Kaiapoi Ngai Tahu.

There are urupa in this area but a site-specific location cannot be made today.

TAWERA

Tawera includes three Maori reserves in its district. They are:

MR 893, Blocks viii & ix
MR 2061, Block iii
RS 18776, Block vii.

Description

MR 893 has been farmed by the Dawson family who are part-owners in this reserve. The other two Reserves are vested with the Maori Trustee who lease the sections.

KAIKANUI

Maori Reserve 877,
Block xv, Rangiora SD.

Area: The area surveyed in 1898 was 4 acres 1 rood

Description

Kaikanui is an old Ngai Tahu kainga nohoanga (established village area of occupation) which is sited near the Waimakariri River. As with all occupational sites, this area was sited to give access to the mahinga kai within the area. It was traditionally an outpost of the Kaiapoi Pa.

This reserve was surveyed in 1848 by Walter Mantell, who gave the area as 5 acres. However, in 1898 it was properly surveyed and the area was declared to be 4 acres 1 rood.

In 1969 this reserve was sold by the Maori Trustee.

PUHARAKEKENUI

Maori Reserve 892.

Area: 72 acres

Description

This was a Crown grant made in 1868. However, this was not part of the reserve allocations made by the Native Land Court in the same year. Rather, it was a Crown grant to the owners of the Kaikanui Reserve.

Although this reserve was requested as a 'fishery station', it

"... an area where ti kouka was cultivated"

"... kainga nohoanga ... [were] sited to give access to the mahinga kai within the area."

was separated from the river-mouth of the Waimakariri by a one chain reserve.

The area surveyed in 1868 was stated as being 72 acres .

(9)

There are urupa either near or on this reserve, but a site-specific location cannot now be made. Ngai Tahu policies on urupa are outlined in the preceding section, at 4 - 20 (#2), and 4 - 27 to 4 - 28.

Fishing Easements

WAIMAIAIA

Maori Reserve 899,
Block viii Teviotdale SD

Area: 4.3503 hectares

Description

Traditionally, Waimaiaia was

Tuahiwi,
St Stephens



part of the Ngai Tabu mahinga kai network.

It was reserved as a fishing easement by the Native Land Court in 1868 and ownership was determined by that Court in 1886. The Court recognised the original 116 original owners of the Kaiapoi Reserve and their issue as the owners.

(10)

In 1971 the Ngai Tuahuriri Runanga recommended to the Maori Land Court that Waimaiaia be set aside as a Maori Reservation. The purpose of the Reservation was to be a place of recreation and use for the Ngai Tahu living in the Tuahiwi-Kaiapoi district. The Court also appoints Trustees on the nomination of the Ngai Tuahuriri Runanga.

(11)

TOROTOROA

Maori Reserve 895,
Block ix Teviotdale SD.

Area: 14,1640 hectares

Description

As with Waimaiaia, Torotoroa was gazetted as a Native Reserve in 1868 by the Native Land Court. The area at that time was 26 acres. It was supposed to have been 20 acres in the original survey but the area increased due to drainage.

By 1879 the lagoon had become useless because of the continuing drainage operations of local farmers and so, in 1880, the Kaiapoi Ngai Tahu lodged a petition to have the bed of the lagoon granted to them. The Court consented to this and under the 1877 Native Land Act another reserve was added, known as Maori Reserve 2557. This added a further 9 acres, increasing the Reserve area to 35 acres.

(12)

Ownership of MR 895 was determined in 1887 by the Native Land Court. The Court listed 108 Ngai Tahu who were originally in the Kaiapoi Reserve and their uri (descendants).

Ownership of MR 2557 remained uncertain until 1970 when the reserve, along with MR 895, was vested in Trustees nominated by the Ngai Tuahuriri Runanga. The land was to be leased and/or afforested and the proceeds were to go towards the upkeep of the Tuahiwi Hall and Cemetery.

TE AKAKA

Maori Reserve 896,
Block viii Rangiora SD.

Area: 4.0468 hectares

Description

Te Akaaka was an outpost mahinga kai and tauranga waka

(canoe landing site) of the Kaiapoi Pa, within the estuary of the Rakahuri (Ashley River).

Its main foods were two types of cockle, pipi, eels of various types, tuatua (*Amphidesma subtriangulatum*, a bivalve mollusc) and fish. Harakeke was also taken from the area and it was used as a dressing for wounds.

Te Akaaka was granted by the Native Land Court in 1868. It is sited at the mouth of the Ashley River.

In 1880 an addition was made to this reserve by joining another 13 acres (Maori Reserve MR 2486) on to it. The reason for this was that the Kaiapoi Ngai Tahu petitioned Government over the destruction of their mahinga kai at the mouth of the Ashley River. However, on the survey in 1883 it was discovered that MR 2486 had also been eroded and that only 3 acres 3 roods could be given. Also, MR 896 had been further eroded and in 1890 the area came to only 6 acres 1 rood instead of the original 10 acres.

(13, 14)

Ownership of MR 896 was determined in 1887 by the Native Land Court. The owners numbered 116 and were the original owners of the Kaiapoi Reserve and their successors. MR 2486 remained in Crown ownership until 1970 when the Court awarded the land to the same people as MR 896. Later in 1971, the Court appointed the Trustees to Te Akaaka, after they had been nominated by the Ngai Tuahuriri Runanga. The Trustees had the power to lease the land and any

"... By 1879 the lagoon had become useless because of the continuing drainage operations "

"... Ngai Tahu petitioned Government over the destruction of their mahinga kai "

proceeds were to go to the upkeep of the Tuahiwi Marae.

In 1979 the area had altered yet again, leaving dry land near MR 896 which was vested in the North Canterbury Catchment Board. This was changed and a new survey in 1981 showed 10 acres as being part of MR 896.

"... where a significant ancestor lies."

(15)

Besides being a mahinga kai, there is also an urupa in the area, where a significant ancestor lies.

TAERUTU

Maori Reserve 898,
Block viii, Rangiora SD.

Area: 4.8562 hectares

Description

This area was previously a swamp. As with Tutaepatu, a portion of it was used by the local Ngai Tahu as a mahinga kai. Taerutu properly refers to a lagoon sited near the Kaiapoi Pa. Before the area was drained the lagoon covered the outer part of the Pa site and provided canoe access. Eels were taken from it as well as various types of freshwater and coastal shellfish.

In 1868 the Native Land Court granted a 15 acre fishing easement near the lagoon (MR 898). However, in 1890 the area surveyed was only 12 acres. (Wai-27, #P 10)

(46)

The owners were those listed in the Kaiapoi Reservation, and the Reserve is vested in trustees nominated by the Ngai Tuahuriri Runanga and a member appointed by the Ngai Tahu Maori Trust Board.

Taerutu is also an urupa and wahi tapu of the Ngai Tahu.

Silent File: 014, Map 5.78 A

MAHINGA KAI

WAIPARA AND KOWAI RIVERS

The Waipara and Kowai Rivers meet alongside the Amberley Beach. These two rivers need to be considered together as the coastal area between them was a large mahinga kai resource.

The first river is properly known as the Kowhai River, as the name recalls the native tree (*Sophora microphylla*). Waipara is a reference to a fish caught in the rivers. Both rivers were used to catch eel, and raupo and harakeke were collected from the surrounding area.

At the mouth of the Waipara River is the Waimaiaia Reserve (MR 899). Next to this reserve is a lagoon which was used to catch both fish and water-fowl.

Today the lagoon is at times covered with a yellow substance which sits around the lakes edges. This appears to be caused by farm run-off and the uncontrolled use of agricultural chemicals.

RAKAHURI

(ASHLEY RIVER)

The Ashley River has long been a source of mahinga kai for the Kaiapoi Ngai Tahu. The most important place of taking food was at the mouth of the river, known as Te Akaaka, where pipi and cockles had been seeded. There are also a number of mahinga kai along the river.

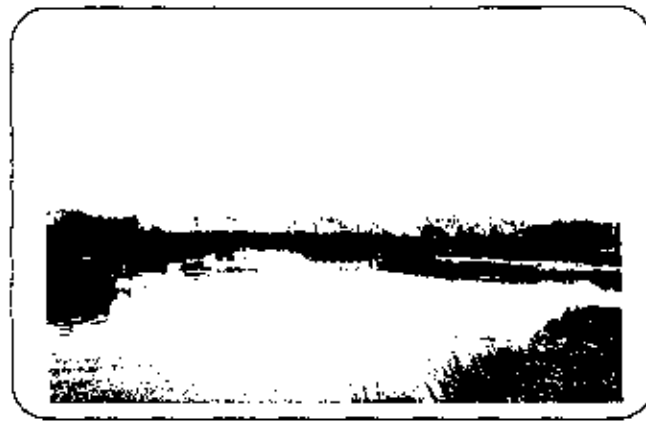
(16)

The Ashley is fed by the Okuku (which runs from Mount Karetu), the Makirikiri and Salt-Water Creek - all of which lead to Te Akaaka Island at the mouth.

The lower tributaries are important as breeding habitats for inanga, waikoura, eels and other fish species. They also sustain several species of waterfowl. Various types of freshwater shellfish were taken from the river, but this local resource has now largely disappeared.

One reason for the depletion of these mahinga kai is the decline in water quality. This in turn is due to farm run-off, waste discharge from dairy farms and the discharge from the Canterbury Timber Products Plant at Salt Water Creek.

The most important mahinga kai in a modern context on the Ashley River is the Taranaki, a tributary near the Taranaki flood-gate. During the whitebait season, Kaiapoi Ngai Tahu have tra-



Ashley
River,
Kaiapoi

ditionally camped on the Taranaki to catch the fish. They used to set up make-shift huts on the banks of the Taranaki, but in 1987 the Rangiora County Council passed a by-law which stopped the erection of temporary buildings in the area. This in effect forced a number of Ngai Tahu to abandon their customary food gathering activities.

Ngai Tahu maintain that the by-law contradicts the guarantees of Article Two of the Treaty of Waitangi and the guarantees set out in Kemp's Deed, both of which promised to retain all the mahinga kai of Ngai Tahu for the Tribe.

As well as the actual river, the nearby tributaries and lagoons are also important sources of food. The two lagoons connected with Rakahuri are known as Taerutu and Tutaepatu.

Recent Negotiations

In 1986 an Officer from the Department of Lands and Survey met with representatives from the Ngai Tuahuriri Runanga. The intention of the meeting was to provide information about Maori

"...
tributaries are
important as
breeding
habitats for
inanga,
waikoura, eels
and other fish
species. They
also sustain
several species
of waterfowl."

"... a by-law which .. in effect forced a number of Ngai Tahu to abandon their customary food gathering activities."

use of the estuary. A number of concerns were expressed, including:

1. The decline in the water quality caused by discharge from the Canterbury Timber Products plant. Both the physical and spiritual aspects of the poor water quality were discussed.

2. The reduction in the white-bait spawning habitat due to the land use practises of the local farmers.

Ngai Tahu policy statements on general principles of Mahinga Kai and riverine or coastal fishing resources are:

Policy

1. That the quality and quantity of water in all waterways be improved to the point where it supports those fish and plant populations that were sourced from them in the past. This mahinga kai must be fit for human consumption.

2. That local Ngai Tuahuriri Ngai Tahu be allowed to establish temporary camps for the purpose of collecting mahinga kai during the appropriate seasons.

3. That the Ngai Tuahuriri Runanga should be involved in the management of all mahinga kai resources, including fresh and salt-

water fish.

TUTAEPATU

Wildlife Reserve 40464,
Block xii, Rangiora District.

Area: 49.2357 hectares

Description

Tutaepatu is the name of the Ngai Tahu lagoon sited near Woodend Beach. It is fed by the Ashley River through a number of creeks.

Eels were the principal fish taken from this lagoon, either by netting or spearing, and eel continued to be an important source of food for the Tuahiwi Community up until the early 1970s. Annual eel-catching competitions have been a regular event since the mid-1800s.

In 1973 the Internal Affairs Department declared Tutaepatu a Wildlife Reserve. They saw the eel as a threat to the bird populations and advertised for a commercial fisherman to remove them. No response was received because in the interim the water level of the lagoon was drastically lowered by drainage activities.

The Ngai Tuahuriri Runanga proposed to the Wildlife Service, who advertised for submissions on the management of the lagoon,

that they be part of the management committee. To date there has been no reply.

At present Tutaepatu is not used by Ngai Tuahuriri because there are few eel left in the lagoon. However, some of the Tuahiwi women continue to use the paru (mud) from the lagoon as a black dye for their harakeke and kiekie.

Because the land around the lagoon is now covered in willow, broom, gorse and blackberry, and as the level of the lagoon has fallen, it no longer supports the mahinga kai that it once did.

Policy

1. That the quality and quantity of water in all waterways be improved to the point where it supports those fish and plant populations that were sourced from them in the past. This mahinga kai must be fit for human consumption.

2. That wetland areas be created and expanded. All existing wetlands should be maintained at their present area at least in recognition of their value as "buffers" in times of high rainfall and also their crucial importance to fish and plant communities.

3. That local Ngai Tahu be allowed to establish temporary camps for the purpose of col-



lecting mahinga kai during the appropriate seasons.

4. That the local Runanga should be involved in the management of all mahinga kai resources, including fresh and salt-water fish.

5. That the Canterbury Regional Council actively encourage and support all initiatives to restock lagoons and other waterways with native fish species, and all initiatives to maintain those places as a suitable fishery habitat.

"... To date there has been

Silent file: 013

Map 5.78 A.

*Swamps near
Kaiapoi Pu*



RUATANIWHA (THE CAM RIVER)

The Cam River has several named sections including Ruataniwha, Whakahume and Korotuaheke. This river runs close to several Ngai Tahu kainga in the Kaiapoi district, namely Tuahiwi, Waituere, Pakiaka, Kaikanui and Rakiwhakaputa. Because of the close proximity of the kainga to the river, the Cam was an important source of food for the local Ngai Tahu.

The Ruataniwha section supports two types of eel which act as kaitiaki (guardians) of the river. The first is the [wai]tuere, a blind lamprey which is a creamy spotted colour. The second is the koiro, a large black eel. These eel travel between Kaiapoi and Te Taumutu via underground waterways.

Ruataniwha also sustained a number of other fish, bird-life and vegetation.

The Cam River also provided a place of recreation such as swimming and picnicking. Many local residents remember when, as children, they would virtually live on the banks of the river.

The combined effects of drainage and the serious decline in water quality have dramatically reduced the quantity of available kai-awa, and have also made swimming an unpleasant and potentially dangerous practice.

The kai-awa traditionally taken from the Cam River are: waikoura (freshwater crayfish), waikakahi (fresh-water mussel), patiki (flounder), inanga (whitebait), marearea (adult whitebait), tuna (eel), kakanakana (lamprey), and [wai]tuere.



RAKIWHAKAPUTA

Maori Reserve 873,
Block xi, Rangiora SD.

Description

This was the Pa of Te Rakiwhakaputa, an important ancestor of the Kaiapoi and Peninsula Ngai Tahu.

Today it is part of the Kaiapoi Maori Reserve, but is sited behind the Kaiapoi Woollen Mills on the banks of the Cam River.

In addition to the abundant river resources, there were a number of important gardens in this area. The gardens are known as "Nga Mara o Te Wera".

(17)

The Ruataniwha, as a reliable source of kai, declined during the late 1960s and continued to do so into the 1970s. Today the Cam River is mainly used by Ngai Tahu for catching whitebait during certain parts of the season.

The quantity and quality of shellfish, waikoura, and kanakana caught in this river has also declined. Sometimes the Kaiapoi Ngai Tahu will catch patiki in the river but there is a general aversion to eating foods out of parts of this river because of the poor water quality.



Policy

1. That the quality and quantity of water in all waterways be improved to the point where it supports those fish and plant populations that were sourced from them in the past. This mahinga kai must be fit for human consumption.

2. Refer also to Waterways policies, especially at pages 4 - 20 and 4 - 21.

"... combined effects of drainage and the serious decline in water quality have dramatically reduced ... available kai-awa, and ... made swimming ... unpleasant and ... dangerous."

WAIMAKARIRI

The name Waimakariri refers to the cold (makariri) mountain-fed waters. Not only has the river been a source of nourishment for the local Ngai Tahu, but it is also a river which they refer to when identifying themselves:

Ko Maungatere te maunga ki
runga

Ko Waimakariri te awa

Ko Tuahuriri te tangata.

*"... Ngai Tahu
use of the
Waimakariri
was banned by
legislation ..."*

Maungatere (Mt Grey) stands
above

Waimakariri is the river
and Tuahuriri is the chief man.

Traditionally, it provided several trails to the West Coast for Ngai Tahu taua (war) and trading parties. But more often it was used as access into the mahinga kai areas such as lakes Lyndon, Pearson, Howdon and Sarah.

The river has always been an important source of food for the Kaiapoi Ngai Tahu. All along the banks of the river are urupa, permanent and temporary occupation sites, and mahinga kai sites.

Ngai Tahu use of the Waimakariri was banned by legislation in the mid to early 1880s. One Ngai Tahu, Pita Mutu, stated his concern to the 1876 Royal Commission as follows:

"Waimakariri is the only river that fish can be got in, and we are now barred from going there."

(18)

Mutu is referring to the fact that the Kaiapoi Ngai Tahu were being continually fined for catching trout in their eel weir. Also in 1890, regulations under the Fisheries Conservation Act prohibited the setting of nets near the mouth of the Waimakariri. This Act had the effect of stopping the local people setting up their eel weirs, because of the risk of conviction.

Today, the Waimakariri is rarely used as a source of mahinga kai for a number of reasons. The principal one being that the lower end of the river is heavily polluted with effluent from both the Kaiapoi and Canterbury Frozen Meat Freezing Works, and three community sewage schemes. This does not mean that eels cannot be caught from the river, but Ngai Tahu are averse to taking food from polluted waters.

Pollution is also evident in Brooklands Lagoon, where the tide carries industrial effluent onto the mud-flats.

The hearing for the water rights application to discharge effluent into the Waimakariri by the Canterbury Frozen Meat Company Ltd in 1983 is a good example of Ngai Tahu's interests in waterways being ignored. This was possible because the Water and Soil Conservation Act did not specifically require Maori interests to be taken into consideration. Ngai Tahu maintain that such legislation is inconsistent with the principles of the Treaty of Waitangi.

There is also the problem of culturally inconsistent water types being mixed. This is particularly true of the waters of the Otukaikino which were traditionally used for embalming. Refer to

silent file 015.

KAI-A-TE-ATUA

Urupa

Kaiapoi Maori Reserve,
Block ix, Rangiora SD.

OTUKAIKINO

Rakiwhakaputa Section 205.

Area: 3 acres 2 roods 23
perches

Silent file: 015

Description

Map 5.78 B.

This is a cemetery which lies on the banks of the Ruataniwha in the Rakiwhakaputa section. It is an old urupa still used by Ngai Tahu.

TE URI TI

Silent file: 016

Maori Reserve: Section 101.

Map 5.78 A.

Traditionally, this had been an area of cultivations on which tikouka and kumara were grown.

PEKAPEKA

Silent file: 017

In pre-contact times the area became the urupa for certain whanau of Ngati Rakiamoa, an important Ngai Tahu hapu. It remained an urupa of this hapu till after the 1914-18 World War when it became an urupa for all Ngai Tahu.

Map 5.78 A

Ownership is vested in three Trustees nominated by the Ngai Tuahuriri Runanga.

MASSACRE HILL

Map 5.78 A.

This is a very important site to Ngai Tuahuriri and Ngai Tahu Whanui because it is here that the skeletal remains of many Ngai Tahu were reinterred after the fall of Kaiapoi Pa.

"... the Water and Soil Conservation Act did not specifically require Maori interests to be taken into consideration.

Ngai Tahu maintain that such legislation is inconsistent with the principles of the Treaty of Waitangi."



This site lies beside Highway 1 at the turn-off to Kaiapoi Pa and has been registered as a historic site (M35/11).

OTAUTAHĪ

(CHRISTCHURCH)

Introduction

Christchurch, like many major cities in New Zealand, is an important centre for many Māori.

In pre-European times, the wider Christchurch area included a number of Tribally important sites. For example, Opawaho (present-day Opawa) was a resting place for Ngai Tahu travelling between Kaiapoi and the Banks Peninsula.

Otautahi was formerly the name of a specific site in central Christchurch and it was this name that was adopted by Mr Te Ari Taua Pitama of Ngai Tuahuriri as the general name for Christchurch in the 1930s. Before this, Ngai Tahu generally referred to Christchurch city as Karaitiana.

The Christchurch area has traditionally been a mahinga kai of the Kaiapoi Ngai Tahu and Kaiapoi rangatira all claimed mahinga kai in the area now known as Christchurch before the 1868 Native Land Court. Their claims were made on behalf of the Kaiapoi Ngai Tahu, and other hapu did not dispute this. Formerly, the Kaiapoi Ngai Tahu were the owners of Ihutai, a fishing easement in the New Brighton - Sumner area.

Therefore, the Ngai Tuahuriri Runanga have the predominant Māori interest in the affairs of Christchurch, and must be in-



involved in all matters dealing with the management of resources within this area.

The Heathcote and the Avon Rivers were both important to the maintenance of the food-rich wetlands in the Christchurch area. Because of the importance of this area as a mahinga kai, the lands were divided into wakawaka (boundaries) and controlled by the rangatira of certain hapu and whanau.

The Avon River once supported extensive wetlands in the Christchurch region, and between the Waimakariri and the Port Hills there were countless mahinga kai.

Today the situation is very different. Due to drainage, the wetlands are no longer evident. Places such as Travis Swamp and Bottle Lake are the only places that faintly remind us that Christchurch once was a place of swamps.

Although Ngai Tahu have always been present in Christchurch, their numbers began to increase during the 1930s. Most Ngai Tahu came from Tuahiwi and Rapaki. Others came from Wairewa, Port Levy, Akaroa and Murihiku (Southland).

Later in the 1950s and 1960s, Christchurch became a settlement for North Island Maori who migrated to Te Waipounamu to work in the freezing industry. This influx of Maori into the Christchurch area led to the establishment of urban marae such as Rehua. This marae also includes a hostel which supported newly urbanised Maori learning technical trades in the city.

However, the notion of an urban marae in Christchurch is nothing new. The idea has been around since the 1850s when it was first advocated by Paora Tau and Hakopa Te Ata-o-Tu. The marae was originally intended to be sited at Little Hagley Park.

Fishing Easements

TE IHUTAI

Maori Reserve 900,
Block xii Christchurch SD

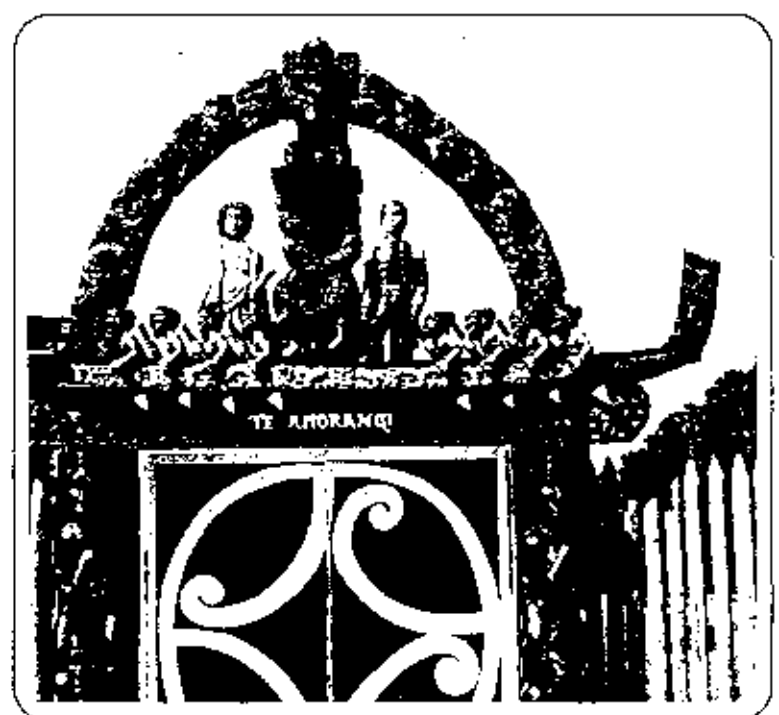
Area: 4.0468 hectares

Description

Te Ihutai is sited in the Christchurch district on the Sumner-New Brighton coastline.

Traditionally, Te Ihutai was part of a larger fishery used by Ngai Tahu. There are a number of hapu and whanau who have used Te Ihutai as part of their mahinga kai. The owners were those of the Kaiapoi Reserve and their uri.

*National Marae,
"Nga Hau e Wha",
Christchurch
(opposite, gateway
below)*



"... Te Ihutai Reserve was considered so valuable that the owners would not accept the money offered as compensation to them."

However, in 1956 the Reserve was taken under the Public Works Act 1928, as part of a site for the sewage scheme proposed by the Christchurch Drainage Board. This Reserve was considered so valuable that the owners would not accept the money offered as compensation to them. The only acceptable compensation would be a similar area of land having similar characteristics to that which was compulsorily taken.

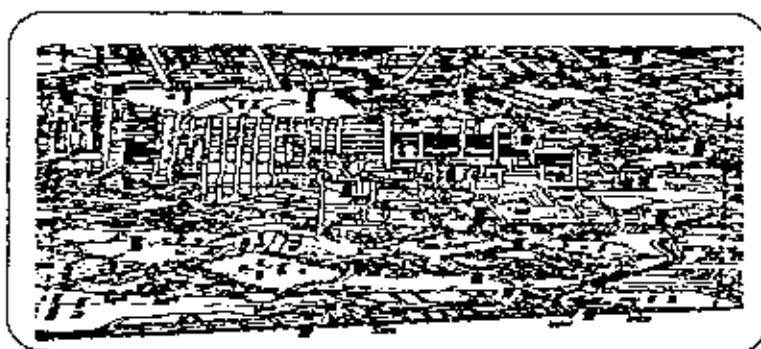
(19)

The taking of Ihutai has long been a sore point with the owners. The compensation offered was minimal and still lies unused with the Ngai Tahu Maori Trust Board.

Mahinga Kai

The Avon and Heathcote Rivers supported various types of fish and shellfish. Tuna, kanakana, tuere and patiki were some of the fish caught in these areas. Also, waikoura and waikakahi were collected from the banks of the river.

As well as various fish types, birds such as putangitangi and parera were also taken from the swamps. Forest birds were mainly taken in the Papanui forests.



OPAWA

(HEATHCOTE)

Properly known as O-pa-waho which refers to this Pa as being an outpost (waho) of Kaiapoi. It is where present-day Judges Street and Vincent Place intersect.

The people of this Pa used the Heathcote River and the surrounding swamps as mahinga kai, with the Opawa River itself being an important source of both blind eel and lamprey.

OTAKARORO

(AVON RIVER)

The Avon River has a number of names, each relating to a particular section of the river. Today, Ngai Tahu generally refer to the River as Otakaroro.

The Mouth of the Avon River was a permanent mahinga kai. It was this part of the Avon which was traditionally known as Otakaroro. Foods taken were tuna, inanga (whitebait), kokopu (native trout), parera and putangitangi. Cultivated foods included kumara and aruhe.

Wairarapa was the middle part of the Avon River, where Ilam stands today.

OTAUTAHI

The river was also important because of the three springs on it which were used by tohunga for healing purposes. They were sited in the Orakipaoa area (Fendalton), one being in the Wairarapa Stream and another in the Waiwhetu Stream.

The following mahinga kai were places that the Native Land Court refused to reserve for the claimants. This refusal caused great bitterness which has persisted to the present day. All of these mahinga kai sites are based in Christchurch and are either sited on the Avon River or are connected to it.

TE ORANGA

(HORSESHOE LAKE)

This lagoon was sited in the Wainoni area of Christchurch. In 1868 Te Oranga was claimed by Aperehama Te Aika as part of the Kaiapoi Ngai Tahu mahinga kai. Te Aika also claimed this area because part of it was an urupa.

(20)

The Native Land Court dismissed the claim on the basis that it had already been sold. The Crown sold the land before honouring its promises in terms of the Deed, then used its own actions as an excuse for dishonouring the Deed.

In 1868 Hakopa Te Ata-o-Tu claimed this site as a mahinga kai for the Kaiapoi Ngai Tahu. His claim was also dismissed because the land had already been sold by the Crown.

Otautahi in a modern context is used when referring to the whole of Christchurch, although strictly it was a kainga situated on present day Kilmore Street, near the Fire Station.

PUARI

Puari was sited on the Banks of the Avon River where the High Court is now situated.

In 1868 Puari was claimed by Pita Te Hori but his claim was dismissed because the land had already been sold by the Crown.

ORUAPAEROA

This is near Travis Swamp and Queen Elisabeth Park.

Ngai Tahu traditions state that shark were caught here at certain times of the year. This was possible as an opening in the area extended to the sea, and the resulting brackish salt water supported marine fish.

"... The Crown sold the land ... then used its own actions as an excuse for dishonouring the Deed."

"... claim was dismissed because the land had already been sold by the Crown."

This name also applied to the beach nearby where various types of flounder and sole were taken. Shellfish were also taken from the shore.

TE KAI A TE KARORO

This kainga is where Jellicoe Park is now sited. The original Pa was occupied all year round and eel was the main food taken.

PUTARINGA-MOTU

This formerly swampy region, present-day Riccarton Bush and the surrounding area, was frequented by Ngai Tahu tohunga. However, it was also a place where the kai-mahi (workers) of Kaiapoi would work the wetlands, waterways and off-shore fisheries.

Harakeke was also collected here, especially from the St Martins district.

WAITAKARI

This was the old name for what is now Bottle Lake near the Queen Elisabeth Park.



OHIKAPARUPARU

This area was near the mud-flats on the beach near Sumner, where shellfish could be gathered.

The previously high quality water of the area supported aquaculture as well as an abundance of natural mahinga kai. The Avon and Heathcote Rivers also supplied shellfish, fish and waterfowl throughout the year.

Today, the water quality of the Avon River and Heathcote Rivers is affected by run-off from urban residential and industrial areas. Ngai Tahu are concerned at the number of recent oil "spillages" into these two rivers.

Policy

1. That the remaining wetland areas around Christchurch be maintained and expanded. All existing wetlands should be maintained at their present area at least in recognition of their value as "buffers" in times of high rainfall and also their crucial importance to fish and plant communities.
2. Ngai Tahu maintain that future planning procedures should consider the fact that areas such as wetlands are

important mahinga kai to Ngai Tahu.

3. That the Ngai Tuahuriri Runanga should be consulted and actively involved in the management of all mahinga kai resources, including fresh and salt-water fish.

4. That no further reclamation be allowed in the Avon and Heathcote Rivers, or their estuaries.

5. That Ngai Tahu access to, and rights to use resources from public forests, parks and reserves be guaranteed. This includes the use of traditional materials such as pingao and harakeke.

TE PATAKA A

TE RAKAIHAUTU

(BANKS PENINSULA)

Introduction

Te Pataka a Te Rakaihautu refers to Banks Peninsula being the storehouse (pataka) of Te Rakaihautu, an important Waitaha ancestor. This area was referred to as a storehouse because of the abundant natural resources that could be found on and around the Peninsula. In particular, the vast amounts of eel, fish and bird-life were a great attraction.

There are several issues which concern Ngai Tahu on Banks Peninsula:

- * soil erosion caused by the clearance of native vegetation;

- * nutrient run-off from the hills into the waterways and lakes and harbours;

- * the effect of sewerage on water quality;

- * conservation of the native vegetation.

"... issues which concern Ngai Tahu on Banks Peninsula: "

NGA MAUNGA O

HOROMAKA:

THE PENINSULA HILLS

The hills surrounding Banks Peninsula are also important, not only as a source of mahinga kai, but also because of the number of wahi tapu located there.

In the pre-contact era, the Banks Peninsula hills were covered in native bush and this area was renowned for its bird-life. Titi originally inhabited the coastline between Akaroa and Koukourarata, and as with the titi in the Rakiura (Stewart Island) region, the habitat around the breeding colonies was protected. The taking of titi was an activity controlled by selected hapu and whanau.

The titi, as a food resource on Banks Peninsula, became depleted

"... a widespread reduction in available mahinga kai, and the near elimination of the native bird populations. "

in the 1870s, although Ngai Tahu still gathered the bird in small numbers into the 1950s. The main reason for its decline is that the titi nests in the ground. Erosion of the soil along the coastline and the introduction of predatory species, including cats and rats, severely limited the breeding capacity of the titi which only lays one egg tri-annually.

Soil erosion has also led to the build-up of silt in the Lyttelton harbour and the surrounding harbours and water bodies such as Wairewa.

Much of the soil erosion has been caused by land clearance for livestock-farming, road construction, the excavation of house sites and the laying of pipelines. As a result, much of the indigenous vegetation has been removed. The net outcome for Ngai Tahu has been a widespread reduction in available mahinga kai, and the near elimination of the native bird populations.



Ngai Tahu Resource Management Strategy for the Canterbury Region

Important Places

TE IRINGA O KAHUKURA

On the track between St Martins in Christchurch and Te Poho o Tamatea (the ridge of the Port Hills, to the east of Dyers Pass) lies a carved wooden image of Kahukura, similar to the one buried at Tuahiwi.

TE TIHI O KAHUKURA

Otherwise known as Castle Rock. A crevice in this mountain protects the Kahukura.

Urupa

There are a number of urupa on the Peninsula Hills. Some have been uncovered while others still remain as urupa. Many of these places have been forgotten but there are some which Ngai Tahu are still able to record.

Silent file: 019

Map 5.78 C.

Silent file: 020

Map 5.78 D.

Silent file: 021
Map 5.78 C.

Silent file: 022
Map 5.78 E

Silent file: 023
Map 5.78 F.

Silent file: 024
Map 5.78 F.

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Map 5.78 F

Silent file: 026
Map 5.78 F

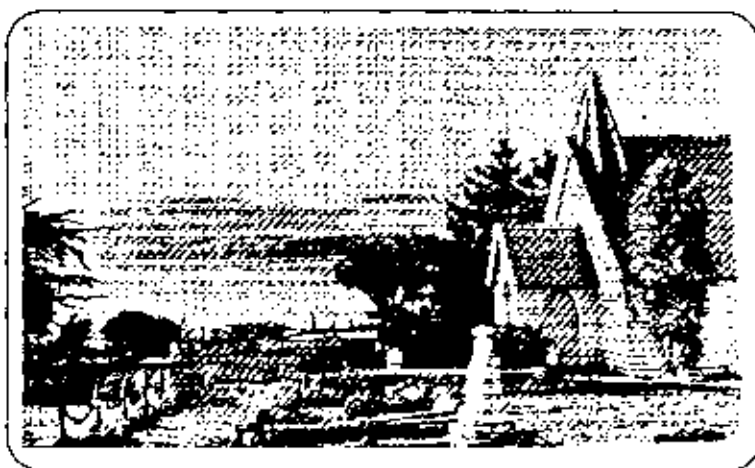
Silent file: 027
Map 5.78 F.

Silent file: 028
Map 5.78 F.

Silent file: 029
Map - M 37 C

RAPAKI

The following section deals with the historic Rapaki Pa, Marae



and associated reserves.

Reserves

Maori Reserve 875,
 Block iv, Halswell SD

Area: 850 acres

History

This Pa was founded by Te Rakiwhakaputa, a significant Ngai Tahu ancestor who featured during the Ngai Tahu heke (migration) to Waitaha. Te Rakiwhakaputa settled his people here to catch pioke (sandshark), a delicacy of the region. In time, Rapaki became one of the central mahinga kai areas because of the abundance of natural resources within Lyttleton Harbour.

There are two concerns which the Rapaki Ngai Tahu have in regards to the harbour, namely pollution and commercial fishing.

Traditionally, the whole of the harbour was used as a mahinga kai, however, there are some specific places which Ngai Tahu use regularly. One of these is the Rapaki beach. Formerly, the beach front was important to the local people as cockle, pipi and papaka (crab) were taken here. During the month of February, the whakarua (north-easterly) blew the pioke up the harbour and the Rapaki people would assemble at Governors Bay and take the

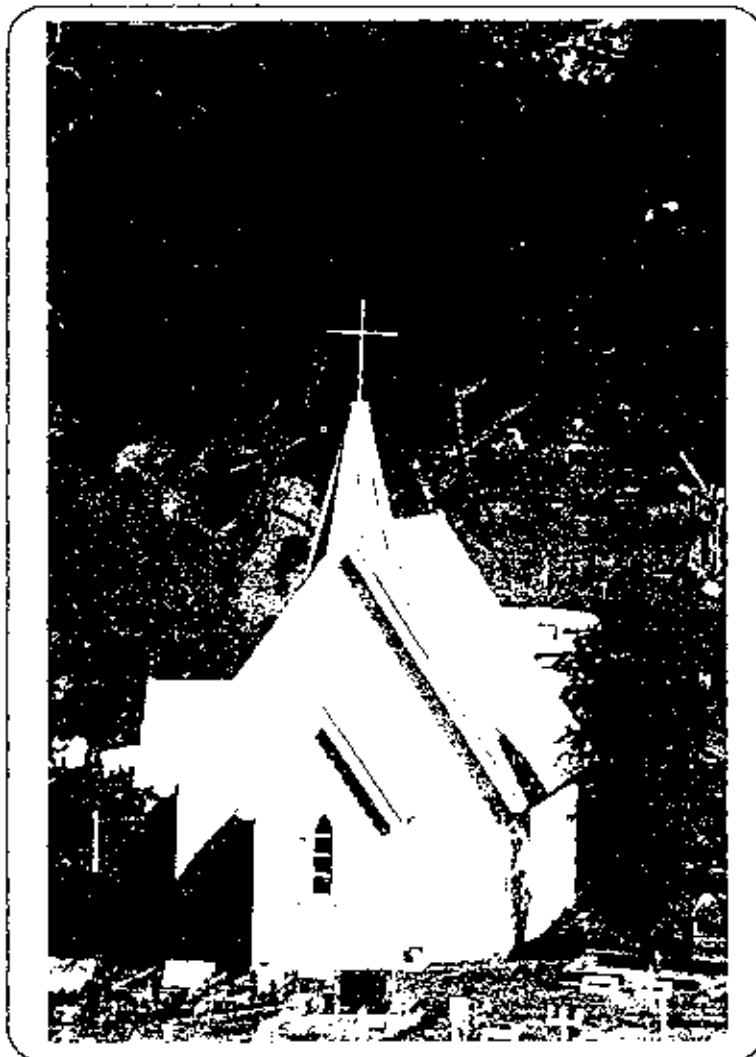
pioke from the shallows. Other types of shark were also taken.

Patiki (flounder) were also taken from the harbour, as were pipi, tuangi, papaka (mudcrabs), koiro (Conger eel), hoka (red cod), kina (sea urchin), paua, mussels, and other types of fish.

Today, little food is taken from either the beach or the harbour due to the amount of effluent discharged into the harbour area. The main source of sewerage is Lyttelton township, but there are discharges from the other residential communities located around the bay. Ships also discharge sewerage and their bilge water into the harbour waters. While tidal flushing within the harbour is not yet fully understood, it appears that the tide carries the sewerage up the harbour rather than out to sea.

(21)

The effect of these discharges, combined with the effects of soil erosion, is evident at Rapaki where there has been a build-up of silt on what was once a sandy beach. Although shellfish can still be taken from the beach, the Rapaki people are less than anxious to eat something fed on sewerage for both cultural reasons and out of concern for their personal health. The Rapaki Ngai Tahu have been advised to cook all shellfish taken from the harbour. However, many Ngai Tahu prefer their shellfish raw - and maintain that this mahinga kai shouldn't have to be cooked



simply to compensate for poor resource management.

In 1986 the Ngai Tahu Maori Trust Board, in conjunction with the Rapaki Ngai Tahu Runanga, made a submission to the Standing Tribunal Hearings on a Mount Herbert County Council water right application. They proposed the establishment of a single treatment plant for the whole harbour basin which could treat raw sewerage from the harbour communities. However, this proposal was not considered as it was deemed to be outside jurisdiction.

As a result, the Mount Herbert

County Council were given the right to discharge up to 600 cubic metres of secondary treated effluent into the harbour per day, thus adding to the already unacceptable levels of discharge into the harbour area.

The Rapaki Ngai Tahu also consider that commercial fishing has depleted stocks of pioke and other fish within the harbour. The local Ngai Tahu would like to see commercial fishing within the harbour zone stopped and the establishment of both rahui areas and marine reserves.

"... problems experienced with Maori land. ::

Multiple ownership.

Turangawaewae.

Conflict with Town and Country Planning Ordinances. "



CASE STUDY:

RAPAKI RESERVE

The Rapaki Reserve is a result of the Port Cooper Purchase signed between Ngai Tahu and the Crown in 1859. As provided in the purchase agreement, a reserve was set aside for the Rapaki Ngai Tahu. The original owners were from both Rapaki and Tuahiwi, reflecting the close relationship between these two communities.

"[After] ... the land sales to the Crown in the 1840s-1870s, Ngai Tahu have never had sufficient land of their own. "

"Waitangi Tribunal ... has publicly stated that Ngai Tahu have established their claim that the reserves set aside for the Tribe at the time of the land sales were inadequate. "

This reserve is a good example of many of the problems experienced with Maori land.

In this case the problems are:

- (a) Multiple ownership.
- (b) Turangawaewae.
- (c) Conflict with Town and Country Planning Ordinances.

Taking these problems in turn:-

(a) Multiple Ownership

When Maori Land was originally owned by more than one person, then each of those persons could bequeath his/her interest to successors who, in turn, could do the same. Over time, the number of owners has increased exponentially to the point where there are so many owners that it is very difficult to get agreement to do anything at all with the land. Further, these owners are scattered all around New Zealand making a representative meeting next to impossible to organise.



(b) Turangawaewae

Turangawaewae is the right to stand on a particular piece of land and to take part in any decisions concerning that land or the community associated with it. From the time of the land sales to the Crown in the 1840s-1870s, Ngai Tahu have never had sufficient land of their own.

Although the Waitangi Tribunal decision on the Ngai Tahu claim has not yet been given, the Chairman of the Tribunal has publicly stated that Ngai Tahu have established their claim that the reserves set aside for the Tribe at the time of the land sales were inadequate. With the passage of time and the increase in population, that inadequacy becomes more and more oppressive. Because of the inadequacy of their land reserves, Ngai Tahu were forced to leave their settlements and thus became scattered throughout New Zealand.

(46)

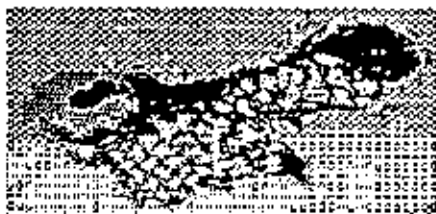
For many of these people, their only turangawaewae is a share in a small reserve owned in common with many others. Lacking turangawaewae in the place where they now live, they become all the more determined to retain an interest in a piece of land where they have the right to stand and speak.

The result is that in many cases it is extremely difficult for anyone to make any use of Maori Reserved land. With each generation that passes, the number of owners increases still further, and the

challenge of putting the land to some constructive use becomes more and more difficult and, in many cases, impossible.

It is important that local Government and its rate-payers should understand that Ngai Tahu never wanted multiple ownership. In their scheme of things, ownership consisted of a complex series of rights which were recognised by other whanau (families), hapu (sub-tribes), and Iwi (tribes). The rights themselves could vary from place to place, but in all cases were recognised by those concerned. At the time of the land sales, Ngai Tahu had a different understanding of the concepts of "sale" and "title" to those of the Europeans. For them, if a question of ownership rights arose, it was settled by consent or conquest. Once settled, the ownership rights remained within the whanau, hapu or Iwi.

The Crown determined that Maori land should be owned by individuals rather than by the Tribe or one of its sub-groups, and that the land should be multiply owned. That decision created the present impasse. For that reason, Ngai Tahu maintain that it is up to the Crown or its delegated representatives, the territorial local authorities, in consultation with the Tribe, to try to find and to promote a solution to this problem.



(c) Conflict with Town and Country Planning Ordinances

Many Maori Reserves were created for particular purposes which were noted in the Maori Land Court records. With the advent of Town and Country Planning in 1953, a number of such reserves were "zoned out" of the uses for which they were created. As an example, see the case of the Morven peoples' urupa in the Waihao section of this schedule at 5 - 70.

The Rapaki case is more complex than "zoning out". In this instance, the land was originally reserved for habitation and the Council zoning reflected that purpose by creating a residential zone. Despite a zoning which recognised the purposes of the reserve, few houses have been built on it because there are so many owners that agreement to sell any part of the reserve to an individual cannot be reached. It is for this reason that the local authority has to deal with a number of specified departure applications to build houses on general land, zoned rural, outside the reserve.

"The Crown determined that Maori land should be owned by individuals rather than by the Tribe ... and that the land should be multiply owned ... created the present impasse."

As part of the review of its District Scheme, that same local authority has extended the residential zoning at Rapaki to cover land held in general title outside the reserve. This is a recognition of the impossibility of getting owners' agreement to sell land in the reserve. Unfortunately, the District Council proposals are contrary to the provisions of the Canterbury Regional Council Planning Scheme and the matter will therefore have to proceed to a hearing in the Planning Tribunal. The Rapaki owners should become involved in any such hearing, but for the reasons already given, a decision to do so is unlikely to be reached. Even if it was, there is no money available to prosecute meaningful participation in such a hearing.

Policy

1. That Regional and District Councils should support tangata-whenua initiatives to establish appropriate land use zonings on multiple owned Maori land.

2. That at the time of the review of any District Planning Scheme, or the preparation of resource management plans, both Regional and District Plans should provide recognition of the purposes for which Maori Reserve lands are used. This will involve consultation with the owners.

Sections of Importance

The Rapaki sections which are set aside as Maori Reserves were given by the following Rapaki kaumatua in 1886 for the use of the Rapaki people. Those kaumatua were: Reihana Tau, Teone Watene, Teoti Pitama Karatiti, Henare Manihera and Mohi Rakuraku. The one exception is the land given by Rewi Koruarua who gifted sections 19 and 20 for a marae.

Today the reserves are managed by Trustees elected by the Rapaki people.

TE WHEKE HALL

Section 19 & 20.

Area: Section 19,
1 acre 0 roods 11 perches

Section 20,
1 acre 0 roods 11 perches

Description

This land was originally owned by Rewi Koruarua but was gifted by him for the purposes of a marae. Today it is managed by Trustees elected by the Rapaki people.

This hall is in constant use for tangihanga, Tribal and Government hui and is also used by the local people for social reasons.

Section 42

Section 42 was set aside as a site for a whare hui and marae. However, for the time being sections 19-20 are used for this purpose.

The section is held by the Rapaki Trustees.

RAPAKI SCHOOL

Sections 44 and 45.

Area: Section 44,
 38 perches
 Section 45,
 30 perches

Description

The Rapaki Ngai Tahu wrote to the Native Affairs Department in 1877 requesting a school for the local children. As part of the Rapaki contribution, sections 44 and 45 were set apart by Retimana Momo of Rapaki for the school site.

In 1946 this section was officially gazetted as a school site. This gazettement was revoked in 1949, and the land should therefore be returned to the descendants of the original owners.

(22, 23)

Policy

1. If land use changes result in gifts of land and/or buildings being no longer required for their

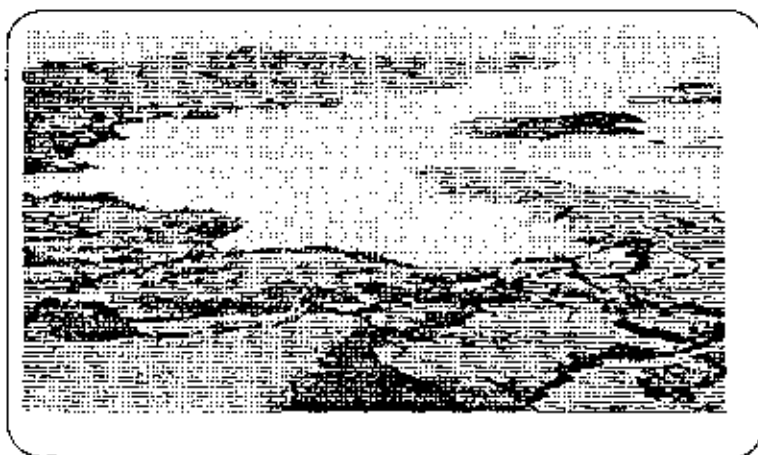
original use, such land and buildings should be returned to their original owners or the local Runanga as appropriate.

CASE STUDY:**PUBLIC BEACH ACCESS**

In proposed changes in Bills before Parliament and carried over during the interregal period for consideration by the next Parliament, several far reaching alterations are contemplated. In New Zealand law it has been considered, until now, that the public has unrestricted access to the New Zealand coastline. Most New Zealanders not schooled in law believe they have free access as of inherent right.

In fact, when Hobson was Governor of New Zealand in 1841 he declared:

"... no grant of land is to be recommended ... which shall comprehend any headland, promontory, bay, or island that may hereafter be required for any purpose of defence or for the site of any town or village reserve or for any



other purpose of public utility; not of any land situated on the sea shore within a 100 feet of the high water mark."

(24)

In effect this initiated and ensured the public right of access to the coastline. The Town and County Planning Act, 1977, the Land Act, 1848, and similar Acts ensure that the New Zealand Public has the right of access through private lands to the coastline.

However, the instructions given by Hobson for drawing up the Treaty of Waitangi concerning Maori land were:

"You will not, for example, purchase from them any territory the retention of which by them would be essential or highly conducive to their own comfort, safety, or subsistence. The acquisition of land by the Crown for the future settlement of British subjects must be confined to such districts as the natives can alienate without distress or serious inconvenience to themselves."

(25)

Unrestricted public access to the Rapaki beach front has resulted in the beach becoming both polluted and littered. This beach has long been cherished by the Rapaki people as being 'theirs', and parts of the beach were sectioned off for the use of local kaumatua. Further, each family had their own storage pits along the beach where sea food could be stored in the pools along the rocks. Also, food was not allowed to be taken onto that area between the church and the beach. These customs and restrictions are some of the tradi-

tional controls used by the local people when managing the beach.

In the summer months, Rapaki Beach is a popular spot for the public. An associated problem is that during these months the roadway is blocked by the public parking on Maori land near the beach-front. By the end of the holidays the beach is covered with broken glass and litter discarded by the visiting public. While wading in the water some of the Rapaki locals have been cut by broken glass which has been washed ashore from those bottles cast into the sea by recreational boat users.

This is an issue of concern for the Rapaki Ngai Tahu. They already suffer from the pollution affecting their kai moana. Broken glass left by bathers and boat users makes the prospect of swimming in the waters even less appealing.

Rapaki Ngai Tahu oppose the policy proposed in the Canterbury Regional Draft Scheme (section 8, policy 7) which states that Territorial Authorities:

- will seek to develop or acquire these areas or negotiate covenant on titles.
- will seek to provide appropriate access and to manage these areas;
- will seek to encourage provision of access to, and appropriate use of river, lake and coastal margins.

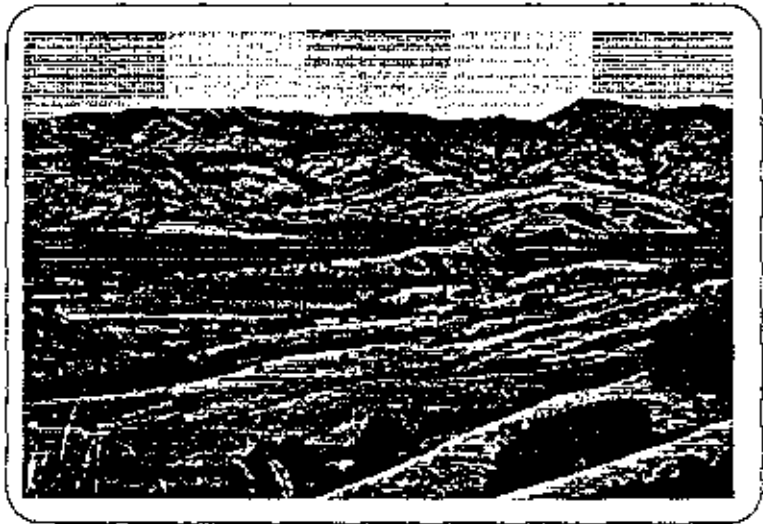
"... The acquisition of land by the Crown for the future settlement of British subjects must be confined to such districts as the natives can alienate without distress ..."

Rapaki Ngai Tahu also oppose policy 9, section 7 which states in its implementation that the:

Department of Conservation and Territorial Authorities

-will seek to negotiate road end parking and indicate pedestrian access routes where this is in the public interest.

Further, Ngai Tahu oppose territorial authorities buying land on Maori Reserves which were set aside as places of occupation.



RAPAKI

Policy

1. That Rapaki remain as a place of settlement for Ngai Tahu and that local governments formulate policies that retain Rapaki as such.

2. That public parking places and areas of public recreation not be sited on Maori Reserve land without the consent of the owners of that reserve.

Maori Reserve 875,
Block iv, Halswell SD.

Sections 41, 39a & 39 b

Sections 41, 39a and 39b are ancient urupa which are still used today by many Ngai Tahu. They were gazetted in 1949 as a cemetery, and are sited on a hill above Te Wheke, the Rapaki Hall.

(26)

Besides the headstones there now, there are a number of unmarked plots where people of both Ngai Tahu and Ngati Mamoe descent are buried.

Urupa

TAUKAHARA

Within section 1c, a cemetery was set aside as a Maori Reserve. Urupa in this area extend beyond the gazetted Maori Reserve.

Silent file: 030

Map 5.78 II

Section 37

Section 37 is sited above section 41 on the same hill. This land is now held in general title. However, some of the wheua (human bones) from section 41 are also spread through parts of section 37.

Silent file: 031, Map 5.78 II

KOUKOURARATA

Maori Reserve 874,
Block v, Pigeon Bay SD.

Area: 1,361 acres

Description

Traditionally, Ngai Tahu occupied the Port Levy Bay in three main centres: Koukourarata, Puari and Kai-Tara. Koukourarata and Puari are both included in the reserve. Puari is at the end of Koukourarata near sections 1 E 2, and Kai-Tara is at the mouth of the harbour where the signal station is now located.

After the fall of Kaiapoi Pa, Koukourarata and Puari became the main centres of Ngai Tahu activity in the Canterbury region up to the turn of the century. It was the Pa populated primarily by Ngai Tuahuriri.

However, in 1849 Ngai Tahu signed the Port Levy Purchase which saw the local Ngai Tahu confined to a small reserve on the eastern side of the Bay.

The harbour was the place that nourished the people of the area with pioke and other types of shark being taken and traded with other hapu. Koiro (Conger Eel), various types of shellfish, and patiki were taken near the mudflats, and inanga were taken in the nearby creeks. Red and Blue Cod were also taken here.

Today Ngai Tahu still continue to use the harbour as part of their mahinga kai. Therefore, the water-quality of this harbour must be maintained.

Important sections

As with most Ngai Tahu occupation reserves, Koukourarata Maori Reserve had lands set aside by the original owners for the purposes of urupa, a wharenui or a church. Those sections are as follows:

Section 6

Section 6 is adjacent to section 5 (below) and is one acre in area. Today the sections are vested with the Port Levy Maori Committee.

The fence line is a modern boundary marker as there are some burials which over-run the urupa down to the shoreline.

Urupa

Section 5

One of the sections set aside as an urupa is section 5, which is an area of 4 acres 2 roods and 10 perches.

"... Ngai Tahu still continue to use the harbour as part of their mahinga kai."

HOROMAKA



Reserve

Maori Reserve 2840,
Pigeon Bay SD.

Area:
3 acres 2 roods 24 perches

Description

Sections 11-12

Two urupa are sited at the end of the reserve. Section 12 is an area of 6 acres 2 roods 0 perches. Section 11 is 1 acre.

Both urupa are vested with the Port Levy Maori Committee.

TUTEHUAREWA

Section 7D

This is where the wharenuī, Tutēhuarewa, sits. Tutēhuarewa was an important ancestress of Ngāi Tahu. The area of land is 3 roods and 8.7 perches.

Today the land is vested in the Port Levy Maori Committee.

Urupa

Silent file: 032

Map 5.78 I

Horomaka properly refers to the island sited in the Port Levy Harbour across from the Koukourarata Maori Reserve. It is an important place as it is the tauranga where the Makawhiua canoe first landed on Banks Peninsula.

The Makawhiua is a Tribally important canoe which bought the Ngāi Tuhaitara (Ngāi Tuahuriri) from the Wakatu (Nelson) region into the Waitaha area, which Ngāi Tahu eventually came to dominate.



Some Ngai Tahu consider that part of the island is a breeding ground for shark. Also kaimoana is taken from the rocks near the island.

ONUKU

Reserve

Maori Reserve 886,
Block viii, Akaroa SD.

Area: 426 acres

Description

Onuku was set aside as a Maori Reserve as a result of the Akaroa Purchase.

OPUKUTAHU (AKAROA)

Reserves

Maori Reserve 885,
Block iii & iv, Akaroa SD.

Area: 432 acres

Description

Opukutahi is sited across from Akaroa near Wainui, and has been a Ngai Tahu kainga since the initial Ngai Tahu settlement of Te Waipounamu. During the 1820-30s Opukutahi and the connected kainga of Akaroa harbour participated in extensive trading with the whalers and sealers.

Opukutahi was never a large settlement and by the 1950s there were very few Ngai Tahu living there permanently.

Urupa

Sections 7 & 8

These two sections were set aside by the following Opukutahi kaumatua: Hone Taare Tikao, Paurini Hirawhea, Timoti Ropatini, Irai Tihau and Hone Tukutaua.

Today the reserves are managed by Trustees elected by the Onuku people.

WAIREWA

Reserves

WAIREWA RESERVE

Maori Reserve 887,
Block iii, Pigeon Bay SD.

Area: 440 acres

Description

Wairewa has long been a settlement of South Island tribes as it was, and still is, an important source of mahinga kai for Ngai Tahu. Wairewa was settled by Mako, an important Ngai Tahu

Waipounamu with the Ngai Tuhaitara hapu. After Kaiapoi Pa had been settled, the lands were sectioned off amongst the whanau of Ngai Tuhaitara. As a result Mako was allocated the district Otawiri to guard as a mahinga kai. Wairewa lies within the Otawiri district.

This reserve was set aside in 1856 as a result of the Akaroa Purchase made in the same year.

OTAWIRI

Section 10, Block iv

Maori Reserve 887,
Block iii, Pigeon Bay SD.

Area: 1 acre

The marae of the Ngati Irakehu, Otawiri, is sited on this section.

TAKIRITAWAI

Maori Reserve 835,
Block i, Akaroa SD.

Area:
70 acres 2 roods 33 perches

Description

This reserve sits near the Takiritawai River which runs into Wairewa at the head of the lake.

This reserve was later re-gazetted as "Takiritawai (Little River) Maori Reserve 385".

TE POURUA

Te Pourua consists of two Reserves, which are:

Maori Reserves
MR 2574 and MR 2533,
Block viii, Akaroa SD.

Area: MR 2574
2.0761 hectares

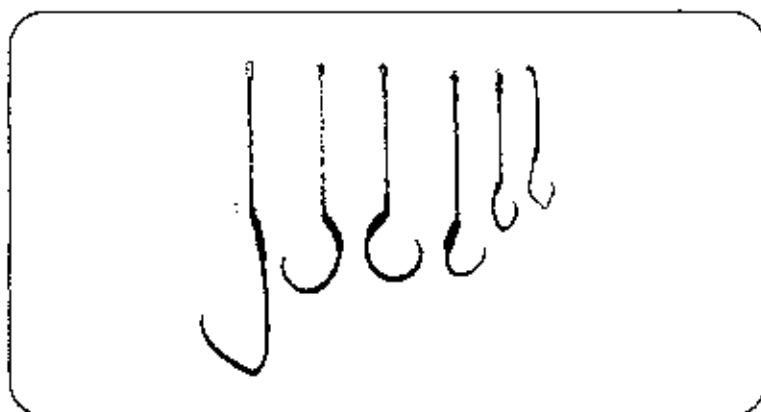
MR 2533
5.7290 hectares

Description

This reserve was set aside to allow the local Ngai Tahu to set up a "fishing station" near Wairewa.

Today the reserve is classified as Maori freehold land vested in Trustees from the Ngati Irakehu hapu.



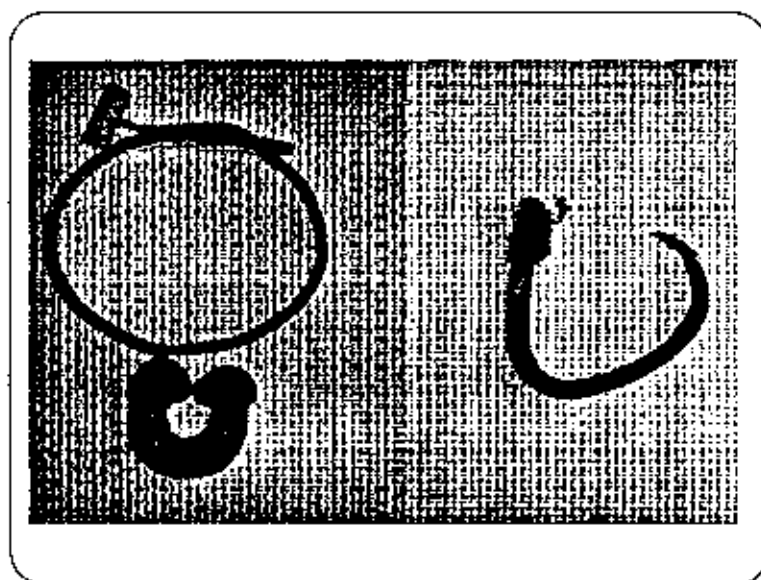


Mahinga kai

Besides the lake itself, there are a number of tributaries and fowling places that are important mahinga kai to Ngai Tahu.

OHIRIRI

This is a stream which runs into Lake Wairewa. It is now called Okane. This tributary was fished in the spring and summer months, prior to the eels' whakaheke into the lake and finally the sea.



CASE STUDY:

WAIREWA

(LAKE FORSYTH)

Traditionally, Wairewa was sectioned into food gathering boundaries which were used by different whanau and hapu. The principal guardian hapu of this lake, however, is Ngati Irakehu.

The Ngai Tahu tradition of using Wairewa as a mahinga kai gathering area was acknowledged under the Lake Forsyth Lands Vesting Act, 1896, which stated:

"Nothing in this Act contained shall be deemed to prejudice or affect any Native fishing rights which may be in existence at the time of the passing hereof with respect to any part of Lake Forsyth which may not be so reclaimed or drained."

Two reserves, Te Pourua and Takiritawai, were set aside to allow local Ngai Tahu to fish from them.

In the modern context, Wairewa is one of the central food baskets of Ngai Tahu in the Canterbury region with eel and whitebait being the main foods taken. Other food sources have been depleted due to eutrophication and overfishing.

Although there are a number of methods

whakaheke (migrate) to the sea through the trenches dug by the eelers. As the eels make their way up the trenches, the men gaff or hook them into the parua, a pit dug in the shingle.

number of eels returning to the lake.

A solution is possible. This

The whakaheke, or the season for taking eel, is between February and April. During the summer months the eels have migrated down from the surrounding tributaries and creeks. Between February and April the eels take to the sea to spawn. To do this the mouth of the lake must be opened yearly to allow spawning to take place and new stock to return.

From the 1950s onwards, Ngai Tahu have expressed a concern at the reduction in the number of eel taken from Wairewa. There are a number of reasons for this:

1. The removal of the forest and the "run-off" of farm fertilizers have both affected the water quality. This has led to the eutrophication of the lake.
2. Because of the low lake level, the water warms during the summer, reducing oxygen levels in the lower portions of the lake.
3. The appearance of a toxic blue-green algae (*Nodularia spumigena*). This causes stock deaths through drinking the water.
4. Commercial fishing has been a prime reason for the depletion of eel stocks. Because the lake is left exclusively for Maori use, commercial fishermen fish the tributaries and thereby limit the

involves the interception of farm run-off by planting vegetation strips around the lake and afforesting the nearby hills that constitute the Wairewa catchment. Such vegetation should be appropriately fenced to isolate stock from the lake and to minimise damage to this vegetation strip. A similar programme has been undertaken at Lake Tutira with success.

The Ngai Tahu concern about the fishing of the tributaries was presented to the Waitangi Tribunal. Ngai Tahu consider that one way to stop the commercial fishing of the tributaries is to have them included in the Maori Fishery. (Wai-27, #H 9,10,12 & 13)

(46)



"... food sources have been depleted due to eutrophication and overfishing."



Ngai Tahu also maintain that they should have a half share in the management of all freshwater fisheries. This would mean that Ngai Tahu would need to consult with the Acclimatisation Societies, the Canterbury Regional Council and the Banks Peninsula District Councils.

Another easily overcome concern of Ngati Irakehu is that the Banks Peninsula District Council fails to consider the welfare of the fishery when it co-ordinates the opening of the lake. Ngati Irakehu believe that the success of the eel migrations depends on unrestricted access to and from Wairewa at these critical times.

Legal Status

Lake Forsyth is gazetted as a Maori Reserve under the Fisheries (South East Area Commercial Fishing) Regulations, 1986. This is the only Maori Reserve set aside for fin-fish, the others being reserved for rock oysters.

Policy

1. That the gazetting of Wairewa as a Maori Fishing Reserve be altered to a Ngai Tahu Fishing Reserve for Ngai Tahu who descend from kau-matua listed under the land grants of the Maori Reserves from Wairewa, Rapaki, Kaiapoi, Port Levy and Te Taumutu.

2. Wherever possible, but especially at the margins of lakes and rivers, vegetation should be established to assist in stemming the flow of nutrients into these water bodies.

3. A concerted effort should be made to conserve, protect and enhance existing indigenous vegetation, for its own sake, as a habitat for native birdlife and as a mechanism in assisting in erosion control and the absorption of fertiliser run-off.

4. That representative native flora be used in revegetation projects, and where possible this should be of local genetic origin.

5. That the quality and quantity of water in all waterways be improved to the point where it supports those fish and plant populations that were sourced from them in the past. This mahinga kai must be fit for human consumption.

6. That wetland areas be created and expanded. All existing wetlands should be maintained at their present area at least in recognition of their value as "buffers" in times of high rainfall and also their crucial importance to fish and plant communities.

7. That no further reclamation of wetlands be allowed.

8. Ngai Tahu maintain that future planning procedures should consider the fact that areas such as wetlands are important mahinga kai to Ngai Tahu.

9. That those Runanga which possess beneficial rights to a particular waterway should be consulted on all management practices which will impact on that waterway or its resources.

10. That local Ngai Tahu be allowed to establish temporary camps for the purpose of collecting mahinga kai during the appropriate seasons.

11. That the local Runanga should be involved in the management of all mahinga kai resources, including fresh and salt-water fish.

12. That the Canterbury Regional Council actively encourage and support all initiatives to restock lagoons and other waterways with native fish species, and all initiatives to maintain those places as a suitable fishery habitat.

Urupa

Silent file: 034

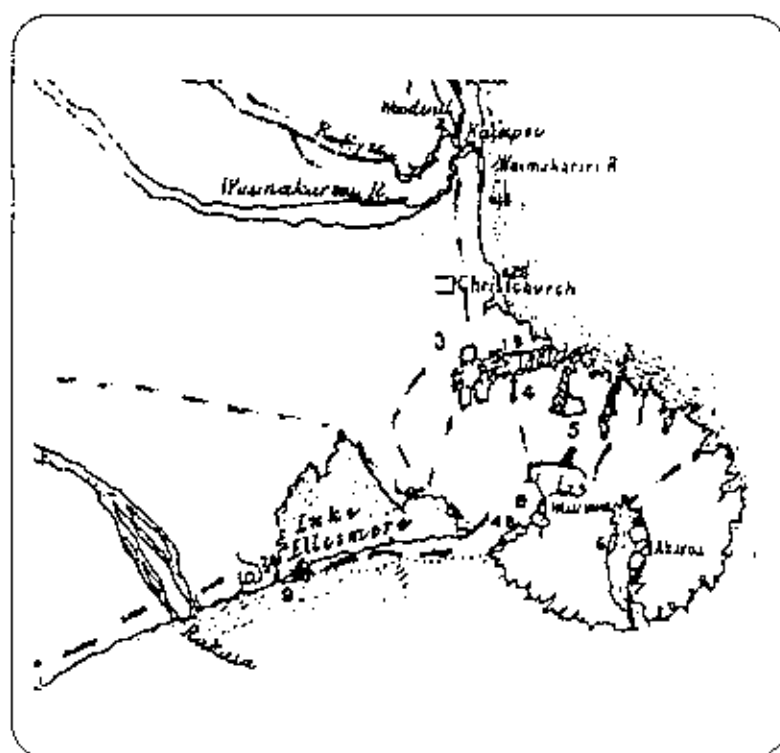
Map 5.78 G

Section 7, Block iii

The cemetery is sited here.

Matariki
The Pleiades stars

Area: 2 acres



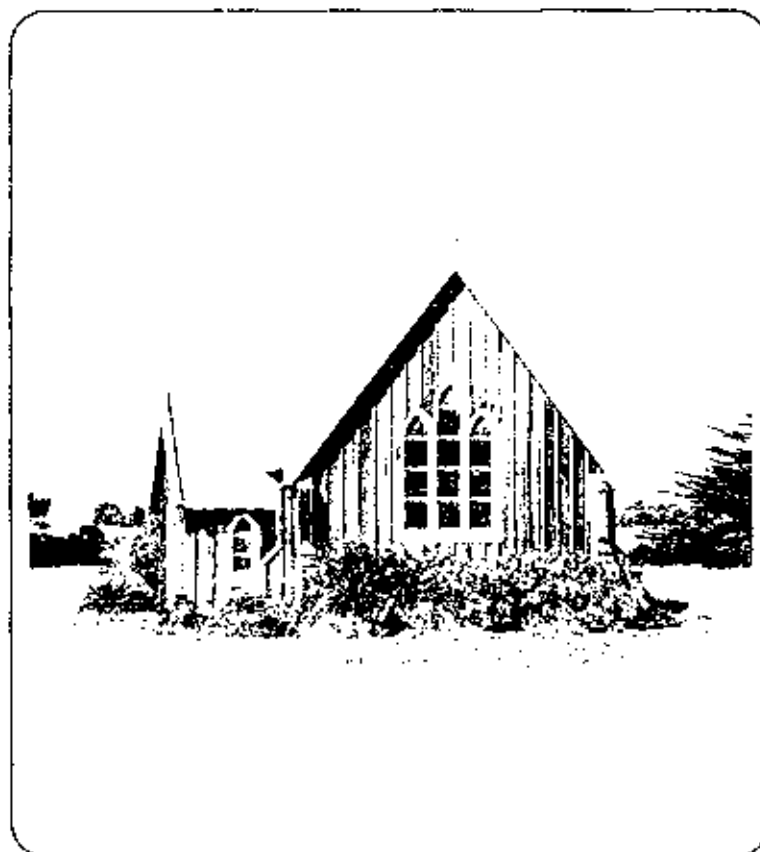
TE TAUMUTU

Located on the southern shores of Te Waihora (Lake Ellesmere).

History

In terms of historical Ngai Tahu occupation, Te Taumutu was settled by the Chiefs Te Ruahikihiki and Kaweriri who were both rangatira of Ngai Tuhaitara and Ngati Kuri.

As with all mahinga kai, parts of the lake were subdivided into the working and foraging boundaries of whanau and hapu who worked the foods in the lake separately. Sometimes a communal effort by all parties occurred in activities such as fowling for putangitangi (paradise duck).



Reserves

The Taumutu Reserve has a fairly complex history.

Unlike the Kaiapoi Reserve, there were several land allocations made throughout the 1800-1900s. Those allocations are as follows:

1. 1848 allocation

Maori Reserve 878,
Block vii, Southbridge SD.

Maori Reserve 879,
Block vi, Southbridge SD.

Area: MR 878 46 acres
MR 879 33 acres

2. 1868 allocation

Maori Reserve 889.

Maori Reserve 901.

Area: MR 889 63 acres
MR 901 128 acres

3. 1883 allocation

Maori Reserve 806,
Block vii, Southbridge SD.

Maori Reserve 3667,
Block vii, Southbridge SD.

Area: MR 806 62 acres
MR 3667 711 acres 3 roods 20 perches

Description

The first reserves at Taumutu, MR 878 and MR 897, were set aside by Mantell in 1848. The latter was named Waiwhakaheket-upapaku. However, due to a survey in 1872 the area of MR 878 increased to 76 acres and that of MR 879 to 42 acres.

In 1868 more reserves were granted to the Taumutu people by the Native Land Court. Those Reserves were MR 889 and MR 901. On survey in 1883 the acreage increased with MR 889 increasing to 66 acres 2 roods and MR 901 increasing to 129 acres 1 rood.

Two further reserves were granted under the Taumutu Commonage Act, 1883. The Taumutu Commonage consists of two reserves (MR 806 and MR 3667) which are located on the shores of Te Waihora.

Ownership of the Reserves (MR 878, MR 879, MR 889 and MR 901) was determined in 1886 by the Native Land Court. The Reserves were partitioned in the same year. To allow access throughout the partitions, "private roads" were lain which were accepted as Maori Roadways and were subject to the jurisdiction of the Maori Land Court.

One private road which came under dispute was the "road" that went through MR 878, and was considered by some to be a public road. In 1971 the Department of Lands and Survey determined that

the road was a Maori Roadway, although no court ruling has been made.

Important sites and sections

TE TAUMUTU

MARAE

Section 16

This was formerly known as section 13. The whare runanga stands here, on the original site of Moki's Pa. The Pa is listed as an historical site.



Sections 14b and 11

Section 14b (formerly section 10) was set aside by the local Runanga as a recreation area. Section 11 was formerly known as section 13.

TE KOROHĀ (ELLESMERE RESERVE)

Ellesmere Reserve 959,
Block x, Halswell SD.

comprised of lots 11, 12, 13.

Area:
166 acres 1 rood 11 perches

Description

This reserve is sited near the southern bank of the Ahuriri Lagoon, Lake Ellesmere. As with the rest of Te Waihora, Ahuriri Lagoon was an important mahinga kai.

Ownership was determined in 1913 by the Native Land Court, presided over by Judge Gilfedder. Justice Gilfedder ruled that the Maori of Kaiapoi, Port Levy, Wairewa, Te Taumutu and Rapaki

were the persons who should have ownership. A census of those communities was taken by a Ngai Tahu Committee and submitted to the Court. The Committee listed 573 Ngai Tahu, distributed as follows:

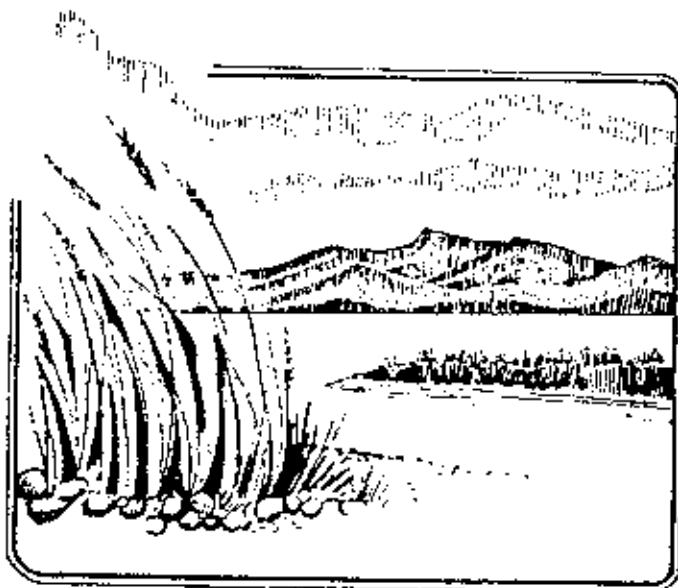
Kaiapoi	275	persons
Wairewa	134	persons
Rapaki	86	persons
Te Taumutu	40	persons
Port Levy	38	persons

Total 573

As a result, the shares in the reserve were allocated proportionately with Kaiapoi being granted 275 of the 573 shares - and so on.

The Maori Trustee took over management of the reserve from the Public Trustee in 1958 under s. 50 (1) of the Maori Reserved Land Act 1955. In 1978 the Maori Land Court ordered that the proceeds be distributed communally rather than to individuals.

A Case Study of Mahinga Kai in the region follows.



MAHINGA KAI

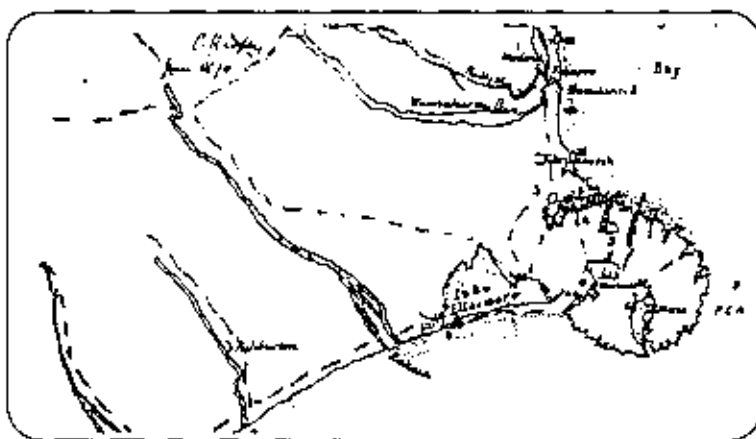
CASE STUDY:

KAITORETE SPIT

AND

TE WAIHORA

(LAKE ELLESMERE)



KAITORETE SPIT

Kaitorete is a long strip of land which separates Te Waihora (Lake Ellesmere) and the Pacific Ocean. It can be located on the New Zealand Map Series, 262, sheet 13.

Kaitorete lies between two blocks (vi-vii) of the Ellesmere Survey District and covers an area of 170.6151 hectares. In 1978, a portion of the spit within the two blocks was set aside as a reserve for scientific purposes.

(27)

Description

Kaitorete Spit is included in the Ngai Tahu claim before the Waitangi Tribunal. Title to the spit was claimed by the Tribe during the 1868 Native Land Court hearings in Christchurch, on the basis that it was a place of occupation for their ancestors. Further, it was, and still is, an important source of mahinga kai such as bird eggs and weaving materials such as pingao (*Desmoschoenus spiralis*).

Judge Fenton dismissed the claim stating that Kemp's Deed included Kaitorete. But Fenton also recognised the importance of Kaitorete to Ngai Tahu as a mahinga kai and place of occupation in his following statement:

"I should say, speaking in a way in which I must not be bound by if the matter comes before me judicially, that this pah with the easement over the whole of the strip would satisfy the Natives, without giving them freehold. That is, to give them leave to make a drain for eel fishing where they liked, filling it up again as they need to. That might be done without injury to Europeans, while at the same time it would be very valuable to the Natives to have the privilege."

(28)

Since Judge Fenton's ruling the claim has been restated in a number of forums.

Kaitorete is an important eeling place for Ngai Tahu. In former times they dug channels from Te Waihora into the spit and the tuna (eels) would enter these during



their migration. The tuna were then easily caught and stored in paarua (storage pits) ready for further processing.

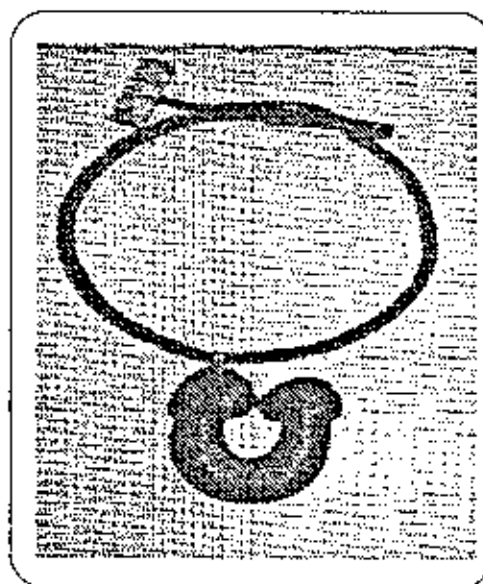
It was also the traditional thoroughfare to and from the Peninsula at a time when the lake covered twice the area that it does today. This high level of usage is evidenced by the numerous campsites and urupa located on Kaitorete.

In a modern context, Kaitorete is still an important Ngai Tahu mahinga kai. One of the important mahinga kai left on Kaitorete is the pingao (*Desmoschoenus spiralis*), a fibrous plant used for decorative purposes such as tukutuku panelling and weaving kete (baskets, kits), as well as for other weaving purposes.

Policy

1. Sand mining should be terminated when W. A. Habgood's temporary license expires in 1991.

2. Mining must not be permitted in areas which are important to Ngai Tahu, including urupa, wahi tapu and some mahinga kai areas.



3. Further mining licenses should not be granted if the mining company does not have the assent of the tangata whenua.

4. All present and future reserves on Kaitorete should be formed and managed with the full involvement of the Taumutu Runanga, and full access and protection of mahinga kai usage rights, as guaranteed by the Treaty of Waitangi.

5. The implication of any future development on Ngai Tahu resource values should be considered before such consents are granted. Taumutu Ngai Tahu should be fully involved in such decisions.

6. That Ngai Tahu access to, and rights to use resources from public forests, parks and reserves be guaranteed. This includes the use of traditional materials such as pingao and harakeke.

7. That representative native flora be used in revegetation projects, and where possible this should be of local genetic origin.



TE WAIHORA

Introduction

Ngai Tahu attitudes to Te Waihora are similar to Wairewa, the difference being that Te Waihora is not afforded the protection of a Maori Fishing Reserve.

Today Te Waihora is considered by many to be solely a commercial fishery - primarily eel and patiki. However, Te Waihora was also famous as a "mahinga manu wai maori" which literally means a "place for taking water fowl". Putangitangi (paradise duck), parera (grey duck), pateke (grey teal) and a number of swamp hens were all taken as food from the lake.

Fish of various sorts were taken during the year, but eel, aua (yellow-eyed mullet) and flounder are the main sources of food taken here in large quantities. In fact, the local Ngai Tahu were noted among other Ngai Tahu kainga for their eel. In part, Te Waihora identified who they were.

Eel were not taken from the lake alone and, when discussing the lake, its tributaries need to be considered as well. Ngai Tahu believe that the waterways in the North Canterbury region are all connected and that tuna and fish travel from Kaiapoi to Te Waihora via underground waterways. Eel catching therefore

starts inland and proceeds to the coastline by following the tributaries into the main lakes and lagoons. This process takes a whole season.

The well-being of this lake is of paramount importance to the Tribe as it is from this lake that the upper lakes in the high country are stocked with fish, the fingerlings travelling via the underground waterways.

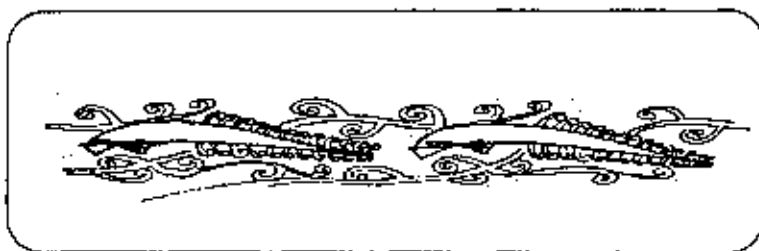
Since European colonisation, the management of the lake has been determined by the demands of agriculture and the economics of reclamation, with the result that Te Waihora's mahinga kai value is now negligible.

"... when discussing the lake, its tributaries need to be considered as well. "

Traditional Management

Te Waihora was traditionally controlled by a number of whanau and hapu, with each working their own section of the lake. Today,





"Settlements as far south as Awarua (Bluff) would know when the lake had been opened ..."

five Canterbury Runanga have interests in the lake. They are: Rapaki, Port Levy, Ngai Tuahuriri, Wairewa and the resident Taumutu Runanga.

The Taumutu people used to open the lake occasionally to lower the water level of the wetlands which surrounded their settlements. This was accomplished with the use of sticks and would have occurred at much higher lake levels than at present, the lake area then being nearly twice that of today. Settlements as far south as Awarua (Bluff) would know when the lake had been opened by the appearance of the distinctive patiki mohoao (black flounder) in their rivers.

Drainage and Reclamation Legislation

"... the tangata-whenua have had their most valued resource dramatically affected by legislation which did not consult or consider their position."

Legislation has approached the management of Te Waihora largely as a drainage and reclamation exercise. The preamble to the Ellesmere and Forsyth Reclamation and Akaroa Railway Trust Act, 1876, stated its intention:

"... great public benefit and convenience would arise from the drainage of Lakes Ellesmere and Forsyth, in the Middle Island of New Zealand, and from the reclamation of land from the said lakes..."

(29)

This Act was repealed by the Railways Construction Act, 1878, perhaps because of the economic conditions of the time. The 1878 Act also declared extensive lands around the side of Te Waihora to be 'Crown lands of special value'.

"The 1888 Ellesmere Lake Lands Act provided that protective works to keep lake overflows from affecting the lands referred to in the 1878 Act should be constructed. This Act also provided that any of the rivers flowing into Te Waihora could be diverted or stopbanked. The sale of the lands referred to was to pay for the work."

(30)

Following Acts were designed to facilitate and finance the further draining of Te Waihora and speed the passage of river water through the lake to sea.

The Ahuriri Lagoon was vested in the Ellesmere Drainage Board in 1912, and the Board was given the authority to drain the lagoon, lease the reclaimed land, and apply the funds to the further draining of Te Waihora. Despite vigorous opposition from Ngai Tahu's Parliamentary representatives, Taare and Tame Parata, the unmodified Bill was passed.

Further legislation, in the form of the 1924 Land Act, placed all unsold lands described in the 1876 and 1878 Acts, under perpetual lease as Crown lands. The revenue was to finance survey, drainage and railway costs.

(31)

In the case of Te Waihora, the tangata-whenua have had their most valued resource dramatically affected by legislation which did not consult or consider their position. To add insult to injury, the revenue from the sale of their resources was applied to further destroy the water and mahinga kai values of the lake. Ngai Tahu consider all of the above legislation to be blatant breaches of the Treaty of Waitangi and have advanced this argument to the Waitangi Tribunal.

Drainage Effects

The lake is now managed at a low level by the periodic cutting of an opening through Kaitorete Spit into the sea. This ensures that the bordering farmland remains productive, but also reduces the feeding grounds of both tuna and some birds. The lowered water level has destroyed the shellfish beds on the lake shore, although the shells can still be seen today.

As outlined above, the lake-edge wetlands are an important fish and bird habitat. Drainage of these areas removes both the food supply and breeding grounds, resulting in reduced numbers. All reclamation schemes have serious adverse effects on the wetland plant and fish communities.

Water regulation and flood control are also important recog-

nised functions of wetlands. The greater the wetland area, the greater the controlling effect in times of high rainfall. This in turn means that the lake does not have to be opened as frequently to maintain a relatively constant water level, and therefore reduces the management cost.

(32)

Eighty-one per cent of the surrounding wetland area has now been drained through the use of stopbanks and pumping stations. As well as harming the fishery, this practice has hastened the flow of nutrient-laden water into the lake, as wetlands are very effective filters of inflowing water.

(33)

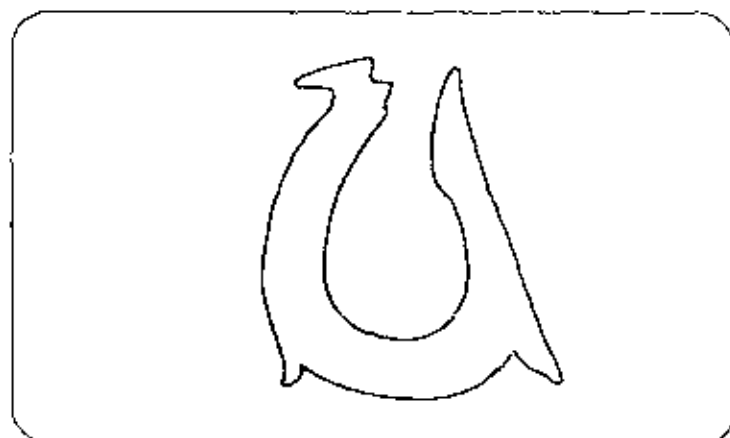
This ability to filter nutrient-laden water can best be demonstrated by the proposed Mangonui sewerage-treatment plant. In this instance, a man-made wetland has been proposed to filter sewerage effluent. Engineering evidence before the Waitangi Tribunal claims that the combined effects of evaporation, transpiration and soakage will remove sufficient nutrients to allow the water to re-enter the rivers in as pure form as possible.

(34)

"Ngai Tahu consider all of the above legislation to be blatant breaches of the Treaty of Waitangi ..."



"... wetlands are very effective filters of inflowing water."



Present lake management policies do not recognise the importance of the wetlands, nor do they safeguard the habitat of the tuna, despite extensive scientific evidence showing the advantages of doing so.

(35)

Water Quality

The water quality of Te Waihora has always been of concern to Ngai Tahu because of the many resource values it supports. Research has been initiated since the mid 1970s in an effort to better understand the effects of different land use regimes on the lake.

The lake water is becoming saturated with nutrients, i.e. eutrophic. This is a natural process in lakes, but is being accelerated in Te Waihora due to land management practices in its catchment. These increased levels of nutrients enhance the growth of some water plants and algae, which eventually die, and in turn, lower the oxygen content of the water as they decompose.

The important nutrients involved are phosphates and nitrates, both of which occur naturally in soils. However, modern farming methods require the application of large quantities of these nutrients to sustain increased production, and subsequent leaching places abnormally high loadings on the lake. Of this, a Lands and Survey report stated:

"At Lake Ellesmere, the danger of this continuing eutrophication process and

associated detritus build-up will be to see:

- a replacement of oxygen-demanding fish (e.g. trout and flounder) with 'coarse' fish (e.g. perch);
- a substantial alteration of the lake-bed and lake-water fauna and flora;
- no recovery of lake-weed beds;
- a probable reduction in eel population through food reductions;
- some modification of lake-edge vegetation."

(36)

Another serious concern is the presence of the blue-green algae *Nodularia spumigena*. This algae is flourishing in nearby Wairewa (Lake Forsyth), and renders the water lethal to stock under certain conditions. Wairewa is now completely eutrophic and the water is slightly saline (as is that in Te Waihora), and these conditions appear to encourage the growth of the algae. The concern is that Te Waihora may also become seriously infested with the *Nodularia* algae.

Kaumatua have described Te Waihora as originally having clear water and a shingle bottom, however, the water is now a murky green-brown and the lake bottom is muddy.

Reserve Legislation

In 1883, some 770 acres was set aside for Ngai Tahu as the Taumutu Commonage. It was "granted" as a lease in perpetuity free of rent and other costs. However, the Crown retained the right to use any land which it needed

for public works. Mr James McAloon, a Ngai Tahu Maori Trust Board historian, said of the Commonage Act:

"The 1905 Taumutu Native Commonage Act vested the land in the Public Trustee '... for the use and benefit of such Natives as the Native Land Court ... determines.' Although this Act gave the land the status of Maori Land the Trustee was given discretion to lease '... any portion of the said lands not needed for the use or occupation of the Natives, for any term not exceeding twenty-one years, in such manner and subject to such conditions as he thinks fit.' As was usual the rents were to be applied by the Trustee for the benefit of the owners. This lease, it should be noted, was not a lease in perpetuity."

"The 1955 Maori Reserved Land Act, in section 8, gave the Maori Trustee (who had replaced the Public Trustee) '... authority to do all such things as he considers necessary for the due administration thereof, and which are, in his opinion, in the interest of the beneficiaries on whose behalf it is administered'."

(37)

This legislation gave the Maori Trustee the right to issue leases on any terms thought fit, and gave lessees the right to buy a lease in perpetuity. The Maori Trustee was not required to consult with the owners.

Two blocks on the Commonage have been leased in perpetuity. The rent being 5% of the unimproved value at the time of the

rent renewal. The rent becomes negligible after the first few years of the lease and, for this reason, leases in perpetuity sell for amounts close to freehold land.

The owners rightly feel that they should be able to run their own affairs and charge normal market rates for their land, and if they so wish, use the land themselves. This legislation has again prevented Ngai Tahu from participating in the economy on an equal footing with the wider European society and has been called into question before the Waitangi Tribunal.

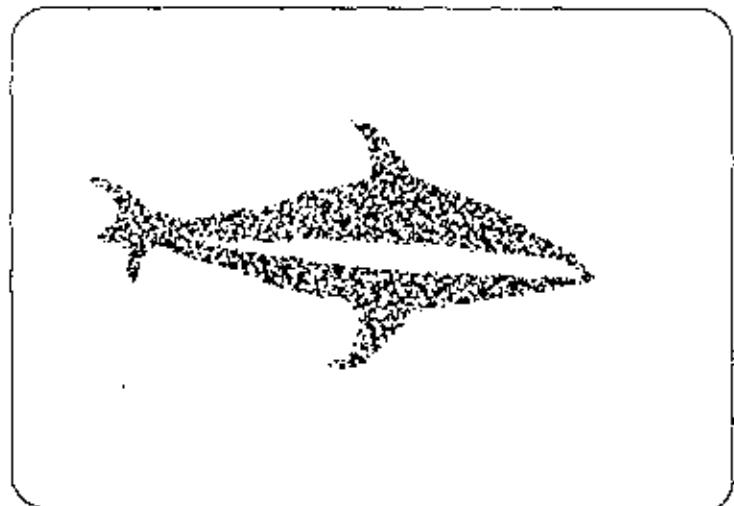
(38)



Commercialisation

For many, the 1984 removal of fishing licenses (from those who earned less than 80% of their total income from that source) marked the end of a long family involvement with the lake.

Local Ngai Tahu have always been seasonal fishermen, but now



there is not one Ngai Tahu licenseholder on Te Waihora. These regulations have denied Ngai Tahu the right to continue an integral part of their traditional lifestyle.

Perhaps because of the initial abundance of the resource, there is no minimum weight requirement for Te Waihora tuna, although all other New Zealand fisheries require a minimum weight of 150 grams.

However, the Taumutu Runanga and Ngai Tahu in general have consistently argued against commercialisation of the tuna, whether it be in Te Waihora, Wairewa or anywhere else. It is recorded in the minutes of April 1968:

"The Chairman [Riki Te Mairaki Ellison] had been approached by a company

seeking the right to take eels. The Chairman stated that he was not in favour of the scheme and would not support it."

This resulted in the following motion;

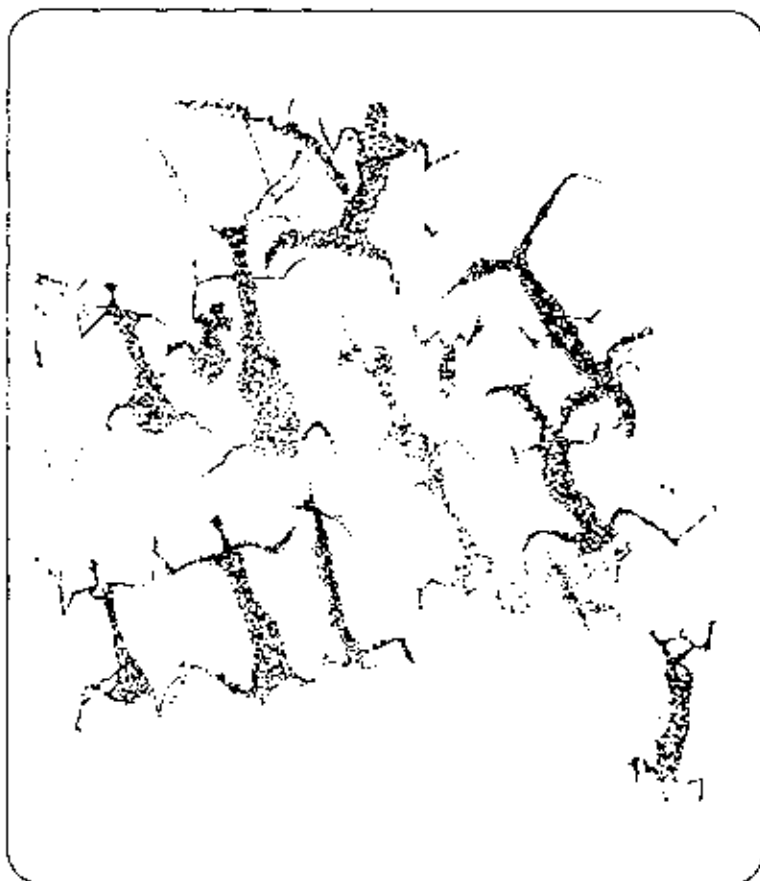
"That the [Mid-Canterbury Maori] Committee is not in favour of losing any rights as far as eeling is concerned, and supports the Trustees in keeping and holding what we had."

(39)

Regardless of the desires of the Taumutu Runanga, commercial interests knew the value of Te Waihora. The 1976 catch was 56% of the national total from this one area alone. This percentage declined markedly until quotas were eventually introduced.

The absence of size limits has also affected the eel population. As the numbers of larger tuna declined, markets were developed for the juvenile "fingerlings", and this has removed the replacement population also.

Ngai Tahu have traditionally practised the taking of the younger stock and the adults are left as the breeding stock. Traditional husbandry practice meant



that muttonbird chicks are taken rather than the adult titi. Ngai Tahu also believe that the larger "pou tuna" are the breeding stock and therefore they are not taken. This approach is analogous to 'modern' livestock farming practices.

Commercialisation of the tuna resource, especially without adequate quantity and size restrictions, is seen as a major reason for the reduction of the tuna fishery.

Policy

1. That the local Runanga be consulted on all matters affecting Maori Reserve land in their areas.
2. The Canterbury Regional Council should encourage land owners or occupiers to plant vegetation on riparian strips to prevent contaminated run-off into any wetland, waterway or lake.
3. Those Runanga which possess beneficial rights to the lake or its shore should be consulted on all management practices which will impact on the lake and its resources, including the appropriate time for opening and closing the lake.
4. Where accessible, productive mahinga kai areas still remain, strong

policies should be adopted to maintain and enhance them. The Canterbury Regional Council should support the attainment of access provisions where necessary.

5. That local Ngai Tahu be allowed to establish temporary camps for the purpose of collecting mahinga kai during the appropriate seasons.

6. That those Runanga with beneficial rights should be involved in the management of all mahinga kai resources, including fresh and salt-water fish.

7. That the Canterbury Regional Council actively encourage and support all initiatives to restock lagoons and other waterways with native fish species, and all initiatives to maintain those places as a suitable fishery habitat.

8. That no drainage of waiwhakaheke-tu-papaku (water burial sites) should be allowed.



"These regulations have denied Ngai Tahu the right to continue an integral part of their traditional lifestyle."

9. That the quality and quantity of water in all waterways be improved to the point where it supports those fish and plant populations that were sourced from them in the past. This mahinga kai must be fit for human consumption.

10. That wetland areas be created and expanded. All existing wetlands should be maintained at least their present area in recognition of their value as "buffers" in times of high rainfall and also their crucial importance to fish and plant communities.

11. That no further reclamation of wetlands be allowed.

12. Ngai Tahu maintain that future planning procedures should recognise the fact that areas such as wetlands are important mahinga kai to Ngai Tahu.

13. That agricultural and chemical spraying be prohibited in any case where the effects of such spraying will be to degrade the quality of any water body or affect the flora and fauna in the immediate vicinity of such water bodies.

Urupa

ORARIKI

Taumutu Maori Reserve 878

Section 15 (formerly section 11).

The Taumutu cemetery and church are located within the old Pa of Te Ruahikihiki, Orariki.

Section 22

An urupa exists on the sand dunes in this section. However, the majority of the wheua have been reinterred as the sea has eaten into the coast.

RAKAIA

Maori Reserve 2058,
Block ix, Rakaia SD.

Area: 1,830 acres

Description

This area was traditionally a mahinga kai of the Ngai Tuahuriri hapu.

It was granted to the original owners of the Kaiapoi Maori reserve under the Kaiapoi Native Reserves Act 1877. Ownership was determined in 1880.

In 1883 a road was put through the reserve under the Public Works Act 1872.

(40)

In 1889 the Kaiapoi Maori sought the partitioning of the reserve and the land was surveyed into sections in the same year.

Today most of the land has been alienated and an incorporation has administered section 3 since its establishment in 1975.

ASHBURTON

Maori Reserve 2060,
Block ix, Ashburton SD.

Area: 253 acres

Description

The history for this reserve is similar to that of the Rakaia Maori Reserve.

This reserve was set aside for the original owners of the Kaiapoi Reserve under the Kaiapoi Native Reserve Act, 1877. Ownership was established in 1880 by the Native Land Court.

Today the land has passed into general title.

*Rakaia camp site, 1848,
WBD Mantell*

AROWHENUA

Reserves

KAPUNATIKI

Maori Reserve 905,
Block viii.

Area: 600 acres

Description

This section of land was granted to the Arowhenua Maori by the Native Land Court in 1868. In 1887 the reserve was partitioned into 17 sections.

In 1968 the Maori Land Court approved the amalgamation of all the titles into 573 acres 0 roods and 1.6 perches. One section had been sold prior to the amalgamation in 1921.

This reserve was leased by the Maori Trustee but in 1984 the owners appointed their own Trustees.



RAUKAPUKA

Maori Reserve 913,
Block viii.

Area: 150 acres

Description

The history of this reserve is similar to Kapunatiki. It was granted to the Arowhenua Ngai Tahu by the Native Land Court in 1868.

In 1887 the reserve was partitioned amongst the Arowhenua Ngai Tahu, but in 1968 Raukapuka was amalgamated into one title with Waipopo 2 which came to 170 acres, 0 roods and 5 perches.

WAIPOPO 2

Reserve 14168

Area: 20 acres

Description

This reserve was allocated by the Native Land Court in 1868 and partitioned in 1968 into two sections. However, in 1985 it was amalgamated with Raukapuka into one title of 170 acres, 0 roods and 5 perches.

AROWHENUA

Maori Reserve 881

Area: 376 acres

Description

Arowhenua is the tribal headquarters for the Ngati Huirapa Hapu of Ngai Tahu. It was established by their ancestor Te Ariki shortly after Ngai Tahu had located themselves at Kaiapoi Pa.

This reserve was granted by Mantell in 1848 to the Ngai Tahu of Waiateruaati and Arowhenua.

Ownership was determined in 1868 by the Native Land Court and the land was surveyed in the same year. The reserve was partitioned in 1887 by the Native Land Court with the land being individualised and portions set aside for a marae and urupa.

WHARERAKI

Sections 1a & 1b

The name Whareraki refers to section 1 and includes 2 acres.

"Arowhenua is the tribal headquarters for the Ngati Huirapa Hapu of Ngai Tahu."

Sited on section 1a is a church and on section 1b is the cemetery which holds local Ngai Tahu. Section 1b is vested with the Temuka Trustees.

This section is easily sighted as you come off the highway and enter Arowhenua.

Sections 6 and 10.

These two sections were taken under the Public Works Act, 1928, because the Arowhenua School needed more land to expand. Originally, it was intended to take section 9 but it was later agreed that the school should have section 6 instead.

"Te Hapa o Niu Tireni ... means

'The Unfulfilled Promise of New Zealand'..."

(41, 42)

Sections 3b and 18b

These sections sit opposite section 1a and 1b where the church and cemetery are situated. It is identified by the stone carved archway which stands at the entrance of the section. This section was set aside as a Maori Reserve to site a model Maori Pa and meeting house which was proposed in the early part of this century.

Connected to section 3b is section 18b which was set aside for the same reasons.

The sections are now vested in the Temuka Marae Trustees.



The school then decided that it only needed section 10. Section 6, which was taken under the Public Works Act, 1928, was declared to be surplus to requirements.

(43)

TE HAPA O NIU TIRENI

Sections 12a1 & 2b

Te Hapa o Niu Tireni is the name of the whare runanga (meeting house) at Temuka. Translated, it means "The Unfulfilled Promise of New Zealand", and was so named to remind the Government

TEMUKA SCHOOL

Section 11

This section was gifted to the Crown for a school site in 1894.

that the promises of Kemp's Deed and the Treaty of Waitangi have not been honoured.

Section 12a

This section was set aside as a recreational area for the Temuka Ngai Tahu. The land is vested in the Temuka Trustees.

WAIPOPO

Maori Reserve 882,
Block ii, Arowhenua SD.

Area:
187 acres 1 rood 15 perches

Description

This Pa was an old mahinga kai connected with Waiteruati. The reserve is sited on the banks of the Opihi River.

Waipopo was set aside by Mantell in 1848 and surveyed in 1889. Ownership was determined in 1868 by the Native Land Court.

TE UPOKO O RAKAITAUHEKE

Maori Reserve 884,
Block x Arowhenua SD.

Area: 20 acres

Description

This Reserve was granted by Mantell in 1848 and ownership of the reserve was determined by the Native Land Court in 1887. In 1914 the reserve was partitioned into 66 small town sections.

However, due to unpaid rates, the land was sold by the South Island District Maori Land Board to the Timaru Borough Council in 1926.

The Council set aside 9 acres as a public recreation reserve, known today as Maori Park.

Fishing Easements

TURUMANU

Maori Reserve 910,
Block iv, Arowhenua SD.

Area: 7.8913 hectares
(20 acres)

OHAPI

Maori Reserve 909,
Block iv, Arowhenua District.

Area: 1.7452 hectares

Description

These fishing easements are

sited near the mouth of the Orari River. Turumanu sits on the north bank of the river and Ohapi is located on the south side of the river mouth.

The mouth of the river occasionally alters and changes the acreage of the reserves. In 1889, when the river was being surveyed, the river had shifted away from Turumanu and had submerged half of Ohapi. The acreage decreased slightly from 20 acres to 19 acres 2 roods. Ohapi went from 10 acres down to 4 acres 1 rood 10 perches.

Ownership of the two sections was determined in 1887 where the owners were to be those who appeared on the 1848 Arowhenua census and the 1868 Native Court list for the fishing easements of that district.

In 1972 Trustees were appointed - as nominated by the Runanga - with the power to determine leases. Proceeds were to go to the upkeep of the marae.

KAIKATAHA

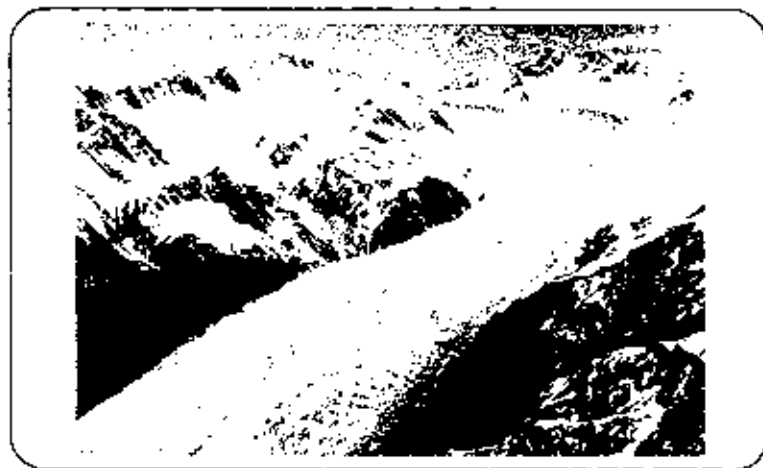
Maori Reserve 908,
Block vii, Arowhenua SD.

Area: 20 acres

Description

This reserve is sited near the

Orakipaoa Creek. The owners were listed in 1887 as all Arowhenua Maori who appeared in the 1848 Arowhenua census and the 1868 Native Court list for the fishing easements of that district.



HARAKEKETAUORO

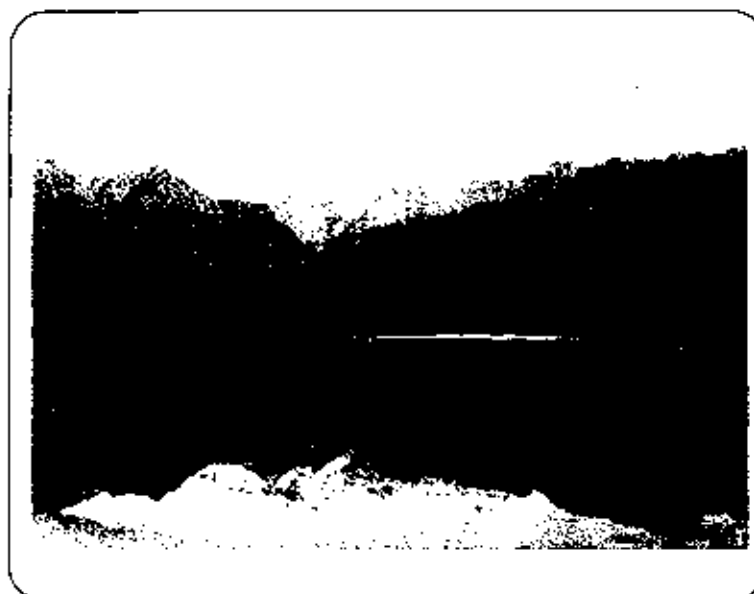
Maori Reserve 914,
Block vii Arowhenua SD.

Area: 30 acres

Description

This easement is sited near the mouth of the Opihi and Orakipaoa Rivers.

Ownership is the same as that of Turumanu, Ohapi and Kaitakaha. The Trustees for the Reserves were appointed in 1972 and they were given the power to lease the land, the proceeds going



towards the upkeep of the marae.

"... farm-generated nutrient run-off, abstraction of water for irrigation, and the discharge of industrial effluent into the river, have reduced the waterways to waste removal channels and all but destroyed their mahinga kai value."

WAITARAKAO

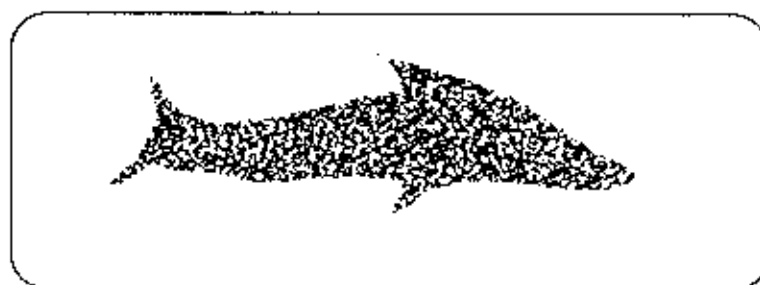
Maori Reserve 911, Block xi, Arowhenua SD.

Certificate of Title: 140 /103f

Area: 2 acres

Description

This easement sits at the mouth of the Washdyke Lagoon. The easement, through erosion of the coastline, is now covered by the sea. However, there are Trustees for the reserve.



CASE STUDY:

THE OPIHI RIVER AND ITS CATCHMENT.

Before European settlement, the Opihi River and its catchment supported a large Maori population. The whole catchment was one vast mahinga kai providing a comprehensive range of fish, fowl and plant life. In later years it became internationally famous for the quantity and size of its trout. Today the combined effects of farm-generated nutrient run-off, abstraction of water for irrigation, and the discharge of industrial effluent into the river, have reduced the waterways to waste removal channels and all but destroyed their mahinga kai value.

Abstraction

As the river crosses the plains, its natural flow is progressively reduced by the abstraction of water for use in irrigating the fertile but dry soils of the plains. Most rights to abstract the water have been granted since the passage of the Water and Soil Conservation Act 1967.

These rights have been granted piece-meal and in the absence of any catchment management plan. The rights themselves each stipulate how much water can be taken from the river, the maximum rate of abstraction, and the hours, days and months when it can be taken.

In theory each farmer knows exactly how much water he can take and can therefore make his investment and management decisions with confidence.

In practice this apparent certainty does not exist. Because of an inadequate management plan and because the rights were granted one after the other over a period of years, the total quantity of water permitted to be taken pursuant to these rights now exceeds the total flow of the river in the dry months when it is most needed. For this reason a system of rationing has had to be imposed based upon an agreed trigger indicator. The rationing relies upon the honesty of all abstractors because, due to sloppy legislation, lack of manpower for inspection, and the absence of any systematic method of metering pumping operations, enforcement is impossible.

The Opihi also supplies water to Timaru, although for the reasons already given, that supply is becoming less certain each year and the city has had to plan for an alternative supply. The result of all these abstractions is that the river is now all but dry for three months during summer.

Pollution

As it travels across the plains, the river picks up nutrients and chemical run-off from farming operations along with dairy farm and factory discharges and aerially



applied agricultural sprays. Near Timaru it receives effluent discharges from a woolscour and from the Temuka sewerage treatment plant. Some of the point discharges are subject to conditions imposed in the water rights which permit them, but simple observation suggests that either the discharges do not meet the conditions of the water rights, or that the conditions themselves are so slight as to be meaningless.

The Milford Lagoon was once the most prized mahinga kai along the river but pollution there has reached the point where it was described to the Waitangi Tribunal thus:

"The water is of very poor quality, not fit for recreational purposes let alone to drink, the grease and slime that is visible both floating and attached to shingle in the stream is both vile and filthy"

(W.Torepe, Wai-27 #R 9)

(46)

"... simple observation suggests that either the discharges do not meet the conditions of the water rights, or that the conditions themselves are so slight as to be meaningless."



Results

The "before and after" of the Opihi river is left to the observation of others.

Before

"The entire area is a well integrated estuarine region being particularly important for various species of fish and bird life. This is one of the few estuarine areas along the south east coast of the South Island and is an important breeding and fishing ground for migrating birds and fish". (44)

After

"I have seen the Opihi turn from a recreational resource into something unfit for dogs to swim in".

"In its lower reaches it is at best semi-stagnant and at worst dry; in either case it is a foul stinking mess" (45, 46)

The Future

For some years now the inadequacy of the river flow, measured against the permitted abstractions from it, has been a cause of concern to farmers. The possibility of diverting water from one of the hydro lakes or canals into the river to increase its flow has been the subject of preliminary investigations.

Public discussion of such a diversion has suggested that its purpose would be to make more water available to farmers rather than to partially remedy the

deplorable state of the river itself. It must be accepted that farmers who have acquired rights to take river water for irrigation have made heavy capital investments in pumps, pipes, sprays and specialised farming systems. Plainly these cannot be rendered useless overnight by cancellation of existing water rights.

Policy

1. That no discharge into any water body should be permitted if it will result in contamination of the receiving water.

2. That the quality and quantity of water in all waterways be improved to the point where it supports those fish and plant populations that were sourced from them in the past. This mahinga kai must be fit for human consumption.

3. That the Canterbury Regional Council should actively encourage the disposal of effluent onto land rather than into water.

4. Management Plans should be prepared for each river, their tributaries and catchments, and a coherent list of all water rights made, whether to abstract water or to discharge effluent. In the meantime new water rights should only be granted in exceptional

circumstances. These management plans should be developed in consultation with the appropriate Runanga, and only adopted with their consent.

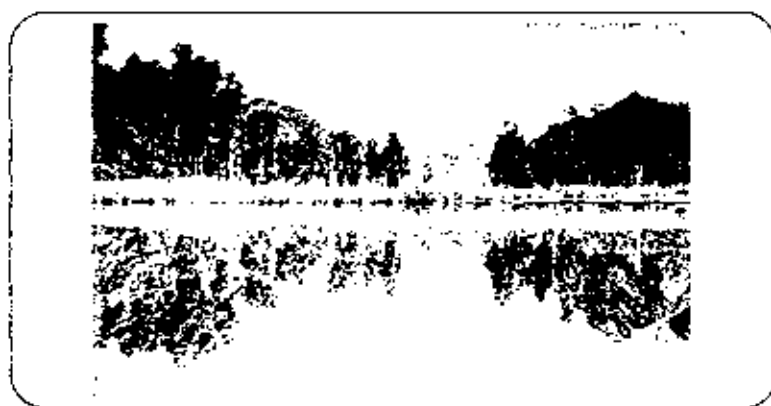
5. That when water rights come up for renewal, investigations should be undertaken to determine if more modern technology would permit an improvement in the quality of any discharge.

6. That in the case of abstraction, more efficient use of water be encouraged. Any water "saved" in this manner should be returned to the waterways to enhance river flows, and not re-allocated to other users.

7. That no new water right should be granted that will prejudice maintenance of natural resource values.

8. That methods of storing excess water, for example wetlands and dams, should be actively encouraged.

9. That wetland areas be created and expanded. All existing wetlands should be maintained at their present area at least in recognition of their value as "buffers" in times of high rainfall and also their crucial importance to fish and plant com-



munities.

10. That no further reclamation of wetlands be allowed.

11. That those Runanga whose members possess beneficial rights to a particular waterway should be consulted on all management practices which will impact on that waterway or its resources.

12. That agricultural and chemical spraying be prohibited in any case where the effects of such spraying will be to degrade the quality of any water body or affect the flora and fauna in the immediate vicinity of such water bodies.

13. That the Canterbury Regional Council should encourage land owners or occupiers to plant vegetation on riparian strips to prevent contaminated run-off into any wetland, waterway or lake.



CASE STUDY:

ROCK ART IN THE

LOWER WAITAKI VALLEY

This case study concentrates specifically on the Waitaki Valley area. However, other rock art sites are known, for example at Weka Pass, and the comments here apply equally to all such sites.

Given that heke (journeys) were undertaken regularly up the Waitaki Valley, it is not surprising that it is part of the country's major collection of rock art sites. On stylistic grounds, the Waitaki River appears to have acted as a form of cultural barrier in rock art design. Understanding of such matters will hopefully become more enlightened as a result of current rock art study and recording projects.

Rock Art Sites

Despite various studies into different facets of rock art, little is actually understood about what these taonga represent. Their significance; the styles and vari-

ations; their role as boundary markers; and their relationship to other art forms of the prehistoric peoples are not well understood. Similarly, there is a paucity of information relating to the

total distribution and antiquity of rock art, and its tolerance of environmental change.

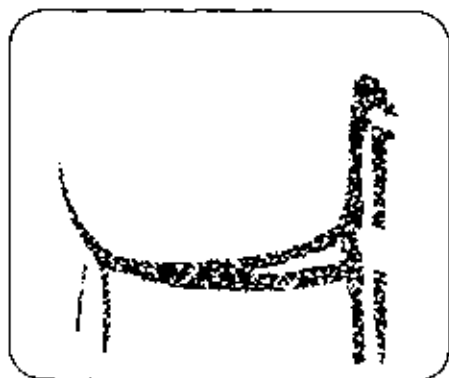
South Island Rock Art Project

To shed some light on the above questions before these taonga are lost, the South Island Rock Art Project has been initiated.

The intentions of the Project are to survey, pin-point and record, using specialised photographic equipment, all rock art sites in the South Island. The second phase is to undertake any conservation measures required to preserve these taonga for future generations and future study. Although a mammoth task, this project was started immediately because of the rapid deterioration of the art and its susceptibility to changing conditions.

The project is proceeding under the authorisation of the Moeraki, Waihao and Arowhenua Runanga, and the Ngai Tahu Maori Trust Board.

In order to gain an early understanding of the project's requirements, and to build a case for future funding, a pilot study is currently underway in the Waitaki area. The study covers the area extending from Oamaru to the Kakanui River, with the coast and State Highway No. 1 as the longitudinal boundaries.



Already the results have been unexpectedly impressive, and have indicated the following factors:

1. A considerable amount of the art is previously unrecorded or insufficiently recorded. It is common to recognise further art in already known sites. For example, Trotter and Harrowfield claim that all the recognisable art of site S136/10 is reproduced, whereas study shows that at least half of that material is not recorded.

2. The potential for the discovery of many unrecorded sites. Within the area of the pilot study there were only fifteen sites previously recorded. However, the survey has revealed thirty more, making the new total forty-five. It should be emphasised that these are all separate sites, and not merely further art in already known sites. There is no reason to expect results to differ in any other area to be studied. The coordinator of the survey project is of the opinion that the areas around Duntroon, Maraewhenua, Kokoamo and Earthquakes have potential for many more rock art sites.

3. The rapid deterioration of some of these taonga.

4. The inadequacies of previous surveys, and hence:

5. The inadequacies of the



current rock art records. These are demonstrated by the new findings which strongly suggest that past studies are of an insufficient standard on which to base conclusive interpretations and/or future management decisions.

Preservation

As with any site of traditional, spiritual or ethnological significance, the preservation of rock art sites is of great concern to the tangata whenua. It should be noted here that there are two important considerations:

1. The preservation of the art itself;
2. The preservation of the site and the support medium for the art.

Rock Art Deterioration

The greatest threat to the rock and the art that it supports appears to be indirect. Although not



immediately damaging in the same way as direct human or animal interference, wind-borne dust appears to be a major threat. Wind-borne dust abrades and erodes the pigment of the art itself and the supporting rock. Dust which has settled above the art or shelter may be washed down in rain seepage, covering the art from view. An example of the effects of wind-borne dust can be seen at the renown Takiroa Site, famous for its 'Taniwha'. Dust stirred up on the neighbouring road is abrading the art and undercutting the blocks supporting it. The implications of land developers being unaware as to the presence of art is obvious.

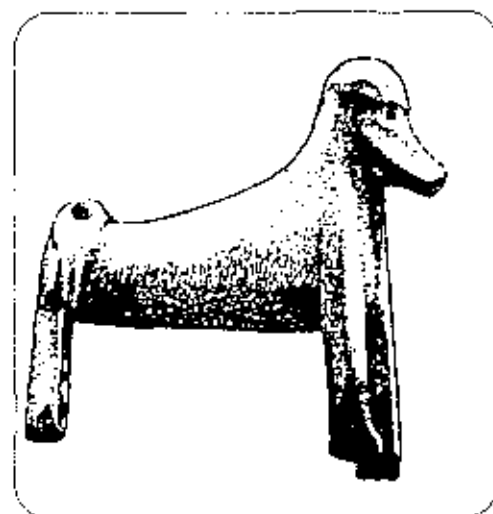
Further, the dust factor can deteriorate the support medium. Moisture gathers in hair-line cracks in the rock surface, but usually evaporates. However, if dust is added to the moisture the evaporation rate is retarded. Any material which will cause expansion and contraction when combined with moisture will cause instability in the supporting rock, potentially causing the loss of the art. A related threat is the possibility of seed germination in the "soil" filled cracks.

The rock on which the art is drawn exists in, and is part of, a fragile micro-environment. This environment is susceptible to damage from changing conditions - such as the increase of wind-borne dust. The dust factor is perhaps the major concern, in that it potentially threatens all of the taonga. Distance from the dust source is no guarantee of safety, and the effects are indiscriminate.

Site Surveys

Ngai Tahu, the Historic Places Trust and Electricorp Production are presently attempting to decide the future of the archaeological and rock art sites in the mid-Waitaki Valley, on the basis of past anthropological surveys and the Historical Places site records.

Due to the nature of site recording in the past, the present records could best be considered to be of a "hit and miss" nature. Further, the site records suggest that future investigations are warranted.



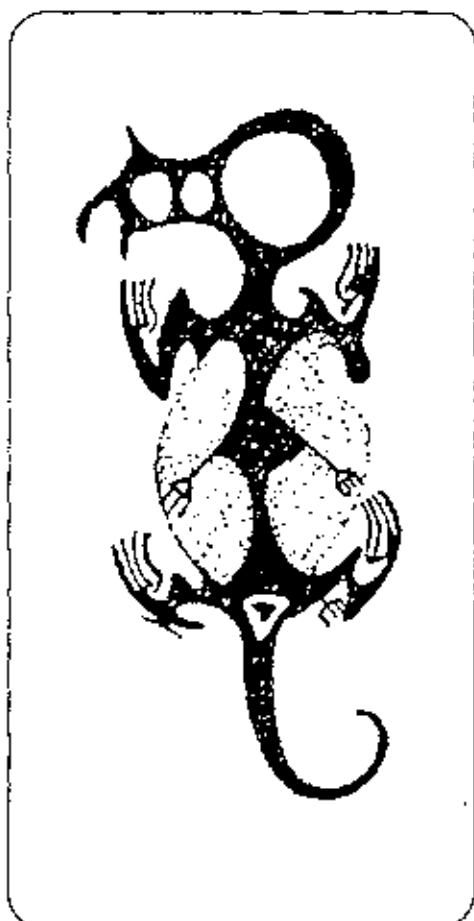
According to the papers of Brian Allingham, the coordinator of the rock art survey, the only two extensive surveys and investigations to have occurred in the area under consideration are those of Trotter, 1977, and Vincent, 1980. Vincent writes:

"Much of the previous field work has been of a piece-meal nature, and with the exception of Trotter's 1977 [work], no systematic examination by archaeologists [has been] undertaken".

(30)

In consideration of the following facts:

- * past surveys;
- * the recommendation of Vincent (1980);
- * the recommendation of the Tribe's own consultants;



* the findings of the South Island Rock Art Project pilot study;

* and unease about the present state of the site records;

Ngai Tahu accordingly have arrived at the opinion that a full archaeological and rock art survey needs to be completed in the Waitaki area.

Policy

1. See policies in Wahi Taonga above 4 - 31 & 4 - 32.

Urupa

Maori Reserve 881

AWARUA

Section 62

Awarua was gazetted and was set aside as both an urupa and a Maori Reserve in 1941.

(47)

Today it is vested in Trustees elected by the Temuka Ngai Tahu.

Section 5

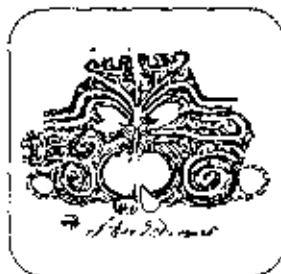
This section was gazetted in 1941 as an urupa for the common use of the Maori residents of Arowhenua. The land is now vested in Trustees elected by the Temuka Ngai Tahu.

(48)



TUHAWAIKI POINT

Tuhawaiki Point is sited just below Timaru. It is located on map K 39 D of the Historic Places Trust series. This area was where Tuhawaiki, the senior rangatira of the Murihiku Ngai Tahu, was drowned in 1845. Ngai Tahu do not fish this area out of respect to a tribal tragedy, and the area is presently being considered as a Marine Reserve.



WAIHAO

Reserves

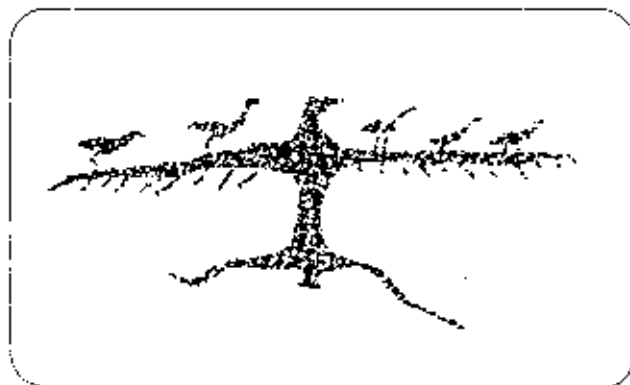
WAIKAWA

Maori Reserve 891,
Block iv, Waitaki SD

Area: 150 acres

Description

This reserve was granted by the Native Land Court in 1868.



WAIHAO

Maori Reserve 903, Block iv/
vii, Waitaki SD.

Area: 502 acres 0 roods
18 perches

Description

It is on this reserve that the Morven Maori community situated themselves. There is an urupa and marae sited on section 3, and both are set aside as a Maori Reservation.

However, the Waihao Ngai Tahu faced the problem of not being allowed to be buried in their own urupa because the District Scheme zoning ordinances did not permit that use. This meant that many were buried in Pakeha cemeteries - away from their rightful resting place. This matter is specifically discussed in the Urupa Policy section on pp. 4.27 and 4.28.

WAITAKI

Maori Reserve 12373,
Waitaki SD.

Area: 150 acres

Description

As with Waihao, this reserve was set aside by the Native Land Court in 1868. All the sections here have passed into general title.

WAIMATE**Maori Reserve 888****Maori Reserve 904**

Area: MR 888 40 acres
 MR 904 30 acres

Description

Traditionally, this area was a mahinga kai for fowling. Tui, kereru, kaka and weka were taken from the bush.

MR 888 was granted in 1854 by the Native Land Court, and was sold in 1965 by the Maori Trustee.

MR 904 was vested in the Maori Trustee in 1970 and sold by him in 1971.

MR 888, section 5, is the burial place of Huruhuru, the local chief of the area in the mid 1800s. Because of desecration of the urupa, the local council sought to vest the urupa in the Waimate Borough Council. The Land Court actioned the Council's wishes in 1935 under the Native Purposes Act, 1933.

TAUHINU

**Maori Reserve 880,
 Block xvi & xiii, Waitaki SD.**

Area: 23 acres 1 rood 13
 perches

Description

This reserve was set aside by Mantell in 1848 and surveyed in 1877. The area has been vested in the Maori Trustee since 1985 who has leased it for a period of ten years.

Silent File: 035

Map 5.78 J

PUNA-O-MARU

**Maori Reserve,
 Block i, Awamoko SD.**

Area: 456 acres

Description

Traditionally, Puna-o-Maru was a launching place for mokihi travelling up the Waitaki River and on the return journey the mokihi would beach at Tauhinu across the other side of the river.

This reserve lies at the junction of the Waitaki and Awakomuka Rivers. It was reserved in 1848 by

Mantell and surveyed in 1890.

Area: 18 acres

In 1928 three partitions of section 92 were acquired by the Crown and leased in 1929 for 66 years. In 1979 the lease was converted into a deferred payment licence which would see the land given freehold title on or before the year 2000.

The rest of the reserve is now leased by the Waihao Maori Committee.

According to the local Ngai Tahu, there is an urupa sited in the middle of the reserve. However, the farmer who leased the land has removed the fence, making the exact location unclear.

Description

All of these sections were surveyed off in 1881, but due to the Middle Island Half Castes Act, 1885, not all the land was allocated to the listed half-castes and the Crown retained part of section 114. The unallocated parts of section 114 were then taken by the Railways Department in 1955. In 1929 a further 4 acres were taken from section 114 for the Waitaki hydro-electric power scheme.

Today much of the land has passed into general title.

GLENNAVY

Land set aside in Glenavy for "half-castes" were sections of larger reserves in the area. The sections were:

1. Section 103, Rsve 642, Block xiv, Waitaki SD.

Area: 5 acres

2. Section 108, Rsve 1644, Block xiv & xv, Waitaki SD.

Area:
235 acres 1 rood 30 perches

3. Section 111, Rsve 1644, Block xiv & xv, Waitaki SD.

Area: 12 acres

4. Section 114, Rsve 1644, Block xiv, Waitaki SD.

Fishing Easements

PUKAKATI

Maori Reserve 907,
Block xii, Waimate SD.

Area: 20 acres

Description



In 1982 this reserve was vested in the Maori Trustee.

TE HOUIRI

Maori Reserve 906,
Waimatamate SD.

Area:
10 acres 3 roods 15 perches

Description

This easement is sited near the Wainono Lagoon. Traditionally it has been a camping site where the local Ngai Tahu would catch the various types of tuna and duck that the lake sustained.

Ownership was determined in 1887 by the Native Land Court who determined that the owners in the Waimatamate Reserve had an interest in Te Houiri.

In 1969 the Maori Land Court vested the reserve in Trustees who

had the power to lease the lands. The proceeds were to go to the upkeep of the Morven Maori Hall, the Morven Maori Cemetery and the Puna-o-Maru Cemetery.

TE AWAKOKOMUKA

Maori Reserve 912,
Waimatamate SD.

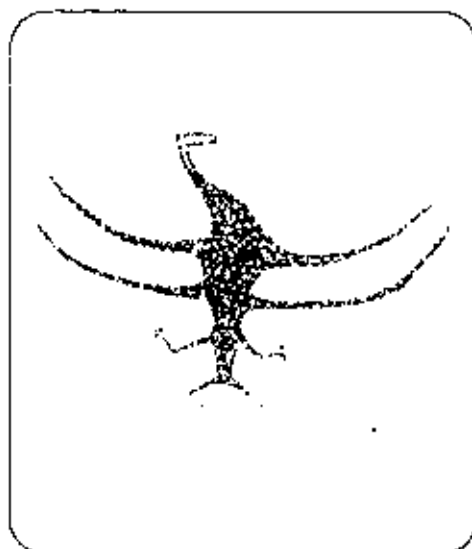
Area:
10 acres 1 rood 10 perches

Description

This was originally a fishing easement at the mouth of the Waitaki on the northern side.

In 1887 the Native Land Court listed the owners as those who had interests in the Waimatamate Reserve, and in 1969 the reserve was vested in Trustees who were to use the proceeds from the lease to maintain the Morven Maori Hall and the Morven Maori Cemetery.

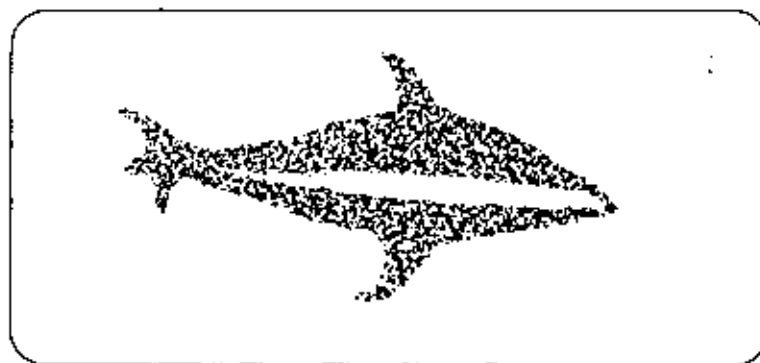
"... an important mahinga kai of the local Ngai Tahu ..."



MAHINGA KAI

WAINONO

This lake is flanked by two fishing easements, Houiri (MR906) and Pukakati (MR907).



Wainono is the South Canterbury equivalent to lakes Te Waihora and Wairewa near Banks Peninsula. Wainono was an important mahinga kai of the local Ngai Tahu and was used to take lake-sourced food, in a similar manner to that at Wairewa.

Today the bottom of Wainono is covered in a thick mud which, in some parts, is knee-deep. The area of Wainono has been reduced by drainage activities which have also caused the destruction of the fish and waterfowl habitat.

"It is an important tribal tauranga ika (fishing ground)."

An example is the decline of the swan at Wainono. Swan eggs were taken by local Ngai Tahu in the right season. The swans were cared for and nursed by the Waihao Ngai Tahu and the nests were strengthened by raupo and driftwood. During this period, the eggs were collected but this activity was regulated to maintain a continual supply. However, due to regulations introduced by the Acclimatisation Society the Waihao Ngai Tahu had their custodianship role removed.

The Waihao Ngai Tahu have always had problems fishing and caring for the lake because of the actions of Government bodies and

the Acclimatisation Society. One petition in 1931, from Korerehu Mihaka and 65 other Ngai Tahu, asked that legislation be passed to give the Waihao Ngai Tahu:

"[the] ... free and undisturbed right of catching and fishing and torching for eels, flounders and kanakana on Lake Wainono and Waihao and Waitaki Rivers situated in the Canterbury Province...

... Today we, the descendants of those elders, are stopped from catching and torching eels on the Waihao and Waitaki Rivers by the Waimate Acclimatisation Society. We also claim the whole of the lake and land adjoined to our lake reserves and the present water line of the lake."

(49)

Nothing came of this petition and today swan numbers are insufficient to allow the taking of their eggs. This outcome could have been avoided if the Waihao Ngai Tahu had not been ignored when management plans for the lake were drawn.

Waihao Ngai Tahu, however, are still familiar with the traditional conservation practises relating to Wainono. Their principal concern is that commercial fishing should be banned in the Waihao River and all of the connecting tributaries.

WAIHAO

This river is important to the Ngai Tahu of the Waihao, Waimate and Waitaki districts.

The mouth of the river is known as "The Box" or more properly as Tu-Karae-o-Pito. The name of the river recalls that Te Rakaihautu landed here in his journey along the Waitaha coastline. It is an important tribal tauranga ika (fishing ground).

The river is a mahinga kai and the waimataitai waters at the mouth of the river run into Wainono. This part of the river is an important regulator which adjusts the flow of kai mataitai in and out of the river. As with Wairewa and Te Waihora, the timing of the opening and closing of the mouth needs to consider the requirements of migrating fish. This should be done in consultation with the local Ngai Tahu.

As with all waterways, the tributaries which run into the main river are also important. The important tributaries connected to Waihao are:

OMARAMA

Omarama is the first creek which runs off from Pt 14, just off Bradshaw's Road. For a more specific location see map 5.78 K.

The water quality of this part of the river was ideally suited to eel and trout, and while these

species are still taken there, the quantities are greatly reduced. Also, freshwater mussel and crayfish were farmed in this river but have not been seen for some time.

PUNATARAKAOA

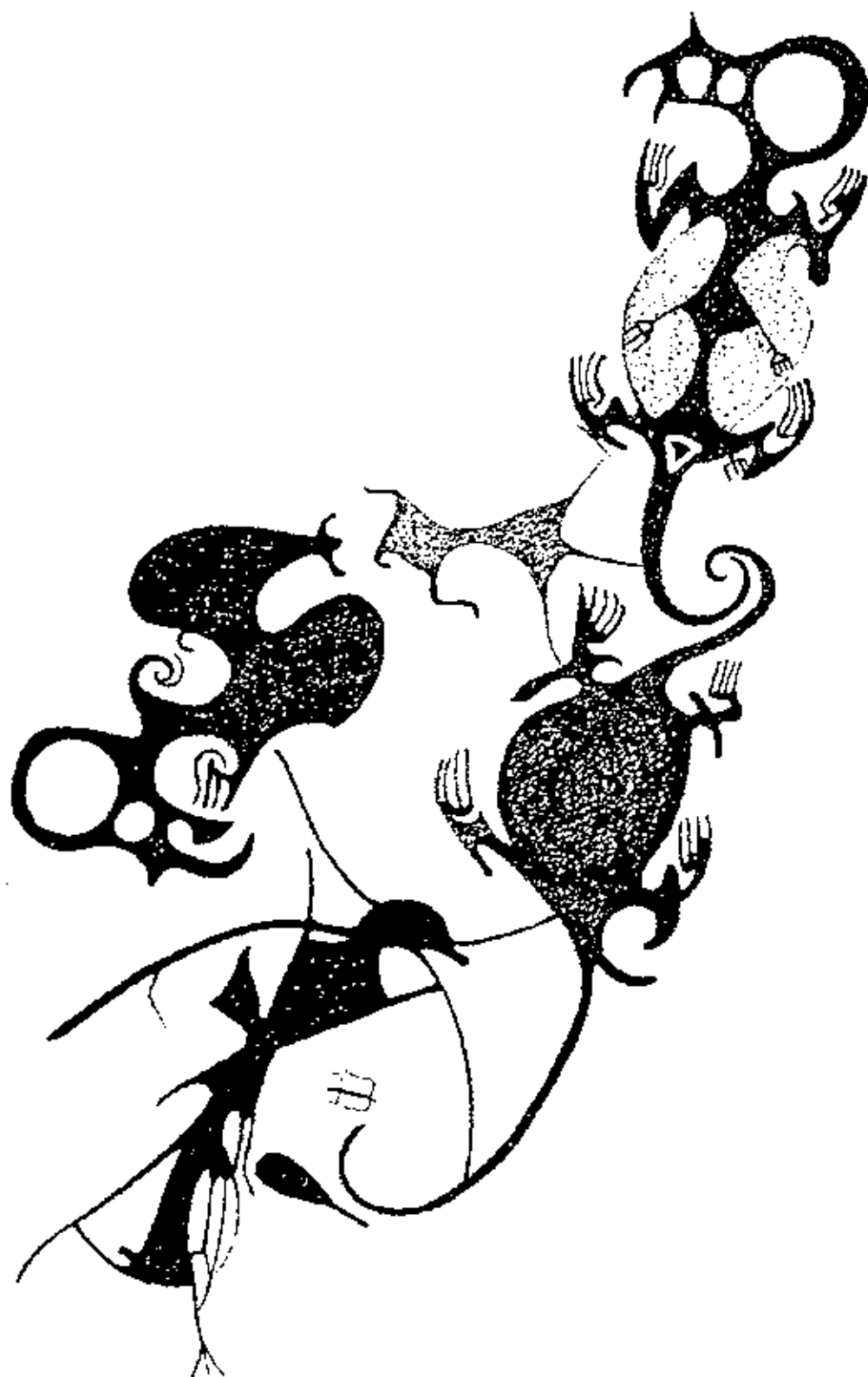
Punatarakaoa refers to part of the Omarama tributary which is also shown on map 5.78 K. Many Ngai Tahu have been drowned here and, therefore, local Ngai Tahu are reluctant to take food from this area.

Silent file: 036

Map 5.78 K.

"As with all waterways, the tributaries which run into the main river are also important."





Notes

1. Mackay 1872: Papers Relative to the Kaiapoi Reserve.
2. AJHR, 1891 G-7: 56. Report by Alexander Mackay, under Royal Commission on Middle Island Native Claims.
3. Orakei Report (Wai 9): 30.
4. *ibid.*
5. Rangiora County Council, Proposed District Scheme, Part 4 (1.1).
6. *ibid.*, Part 4, 1.2. (c).
7. Mackay, 1871: 210-211.
8. New Zealand Gazette, 1861.
9. New Zealand Gazette, 1868: 263.
10. New Zealand Gazette, 1868: 145.
11. New Zealand Gazette, 1972: 789.
12. New Zealand Gazette, 1883: 22.
13. New Zealand Gazette, 1880: 114-115.
14. The claim of Te Oti Pita Mutu and 25 others concerning the destruction of their fisheries. AJHR, 1880 I-2: 28.
15. New Zealand Gazette, 1956: 718.
16. Refer to section on the fishing easements.
17. Refer to Brailsford.
18. AJHR, 1891 G-7: 56.
19. New Zealand Gazette, 1956: 1179.
20. Mackay 2: 208.
21. DLS, 1982: 48.
22. New Zealand Gazette, 1946: 703.
23. New Zealand Gazette, 1949: 1811.
24. Anderson G.E., "The Queens Chain", The Landscape, J1, New Zealand Institute.
25. Buick, 1976 (36): 75.
26. New Zealand Gazette, 1949, 1811.
27. New Zealand Gazette, 1979, (1): 20.
28. AJHR, 1881, G-6: 90.
29. J.P. McAloon, Document H 9, "Wai 27", Ngai Tahu Evidence to the Waitangi Tribunal, p.2.
30. *ibid.*, p.4.
31. *ibid.*, p.6.
32. Lands & Survey:13.
33. *ibid.*, p.12.
34. Waitangi Tribunal: Report Wai-17:6.
35. Lands & Survey:12.

36. *ibid.*, p.41.
37. McAloon, p.6.
38. C. Brown, Document H 9, "Wai 27", Ngai Tahu Evidence to the Waitangi Tribunal, p.5.
39. Taumutu Runanga Minutebook.
40. New Zealand Gazette, 1883: 1529-1530.
41. New Zealand Gazette, 1941: 1465.
42. New Zealand Gazette, 1945: 82.
43. New Zealand Gazette, 1947: 904.
44. Lands and Survey Department Report.
45. Timaru Herald.
46. Waitangi Tribunal Hearings into the Ngai Tahu Claim, Wai-27. (Evidence Documentation referred to is available in the Canterbury Public and Canterbury University Libraries, presented by the Ngai Tahu Maori Trust Board).
47. New Zealand Gazette, 1941: 1479.
48. New Zealand Gazette, 1941: 1479.
49. Petition of Korerehu Mihaka and 65 others, MA 1931/292.



Section 5 maps follow

Appendix A

:: " Silent File" Maps
at pp 5 - 78 A - K.

Appendix B

:: specially made Historic Places
Trust aggregated sites maps
at pp. 5 - 79 A - K.

Appendix C

:: provides detailed site-specific
information for the maps
of Appendix B
at pp 5 - 81 A - X.