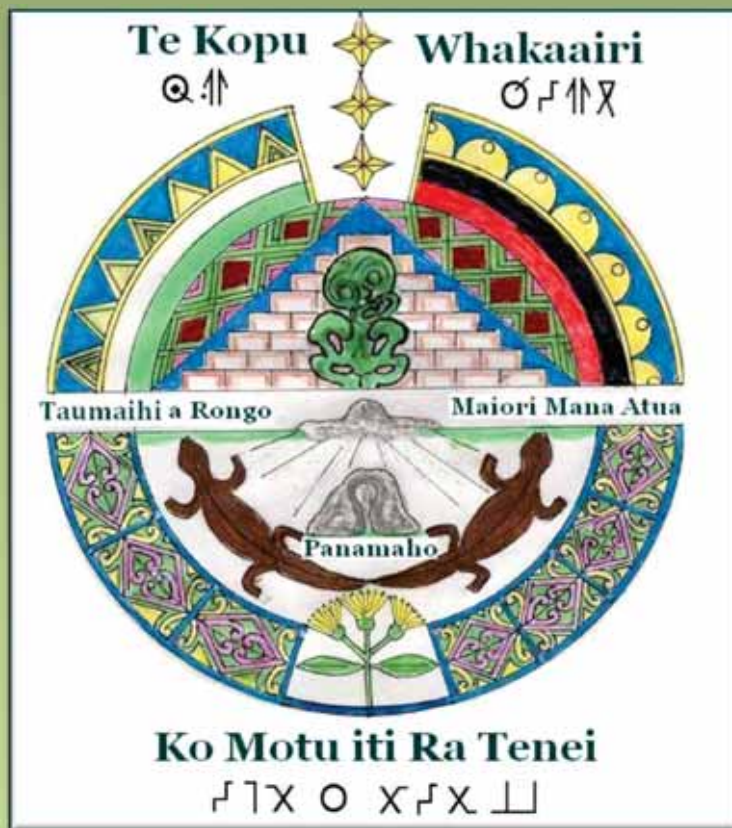


Motiti I sland Native Resource Management Plan

Ngā Taonga Tukuiho
Kai Whakahaere o te Moutere o Motuiti



Native Resource Management Guidelines

Volume I

Pepeha; Korero whakaatau;

*Mai te Whai Ao mai te Ao Marama ki te Hono Wairua.
Ko to Pito o te Ao te Raparapa ki te Kopu Whakaairi ko Motu iti ra tenei
Ko te Patupae ki te Uru, ko te Rapoto, kia Whakaata ko te Whiro o te Ao.
Ko te Tauranga tai kukume, ko te Hukarere o nga Aturere, e whai haere nei, kia
tutuki ki te Rahupeke ko te Timata o te Tau. Ko te taura here o te Kupenga o Tara
Manuka ko te Manuka ka Whati, kua tau te Ratawhiti. Ko te takahuri ki tomuri e
whaiatu nei te Rikarika o te Ra, ko te timata o te tau Makariri. Ko raranga hia te rito
o te harakeke ko te Menemene o Mutu Whenua.*

Ti hei Maiori Mana A tua



Ngamihi;

*Ngamihi tua tahi ki o tatau mate, ratau kua ngaro atu ki te po, haere atu ra koutou, ki
nga pukepuke poroporo ake ki te tatau A tua, maana nei e manaaki ia koutou. Tatau te
hunga ora ngamihi nui kua koutou e whakaputa nei matau i nga mahi taumaha ,uaoao
kua tau nei ki runga o matau pakihwi. Ko nga ringaringa o Taiwiwi kua pamai nei ki
runga te Papatapu o te Moutere o Motuiti e kore nei matau e whakaai. Mairano e
kore ai nga ture a Pakeha e pamai ki runga ake e enei whenua. Hoe ano nga mahi o
tenei ao, he whakatikatika me te whakahono haere nga kaupapa hei Aukati nga ture o
te Kawana. No reira tena koutou katoa.*



Traditional Framework & Management Guidelines

Moutere o Motuiti
Rights of the Native Indigenous Peoples
2011 Edition; Revised 13 August 2012

Ngā Kawa me ngā Tikanga o te Tangata Whenua

Produced by

Motiti Hapū Management Plan delegation on behalf of the

Korowai Kāhui o Te Patuwai Tribal Council

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<i>Ko Putauaki te maunga</i>	<i>Putauaki the sacred mountain of oratory</i>
<i>Ko Ngāti Awa te iwi</i>	<i>Ngāti Awa is the tribe</i>
<i>Ko Ōhinemataroa te Awa</i>	<i>Ohinemataroa is the river</i>
<i>Ko Toroa te Marae</i>	<i>Toroa captain of the Mataatua waka (Marae)</i>
<i>Ko Kakepikītua te Wharekai</i>	<i>Kakepikītua wife of Toroa (house of unity)</i>
<i>Ko Pupuaruhe te Papatapu</i>	<i>Pupuaruhe the sacred ground</i>
<i>Ko Te Patuwai te hapū</i>	<i>Te Patuwai is the tribe</i>



Figure 1 Toroa Marae

<i>Via mai koia whakāhua tia ake ko wai te whare nei e</i>
<i>Ko Toroa ko Toroa</i>
<i>Ko te Ariki orunga i a Mataatua e tu nei</i>
<i>Ko wai te tekoteko o runga</i>
<i>Ko Ruaihona ko Ruaihona</i>
<i>Na titiro ki ana uri e tu nei</i>
<i>Ko Mato ko Mato ko Uenuku</i>
<i>Ko wai te tangata kei roto</i>
<i>Ko Tamatearehe ko Tamatearehe</i>
<i>Kei runga te korero kei raro te rahurahu</i>
<i>Te korapa tanga a te wharau hi ka rawe ka rawe ka wehiwehi</i>

Korowai Kāhui o Te Patuwai Native Tribal Council; Year 1891



Figure 2 Tohunga High Priest Himiona te Orenui

Himiona, prophet and religious leader of the Te Tariao faith merged with Te Kooti and the Ringatū Faith and founder of the Te Patuwai Native Tribal Council.

S20; Tu Whakaairi Heritage Trust

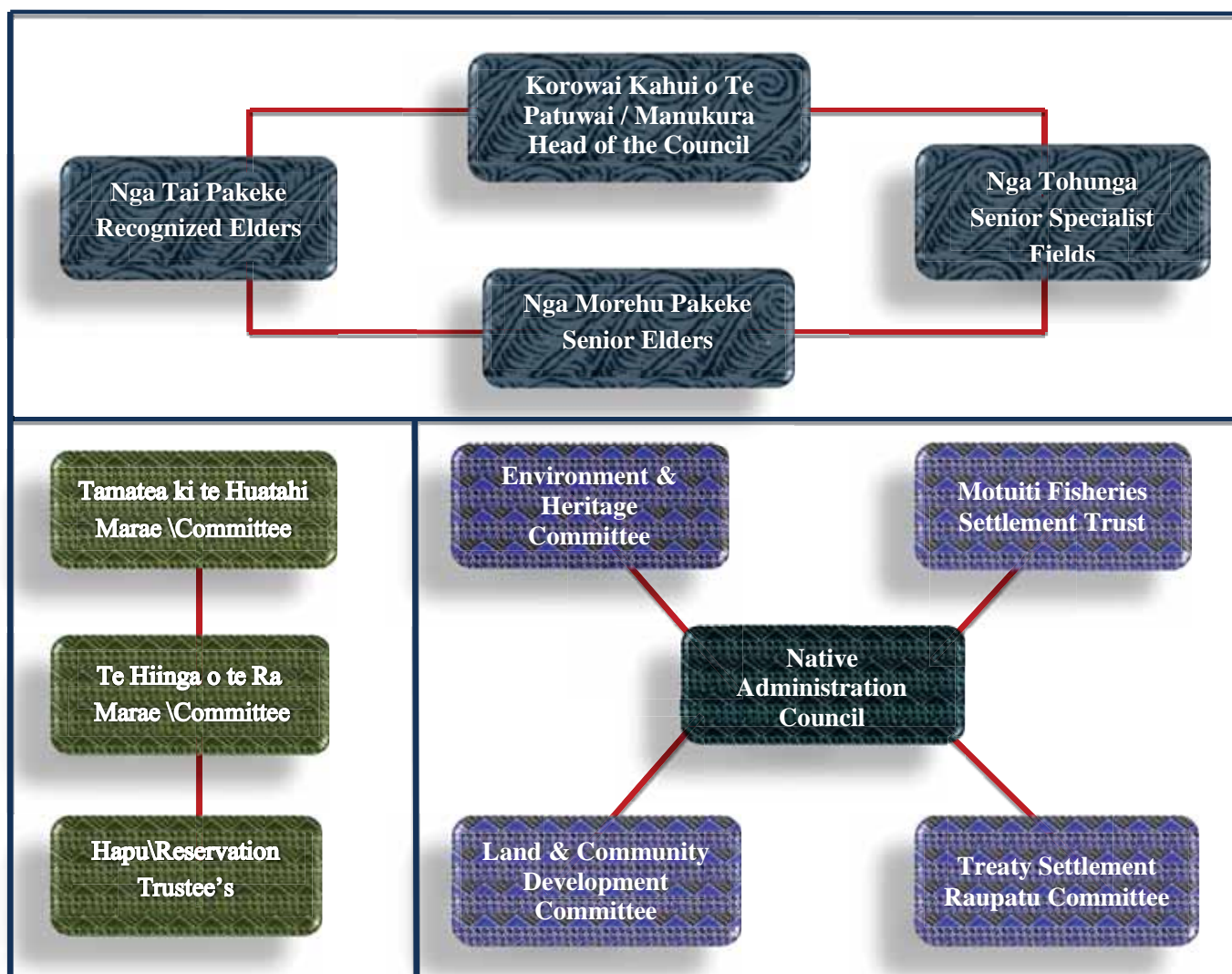


To Pito o te Ao te raparapa o te Kōpu Whakaairi kō motu iti ra tenei

Political Organisation;

The Korowai Kāhui o Te Patuwai Native Tribal Council under the mana of the “Tu Whakaairi Heritage Trust” stands as the political indigenous institution over their lands and oceanic territory, resources and designated boundaries of Moutere o Motuiti. Within which the Cultural Policy Management and Administration structures sits in conjunction with the relative traditional structures. Authority responsible for statutory function and policy documents which “Tu Whakaairi Heritage Trust” interfaces at all levels.

The organisation and structures are as follows;



Ko Poutukiterangi ki Mauao te Maunganui

Mt. Mauao is the identity and oratory of the ancient ancestors

Ko Uru te Waka Mairoa

“Uru” vessel who brought the ancient ancestors to Panamaho

Ko Otu Ngahua te Moana

The food bowl of the ancient ancestors

Ko Te Kopu Whakaairi te Mauri

Birth place “Mauri” spiritual life force of the ancient people

Ko Hani me Puna nga atua

“Nga Atua” Hani and Puna spiritual guardian

Ko Oromai Tangata te Whakamarumarū

“Oromai Tangata is the guardian over the ancient tomb.

Ko Motu iti ra tenei

Receive the gift of power and eternity

Ko nga Tauranga Tai kukume o nga Hukarere o te Aturere

Oceanic territorial boundaries of Moutere o Motuiti

Ko Ngāti Te Hapu te Manawhenua

Ngāti Te Hapū the people of the land

Ko Te Hapu te Tangata

Ancestor Te Hapū who uplifted the “Tapu”

Te Patuwai te reo karanga

Te Patuwai is the voice of the people

Tu Whakaairi, Te Raparapa, Moutere o Motuiti, Motiti Island

To pito o te Ao te raparapa o te kopu whakaairi ko motu iti ra tenei



Figure 3 Aerial View of Moutere o Motuiti

Cover photograph by Chris Parker Photography Mount Maunganui

Receive the gift of power and eternity, through the womb of this sacred land.

This plan (MNRMP 2011) is designed to provide the framework for consultation with Ngāti Te Hapu of ‘Moutere o Motuiti’ (Island of Motuiti) and is not to be used as a substitute for direct consultation with tangata whenua native indigenous peoples.



This document is recognised as a (manawhenua) document with full support of Ngāti Te Hapu whānau whanui of Moutere o Motuiti and the Korowai Kāhui o Te Patuwai Native Tribal Council under the guardianship of Tu Whakaairi “Heritage Trust”.

The Plan meets the criteria of Section 66(c) and 74(b) of the Resource Management Act. As an expression of the ‘rangatiratanga’ of Ngāti Te Hapu, this plan impacts on all native resource management and administration decisions made under other legislations.



Tu Whakaairi ‘Heritage Trust’ reserves the right to change any aspect of the document whenever considered appropriate.



Te Patuwai hapu is considered as one of several hapu who occupy Motuiti and is registered under the Rūnanga o Ngāti Awa Iwi and recognised by the Department of Internal Affairs



Ngāti Maumoana is not a hapu of Motuiti, although it is considered by the Government and the Department of Internal Affairs as the registered hapu of Moutere o Motuiti.



Ngāti Te Hapu is the holder of ‘land ownership and property rights’ of Motuiti via the ancestor Te Hapu who uplifted the “tapu” and inherited manawhenua status. However, Ngāti Te Hapu is not a registered Hapu.



The perception and perspective view point of tangata whenua of ‘Moutere o Motuiti’ is that Ngāti Te Hapu is the legal and recognised hapu under tikanga for they alone hold the whakapapa title ‘Maioi Mana Atua’ inherited 2000 years ago. Clarification pertinent to Te Patuwai Hapū, who is the voice of the people, contrary to Ngāti Te Hapu who holds manawhenua status.



The name ‘Motiti’ is recognised and registered with the Government, one of three versions bought forward by factions of Te Arawa. They believe that the ancestor ‘Naki’ claimed Motiti Island under the title of “Motiti nui a Naki”, however, longing for his homeland in Ra’iatea Tahiti, he left and never returned hence, there is no evidence of manawhenua ever being held by ancestor Naki.



‘Motuiti’ was originally name by High Priest Ngatoroirangi of Te Arawa waka.from the proverb:

*Te haupapa kohatu ko motu iti ra tenei kahore
he wahia hei tao kai*

This sacred rocky island, has detached itself from the
great divine for there is no firewood to cook food

The name ‘Motu iti’ (install the life force) was applied by High Priest Ngatoroirangi when he performed a karakia (inaugural ceremony) to reinstate two deities (Ngā Atua) Hani and Puna.



‘Tu Whakaairi’ is the ancient name given by the ancestor Tiki Whiro Whatoa and the Uru people who migrated from the Middle East’s holy lands of Egypt. Tu Whakaairi refers to a proverb;

“*Ko Te Kopu Whakaairi,*” which literal translates to enter the womb of a sacred land, born a new kingdom, under their monarch ‘Maiori Mana Atua’

From this inaugural ceremony, a significant rock was placed at the heart of the island of Motuiti where the ‘mauri’ or spiritual life force was placed 2000 years ago. This particular rock still stands today.



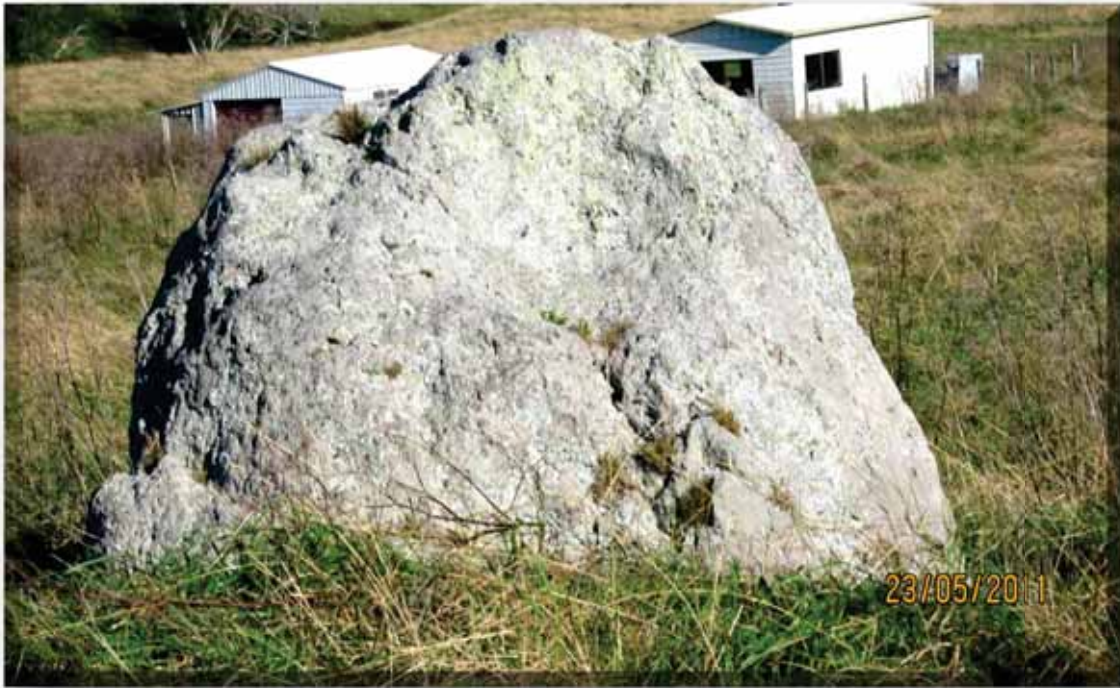


Figure 4 Te Kopu Whakaairi Rock refers to as the womb (to extract the energy field)



Figure 5 To Pito o te Ao - The Umbilical Cord of the Heavens (draw the energy field)

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<i>He tautoko me te miharo i nga rangatira me o ratau taonga tuku iho, hei awhi haere mai i nga take me nga kaupapa pupuri manawhenua mo nga tamariki, mokopuna.</i>	217
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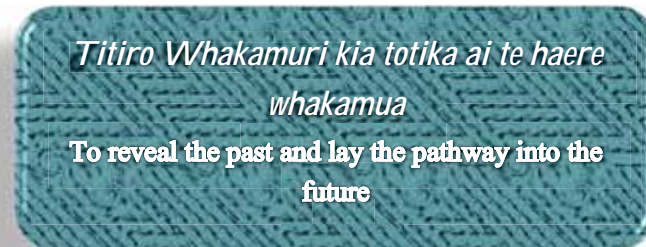


Figure 6 Tamatea-ki-te-Huatahi Marae

Ko Tamatea ki te Huatahi te marae	Tamatea ki te Huatahi is the Marae
Ko Te Ruakopiha te papatapu	Te Ruakopiha the sacred ground of oratory
Ko Hinewai te whare manaaki	Hinewai is the house of unity
Ko Ngāti Pau, Ngāti Kauwaewera, Ngāti Takahanga ngā hapu	Ngati Pau, Ngati Kauwaewera and Ngati Takahanga three hapu under Ngati Te Hapu
Ko Ngāti Te Hapu te manawhenua	Ngāti Te Hapu hold manawhenua status
Ko Te Patuwai te reo karanga	Te Patuwai is the voice of the people

Opening Statement;

An ancient proverb;



This proverb enables one to identify and recognize the traditional and cultural values of our ancestors, which provided stability and welfare of the whanau whanui. Then one needs to appreciate and comprehend the traditional values that our forefathers created towards a successful pathway of the modern world. These collective values inherited from our forebears are the ‘key’ that will achieve our goals towards providing a successful future for our tamariki and mokopuna.

The challenge today lies in the realm of the senior elders of the tribe to guide our people into the future and overcome the obstacles of the modern world, endeavour to preserve and maintain the true integrity of our indigenous traditional and cultural values.

The Resource Management Act’s capability to protect Ngāti Te Hapu’s Treaty rights is limited to sanction upon authorities to ‘have regard for the principles of the Treaty’. It is a responsibility of the administrators to act in accordance with the values of the indigenous people adhering to the obligations and responsibility under article II of the Treaty of Waitangi as stated in the Resource Management Act.

The discussions over the proposed District Plan is, however, between Te Patuwai (Ngati Te Hapu) and the Department of Internal Affairs. It is not with the Bay of Plenty Regional Council, it is not entirely their fault that they may become the focus of Te Patuwai disillusion with the whole process.

It may well promote a future relationship with the Bay of Plenty Regional Council that this Hapu Management Plan has been developed. In preparing this unique document, Te Patuwai has made a plain commitment to challenge all aspects of the Resource Management Act in their quest towards maintaining its 171 years of self-governance prior to the signing of the Treaty and earlier still.

Regardless of those concerns, the Ministry are compelled to commit themselves in a justifiable effort to administer the act in accordance with Article II of the Treaty clause.

It is important to note, that this is not a final document it must, and will, develop and evolve. Nonetheless this 'Native Resource Management Plan' is not merely a draft; it represents a huge voluntary effort by the minority members of the hapu and under resource Native Tribal Council.

It is a foundation on which to build one of the most complex relationships with the Ministry and the wider community of New Zealand to understand the culture of the indigenous people, its un-extinguish rights, self-Governance held since the signing of the Treaty of Waitangi, and to recognise 'manawhenua status' inherited over one thousand years ago, that was instituted and established under our spiritual cherubic 'Maioŕi Mana Atua'.

Ko ēnei ngā mahi nui ngā mahi taumaha ko whakaputa hia i runga i te rangimarie, mō ngā uru e whai mai i muri ia tatau. E hara ēnei korero te mutunga engari koēnei te timatanga. Heo ano ma ngā ringaringa o tātau tamariki mokopuna hei whaka tutuki ēnei mahi uaoao

Nō reira tēnā koutou katoa

Nepia Hona Ranapia

13/08/2012

Ko nga korero rangahau matauranga i timata hia i te tau 2006, ka tutuki hia i te tau 2011. Ko whakaritehia ko whakatinana hia i te marama tua rima o te tau 2012



Figure 7 Pohutukawa Puwhero and Pohutukawa Kowhai Taranga

Pohutukawa Puwhero and Pohutukawa Kowhai Taranga is the identity, oratory and the ancient history of Moutere o Motuiti



Figure 8 Te Hiinga-o-Te-Ra Marae

Ko Te Hiinga o te Ra te marae	“Te Hiinga o te Ra” is the Marae
Ko Te Hihitaua te papatapu	“Hihitaua” is the sacred ground of oratory
Ko Puna te Whare Manaaki	Puna is the house of unity
Ko Ngāti Makerewai me ona whanaunga Ngāti Whakahemo, Ngāti Pukenga, Ngāti Maru	Ngati Whakahemo, Ngati Pukenga and Ngati Maru are relative hapu that have merged alongside Ngati Makerewai
Ko Ngāti Te Hapu te Manawhenua	Ngāti Te Hapu who hold manawhenua status
Ko Te Patuwai te reo karanga	Te Patuwai is the voice of the people

Introduction;

The Native Resource Management Plan represents a cultural, traditional, resource and administration planning document for Moutere o Motuiti. It identifies Ngāti Te Hapu and the islands cultural traditions, its constituted rights and values, and it is a tool to express their issues and objectives.

The core and basis of this plan stems from a range of policies, values and protocols, held in both oral and written form by the Morehu Pakeke, and whānau rūpu of Moutere o Motuiti. In addition, policy developed by Ngāti Te Hapu and the Korowai Kāhui o Te Patuwai Native Tribal Council has been incorporated. However, this Plan is not a statutory document requiring the mandate of the Local Authority through the public submission process.

A significant feature of this Plan is the concept of ‘significant native resources’. It will also act as the founding document, for a series of historical, cultural traditions, indigenous rights and native resource specific management plans. Overtime, through the compilation of more information and data, updates and supplements to this plan will inevitably be produced as the constituted Native Resource Management Document of Moutere o Motuiti.

Through the process of the proposed Distric Plan, in the decision making process, Ngāti Te Hapu intended to assume their full guarantee under article II of the Treaty of Waitangi and the United Nations declaration on the Rights of Indigenous Peoples signed by the Government in 2010.

The following diagram illustrates the framework within which the Native Resource Management Plan sits with responsibility of administering the Act in good faith.

Koēnei ká tukú atu ēnei mahi taumaha, kī roto i ngā whānau hei āta titiro ēnei take, kua eke nei i runga o tātau pakīhiwi. Mai rano i ngā pakeke, rātau mā i takoto ngā ture e pā ana kī runga io tātau whenua, e kore ai e tuhituhi hia o tātau koroua. Hoe ano te mahi ma tātau hei whakakīki haere ngā kete korero ká takotohia i ngā rekereke o te kawana. Mai kōna ká mau tūturu te manawhenua o te Moutere o Motuiti.



Framework and scope within which the Native Resource Management and Administration Plans sit;

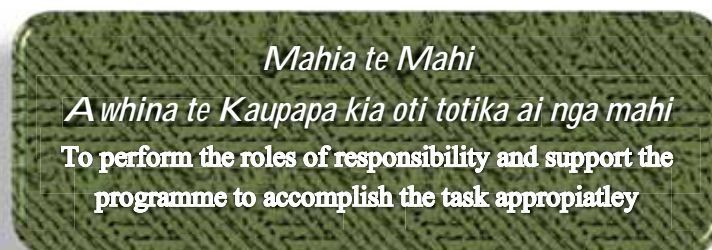
Whānau Whānau and hapū of Ngāti Te Hapu

Ngāti Tutonu, Ngāti Makerewai, Ngāti Pau, Ngāti Kauwaewera, Ngāti Takahanga

- Korowai Kahui o Te Patuwai Native Tribal Council
- Moutere o Motuiti Native Administration Council
- Environment Ngāti Awa Iwi
- Environment Bay of Plenty Regional Council \Maori Advisory
- NZ Historic Places Trust
- United Nations UNESCO World Heritage Trust
- Treaty of Waitangi
- United Nations Declaration on the Rights of Indigenous peoples
- Motuiti; Native / Resource Management Plan 2011 Edition document
- Motuiti; Native / Cultural Heritage Waahi Tapu 2011 Edition document
- Motuiti; Native / Cultural Policy Management & Administration document

The departments and authorities which are responsible for statutory functions and policy documents which Ngāti Te Hapu of Moutere o Motuiti interface with at all levels

Ancient Proverb;



Aims and Purposes

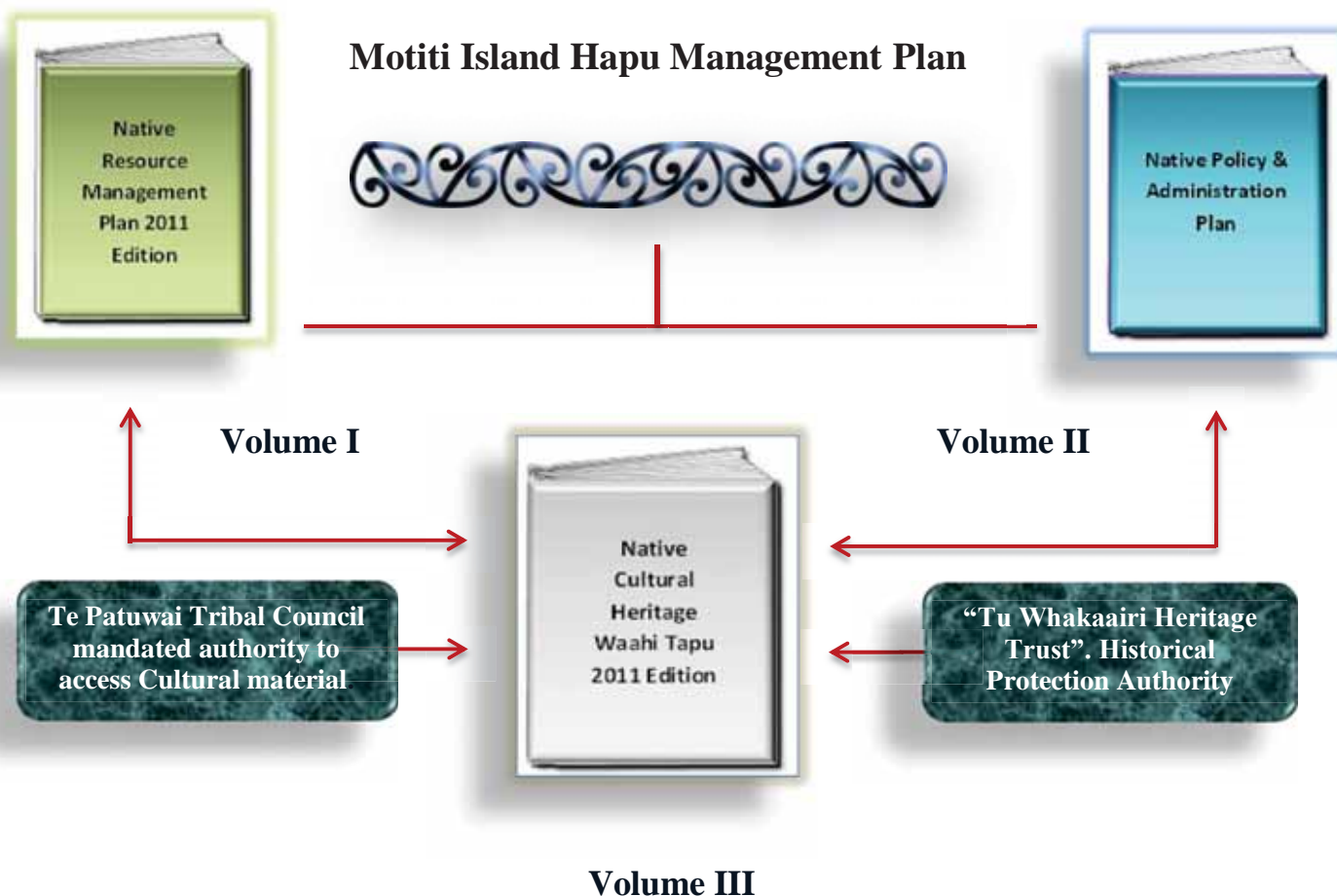
This plan will provide basic information on the ‘hapu whanau whanui’ resource issues and administration framework to assist resource users and managers to develop consultation and partnership processes.



This Plan represents the principal planning document from which a number of further policy, planning and administration documents will be developed.

This plan aims to:

1. Achieve greater public understanding of Ngāti Te Hapu ‘Native Resources and Administration’ issues and objectives.
2. Provide a foundation that Ngāti Te Hapu will participate in resource management and administration of the Native Resource Management Plan
3. Provide direct consultation through the process.
4. Assist hapu resource managers and administrators and users by:
 - Providing back ground information of Ngāti Te Hapu cultural traditions, indigenous rights and resource administration concepts;
 - Out lining to Bay of Plenty Regional Council and the Crown obligations of ‘hapu whanau whanui’ traditional values and native resources
 - Detailing ‘hapu whanau whanui’ expectations of consultation process and presenting various options and suggestions to promote effective consultation;
 - Providing a list of initial points of contact for consultation; and
 - Providing information about specific locations of significant and importance to Ngāti Te Hapu and the proposed Moutere o Motuiti Administration Council.



Native Resource Management Plan 2011 Edition;

This document provides a cultural framework that identifies and locates areas of cultural significance, natural resources and environment issues. The development of a legal framework proposed under management guide lines and protocols that link with the Native Cultural Heritage and Waahi Tapu document.

Native Policy and Administration Plan;

This plan interface with traditional land development protocols under Kawa_Tikanga cultural values and practices since the 1840 signing of the Treaty. This is a traditional framework operational document that provides methods and rules based on management guideline lines set out in the Resource Management Plan. The proposed policies will sit alongside the management guidelines of the ‘Mutual Policy Zone’.

Native Cultural Heritage Waahi Tapu Document; 2011 Edition;

This document is known as (whaea kaiarahi) the mother or custodian of the ancient historical information that inter-links with the Native Resource Management document. This is a sacred document registered under the guardianship of “Tu Whakaairi Heritage Trust” and will remain in the hands of the Historian. Requests are made for ‘viewing and referencing rights only’ for the purpose of legal and governing matters. No information contained in the document will be released for publication.

S21; Mauri \ Manawhenua; Identity and Rights



Figure 9 Ngamea with koru patterns carved in stone

Ngamea features koru patterns carved in solid stone by the ancient Orohia Mairoa people. This rock is situated on the foreshore of Orongongatea Bay, Moutere o Motuiti. The koru patterns represent the migration pathway of the ancient ancestors to the lands of Panamaho (New Zealand) that circumnavigates the Pacific oceanic region. (Refer to; Cultural Heritage Waahi Tapu Document for indepth history of Ngamea.)

21.1 First Arrival to the land of Moutere o Motuiti

Maui \Tiki Whiro Whatoa, known as Tiki, discovered Moutere o Motuiti in approximate 31 BC. Tiki and his people known as ‘Uru’ who migrated in a number of ships from the red sea port of Berenike (Egypt) set sail east to ‘the land of Uru known as Ancient Australia. Maui Tiki occupied lands in Adelaide South Australia. He eventually continued his voyage east across the Tasman Sea where he entered into the western turbulent waters of ‘Taitonga Huruhuru’ of the South Island formally known as ‘Uruwhenua’.

Tiki’s navigational course was set due north where the ships sailed towards the North Island (Murwhenua) and eventually rounded Cape Reinga, then set sail towards the Bay of Plenty region (Rārangā ki Muri). Maui Tiki visualised a sacred land that would provide all the cultural and spiritual values for his people. He eventually landed on a peninsular which he called ‘Te Kopu Whakaairi’ enter the womb of a new sacred land known today as Motiti Island. This became a significant settlement of his people, who embarked on constructed and developed homes and villages, and established their religious alters and practices. The Uru people carved and constructed a significant spiritual temple known as Ahurewa o Marumaru alongside the ancient sphinx named Oromai Tangata that represented their spiritual beliefs and occupation.

Maui Tiki and the Uru people named this new found land (Panamaho) which when translated means ‘Exile to a new peaceful land’ .He also named The North Island ‘Muruwhenua’ which in his language means ‘birth place’, and the South Island ‘Uruwhenua’ which means ‘entered the turbulent waters of a new found land’.

Overtime Maui Tiki and his twin sons Uru and Uru te Ngangana, alongside the prominent religious leaders decided to continue their journey across the Great Pacific Ocean called (Tuatara ki te hihi o te ra) beyond the horizon to the lands of Peru South America, lake Titikaka.

The Uru people that remained on Motuiti became known as Maioriori which means to ‘Superior race of people’. They lived under their religious cult and monarch ‘Maiori Mana Atua’ which refers to their High Priest Tiki, a divine being who commanded the power of the Atua. It was on this sacred land that the Patupaearehe people alongside the Orohia Mairoa and Urukehu people formed a new identity of people.

21.1.2 Arrival of Maui Tikitiki a Taranga

After a period of an estimated three hundred years from the Maui Tiki expedition a great leader named Maui Tikitiki a Taranga a descendant of Maui Tiki migrated from the tropics to Panamaho, Awatearoa. He settled and occupied Moutere o Motuiti where he lived amongst the ancient Mairoa people. Maui Tikitiki a Taranga installed the ancient spiritual values after the Taupō eruption and he reigned superior throughout the lands of Panamaho known today as Aotearoa.

21.1.3 Arrival of Toi te Huatahi

It was a further period of three hundred years before Toi te Huatahi from Ra’iatea, Tahiti arrived to Aotearoa. Toi te Huatahi became a great leader and he too reigned superior over many territories throughout Aotearoa including Moutere o Motuiti.

Toi te Huatahi’s son Awanuiarangi whom was born in the Whakatāne region held the mana over the Bay of Plenty (ngā kuri a whareī ki Tihirau) territorial boundaries. Awanuiarangi lived on Moutere o Motuiti with the occupants of this time which he named the ‘Parehua Upanepane’ people that live on top of the cliffs.

21.1.4 Arrival of the Ohomairangi People

Upon the arrival of the ‘Ohomairangi’ people aboard the Te Arawa and Tainui Waka from the Islands of Ra’iatea Tahiti during the 1250 great migration landed on Moutere o Motuiti. The navigator of the Te Arawa Waka Tohunga High Priest Ngatoroirangi uttered these famous words:

"He haupapa kohatu ko Motu iti ra tenei kahore he wahia hei tao kai"
This sacred small rocky island has detached itself from the great divine, for there is no firewood to cook food.

The proverb refers to this land that High Priest Ngatoroirangi viewed as a spiritual land of his ancient ancestors. A land with no hills or mountains, a land documented with the history of his forefathers, with this he muttered:

"Ko te Whare Whakairo o Taumahi a Rongo tenei"
This is the house of knowledge from the holy land of Egypt

With that, Ngatoroirangi performed a 'karakia' ceremonial ritual to install the spiritual life force. He then continued and placed the (nga atua) two deities 'Hani' and 'Puna' into Kopu Whakaairi rock to activate the 'Mauri' spiritual life force and protector of the island.

The 'Atua's' were born in the lands of Egypt .They are the guardians of the ancestor 'Tiki' and the 'Uru' people who left the shores of Moutere o Motuiti (Tu Whakaairi) 1200 years ago. They have now returned and become the protectors of Moutere o Motuiti once again are still with the indigenous people today.

The name 'Motu iti' applied to the island by the Tohunga Ngatoroirangi which the translation reinstates the missing link (spiritual life force).Ngatoroirangi also viewed this significant island as a replica of his island named 'Tupai' once known as Motuiti a beautiful small island situated off Borabora in Tahiti.

Today, 'Motuiti' has been superseded in favour of 'Motiti' due to an event that supposedly occurred upon the arrival of Te Arawa waka. One of three versions put forward by factions of Te Arawa convinced the Crown who changed the name to Motiti or 'Motiti nui a Naki'. Ancestor Naki who they believed claimed the island left Aotearoa longing for his homeland in Tahiti. He left and never returned, however, there has never been any history of mana whenua ever held by the ancestor Naki.

21.1.5 Occupation of Waitaha-a-Hei people

High Priest Ngatoroirangi lived on Motuiti with Ariki Te Hei and his son Waitaha who was his successor and held mana over the 'ancient taonga'. Waitaha's descendants were known as Waitaha-a-Hei who occupied Motuiti for an estimated four hundred years. During the era of Chief Te Waiokehu a compelling history occurred when his people vacated the island

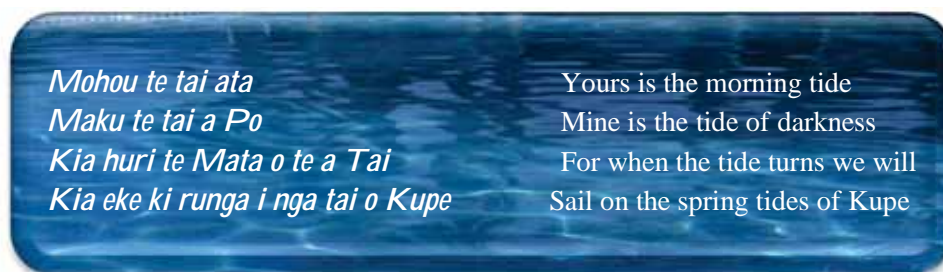
relating to altercations that lead to death. A ‘Tapu’ was imposed on the island until the arrival of his relative Ariki Te Hapu from the Ngāti Awa territory estimated year 1650. Chief Te Waiokehu agreed for his relative Ariki Te Hapu to uplift the ‘Tapu’ and occupy Motuiti. Although the island changed hands it still remained under the mana of Waitaha a-Hei.

21.1.6 Arrival and Occupation of Ngāti Ruaroa Hapū of Ngāti Awa

An expedition launched under a formidable Chief named Maruahaira from Haku-Ranui in the Eastern region of Ngaitai Torere. Chief Maruahaira and his son Maraika decided to travel to Oreiwhata in the western region of Pukehina to resolve family issues with his son in-law Te Arairehe of Waitaha.

Chief Maruahaira and his followers left Torere-nui-a-rua and landed on the shores along the Ōhiwa Harbour an area known as Te Horanga territory of Ngāti Awa. On this special occasion Chief Maruahaira met his long time relative Ariki Te Hapu and his people Ngāti Ruaroa. The two power houses of the eastern territory met at Te Horo Pa when Maruahaira raised the issue referring to his son in-law Te Arairehe.

Ariki Te Hapu decided that he too would join the expedition and journey to the west. He then advised Maruahaira to delay their departure till the 16 day (Te Turu) of the moon calendar on the rising tides of Kupe. A critical time that would allow the canoes a safe passage through the strong currents of the Ōhiwa Harbour. However, a day before their departure Ariki Te Hapu turned to Maruahaira and voiced his emotion.

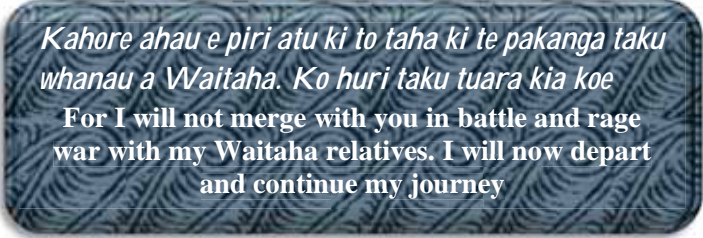


Ariki Te Hapu who married Waipai of Ngāti Awa born a son named Manu Tuhira decided to end their relationship and formed a new relationship with Romai daughter of the great Chief Pukenga. Romai also left her husband Rangitumai to be with Ariki Te Hapu.

At day break Te Hapu and Romai with her child joined Ngati Ruaroa who merged alongside Chief Maruahaira and his crew. Eventually they left Ōhiwa Harbour at the peak of the spring tide a situation that would allow the canoes to exit the harbour when sea currents were stationary. The canoes embarked on a journey along the Western coastline assisted by the outgoing spring tides and eventually landed at Te Awa o te Atua region of Te Tawera Matatā.

The crews merged together and rested over night to fulfil their obligation for the days ahead. Early hours in the morning the crews continued their journey and congregated along the shores of Oreiwhata region of Pukehina. Chief Maruahaira and Maraika alongside their

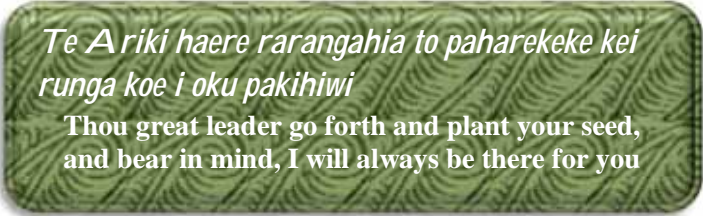
war party prepared to ascend onto Oreiwhata to settle family issues with Waitaha the residential hapu. However, Ariki Te Hapu decided not to join the war party when he expressed his opinion.



*Kahore ahau e piri atu ki to taha ki te pakanga taku
whanau a Waitaha. Ko huri taku tuara kia koe*
For I will not merge with you in battle and rage
war with my Waitaha relatives. I will now depart
and continue my journey

Maruahaira replied;

Ariki Te Hapu and Ngāti Ruaroa continued their journey to Maketū and eventually made



*Te Ariki haere rarangahia to paharekeke kei
runga koe i oku pakihwi*
Thou great leader go forth and plant your seed,
and bear in mind, I will always be there for you

contact with Te Waiokehu principle chief of Waitaha. A meeting and discussion over the occupation of Moutere o Motuiti that was left unoccupied due to an incident between Chief Hikapa of Waitaha who killed one of Rangihouhiri's followers mainly Te Rangikatua.

The occupants left the island under a cloud of uncertainty fearful of retaliation. A "Tapu" was imposed by the high priest (Tohunga) that provided a spiritual dome of protection.

Chief Te Waiokehu notified Ariki Te Hapu the purpose of the "Tapu" that was imposed when he granted permission for his relative to occupy the island and bind into the principles of the "Tapu". With this Ariki Te Hapu agreed upon. Chief Waiokehu advised him to seek out Chief Rangihouhiri and his people with regards to the event that saw his people vacate the island.

Ariki Te Hapu continued his journey towards the region of Tauranga eventually landed at Opureora Pa Matakana Island where he met Kotorehua the grandson of Chief Rangihouhiri.

A meeting was arranged between Ariki Te Hapu and Chief Rangihouhiri at the foot of Mount Mauao. On this momentous occasion the two most powerful chiefs met over issues relating to Moutere o Motuiti when Ariki Te Hapu gained permission and sought the support of his relative to occupy the island.

However, Chief Rangihouhiri warned him that a "Tapu" had been placed on the island when the occupants left. Eventually they both came to an agreement that there will be no conflict over the island owing to assistance provided by Ariki Te Hapu to free Ohomairangi father of Rangihouhiri who was imprisoned by the Ngāti Kahungunu tribe in Whangarā. Te Hapu remarked: 'I will lift the Tapu' and Rangihouhiri gave him his blessings.

Ariki Te Hapu and Ngāti Ruaroa then continued along the Tauranga harbour where he met Chief Whetu o te Rangi brother of his partner Romai. This developed into an important meeting when issues were raised to the occupation of Motuiti were at the forefront. Chief Whetu o te Rangi dedicated his support when both forces united followed by traditional celebrations.

21.1.7 Occupation of Moutere o Motuiti

Ariki Te Hapu and Ngāti Ruaroa departed and returned to Maketū when he consulted Chief Waiokehu who replied



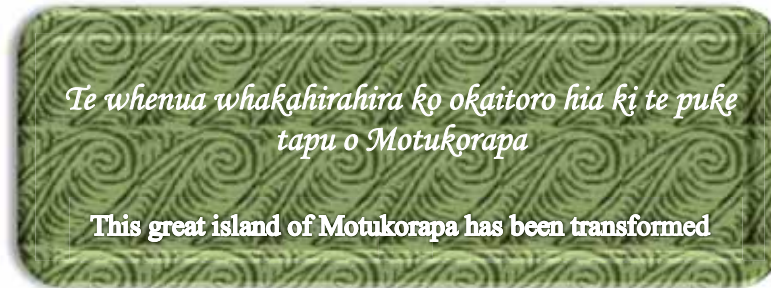
Under instructions by Chief Waiokehu Ariki Te Hapu and Ngāti Ruaroa who travelled in the shadowed of Waitaha-a-Hei landed on the western side of the Island and proceeded up a gully. Ariki Te Hapu then prepared to perform the traditional ritual a karakia to uplift the “Tapu”. It was after this event that he laid the mat or ‘whāriki’, the foundation for his family and his hapu Ngāti Ruaroa. Ariki Te Hapu continued and named this particular area Whariki te Papatapu ‘Sacred Mat’. He then continued 50 metres to the south side where he caught a glimpse of a hill that bears a resemblance to that of an island.

He then uttered these words;



Hence the name Motukorapa was born.

Ariki Te Hapu then continued to construct a pa site on Motukorapa, then upon the completion he muttered;



Hence the formation and construction of the Okaitoro Pa site. Ngāti Ruaroa lived in and around Whariki Papakāinga settlement. A short time during their occupation Ariki Te Hapu and Romai born a child named Roropukai an addition to the family with Romai's first child.

The day arrived when Ariki Te Hapu's son 'Manu' who migrated from the region of Ngāti Awa Whakatane joined his father. He also brought his child named Taiwhanake relatively the same age as Te Hapu's son Roropukai. Ariki Te Hapu accompanied Manu to the North side of the gully where he proposed an area for his family. Upon his advice for a duration of time, he said "*e te tamaiti rarangahia to pa harekeke mo te ra*" my son grow your flax plantation and weave together your basket for a duration of time, hence the name Whariki Pana rangaranga ra was applied to that particular area.

21.1.8 Historical Event

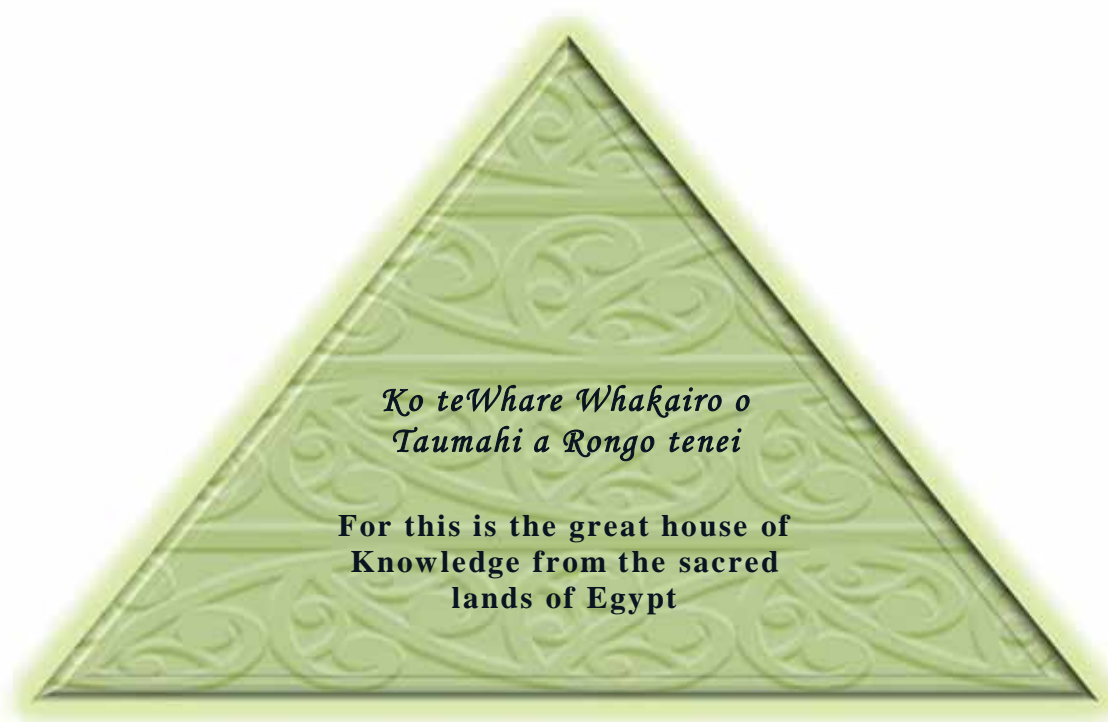
This significant historical event that occurred in estimated year 1650 paved the way to a new chapter in the history of this spiritual land born under the reign of Ariki Te Hapu. Over a period of time the creation of a structure changed the entire culture into a trade hub and permanent occupation.

The lifting of the 'Tapu' places the responsibility and care of the ancient 'Taonga' monuments constructed by the ancient ancestors. To uphold the spiritual values that was placed on the island by many spiritual religious leaders before him. To protect this land and its territory enable to hold the mana of 'Maiori Mana Atua'.

This significant event and defining moment lead to the creation of Ngāti Te Hapu and inevitably the development of the various hapu under the mana of the ancestor.

The responsibility to fulfil the vision of 'Maiori Mana Atua' towards the creation of the Great House of Knowledge 'Whare Whakairo' the domain of the leaders and specialist to the land of all their teachings "*taha tinana, taha wairua*" progress towards the evolution of knowledge for all Māori as stipulation by the High Priest Ngatoroirangi:

It must be said that in keeping with the principle and responsibility towards the uplifting of the 'Tapu', places the responsibility on Ngāti Te Hapu to up hold the principles to fulfil the vision for the iwi Māori throughout Aotearoa, New Zealand.



21.1.9 Early Contacts

At the time of the signing of the Treaty of Waitangi in 1840, there had already been at least three decades of European migrations. In the decades prior to the Treaty, the Ngāti Te Hapu interaction with the colonisers had, from the tangata whenua native indigenous peoples point of view, been something of a mixed bag.

While the strangers brought many articles which came to be prized by Ngāti Te Hapu, such tools as steel and new types of crops, they inevitably violated the laws of tapu which so completely governed the life of tangata whenua. Conflicts arising from such breaches were not common.

Ngāti Te Hapu also witnessed the Ngapuhi raiding war parties into the area of the Bay of Plenty that created an environment which enabled Hongi Hika and Te Moranga to capitalise on their military success when innocent men, women and children were disposed of a situation that rests at the feet of the Crown Administrators who made available the weapons of mass destruction.

21.1.10 Primary Hapu and Relative Hapu of Moutere o Motuiti

It is recognised that our whakapapa is grouped in relation to time with each migration of people recognisably layered within.

The essence of the Ngāti Te Hapu migration to the island of Motuiti lies in the five primary hapu from which whanau turangawaewae were spawned. Some whanau attained importance in their own right. The primary hapu were Ngāti Pau, Ngāti Tutonu, Ngāti Makerewai, Ngāti Kauwaewera, Ngāti Te Uru, and Ngāti Takahanga who were well represented on Motuiti. But however many people were able to whakapapa to other primary hapu also mainly Waitaha a Hei as well as a number of relative hapu.

Some relative hapu which attained importance on Motuiti around the mid 17th century from this whakapapa were Te Patuwai, Ngai Tauwhao, Waitaha Turatua, Ngāti Whakahemo, Ngāti Pukenga, Ngāti Maru, Ngāti Pikiaio, Te Papa-Unahi and Whanau a Tauwhao.

It must be acknowledged that the ancient hapu Parehua Upanepane derived from earlier Maioriori, were also important in the relationship of our people. Maioriori, Patupaearehe and Orohia Mairoa and Urukehu are several of those which are still cited by some whānau and are a good example of the manner in which people identified their rights to the resources.

21.1.11 Land Sales and Land Confiscation

The arrival of the English settlers endeavours to gain access to lands of the native indigenous peoples. The Motuiti confiscation and land sales began in year 1840 after the turbulent years of the Ngapuhi Raids in 1818 and 1831. It was during this time line Moutere o Motuiti became unoccupied and left in a vulnerable state. This opportunity seized upon and taken advantage by the Court Judges and Governors who saw a pot of gold and preyed upon the indigenous people and their lands.

The Motuiti land confiscation reveals a prominent chief individually taken advantage of by the Governors and Court Judges. After the 1868 Maketu Court hearing when one thousand and ninety acres (1090) of land removed under a sole Crown granted from a total of one thousand six hundred and fifty acres (1650) and placed directly into the hands of the chief. This situation paved the way to access lands made available for the English settlers of the day.

An alternative proposition offered by the Court Judges for lands in Tauranga to compensate the indigenous peoples who refused the offer. The inevitable occurred when the indigenous people who physically obstructed the surveyors only to be faced by the military soldiers at the point of the rifle to conform to the demands of the Court Judges.

A total of 1090 acres was sold to several European settlers for two pounds an acre as opposed to the chief whose son received 1090 pounds from the Crown in lieu of his services. The indigenous people were compensated 100 acres valued at four pounds an acre in the Tauranga region which they refused.

However, over a period of twenty years prominent leaders seek redress only to find the 100 acres placed into the public trust. A proposed settlement negotiated with the European landowner of Motuiti when a non-negotiable deal proposed 166 acres swap for 100 acres Judea land block in the region of Tauranga. This transaction gained huge benefit to the seller in terms of monetary benefits. This land deal gave some comfort that increased the lands of the indigenous people to 724 acres from 560 acres.

A further 200 acres of Crown Grant land gifted to the Chief and his hapu under European (General) title. However, over a period of fifty years when the indigenous people of Motuiti sought to purchase lands from their relatives a total estimated at 100 acres. The balance of one hundred acres remained with their relatives, Māori landowners under General Title.

21.1.12 Land Total ownership

- Tangata whenua native indigenous people under Native Title ownership; estimated 728 acres.
- Relative Tribe under General Title ownership; estimated 100 acres.
- General Title ownership; estimated 724 acres.
- 2011 Total landownership of Māori 928 acres, General Landownership 724 acres.

21.1.13 Conclusion

Today the illegal application by the Court Judges labeled the Manhattan Transfer of New Zealand proposed over a bottle of whiskey behind closed doors of the Tauranga Court room.

Owing to the land confiscation under Judge Munroe and Judge Fenton determined to avoid the Commissioner of Lands by placing this issue directly into their own hands via the Native Land Courts. This displicable behaviour by Servants of the Crown never taken into consideration the repercussion and effects they had imposed on the indigenous people. After one hundred and forty two years the after effects are still visible amongst the various hapu's of Moutere o Motuiti.

Nonetheless, the native indigenous people of Motuiti need to address the illegal land deals imposed by the court Judges. This gives no comfort that the Waitangi Tribunal will bring closure under its monetary compensation policy.

This very issue sits in the hands of the Crown. Therefore it would be in the best interest of the indigenous people who will endeavour to place under the ruler of the High Court, however long it takes. The indigenous people have waited one hundred and forty two years to address this issue. So therefore a further one hundred years will not make any difference as time is of the essence.

S22; Kaitiakitanga; Guardianship, Administration



Figure 10 Taputapu-koikoi-aa – a unique sharpening stone

This stone was created by the ancient rock carvers known as Orohia Mairoa. Found along the foreshore of Orongongatea Bay in the Domain of Otutairehia. A carved face inscribed in the rock above, a symbol of the ancient ancestors. Taputapu rock is estimated 2000 years old. On top of Taputapu rock, to the left side are two hollow dishes formed to hold water.

Refer to “Cultural Heritage Waahi Tapu Document 2011 Edition” for in depth history of the ancient Rock.

22.1.1 Definition

Kaitiakitanga is derived from the word ‘kaitiaki’ which includes the concepts of guardianship, care and wise management. It is defined in the Resource Management Act 1991 as ‘the exercise of guardianship; and relation to a resource, includes the ethic of stewardship based on nature of the resource itself.’

The recognition of kaitiakitanga in the Resource Management Act 1991 is an attempt to give greater clarity to the term, as being Māori environmental management as exercised by tangata whenua native indigenous peoples. Strict legal interpretation has however enabled the definition to be broadened to encompass those who are not tangata whenua.

The Planning Tribunal expressed its concern over the present definition and they confirmed that the wording was all inclusive and therefore allowed a consent authority other than tangata whenua native indigenous peoples to exercise kaitiakitanga. The way in which the words were used brings it within the statute itself as a word of general application causing us to comment that the concept of guardianship is more applicable to anybody exercising any form of jurisdiction under this Act.

It is understood that initiatives are currently underway to correct this by way of an amendment to the act to clarify that only tangata whenua native indigenous peoples can validly use the term kaitiakitanga in relation to their interests and their resource management concerns. Those exercising functions, powers and responsibilities under the Act should give due recognition to the role of iwi in the exercise of kaitiakitanga.

22.1.2 Kaitiaki

Prior to 1840 and the subsequent implementation of the new colonial order, it can be reasonably said that mana and kaitiakitanga were often synonymous. Both were exercised on iwi, hapu, whānau and on an individual level. Iwi collectively protected the fullest extent of their territory and the resources in it. Certain hapu had particular roles on behalf of the whole iwi. Whanau and individuals were kaitiaki for specific hapu resources. Individuals were often trained from an early age as Tohunga (specialist in particular fields of expertise). An example is that of Tohunga whakairo. It was his role to oversee all aspects of the carving of Wharenui or other important taonga of the community. Rangatira acted on the advice of Tohunga Kaitiaki. Sometimes all of these roles were embodied in one person.

The whole community of the iwi, hapu and whānau maintained and developed their policies for the wellbeing of the people through full discussion on the Marae and by achieving consensus. It was the kaitiaki's duty to conserve and protect the resources so they remained for their grandchildren and theirs also; mo matau mokopuna ake tonu. The bottom line for all decisions therefore was the sustainable management of resources and continual wellbeing of the resources.

The kaitiaki knew to look for signs in nature as the seasons progressed which indicated the potential for successful planting and fishing. Tikanga tukuiho matauranga (traditional knowledge) developed out of close observation and an amount of trial and error. An example is that when the flower of the Pohutukawa Kowhai Taranga bloomed, it was time to source the Tītī (mutton bird); then again, the arrival of the Pohutukawa Puwhero was the time to harvest kina.

This chapter emphasizes recognition by iwi that not only was kaitiakitanga about the physical resources; it was about maintaining a relationship to the spiritual dimension and influences of wairua and tapu.

Humans' traditionally invoked and exercised kaitiakitanga over the resources of the land and sea but a kaitiaki could take many forms and they could be benevolent or malevolent.

In tradition, kaitiaki were sometimes said to have abilities to call on supernatural powers in guarding their charges. The mechanisms of the kaitiaki for enacting temporary or complete closure of the resources were rāhui and tapu. A rāhui would be declared and the boundaries of it defined sometimes by placement of pou (stake) during the rāhui ceremony and the tapu laid down. If the tapu was considered strong enough no one would dare violate it. The rāhui and tapu was enforced by the solidarity of the people and the mana of rangatira.

The customary exercise of mana and kaitiakitanga were eventually curbed partly as a result of the changing social order post, the Treaty and also the lack of recognition in ensuring legislation and decrees firstly of the governor, and later parliament until recent times. In spite of this, however, manawhenua has maintained much of their traditional knowledge and the concept of kaitiakitanga.

22.1.3 Kaitiakitanga today

The practical exercise of kaitiakitanga is at this time limited in its extent. As stated, whānau were passed down knowledge of these concepts and very quietly often continued to practice their kaitiakitanga amongst their own whānau or kainga. It was largely unrecognised by legislation until recently, and the wider community knew little about it. It was like sheltering a spark until the circumstances prevailed by which it could ignite into a flame.

Local iwi have on occasion declared a rāhui or a tapu over certain areas. They have asked on those occasions that the rāhui or tapu be respected by the wider community. They are voluntary rāhui and tapu rather than having a statutory basis. An example of this is where a drowning has occurred and a tapu will be placed for a period of time. This may have particular importance when a tūpāpaku (a body) is not recovered from the sea. It is highly insensitive to Ngāti Te Hapu for kaimoana to be gathered from such areas until the appropriate time has elapsed and the area has become cleansed. This process occurs under particular tikanga.

The traditional concept of kaitiakitanga has been incorporated into at least one set of regulations although the term kaitiakitanga is not used. These are the benefits of Motunau Island's regulation which supports the concept of rāhui and therefore kaitiakitanga, no one goes onto the island outside of the harvesting period. This was the old practice which was enforced by the rangatira to ensure the protection of the Tītī and continuation of the harvest.

The appointment of kaitiaki today is likely to be a matter discussed within the rohe of Motuaiti whānau whanui and their Native Tribal Council who are recognised alongside their iwi authority as the vehicle for the articulation of the views of mana whenua and the points of official contact.



Figure 11 Puwhero Mata Koikoi-aa te huanga o Otutairehia

A significant sharpening stone used by the ancient Orohia Mairoa rock carvers. Refer to Culture Heritage Waahi Tapu Document 2011 Edition for in-depth history of the ancient ancestors.



S23; Treaty of Waitangi;

Whaka Pumautanga o Waitangi



Figure 12 Te Ra Poto - Shortest Day

Sunset on Te Patupae ki te Uru ridge (Kaimai Ranges) on the shortest day named by the ancient people as 'Tohu o Punui'; direction of the territorial boundary divided by water that provides the measurement and movement of time.

Introduction

The content of this chapter draws heavily on the manawhenua chapter of the Proposed Regional Policy Statement of BOPRC and the Historical Places Trust. This is a deliberate move seen as appropriate to enable tangata whenua o Moutere o Motuiti to endeavour to retain its status quo under their un-challenged, un-extinguished rights inherited from the signing of Te Tiriti o Waitangi 1840 as the result of a process involving considerable deliberation.

Text of the Treaty

Two versions of the Treaty exist; the English version that is commonly thought to be the only version, and the Māori version. Ngāti Te Hapu maintains that if there is any ambiguity, the Māori language text, as the version signed by Ngāti Pukeko, should prevail. The international law principle of 'Contra Preferentem' supports this conclusion.

23.1.1 Māori Version of the Treaty

Ko te tuatahi

Ko nga Rangātira o te Whakāminenga me nga Rangātira katoa hoki ki hai i uru ki taua Whakāminenga ka tuku rawa atu ki te Kuini o Ingarangi ake tonu te Kawanatanga katoa o ratou whenua.

Ko te tuarua

Ko te Kuini o Ingarangi ka whakarite ka whakaae ki nga Rangātira ki nga Hapū ki nga Tangata katoa o Nu Tīreni te tino Rangātiratanga o ratou whenua o ratou kainga me nga taonga katoa Otii ko nga Rangātira o te Whakāminenga me nga Rangātira katoa atu ka tuku ki te Kuini te hokonga o rea whenua e pai ai te rangātira nona te whenua ki te ritenga o te utu e whakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona te whenua ki te ritenga o te utu e whakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te tuatoru

Hei whakaritenga mai hoki tenei mo te whakaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarangi nga tangata Māori katoa o Nu Tīreni ka tukua a ratou nga tikanga katoa rite ki ana mea ki nga tangata o Ingarangi.

Literal Translation; Māori Version of the Treaty of Waitangi

The First

The Chiefs of their respective associations give absolutely to the Queen of England forever the complete Governance over their lands and all other associations who have not merged with the above collective, have also been entered into this binding agreement

The second

The Queen of England agrees to protect the Chiefs, sub tribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures.

However, on the other hand the Chiefs of their respective association and all other associations in conjunction with the land occupier will sell occupational rights to the Queen at a price agreed to by her appointed officials.

The Third

The respective association will arrange an agreement with the Government of the Queen, that the Queen of England will protect the Māori people of New Zealand, irrespective to the cultural values of the people of England; Māori agree in principle to merge into the cultural values of Māori.

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

23.1.2 English Version

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercises or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

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 of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive rights of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Native of New Zealand Her royal protection and imparts to them all the Rights and privileges of British Subjects.

23.1.3 Ngāti Te Hapu Perspectives;

23.1.4 Literal Translation of the Māori Version of the Treaty of Waitangi

The First

The Chiefs of their respective associations give absolutely to the Queen of England forever the complete Governance over their lands and all other associations who have not merged with the above collective, have also been entered into this binding agreement.

The second

The Queen of England agrees to protect the Chiefs, sub tribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures.

However, on the other hand the Chiefs of their respective association and all other associations in conjunction with the land occupier will sell occupational rights to the Queen at a price agreed to by her appointed officials.

The Third

The respective association will arrange an agreement with the Government of the Queen, that the Queen of England will protect the Māori people of New Zealand, irrespective to the cultural values of the people of England; Māori agree in principle for the English to merge into their cultural values.



23.1.5 Literal opinion by the families of the signatories

Ngāti Te Hapu was not directly involved in the signing of the Treaty. However, relative Chiefs of Ngāti Pukeko mainly Chief Hohia Matatehokia, Chief Wiremu Te Pierieri and Chief Te Haukakawa all their descendants have merged with Ngāti Te Hapu of Motuiti.

Riritihia Hiha, Hoete Himiona and the Takotohiwi whānau are descendants of the three Chiefs who represent their voice. They will endeavour to translate how their forefathers foresee the binding agreement in the true meaning. From the words of their oral history that has been handed down from the signing of the preparation and agreement ‘Whakaretenga Whakaetanga’ signed by their forefathers at Pupuaruhe Pa settlement in the Whakatāne District.

The signing of the Treaty they believed was to retain all their possessions and worldly rights inherited from their ancestors. They saw more in common with the Pakeha than the Wiwi, and they did not trust the Tatimana, and least of all the Amerikana for fears of all 'Ngai kiritea' who will inevitably immigrate into their country.

They wanted the Pakeha to live and integrate with them and inherit great benefits in the modern world of knowledge and technology which the Pakeha had already demonstrated. However, they were aware of those factions of Pakeha that deem to apply and suppress their values and endeavour to take possession of their lands. The signing of this Treaty was to ensure that their 'possessions, lands, cultural values and traditions will be protected for their children and mokopuna'.

They also allowed the introduction of the Christian religion to merge with them as they believed that the first testament written by the "Hebrews" was very much parallel with their own ancestral spiritual religious beliefs.

'Manawhenua, Tangata Whenua and Turangawaewae Status' were not written in the article of the Treaty, this they discussed in length with other Chiefs of Ngāti Pukeko which gave them comfort that their traditions and cultural values and lands will be protected by the ruler of England the Queen.

23.1.6 Article of the Treaty as perceived by the Signatories

We will now endeavour to demonstrate and provide an insight into the reasoning of why the Chiefs of Ngāti Pukeko signed the Treaty relevant to article one, two, and three.

In the case of article one where they foresaw that this agreement was arranged between Chiefs of Ngapuhi and the Governors, they did not see the relevance of this particular part of the agreement.

Reference to article two of the Treaty in their opinion, agreed to in principle and perceived that the power and control over their lands have now been placed back into their hands. This they agreed upon, and that would cancel out article one where the power that was given to the Queen by the Ngapuhi contingency, is now back under their control.

This agreement did not include manawhenua or turangawaewae statuses therefore the land in their opinion was not for sale. They believed the Pakeha would be given the rights to occupy the land under a binding arrangement with the government on behalf of the Queen and the occupants. They also acknowledged the Queen of England and her commitment to protect the Māori people their lands and taonga.

In Regards to article three of the Treaty where they agreed in principle with the Governors representatives of the Queen, the Queen of England will protect all the Māori people of New Zealand and in return they will allow their cultural values to be shared in principle with the England migrants.

23.1.7 Literal Opinion of the Indigenous people

Ngāti Te Hapu were not included in this process, however, we will endeavour to portray our perspective as a non-signatory. First we refer to article one which we do not consent too; this was a process that involved contingencies of the Ngapuhi tribes and the Queen of England alone. This issue was forced upon other Māori tribes and their respective territories.

What the Treaty clearly states in article one is that she the Queen of England alone stands as the head of state or the Governing Monarch over these lands. However, the Mana of Rule and Governance to the whole of the lands of Aotearoa was founded under the Title of their monarch “Maiori Mana Atua” which refers to the ancestor commonly known as Tiki, who was the first and only ruler over these lands once known as Panamaho, later known as Aotearoa.

Article two in our opinion places emphasis on the Queen of England who has acknowledged the leadership for Māori to govern their own territory and protect their rights from foreign interference, and also opens the opportunity for her people of England alone to purchase occupational rights to the land.

Article three’s simple essence is that her people will not interfere with the Māori people and their rights and culture. Governance over Aotearoa was not agreed upon by the collective tribes throughout Aotearoa; agreement was agreed upon by the Ngapuhi contingent.

It must be noted that Landownership and Property rights and Governance was not agreed upon under the Treaty where the wording ‘manawhenua’ was not applied nor was ‘turangawaewae’. The first refers to landownership property rights inherited from the Tipuna; note: - Manawhenua covers all the elements of Governance including the latter under collective Tribal Landownership ‘Turangawaewae’ or sole tribal ownership known as ‘Whanau Hapu Turangawaewae’, this is not to be translated as individual personal ownership; there is no such ownership in the Māori tradition.

Tangata whenua status (Citizenship) was not given to the English nor did we consent to the citizenship of the English who originated in England not Aotearoa. Their tangata whenua status belongs to the country of their origins as opposed to Māori. Tangata whenua status was born under the banner of their monarch Maiori Mana Atua that was inherited 2000 years ago.

What Māori clearly stated in article three was the integration of the Pakeha society into the Māori society to work in tangent that will be beneficial to both sides. However, it must be noted that this did not include other ethnic races as Māori feared the inclusion of others.

As for the English version, in our opinion sits wholly and solely in their domain for they had not acquired rights of ownership in the lands of Aotearoa. English legally can never draught a Treaty document when they did not acquire landownership nor did they acquire a political voice in a foreign country that they did not own.

In our opinion the English version is not applicable in terms of its own laws. However, they were past masters at manipulating its laws to gain access to property at the expense of the indigenous peoples at that particular time. The English Treaty in our opinion clearly demonstrates the corrupt nature that was applied by the governors and court judges of the day to gain landownership status. For this very reason the English version is not applicable in terms of acknowledgement within the framework of the indigenous people. The English version in our opinion is not the language of this land; it is the language of the English people of England.

23.1.8 The Principles of the Treaty

In recent years, Parliament has chosen to refer, in legislation, to the principles of the Treaty rather than its explicit terms. For the purpose of the legal system, these principles are drawn from decisions of the Waitangi Tribunal, the New Zealand Court of Appeal and lower courts.

In the resource management context, the Planning Tribunal has sounded some cautionary note as to the applicability of all Treaty principles to matters under the Resource Management Act. However, it is the view of Ngāti Te Hapu that the Treaty is not to be read down in any circumstances, and that all of the principles of the Treaty have revealed to resources used and management decisions within the region of the Moutere o Motuiti.

- **The principle of the Government's rights**
This is recognised and acknowledged by iwi.
- **The principle of Tribal Rangatiratanga / self-regulation**
The iwi have rights to organise as iwi and, under the Law, to control and manage important resources.
- **The principles of partnership**
That both Treaty partnerships will act reasonably and in the utmost good faith.
- **The principle of active participation in decision making**
that the Treaty partnership will ascertain each other's views and be willing to accommodate them.
- **The principle of active protection**
that the Crown will actively protect Māori in the use and management of their resources.
- **The principle of redress for past grievances**
That the Crown will take active and positive steps to redress past grievances and will avoid actions which prevent redress.

The Court of Appeal has recently held, in relation to Section 4 of the Conservation Act 1987 that active protection of the Treaty interest is required, and it would be hollow to

restrict this to mere duty to consult. Substantive, not merely procedural, protection of those interests and required so, in this case, there was a requirement to give weight to the need to protect the special interest which Ngāti Te Hapu have developed in the waters of Motuiti and the fisheries resources within them.

Conclusion

It would be in the interest of Ngāti Te Hapu and Motuiti that this plan constitutes an exercise of their tribal rangatiratanga as recognised and guaranteed under article II of the Treaty of Waitangi. Any failure to give it due weight and consideration will therefore be considered an amount to a breach of Article II of the Treaty and the principle of tribal rangatiratanga.



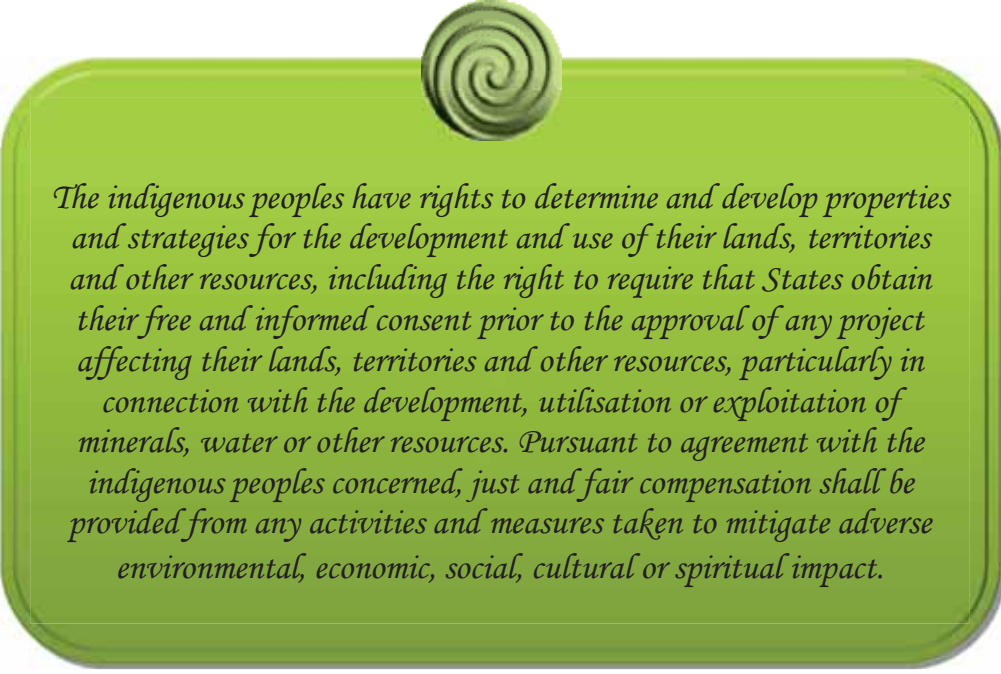
Figure 13 Ahurewa o Marumaru

Man made structure of an ancient temple 20 metres high formed into a figure head of an ancient man. A significant rock structure built by the Orohia Mairoa and Patupaearehe people estimated 2000 years ago.

Refer to Cultural Heritage document for in depth history of the ancient ancestors


23.1.9 International Instruments and the Treaty of Waitangi

Article 30 of the United Nation's 1993, Draft Declaration on the Rights of Indigenous People read;



The indigenous peoples have rights to determine and develop properties and strategies for the development and use of their lands, territories and other resources, including the right to require that States obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilisation or exploitation of minerals, water or other resources. Pursuant to agreement with the indigenous peoples concerned, just and fair compensation shall be provided from any activities and measures taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

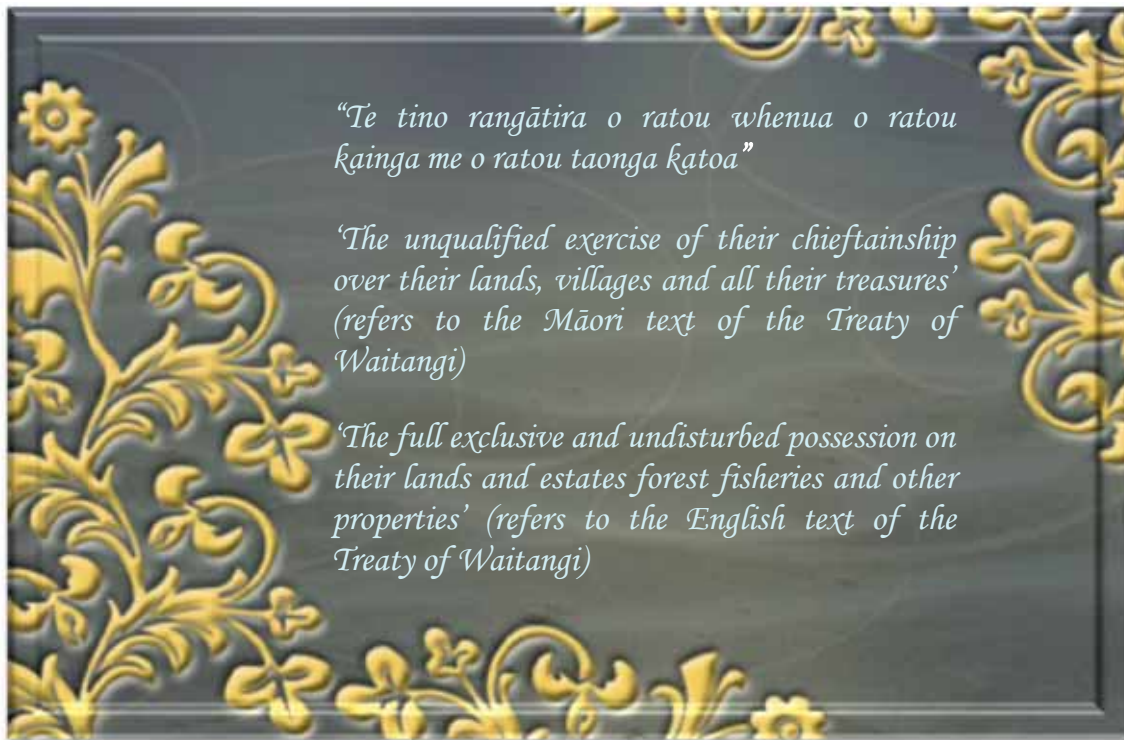
Principle 22 of the Rio Declaration on Environment and Development (Agenda 21), to which New Zealand is a signatory reads:



Indigenous people are their communities, and other communities, have a vital role in environmental management and development because of their knowledge and traditional practices.

States should recognise and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development

Note: Similarly, of course, article II of the Treaty of Waitangi guarantees iwi:



The Draft Declaration is yet to be finalised and ratified by the United Nations member of states. Obviously, it has not yet been incorporated into any New Zealand legislation. Neither have the extract terms of the Agenda 21 Declaration. While the common law rules has traditionally been that internationally agreements such as these have the full effect of New Zealand Parliament, that view is beginning to soften. Certainly the Courts have said that the Treaty of Waitangi should be regarded as forming part of the social fabric of New Zealand, and there have been similar indication that the Courts will not take favorable view of actions of Crown agencies and bodies which are in conflict with international agreement signed by the Crown.

1. Natural Resource Legislation

While the Resource management Act 1991 consolidated much of the Law concerning with the management of natural and physical resources, there are still many other pieces of legislation in effect which impacts on the use and management of various types of resources. Other relevant legislation includes:



Building Act 1991	Land Act 1948
Bio-securities Act 1993	National Parks Act 1980
Crown Minerals Act 1991	Public Works Legislation
Environment Act 1986	Reserves Act 1977
Fisheries Legislation	Te Ture Whenua Māori 1993
Forestry Amendment Act 1993	Transit New Zealand Act 1989
Health Act 1956	Wildlife Act 1953

While the role of iwi in resource management derives from the Treaty and the principles of tino rangatiratanga, statutory mechanisms for giving effect to those rights are minimal. There is a need for iwi driven legislation in this area.

2. The Conservation Act 1987

The Conservation act impacts on the management of many important natural resources, both through the direct responsibilities which the Department of Conservation has in the administration and management of resources under its control and through its advocacy role on other issues Section 4 of the Act provides. This Act shall be interpreted and administrated as to give effect to the principles of the Treaty of Waitangi. This is the strongest legislation statement of the Treaty responsibility in the whole field of natural resource law.

3. Other Provisions

Section 26ZH provides that nothing in that Part of the Conservation Act which deals with fresh water fisheries is to affect any Māori fishing rights. Section 27A provides that a covenant over confiscation land can be created over any Māori land or Crown land leased by Māori, where the Director General is satisfied the land should be managed for conservation purposes so as protection of:

1. Its natural and historical values or
2. Its spiritual and cultural value to Māori.

Where a covenant is created, the provisions of the Conservation Act generally apply as if the land were a Conservation area, subject to the terms of the covenant.

23.1.13 Historic Places Act 1993

1. Protection

The Historical Places Act provides for the protection of archeological sites and other historic places including waahi tapu, by the Historic Places Trust. In achieving the purpose of the Act, all persons exercising functions and powers under it are to recognise the relationship of Māori and their Culture and Traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (s4). The Historic Places Trust protects sites through Heritage Orders, Heritage Covenant and the maintenance of a Historic Places Register. In deciding whether to register any site, the Trust must have regard to importance of the place to tangata whenua. Application for registration of waahi tapu areas are dealt with by the Māori Heritage Council.

2. Penalties for Destruction

The Act makes it lawful without the authorisation of the Trust to destroy, damage, or modify an archeological site, knowing or having reasonable cause to suspect that this is an archeological site, whether or not it is entered on the Historic Places Register. The maximum penalty for destroying such sites is \$100,000 and for damaging sites, \$40,000. An application to the Trust to destroy, damage, or modify an archeological site must include information as to consultation with tangata whenua and where the site is considered to be of interest to Māori. The application is referred to the Māori Heritage Council, which may consult and then make such recommendation as it thinks fit.

3. Investigations

The Historical Places Trust may also authorise or carry out archeological investigations. These must be carried out with the consent of the landowner and, where the Māori Heritage Council considers it appropriate, consent of the appropriate iwi or other body.

23.1.14 Resource Management Act 1991

It can be said that the Resource Management Act is the most wide ranging legislation in relation to the management of natural resources, and the one which is likely to have the greatest impact on day to day resource management decisions at the local level. It is, therefore, in relation to the provisions of this Act that this Plan can be accepted to find its strongest voice.

1. Policy Statement and Plan

The Resource Management Act makes specific reference to planning documents recognised by an iwi authority, requiring that local authorities must have regards to such documents in preparing their policy statements and plans. In addition, the Act requires local authorities to consult with iwi authorities and tribal Runanga in the preparation of such policy statement plans.

Therefore, any local authority policy statement or plan for Motuiti which does not show evidence of such consultation will be open to challenge under these provisions.

It is intended that this plan should be seen as providing the starting point for any consultation with tangata whenua Native Indigenous Peoples of Moutere o Motuiti.

2. PT II Purpose & Principles

While the overriding purpose of the Resource Management Act is the promotion of the sustainable management of natural resources and physical resources, defined in s5 of the Act, other provisions of the Act require that in achieving that purpose, persons acting pursuant to the Act must;

- Recognise and provide for, the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga s6(a);
- Have particular regards to kaitiakitanga s7(a) and;
- Take into account the principles of the Treaty of Waitangi s8.

One aim of this Plan is, therefore, to assist those acting pursuant to the Act to fulfill these duties adequately.

3. Transfer of Power

Section 33 provides that local authorities may transfer any of their powers, except to approve policy statements and plans, and changes to those documents and the power to issue or make recommendations on a designation or heritage order, to the public authorities, this includes iwi authorities. Section 42A provides that a local authority may employ persons to prepare a report on a matter which is to come to a hearing. These provisions could be important tools in furthering the active involvement of iwi in planning decisions and processes and in monitoring.

4. Financial Contributions & Reserves

Provisions are made within the Act for financial contributions and bonds to be required for specific purposes as a condition and bonds to be required for specific purposes as a condition of consent, and for esplanade strips and reserves to be required as a condition of subdivision consent. Local authorities are also empowered under s36 to impose charges on resource users to recover actual and reasonable cost, which would include the cost of carrying out monitoring responsibilities. These are provisions which may be of particular interest to iwi in addressing the effects of land use activities and developments on, for example, mahi kai and significant landscape features.

5. Consultation

Decisions of the Planning Tribunal have left no doubt that the Treaty principles of informed decision making and consultation are principles which must be taken into account under s.8 of the Act. In preparing or changing policy statements and Plans, **Regional and District Councils are clearly under an obligation to consult with local iwi** (cl.3, First

Schedule). The situation in relation to consultation on resource consent applications is less clear, however, the following points that have merged from the cases on the issues:

- The consent authority which is to hear a resource consent application **should not consult unilaterally** with any party involved.
- Councils Planning Officer preparing a report on a resource consent application for pre-hearing distribution may consult and inquire into the views of local iwi, so as to ensure that the consent authority can make a fully informed decision.
- The fourth Schedule requires applicants for resource consents to identify those persons interested in or affected by a proposal, consultation undertaken and any responses to the views of those consulted; and
- The consent Authority should carefully consider what supporting information it ought to require from applicants.

Therefore, it can be said that where local iwi have indicated a significant traditional interest in relation to a particular area, a local authority deciding on a resource consent application in relation to that area will need to ensure that it is fully informed of all the issues involved. This Plan identifies sites, areas and resource management issues in relation to which Ngāti Te Hapu o Motuiti consider that, at a minimum, consultation must occur equally at potential resource users and local authorities.

6. Indigenous Cultural and Intellectual Property Rights

While the Treaty rights of iwi in relation to some native resources have received a measure of legislative recognition in recent times. Through legislation such as that referred to above, rights over native and physical taonga, which can be described under the heading of Indigenous Intellectual Property Rights, have yet to be recognised. Legislation enacted without regards to the Treaty of Waitangi has long deprived Ngāti Te Hapu of recognition of their legitimate interest in the management and traditional use of traditional resources. Existing legislation regime do not adequately provide for such indigenous intellectual property rights.

Many of the issues surrounding Indigenous People Intellectual Property Rights were set out in the Mataatua Declaration of the First International Conference on Cultural and Indigenous Property Rights of Indigenous Peoples, held at Whakatāne in June 1993:

We declare the Indigenous Peoples of the World have the right to self-determination; and in exercising that right must be recognised as the exclusive owners of their cultural and intellectual Property.

The declaration goes on to make various recommendations to states, national and international agencies, including recommendations that in the development of policies and practices, such bodies must recognise that;

Indigenous peoples are guardians of their customary knowledge and have the right to protect and control dissemination of that knowledge.

Indigenous flora and fauna is inextricably bound to the territories of indigenous communities and any property rights claims must recognise their traditional guardianship.

Some of the free trade initiatives contained within the General Agreement on Trade and Tariffs (GATT) create further concerns this area because of the limitations which they may place on the ability of indigenous peoples to protect their cultural and intellectual property rights in a free market environment.

Much work is currently going on in this area, and much still remains to be done, particularly in relation to legislative protection of such property rights. Komiti Taonga Tuku iho (Native; Administration Council) needs to work in this area on cultural material policies in relation to other tribal properties, such as waiata, whakapapa and lore, rock art and archaeological sites.

The Government is currently preparing new legislation in relation to ‘taonga tuku iho’ (cultural property) to replace the Antiquities Act 1975 which does not recognise Māori ownership of such taonga.



Figure 14 Matahau Bay

Significant an area where Otahinga Pa site is located above the bay, refers to a proverb;

*Ko te Otahinga Marere Whenua
Falling Star that creates the waters of Mankind*

S24; United Nations UNESCO World Heritage

Case Study undertaken by Tangata Whenua



Figure 15 Sunset on the Longest Day

“Te Ra Tawhiti” named by the ancient ancestors relates to a proverb:



“Manuka ka whati” the tree has fallen this refers to the longest day when the sun begins to return in the opposite direction creates a reflection of the sunset a replica of white and red flowers of the manuka tree with the green hills in the back ground (tara manuka)

Refer to the Cultural Heritage Document for in depth history of the ancient ancestors.

Outline of the statements made by UNESCO World Heritage

Heritage is our legacy from the past, what we live with today, and what we pass on to future generations. Our cultural and natural heritages are both irreplaceable sources of life

and inspiration. Places as unique and diverse as the wilds of East Africa's Serengeti, the Pyramids of Egypt, the Great Barrier Reef in Australia and the Baroque cathedrals of Latin America make up our world's heritage.

What makes the concept of World Heritage exceptional is its universal application. World Heritage sites belong to all the peoples of the world, irrespective of the territory on which they are located.

The United Nations Educational Scientific and Cultural Organisation (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. This is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972.

UNESCO's World Heritage mission is to:

- Encourage countries to sign the World Heritage Convention and to ensure the protection of their natural and cultural heritage
- Encourage States Parties to the Convention to nominate sites within their national territory for inclusion on the World Heritage List
- Encourage States Parties to establish management plans and set up reporting systems on the state of conservation of their World Heritage sites
- Help States Parties safeguard World Heritage properties by providing technical assistance and professional training
- Provide emergency assistance for World Heritage sites in immediate danger
- Support States Parties public awareness-building activities for World Heritage conservation
- Encourage participation of the local population in the preservation of their cultural and natural heritage
- Encourage international co-operation in the conservation of our world's cultural and natural heritage

Convention Concerning the Protection of the World Cultural and Natural Heritage

THE GENERAL CONFERENCE of the United Nations Educational, Scientific and Cultural Organisation meeting in Paris from 17 October to 21 November 1972, at its seventeenth session: noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific, and technological resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organisation provides that it will maintain, increase, and diffuse knowledge, by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions,

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto,

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organised on a permanent basis and in accordance with modern scientific methods,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention, adopted this sixteenth day of November 1972 this Convention.

Definition of the Cultural and Natural Heritage

Article 1

For the purposes of this Convention, the following shall be considered as 'cultural heritage':

Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

Groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

Sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

Article 2

For the purposes of this Convention, the following shall be considered as ‘natural heritage’:

Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3

It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in articles 1 and 2 above.

Text of the Convention for the Safeguarding of Intangible Cultural Heritage

The General Conference of the United Nations Educational, Scientific and Cultural Organisation hereinafter referred to as UNESCO, meeting in Paris, from 29 September to 17 October 2003, at its 32nd session,

Referring to existing international human rights instruments, in particular to the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, and the International Covenant on Civil and Political Rights of 1966,

Considering the importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development, as underscored in the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989, in the UNESCO Universal Declaration on Cultural Diversity of 2001, and in the Istanbul Declaration of 2002 adopted by the Third Round Table of Ministers of Culture,

Considering the deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage,

Recognising that the processes of globalisation and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage,

Being aware of the universal will and the common concern to safeguard the intangible cultural heritage of humanity,

Recognising that communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity,

Noting the far-reaching impact of the activities of UNESCO in establishing normative instruments for the protection of the cultural heritage, in particular the Convention for the Protection of the World Cultural and Natural Heritage of 1972,

Noting further that no binding multilateral instrument as yet exists for the safeguarding of the intangible cultural heritage,

Considering that existing international agreements, recommendations and resolutions concerning the cultural and natural heritage need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage,

Considering the need to build greater awareness, especially among the younger generations, of the importance of the intangible cultural heritage and of its safeguarding,

Considering that the international community should contribute, together with the States Parties to this Convention, to the safeguarding of such heritage in a spirit of cooperation and mutual assistance,

Recalling UNESCO's programs relating to the intangible cultural heritage, in particular the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity,

Considering the invaluable role of the intangible cultural heritage as a factor in bringing human beings closer together and ensuring exchange and understanding among them,

To Adopt this Convention on this seventeenth day of October 2003.

Article 1 – Purposes of the Convention

The purposes of this Convention are:

- (a) To safeguard the intangible cultural heritage;
- (b) to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned;
- (c) to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;
- (d) to provide for international cooperation and assistance.

Article 2 – Definitions

For the purposes of this Convention

1. The ‘intangible cultural heritage’ means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognise as part of their cultural heritage.

This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.

For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

2. The ‘intangible cultural heritage’, as defined in paragraph 1 above, is manifested inter alia in the following domains: (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; (b) performing arts; (c) social practices, rituals and festive events; (d) knowledge and practices concerning nature and the universe; (e) traditional craftsmanship.
3. ‘Safeguarding’ means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalisation of the various aspects of such heritage.
4. ‘States Parties’ means States which are bound by this Convention and among which this Convention is in force.
5. This Convention applies mutatis mutandis to the territories referred to in article 33 which become Parties to this Convention in accordance with the conditions set out in that article. To that extent the expression ‘States Parties’ also refers to such territories.

Article 3 – Relationship to other international instruments

Nothing in this Convention may be interpreted as:

- (a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated; or

- (b) affecting the rights and obligations of States Parties deriving from any international instrument relating to intellectual property rights or to the use of biological and ecological resources to which they are parties.

UNESCO and Moutere o Motuiti

The UNESCO is a United Nations body entrusted with the protection & preservation of significant world heritage sites. As Motuiti and its ancient taonga are of such significance it falls into the category of being protected and preserved as a site of world heritage significance

24.1 Ngāti Te Hapu opinions on the Convention Concerning the Protection of the World Cultural and Natural Heritage 1972

Article 1

Defines the Cultural Heritage as being Monuments, group of buildings & sites of world significance; Motuiti falls into this category. Refer to the Cultural Heritage Document.

Article 2

Defines the Natural Heritage as being, Natural features, geological and physiographical formations, natural sites of world significance and Motuiti again falls into this category. Refer to the Cultural Heritage Document.

Article 3

Article 3 defines each country state party to the UNESCO world heritage to identify significant areas that maybe entered into protection of UNESCO. The government of New Zealand is a member of the UNESCO world heritage committee.

The government of New Zealand is bound under article 2 of Treaty of Waitangi which clearly states the protection of our village lands, chieftainship and our treasurers. If the indigenous people so seek to take this path the Crown must by its own contractual agreement endeavor to help pursue this path.

Whilst making sure that our un-extinguished rights are not in anyway shape or form diminished or compromised as stated in the agreement within article 2 of Treaty of Waitangi, as such there must be an acknowledgment of certain cultural and heritage values of the indigenous people that apply over whole of the Motuiti territory inherited by the lifting of the tapu by our ancestor Te Hapu *Note: these include sea boundaries.*

- To recognise that the true name is not Motiti but Motuiti and its ancient name Te Kopu Whakaairi or Tu Whakaairi.
- To recognise Ngāti Te Hapu's status as manawhenua, and its people as the tangata whenua (Native indigenous peoples of Motuiti) and the traditional native rights under kawa and tikanga that come with these statuses.
- Our turangawaewae which is un-extinguished native tribal rights of ownership.

- Our mana whenua via our ancestor Te Hapu which encompasses all elements of governance and the latter turangawaewae.
- That in lifting the “tapu” by the ancestor Te Hapu bound into its principles which include the protection to the whole of his new domain and all the ancient taonga with in it. Therefore the responsibilities of the protection of these sites, as his heirs, these fall under our control. This however does not prevent us from working with others to protect it but it does not allow them to undermine the principles of the “tapu” by taking control.

24.2 Ngāti Te Hapu opinions on the Text of the Convention for the Safe-guarding of Intangible Cultural Heritage 2003

Article 1

This is an outline of the convention.

Article 2

To define the areas of protection.

The article protects intangible cultural heritage such as cultural practices, representations, expressions, knowledge, skills etc. In our case having not been subdued under the Crowns thumb, we have maintained our un-extinguished native rights which are already insured to us under article 2 of the Treaty of Waitangi. This article only enforces that right to be maintained.

Oral traditions, language and social practices are also recognised. They are important to the survival of our society, and it is important that we maintain our right to practice without government bodies’ interference so as not to bastardise our culture.

It also places the importance on safeguarding sensitive cultural heritage information. In this case our significant documents pertaining to our heritage, culture and whakapapa must always be protected. No copyright or intellectual property right can truly understand the cultural practices surrounding the traditions of our culture, would add an extra layer of protection so as not to allow culturally sensitive information to fall into the wrong hands and used for the wrong reasons that defiles the cultural beliefs, the very issue applied to our people in recent times.

And that the states belonging to the convention are bound by the rules of the convention which New Zealand is a part of the UNESCO world heritage committee.

Article 3

It talks about not diminishing certain rights.

24.3 Conclusion

Our ancient taonga is of significance at world standing, therefore, in my view is worthy of world protection, assisting the hapu and fulfilling the principles of the tapu, that was uplifted by our ancestor Te Hapu. We need to be mindful that the organisation may under

mind our principles; however, we need certain consecutions and conditions of our cultural values status and the rights to the principles of the tapu.

This will then give us comfort and a level of protection that will preserve our taonga and our traditional practices and management of native resources. The Government in my view must adhere to article two of the Treaty to ensure that these issues and proposed policies need to be tabled and acknowledge with a three way agreement.

1. Tangata whenua native indigenous people bind under the principles of the tapu.
2. New Zealand Government acknowledgement under the Treaty article II acknowledged under the Resource Management Act 1991.
3. World Heritage Trust agrees to protect cultural and natural world significant sites, and the native indigenous peoples, cultural knowledge and practices, which Moutere o Motuiti falls into that particular category.

Case Study analysis Daniel Te Ruatiki Ranapia



Figure 16 Tamatea kit e Huatahi Marae 1932

Tamatea kī te Huatahi; Marae built in 1901

These are the prominent leaders of Te Moutere o Motuiti who were involved in the partition of the Island that began in 1867 and completed in 1912 under nine Judges and twelve court sittings. Thou they suffered at the hands of the Governors, court judge's and the military a situation that did not deter their ability to change the island into an economical base born the horticultural and fishing industry that began in 1860 to 1964.

S25; United Nations Declarations on the Rights of Indigenous Peoples;

Case Study undertaken by Ngāti Te Hapu

Adopted by General Assembly Resolution 61/295 on 13 September 2007

The General Assembly Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfillment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognising the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilisations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonisation and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognising the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognising also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organising themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur, *Convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognising that respect for indigenous knowledge, cultures and traditional practices

contributes to sustainable and equitable development and proper management of the environment,

Emphasising the contribution of the demilitarisation of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognising in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also those treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Program of Action, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and co-operative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and co-operation with the peoples concerned,

Emphasising that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognising and reaffirming that indigenous individuals are entitled without discrimination

to all human rights recognised in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognising that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Articles of the Treaty

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognised in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other

act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities
 - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d. Any form of forced assimilation or integration;
 - e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

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

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practice and revitalise their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and co-operate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development is entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realisation of this right.

Article 25

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

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognise and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programs for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognise and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilisation or exploitation of minerals, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and co-operation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and co-operation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international co-operation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialised agencies of the United Nations system and other intergovernmental organisations shall contribute to the full realisation of the provisions of this Declaration through the mobilisation, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialised agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognised herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognised herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, and respect for human rights, equality, non-discrimination, and good governance.

25.1 Case Study; Indigenous People of Moutere o Motuiti, `United Nations Declaration on the Rights of Indigenous Peoples 13 September 2007;

The Declaration on the rights of indigenous peoples is a document which the New Zealand Government signed up to as a symbolic gesture. No doubt, signed for reasons relating to and involving the 13 September 2007 when 140 countries said ‘yes’ to the declaration that only four who said ‘no’ these were the United States of America, Canada, Australia and New Zealand all who are English based colonies.

The four countries eventually and inevitably, backed down and signed. Thus the true reason in their attitude relates to the numbers in favour of ‘yes’. However, a strategic moves no doubt influenced and encouraged by trading partnership and relationships.

We are encouraged by the partnership developed between the New Zealand Government mainly Prime-Minister Mr. John Key, and the leader of the Māori Party Honorable Mr. Peter Sharples. This partnership bought about the recognition of the indigenous rights when they agreed in principle to be signatories to this historical document which will pave the way for the indigenous people of the Moutere o Motuiti.

We the tangata whenua (native indigenous people) will however, endeavor to show why it is not a token symbolic gesture but an applicable document to the situation of Motuiti, the very reasons why it must be adhered to by the Government who are signatories to the declaration.

We have endeavored to address and display issues of importance that relates to the island in conjunction with the article II of the Treaty of Waitangi. Some of the rights mentioned in the declaration are already either partly or fully practiced in some form in New Zealand governance. However, the most important issues in this declaration that are applicable to our unique situation will be briefly outlined with regards to the article and our cultural indigenous point of view.

The Declaration Article 4

The declaration insures the right of autonomy or self-governance in matters relating to our internal and local affairs.

We would clearly state and define that we have been managing ourselves since the signing of the Treaty of Waitangi for the past 171 years and beyond, from the lifting of the “tapu” by our ancestor Te Hapu via his ancestors prior to himself. This demonstrates our people who have reined in this territory under different names and administrations and still retain their un-extinguished and total rights of self-governance over the domain of Motuiti for the past 2000 plus years, from the time of “Maiori mana atua”. This article we see ensures us

the continuation of our unbroken indigenous rights of self-governance which we have over the whole of our traditional domain.

The Declaration Article 5

The declaration allows the indigenous people of Motuiti to maintain and strengthen our political, legal, economic, social, cultural institutions.

Such an institution in our case is the Korowai Kāhui o Te Patuwai Native Tribal Council the political voice of Ngāti Te Hapu. This indigenous structure has every right to be strengthened and maintained as stated, however, the Government departments and their contractor's interference in Motuiti undermines its standing and weakens it. Government departments must seek to honour the declaration by adopting the use of co-operation with our institutions which is an undertone theme set out by the declaration, an acknowledgement towards maintaining our social institutions such as our marae.

The Declaration Article 8

The declaration states that indigenous peoples have the right not to be subjected to forced assimilation or destruction of their culture and that state must provide mechanisms to protect them.

The 'District Management Plan' is a plan imposed on Motuiti only since the purchase of Southern lands by corporate body interests, as such, this has led to a plan that imposes foreign values and undermines the standing of the indigenous people. Foreign values that threaten its culture and identity pose great threat to its history and heritage sites. This undermines the principles of the "tapu" lifted by our ancestor. As such, this plan is precluded under this article as a form of forced assimilation and destruction of the culture. The Government must recognise that for the last 171 years since the signing of the Treaty and prior, Ngāti Te Hapu have maintained their own traditional sense of control over the island and must take measures to ensure its continuation in co-operation with their cultural political institution as this is a serious violation of the declaration.

The processes of the proposed District Management Plan also pose a threat and must remove the current use of contractors. This has allowed the government department to ignore the hapu in favour of quick fix policies to force assimilation into their systems, as well as, trying to impose their contractor's view of our history which is a form of cultural destruction. This is another serious violation of the declaration.

The court hearing on these matters must also be seen as a violation as the proposed plan is not of our choosing. In order to proceed to such a hearing a \$500 fee imposed to identify indigenous rights over the land in a forum where we had no say. This is a form of forced assimilation and cultural desecration as our voice is being silenced through proceedings that are imposed via this forum.

As of late, Government departments have allowed the destruction of culture significant areas and important cultural resources, and concession made in favour of corporate interests created without any means of consultation as stated by its own rules of consultation with the indigenous people. As such the Government must seek to insure these violations are redressed and make amends to insure their departments work in co-operation with the cultural political institution of indigenous people.

The Declaration Article 11

The declaration expresses the point of allowing cultural revitalisation and that the state must provide redress mechanisms which may include restitution, and development in conjunction with the indigenous people.

This would of course be through a co-operative approach forum between the Government and our cultural political institution the Te Patuwai Native Tribal Council. The article states, Governments must take into consideration values removed from the indigenous people without consent in the form of cultural, intellectual, religious and spiritual property. As such, a basic outline of discussion is a co-operative forum between the indigenous people and the government.

It is important to note that the Government's actions in the past and present by its own laws and departments or by representatives of the Government who have wrongful confiscated the assets of the indigenous people have directly and indirectly resulted in considerable diminishing of cultural values. This article sees the importance of revitalising and seeking an approach to resolve them. It is important that article II of the Treaty of Waitangi ensures the protection of our chieftainship over lands, villages and treasures. However, should the people of Ngāti Te Hapu who so seek such a forum on these express issues, then the Government must comply as party to via that Treaty agreement and in conjunction with the articles of declaration on the rights of indigenous peoples which they are a signatory too.

The Declaration Article 12

The declaration allows the indigenous people to practice and develop their spiritual and religious traditions and the rights to maintain, protect and have access in privacy to their religious cultural sites and that the state shall seek to enable the access or repatriation of ceremonial objects or human remains.

In case of Ngāti Te Hapu and the issue of wrongful confiscation by the Government and court judges in the 1800s, conversely, this created a level of disconnection from our spiritual sites in the southern territory of the island which added to the direct and indirect cultural damage, and demise of our spiritual values that are very much lingering via a thread. However, as we seek to revitalize our taonga under the article, we would seek assistance towards reaffirming our spiritual connection back to the lands of the south that holds great spiritual connection and cultural beliefs. However it must be noted that whilst all our taonga inherited via the "tapu" are in the hands of other peoples, we can never fully be revitalised in spiritualism as we are born from the "tapu" and spiritually bound to it.

It is also important to talk on the matters such as human remains and ceremonial objects that have been dug out of the southern end of the island, through due process of New Zealand laws recognition and involvement of indigenous people. When such events happen, these rules are in force but not enforced allowing the desecration of our ancestors and taonga.

The Declaration Article 13

Outlines the right of indigenous people to revitalise and transmit to their future generation, histories, languages, oral traditions, philosophies writing systems etc and that the state will take measures to ensure the rights are protected in an understandable form of the indigenous people.

In the case on Motuiti, it is imperative that our young learn the traditions of our ancestors (mainly those unique to our people) and not be drowned down by a standardised form of education created for conformity by the education system and their Māori scholars. This is a creative system that has no inkling or understanding on the depth of our people and what makes us unique and different. This article must undertake to secure our rights and freedom that makes us unique, as opposed to other Māori institutions that standardised into conformity and assimilated into what I'd suggest is a standardised English version of Māori. Nonetheless, detrimental to the survival of the cultural and uniqueness by venture of our culture and its survival through future generations, inevitably, will hold the mana and protection of our people into the future as stated in this article of the declaration.

The Declaration Article 14

To establishes the rights of indigenous people to create and control their educational systems and institutions.

The State must provide and cater for our language and cultural teachings for the children, to provide access to all forms of education without discrimination. That the state will work in conjunction with the indigenous people and ensure the rights of those who live outside of the community have access to education of their own culture.

Cultural practices (taonga) are very much important if we are to re-establish and strengthen our cultural values that have been diminishing since colonisation. Throughout the different points in history, just recently a Kura Kaupapa Māori has been established on Motuiti. However, it is important to note that the State must work in conjunctions with our political cultural institution the Te Patuwai Native tribal Council, in creating the strategies that preserves the Motuiti cultural uniqueness in the vested interest of our future generations, and the preservation of the cultural values and legacy of our ancestors.

The Declaration Article 18

Quite clearly states that Indigenous people have the right to participate in decision making that would affect their rights and that their representative is to be appointed via their procedures, also that they are allowed their own decision making institutions.

In the case of the Motuiti Indigenous people, our Political institution the Te Patuwai Native Tribal Council has the right to send its chosen representatives to participate in such matters that would be an impediment or violation to our indigenous rights.

As of present there are multiple cases in which our cultural indigenous institution the Te Patuwai Native Tribal Council are being left out, as this is a breach and violation of this article:

1. Describe as the forced assimilation plan note; the District Management Plan in which the government department has decided to ignore us in favour of contractors to impose their values and their version of our history imposed upon us.
2. The court hearings in the matter of the District Management Plan which the Te Patuwai Native Tribal Council is not a party to the proceedings.
3. Government department decisions being made in favour of corporate interest on a consent being granted for work along the foreshore and land based areas as well as water take; these are issues which affect our significant sites and water which are both spiritual and a physical basic need of life.

In recent times the Hapu have been isolated, and reference to decision making over the fisheries are placed into the arena of other iwi who have no legal claim to the seabed and foreshore of Motuiti. It seems like standard government practice in dealing with the indigenous people and their rights. The situation today has not changed towards a measurement of protection, under the rules of the declaration on the rights of indigenous peoples needs to be enforced. The government is a signatory to the declaration but also bound under article II of the Treaty of Waitangi to protect our chieftainship over lands, villages and treasures and so we are entitled to this protection.

The Declaration Article 19

Clarifies the point that the state shall in good faith deal with the Indigenous peoples concerns through their institutions and consult in co-operation to obtain consent before creating legislation or administrative measures that may affect them.

This article is quite important to insure that our rights are not continuously defiled by legislated laws. The Resource Management Act is one such a piece of legislated law that is harmful in the case of the indigenous people of Motuiti who have maintained their self-governance. This law allows the creation of the District Management Plans which will be

imposed upon the indigenous people who have un-extinguished rights, as such; this law creates a form of forced assimilation into a system that is foreign to its area. The indigenous people have more recently observed a government department in charge of the District Management Plan and its contractor who attempts to impose a 40 meter coastal zone within its plan which proposes the removal of our indigenous lands and resources for the benefit of the public, who have no land interest on Motuiti and we will seek to keep it that way.

We have recently experienced issues concerning as to who the administration body that will govern over the island is. The proposed District Management Plan provides no guidelines and refuses to state who. As of late, registration voting forms were sent to the people by the Tauranga City Council and when asked the reason defines in the Local Government Act the issue of registered Tauranga rate payers a year prior to this. Of course, being applied without our consent either by the department whose district management plan they seek to enforce on Motuiti by their contractor's writing the forced assimilation plan.

We will state that whilst the Resource Management Act was created before the declaration on the rights of indigenous peoples, we see faults in such issues expressed under the article; nonetheless, this declaration must be strongly enforced to protect indigenous people's rights as the Government departments and their contractors show clear violations of the rights of indigenous people.

The Declaration Article 20

Allows indigenous people the right to maintain and develop their political, economic and social institutions and if they are deprived of these means of development they are entitled to redress.

In this case the indigenous people of Motuiti still retain their Political Institution created by their ancestors the Te Patuwai Native Tribal Council and the social institutions such as the Marae. However, these are both not as strong as they once were due to removal of their lands, such factors weakening the traditional economic institution and later by their traditional indigenous economical back bone fisheries of Motuiti, a right that was entrenched via the lifting of the "tapu" by our ancestor. The traditional rights provided food and wealth to acquire materials to build homes, boats and luxuries and develop and strengthen the capability of protecting their territory and its ancient taonga.

As such we view this 'article' as giving us the entitlement to redress in the recreating of our economical institution. In this case, we ask, the return of our indigenous sea territory and our indigenous fisheries as part of our rightfully economic institution. It is not there for the vested interest of other peoples of New Zealand including other Māori or foreign interests. It must also be noted that the Government is capable of giving such wealth to relative economical institutions by the return of a portion of our indigenous fisheries to them, even though they hold no indigenous rights on Motuiti and as such we have not received a cent while they have taken millions at our expense.

It has been demoralising for the indigenous people as we watch boats strip our resources and access wealth whilst we the indigenous people do not have fisheries opportunities for our own economic institution to provide wealth for our own people. This situation is a complete violation of indigenous resources, subsequently a violation of our economy and complete offence to the cultural values that we are bound to protect under the “tapu” lifted by our ancestor. In a redress we would not only ask for the return of our territory and its control, but also of the restoration of our indigenous fisheries that are depleting. Otherwise, our institutions will become a cultural mockery and as such cannot properly maintain nor develop culturally because of the importance of indigenous cultural principles of sustainability, which are highly important to the culture and cultural economy and in honouring the “tapu” which has been repeatedly violated by others.

I would also make the note of our institutions standing that cannot maintain or develop if values of the District Management Plan and it’s process that continues to undermined the standing of our political institution through its departments actions and its contractors, and court hearings, furthermore, the actions of other government departments that have ignored us in other processes that concern Motuiti. By these actions weakening our institution I would state; the opposite of what the article aspires to and thus a violation of the declaration of the rights of the native indigenous peoples.

The Declaration Article 23

The article gives indigenous people the right to develop strategies for exercising their right to development and acquire the right to be involved in developing health, housing, economic and social programs that are effecting them and as far as possible administrating them

Motuiti indigenous people have throughout the entire reign of the government been fully in charge of their affairs such as those stated. We seek to retain them under our control. Our indigenous right via the lifting of the “tapu” and work in co-operation only when it is advantageous to our needs, while in no part and no doubted that there is always room for improvement, we have faulted in certain areas as have many other indigenous Māori of New Zealand.

These are in our view the side effects of colonisation of New Zealand by the English and the interference of the Government. We of course, are trying to take steps forward slowly towards reinstating and strengthening our cultural indigenous values, nonetheless, we are faulted in two area’s both of these issues need to be dealt with, in order to insure this right.

1. The District Management Plan that seeks to impose its values upon the island certainly does not include the indigenous people of Motuiti nor our political Institution the Te Patuwai Native Tribal Council. This plan is a threat to the ability to exercise such rights to develop such strategies as the plan is a forced assimilation plan and has been completely ignorant of the rights of the indigenous people of Motuiti.

2. Is a fact; we are lacking our traditional sea based economy which throughout our history has always been the back bone of our people. The isolation of such a major native resource possesses difficulty to properly achieve the ability to properly exercise rights and administration when we have no economic back up institution.

I would perceive that this article partly enforces a right which is already ours, nevertheless, it is important to note, what threatens this article is the Proposed District Management Plan and the behaviour of government departments and their contractors.

The Declaration Article 24

To encompass the right of indigenous people and practice their traditional medicines and the conservation of their medical plants, animals and minerals.

While it must be noted that New Zealand does allow the practices of traditional natural medicines in the case of the indigenous people of Motuiti, there are contributing factors that halt such practices.

1. While we still possess amongst our indigenous people those who specialise in such cultural values (taonga), we lack the economic institutions to help this practice flourish on Motuiti thus, such people find work elsewhere.
2. The protection, conservation and access to particular areas of traditional natural medicinal plant areas (reference to map 10 of the heritage document). In the matter of protection, these areas need to be protected from destruction mainly from stock animals, as well as the protection and threats from chemical usage that inevitably kills or destroys natural properties. Conservation of these areas is now severely damaged and needs to be re-established. Last and most important is access to all the traditional indigenous sites in which we harvest our natural medicines.
3. If applied properly, such a re-establishment while taking time given the large amount of traditional areas for natural medicine plants, and in re-establishing our specialist, Motuiti may become a valuable supplier of New Zealand natural medicines both for its traditional use and for economic benefit.

The Declaration Article 25

Allows the right for indigenous people to maintain and strengthen their distinctive spiritual relationship with their traditionally owned lands territories, waters, coastal seas and other resources

In such cultural values the indigenous people of Motuiti's spiritualism it is bounded under the "tapu" lifted by the ancestor in whom all traditional values fall into the domain of "tapu" the manawhenua of Te Hapu. The governance and rights to the ownership of the sea and land and its resources alongside the cultural traditional values (taonga) this is spiritually bound only to the heirs of Te Hapu. Only when it is made whole again will our

people be whole otherwise we will always be spiritually incomplete. This situation was created by the actions of others namely the Crown and its people through different periods in time and by the actions of other relative Māori. Motuiti is a sacred land the most sacred land in the whole of Polynesia founded by the common ancestor commonly known as Tiki (Refer to the heritage document).

This however is not the first time it has been this way, high priest Ngatoroirangi came to this land of his ancestor “Tiki” long ago and called it Motuiti (refer to the heritage document for in-depth detail) because it had been disconnected in a spiritual sense when the Atua “Hani and Puna” were returned ‘placed upon this land made it whole once again’. The 1870 Manhattan Transfer of Motuiti that removed 1090 acres relating to the land confiscation. Consequently the ‘tapu was broken’ and Motuiti once again is fragmented.

This situation needs to be rectified to restore the ancient history of Motuiti, and its taonga are no doubt of world significance. The significance to our people’s origins and spiritualism cannot be ignored. For as long as there is a ‘wrong’ we shall never be spiritually whole to enjoy such a right. Nonetheless, we will always be spiritually bound to the lifting of the “tapu” as it birthed our people, however, until the land is whole we are not whole and Motuiti shall not be whole.

The Declaration Article 26

This article allows for the indigenous people such as ourselves to have the right to the lands, territories and resources which they traditionally owned.

This of course is important as many areas of significant sites on land that we formally owned, were wrongly confiscated alongside resources that we rightfully own being pillaged by the Government giving its consent for other people to pillage such as our fisheries. The article also states the rights for indigenous people to own, use, develop and control the lands and territories that they possess by reason of traditional ownership. The state shall give legal recognition and protection to these lands, territories, and resources in respect with customs and traditions. These values should be enforced as we do not want rules that would impede on our development as indigenous people. We do not want the defilement of resources that are rightfully ours and entitled to protection of our lands as promised in article II of the Treaty of Waitangi. We have cases of wrongful succession and transfer of lands to those who had no rights or connection to them, as such; this allows the defiling of the indigenous traditional and cultural beliefs. More recently the proposed District Management Plan seeks to use its rule to impose a 40 meter coastal zone. This is pure and outright corruption when lands are placed into the domain and jurisdiction of the Government a clear violation both of the Treaty of Waitangi and the Declaration on the Rights of Indigenous Peoples.

The Declaration Article 27

This article is one of the most important in terms of the situation, it states that the Government of New Zealand will implement in an open transparent process to the indigenous people mainly; Ngāti Te Hapu people of Motuiti

In this case it refers to recognising our laws, traditions, and customs in terms of adjudication over our rights to manage the lands, territories and resources. This includes those areas which we have traditionally used, that permits us the right to proceed in the process.

This would be possible through the acceptance of our Native Resource Management Plan (*Nga taonga tukuiho - kai whakahaere o te moutere o Motuiti*) as the plan for Motuiti based within the values of the “tapu” and as article 8 of the declaration states that forced assimilation and destruction of culture is not permitted. We foresee the proposed District Management Plan as it threatens our culture and would further undermine our traditions especially that of the “tapu” in which have been violated by others especially the Government.

The Declaration Article 28

The article deals with the redress and compensation for territories and lands that have been removed, while New Zealand Government and Waitangi Tribunal assigned to deal with such matters it is by no means a system of justice. Compensation ends up being a laughable joke if such violations imposed against other groups of New Zealanders

In regards to say compensation for people’s homes under the Public Works Act as an example, it would be an uproar and more likely to be fair, as New Zealand has built its entire economy at the expenses of its indigenous people. They are likely to be viewed as lesser peoples where an offer towards compensation is unfair and they are inevitably forced into such settlements by either a pathetic amount. Nonetheless, the end resulting towards the depletion of your financial resources when the government will give you nothing more than what they offered. In the case of Motuiti, we have to consider that the corrupted method of the land confiscation along with all the vast knowledge we have accumulated, consider proceeding towards the high courts to seek redress, then the government should support this issue placed before such a forum to provide the facts and the rights that falls within the domain of the “tapu” lifted by our ancestor. It is important to realize the significance of the issue in terms of world standards (refer to the heritage document) as such we can never accept anything less than all that is rightfully ours under the principles of the “tapu” which we are bound to.

The Declaration Article 30

Covers military activity prohibited on the lands or territories of the indigenous people unless justified in the public interest, unless otherwise freely agreed with or requested by the indigenous people and that state undertakes effective consultations with the indigenous peoples through appropriate procedures and through their representative institutions.

In the case of Motuiti such issues as military practices on our sea territory have taken place without consent, and issues occurred where the armed defenders entered the island to capture an offender. However, it's not the fact that we would or would not consent to the issue, but merely the fact that the indigenous people are never consulted. It seems that we have no say what so ever. The traditional indigenous political institution Te Patuwai Native Tribal Council on such matters should be approach through such means; otherwise it's a violation on the rights of indigenous peoples.

The Declaration Article 31

This article allows the indigenous people of Motuiti the right to control, protect and develop our cultural heritage, traditional knowledge and traditional cultural expressions, as well as sciences, technologies and cultures, including the human and genetic resources, seeds, medicines

Local knowledge of flora and fauna, oral traditions, literature, designs, sports and traditional games, visual and performing arts and the right to control, protect and develop our intellectual property over our cultural heritage. Traditional knowledge, and traditional cultural expressions, as such the state being the Government will take measures to recognise and protect these.

This is very important to acknowledge both in the present and future that sensitive historical information possessed by the indigenous people may however, end up in the wrong hands. Even by their own traditional teachings the knowledge in such depth is guarded to an extent from their own people. Traditional knowledge in the wrong hands may be used as a weapon, it is forbidden and the reason why domain of specialised were structured. Reference to the department in charge of the District Management Plan who may access protected silent files, copyright, intellectual property a protection order applied to disallow the released e.g. faction who requires information for Waitangi claim not related to hapu claims. There have also been references to the history of Motuiti and its indigenous people, information used by authors who have written books to illustrate their history for monetary gains. In most cases the information is used very poorly as they do not properly know nor understand. In several cases stories are riddled with propaganda.

Motuiti has much unique plant life, some of which has been sourced and in one case a Flora and Fauna business who has claimed the Yellow Pohutukawa as their legal property and selling rights, a desecration to the uniqueness of this indigenous plant. Indigenous people of Motuiti view it as an insult to our whakapapa as it represents the symbol of our ancient ancestor 'Tiki', his father and the ancient history of Roma (refer to the heritage document) as such, it has provided wealth at the expense of our culture and heritage. These are but two examples of what makes it important that such rules laid out by the declaration need to be enforced, nonetheless, not seen as a token gesture or a piece of paper that sits on the shelf gaining dust

The Declaration Article 32

Allows indigenous people to develop priorities and strategies for the development and use of their lands, territories and resources but more importantly that the state will work in co-operation in good will with indigenous peoples institutions in gaining consent prior to any projects that may affect lands or territories and other resources

Resources particularly mentioned in connection with development, utilisation or exploitation of minerals, water or other resources, that the state shall provide effective mechanisms for just and fair redress for any such activities. Appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impacts. In the case of the indigenous people of Motuiti, they have partly maintained the right to develop strategies on their properties, territories, and resources. However, their rights are being undermined by the District Management Plan, no doubt the indigenous people need to address their own values from past mistakes as internal matter needs addressing.

There is also concern with our sea territories and fisheries resources, an issue that needs to be addressed between our indigenous traditional political institution the Te Patuwai Native Tribal Council, and the Government. This will enable us to fully maintain our rights without interference by others. On the latter, the real concern which is outlined in this article, are such projects that affect our lands or territories and resources and must be noted; awareness of the Government Research resource management program being actioned throughout the entire country to exploit minerals and oil endeavor to derive revenue and address the economic situation.

However, in no way shape or form would the indigenous people ever agree to allow them such projects, a joint venture may be a point of discussion as anything else would undermine the 'tapu'. The Indigenous people have experienced the nature of how the fisheries were illegally removed; traditionally the resources of Motuiti via the "tapu" are the properties of the indigenous people. If anyone who may gain access to the resources would be at the disposal of the indigenous people to develop a structure and better able to protect their territories, taonga and the principles of the "tapu". To enable to assist and achieve the restoration and strengthening of the land, in terms of the removal of such resources by the state will be a cultural destruction of the "tapu" consequently a violation of the declaration.

The Declaration Article 33

The declaration gives the indigenous people in this case rights to determine their own identity or membership in accordance with custom and traditions, and the right to determine the structures and to select the membership of our institutions in the same manner

In this case, via the history and whakapapa, enables us to identify each hapu identities; however, as a whole, all hapu merge and are united under manawhenua status of Ngāti Te Hapu. As far as membership goes, we are manawhenua which was born under the mana of

Te Hapu. The institution created to uphold these rights is the Te Patuwai Native Tribal Council recognised as the political voice. However this situation possesses a problem as the Government only recognises the iwi culture created by religious factions not by culture status. The indigenous people's true iwi status is founded under the banner of their title "Maori Mana Atua". For this article to work, recognition must clearly be defined as 'manawhenua status of Ngāti Te Hapu under Te Patuwai Tribal Council recognised as the voice piece'.

The Declaration Article 34

Focuses on indigenous people's right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and juridical systems or customs, in accordance with international human rights standards.

In case of the indigenous people who have maintained their rights and structures such as the indigenous traditional political institution the Te Patuwai Native Tribal Council, many of their practices need to be improved and strengthened and this article promotes this. What is also important is that they allow the judicial systems to protect our people, unlike law's that do not sit inside the framework of the culture. It's merely the fact of imposing their rules when the New Zealand Courts and laws over riding them.

However, the end resulting in matters such as criminal acts or issues concerning children where there is no result is not the culture of the indigenous people ruled by weak outcomes or rules that achieve nothing, least of all wasting time, money and protecting nothing certainly a disservice and injustice to our culture. This article along other parts of the declaration allows the rights of our laws to be recognised so these issues should be addressed as Motuiti indigenous people make up well over 90% of the population of the community and have the highest vested interests via land, sea and historical interests.

The Declaration Article 37

Imposes the enforcement of treaties, agreements and constructive arrangements that indigenous people have with the state or their successors and for them to be honoured and that nothing in this declaration is allowed to diminish or eliminate the rights of the indigenous peoples in these treaties, agreements and constructive arrangements.

In the case of New Zealand's indigenous people and the prominent leaders of Māori who signed the Treaty of Waitangi, while not all signed, there were rights entrenched to best serve their interests that were beneficial for all Māori. These rights were acknowledged by the Crown representatives on behalf of the New Zealand Government of the day. The indigenous people of Motuiti whilst not being party to the treaty nevertheless, acknowledged their relatives who were party to the protection offered in the treaty article II of chieftainship over lands, villages and treasures. Moutere o Motuiti was no exception where the protection of the Treaty applied in 1840, yet astonishingly is still the case today, due to the abandoned deserted colony by the Government.

The Declaration Article 38

Says, States in consultation and co-operation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

This is more than important to the native indigenous people who do not want the Government dodging their responsibilities towards their issues. These are rights they are entitled to, given the past and present indiscretions; nevertheless it's the least they can do to endeavor to fulfill their obligation under the Declaration.

The Declaration Article 40

States indigenous peoples have the right to access and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights.

Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights. In the case of the indigenous people with regards towards issues with the Government Departments and their contractors who do not respect the heritage or culture, this is an offence undoubtedly a committed act which we view as violation of human rights as well as violations of the Declaration on the Rights of Indigenous Peoples. This situation develops a situation when the indigenous people have been excluded in the decision making processes and inevitably isolated from all court hearings.

The Department and its contractors who impose their version of our history and heritage, seen as a clear violations of our marae protocols, disrespect for the elders who they have ignored by trespassing over significant sites without consent. There is much emotional harm that has been inflicted on the people, nonetheless it all stems mostly from the Proposed District Management Plan that seems to favour more the interests of the corporates than it does the right of the indigenous people. As such, it is important that this article be applied and enforces the effects for all infringements of their individual and collective rights.

The Declaration Article 45

States that nothing in the Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

While basic standards are important, we do not need to have rules that would further undermine our traditional rights, that we have been maintained from source, in the case of the indigenous people of Motuiti to properly recognise the traditional rights to seek protection and to be treated with respect. As stated in the declaration, this allows the road works to develop a pathway between the native indigenous people and the Government to build the road in co-operation, if this is not accomplished then the issue of the native

indigenous people of Motuiti and their territory may well be placed before the United Nations.



Figure 17 Ngarara o Horete - Ancient Rocks

Ngangara o Horete an ancient rock carving of a Cobra Snake in an up right position, a “V” shape above the head relates to a point in lignment with the rising of the sun that determines the morning equinox,

This significant rock links to the Sun rock name “Te rii o te Ra” in lignment with Horete and the rising sun indicates the Spring equinox (Rahupeke) during the month of September, and at the return of the sun to the Winter equinox (Rikarika o te ra) during the month of June, indicates the arrival of Winter



25.2 Conclusion;

The Overall View of the Declaration in Consideration of the Indigenous People of Motuiti
The Treaty of Waitangi is a significant document signed by the Crown. As stipulated in Article II, it places the importance towards the protection of chieftainship over lands, villages and treasures. Nonetheless, it is fair to state that very little application in a practical sense is in place to enforce these given rights. The indigenous people of Motuiti, and the 171 years of continuous occupation and existence since the signing of the Treaty, have never been interfered with by the people of New Zealand and the Government.

However, the year 2003 upon the arrival of corporate interests to the lands of Motuiti encouraged the culture of the bureaucrat system, which continued towards a proposed Territorial Governance under its policy inevitably forcing the indigenous people to assimilate. A proposed District Management Plan forced to change and assimilate by removing and undermining its rights under the Treaty, endeavors to dissolve its mandate of self-Governance placed into the hands of the Chiefs by Governor Wynyard in the mid1800's.

However, despite some level of willingness by some to engage in the system on the basis of trying to protect their rights, in the end the process unfairly treated these indigenous people and ignored their concerns and traditional institutions in favour of contractors to impose their version of history and heritage forced upon them.

The process harmfully effected the emotions of so many indigenous people. It is a violation of human rights, and other government departments have not helped either by allowing the desecration of significant sites by approving application for land and sea works. As of late, an application for water takes was in favour of corporates without approval by the indigenous people despite the laws that state that right.

The simple matter in the case of the indigenous people throughout periods in time both past and present, have seen lands, sea territory, and resources repeatedly violated or illegally removed for the economic benefit of others. Any measures of protection in law did not protect their rights at all, despite being the largest population and owner shareholding, who are also the keepers of the most significant and oldest history of New Zealand.

It seems to mean very little in New Zealand based law that this 'United Nations Declaration on the Rights of Indigenous Peoples' document, which provides a significant level of protection that is certainly needed to protect the rights of the indigenous people of Motuiti who have over time suffered economic, social, cultural, traditional, emotional and spiritual damage as a result of violations by the Government their departments who employed contractors and other money interest institutions.

Moutere o Motuiti is the abandoned colony of New Zealand who carved their own future under their traditional constitution. Commitment and monetary input by the Government related to education system denied after twenty years of persistence began in 1908 to 1965. Financial assistance towards the health and safety of Motuiti were never on the Government agenda as opposed to the Pacific Islands, which literally neglected their

obligations under the Treaty of Waitangi and a violation of the Declaration. We the Native Indigenous People endeavor to seek assistance from the Declaration on the Rights of Native Indigenous people to fulfill and protect our traditional cultural values that are under threat with the introduction of the Proposed District Management Plan for Moutere o Motuiti.

Case Study – United Nations; Declaration and Rights of the Indigenous People

Analysis Daniel Te Ruatiki Ranapia



Figure 18 Ngarara o Horete and Te Rii o Te Ra

“Ngarara o Horete” in the back ground and the sun rock “Te Rii o te Ra” inlignment with the rising sun determines the morning equinox. Work of the Orohia Mairoa ancient rock carvers and the knowledge of the ancient Patupaearehe astronomers known as the “Arehe” people, these ancient people were a division of the Maioriori.

Refer to Cultural Heritage Waahi Tapu Document, the history of the ancient ancestors

S26; Towards Co-Operative and Co-Operation

Whakawhiriwhiringa Kaupapa

1. Pre 1800 Period

A time when Ngāti Te Hapu were sole authority over land, sea and resources use, management and protection in the territorial boundaries of Moutere o Motuiti land and sea.

2. Post 1800 Period

From 1840, the authority and responsibility for the use, management and protection of resources over the lands is something of a mixed bag. Through the turbulent years of colonisation, the indigenous peoples of Motuiti still maintain their land management, protection and resources. Sea management and resources were removed by the Crown in the early 1950's. Although with requirements to actively protect resources and the hapu interest, the indigenous people's sea resources and rights have been removed and placed in the domain of other iwi.

The transformation for hapu from a customary society where lore determined all decision making to a bi-cultural society founded on law has been an arduous and painful experience for Māori, compounded by the lack of recognition shown to the Treaty of Waitangi by the Crown.

Pre-1840 Ngāti Te Hapu Whanui, Manawhenua status under Rangātiratanga

Post-1840 Ngāti Te Hapu Whanui, Manawhenua status, maintain Rangātiratanga

Objectives

That the special place Ngāti Te Hapu hold in the use, management and protection of the native and physical resources of Motuiti is recognised appropriately, and consistent with the principles of the Treaty of Waitangi.

3. Issue

The Crown has never entered towards the ideals of co-operation with the indigenous people and hapu of Motuiti, the proposed 2005 District Management Plan is in working progress, however, attempts by the Crown to settle towards governance as a result of monetary interest over the lands of Motuiti has met opposition by majority landowners who are the indigenous people holders of manawhenua, turangawaewae status since the 1840 Treaty of Waitangi and beyond.

Attempts to build bridges have failed due to the Crown's lack of understanding of the indigenous people's cultural traditions, value and preservation of their lands, villages, and

all their treasures that are guaranteed under Article Two of the Treaty of Waitangi under the Resource Management Act 1991.

The proposed Motiti District Management Plan has clearly disregarded the un-extinguished rights and self-governance tino rangātiratanga guaranteed under the Treaty. Management of resources and the health of the hapu were at the disposal of succeeding prominent leaders, is still the case today. A relationship with the Crown is at a stand-off; however, prominent leaders and the hapu must be given the opportunity and time to select the appropriate Government Agent to progress towards the principles of co-operation and co-operative as they see fit.

Principles of Consultation Key requisites of consultation include:



Face to Face contact (Kanohi ki te Kanohi)

A form of communication valued by Ngāti Te Hapu, in essence is the face to face contact between people with who we need to communicate with on matters large or small. Written or telephone communication, while suitable on some occasions, is less effective than the traditional medium where the opportunity to gain respect and understanding of issues amongst people is enhanced through communication person to person,' kanohi ki te kanohi'.

The ability for both parties to be well informed, understand, respect and trust each other is of fundamental importance to developing a good partnership.

26.1.1 Quality information

The provision of quality and sufficient information ensures a clear understanding of all facets of any proposal and is an important feature of good consultation.

26.1.1.2 Sufficient Time

It is important to allow sufficient time for information to be disseminated, absorbed and discussed by the hapu in order for a position to be established in response to consultation before any decision is made. Hapu decision making is by consensus, therefore hapu representatives will need to feel comfortable that they are bringing to the consultation process what all of their members are feeling.

It is important to realise that the Native Council meetings are scheduled outside normal working hours to facilitate attendance. They take place in the evening or at weekends, generally on a monthly basis. The voluntary and often dispersed nature of the Native Council members means that the timing of consultation can be crucial as some requests will require longer timeframes than would normally be the case.

26.1.1.3 Openness of Intent

It is essential that both parties approach the process with an open mind and genuine intent. A transparent process with a free flow of information between the parties, are key components of quality consultation.

26.1.1.4 Responsiveness

Responsiveness to information gained through consultation with Ngāti Te Hapu must be demonstrated in the way decisions are made.

26.1.1.5 Avoidance of Treaty Claims

Consultation should be sufficient to gauge the nature and substance of Ngāti Te Hapu interest and concerns, and should serve to ensure that a Treaty based grievance is not created through overlooking or creating an adverse effect on values or resources important to the hapu.

26.1.1.6 Methods of Consultation

A range of methods can be implemented to ensure that consultation and participation is ongoing and dynamic and reaches its full potential. This is particularly important for authorities with a statutory responsibility to consult with the hapu while performing legislation functions. Consultation needs to be meaningful for the hapu and include participation of the hapu in the decision making process.

Effective consultation and participation, with the appropriate whanau roopu has the ability to prevent action which otherwise may result in aggravating existing grievances or adding to them.

26.1.1.7 Native Resource Management Plan

This Native Resource Management Plan is designed to provide a sound basis from which consultation with the hapu can be commenced. It is a document that provides guidance on issues, values and hapu organisational structure at a broad level.

26.1.1.8 Memoranda of Understanding

For authorities that's requiring ongoing consultation with Ngāti Te Hapu towards establishment of a 'memorandum of understanding' is a useful tool through which consultation can be managed. Such memoranda can outline the parties to the agreement, the way in which both parties agree to manage their functional relationship, leading to positive outcomes.

26.1.1.9 Identity Matters where Consultation is required

The level of consultation required on each resource will vary. It is important to establish how consultation is to proceed, to ensure that the issues identified by the hapu that require their input are addressed and that the appropriate protocol is observed. The progression of hapu input into policy and plan development has the benefit of defining matters of interest to the hapu. Rules can be fixed and a standard which addresses manawhenua concerns can be established.

26.1.1.10 Cultural Awareness

The development of cultural awareness amongst staff, elected members of statutory authorities and government departments who discharge functions requiring ongoing liaison with the hapu, is essential. Effective two way communication is enhanced when those required to conduct and participate in consultation have empathy with the values and culture of the hapu. This can mean regular contact and exchanges not only in the council chamber or boardroom, but at a hui, tangi, or other marae and culturally based activities.

26.1.1.11 Confirming Hapu Consultation Points of Contact

An important aspect of consultation with manawhenua is the clear identification of the kaitiaki and their area of interest. Each hapu block has a contact person through whom all communication is normally directed. Ngāti Te Hapu has affiliated whanau which operate under the umbrella of the Native Council, with authority for their immediate location.

26.1.1.12 Acknowledgement

Commitment to achieve effective consultation and participation of the hapu in the decision making process is important. Such commitment is necessary if the natural barriers to change are to be overcome and a new way of looking at issues is to be evident in a resultant policy, plan and action. The views held by the hapu, recognition of their culture and history that has brought them to this point as well as a readiness to accept these for what they are requires acknowledgement.

26.1.1.13 Resourcing

Participation in consultation for the Native Council and their representatives has a cost. Current legislation has failed to provide for the human and resource needs of the hapu in present day consultation. Time and commitment are needed to keep pace with plan and policy development. Regular travel throughout the region inspecting resources as well as the administration are required to maintain a role in the management of Native resources and are a cost of consultation.

Regional and District Councils and local Government agencies have failed to utilise the provisions of the legislation (such as s.42A of the Resource Management Act 1991) which provide opportunities to resource iwi. As Morrie Love points out, Iwi Authorities are the only groups not resourced from taxation or rating base that have a

role that separates them from the public interest groups the RMA provides specifically for Māori.

26.1.1.14 Improved Decision Making

The participation of, and consultation with Ngāti Te Hapu has the effect of achieving quality decision making, drawing on the knowledge and values of the wider community.

- It minimises the risk of action which otherwise may result in aggravating existing grievances or adding to them.
- Maintain the integrity and relationship the Hapu require with resources and values that distinguish the Ngāti Te Hapu whanui culture as indigenous to the island; and
- Acknowledges Ngāti Te Hapu rights in respect of resources management which relate to conditions and values that pre date the arrival of the Ngai Kiritea.

26.1.1.15 Ngāti Te Hapu Native Administration Council

The five hapu have a responsibility for managing the Treaty partnership in the region of Motuiti, which are based on their marae, the ancestral home for those who whakapapa (have ancestral links) to the whenua (land) the marae stands on. The five hapu are also represented in the wider whanau structure of the Korowai Kāhui o Te Patuwai Native Council, the policy arm of Ngāti Te Hapu whanau whanui. In addition, a number of whanau groups affiliated to the Tribal are actively involved in kaitiaki matters in their locality, and compliment the border role of the Native Administration Council.

The Native Administration Council is determined by the whakapapa of the constituent hapu, the historic maintenance of turangawaewae of the area, and the use of land, sea and resources of that particular rohe. The nature of whakapapa among Ngāti Te Hapu whanau whanui provides most individuals with rights within other hapu, and as a natural consequence, affiliation to more than one body. Hence the identification of the Native Administration Council which is generally based on the rights exercised by the founding Tipuna. (Te Hapu)

The Native Administration Council authority is most distinct at the home base and along the coastal margins of the Moutere o Motuiti, merging into a shared responsibility among all whanau who connect by whakapapa.



Figure 19 Moutere o Motuiti Maori cultural party 1920

Muqa skirts and seaweed beads weaved together to form the “kiupiu” known today as the “piupiu”. This type of clothing has been handed down from the ancient mairoa ancestors, are relects of the past.



S27; Manawhenua; Moutere o Motuiti

Landownership and Property Rights;



Figure 20 Oromai Tangata

Oromai Tangata; are the remains of an ancient Egyptian sphinx (kaiitiaki) guardian over the ancient tomb Oromairoa. Refer to; Cultural Heritage Document 2011 Edition; history of the ancient ancestors

27.1.1 Whakapapa; (ref to: Appendix 5, page 219 Cultural Heritage Document)

The present day location of the Native Administration Council is strongly influenced by history both pre and post European contact. The division and access rights to native resources were traditionally managed through the application of the whakapapa test. Hereditary rights were paramount and central to survival. Seasonal visits to, and use of resources were reinforced through arranged marriages between members of the hapu who held rights to particular areas and resources. A whanau that failed to maintain the strength of their whakapapa rights through strategic marriage ran the risk of providing an insufficient resource base for their future generation. A loss of mana and ability to feed oneself would afflict their bloodline.

Spiritual and physical strength was maintained by a seasonal visit to, and use of resources in time of honored fashion in the footsteps of the ancestors. The transfer to each generation of knowledge on food gathering, waahi tapu, waahi taonga and place names and associated

legends was a vitally important process. Sufficient amount and variety of resources were gathered for consumption, preservation or trading for resources unobtainable on the island. The multi hapu nature of Ngāti Te Hapu is derived from the need to maintain access through appropriate whakapapa to food resources, and hence ensure the future survival of the bloodline.

27.1.2 Era of Evolution

Prior to the concept of iwi (post 1840), extended family units were very mobile. They would travel according to the seasons over large distances, utilising areas of wahi nohonga or camp sites, while some coastal villages retained a nucleus of permanent residents.

With the advent of the Treaty of Waitangi in 1840 and subsequent land confiscation and land sales throughout the country, the pattern of native resources used and management altered. Heavily influenced by non-reservation of mahi kai resources, the Ngāti Te Hapu people were confined to the North end of the island. These coastal land reserves, they were able to exclude from the 1870 confiscation upon which continued maintenance of their power base was virtually dependent.

The organisational structure of Ngāti Te Hapu Whanau Whanui since the 1840's has seen the principles of the traditional hapu systems absorbed into a range of models that have evolved over time into the current runanga model of community organisation. Te Runanga o Ngāti Awa is domiciled and this point and time represents the iwi interest in Motuiti. They are located in Whakatāne, a historical fact that does not alter the ongoing traditional interest of the hapu of Motuiti.

The rohe or area of interest that the Administration Council operates in exclusively is most pronounced in the coastal margin while the Native Council interests merge as the distance from the coast margin increases inland or out at sea. The Native Council structure is a practical means of addressing issues common to their constituent hapu, while the underlying authority of the Native Council is inseparable from hapu and their custom and traditions.

It should be noted that the fisheries and kaitiakitanga of Moutere o Motuiti is under the management structure principally by Ngātiterangi iwi from mainland Tauranga, through the creation of iwi structures and systems.

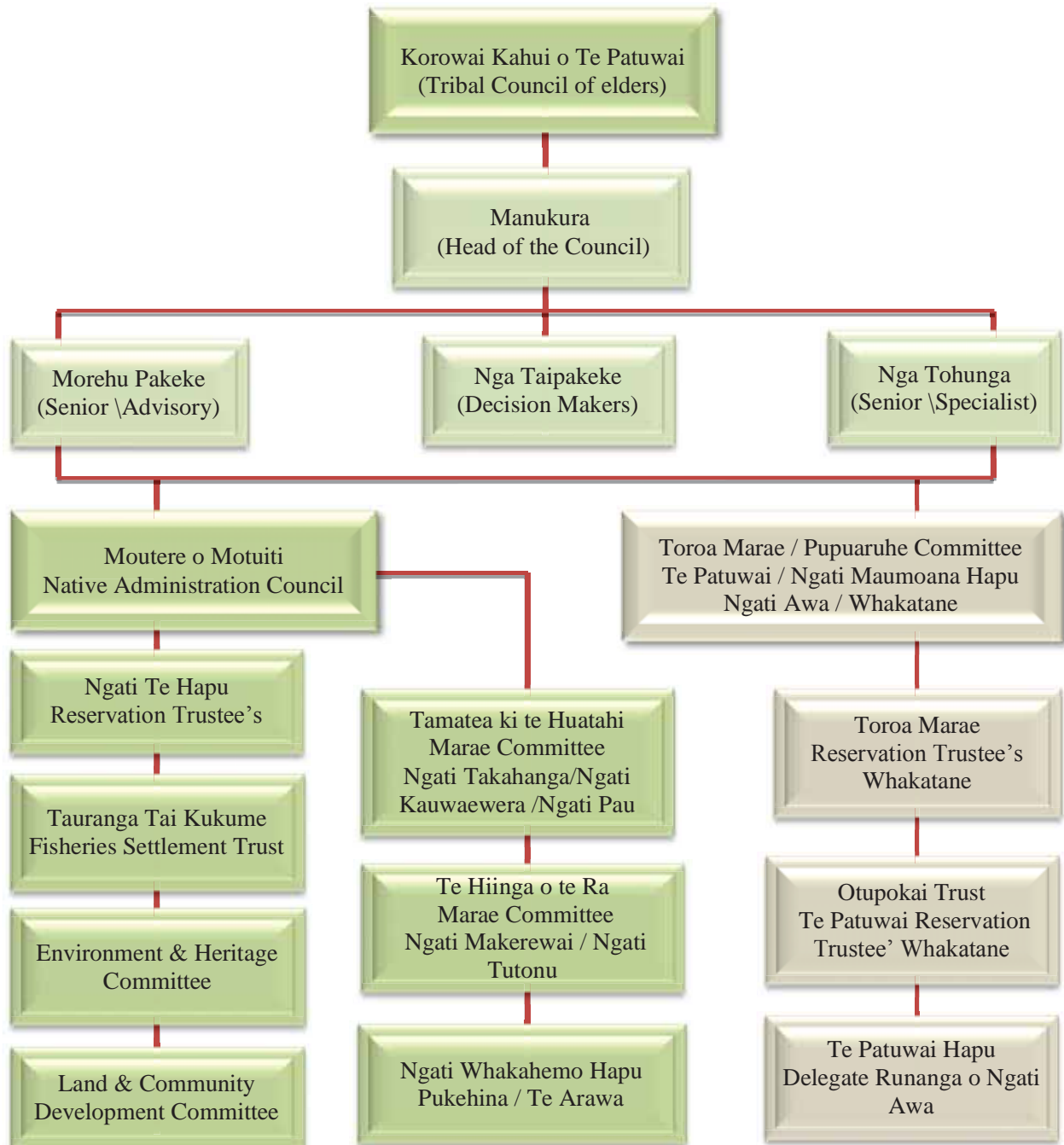
27.1.3 Native Council

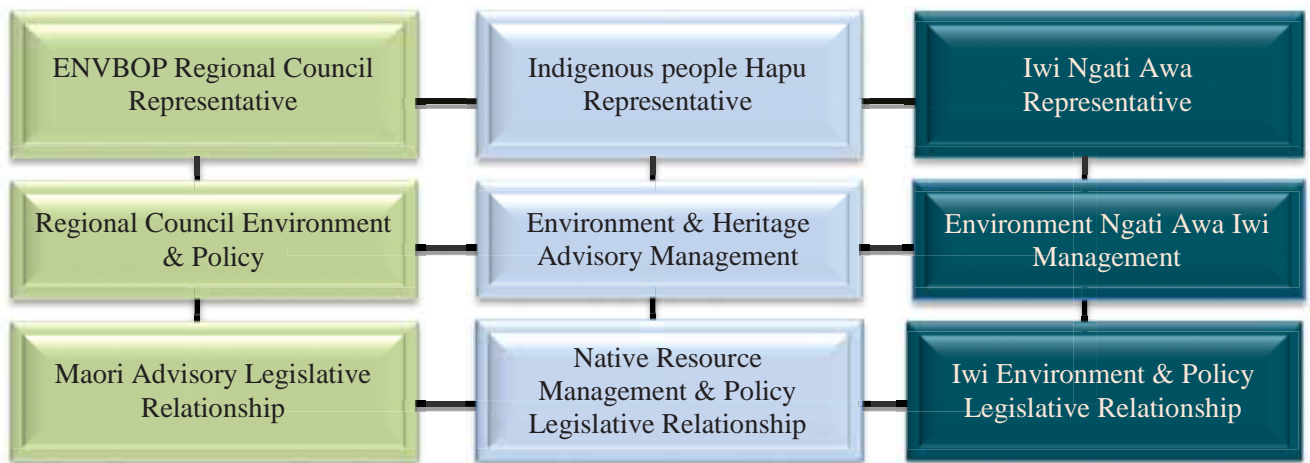
The first Native Council created in the colonial era under paramount Chief Hamiora Pateoro and Chief Hone Te Whetuki. The Native Council was restructured in year 1891 under the authority of the prominent leadership of chief Himiona te Orenui to better cope with issues relating to the partition of Moutere o Motuiti and Pupuarehe Whakatane through the Court system. The Partition of Moutere o Motuiti proceeded and progressed under nine different judges' twelve court sittings from Maketu to Tauranga after thirty nine years of commitment and exhaustion. The indigenous people could only secure one third of the total lands. The balance fell into the domain of the colonisers under a proposed

individual Crown Grant. However, overtime 166 acres was secured through a land deal a total of 924 acres from a total of 1650

27.1.4 Te Korowai Kahui o Te Patuwai Native Tribal Council

The accompanying map, (Map 3 Cultural Heritage Document) of the Island of Motuiti and Pupuaruhe indicates the location of the Te Patuwai Native Tribal Council and the Motuiti Native Administration Council. These traditional locations of interest are determined by traditional Whakapapa.





The most definitive indication of the Hapu territory can be applied to the coastline where Ngāti Te Hapu had a heavy reliance on this resource for survival following the land confiscation, land sales and loss of inland mahi kai than traditional boundaries.

27.1.5 Coastal Management Areas

Territories other than the coast is determined through ownership of Māori land, recognition of place names, burial sites, traditional use of seasonal resources, cultural indicators such as waahi taonga and the ancestral links held over a long period of time including the practice of kaitikitanga. Waahi nohonga is re-affirmed on a regular basis through dialogue, speech, waiata, wananga and practice. Traditional hapu rights of access to resources were exercised on a seasonal basis by mobile sections of hapu utilising the same camp sites each time. The multi hapu nature of the mainland ensured that papa nohonga was determined on a rights basis according to the particular whakapapa and precedents established by the original forebears. Knowledge of are source, of waahi tapu, waahi taonga, trails and place names were also key determinants reinforced annually by transfer to the younger members of a hapu. The ability to trace access through many generations of forebears to particular resources was crucial. This system of resource use and management is peculiar to the coastline and foreshore of Moutere o Motuiti.

Issue

Fish and shellfish resources are in a poor state from commercial over fishing since the 1950's. This area is significant to the boating public of Tauranga who have placed a huge burden on the resources. A management system and program is inevitable. The domain of the indigenous people who needs to take control towards a management program to ensure the survival of their resources. As the North most of Motuiti Ngāti Te Hapu whanau whanui are noted for the spread and breath to which people did, and still do, travel out and among their relatives, and the diversity of hapu that whakapapa to the marae, drawing together the elements of Ngāti Te Hapu whanau whanui and Te Patuwai o Pupuaruhe and whanau.

The spirit of our marae is expressed in a contemporary waiata written in the year 1940 by our Kaumatua Mr Hori George Aukaha and Mr. Paddy Rauhina of Ngāti Tuwharetoa

<i>Kumea mai ra</i>	<i>organising the canoes to travel to Moutere o Motuiti</i>
<i>Toia mai ra</i>	<i>we have now launched the canoes and ready to</i>
<i>Ngā waka e rua</i>	<i>embark on our long journey over the ocean</i>
<i>Hoe mai nei te Moana</i>	<i>all aboard, we have now departed from the shores of</i>
<i>Huri mai ra Tīrikawa</i>	<i>Tauranga harbour towards Tīrikawa Island; pay homage</i>
<i>Ka taka ki Motu o Tau</i>	<i>acknowledgment to our Kuia and nga kuri a whare i our guardians, bid farewell to Motu o Tau our sacred island</i>
<i>Ka u ki Wairanaki</i>	<i>We have been travelling for some time now, finally we can see many people on the sandy shores of Wairanaki</i>
<i>Tēnei Ra</i>	<i>this is a very special day, so many people to greet us</i>
<i>Maranga Patuwai</i>	<i>People of the land are preparing to welcome us all now</i>
<i>Kia kori ngā taha</i>	<i>a significant welcoming ceremony has begun</i>
<i>Tukua te arero</i>	<i>a performing war dance of welcome, a sacred ceremony</i>
<i>Kia haere ana waho</i>	<i>to lay the platform and ritual of welcome and unity</i>
<i>Kei te whiu o ringa ringa</i>	<i>now we are united, a welcome waiata has begun on this;</i>
<i>Kaore i ahau</i>	<i>special occasion, it is not about me, it is about all of us 'whakawhanaungatanga'</i>
<i>Engari ko te Karu</i>	<i>We now see each other as a one happy whanau</i>
<i>Tēnei ra</i>	<i>A special and significant day, exhilarating, stimulating, and mystically moving, acknowledgement to our ancestors.</i>

The majority of our Tipuna were traditionally based in Ngāti Awa (known as the second home), along the Araruhe stream a village known as Pupuaruhe. This spread is reflected in the land reserves relative to the hapu of Te Patuwai known as Pupuaruhe Marae Reservation. Toroa i te Rangi, the formidable captain of the Mataatua waka stands as the traditional marae and Kakepikitua his wife, stands as the wharekai house of unity.

The whare tipuna Tamatea ki te Huatahi are three primary hapu Ngāti Takahanga, Ngāti Pau, Ngāti Kauwaewera and Ngati Te Uru of the Island of Motuiti. This significant ancestor born three sons; Uiemua, Tanemoeahi and Tuhoe potiki. They are the ancestors of the confederation tribes of Mataatua waka from the shores of Whakatāne, to Te Urewera forest, west to the shores of Tauranaga Moana.

The dining hall ‘Hinewai’ is the lineage of Waitaha-a-Hei of Te Arawa her descendants have occupied the island since the arrival of Te Arawa waka in estimated year 1250 known today as Ngati Te Hapu.

To the north ‘Te Hiinga o te Ra’ marae born a hapu named Ngāti Makerewai, a significant ancestor of the Ngāti Awa people. He was a young passenger aboard the migratory waka Mataatua on its arrival to this land. He is the grandson of Toroa and named places around that particular district, and is one of the most celebrated tohunga in Ngāti Awa oral history.

To the west at Pukepuke Ariki there once stood the first of the modern marae. ‘Te Ruatiki’ and ‘Mihiwai’ dining hall built in 1875, however, during the early 1891 land partition, ‘Te Ruatiki’ and the Ngāti Pau, Ngāti Kauwaewera and Ngati Te Uru hapu who lost its claim to that particular area and were forced to vacate to the Ruakopiha settlement which was then unfortunately overcome by fire.

Previous operating under the Native Council from 1901 to 1940 based around the marae administration of native resources by those prominent leaders forgo their responsibilities to their mainland relatives and endeavor to be their eyes and ears in the political arena of the colonisers.

Today the whanau activity centers on the marae, with interest more concentrated in the proposed Resource Management Plan and the health and survival of the hapu. Island fisheries at the forefront enable us to pin back the native resources that once brought wealth and stability to the hapu and whanau. The whole political spectrum that was relinquished through neglecting and suppression of a once thriving and active community back in the mid 1800’s and 1900’s, is now moving towards building blocks for the future of the hapu and mokopuna.



27.2.1 Māori Land

Māori land is one example in which important resources of our people that provided turangawaewae passed down from generation to generation that has never been alienated,



the remains of once a large estate was derived from an ancient proverb; we belong to the land, and the land also belongs to us.

In other words, the land will always be there, we are all kaitiaki for future generations and must ensure its ongoing sustainable use.

Te Parekura Putangi Whenua settlement to the south is one example in which important evidence of Māori occupation has been lost or modified by development. Identifying the pa, urupa and other historical sites, because of development, are mostly by oral history. At the southern end of Motuiti, the lands were removed under a sole Crown Grant made available to the early settlers. This is under a claim to the Waitangi Tribunal where we endeavor to claim justice and bring closure.

Matarehua to the south is another site of great historical value to many tribes of the eastern Bay of Plenty. This was once a significant settlement of our Parehua Upanepane ancestors and the formidable high priest Ngatoroirangi of the Te Arawa waka. Matarehua peninsula is a waahi taonga and a waahi tapu as many of our ancestors are buried there.

27.2.2 Ngāti Te Hapu Issues

1. Historically, insufficient protection of waahi taonga and waahi tapu located on Motuiti Māori land and general land.
2. The unlawful destruction of cultural sites and material through development.
3. Historical decisions of management with the exclusion of manawhenua, affecting Motuiti and its native resources.
4. Lack of definition of the foreshore ownership.

5. Irreversible effects denying future generations' access to customary use and relationships with their native resources.
6. Corruption of the traditional place names e.g 'Matarehua, now known as the Knoll'.
7. Over fishing of kaimoana native resources affects future generations.
8. Environment replanting of native vegetation.
9. Control of erosion and loss of top soil.
10. Enhance and revival of native waterways.

27.2.3 Land occupation and Indigenous Rights'

27.2.4 Introduction Background History

From the era of the Judge Munroe 1870 confiscation, the occupational rights of the indigenous peoples were never challenged by the Crown. The introduction of the Horticulture Industry in 1870 was at the disposal of the indigenous peoples and still is the case today. Since that duration of time the Crown has no vested interest on Motuiti. The partition and structure of the native land titles and surveys were brought forward by the Old Native Council under their prominent leaders and were legalised under the Native Landcourts. This began in 1891 and was completed in 1912. The monetary issue regarding the survey costs was addressed by the indigenous people and the Native Council alone.

Papakainga and residential housing and legal partitions binding into the traditional cultural values of the tribes, a significant situation that still exist today. It is by the virtue of the evolution of time that the culture of today has evolved where the traditional papakainga system has raised the standard of residential housing and will continue to do so.

The rights of the indigenous people are under threat by the Crown via its laws. Mainly, the Resource Management Act endeavors to suppress and remove their traditional rights into the arena of local authorities and the proposed District Management Plan. Indigenous people agree in principle that this proposal by the Crown is a violation of article II of the Treaty, testimonial to the indigenous people and the tribes of Motuiti who interlink to the principles of the Treaty for the past 171 years.

27.2.5 Recognition of the 1840 Traditional Indigenous Rights and issues

Bear in mind the mandate to the trusteeship and magistrate of Motuiti by Governor Wynyard in the mid 1800's to the four Chiefs as follows; Chief of Ngāti Pau Hamiora Pateoro Te Puru, Chief of Ngāti Kauwaewera Te Wi Maruki, Chief of Ngāti Takahanga Hone Te Mokena Te Whetuki and Chief of Ngāti Makerewai Te Puhī Kehukehu coincide with the principle of article II of the Treaty of Waitangi which promises to protect the lands, villages, treasures and chieftainship that has been in operation for 171 years since the signing of the Treaty of Waitangi.

However, in regards to the 2005 Proposed District Management Plan under the Resource Management Act 1991, and the Local Government Act 2002 which has threaten to suppress and violate undisturbed chieftainship that was entrenched by Governor Wynyard, we see the consequence and process of this District Management Plan as a violation of the rule created by Wynyard and the Treaty. Nonetheless, this process also violates the principles and indigenous rights of the hapu inherited by the uplifted “tapu” by our ancestor.

The process must recognise the damage that deems to remove and suppress traditional rights entrenched since the 1800's under two rules of the Crown seen as a form of forced assimilation that destroys the reminance of a culture that has suffered as a result of colonialism and the removal of land assets in 1870 combined in relation to their economical fishery basin. Thus this process is seen as the final blow in the removal of all traditional rights of authority, replacing it with foreign concepts of rule by definition of action. This can only be denoted in words as a form of cultural genocide as one of the greatest indigenous rights violations by New Zealand in the 21st century.

27.2.6 In keeping with the Articles stated under the United Nation of the Rights of Indigenous Rights and issues

It must be noted though, under the United Nations Declaration of the Rights of Indigenous peoples, article 8, the declaration states that indigenous peoples have the right not to be subjected to forced assimilation or destruction of their culture and that state must provide mechanisms to protect them which the District Management Plan imposes.

Reference to the declaration article 5, that the declaration allows the indigenous people of Motuiti to maintain and strengthen our political, legal, economic, social, and cultural institutions. Such an institution in our case is the Korowai Kāhui o Te Patuwai Native Council which is a political voice of Ngāti Te Hapu. This indigenous structure has every right to be strengthened and maintained as stated.

The declaration article 8, states in our view that the Crown must endeavor to acknowledge and assist the rights of the indigenous peoples of Motuiti and not be force to assimilate.

The declaration article 18, quiet clearly states that indigenous people have the right to participate in decision making that would affect their rights and that their representative is to be appointed via their procedures, also that they are allowed their own decision making institutions. As to article 20, allows indigenous people the right to maintain and develop their political, economic and social institutions and if they are deprived of these means of development they are entitled to redress.

27.2.7 Papakainga and Housing development

The issue of consent to build homes sits in the arena of the Native Administration Council “Policy Management Administration Plan” under kawa and tikanga, the traditional principles of the hapu. The housing policy ensures the health and safety of the families and affordability, the issue of monetary valuation is exempt under ancestral valuation. Insurance of homes is irrelevant and not applicable as the land acquires nil valuation and sale is forbidden and prohibited under traditional values. These cultural values and

practices have been applied and revitalised during the period of colonisation and is still applicable and practiced today.

The designated area set aside for residential homes takes in the health and safety of the land, the environmental issues, combined with the significant taonga of the tribe. This ensures that the land and its cultural valuation are preserved for future generations. The policy to develop and revitalise the cultural housing policy applicable in terms of culture of the day sits inside the Housing Policy Portfolio of the Native Cultural Policy Management & Administration Plan.

27.2.8 Land Occupation and Development

Occupational land issues sits in the arena of the whanau turangawaewae (landowners) sits in the cultural framework of the “Policy Management Administration Plan” and are accountable to the health and safety of the land. Past management of the horticultural industry managed by the prominent leaders of the Native Council and those families that hold turangawaewae status is still the case today. However, it must be noted that the era of the agricultural industry has brought destruction of the environment, nevertheless, a challenge for the incoming Native Administration Council to address such major problems to ensure the health and safety of the land.

Future development of the land, an evolution that is inevitable must provide a strategic plan placed before the Native Administration Council for consideration of the issues of environmental health and safety of the land. Laws of traditions under kawa and tikanga of the indigenous peoples is paramount. Violation of these rights is seen as desecration of the rights under the constitution of traditional kawa and tikanga.

The foreshore area remains the traditional mahi kai food resource of the indigenous peoples. The health of mahi kai resources has suffered at the hands of ill-disciplined food gatherers. The overall populations of these resources are on the brink of self-destruction and the Native Administration Council must ensure its revival. Access to mahi kai areas is a tradition; nonetheless, exclusive access must remain into the future, and retain traditional customs. However, access over general lands need to be addressed by the Council.

27.3.1 Case Study – Motunau Island

Motunau (to disengage the life line), is a small island east of Motuaiti which traditionally was a mahi kai area within living memory, Titi (mutton bird) was taken from the island. The rotation of harvesting enabled whanau and hapu access. Although the numbers of Titi from Motunau were never in large numbers as those taken from Whakaari Island, they were nonetheless an important local mahi kai and had significant cultural value to Ngāti Te Hapu and Ngāti Whakahemo whanau and hapu.

Over many decades Motunau’s native Tuatara has lived on the island where they establish in their natural environment. The nature of their occupation has important significance on the tiny island’s ecosystem in tangent with other bird species.

Motunau Island and the traditional native resources were managed by indigenous peoples and their prominent leaders for many generations where rituals and values were upheld until they were confronted by the Department of Conservation in 1972. A meeting was held at Tawa-ki-moe-tahanga marae Pukehina, where opposition towards outside interference of local Government fell at the show of hands. Issue of a reservation would inevitably fall into the arena of protection; a proposed sanctuary. This disadvantages the indigenous peoples who lost mana of their native resources. The Department of Conservation has restricted the indigenous people's ability to protect and manage their land and native resources.

Poor management by the Department of Conservation has resulted in the illegal removal of Tītī and the native Tuatara. This is despite the fact the island and surrounding sea remains in legal ownership of the marae and the hapu.

Specific Issue

1. Lack of protection of mahi kai.
2. Inappropriate interference over marae-owned lands without justifiable grounds.
3. Restricted access to traditional mahi kai.
4. A relationship with the Department of Conservation is not recommended.

27.3.2 Case study Taiapure – Local Fishery Proposal

The Taiapure concept was established under the Fisheries Act 1983, which was subsequently amended by the Māori Fisheries Act 1989. The intention of the Māori Fisheries Act was to set aside estuarine or shoreline coastal fishing areas which have been of special significance to any iwi or hapu as a resource of food (kaimoana) or for cultural or spiritual reasons. If the approval is accepted, a management committee approved by the Minister of Fisheries will be responsible for helping to advise on the management and conservation of the area. Taiapure is essentially a community based project initiated by local iwi.

The management and partnership over native fisheries resources of Motuiti fell into the domain of Ngaiterangi iwi. Negotiation between the whanau of Motuiti paved the way for iwi to gain access and management. However, monetary percentage based advantage on ownership of native fisheries resources have been disregarded by the iwi.

Specific Issue

1. Revisit Taiapure native fisheries resources management.
2. Set up proposed Taiapure native fisheries resource management 'take ownership'.
3. Ngaiterangi iwi Taiapure fisheries and monetary issue.
4. Register Taiapure Fisheries under Motuiti Fisheries Settlement Trust.

27.3.3 Case study – Maikukutea Landing Ramp

Proposal bought forward to modify landscape and allow landing and transportation of materials. The process and engagement between the applicants and the Bay of Plenty Regional Council isolated the indigenous people from negotiations. Maikukutea is a historical site where many people were killed at the mercy of the elements. Maikukutea refers to bodies lying in the water with their hands in an upright position with fingernails that glitter in the sunlight.

Specific Issue;

1. Application must include,
2. Bay of Plenty Regional Council recognises the Native Resource Management Plan
3. Contact and site visit with all parties concerned “kanoho kit e kanohi” face to face consultation.
4. Application must be viewed as a tripartite agreement between developer, Regional Council and Hapu.
5. Inclusions of Moutere o Motuiti Administration Council, Environment Ngāti Awa, and Bay of Plenty Regional Council Māori Advisory.

27.3.4 Case study Parekura Putangi Whenua

The Parekura South settlement belongs to the Ngāti Makerewai hapu. Here there is history of a battle between family members where several lives were lost. Parekura Putangi Whenua battle (Cries that echo over troubled lands). Whilst Ngāti Makerewai recognises the significance of their settlement, they are unaware of the in depth and significant earthworks undertaken by the developers and the demise of their manawhenua status through a lack of consultation. Bay of Plenty Regional Council and policy require relationship of consultation which was not activated to protect areas of significance.

Issue

1. Application must be lodged through the appropriate channel.
2. Environment Bay of Plenty Regional Council
3. Contact and site visit with all parties concerned ‘kanohi ki te kanohi’ face to face consultation.
4. Application must be viewed as a tripartite agreement between developer, Regional Council and hapu
5. Inclusion of Moutere o Motuiti Administration Council, Environment Ngāti Awa and Bay of Plenty Regional Council Māori Advisory.

27.3.5 Case study: ‘mahi kai mātaimai’ seafood resources

4. Kaitiakitanga

If ever the day came when it was not possible to grace the tables of the homes and marae with kina, whakamā a sense of loss would descend on the people. It behooves Ngāti Te Hapu people to use every means available to protect this precious resource.

5. Ecosystem

Kina and Paua feed by seawater on the inward and outward tides extracting nutrients. The quality of the Kina and Paua is influenced by the quality of the seawater available. Contaminants discharged into the sea by sea vessels, dredging operations, farm horticulture and toxic sprays all have a significant influence on the quality of the sea water.

6. Contaminated kai

To think of offering kai to manuhiri that is affected by human waste is abhorrent to Ngāti Te Hapu customs. In custom, food preparation and eating places are separated from places of where human ablution or waste is carried out. It is a strong offence to Ngāti Te Hapu protocol to sit one’s backside on a surface where food is prepared or eaten. Ngāti Te Hapu and locals acquire the service of flight operators to transport them to the mainland where we are able to see the significant discharge of sewerage off the beach of Papamoa. In our view, these illegal operations contaminate native resources. Evidence of raw sewerage floating around the waters of Motuiti is the realisation that ten kilometers south west of Motuiti is the sewerage outlet of the city of Tauranga. This is the reality of progress and development. This does not account, however, for the discharge of pasture contaminants, and horticultural sprays.

7. ‘Mahi kai mātaimai’ Issue:

1. Pollution and sustainable use
2. Commercialisation
3. Customary use
4. Inclusions of Environment Bay of Plenty Regional Council Māori Policy Officer Environment Ngāti Awa towards issues brought forward by the hapu.



S28; Coastal and Marine Resources;

Mahinga Mataitai



Figure 21 Parehua Upanepane o Mātārehua –known today as Mātārehua

Introduction

Fishing along the foreshore and in the domain of Tangaroa (Sea) formed an essential part of the Ngāti Te Hapu economy prior to the Treaty, as did the taking of shellfish and finfish resources. The use of marine resources was a fundamental feature of Ngāti Te Hapu mahi kai, and played a key role not only in the tribe's economy, but in its social and spiritual life.

28.1.2 Ngāti Te Hapu Marine Resource Management Prior to Treaty

Ngāti Te Hapu had developed a sophisticated fishing technology that was adapted to the various marine environments and to the particular species to be found in them. The use of the fish resource was intensive in the vicinity of permanent settlements and seasonal camps.

Ngāti Te Hapu traded fish amongst their relatives and with other iwi, but mainly Te Arawa. With the coming of Europeans, they traded fish with visiting vessels and to European whaling shore stations, including the right to fish.

Periodic negotiations appeared to have been undertaken between the New Zealand Army and whanau of Motuiti over the establishment of a cray fishing and finfish trade. This was a

significant trade based on a win-win situation, where produce sourced by the New Zealand Army would be on sold to the public of Tauranga.

In 1840 at the signing of the Treaty, the hapu of Ngāti Te Hapu exercised effective tino rangātiratanga over Moutere o Motuiti's coastal and marine resources, maintained extensive customary fisheries, as well as a growing commercial supplementary fisheries venture that had direct sales with the public of Tauranga until the 1950's when Crown Law suppressed and outlawed the island of Motuiti Māori customary fishing.

28.1.2 Post Treaty Environment

As settlers arrived in the Bay of Plenty (Nga kuri a wharei ki tihirau), active trade with local Māori built up a variable market. European commercial fishing slowly increased towards the 1890's. Following the catastrophic effects of the Crown acquisition of large portion of our Motuiti, commercial fishing came increasing carried on by Europeans. In the period of 1840 to 2011, Ngāti Te Hapu whanau continued to fish for their own sustenance and for special occasions.

28.1.5 Mahi Kai Mataitai

Mataitai reserves are discrete areas of traditional importance to Māori where the tangata whenua are authorised to manage and control the non-commercial harvest of seafood.

28.1.3 Degradation of the Coastal and Marine Environment

The mauri or life supportingability and vitality of the coastal and marine resources has been compromised through a variety of means. Odd lengths of rope from boats and moorings, plastic packaging strips, disregarded and lost fishing gear, glass and plastic bottles, and lengths of timber and aluminum are amongst the rubbish that can be commonly found polluting beaches and shores. Run off from farms can carry traces of top dressing chemicals and pesticides down drains and rivers to compound and accumulate as they pass up the marine food chain, debilitating or killing the higher predators.

Mercury and other toxic heavy metals used in farms such as petrol chemicals, timber and other products also act as cumulative poisons in the marine food chain. Ngāti Te Hapu whanau often have a large proportion of seafood in their diet and may risk illness from eating such food.

Oil and other hydrocarbons find their way into coastal and marine environments as a result of accidental spill and storm water discharges. Oil will float and expand across the water's surface smothering the oxygen producing phytoplankton's that are essential to the larger populations of plankton-feeding fish. Shore hugging colonies of barnacles and mussels are virtually wiped out, as are the delicate marine organisms of shallow water.

As a result of inappropriate land management and riparian zone clearance, fine terrestrial sediments have been discharged into estuaries. They flow out across the sands and rocks smothering shellfish beds, spawning and nursery areas and degrading the environment. Often the adverse activity may appear small, but the cumulative effects are likely to have caused far reaching damage to the resources. Coastal, harbour and estuary fisheries have

undergone great depletion as a result of inappropriate management practices. However, even in the absence of over fishing, it is likely that fisheries would be in a degraded state as a result of pollution. The combined effects of pollution and fisheries mismanagement deprived Ngāti Te Hapu of resources required to provide for their families and to feed their guest.

28.1.4 Taiapure Local Fishery Areas

Taiapure are local fishery areas in estuarine or littoral coastal waters which are of special significance to iwi or hapu as a source of seafood or for spiritual or cultural reasons. They are established to give Māori a greater say in the management of the areas.

28.1.6 Marine Reserves

The purpose of a marine reserve is to preserve marine life for the purpose of scientific study. Areas that contain underwater scenery, natural features, and marine life of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national or New Zealand interest may well be put under the protection of a marine reserve.

The small number of Taiapure and marine reserves throughout the country is a testament to their disadvantages. Their lack of completeness and ability of small community pressure groups to effectively cause their veto has been to their detriment. Ngāti Te Hapu looks forward to the provision of all-encompassing customary regulations compiled by Māori for all of Aotearoa. These regulations should be sufficiently flexible to allow for the differing habitat types and needs that the Island of Motuiti's coastal and marine environment presents.

28.1.7 Conclusion

Ngāti Te Hapu place great value upon the coastal and marine resources to an extent that they are a taonga of Tangaroa. It is clear that prior to and for a number of years after the signing of the Treaty of Waitangi, Ngāti Te Hapu maintained extensive and prosperous customary and commercial sea fisheries, and exercised their tino rangātiratanga over these resources.

Access to a small proportion of the sea fisheries resources has not been made available to Ngāti Te Hapu in the form of leased quota via the Treaty of Waitangi Fisheries Commission. We believe this structure is a far cry from the traditional rangātiratanga in sea fisheries and indeed, it is a far cry from the rights promised by the Treaty Fisheries settlement of 1992. Until the allocation of fisheries assets by the Treaty fisheries assets is resolved, there will be continuing difficulty, both for Ngāti Te Hapu development and the iwi capacity to exercise effective kaitiakitanga in their marine zone.

Whilst overall fisheries management is a Crown function in terms of article I of the Treaty, there is also a clear function of Māori control in terms of article II rights. The latter function has been provided for to a limited extent by the inclusion of Māori representation in certain parts of the Crown management structures. However, there is minimal opportunity for Ngāti Te Hapu to directly exercise any measure of their article II

management and kaitiakitanga functions in the fisheries of the coastal tribal estate of Ngāti Te Hapu. Management structures should establish or amended so that provision is made.

Principle priorities for management and kaitiakitanga should be to provide a customary take for Ngāti Te Hapu and where a resource allows a recreational and commercial take in an atmosphere of sustainability. The protection and enhancement of the environment is a priority and should be adopted by a holistic approach. Preservation of waahi tapu and taonga and associated cultural values is also a priority for management and kaitiaki to address.

28.1.8 Issues

1. Management methods do not provide for kaitiakitanga.
2. Fisheries are centrally managed by the Crown.
3. Fisheries management occurs without any form of partnership between the Crown and Ngāti Te Hapu.
4. Fisheries regulations are often not enforced.
5. Depletion of fish species.
6. Commercialisation of Kina.
7. General public are often hostile and ignorant of the significant customary influence Ngāti Te Hapu will have in an inshore fishery.
8. Marine reserves can exclude Ngāti Te Hapu from coastal and marine resources and have been proposed prior to the provision of customary fisheries such as Taiapure and Mahi kai Mataitai.
9. Ngāti Te Hapu has experienced difficulty in the establishment of Taiapure.
10. Sewerage is constantly been discharged into the coastal and marine environment.





Figure 22 Motukahakaha Island

This island relates to a proverb:



This refers to the ancient ancestors Uru and Uru te Ngangana, twin brothers who migrated over the Pacific Ocean to the land of the South America's. Motukahakaha translates to 'the parting of the two umbilical cords'.

S29; Seabed and Foreshore;

Nga Tauranga Tai Kukume o te Takutai Moana



Figure 23 Aerial view of Motuiti

Territorial boundaries of Moutere o Motuiti

The seabed and foreshore boundaries of Ngāti Te Hapu extend out to seven significant historical ocean landmarks anchored to the bottom of the ocean floor. This relates to a proverb that link together the territorial boundary of Moutere o Motuiti.

*Nga tauranga tai kukume o te hukarere o nga
A turere
The anchors that connect to the winds and tides,
pathway of the 'Aturere' (yellow fin tuna)*

29.1.1 Environmental law effects of Marine and Coastal Area Act

15 August 2011

Background;

The Marine and Coastal Area (*Takutai Moana*) Act 2011 came into force on 1 April 2011. It is the latest legislation on New Zealand's foreshore and seabed. This update considers the implications for the Resource Management Act 1991, New Zealand's primary environmental legislation.

In 2003 the Court of Appeal ruled that New Zealand's indigenous Māori people were entitled to seek a determination from the Māori Land Court to determine whether land in the foreshore and seabed fell within the definition of 'Māori customary land'. Despite the court stressing that determinations would be difficult to obtain, the Labour-led government of the time enacted the Foreshore and Seabed Act 2004. This vested all land on the foreshore and seabed in the crown and created a statutory test for Maori customary rights in the foreshore and seabed. This statutory test replaced the court's jurisdiction to determine the status of and customary rights over, the land. The Foreshore and Seabed Act 2004 was highly controversial and led to the creation of the Maori Party, a new political party which sought changes to the legislation. The Marine and Coastal Area Act repeals and replaces the Foreshore and Seabed Act, the repeal of the act having been a key requirement of the Maori Party's coalition agreement with the present National-led government.

Marine and Coastal Area Act

The Marine and Coastal Area Act applies to the 'marine and coastal area', defined as the area which is bounded on the landward side by the line of mean high-water springs and on the seaward side by the outer limits of the territorial sea. The marine and coastal area includes the beds of rivers up to 1 kilometer upstream, the airspace and water space above and the subsoil and bedrock. The water itself is excluded. The 'common marine and coastal area' is the marine and coastal area, but excluding areas held in private title, as well as conservation land, national parks and reserves.

The Marine and Coastal Area Act restore Maori customary interests which were extinguished by the Foreshore and Seabed Act. Three types of customary interest can be recognised:

- Universal recognition recognises the relationship that Maori have with the foreshore and seabed in particular areas. For example, Maori tribes, sub-tribes, and families that exercise guardianship have the right to participate in conservation processes, such as whale watching, in the marine and coastal area.
- Protected customary rights include traditional rights to launch canoes and gather cooking stones or mud with therapeutic or dyeing purposes. Fishing is excluded.

- Customary marine title allows rights holders to give or withhold permission for resource consent applications, protect sacred areas or create a planning document for an area.

Potential applicants have until April 1 2017 to start the process to seek recognition of their rights, after which such processes will be time barred.

The recognition of protected customary rights and customary marine title will have an impact on processes under the Resource Management Act.

Implications

The implications for natural resources law depend on whether a protected customary right or customary marine title is recognised.

Protected customary rights

Protected customary rights provide recognition and protection of traditional uses and practices that are exercised in the common marine and coastal area.

These rights can be recognised only where a group has exercised the right since 1840 and continues to exercise it, in an identical or similar way, in a particular part of the marine and coastal area in accordance with Maori custom and tradition. The right cannot be recognised if it has been extinguished by law.

Once protected customary rights have been recognised, the consent authority with the power to grant resource consent under the Resource Management Act cannot do so for an activity in a protected customary rights area if the activity will have, or is likely to have, more than a minor adverse effect on the exercise of protected customary rights, unless the protected customary rights group gives its written approval or the activity is one of a list of exempted activities. Even if the relevant protected customary rights group gives its approval, the consent authority has no discretion to grant a resource consent for an activity if:

- to do so would permanently cancel a protected customary right; and
- the minister for the environment or the High Court has refused to vary or cancel the relevant customary rights order or agreement in order to allow this.

Maori groups with protected customary rights do not need resource consent under the Resource Management Act to carry out these rights, provided that they act in accordance with Maori custom and any applicable ministerial controls.

Customary marine title

The ability to seek recognition of customary marine title in the court is a key change. There is still no common law right to seek recognition of these rights, but the Marine and Coastal Area Act re-establishes the right to seek redress or recognition from the court, or from Parliament, after negotiation and agreement with the crown.

Customary marine title differs from a freehold interest in land. The Marine and Coastal Area Act present an inclusive (but broad) list of rights that customary marine title groups can exercise.

Customary marine title exists where a Maori tribe, sub-tribe or family group holds a specific part of the marine and coastal area in accordance with Maori custom, and:

- has used and occupied the specified area, to the exclusion of others and without substantial interruption, from 1840 to the present; or
- Received the area after 1840 through a customary transfer. This is a transfer between groups where, at the date of transfer, at least some members of the transferring group met the test on use and occupation and, from the date of transfer, at least some members of the receiving group continue to meet the same test.

Customary marine title will be recognised only once the relevant High Court order has been registered or the relevant recognition agreement with the crown has been brought into effect by an act of Parliament.

However, what is important from an environmental perspective is that the obligations on consent authorities and those applying for resource consents under the Resource Management Act will start from the date when an application for the recognition of customary marine title has been lodged.

There are two ways in which the application for, or grant of, customary marine title will affect the processing of a resource consent application under the Resource Management Act for activities in the marine and coastal area:

- If a tribe, sub-tribe or family group has applied for the recognition of customary marine title over the relevant marine and coastal area, but this has not yet been granted, a resource consent applicant will be required to notify the Maori group and seek its views before lodging the consent application.
- If customary marine title has been recognised (ie, granted) over the marine and coastal area, for most activities a resource consent applicant will have to obtain permission from the customary marine title group before a resource consent can commence. There is no right of appeal or objection to a refusal of permission (nor, presumably, to the conditions on which permission is granted). In this respect customary marine title groups are exactly like landowners.

Customary marine title: exempt activities

Some activities are exempt from the requirements relating to customary marine title. Exempt activities are called 'accommodated activities'. The definition includes:

- structures in the marine and coastal area which are owned by local authorities or their subsidiaries;

- existing activities authorised by resource consents (including existing aquaculture activities); and
- future infrastructure.

Comment

The Marine and Coastal Area Act has changed the way in which New Zealand's marine and coastal area is to be managed, in part by placing additional requirements on consent authorities and consent applicants operating under the existing environmental law processes of the Resource Management Act. However, the impact of the Marine and Coastal Area Act on consent authorities and consent applicants will depend largely on the extent to which claims for protected customary rights and customary marine title are successful. Some applications have already been made, but the full effects will not be known for some years.



29.1.2 Cultural Perspective of the Seabed and Foreshore

Beginning of Property Rights

In the matter pertaining to rights of ownership relevant to the seabed and foreshore that sits within the domain of property rights and land ownership must first be defined. The derivative rights inherited by the people in question, where claims in such matters sit and in order to truly prove the totality of the indigenous rights we must, however, endeavor to illustrate and demonstrate the rights of ownership over seabed and foreshore its origins and how it was acquisitioned. However, in the case of iwi Māori as a people who have identified their rights under ‘iwi Maiori Mana Atua’ this relates to the seabed and foreshore property rights that were cemented over 2000 years ago by an ancestor most commonly known as Tiki (Maui/ WhiroWhatoa / Whiro). He arrived to this country with his followers known as ‘Uru’. A significant time in history when Tiki laid claim to these islands which he named ‘Uruwhenua’ known today as the South Island and the North Island named ‘Muruwhenua’. This peaceful land became the birth lands of his twin sons Uru and Uru te ngangana, from this significant event Tiki named these islands as Panamaho literal translation; exile to a peaceful land hence became the sole ruler as Maiori Mana Atua.

Refer to Cultural Heritage Document for indepth information of the migration of the ancient ancestors.

29.1.3 Property rights of the seabed and foreshore; Moutere of Motuiti

In this case, the indigenous people of Ngāti Te Hapu state their claim and rights inherited via the lifting of the ‘tapu’. This by all rights legally and legitimately claimed manawhenua

status in accordance with the Māori law of the time. The manawhenua status is inherited by his descendant's makes them entitled to the hereditary property rights of his domain which encompasses the land, seabed and foreshore.

Refer to Cultural Heritage Document for indepth information reference to the lifting of the tapu by ancestor Ariki Te Hapu.

29.1.4 Historical Background

The variety of fish species is the main essence and staple diet resource of indigenous peoples within the domain of the significant fishing grounds and names that originated from the Patupaearehe and Māori who sourced the resource for over 2000 years (ref; to Map).

Several species are available at certain times of their year calendar while others were available all year round. There were only certain species used for young children mainly the Rawaru and Kupara (soft texture type of fish). The oily variety of fish species used to build immunity for the winter months were mainly Kahawai, Maomao, Aturere, Moki, Hapuku and Rawaru species. The soft texture was used for the elderly because it is easy to digest. Shellfish was also a main staple diet for young children and the elderly that mainly consisted of tipa, tio, kuku and koura.

There were certain varieties of shellfish used as medicines mainly; Urehoiho, niania, matangongore and pupu rore. Other fish species, mainly Aarara (trevally) were used for trade. This type of fish species was processed and dried in large quantities then packed and used to barter with the Te Arawa sub tribes mainly Ngāti Pīkiao and Ngāti Whakaue.

The island of Motuiti was renowned as the trade hub of the Bay of Plenty during the late 16th century. This system of trade relations was a significant advantage that benefited the indigenous people who required timber to fortify their Pa defence structures as well as residential housing and sea crafts.

Sustainability of the resources required control management over certain areas but in particular, breeding grounds. An area known as Omaroa and Otamau is a breeding ground of the Aarara (trevally) and was exempt from fishing at all times. Indigenous people believe that the ocean floor was not to be disturbed as this was an area where fine filter rocks played an integral part in insulating the eggs. Paheha (Grand daddy snapper) are the parents and are isolated as a food source. Indigenous people believed that the Paheha would ensure the survival of the snapper species. Taumataika and Wairere Bay were known as a significant ground of the Paheha an area exempt from fishing.

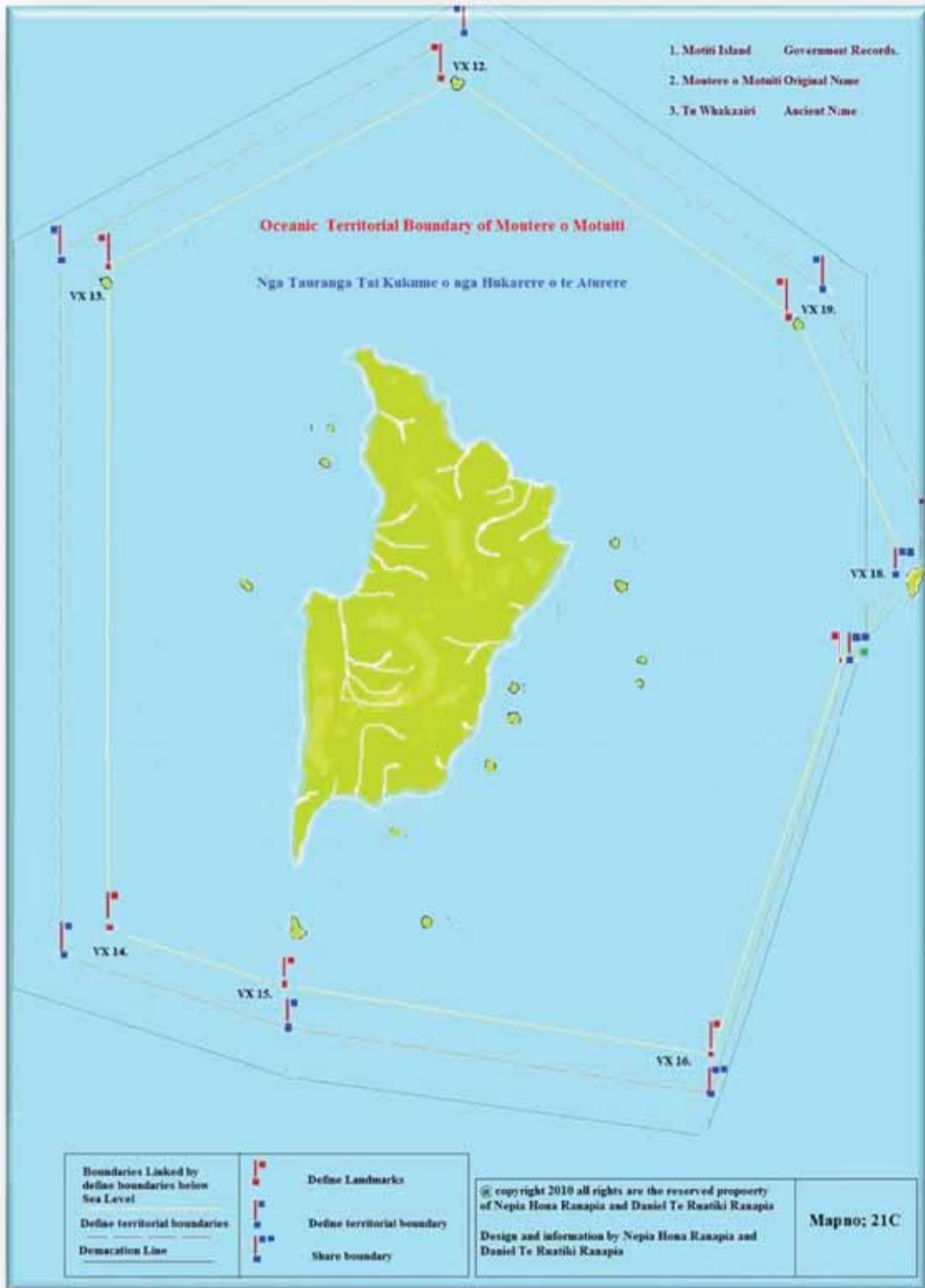


Figure 24 Map 21C Territorial Boundaries of Motuiti

The Maomao (blue fish) is a delicacy of the indigenous people. It is a soft and oily type of species and highly regarded as one of the main staple diets. The Maomao was heavily guarded and certain rituals were performed prior to fishing. Upon sourcing the Maomao people were exempt from eating the fish till the next day. The indigenous people believe if the fish were to be eaten on the same day they would unsurprisingly refuse the bait the following day and inevitably the schools would eventually move away to other areas.

The koura (Crayfish) is a shellfish highly regarded by the indigenous people for its texture and is easy for the elderly and children to digest. This particular food resource is an asset used as trade under the bartering system with the sub-tribes of Te Arawa mainly Ngāti Pikiao and Ngāti Whakaeu. Pāua was also used for bartering; they were dried in the sun, packed and sent to the mainland tribes. Mainland hapu fish stations were set up around the foreshore which enabled them to source their own food resources. Seven fish stations were set up by Ngāti Pikiao, Ngāti Whakaeu, Waitaha-a-Hei, Waitaha-Turatua, Ngāti Maruahaira and Te Papa-unahi.

The Motuiti native eel and the Morihana, also a staple diet of the indigenous people, were sourced from the waterways of Motuiti. Indigenous people would allocate certain areas to the whanau (families) where care was taken to ensure the waterways and vegetation was not over harvested mainly the raupo swamp weed. Orongongatea stream and Wairanaki stream were areas set aside to feed the native eel and encourage them to stay and not migrate out to sea. Morihana alongside the īnanga was a native species found in areas where pools of water accumulate a back wash, near water falls.

Seafood resources was an integrated part of the indigenous structure from a food resource to a trade base system that bought them the basic necessities of life to be able to survive on this remote land. Boundaries were defined for each hapū and at times were debated and altercations would occur.

Generally the island of Motuiti known as the trade hub of Raranga ki Muri (Bay of Plenty) developed a unique structure and system that began after the arrival of Ariki Te Hapu and his people. They set up the trading and bartering system from the year 1600 to 1900. However, upon the intervention of the Government who dismantled the structures and changed the entire culture of the indigenous people and their cultural and traditional practises.

Fish trade and Issues of the 1900's

The fish trade of the early 1900's continued on a moderate scale when the indigenous people would sell crayfish to the New Zealand Army who then on sold the product to the public. It was a win-win situation for all parties. This was a unique system that made available a product mainly koura (Crayfish) to the public at a reasonable price and the New Zealand Army paid the indigenous people for their resource.

However, in the late 1950's the government removed the rights of the indigenous people without negotiation? The rights to fish the crayfish were sold to commercial operators. This spelt the end of the crayfish industries when estimated 1000 crayfish pots that were set four deep covered the entire perimeter of the Moutere o Motuiti. It is believed that there were at one time six fleets of fishing vessels.

The years of commercial trawling that devastated the sea beds of Moutere o Motuiti began in the 1960's when single trawlers towed and hauled fishing nets between Motuiti, Tauranga, Tuhua and west to Motu Haku. They were later replaced by pair trawling. This method literally raped the sea floor and damaged the breeding grounds. This method destroyed other species and undersized fish by the ton only to be thrown overboard.

Several years later the trawler system was challenged by the per-seiner vessels who circled large schools of kahawai and trevally with a net the size of three football fields. Tons of fish were caught as a by-catch and this is still the case today. Nevertheless these practises now continue under a quota management system that creates monetary benefits to local iwi without consideration or remuneration provided to the indigenous people of Motuiti who own the resources and rights to the seabed and foreshore. The indigenous people of Ngāti Te Hapu have been completely disregarded by the Government and Iwi Authorities issue of seabed and foreshore that needs to be addressed.

Environmental impact

The crayfish and finfish species have been sourced by commercial operators for over sixty years and have brought disaster to the fisheries of Motuiti. This is evident in the indigenous people who can barely catch a legal size snapper for the table.

Shellfish is depleted to and all time low from over fishing by factions of commercial operators, as to the indigenous people and others who supply the black market. The paua population is depleted yet iwi authorities still insist in allowing quota for Māori gatherings. The amateur fisherman is on the increase with the present quota system having placed a major impact on the resources of Moutere o Motuiti.

Commercial charter operators also place a burden on the resources. Indigenous people believe they ought to be placed under the quota system. Local iwi authorities who gain access to the fish quota should be retain for at least two seasons to accumulate the finfish resources of Moutiti.

The Ministry of Agriculture and Fisheries (MAF) should immediately place Moutere o Motuiti on their emergency list and apply a marine reserve to the south end of the island where large numbers of Paheha are sourced by private operators and amateur fisherman as souvenir. Motuiti north with a radius of three kilometres should be placed under reservation this would allow collective species to accumulate. Motunau, Otaiti Reef and Motu Haku should also be placed in that category. If we are going to preserve our fisheries for our grandchildren then we must all be held accountable.

The most sought after finfish the Maomao is a delicacy of the indigenous people and has been sourced as a by-catch alongside the Kahawai for monetary gain only. This practise should be completely banned. This situation paints a grim future for the survival of this unique species and has fallen to an all-time low in terms of schools that surface in areas of their origins.

The Paheha, parents of the snapper are head hunted by amateur and professional fisho's to hang on their walls as a trophy. This species should be protected. Motuiti holds the world record for the largest snapper an injustice imposed on the management of this species. Indigenous peoples believe that there should be a maximum and minimum size of the snapper; however authorities are perhaps blind to the physical affects due to the monetary gain.

Issue;

Issues revolve around indigenous peoples hereditary rights inherited from the continuous occupation and use of the seabed and foreshore resources of Motuiti that originated 2000 years ago must be recognised by the Government.

The history of the seabed and foreshore resources is written on all the ancient fishing grounds that circumnavigate the territorial boundaries (Nga Tauranaga Tai Kukume) of Moutere o Motuiti. This area is known as the food bowl (Otungahua) of the indigenous people and if we all choose to ignore the environmental impact report, then our grandchildren will suffer as will our ancient history.

The Government has by no means proven any vested interest in Motuiti over the past 171 years since the signing of the Treaty of Waitangi. The Government illegally removed the indigenous rights to the seabed and foreshore in the early 1950's without consultation and inevitably exploiting benefits placed into the arena of commercial operators. As a result of commercial access to the sea resources of Motuiti, the indigenous people were prohibited by the Government from commercially fishing their own property.

This type of exploitation has advantaged commercial interests and the interests of the public of Tauranga and Maketu. As such, this has lead to economical difficulty and is seen as unfair as the indigenous people are very much a sea people surrounded 360° by ocean.

As such we state that the Government's actions pay no attention or concern to the property rights, neither right nor human rights in this case. At no time in history has the Government ever made contact to address the concerns and sensitivity towards the removal of the sea resources, our consideration towards the property right of the sea resources that were removed for the benefit of others. The Government in our view pays more attention towards our Pacific Island relatives than the indigenous people of Motuiti and their issues.

29.1.5 The Seabed and Foreshore Māori and the Early English Settlers

It is important to retain knowledge of the past. Māori are not the ones who abused the seabed and foreshore resources. Until the arrival of the English settlers who witnessed the mass schools of fish resources, at a time when the indigenous people were firmly in control of these areas by right, despite their willingness to integrate and accommodate their English friends and the good will towards unity. At a time when many arrived to this country there were those who came seeking the native whales as a source of revenue. Local Māori in some cases integrated and assisted in the hunting of the whales, such as people of Motuiti who set up their own whaling stations to supply the English traders.

Marriages also arose between English whalers and daughters of prominent Māori. Māori permitted the English the rights to use the resources, the affinity that the people of New Zealand have acquired to harvest resources is a gift given by the choice of Māori. However, the privilege had been abused by choice of Government, a fact that has allowed people to now perceive Māori property inherited by hereditary rights as belonging to all despite no evidence or proof to the contrary.

Issues of the Seabed and Foreshore

Matters of concern in terms of the rightful owner of the seabed and foreshore, there is no evidence to the legitimate claim of the Government or the public of New Zealand. However, it seems that such claims and rights to the seabed and foreshore are taken on the basis of creating and developing laws in order to claim such a right to fulfill the needs of the public of New Zealand. This however is simply unfair which by its very nature is discriminatory that puts the rights of the many over the rights by inheritance thus abolishing hereditary and customary rights.

Will endeavor to describe this matter in simple terms, if you are born into a house of your hereditary birth right that is of greater magnitude, there by if you permit other people occupational rights what then gives them the right to turn around and take the hereditary right from you? following the same lines of the issues with property rights: In many cases we have people who have lived in state houses for generations and perceive that they own the state house, however, the right of ownership actually belongs to the state not to them.

The same scenario regards the seabed and foreshore that belongs to the various different divisions of the descendants of “Māori Mana Atua” not to those who see it as their right simply because they were given occupational rights.

In these matters of the seabed and foreshore in the case of the rights of ownership, how can it be solved in a non-discriminatory manner when law makers seem to accept it on the bases of public ownership and remove the property rights that are hereditary rights under their title “Māori Mana Atua” before the arrival of the English?

Ancient Taonga of the seabed and foreshore of Motuiti

Over 2000 years ago the ancestor Tiki and his followers both fair skinned and dark, marked the land of Motuiti in the image of their homeland and with their knowledge and spiritualism engraved in solid stone There are many areas of significance ‘taonga’ now

residing in the domain of the seabed and foreshore as the land has eroded over the last 2000 years.

These areas are significant to the heritage of all Polynesia who trace their lineage to the ancestor Tiki. These areas, by the lifting of the tapu by ancestor Te Hapu, fall under the control of the native indigenous people of Ngāti Te Hapu. However, it cannot and should not be placed into the hands of the public of New Zealand. These areas are sacred areas of spiritualism and knowledge of the ancient ancestors. (Refer to the Heritage Document for more indepth details).

View on solution to the seabed and foreshore matter should be;

It is clear that the Government understandably represents the voice of the many and as such, it seeks to do what's in the best interests of the many, thus creating a conflict of interest issue in the matter of property rights. In the case of the seabed and foreshore, and in order to properly resolve such issue of ownership, no law written by the Government can be seen as just or fair to the matters of the property rights of the seabed and foreshore due to the conflict of interest. These issues should be dealt with in a civilised manner. Nonetheless, one must have a fair and due process with a 'neutral party that will allow a fair assessment to rule on such matters to be seen as unbiased and recognised by all', that being the United Nations is where the issue should be tabled to who has the rights.

29.1.6 Takutai Moana Act 2011

The Act repeals and replaces the Seabed and Foreshore Act and as it seems, is the only avenue the indigenous people of Motuiti need to take into consideration as the outline history expresses the rights of ownership from source, and their rights should not be extinguished for the sake of the other benefiting.

The Takutai Moana Act however seems to have been created very much in a lawyer's domain, which makes it difficult (unless you have a good legal understanding and translation) and is not a fair system nor does it go far enough to addressing the issue. Rather, it creates barriers of entry to obstruct rights of justice and does not create a fair impartial system that's neutral and unbiased towards addressing the property rights issue of the seabed and foreshore in a civilised, non-corrupted manner.

It would be in the best interests of preserving indigenous rights and hereditary property rights that the Government provides the indigenous people of Motuiti, with financial and legal assistance in the matter of the Takutai Moana Act 2011 to better understand how or if the law would work around the historical framework of hereditary rights, and if so whether to proceed with this matter into the forum of the courts.

29.1.7 Summary of Ngāti TeHapu the seabed and foreshore property right

The seabed and foreshore of Motuiti is part of the most important property of iwi Maori Mana Atua this area is physically and spiritually significant for its taonga. Ngāti Te Hapu inherited the mana of Moutere o Motuiti from the lifting of the “tapu”. This significant ritual claimed the property rights to the domain of the seabed and foreshore and defined boundaries.

It must also be noted that while Ngāti Te Hapu may claim the Motuiti seabed and foreshore as being part of the iwi “Maori Mana Atua”, it entitles Ngāti Te Hapu to jointly own alongside all other Māori being the balance of non-faction territories of the region of Awatearoa /Aotearoa / Panamaho.

To conclude, the fact that the Government and public have not proven and cemented a true and rightful claim to the property rights both those of iwi Maori Mana Atua as a whole, and those different faction born of, who have their own respective territories within those boundaries, such as, Ngāti Te Hapu of Motuiti. Despite internal struggle and changes or dividing up of various domains, the fact remains that the true bloodline of the ancestor Tiki who cemented his rightful claim to this country and all its seabed and foreshore assets remains under his rightful heirs and rights to his property.

Motuiti stands as an example to this country as a testament to what occurs within a dominantly owned Māori territory that was abandoned by the Crown after it removed 1090 acres. This equates to two thirds of the total land mass in conjunction with its sea resources. The Government involvement in exploiting the property rights and resources of the indigenous people only interest in financial gains and yet never has there been any benefit for the indigenous people who were expected to surrender their hereditary property rights for the benefit of others.

New Zealand as a country may speak about equality but it has never been about equality in the manner of those whose resources and assets have been removed towards building our country. In reality we have provided more than enough towards the Government coffers with little or no return without having consented. However, it is seen as fair that our property rights must be respected and enforced and protected, as the seabed and foreshore is part of who and what we are as the descendants of iwi “Maori Mana Atua” under the reign of our ancestor Te Hapu in both the physical and spiritual sense.

Case Study; Seabed and Foreshore of Moutere o Motuiti

Analysis Daniel Te Ruatiki Ranapia



Figure 25 Map No. 22B Ancient Fishing Grounds



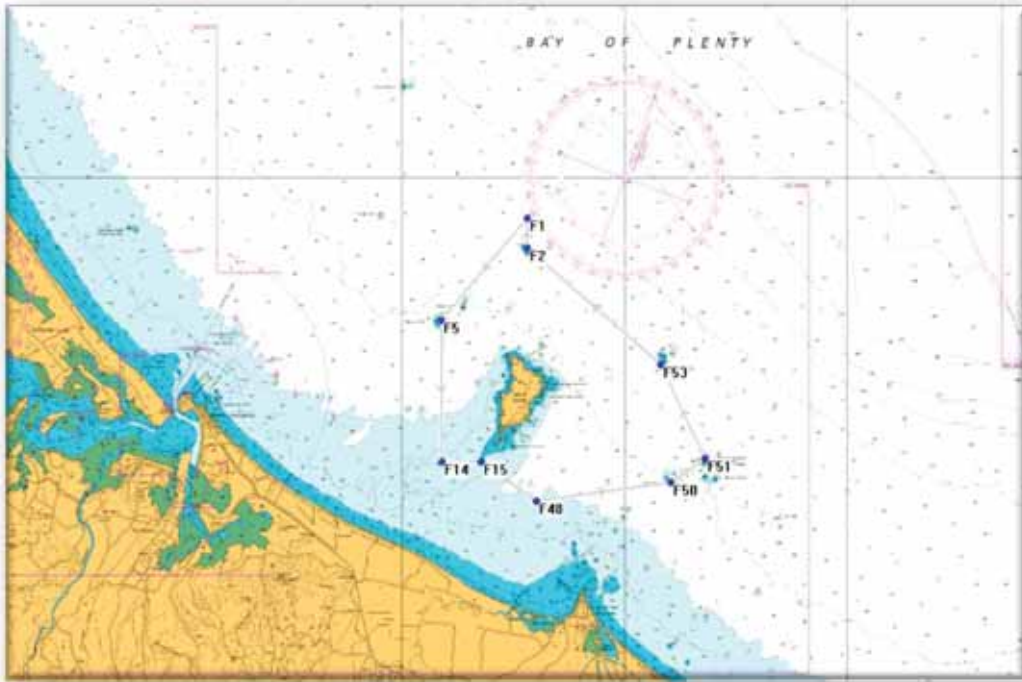


Figure 26 Territorial Boundaries of Moutere o Motuiti

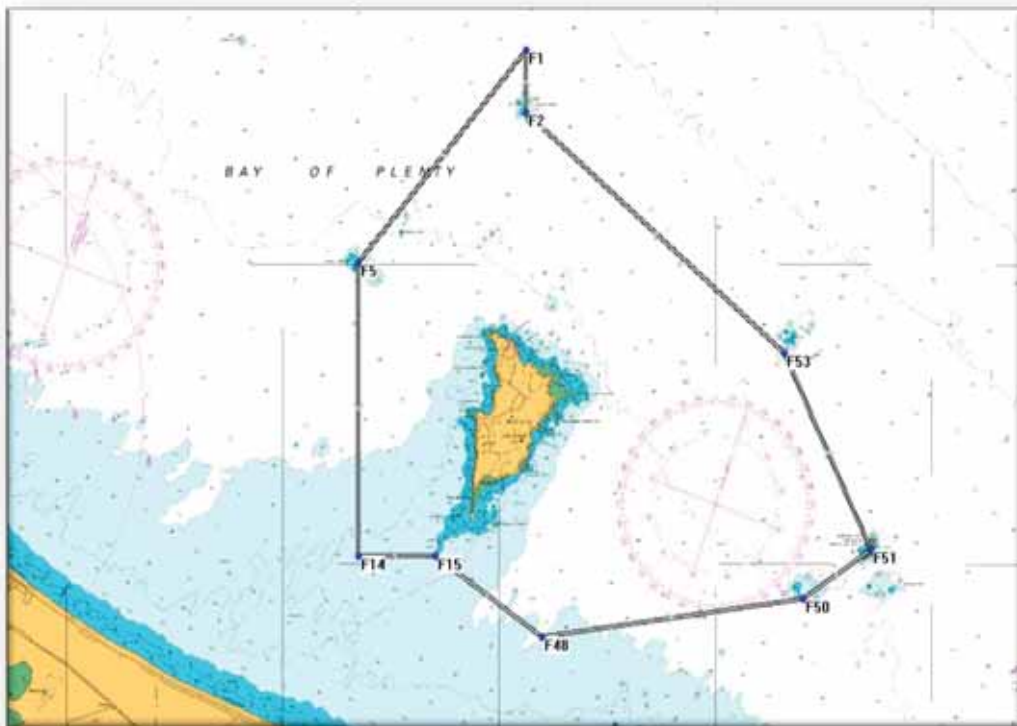


Figure 27 Defined Territorial Boundaries of Moutere o Motuiti

S30; Flora and Fauna

Nga tipu o te whenua

‘Refer to; Culture Heritage Document 2011 Edition’ All data information reference to; Flora and Fauna including maps and location of significant areas



Figure 28 Pohutukawa - Kowhai Taranga

Yellow Pohutukawa is indigenous to the island of Moutere o Motuiti. Proverb:

Kia Maumahara ki nga he a Rona

Be mindful of the sins committed by Rona

This proverb relates to the ancient history of this yellow Pohutukawa and to those ancient ancestors based on the mythology from their homelands, history that is captured in the Cultural Heritage Waahi Tapu Document 2011 Edition.

Introduction

Native birds' species on Motuiti are a significant contribution to the ecosystem in terms of nutritional supplement to the whenua. However, some species have been targeted for more attention than others, particularly those considered to be endangered or threatened. This chapter outlines some of the historical background of hapu involvement in wildlife management and some of the influences that have had an impact.

30.1.1 Mahinga Kai

Many birds and plants species were utilised by Ngāti Te Hapu and whanau as part of their dietary requirements and for cultural use. Most were gathered as part of that seasonal cycle of harvesting of mahi kai traditional areas.

Almost all of the larger native birds' species such as Koau (shag), Parera (grey duck), Putangitangi (paradise duck), Toroa (albatross), Pukeko (swamp hen), Koreke (brown quail), Koparapara (bellbird), Koko (Tui), Pihipihi (wax eye), and Weka (wood hen) were hunted. A variety of hunting methods were employed. Kuia (tītī) were a sought after species and were carefully guarded to ensure a successful harvest.

The tubers of aruhe (fern root), raupo (koareare) and tikouka (cabbage tree) were staples of the diet prepared by pounding and steaming in the large umu, with tikouka being an important source of fructose and glucose. The Karaka berries for example, were berries that were placed in the creek to ferment and the seeds would crack open and be eaten. The tutu berry was carefully strained through a woven kete to remove the highly toxic seeds and then made into a delicious jelly drink. The konini berries of the kotukutuku were also harvested as well as many others. Native koromiko used for medicine and food purposes were once in abundance, but unfortunately fell into the domain of grazing animals.

30.1.2 Preservation

Birds were often cooked over an open fire with the hinu (fat) being carefully collected as cooking occurred. The major bones were then removed, with the remaining flesh being packed into the poha (kelp bag) and hot fat poured over it until a complete seal was achieved. This was probably the most common method of preserving birds. This technique is no longer in use, although, plastic buckets and salting is now the most commonly used preservation method.

30.1.3 The Destruction of 'Mahinga Kai'

Some people say that the despoliation of the environment and associated ecosystems started when the first humans set foot on dry land. There is arguably some truth in the notion. Coming from a slash and burn regime of land use in the tropical Pacific Islands where the climate facilitates year round growth, to a somewhat more fragile ecosystem and colder climate, almost inevitably led to disruption within the ecosystem and an initial impact on the indigenous flora and fauna. It is said that 27 indigenous species became extinct before the arrival of Europeans. Māori acknowledge that there was an impact by their forefathers on species and ecosystems, especially during that very period. Out of those

lessons learned, came a philosophy of kaitiakitanga that species and ecosystem had to be managed in a sustainable way to ensure their continued viability.

All in all though, at the point of European colonisation, it was still a relatively intact environment with healthy ecosystems and associated animals and plant communities. With the wave of colonists came a new philosophy and view of humankind's interaction with the environment. These views were basically founded in the Christian religion they brought with them, which included a strong work ethic.

30.1.4 Removal of Indigenous Plants

The colonists set to work with axe and plough to turn virgin land into productive and settled state. The transformation was so successfully carried out that large areas of the Bay of Plenty, including Motuiti, do not have a visible link to the old indigenous forest systems. They have been completely dominated by exotic planting or converted into pasture.

30.1.5 The Situation Today

We are today the iminent of many of our native bird species together with our flora and fauna. Many species have not coped at all with the changes that have occurred over the last 50-100 years. Predation by mustilids such as stoats, weasels, ferrets and even family cats are fast pushing the remaining species to extinction. Possums have now been confirmed as another threat, having been filmed raiding bird nests and eggs, and eating the young of the species. The introduction of highly territorial bird's species, such as the magpie, can also be classed as a threat to native species. Though Motuiti is fortunate not to be infested with the main predators, we are faced with an increasing population of feral cats. The destruction of many nesting penguins by the predators have seen the majority of them disappear from the foreshores of the island. Colonies of the native tītī (kuia) is also on the brink of extinction. The migration of the Pīpiwharauoa (shining cuckoo) is under threat due to the removal of its environment, as opposed to the native ruru (Owl) which has long vacated to the mainland along with many other species.

The native environment has fallen into the domain of the axe and plough, and has never truly recovered. The realm of monetary investment is the demise of the spiritual embodiments of Tane Mahuta.

30.1.6 Conclusion

The nature and extent of Ngāti Te Hapu's interest in the management and use of native flora and fauna (botia), requires consideration of the options and the application of Treaty principles. It is not a simple matter that can be dismissed through lack of information or some perceived difficulties standing in the way of consultation.

The introduction of exotic flora and fauna including those now considered being pest and weeds, and the resulting devastation of land clearance and drainage has been seen as adisplacement of traditional resources. The nature and extent of the Treaty interest deems that the species should therefore be available to the hapu as a partial substitute for the traditional mahi kai.

Issues

- Exotic flora and fauna have negatively impacted on indigenous ecosystems.
- Unsustainable land-use practices have resulted in the loss of indigenous flora and fauna.
- Mana whenua have been prevented from fully exercising kaitiakitanga in relation to indigenous flora and fauna of Motuiti.
- Statutory authorities have not recognised that only manawhenua can legitimately exercise kaitiakitanga.
- Statutory authorities have not adequately fulfilled their responsibilities to indigenous flora and fauna.



Figure 29 Te Rere o Waingerengere Bay

This is a significant area where the slate stone (Patoto) is found. A significant resource used for horticultural equipment used for trade with the Te Arawa Tribes.

S31; Minerals and Resource

Nga taonga kei runga i te mata o te whenua

'Refer to: Culture Heritage Document 2011 Edition' All data information



Figure 30 Indigenous rocks of the Moutere o Motuiti

Various types of volcanic rock used as tools, ceremonial and ornamental purposes, found mainly along the foreshore. Black Obsidian (Matakoiko) and slate stone (Patoto) were used for trade. Vast amounts of this resource left the shores of Motuiti during the 1700's. Other types of stones, red obsidian (Matawhero) and white quartz, (Matawha) were used for ornamental and fishing equipment. The Pitonga and Onewa rocks, were sourced for residential materials and general purposes. The kiripaka rock or flint stone was used to light fires.

Introduction

A wide variety of minerals within Moutere o Motuiti were utilised by Ngāti Te Hapu in a number of different ways. Before the hard metals became available to Ngāti Te Hapu in the late 18th century, Ngāti Te Hapu were particularly adept in the art of crafting tools, ornaments, and other taonga from various mineral sources available over the island. Implements were either crafted from the source material on site, or the material was taken back to the settlement, and fashioned into gardening tools and weaponry (Patoto and

Onewa). Motuiti minerals were generally quarried from outcrops which were gathered as eroded blocks or boulders from coastal margins washed out or were eroded from the primary sources. Minerals used for taonga were derived from three main geological forms, sedimentary, igneous and metamorphic rocks.

31.1.1 Sedimentary rocks

The most commonly used sedimentary rocks were greywacke or (matapao) argillite. Both these materials were manufactured into adze because of their flaking qualities and hardness. Matapao was used for driving timber pegs into the ground. Good quality stone is well sought after by the mainland natives.

31.1.2 Quartz (Matawha)

Quartz-based minerals such as chalcedony and chert were flaked to produce sharp tools for cutting, drilling and scraping activities. Both minerals comprise microcrystal quartz, but chert contains more impurities. These minerals are well represented on the island of Motuiti, mainly towards the northern end.

Porcellanite (patoto) was also flaked into cutting implements. This is an impure chert formed through the baking of fine-grained sedimentary deposits by volcanoes or through contact with burning lignite seams. The latter variety is also known as Jasperoid, with the color ranging from bluish – gray tones through to browns.

Flint (kiripakaka) is another variety of chert occurring as nodules in some limestone areas. These materials, along with other varieties of chert, were used for sharp cutters, scrapers and drill points (matawha and takawai).

Rock Crystals are highly translucent quartz found along the foreshore of Motuiti and are used primarily for the sharp cutting edges produced when flaked. Orthoquartzite, (Takawai) perhaps the most often used material for cutting tools, is a hard silicified quartz sandstone outcropping widely throughout Motuiti. This material was used in particular, as larger sharp-edge cutter for butchering large game such as whale and seals. Grain size and color varied considerably, and most varieties appear to have been used. Ngāti Te Hapu orthoquartzite occurs in archaeological sites distributed widely throughout the island, and has been identified in a number of sites on the mainland.

31.1.3 Igneous Rocks

Derived from volcanic sources, these hard rocks were shaped mainly into adzes. The most popular igneous rocks for adzes were basalts, but included phonolites and andesite's (Onewa) particularly from the island of Motuiti. Pumice and obsidian, were used throughout the Bay of Plenty tribes for a variety of taonga. Pumice was used for hygienic purposes and obsidian (Matakoi) occurs on many sites of Motuiti. Good quality obsidian came from Tuhua and Motuiti. Motuiti obsidian was used for trade with various Bay of Plenty tribes where Waikato tribes sourced obsidian from Tuhua Island.

31.1.4 Metamorphic Rocks

Metamorphic rocks comprise the older of the Motuiti geological series, forming the vast majority of the Island. Harder metamorphic rocks, such as pounamu (nephrite, jade, green stone) were imported from the south. Schist (Onewa) was the most commonly used metamorphic rock, outcropping widely throughout the island. Some grade of schist, (Pitonga) were used for hard cutters because of their abrasive quality, schist rich in mica flecks is commonly found on archaeology sites of Motuiti. Most taonga of the quality stone were used as saws, (Matakoi) files and drill points (Matawha and Matawhero), the natural cleavage planes tending to form elongated slabs that assisted formation into various tools. The harder varieties of schist (Onewa) were used for patu and pounding tools (Patoto) slate stone used such tools as spades and adzes. The kiripaka rock known as flint stone was used to light fires.

31.1.4 Crown Control

The Crown Mineral Act 1991, and the legislation which preceded it, based on common law presumption that all gold and silver are the property of the Crown by prerogative right. The Waitangi Tribunal has held, in another context that for the Crown to deprive Māori of a taonga by common law presumption is a breach of the Treaty principles to actively protect Māori in the exercise of their property rights. There could be good argument for the extension of this principle to minerals. Indeed, the Crown Mineral Act 1991 provides that Crown minerals, in relation to Māori land (as defined in Te Ture Whenua Māori Act 1993), includes only petroleum, gold, silver and uranium.

31.1.5 Conclusion

Ngāti Te Hapu maintained and developed great skills in the use and knowledge of the materials that Motuiti provided. The range of minerals utilised is comprehensive and sourced from a variety of sites throughout the island. Skilled Ngāti Te Hapu craftsman produced a wide variety of taonga such as implements, weapons and ornaments and were quick to utilise new materials such as iron and steel as they became available.



S32; Management, Waahi Tapu and Waahi Taonga

Historical Significant Sites and Resources



Figure 31 Ana o Parehua ki Matarehua (sacred caves of Parehua)

Refer to; Culture Heritage Document 2011 Edition. All data information reference to; waahi tapu and waahi taonga including maps and waahi tapu location

32.1.1 Introduction;

Waahi tapu is any place or feature that has special significance to whanau, hapu, or iwi. They may be known by, or be of particular importance to a particular whanau or hapu through the historical and emotional links such place provided. Waahi tapu is not restricted to burial sites alone, but can be associated with a landscape, traditional activities such as pa sites, canoe landings or where a special resource is gathered. They also include places that are associated with the birth of or ceremony involving ancestors.

Waahi taonga includes a wide range of resources that are of importance to whanau, hapu, and iwi. They provide a special dimension to the customs of the people, intimately links in the way they are revered, protected and used. Waahi taonga includes those values traditionally recorded by Europeans for the purpose of scholarship and investigation such as ancient rock art, stone collections, earth ovens, caves, artifacts and whare sites.

However, waahi taonga also encompasses weaving, building and tool-making materials, mahinga kai sites and resources, certain landscapes, traditional trails, nohonga, place names and indigenous flora and fauna.

In the past, knowledge of these sites has been held and transmitted through the generations in oral form. In light of the increasing need for the care and management of waahi tapu and taonga under threat through development and resource use, Ngāti Te Hapu and Moutere o Motuiti have initiated their own iwi-base site location system.

32.1.2 Past Management

Some waahi tapu and taonga have attracted the attention of western scholarship and investigation, such as the archaeological sites recorded by the New Zealand Archaeological Association and Historical Places Trust. We know from tradition and history that Ngāti Te Hapu ranged throughout the entire island and that many sites have not yet been recorded or re-discovered. In general, concentrations of archaeological sites can be found in areas which are intensively farmed (ploughed) or developed, as well as areas with a high population density. It follows that through further enquiry and development of the landscape that more sites will be recorded.

The nature of waahi tapu is varied, and distribution is widespread as is illustrated in Map 6. This map shows the distribution of sites recorded by Ngāti Te Hapu elders. The site location table is also purely illustrative. Although the NZAA are not statutorily empowered to manage or record sites they have 40 years' experience of recording archaeological sites, principally in the interests of scientific enquiry.

32.1.4 The Process

The site location form is designed to assist the comprehensive recording of sites. This form is modeled on that of the Victoria State Register of Australia, used for recording archaeological sites. It is designed to be user-friendly (utilising a tick-the-box format) and to elicit detailed and accurate information about a site. It is envisaged that as the detailed recording of waahi tapu and taonga by iwi continues and new technologies become available, the form will be further refined.

The hapu location scheme utilises the NZMS 270 Topoplot, which allows more accuracy than the more standard NZMS 260 Topomap. Once a site is recorded on the appropriate form, a copy of selected information is copied to the Central Native Heritage File. These are then allocated a 'hapu number' and filed. A Geographical Positioning System (GPS) project is being initiated by Ngāti Te Hapu to commence in 2012. This will greatly assist the kaitiaki, Native Council and hapu to enhance aspects of the Site Location Systems, to be of benefit to hapu resource users alike.

32.1.3 Hapū Site Management

The Site Location System is currently being set in place to facilitate the systematic recording of waahi tapu and taonga on Motuiti. In order for Ngāti Te Hapu to enhance their role as kaitiaki, hapu have been encouraged to record sites which;

1. Reflect resource values wider than those contemplated within the Historic Places Act (i.e. sites not recorded by NZAA)
2. Involve information which hapu wish to maintain control over; and
3. Are then treated in accordance with tikanga o Ngāti Te Hapu

A Site Location Form (See Page 190) is completed by the Kaitiaki Native Administration Council, hapu or whanau for each site. They then copy selected information from that form to the 'Central Native Heritage file'. The amount and detail of the information transferred to the 'Central Native Heritage file' depends on the nature of the site itself, and what information is divulged about any particular site is the decision of that kaitiaki. As the Central Heritage file is essentially designed to be 'public information' that file may not necessarily hold the full record of any given site. In all cases though, the Central Native Heritage File holds the name of the Native Administration Council who holds the full form.

Development of the Ngāti Te Hapu Site Location System has been based on NZAA records processed into a format that enhances hapu ability to respond to day-to-day management and inquiry needs.

32.1.5 The Procedure

1. Identify from the NZMS 260 Topomap the location of a proposed activity. Identify also the cadastral reference for the area.
2. At the earliest opportunity, contact the central file keeper to determine whether any recorded sites are likely to be affected by a proposal. The file keeper will note site numbers that may be affected by a proposal, and identify who should be consulted in each case.
3. With assistance, a proposal may be modified so that it does not adversely affect particular sites or the values associated with them. A proposal can then proceed through the resource application process.

32.1.6 Summary

1. The recording of sites under the new hapu-based recording system will extend beyond archaeological sites to include sites such as mahi kai, important ecosystems, places of spiritual importance and other waahi tapu and waahi taonga.
2. Site location files are only those sites which have been physically recorded and the data entered into the hapu and 'Central Native Heritage File' Location System.
3. This system does not provide protection for waahi tapu and waahi taonga which are recorded or unknown.
4. The extract and nature of a site will generally not be publicly available.

32.1.7 Conclusion

The resumption of full authority over the protection and recording of waahi tapu and waahi taonga is an important part of the restoration of tino rangātiratanga over the native and physical resources of Moutere o Motuiti.

In general terms, the greater public awareness of the potential for archaeological and perhaps the ability to recognise possible sites, is a key to their protection. While Ngāti Te Hapu of Moutere o Motuiti has initiated internal awareness raising programs, the awareness of the general public also needs to be raised. This will in turn foster and encourage the establishment of good working relationships with the hapu.

One step in this publication of those sites recorded by NZAA to date in site Location Table.



Figure 32 Wairanaki Bay

Life line access of the island people, rich in history is a significant area of the ancient ancestors. Wairanaki refers to a proverb; Nga wai o ra naki ki mauao ko poutukiterangi, ko tau te ra hupeke; relates to the equinox.



Figure 33 Map 19A - GPS Location of Waahi Tapu

S33; Objectives, Management Guideline Issues;



Figure 34 Orongongatea Bay

This is a significant area known as Otutairehia domain where many ancient artworks carved by the ancient ancestors are found.

Introduction

In this chapter of the Plan, the issues that are of concern to Ngāti Te Hapu are identified. Many of these are issues that apply to the island of Motuiti as a whole, while some are location or resource specific.

Some of these issues, objectives and management guidelines deal with matters outside those contemplated by current natural resources management legislation. This reflects the inability of that legislation to fully incorporate Māori values, concept and concerns.

Similar to council or government departments, Ngāti Te Hapu does have the statutory obligations to regulate resource activity through the use of rules, concessions and permits. This influences the amount of direction that can be given in this chapter. Ngāti Te Hapu have endeavored to set the direction that other agents, such as councils and governing departments, need to follow if they are to address the issues that are of concern to Ngāti Te Hapu.

Existing and potential resource users should also gain insight to the issues that are of concern to the hapu and whanau. Because Ngāti Te Hapu is the agency that is charged with implementing this plan, are stated objectives and guidelines only. Stated policies, methods and rules are established in the Native Cultural Management & Administration Plan.

Objectives explain the outcome that is sought by Ngāti Te Hapu when participating in the region, for example whether they will 'promote' a resource used or 'protect' a resource.

Guidelines assist those with responsibility for managing those native resources of the island. For example it is the role of the implementing agency to establish processes or to encourage the development of a particular activity.

Defined guidelines will also enable Ngāti Te Hapu to monitor how this plan has been implemented by council, government departments and resource users.

33.1 Kaitiakitanga

Kaitiakitanga is the exercise of cultural custodianship over native and physical resources in a manner that incorporates spiritual values. This is an incident of tino rangātiratanga reserved to Ngāti Te Hapu Whanau under Article II of the Treaty of Waitangi.

33.1.1. Issues

1. There has been inadequate commitment by the Crown to educate the community in the full history of the dispossession suffered by the hapu of the island of Motuiti.
2. Disturbance and destruction of waahi tapu have occurred without reference to the hapu of Moutere o Motuiti.
3. Proposed District Plan has failed to recognise and address Ngāti Te Hapu cultural values.
4. Crown policy and legislation have prevented Ngāti Te Hapu from accessing and using traditional resources in a manner consistent with their culture, spiritual and economic needs.
5. The displacement and corruption of traditional placenames and their associated traditions devalues the importance of place names within Ngāti Te Hapu culture.
6. Legislative definition of Māori concepts and terms such as kaitiakitanga has not always reflected traditional understanding of them. This has resulted in appropriation of such concepts.
7. Indirect breach of the Treaty, hapu have been historically excluded through repressive legislation, from the decision making process of native resource management.

8. Inappropriate developments impinge on the amenity values and spiritual uniqueness of marae.
9. Misuse an appropriate of the uniqueness and mana of traditional institution such as marae, contravenes the cultural authority that can only be exercised by Ngāti Te Hapu.
10. Research and enquiry undertaken in isolation from Ngāti Te Hapu's cultural interest has the effect of marginalising those interests.
11. Resource protection regimes, such as Water Conservation Orders and Marine Reserves, have been pursued:
 - Without reference to those with whom kaitikakitanga rest and;
 - Without full consideration of other resource management options.
12. Absence of hearing commissioners with expertise in Tikanga Māori.
13. See also Waahi Tapu

33.1.2 Objectives

1. To give effect to the principles of the Treaty of Waitangi in the management of the island native and physical resources.
2. To recognise and provide for the relationship of Ngāti Te Hapu and their culture and traditions with the land, sea, water, sites, waahi tapu and other taonga on the Moutere o Motuiti.
3. To recognise and provide;
 - The manawhenua concept and practice of kaitiakitanga in the management of Motuiti's native and physical resources and;
 - The rights of manawhenua to manage their resources in a sustainable manner and according to tribal customs and cultural preferences.

33.1.3 Management Guidelines

1. Establish processes for the review of the provisions of planning documents which address issues relating to the management of native resources. Such planning documents should be reassessed, as appropriate, when resources are returned to Ngāti Te Hapu as part of any claim settlement.
2. Provide first refusal to the original owners, hapu and tribal constitution. As appropriate, land and/or buildings taken for purposes for which they are no longer required.

3. Acknowledge as a matter of regional significance in all planning documents, the Ngāti Te Hapu ancestral relationship with, and the cultural values of, the land and sea within the region of Ngāti Te Hapu.
4. Reflect the Treaty partnership through the creation of joint title over conservation lands and reserves within the rohe of Ngāti Te Hapu whanui.
5. Consult Tribal institute with commissioning research relating to native physical resources to ensure that the research proposal accommodates and addresses Ngāti Te Hapu interest.
6. Identify opportunities for the transfer of functions, or delegation of responsibilities, to Ngāti Te Hapu.
7. Identify and engage as appropriate a hearing commissioner who has expertise in Tikanga Māori.
8. Include in regional and district plans, a provision that enables a financial constitution to be set as condition of resource consent. This condition would be for the purpose of protecting areas of significance to Ngāti Te Hapu. Regional and district plans need to set out this requirement and the purpose.

33.1.4 Other Management Guidelines that are Applicable

- | | | |
|----|-----------------------|------------------------|
| A. | Management Guideline; | Management Guidelines. |
| B. | Waahi Taonga | Management Guidelines. |
| C. | Mahi Kai | Management Guidelines. |
| D. | Land (Whenua) | Management Guidelines. |
| E. | Coast (Te Akau) | Management Guidelines. |
| F. | Sea (Rohe Moana) | Management Guidelines. |

33.2 Waahi Tapu

Waahi tapu are places and associated values that provide physical and emotional links to the ancestors. They signify turangawaewae, indicators of identity, confirmed and protected by the application of tapu. Only Ngāti Te Hapu can determine their existence or be considered kaitiaki of them.

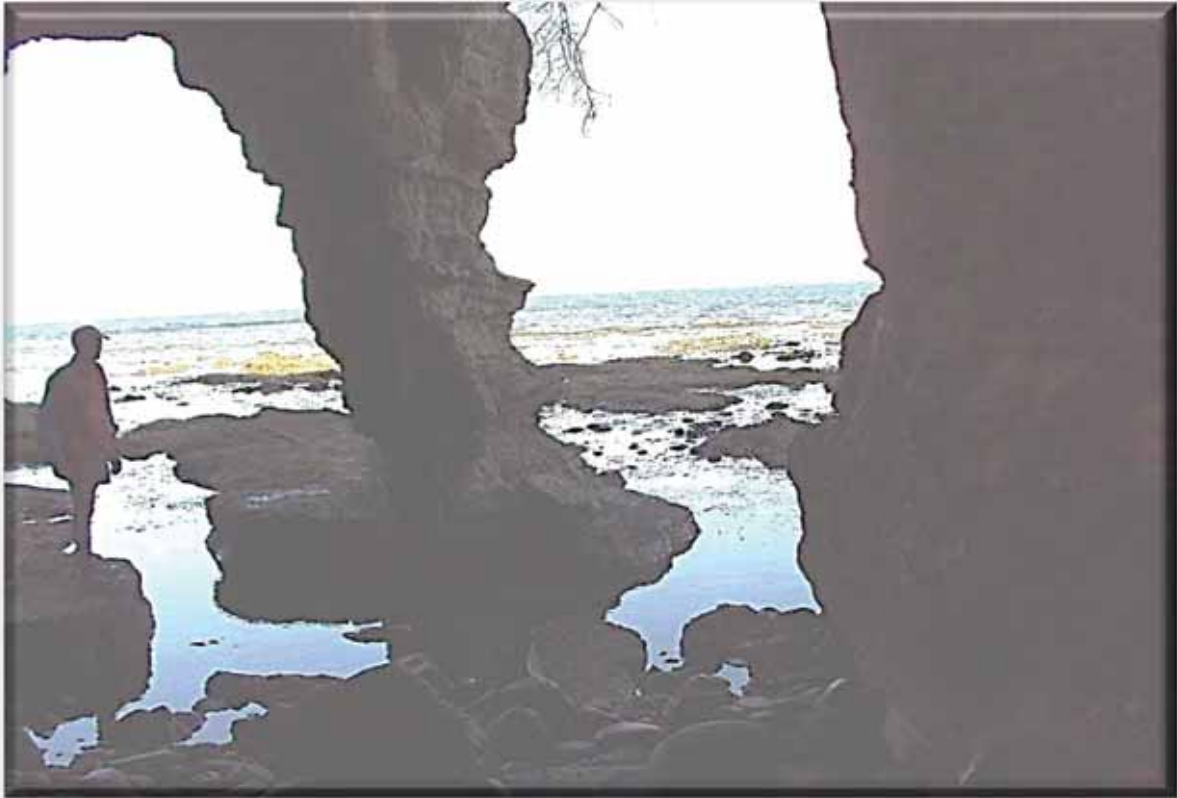


Figure 35 Sacred Caves of Te Parehua o Matarehua

33.2.1 Issues

1. Treaty of Waitangi guarantees of Ngāti Te Hapu proprietary rights over culturally sensitive information has not been given full effect.
2. Destruction and modification of waahi tapu through development and resource use results in cultural dispossession.
3. Loss of waahi tapu through natural process induced by human activity results in cultural dispossession.
4. The special relationship Ngāti Te Hapu has with landscape features and lands are undermined by modification.
5. The customary use and consecration of new burial places on ancestral land is not facilitated by regulation.
6. Contamination of waahi tapu by discharges seriously erodes the cultural value and integrity of waahi tapu.

7. The proprietary rights Ngāti Te Hapu to taonga tuku iho, recognised in the Treaty, have not been given effect to.
8. Insufficient recognition has been given by the community to legislation that protects waahi tapu.

33.2.2 Objectives

1. To recognise that waahi tapu exist throughout the island and that these must be considered in the management of the native physical resources.
2. To protect all waahi tapu, through the recording, management and dissemination of information, while protecting the sensitivity of that information.
3. To establish processes for public release of relevant information on waahi tapu on Motuiti to achieve their recognition and protection.
4. To encourage scientific surveys of key resources which adopt systematic and integrated approaches that incorporate benefits to the hapu and whanau knowledge?
5. To use all available statutory measures to avoid the destruction of waahi tapu and fully exercise penalty provisions where destruction does occur.
6. To resume kaitikitanga over the protection and recording of archaeological sites.
7. To advocate the repatriation of koiwi tangata and taonga provenance from Te Moutere oMotuiti.

33.2.3 Management Guidelines

1. Establish processes that allow the existence of waahi tapu and waahi taonga to be taken into account when considering the management of native physical resources. This will include the development of processes that provide for the protection of sensitive information about the specific location and nature of waahi tapu during resource consent, permit, authority, concession and/or plan preparation processes. This may require restrictions on access to the information and excluding public from aspects of the hearing process.
2. Support indicatives by Motuiti Native Council to record all known waahi tapu and waahi taonga.
3. Require an archaeologist, with the mandate of Motuiti Native Council, to survey an area before work commences, when there is potential for an activity to result in the disturbance of waahi tapu.
4. Establish procedures to ensure the notification of the appropriate hapu and whanau of:

- An archaeological find; and/or
- The disturbance of any archaeological site.

Further disturbance should be restricted until clearance has been obtained from the Motuiti Native Administration Council.

5. Develop mechanisms consistent with Ngāti Te Hapu Koiwi Tangata Policy to notify appropriate hapu and whanau of the discovery of human remains.
6. Develop and implement strategies that encourage landowners to protect waahi tapu on their property.
7. Guarantee full statutory protection and right of access for manawhenua to urupa.
8. Develop in consultation with hapu, methods for the recognition of new and existing urupa.
9. A site location file will be developed on known waahi tapu and waahi taonga under the management of Motuiti Native Administration Council, and key information supplied to consent authorities. Reference to this information must be incorporated in all resource consent procedures.
10. Advocate that authorities responsible for the protection of waahi tapu implement enforcement provisions and prosecute those who destroyed waahi tapu.
11. Protect waahi tapu from the adverse effects of;
 - Coastal stabilisation or diversion works;
 - Mining operations;
 - Housing and development; and
 - Subdivisions
12. Establishment of procedures to ensure that any activity which physically impacts on waahi tapu has the approval of the appropriate hapu and whanau before proceeding.
13. Recognise Ngāti Te hapu rangatiratanga in the management of cultural materials and establish protocols for Hapu Kaitiaki and ensure that access to these materials is consistent with the Ngāti Te Hapu policy of Management of Cultural Materials.
14. Protect landscape features of significance to Ngāti Te Hapu such as Ongateko (Yellow Pohutukawa).
15. Recognise the cultural significance of the whakaairo toka tapu (sacred rock carving) and acknowledge Ngāti Te Hapu's right to manage the art.

16. Recognise the cultural significance of the nga toka tapu whakamaumaharatanga (sacred monuments) and acknowledge Ngāti Te Hapu's right to manage the protection of the ancient monuments.
17. Manage the outlying rocks and small islands that regard manawhenua as culturally significant in consultation with the Native Administration Council, to ensure that those values are recognised and protected.
18. Support and implement procedures for the repatriation of koiwi tangata (human remains) and associated taonga to designated keeping places under the mana of Moutere o Motuiti.
19. Involve Ngāti Te Hapu in monitoring and conducting scientific surveys to achieve effective hapu participation in management processes.

33.3 Waahi Taonga

Waahi taonga embodies tangible and intangible values that transcend the generations distinguish the indigenous culture and are values to pass on to future generations.

33.3.1 Issues

1. The traditional relationship with places and values recorded by hapu as waahi taonga, has been eroded by the use and depletion of those resources in contravention of Ngāti Te Hapu - Article II; rights.
2. Degradation and loss of waahi taonga resources has had an adverse effect on associated customs and the transfer of knowledge.
3. Artifacts and taonga provenance from the island have been expropriated by collectors.
 - See also Kaitiakitanga
 - See also Waahi Tapu
 - See also Mahi Kai

33.3.2 Objectives

1. To recognise and protect waahi tapu as an integral part of the cultural identity of Ngāti Te Hapu whanau and hapu.
2. To achieve management of waahi tapu through the recording, management and dissemination of information, while protecting the sensitivity of that information.
3. To establish processes for release of relevant information on waahi taonga on Motuiti to achieve their recognition and protection.

4. To encourage and assist the up-skill of hapu knowledge and understanding of waahi tapu and their values through wananga and practical experience.
5. To advocate management and protection of waahi taonga through input and monitoring of plan, policy and consent processes of statutory authorities.
6. To advocate for the repatriation of artifacts and taonga originating from Motuiti.

33.3.3 Management Guidelines

1. Establish processes that allow the existence of waahi tapu and waahi taonga to be taken into account when considering management of Native physical resources. This will include the development of processes that provide for the protection of sensitive information about the specific location and nature of waahi taonga during resource consent, permit, authority, concession and/or plan preparation processes. This may require restrictions on access to the information and excluding public from aspects of the hearing process.
2. Support initiatives by Ngāti Te Hapu to record all known waahi tapu and waahi taonga.
3. Require an archaeologist, with the mandate of Ngāti Te Hapu, to survey an area before work commences, when there is potential for an activity to result in the disturbance of waahi tapu.
4. Establish procedures to ensure the notification of the appropriate hapu and whanau of:
 - An archaeologist find; and/or
 - The disturbance of any archaeological site.Further disturbance should be restricted until clearance has been obtained from the Native Administration Council.
5. Develop and implement strategies that encourage landowners to protect waahi taonga on their property.
6. Actively promote the re-emergences of Māori place names for many features of the island.
7. Actively promote the correct pronunciation of Māori place names.
8. Establish procedures to ensure that any interpretation of Ngāti Te Hapu histories for either public or commercial reasons is approved by the Native Administration Council or whanau. This policy includes the identification of traditional place-names
9. Protect waahi tapu taonga from the adverse effects of:

- Development
 - Coastal stabilisation or diversion works;
 - Mining operations
 - Housing and development
 - Subdivisions
10. Establish procedures to ensure that any activity which physically impacts on waahi tapu has the approval of appropriate hapu or whanau before proceeding.
 11. Recognise Ngāti Te Hapu rangātiratanga in the management of cultural materials, and establish protocols for hapu kaitiaki that ensures access to these native materials are consistent with the Ngāti Te Hapu Policy of Management of Cultural Materials.
 12. Avoid any development which would have a negative impact on the vista and amenity values of marae.
 13. Facilitates the involvement of Ngāti Te Hapu in monitoring and conducting scientific surveys which achieves effective hapu participation in management processes.

33.4 Mahi Kai

Mahi kai are places where food is produced or procured on a sustainable basis in a way that meets the cultural needs of Ngāti Te Hapu. The maintenance of custom, the transfer of information and the physical and spiritual health of the hapu are inseparable.

1. Degradation of native resources from point and non-point discharges has adversely impacted on mahi kai.
2. Modification of waterways and bays has destroyed and degraded traditional taunga ika and other mahi kai.
3. Human waste disposal to mahi kai is offensive.
4. Introduced species have displaced or interbred with indigenous mahi kai species, yet customary take rights have not been transferred.
5. Management of water and damming regimes has recognised the needs of introduction species above those of the indigenous fisheries.
6. In breach of Treaty guarantees, the Crown has prohibited and regulated the taking and use of mahi kai without consultation.
7. Ingenious flora and fauna, have been significantly compromised by;

- Some introduced plant and animal species
 - Unsustainable use
 - Destruction of supporting ecosystems; and
 - Contamination from discharge to air, land and water.
8. Research and enquiry undertaken in isolation from Ngāti Te Hapu cultural interests has the effect of marginalising those interests.

33.4.1 Objectives

1. To recognise the importance of mahi kai to Ngāti Te Hapu by maintaining and where possible, enhancing mahi kai.
2. To support initiatives to identify and record significant mahi kai.
3. To maintain and facilitate access to mahi kai.
4. To minimise or avoid adverse effects of tikanga and its application in the management and use of mahi kai, and provide for cultural models such as;
 - protection of breeding stock;
 - transfer of knowledge through generations;
 - priority of indigenous species needs over exotics; and
 - harvest methods considered appropriate by Ngāti Te Hapu.
5. To encourage and assist the up-skill of hapu knowledge and understanding of mahi kai and their values through wananga and practical experience.
6. To achieve, through the full utilisation of legislative provisions, the protection of mahi kai consistent with tikanga.
7. To implement scientific surveys of mahi kai which reflect the needs and aspirations of Ngāti Te Hapu.

33.4.2 Management Guidelines

1. Develop and implement a strategy to improve the quality and quantity of water to a level which ensures that mahi kai are fit for human consumption.
2. Ensure that the assessment of environmental effects that accompanies an application for resource consent includes an assessment of the impacts of the proposed activity on mahi kai.

3. Supported research to develop an inventory of mahi kai in the rohe moana and rohe whenua on the Moutere o Motuiti with Ngāti Te Hapu.
4. Protect remaining indigenous fisheries from intrusion by exotics and, where possible, enhance the habitat by;
 - identifying waterways that support exclusively an indigenous fishery and designating these waterways as indigenous fisheries;
 - ensure indigenous fisheries and habitat receive higher priority for protection than exotic fisheries; and
 - Prohibiting the introduction of exotic species of any kind until there is an application for a resource consent which includes a thorough assessment of the effects on ingenious flora and fauna.
5. Permit the establishment of facilities by Ngāti Te Hapu for the purpose of collecting mahi kai during the appropriate season.
6. Permit and encourage initiatives to;
7. actively protect indigenous fish habitats and spawning areas; and
8. re-stock lagoons and other waterways with native fish species.
9. Advocate that the criteria of the Forest Heritage Fund and Nga Whenua Rāhui be broadened to reflect the ecological importance of wetlands and estuaries.
10. Facilitate the involvement of Ngāti Te Hapu in monitoring and conducting scientific surveys of mahi kai and habitats which achieve effective hapu participation in the management process.

33.5 Water

Domain of Tangaroa, Ngāti Te Hapu recognises water as an essential element of life which requires responsible management in the interest of current and future generations.

33.5.1 Issues

1. Management that reduces natural shading and filtering capacities of riparian areas of streams, swamps and wetlands that adversely affects habitat conditions.
2. The introduction of exotic plants in riparian zones can detrimentally change water ecosystems.
3. Abstraction, contaminants, cross-mixing and drainage negatively impacts on the mauri and integrity of the islands waterways.

4. The damming of waterways for animal consumption purposes has devastating effects on indigenous fish species and their habitats. These include:
 - Barring upstream and downstream migration;
 - Providing exotic species access to tributaries which was previously beyond their range; and
 - Altering natural sedimentation processes throughout the whole waterway.
5. Water management has historically emphasised the commodity value of water over its intrinsic value.
6. Water permits can be exploited as a tradable commodity while ownership of the resource remains unresolved.
7. Inadequate integrated planning and a response to the development needs of the tourism industry has resulted in resource degradation.
8. In-stream and land-based earthworks activities that modify the beds and banks of streams and swamps, causes siltation and discoloration to water have resulted in the destruction of indigenous fish habits.
9. Management processes for the recording, monitoring and evaluation of effects and quantum of water abstraction have been inadequate.
10. Insufficient baseline data on in-stream habitat and fisheries has been collected by authorities responsible for that process.
11. Baseline and monitoring data which exists has often not been made available to the hapu.
12. Resource consents for water abstraction have been allocated to a level where, of fully exercised, they would result in some waterways running dry.
13. Canalisation and realignment adversely affected the native fishery by;
 - Exacerbating flood flows;
 - Devastating habitats;
 - Damaging banks and beaches;
 - Reducing ripple pool complexes;
 - Monotyping sediment structure;
 - Increasing speed of flow; and

- Increasing in-stream, and bank erosion.
14. Many discharges released directly into the sea and waterways have detrimental and toxic effects on water, and the associated ecosystem.
 15. Flood irrigation practices have had adverse effects on water catchments including:
 - high abstraction rates;
 - enabling the spread of pest plants between catchments; and
 - high nutrient run-offs.
 16. Activities such as settlement ponds and landfills have been inappropriately placed in flood prone areas resulting in wash-out during floods.
 17. Leachate from private and community tips and landfills sited adjacent to waterways and estuarine areas have detrimental effects.
 18. Discharge of treated or untreated human effluent directly to waterways or coastal waters is unacceptable.
 19. The use of agricultural chemicals in riparian margins that result in the contamination of waterways.
 20. Wetlands are treasured habitats for indigenous species which continue to be risk from:
 - drainage
 - discharges
 - reclamations; and
 - Inundations.
 21. Regional and territorial authorities have not given priority to the retention and restoration of important habitats such as wetlands.
 22. Facilitate the involvement of Ngāti Te Hapu in monitoring and conducting scientific surveys which achieves effective iwi participation in management processes.

33.5.2 Objectives

1. To recognise the spiritual and cultural significance of water to Ngāti Te Hapu.
 - An essential wetland systems as;

- A means of improving water quality;
 - Important spawning areas for native fish; and
 - As a food resource for birds.
2. To eliminate human waste being discharged to waterways.
 3. To reduce the level and amount of toxic contaminants being discharged to water.
 4. To develop a comprehensive resource base of information and knowledge on water resources of Motuiti.
 5. To prohibit in-stream activities which adversely affect fishery habitats and mahi kai values?
 6. To advocate the implementation of minimum flows and water quality standards on Motuiti that is consistent with cultural values of Motuiti.
 7. To address the unresolved nature of water ownership.
 8. To implement scientific surveys of mahi kai which reflect the needs and aspirations of Ngāti Te Hapu.

33.5.3 Management Guidelines

1. Establish processes to incorporate Ngāti Te Hapu values in all management practices which will impact on waterways.
2. Prepare a regional water management plan that provides for the characteristics of a specific catchment.
3. Develop a database on water abstraction and discharge which provides for a holistic approach to be taken in assessing resource consent applications.
4. Control land-use activities which may have an adverse effect on waterways, in particular:
 - Establish strict controls on vegetation removal, planting of exotics, effluent disposal, abstraction for water supply and earthworks close to streams or rivers;
 - Avoid agricultural and chemical spraying where the effects of such spraying will degrade the quality of that particular waterway;
 - Control activities that would impact on mahi kai and waahi tapu that are located beside waterways; and

- Control the nutrient levels in waste and effluent discharges to limit the possibility of algal blooms, weed growth and eutrophic conditions.
5. Adopt rules and consent conditions to set rigorous monitoring programs on discharge permits.
 6. Protect indigenous fisheries, particularly their spawning habitats, from adverse effects of mining (fishing) activities.
 7. Use rules or conditions on consents for mining to;
 - Prevent or reduce vibration, dust, noise, soil and water contamination.
 - Restrict the hours during which explosives may be used; and
 - Provide for containment of all waste discharges from mining operations.
 8. Investigate and set minimum flow levels and flow regimes for Motuiti waterways.
 9. Investigate and set appropriate lake levels.
 10. Establish the critical requirements of quantity and timing of functioning of associated ecosystems.
 11. Evaluate the effects of land clearance on run of rates that will identify the level of protection and control necessary to protect downstream values.
 12. Confirms costs and benefits that will result from irrigation before consent is given for the abstraction of water for such purposes.
 13. Encourage the use of spray irrigation methods as an efficient use of the water resource.
 14. Institute a monitoring program:
 - of stock levels over recharge areas of confined and unconfined aquifers
 - of phosphorous, nitrogen fecal coliform, bacterial levels in aquifers; and
 - which are used as a source of portable water for private and/or public water systems fed by ground water.
 15. For any proposal to dam a waterway to;
 - require as assessment of the effects on indigenous habitat that would result from the proposal
 - provide for indigenous fish passage as a part of the dam design to enable fish migration; and

- require an assessment of the effects on waahi tapu and waahi taonga.
16. Adopt a system of identifying dams and their location in the region.
 - To assess the water resource held by artificial means; and
 - To provide an information base.
 17. Maintain stable shorelines and margin habitats; either
 - artificially; or
 - by restricting operating level fluctuations to a range that does not adversely affect shoreline/margin habitats; or
 - by creating compensation habitat for important species.
 18. Ensure that the management regime for a stream which is dammed provides for the periodic flushing of the stream either naturally or artificially in order that the uniqueness of island habitats is not lost to inundation.
 19. Compensatory island habitats should be provided where existing islands are destroyed by inundation.
 20. Endeavour to ensure that future classification of water on Motuiti is consistent with traditional classifications where possible.
 21. Encourage the disposal of effluent onto land rather than into water, providing that the groundwater is not polluted in the process.
 22. Prohibit discharges of effluent and sewage, and the location of disposal sites and hazardous installations in the general area of waahi tapu or other places of cultural importance.
 23. Recognise and protect the value of wetlands
 - as buffers in times of high rainfall; and
 - as indigenous habitat.
 24. Oppose further reclamation of wetlands.
 25. Advocate the expansion of the wetlands system of Motuiti.
 26. Encourage landowners to create and enhance riparian vegetation.
 27. Use rules, consent conditions and other methods to ensure in-stream activities avoid adverse effects on the indigenous fishery habitat, water quality, and other in-stream values.

28. Facilitate the involvement of Ngāti Te Hapu in monitoring and conducting scientific surveys which achieve effective hapu participation in management processes.

33.6 Air

33.6.1 Issues

1. Management systems have resulted in inadequate performance standards and monitoring regimes being applied to resource users and waste generators.
2. Motor vehicle emissions have serious cumulative effects which call for the adoption of higher emission control standards.
3. Discharge related to toxic sprays has adverse effects.
4. Discharges related to the burning of wastes have adverse effects.
5. Insufficient data has been made available on the effects of air discharge.

33.6.2 Objectives

1. To protect sites of significant to Ngāti Te Hapu from noise, toxins, odour and visual pollutants.
2. To develop the involvement of hapu in the management and protection of the air resource.

33.1.6.3 Management Guides

1. Requiring that all proposals for earthworks or the disturbance of landforms assess the impact of dust and other air-borne contaminants on health, mahi kai, indigenous flora and fauna and waahi tapu and taonga.
2. Implement noise control measures to ensure that resource use and development does not detrimentally impact on the values of marae, urupa and other sites of significance to Ngāti Te Hapu.
3. Require that all applications for air discharge consents assess the impact of the discharge on health, mahi kai, indigenous flora and fauna.
4. Provide opportunities for the involvement and up-skilling hapu in the management and protection of the air resource.
5. Facilitate the involvement of Ngāti Te Hapu in monitoring and conducting scientific research which will achieve hapu participation in management processes.

33.7 Land

Papatuanuku (Land) is the basis of tribal territory and mana, an essential link to the ancestors. It is an integral part of Ngāti Te Hapu culture, identity and community strength.

33.7.1 Issue

1. The Crown land management regimes have failed to adequately provide for the hapu interest in traditional resources.
2. Past legislation and policy has restricted the ability of landowners to utilise Māori ancestral lands according to their cultural preferences. The effects of these will continue to be felt for many generations.
3. Significant reduction in indigenous habitats.
4. South end of the island has been developed and exploited with adverse effects on;
 - the values attached to those lands of Ngāti Te Hapu; and
 - all island catchments and foreshore.
5. Insufficient recognition has been given to the effects of vegetation clearance and deforestation on the water retention and capacity of the land.
6. The protection and enhancement of native species have been neglected in favour of the demands of pest management.
7. Insufficient attention has been given to the incidental effects of pest management strategies on indigenous species.
8. Burning practices associated with premature grazing, leaves the land vulnerable to detrimental effects.
9. Plantation of exotic trees has been allowed to expand in large numbers on the island without sufficient regards to the effects that establishment, harvesting and replacement have on;
 - waahi tapu;
 - wahi taonga;
 - water quality and quantity;
 - soil quality; and
 - landscapes

10. Poor land management practices have allowed infestation by pest plants which have created waste disposal sites, which then have created contaminated soils.
11. Poorly managed landfills, industrial sites and waste disposal sites have created contaminated soils.
12. Extension and maintenance of the transport infrastructure has adverse effects on;
 - indigenous flora and fauna;
 - waahi tapu and taonga;
 - mahi kai; and
 - Landscape and wilderness values.
13. Extension, proliferation and maintenance of the telecommunication networks can detract from cultural values attached to significant landscapes.
14. Debris left in the high country and on conservation lands detracts from the intrinsic values and enjoyment of such areas.

33.7.2 Objectives

1. To recognise the relationship that manawhenua have with land.
2. To protect natural features of significance to Ngāti Te Hapu.
3. To protect the cultural values of the land, catchment areas and foreshore.
4. To protect resources and areas of value to Ngāti Te Hapu that may be vulnerable to erosion or other hazards where practicable.
5. To encourage the establishment of visitor's facilities and recreational activities in a manner that does not compromise cultural preferences.
6. To facilitate the use of Māori land by beneficial owners according to cultural preferences.
7. To encourage and assist the up-skilling of hapu knowledge and understanding of indigenous flora and fauna and associated values through wananga, hui, and practical experience.
8. To seek the introduction of comprehensive programs to monitor and mitigate contamination of the land resource by discharges from;
 - landfills;

- other contaminated sites;
 - treatment plants;
 - mining;
 - industrial wastes; and
 - Agricultural activity.
9. To avoid adverse effects of the extension and maintenance of transport infrastructure and telecommunication networks on;
- indigenous flora and fauna;
 - waahi tapu and taonga;
 - mahi kai; and
 - Landscape and wilderness values.

33.7.3 Management Guidelines

1. Make provisions in district plans for the development of Māori Land according to article II of the Treaty, in conjunction with the United Nations Declaration on the Rights of Indigenous Peoples, and cultural preferences. For example - Papakainga and land development.
2. Ensure that the use, development or protection of adjoining lands does not unreasonably limit the range and type of activity that can be undertaken on Māori land.
3. Where any resource use decision has the potential to affect Māori land, a genuine attempt should be made to notify and consult with the owners or their appointed trustees.
4. Encourage the removal of willow, radiata pine and silver wattle which are encroaching on indigenous vegetation in lowland waterways and wetlands.
5. Oppose further ridgeline development for natural features and landforms that are significant to Ngāti Te Hapu.
6. Limit the development and use of lands adjacent to all streams, riparian areas, wetlands, estuaries and coastal margins.
7. Manage and control visitor and recreational activities which may have an adverse impact on waahi tapu, waahi taonga and indigenous ecosystems.

8. Provide that earthworks do not create or increase potential for soil instability where earthworks, excavation, filling, or the disposal of excavated material are undertaken.
 - Adverse impacts on significant natural landforms and areas of indigenous vegetation should be avoided; and
 - Adverse impacts on waahi tapu and taonga must be avoided.
9. Earthworks should not lead to slippage, erosion or siltation of natural waterways, wetlands, or coastal waters.
 - Encourage the practice of stabilisation objectives;
 - Meet soil conservation stabilisation objectives for windbreaks; and
 - To rehabilitate degraded areas as unstable dunes and wetlands.
10. Encourage the adoption of land-use practices and soil conservation measures that limit the erosion of potentially unstable lands.
11. Avoid adverse effects of hazardous operations and the use, transportation and storage of hazardous substances on:
 - waahi tapu
 - mahi kai; and
 - other cultural values.
12. Establish and maintain a register of the location and contents of all hazardous operations and the use, transportation and storage of hazardous substances on:
 - waahi tapu and waahi taonga
 - mahi kai; and
 - other cultural values.
13. Encourage pest management methods with minimal impacts on indigenous species.
14. Support the provision of technical, management and educational support for landowners to assist the successful transition to the National Pest Management Strategy.
15. Use rules, consent conditions, and other methods to require landscape planting, including re-vegetation, as part of the development proposal where this will

enhance landscape and environmental qualities and to mitigate the visual impact of buildings and land-use activities.

16. Advocate the removal of all wilding exotic trees.
17. Rules and consent conditions should be used to limit or mitigate the detrimental effects of erosion and noxious weed invasion resulting from agricultural farming.
18. Encourage the retention or establishment of indigenous riparian plantings adjacent to streams and swamps.
19. Facilitate the involvement of Ngāti Te Hapu in monitoring and conducting scientific surveys of habitats which achieve hapu participation in management processes.

33.8 Coast– Foreshore

The coast is the domain where Papatuanuku and Tangaroa meet. Important values exist in this zone associated with kai mataitai, urupa, taunga waka and urunga waka and other cultural resources.

33.8.1 Issues

1. The denial of access to some urunga and taunga waka has impeded.
2. Important cultural values have been adversely affected by incremental and uncoordinated modification of the coastal environment through;
 - reclamation
 - dredging
 - dumping of dredging in sensitive areas;
 - waste disposal; and
 - Shipping and maritime infrastructure.
3. Activities have been allowed to occur in the coastal marine area which have adverse effects on coastal ecosystems and environments, these include:
 - roading
 - agricultural farming; and
 - Horticultural farming.
4. Coastal resources, such as kina and paua, which have strong cultural significance to whanau/hapu have been commercialised.

5. The government has provided insufficient commitment and resources to promoting the establishment and implementation of taiapure and other fishery management options.
6. The failure to address the erosion processes occurring around the coastal area has affected Ngāti Te Hapu cultural values and resources.
7. The proposal to establish a marine reservation on the Motuiti coast prior to the establishment of local fishery management models.

33.8.2 Objectives

1. To protect and enhance the values of the coastal environment that are significant to Ngāti Te Hapu, including;
 - the landscape and visual qualities of significant coastal features, including small bays, headlands and beaches
 - areas of indigenous vegetation, habitat and ecosystems
 - Mahi kai; and
 - waahi tapu and taonga.
2. To give practical and measurable effects to kaitiakitanga through the up-skill of whanau and hapu in the discipline required.
3. To advocate the enhancement of indigenous plants species held to be high cultural importance to Ngāti Te Hapu.
4. To promote the implementation of management models that will protect customary fisheries and give effect to kaitiakitanga in the coast and marine environment such as taiapure, mahi mataitai and rāhui. This must proceed or compliment the establishment of a marine reserve.
5. To establish a quarantine-based research program when translocation and introductions of exotic species are proposed.

33.8.3 Management Guidelines

1. Advocate the protection of areas containing native plants surrounding waterways and foreshore.
2. Promote the re-vegetation in indigenous species of disturbed and/or eroded areas.
3. Recognise and protect the significant landforms and landscapes of the Motuiti coast.

4. Ensure buildings and developments are in sympathy with the physical and visual characteristics of the coast environment.
5. Protect fragile cliffs and eroded coastal areas through:
 - Limiting land-use activities, including earthworks and any extractive industry, which may have an adverse effect on the coastal environment;
 - Controlling the removal of vegetation and any disturbance to ecosystems and, in particular indigenous flora and fauna;
 - Monitoring erosion rates and any flooding that occurs;
 - Monitoring and controlling the effects of dredging and reclamation;
6. Integrate the management of streams contributing to the coastal areas with need to be maintained of adjacent coastal ecosystem.
7. Ensure every damming proposal includes an evaluation of effects of sediment trapping on coastal stability.
8. Ensure that roading and land management do not contribute to coastal erosion problems.
9. Avoid further reclamation of streams and swamp areas until it is proven that this will not further degrade the health of these areas.
10. Control and monitor visitor and recreation activities within the coastal margins to avoid adverse effects on the cultural values of the area.
11. Control the erection and location of jetties and other buildings in the foreshore area to minimise adverse environmental impacts.
12. Avoid adverse effects on waahi tapu, mahi kai and landscape values through the use of vehicles, motorcycles and off-road vehicles in wetlands.
13. Limit the use of vessels in sensitive areas of coastal lagoons and wetlands to prevent the disturbance of dependent species.
14. Delay implementation of a Marine Reserve until customary fisheries management models, such as mahi mataitai and taiapure are implemented.
15. Oppose the harvesting of algae where it is unsustainable and causes adverse environmental effects.
16. Encourage land-based aquaculture projects as an alternative to marine-based. Effluent discharges from projects must be treated on land.

17. Provide for quarantine-based research programs when translocation and introduction of exotic species are proposed.
18. Install collection facilities at all ports (Tauranga harbour) for the collection of ships board sewerage and develop protocols to control the discharge of bilge and ballast water in the coastal environment that affects the island of Motuiti
19. Monitor sewerage effluent discharge from the shores of Papamoa to the coastal environment of Motuiti which has significant adverse effects on mahi kai areas.
20. Monitor leachate from tip sites adjacent to wetland areas and seek to rehabilitate adversely affected environments.
21. Designated areas for the purpose of spreading ashes from cremation and sea burials, taking into consideration tidal flows and currents. This is to ensure that this activity is in harmony with cultural values.
22. Encourage riparian planting on tributaries to reduce contaminants passing into the waterways.
23. Establish and adhere to timeframes for the elimination of human effluent and point-source effluent discharges to the coastal environment.
24. Investigated the effects of dredging in the wetlands and adjacent coastal environment.
25. Facilitate the involvement of Ngāti Te Hapu in monitoring and conduction of scientific surveys of coastal habitat which achieves effective hapu participation in management processes.





Figure 36 Rongorongo Rock (tablet)

Plan of Marumaru temple carved on stone a series of squares and triangles carved into the rock relates to the Egyptian measurements used to build the temple. This significant rock found at Otungahoro where the ancient people dismantled large rocks, a yard or workshop hence the name; Otungahoro (dismantling yard)



Figure 37 Basic Whare Puni

The exterior cladding is constructed of natural resources - raupo and manuka, weaved together by harekeke (native flax).

Whare Punui is a simple structure and the use of natural resources for shelter from the elements. Although the whare puni concept has been superseded with more modern type homes, the basic lifestyle still remains.

The modern system and structure of homes under the Resource Management Act endeavour to supersede the indigenous rights maintained under their own governance since the signing of the Treaty 171 years ago. The concept of 'building consents' is required under the R.M.A towards health and safety; nonetheless, insurance of houses on the island do not meet the criteria under house insurance policy scheme, therefore, the bureaucrat system is not applicable as the land value is not measured by monetary value (e.g.) property development, resale price and insurance.

S34; Information, Notification, Monitoring and Enforcement



Figure 38 Motiti Island

Photograph by Chris Parker Photography Mount Maunganui

Moutere o Motuiti is a significant food resource of the indigenous people under threat from commercial operators and over fishing. Motuiti is also significant to the boating public of Tauranga alongside others, places a huge burden on the fin fish and shellfish population.

Measurements towards sustainability (Marine Reserves) need to be implemented to enable the resources to re-generate. The realisation is that amateur fishermen are on the increase every year; however, regulation limit catch bags are never taken into account in terms of sustainability of the resources, as opposed to the commercial fixed quota system. Then one needs to take into account the charter operators who in reality ought to be placed under a quota system.

Moutere o Mouiti is the back door to the city of Tauranga and will always be the fish haven of the amateur fisherman and commercial operators, long term strategic plan must be implemented.

34.1.2 The Need for Continual Improvement

Whether an issue is of local, regional or national significance, the responsibility for implementing practices that will lead to the sustainable management of resources lies with the individual resource user. This is regardless of whether title to the land is with an individual, company, local authority or the Crown.

Sustainable management requires resource users to commit to the development and implementation of best management practices and a process of continual improvement to avoid, remedy or mitigate the actual or potential effects of their activities.



The diagram is an illustration of the continual improvement model. This is similar to Total Quality Management (e.g. ISO 9000) and Environment Management Systems (e.g ISO 14000).

The requirement for resource users, land owners and decision makers to identify and understand the best management practices reinforces the need to:

- collect detailed and accurate information; and
- monitor the appropriateness of, and the effects of management techniques.

34.1 Introduction

Kaitiakitanga requires regular involvement with the management of resources through observing, monitoring and addressing the effects of people’s activities on resources. Kaitiakitanga together with the promotion of the sustainable management of resources is dependent upon;

- the availability of relevant and adequate information; and
- monitoring;
 1. The overall health of the environment;
 2. The environmental effects of resource use; and
 3. Compliance with resources consent and concession conditions.

34.1.3 Information

At present, the concern is that for a number of resources and in a number of locations there is insufficient data upon which Ngāti Te Hapu and possibly Council and Government agencies, can make decisions.

Particular concerns are as follows:

- There is currently no means to determine how much water is allocated and abstracted per stream or per catchment.
- There is insufficient recording of suspended organic and inorganic matter and nutrient concentration in the island's waterways.
- Inadequate performance standards and monitoring systems are being applied to resource users.
- There needs to be further investigations of the level of contamination by heavy metals.

Therefore management techniques and environmental management systems that result in the introduction of the following methods are supported.

- The establishment of technical databases for land, air, coastal and water use management. These would benefit the council, hapu and existing and potential resource users.
- The establishment of databases for the management of waste and hazardous substances, collecting data relating to use, treatment and disposal.
- The establishment of databases or information systems that record:
 1. Native fisheries, their habitat and the sites where they are found; and
 2. Rare species and plants and the sites where they are found. Research being undertaken to determine the effects of non-point source contaminants from land use management on watercourses.

- Research being undertaken for selected watercourses to determine the critical flow requirements in terms of quantity, quality and timing of flows in the watercourse that are necessary;
 1. To sustain habitats, including streams and wetlands habitats;
 2. To maintain and open stream outlet; and
 3. To guide decision makers as abstractions, discharges, damming or diverting water should not exceed these critical requirements

- Research to investigate the:
 1. extent to coastal erosion has impacted upon waahi tapu and ancestral lands;
 2. effects of reclamation on tidal systems; and
 3. Effects of dredging on the wetlands and the adjacent coastal areas.

- Research to assess the side effects of pest management strategies (such as the use of poisons) on water resources and other environmental values.

34.1.4 Information to accompany a resource consent application

Pursuant to s.88 of the Resource Management Act, applicants seeking resource consent need to consult the hapu. In order for the hapu to be able to assess the actual or potential impacts of the proposal to the hapu and make an informed decision, sufficient information needs to accompany the application. To address the issue that has been identified in Chapter 13 of this Plan, applications should be guided by the following information requirements.

(a) The Description of the Proposed Activity

When providing a description of the activity for which the resource consent is sought the following information should be provided:

1. Details of services that need to be provided, in particular water supply and the proposed methods of stormwater and effluent disposal.
2. Details of any site work which include earth works and/or the removal of vegetation and indigenous trees.
3. Details of the use of any hazardous materials including transportation, storage and disposal.
4. Detail of the quality of discharges to water, land and air, and the maximum concentration of contaminants in the discharge.

(b) The Description of the Existing Environment

When describing the existing environment applicants should describe:

1. The location of any areas of indigenous vegetation, wetlands, watercourse and/or drainage systems.
2. The location of any protected site/item.
3. The native flora and fauna found in the existing site.
4. The degree or rarity of the native flora and fauna.

(c) Assessment of Impacts

The impacts of the activity, in relation to points 1-4 above, should be identified.

(d) Mitigation Measures

Any measures that the applicant believes will mitigate the adverse effects of the proposal should be identified, for example, an alternative wetland may be created.

34.1.5 The roles of hapu in the Gathering of Information

For the hapu to fully accept the opportunities to participate in the resource management process that are afforded by the Resource Management Act, they need to ensure that relevant and appropriate information is collected and made available.

To ensure this, Council, Government agencies and resource users will be encouraged to:

1. Contract Ngāti Te Hapu to collect and supply information where they consider it appropriate, undertake research projects or specific projects that are necessary to address the issue that are of concern to Ngāti Te Hapu and;
2. Ensure Ngāti Te Hapu input to plan preparation of councils; and
3. Provide Ngāti Te Hapu with the opportunity to participate fully in the resource consent process.

Because of the complexity of many resource issues, the decision making body whether it be the Council, Government agency, or the resource user, they will need to implement procedures to enable the effective participation of Ngāti Te Hapu in the resource management process. Ngāti Te Hapu may need:

- advice on the type of consent, concession or permit that is being sought;
- the provision of sufficient information;
- the assistance and advice of a technical advisor or consultant;

- an assessment of the effects of the proposal or plan on hapu values;
- notification of all consents where the proposal impacts on hapu values;
- to be advised of the proposed conditions that are to be attached to a consent, concession or permit that is sought;
- once the consent is granted, the conditions of the consents and the monitoring programs that is to be implemented.

Establish procedures that provide for technical assistance to be given to Ngāti Te Hapu, when requested, to enable their informed participation in the resource management process.

- The activity will result in a discharge to water
- The application is for a coastal permit;
- The activity is within the immediate vicinity of a site that is identified as a waahi tapu or waahi taonga.
- The activity proposes an alteration to an area of indigenous vegetation; or
- The riparian area of a watercourse may be modified by the activity.

34.1.6 Monitoring

This plan is to be a living document. To achieve this Ngāti Te Hapu will adopt a proactive approach by:

- Monitoring the effectiveness of its objectives, policies and statements in addressing the issues identified in Chapter 13 of this Plan. This will require Ngāti Te Hapu to work closely with Councils, Government agencies and resource users to ensure that the information they collect through their monitoring activities is sufficient to enable the effectiveness of the management strategies detailed in the plan to be assessed. Ngāti Te Hapu will be able to assess whether:
 1. The information provided by applicants for resource consents, the technical reports of Council and the conditions that are attached to a consent; and
 2. The management strategies set out in planning documents.
 3. Take cognisance of the provisions of this plan.
- For key locations or resources, the hapu will also seek to obtain information that is collected from site specific monitoring programs that are introduced for:
 1. Waste management.
 2. Recording surface and groundwater hydrology.

3. Water resources to provide information about the characteristics of fresh water, including water quality.
4. Monitoring water quality changes may result from trailing or adoption of riparian management strategies.
5. Water quality of the waterways and coastal areas.

- Where the hapu have been involved in the resource consent process and it has resulted in conditions being attached to the consent to meet the hapu concerns, compliance monitoring will be important. The information that is collected from compliance monitoring may be sought by the hapu.

34.1.7 The Role of the Hapu in Monitoring

The monitoring responsibilities of Councils are clearly defined in legislation. It needs to be acknowledged that the hapu shares similar interests in monitoring both the state of the environment and compliance with resource consents. Article II of the Treaty clearly defines the hapu statutory involvement of their native resources.

A formal means of acknowledging this interest which Council and resource user may wish to adopt is to;

- Provide opportunities for the hapu to participate in the design of monitoring programs and seek to contract their involvement in monitoring activities.

34.1.8 Enforcement

Councils, Government agencies and resource users will need to actively address the hapu interest when;

- formulating plans
- processing consents, permits or concessions
- developing environmental management systems; and
- exercising their rights to use and develop resources.

Failure to recognise, accommodate and comply with the requirements of this plan will need to be addressed by Ngāti Te Hapu.

Ngāti Te Hapu will seek redress through the:

- Enforcement of Treaty of Waitangi provisions contained in resource management legislation, such as s.4 of the Conservation Act 1987 and s.8 of the Resource Management Act 1991.
- Enforcement of other provisions contained in Resource Management legislation which recognise Ngāti Te Hapu values, such as ss.65(e) & 7(a) of the Resource Management Act 1991;

- Enforce under the general provisions of the Resource Management Act 1991, such as s.311 & 316; and
- Seeking enforcement of the provisions Historical Places Act 1993 relating to the protection of waahi tapu and other archaeological sites.

34.1.9 Adverse effects of activities

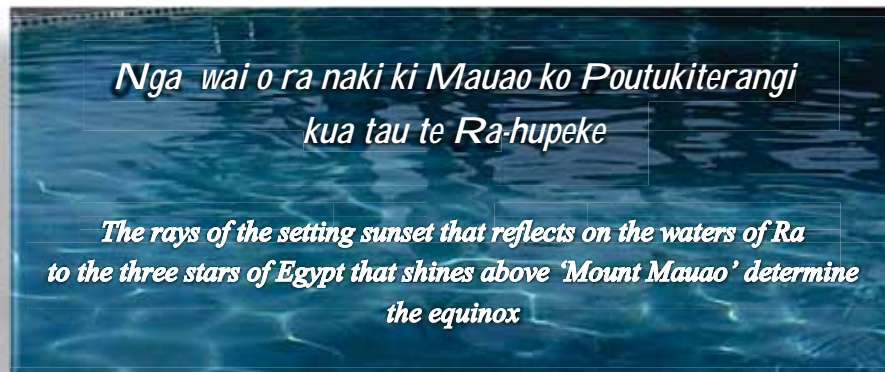
In some circumstances, the effects of an activity once the consent, concession or permit is granted, may be adversely affecting the hapu values to a degree of severity that was not accepted.

Ngāti Te Hapu notes that, with respect to the Resource Management Act, there is a general duty on every person to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried on by; or on behalf of that person, whether or not permitted by a plan, or a resource consent or under s.10 and s.20 existing use rights. Although this duty is not directly enforceable, where the severity of the adverse effect is of significant to the hapu, the use of the enforcement procedures of the Resource Management Act will be considered.



Figure 39 Wairanaki Bay

Wairanaki Bay; refers to a proverb:



Proverb; relates to Mount Mauao that links to the three stars of Egypt (Poutukiterangi) that shines directly above the mountain, in alignment with the arrival of the setting sun, which determines the Equinox. Significant Rocks situated on the shores of Wairanaki Bay known as 'Muriwai' align with 'Tahau' at the setting of the sun on top of Mauao which determines an important time of the year known by the ancient ancestors as Te Rahupeke (Equinox); Māori named this particular time of the year as "Tīmata o te Tau", the beginning of their growing season.



Figure 40 Mount Mauao

Mount Mauao (capture the heavens) named by the ancient Mairoa people

S35; Networking List

Korowai Kahui o Te Patuwai Native Tribal Council

Administrator (Kaiarahi).....

Ph

E-mail.....

Address.....

Moutere o Motuiti Native Administration Council

Administrator (Kaiarahi).....

Ph.....

E-mail address.....

Address.....

Secretary.....

Ph.....

E-mail.....

Address.....

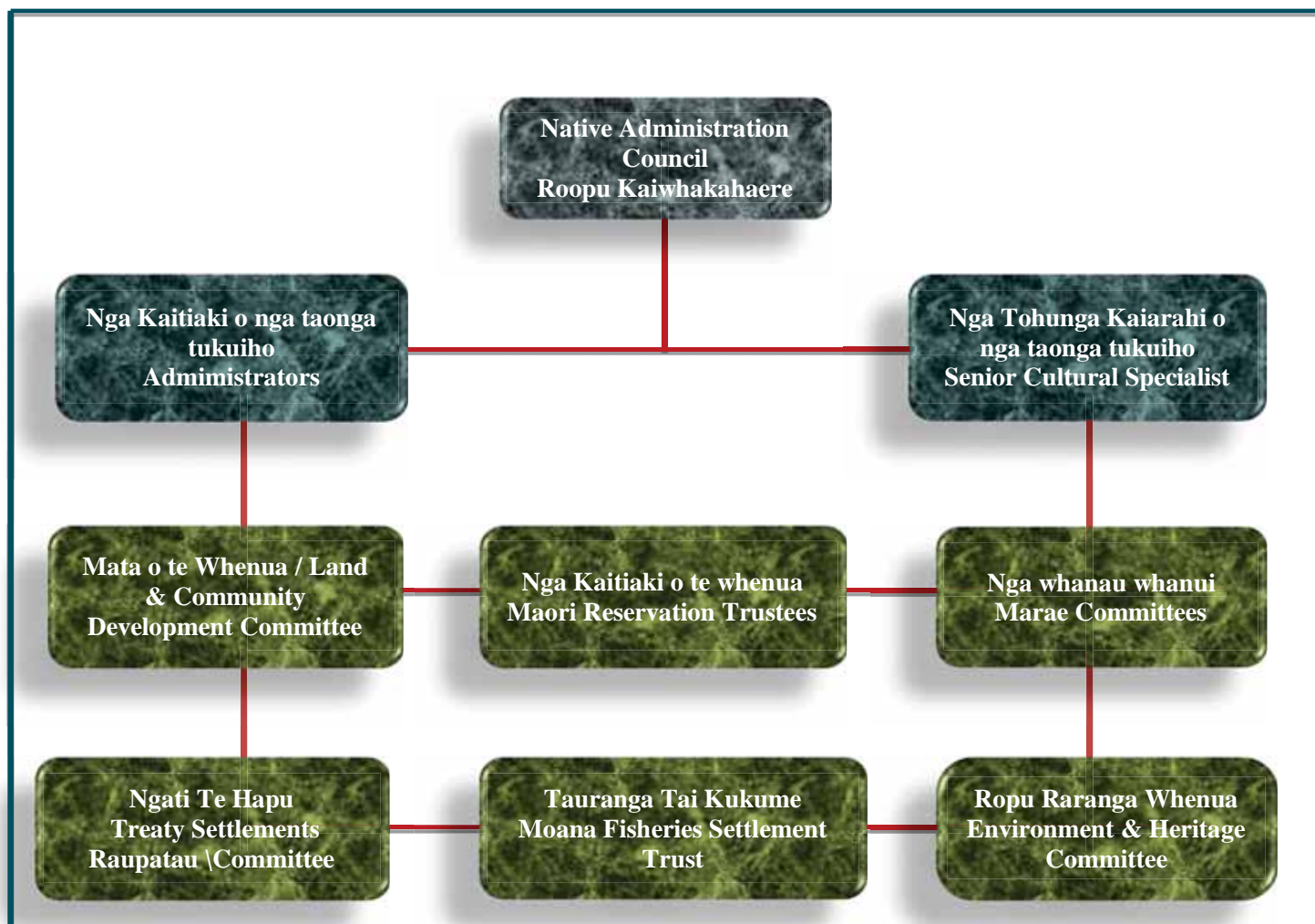
Environment Ngāti Awa Iwi

Manager of Environment Ngati Awa.....

Ph.....

E-mail address.....

Appendix 1;



40.1 Tribal Identity of Ngāti Te Hapu;

Ngāti Te Hapu were simply not subjected to the introduction of Iwi status, therefore is important in Ngāti Te Hapu's view that recognition towards reinstating the legal identity as manawhenua status under the protection of a proposed "Heritage Trust". Its reference sits in the 1867-68 and 1891-95 Maketu and Whakatāne Court minutes. Progress towards this realisation has been sponsored by the native indigenous people of Mouiti and the Te Patuwai Native Tribal Council, the authority whose demise will result from the statutory recognition of Ngāti Te Hapu as legal entity. Through the Te Tari Maori Whenua (Maori Landcourt) is the process through which Ngāti Te Hapu has chosen to re-establish the legal personality of Ngāti Te Hapu as the 'Hapu Manawhenua' of Moutere o Motuiti.

Ngāti Te Hapu is clearly identified in Section (1) of the Native Resource Management Plan under its managing structure to endeavor to be party to the process towards co-operative and co-operation with the governing territorial body of Moutere o Motuiti.

40.1.1 Policy on the Management of Cultural Material

Nga Kaupapa Kaitiaki o nga Taonga Tukuiho

Whakaritenga me te Whakamaramatanga o nga Taonga Tukuiho

Preparation and Understanding of Cultural Material

For the purpose of this policy cultural materials are native resources that were traditionally sought by the Tipuna and which are in many cases still sought today. This includes materials sought for rongoa, art and craft and for the preparation of food gathering or food storage. The policy does not deal with items that have been worked or fashioned by our Tipuna and that may be considered to be an artifact as defined by the Antiquities Act or the Historical Places Act. Nor is this strategy seeking to comment on the issue of customary mahi kai.

40.1.2 Science and Research

There are several organisations that have had long standing arrangements with statutory authorities giving those organisations a priority of access to available materials. These arrangements have been for research purposes and to give effect to the protection of resources, land based flora and fauna and sea based monitoring of seafood resources. The hapu may request co-operative assistance with science and research to benefit the wellbeing of the hapu where appropriate. An example an archeological study may be considered to assist with ancient 'Taonga' monuments found throughout the island.

40.1.3 Cultural Rights

This reflects a growing recognition of the Treaty of Waitangi, in particular article II. To some extent the principles defined by the High Court over the past eight years provide added clarification to the Treaty. The 1989 Crown principles developed by the government indicate the direction, or approach, of the government response to Treaty issues.

40.1.4 Mission Statement

To achieve recognition of Ngāti Te Hapu rangātiratanga in the management of cultural materials, (Taonga Tukuiho) to establish protocols for the Native Administration Council and access to these materials.

Ngāti Te Hapu will consult with the relevant statutory authorities to establish agreement on protocols governing the management and use of cultural materials sourced from within the rohe of Ngāti Te Hapu. In this consultation the objectives of Ngāti Te Hapu Administration Council will be to establish an agreement to the following points as the basis for future towards co-operative and co-operation management of cultural materials.

40.1.5 Rangatiratanga

Ngāti Te Hapu do not consider the statutory authorities to be traditional kaitiaki of cultural materials but recognise and acknowledge the statutory role played by central and local government in the management of many cultural materials.

Ngāti Te Hapu will negotiate with the relevant statutory authorities to establish agreement on protocols governing the management and use of cultural materials sourced from within the the rohe of Ngāti Te Hapu. In this process Ngāti Te Hapu will seek to establish agreements to follow the points as the basis for future management of these resources.

- (a) Te Hapu maintains that they have a traditional role as kaitiaki of resources within the rohe of Ngāti Te Hapu and will seek recognition of that role from agencies and organisations.
- (b) Access protocols must be developed that are durable in the long term and recognised Ngāti Te Hapu kaitiakitanga.
- (c) Ngāti Te Hapu claim a prior right to use of cultural materials sourced from within the traditional structure.
- (d) Ngāti Te Hapu must be consulted in the advent of applications for access to cultural materials from other parties both Māori and non-Māori organisations.
- (e) Ngāti Te Hapu will promote the protection and enhancement of cultural materials.
- (f) Ngāti Te Hapu must be consulted in planning for protection and enhancement of cultural materials.

40.1.6 Scientific Enquiry

In exercising its rangātiratanga, Ngāti Te Hapu recognises the legitimate interest of scientific enquiry as long as intellectual property rights are absolutely safeguarded. The hapu will endeavor to accommodate genuine scientific concerns.

40.1.7 Consultation

Effective communication will be developed between Ngāti Te Hapu and other organisations to ensure the view point of our cultural perspective is understood and accepted.

It is recognised that in sensitive cases hapu may withhold details. Ngāti Te Hapu will ensure lines of communication are opened with various policy making groups of relevant organisations, to ensure that policies and procedures involving cultural materials will be developed in partnership with Ngāti Te Hapu.

- (a) Where there are differing points of view for the management of cultural materials, all policies and outcomes must achieve the protection of the cultural bases of the hapu.
- (b) The protection and management of cultural materials for the maintenance of cultural customs and practices should be primary consideration.

40.1.8 Kaitiakitanga

Native Administration Council will organise regional cultural material banks under the following protocols;

- (a) ‘Cultural Material Banks’ (Taonga Tukuiho) will sit inside Te Patuwai Native Tribal Council.
- (b) ‘Taonga Tuku iho’ should be established on the marae throughout the traditional tribal areas as an acknowledgement of the mana of the traditional important material.
- (c) Native Administration Council will establish a hapu register of available resources.
- (d) Ngāti Te Hapu expects statutory bodies to provide the means to establish the rāhui mechanism in appropriate legislation.
- (e) Where there is a need for more specialist advice in organising and maintaining ‘Taonga Tuku iho’, Native Administration Council will gain acknowledgement of the Te Patuwai Morehu Pakeke Council who may consult specialist groups. The Native Administration Council will provide a coordinating role available to the management of cultural materials in the region of the Island of Motuiti.

40.1.9 Advisory Body

That an advisory body to Korowai Kahui o Te Patuwai Native Tribal Council be established to recommend such projects that might deem worthy of other iwi recognition and priority of access to cultural material resource.

- (a) Ngāti Te Hapu recognised that while mana tangata is accorded the appropriate status, no individual shall be recognised as having prior right to a cultural material management by the hapu.
- (b) That the Native Administration Council of Moutere o Motuiti will compile a register of suitably qualified persons who are available to be consulted on material matters either collectively or individually as appropriate.

This policy does not cover beneficial rights granted by succession to the Māori Land Court. It does not seek to interfere unduly with trust or incorporations who wish to manage their own resources.

Native Administration Council shall when necessary place rāhui on items or areas requiring rejuvenation or spelling. Te Patuwai Native Tribal Council will be notified and will maintain a register of rāhui, location and type. Statutory authorities will be notified by Native Administration Council to take appropriate action.

40.1.10 Tikanga

Ngāti Te Hapu advocates that the traditional information base of hapu be recognised and developed for the furtherment of our knowledge and understanding relating to the ecology of a species, albeit flora and fauna.

Native Administration Council will work in co-operation with appropriate organisations and individuals to provide traditional knowledge of cultural resources where that is needed for planning.

- (a) It is the policy of Ngāti Te Hapu that the use of cultural material shall be managed in accordance with the tikanga of Ngāti Te Hapu.

The Native Administration Council will promote wananga for the teaching of tikanga pertaining to the gathering and use of cultural material and development of traditional skills.

They will develop the information base necessary for management of cultural material banks.

40.1.11 Management Plans

Ngāti Te Hapu supports the development of suitable management plans and strategies leading to the enhancement, conservation and availability of all materials used for cultural materials.

Ngāti Te Hapu programs will need to be set in place to monitor the levels of harvesting against the sustainability of the resources.

- (a) Where traditional values relating to certain materials come into conflict with commercial aspirations, traditional values shall be accorded priority.

Native Administration Council will ensure that where a resource is listed as a protected species, the final use of the material will be consistent with law.

Ngāti Te Hapu supports the intent of legislation for the management of flora and fauna that are consistent with the Treaty of Waitangi.

40.1.12 Economic Compatibility

Ngāti Te Hapu recognises that an element of financial gain may benefit a cultural practice e.g. a carver or unemployed person with cultural skills would benefit a cultural practice while achieving an economic gain. Where a financial gain advantage may be gained from the use of a scarce material, the decision on whether it may be an appropriate use of the material shall be made on a case by case basis by the Native Administration Council.

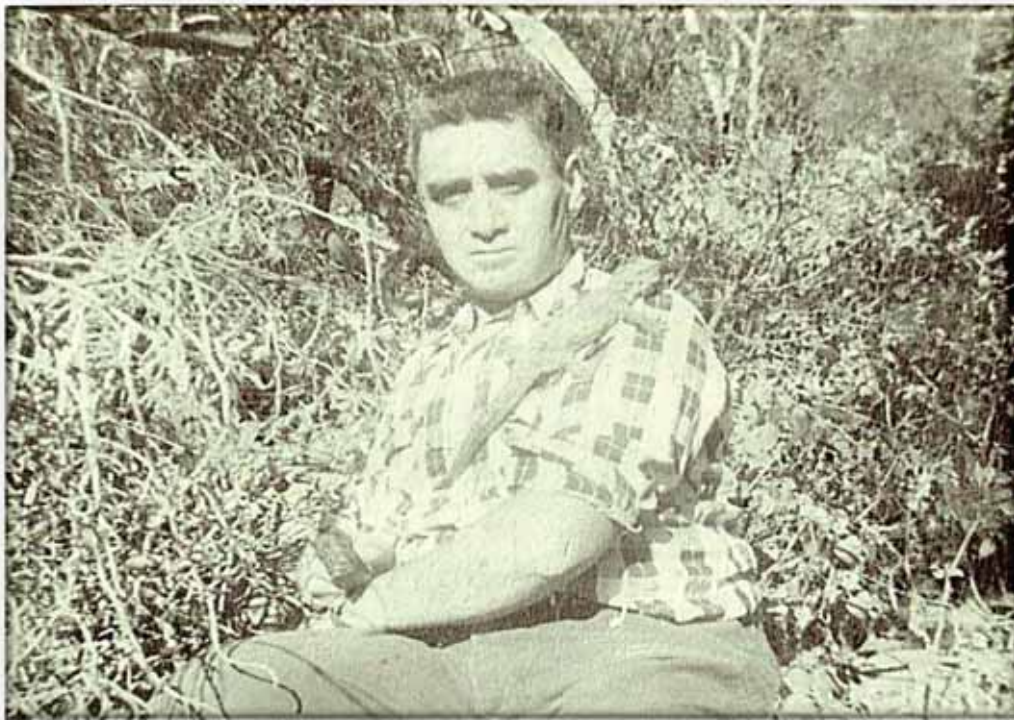


Figure 41 Tuatara o Mairoa

Native Tuatara;

Native reptile the last survivors of the ancient world once roamed freely through out the island has surcome to the modern world of colonization, unique species named by the ancient Uru people. The Tuatara no longer found on the island, efforts by the indigenous people to relocate on neighbouring island where a large population is survived on Motunau Island eight kilometers east of Moutere o Motuiti. The mythology of this ancient species is captured on the carvings found at Toroa Marae Pupuaruhe in Ngati Awa district.

Appendix; 2; Networking List;

41.1 Site Location Form;

Block Title No.:		NZAA Site No.:	
General Location:		Site Classification:	
Current ownership:		Address:	
Currently managed by:		Submitted by:	
Address:		Phone No.:	
Date of application:			
Application purpose, intended land usage:			
GPS site location;			
Site Classification – Historical Significant Site; Waahi Tapu, Waahi Taonga:			
Information available: (re Oral or otherwise)			
On site consultation Kanohi ki te Kanohi			

41.2 Authorise Cultural Inventory;

Organisation;	Assessment and References	Reference Document; No;	Reference Map no;
Native Administration Council\ Consultation Report;			
Tohunga\ Cultural Heritage Waahi Tapu Site Report;			
Archeological\ Cultural Heritage Waahi Tapu Site Report;			
NZ Historic Places Trust\Waahi Tapu Site			
BOP Regional Council Environment Report;			
Runanga o Ngati Awa Environment Report;			
Authorising Agent;Native Administration Council			
	Signature;	Date;	

Appendix 3; Key to the Maps;

42.1; Map 19; Waahi Tapu and Waahi Taonga Sites

Each entry has a numerical sequence at the left hand margin. A letter following the entry number denotes the order of each entry

Location of significant sites is set out as a four grid column with an entry reference to number of the site.

The page number relates to specific cultural heritage site information that sits within the cultural frame work of;

Native / Cultural Heritage Waahi Tapu Document 2011 Edition (CH)

Table 1 - Waahi Tapu and Waahi Taonga Sites

Entry	Map No.	Location		See Page no; CH
M1	19	37°36'14.42"S	176°24'59.35"E	CH-P60
M2	19	37°36'13.47"S	176°24'52.97"E	CH- P60
M3	19	37°36'7.97"S	176°25'11.23"E	CH-P61
M4	19	37°36'26.72"S	176°25'26.62"E	CH-P61
M5	19	37°36'28.72"S	176°25'24.15"E	CH-P62
M6	19	37°36'44.61"S	176°25'49.27"E	CH-P62
M7	19	37°36'53.89"S	176°25'59.18"E	CH-P63
M8	19	37°36'54.25"S	176°26'8.47"E	CH-P63
M10	19	37°37'12.79"S	176°26'11.90"E	CH-P64
M11	19	37°37'14.36"S	176°26'15.21"E	CH-P64
M12	19	37°37'22.60"S	176°26'8.81"E	CH-P65
M13	19	37°37'29.03"S	176°26'5.30"E	CH-P65
M14	19	37°37'43.76"S	176°25'52.24"E	CH-P66
M15	19	37°37'53.98"S	176°25'43.20"E	CH-P66
M16	19	37°38'10.29"S	176°25'38.30"E	CH-P67

Entry	Map No.	Location		See Page no; CH
M17	19	37°38'25.69"S	176°25'26.59"E	CH-P68
M18	19	37°38'34.37"S	176°24'53.59"E	CH-P69
M19	19	37°38'46.39"S	176°24'26.02"E	CH-P69
M20	19	37°39'12.66"S	176°24'23.70"E	CH-P70
M21	19	37°37'28.41"S	176°24'31.11"E	CH-P70
M22	19	37°37'27.15"S	176°24'50.92"E	CH-P71
M23	19	37°37'21.60"S	176°24'54.01"E	CH-P72
M24	19	37°37'10.82"S	176°24'55.04"E	Ch-P72
M25	19	37°37'9.60"S	176°24'52.49"E	CH-P73
M26	19	37°37'1.99"S	176°25'2.74"E	CH-P73
M27	19	37°36'35.78"S	176°24'55.13"E	CH-P74
M28	19	37°36'30.74"S	176°24'59.51"E	CH-P74
M29	19	37°36'50.71"S	176°25'17.35"E	CH-P75
M30	19	37°36'54.60"S	176°25'16.95"E	CH-P75
M31	19	37°36'53.47"S	176°25'19.49"E	CH-P76
M32	19	37°37'9.66"S	176°25'4.05"E	CH-P76
M33	19	37°37'10.45"S	176°25'15.86"E	CH-P77
M34	19	37°37'15.72"S	176°25'14.91"E	CH-P77
M35	19	37°37'41.75"S	176°25'13.08"E	CH-P77
M36	19	37°37'39.87"S	176°24'52.09"E	CH_P78
M37	19	37°37'50.00"S	176°24'59.04"E	CH-P78
M38	19	37°37'33.54"S	176°24'40.58"E	CH-P79
M39	19	37°38'18.21"S	176°25'2.86"E	CH-P79
M40	19	37°37'12.78"S	176°25'45.03"E	CH-P80
M41	19	37°36'33.26"S	176°24'59.83"E	CH-P82
M42	19	37°38'10.80"S	176°24'46.31"E	CH-P82
A1	19	37°36'7.97"S	176°24'59.35"E	CH-P85

Entry	Map No.	Location		See Page no; CH
A2	19A	37°36'11.84"S	176°25'3.67"E	CH-P85
A3	19A	37°36'25.53"S	176°25'25.28"E	CH-P88
A4	19A	37°36'34.77"S	176°25'36.32"E	CH-P89
A5	19A	37°36'34.31"S	176°25'45.33"E	CH-P89
A6	19A	37°37'9.26"S	176°26'53.47"E	CH-P90
A7	19A	37°37'7.96"S	176°25'16.05"E	CH-P91
A8	19A	37°37'8.11"S	176°25'16.19"E	CH-P92
A9	19A	37°37'9.60"S	176°25'16.05"E	CH-P94
A10	19A	37°37'18.63"S	176°25'13.61"E	CH-P95
A11	19A	37°37'28.58"S	176°24'40.70"E	CH-P97
A12	19A	37°37'18.63"S	176°25'13.61"E	CH-P101
A13	19A	37°38'3.35"S	176°24'40.70"E	CH-P101
A14	19A	37°37'58.22"S	176°25'25.66"E	CH-P101
A15	19A	37°38'54.61"S	176°24'30.53"E	CH-P112
A16	19A	37°39'12.66"S	176°24'23.70"E	CH-P114
A17	19A	37°39'19.53"S	176°24'59.52"E	CH-P117
A18	19A	37°38'44.12"S	176°25'3.63"E	CH-P117
A19	19A	37°37'15.73"S	176°25'34.41"E	CH-P117
A20	19A	37°36'30.40"S	176°24'56.84"E	CH-P118
A21	19A	37°37'15.73"S	176°25'34.41"E	CH-P119
A22	19A	37°36'31.26"S	176°24'56.84"E	CH-P120
A23	19A	37°36'31.55"S	176°24'57.04"E	CH-P121
A24	19A	37°36'33.19"S	176°24'57.68"E	CH-P122
A25	19A	37°37'39.87"S	176°24'52.09"E	CH-P122
A26	19A	37°37'42.52"S	176°25'41.76"E	CH-P123
A27	19A	37°37'34.00"S	176°26'20.21"E	CH-P123
A28	19A	37°38.033'S	176°25.694'E	CH-124
A29	19A	37°38.092'S	176°25.782'E	CH-124
A30	19A	37°37.821'S	176°26.240'E	CH-P124



Figure 42 Map No. 19A - GPS Locations of Waahi Tapu



Figure 43 Wairere Bay

Wairere Bay is the landing place of the Te Arawa and Tainui waka. Refer to a proverb;

*Manawa tuwhera e popoki ana i te upoko putanga o nga wairere e
pupu ana e wawa ana*

*Mystical sounds of the waters that flow from the heart of this peaceful island, the
doorway to this spiritual land.*

This area refers mainly to the springs that created the water fall (Wairere) above the Bay, significant to those people aboard the canoes who were drawn towards this particular area as the doorway to this sacred land. The contour of the bay was more of a “U” shape in that particular period, named by High Priest Ngatoroirangi as “Nga Whetu o Matarehua”, replica of the guiding star “Rehua” known by astronomers as the Scorpion, particular group of stars that guide the waaka’s to Awatearoa.

43.1; Map 20; Waterways; Nga Wairere me nga Reporepo

Each entry has a numerical sequence at the left hand margin. A letter following the entry number denotes the order of each entry

Location, GPS, Catalogue and Inventory

Location of significant sites is set out as a four grid column with an entry reference to number of the site.

The map page number relates to specific cultural heritage detail that refer to the waterways and site information that sits within the cultural frame work of;

Native / Cultural Heritage Waahi Tapu Document 2011 Edition (CH)

Table 2 - Map No. 20 Significant Waterways

Entry	Map No.	Location		Page no;
W1	20A	37°36'35.90"S	176°25'17.91"E	CH-P132
W2	20A	37°36'47.14"S	176°25'11.39"E	CH-P132
W3	20A	37°36'40.41"S	176°25'24.48"E	CH-P133
W4	20A	37°36'51.54"S	176°25'19.63"E	CH-P133
W5	20A	37°37'0.03"S	176°25'31.68"E	CH-P133
W6	20A	37°36'55.62"S	176°25'43.64"E	CH-P134
W7	20A	37°36'59.38"S	176°25'48.96"E	CH-P134
W8	20	37°37'13.43"S	176°25'39.96"E	CH-P134
W9	20A	37°37'9.57"S	176°25'43.00"E	CH-P134
W10	20A	37°37'15.75"S	176°25'34.04"E	CH-P135
W11	20A	37°37'12.34"S	176°25'57.60"E	CH-P135
W12	20A	37°37'14.37"S	176°26'7.38"E	CH-P135
W13	20A	37°37'25.99"S	176°26'6.14"E	CH-P136
W14	20A	37°37'29.45"S	176°26'0.18"E	CH-P136
W15	20A	37°37'37.31"S	176°25'40.47"E	CH-P136
W16	20A	37°37'42.52"S	176°25'41.76"E	CH-P136
W17	20A	37°38'0.51"S	176°25'38.49"E	CH-P137

Entry	Map No.	Location		Page no;
W18	20A	37°38'23.57"S	176°25'22.44"E	CH-P137
W19	20A	37°38'17.83"S	176°25'12.29"E	CH-P137
W20	20A	37°38'7.34"S	176°25'14.06"E	CH-P137
W21	20A	37°38'42.33"S	176°24'25.35"E	CH-P138
W22	20A	37°37'51.51"S	176°24'53.93"E	CH-P138
W23	20A	37°37'46.39"S	176°25'7.13"E	CH-P138
W24	20A	37°37'40.77"S	176°25'19.86"E	CH-P139
W25	20A	37°37'34.45"S	176°25'4.60"E	CH-P139
W26	20A	37°37'37.52"S	176°24'46.40"E	CH-P139
W27	20A			CH-P140
W28	20A	37°37'19.43"S	176°24'56.37"E	CH-P140
W29	20A	37°37'18.11"S	176°24'59.87"E	CH-P140
W30	20A	37°37'21.82"S	176°25'13.12"E	CH-P140
W31	20A	37°37'14.74"S	176°25'18.59"E	CH-136
W32	20A	37°37'12.63"S	176°25'15.73"E	CH-136
W33	20A	37°37'4.35"S	176°25'5.95"E	CH-136





Figure 45 Map No. 20A - GPS Locations of Significant Waterways

44.1; Map 22; Ancient Fisheries Grounds; Nga Papa Hi Ika

Each entry has a numerical sequence at the left hand margin. A letter following the entry number denotes the order of each entry

Location GPS, Catalogue and Inventory

Location of significant sites is set out as a four grid column with an entry reference to number of the site.

The map page number relates to specific detail that refers to the ancient fishing grounds sites and information that sits within the cultural frame work of ;

Native / Cultural Heritage Waahi Tapu Document 2011 Edition (CH)

Table - 3 Ancient Fishing Grounds; Map no; 22

Entry	Map No.	Location		Page No.
F1	22B	37°31.411'S	176°25.619'E	CH-P159
F2	22B	37°32.447'S	176°25.618'E	GH-P159
F3	22B	37°36.130'S	176°24.887'E	CH-P159
F4	22B	37°34.486'S	176°24.836'E	CH-P159
F5	22B	37°34.962'S	176°21.758'E	CH-P160
F5A	22B	37°34.5'S	176°22.736'E	CH-P160
F6	22B	37°36.173'S	176°24.778'E	CH-P160
F7	22B	37°36.582'S	176°24.758'E	CH-P160
F8	22B	37°36.529'S	176°24.838'E	CH-P160
F9	22B	37°37.457'S	176°24.317'E	CH-P161
F10	22B	37°36.602'S	176°24.722'E	CH-P161
F11	22B	37°37.141'S	176°23.839'E	CH-P161
F12	22B	37°38.003'S	176°23.855'E	CH-P161
F13	22B	37°38.802'S	176°24.095'E	CH-P161
F14	22B	37°39.255'S	176°23.715'E	CH-P161
F15	22B	37°39.872'S	176°23.530'E	CH-P162
F16	22B	37°38.948'S	176°24.393'E	CH-P162
F17A	22B	7°39.103'S	176°24.160'E	CH-P162

Entry	Map No.	Location		Page No.
F17B	22B	37°39.182'S	176°24.085'E	CH-P162
F18A	22B	37°38.722'S	176°24.396'E	CH-P162
F19	23B	37°37.679'S	176°24.241'E	CH-P162
F20A	22B	37°37.464'S	176°24.754'E	CH-P162
F20B	22B	37°37.438'S	176°24.579'E	CH-P162
F21	22B	37°37.256'S	176°24.842'E	CH-P163
F22	22B	37°37.128'S	176°24.931'E	CH-P163
F23	22B	37°37.005'S	176°25.003'E	CH-P163
F24	22B	37°36.796'S	176°24.805'E	CH-P163
F25	22B	37°36.610'S	176°24.828'E	CH-P163
F26	22B	37°36.446'S	176°24.907'E	CH-P163
F28	22B	37°36.237'S	176°25.281'E	CH-P164
F29	22B	37°36.512'S	176°25.523'E	CH-P164
F30	22B	37°36.599'S	176°25.727'E	CH-P164
F31	22B	37°36.761'S	176°25.949'E	CH-P165
F32	22B	37°36.871'S	176°26.200'E	CH-P165
F33	22B	37°37.157'S	176°26.214'E	CH-P165
F34	22B	37°37.145'S	176°26.896'E	CH-P165
F35	22B	37°37.176'S	176°26.616'E	CH-P165
F36	22B	37°37.387'S	176°26.203'E	CH-P166
F37	22B	37°37.565'S	176°26.350'E	CH-P166
F38	22B	37°37.821'S	176°26.240'E	CH-P166
F39	22B	37°37.727'S	176°25.906'E	CH-P166
F40A	22B	37°38.033'S	176°25.694'E	CH-P166
F40B	22B	37°38.092'S	176°25.782'E	CH-P166
F41	22B	37°38.202'S	176°25.689'E	CH-P167
F42	22B	37°38.431'S	176°25.749'E	CH-P167
F43	22B	37°38.457'S	176°25.485'E	CH-P167
F44	22B	37°38.512'S	176°25.375'E	CH-P167

Entry	Map No.	Location		Page No.
F45	22B	37°38.746'S	176°25.065'E	CH-P167
F46	22B	37°38.914'S	176°24.710'E	CH-P167
F47	22B	37°39.316'S	176°24.986'E	CH-P168
F48	22B	37°41.228'S	176°26.010'E	CH-P168
F50	22B	37°40.580'S	176°32.036'E	CH-P168
F51	22B	37°37'3.30"S	176°25'4.44"E	CH-P169
F52	22B	37°36.655'S	176°29.312'E	CH-P169
F53	22B	37°36.479'S	176°31.585'E	CH-P169
F54	22B	37°36.652'S	176°27.494'E	CH-P170
F55	22B	37°35.650'S	176°26.208'E	CH-P170
F56	22B	37°36.545'S	176°24.916'E	CH-P170
F57	22B			



Figure 46 Rangitahua Pa Site

*Te Rangi whakāta hua te tara hiki o Kiripahaka ko Patupae ki te Uru "kua tau te Rapoto"
Reflection of the rising sun that connects to "Kiripahaka rock" that links to the setting sun on the
western rangers (Patupae ki te uru) determines the shortest day (winter solstices)*



Figure 47 Map No. 22 - Ancient Fishing Grounds and Shellfish Gathering

Table - 4 Fish and Shellfish Species

Fish Species	English Name	Shellfish Species	English name
H1. Tamure	Snapper	S1.Kina Whawhero	Sea egg (orange)
H2. Paheha	Reef Snapper	S2.Paua	Abolone
H3. Whakaripi	Red snapper	S10.Kina Whatawa	Sea egg (yellow)
H4. Hapūku	Bass	S4.Pupu	Cats eye
H5. Karutataka	Bass	S5.Pupu-rore	Large cats eye
H6. Moeone	Bass, Bluenose	S6.Matangarehu	Large cats eye
H7. Haku	Kingfish	S7.Matangongore	Large cats eye
H8. Kahawai	Sea trout	S8.Nokihi	type of wrinkle
H9. Aturere	Yellow fin Tuna	S9.Koura	Crayfish
H9a. Maomao	Blue fish	S10.Urehoho	large cats eye
H10. Warehou	Blue fish	S11.Hihiwa	yellow foot paua
H11. Aarara	Treally	S12.Tio	Rock oyster
FH2. Tarakihi	Tarakihi	S13.Kuku	Mussels
H13. Porae	Porae	S14.Niania	green lip
H14. Parore	Parore	S15.Papaka	crab
H15. Kupara	John Dory	S16.Tipa	Scallop
H16. Kumukumu	Gurnard		
H17. Rawaru	Blue Cod		
H18. Hiwihiwi	Rock fish		
H19. Pakurakura	Goat fish		
H21. Marari	Butter fish		
H23. Kokiri	Leather Jacket		
H23. Nanua	Red Moki		
H24. Moki	Blue Moki		
H25. Whai	Stingray		

45.1 Map 23; Place Names of Motuiti;

Nga Ingoa Tauhere Whenua;

Each entry has a numerical sequence at the left hand margin. A letter following the entry number denotes the order of each entry

Location, GPS, Catalogue and Inventory

Location of significant sites is set out as a four grid column with an entry reference to number of the site.

The map page number relates to specific detail that refers to place names and sites, information that sits within the cultural frame work of;

Native / Cultural Heritage Waahi Tapu Document 2011 Edition

Table - 5 Place names Map No. 23

Entry	Map No.	Location		Page No.
P1	23A	37°36'14.45"S	176°24'46.41"E	CH-195
P2	23A	37°36'10.95"S	37°36'10.95"S	CH-195
P3	23A	37°36'10.65"S	76°24'53.81"E	CH-195
P4	23A	37°36'8.20"S	176°24'58.91"E	CH-195
P5	23A	37°36'11.93"S	176°25'3.84"E	CH-195
P6	23A	37°36'14.71"S	176°25'6.38"E	CH-195
P7	23A	37°36'25.90"S	176°25'11.52"E	CH-195
P8	23A	37°36'16.30"S	176°25'16.98"E	CH-195
P9	23A	37°36'20.93"S	176°25'19.63"E	CH-195
P10	23A	37°36'29.56"S	176°25'17.56"E	CH-195
P11	23A	37°36'31.06"S	176°24'59.89"E	CH-195
P12	23A	37°36'26.35"S	176°25'1.59"E	CH-195
P13	23A	37°36'21.72"S	176°24'55.64"E	CH-195
P14	23A	37°36'29.97"S	176°24'57.71"E	CH-195
P15	23A	37°36'36.00"S	176°24'55.22"E	CH-195
P16	23A	37°36'38.25"S	176°24'54.74"E	CH-195

Entry	Map No.	Location		Page No.
P17	23A	37°36'39.90"S	176°24'54.96"E	CH-195
P18	23A	37°36'37.24"S	176°25'0.44"E	CH-195
P19	23A	37°36'39.86"S	176°25'6.42"E	CH-195
P20	23A	37°36'37.39"S	176°25'24.52"E	CH-195
P21	23A	37°36'32.22"S	176°25'24.65"E	CH-195
P22	23A	37°36'28.64"S	176°25'24.24"E	CH-195
P23	23A	37°36'27.03"S	176°25'26.58"E	CH-195
P24	23A	37°36'25.32"S	176°25'20.94"E	CH-195
P25	23A	37°36'29.43"S	176°25'22.85"E	CH-195
P26	23A	37°36'40.05"S	176°25'28.18"E	CH-195
P28	23A	37°36'41.21"S	176°25'40.24"E	CH-195
P29	23A	37°36'44.29"S	176°25'45.48"E	CH-195
P30	23A	37°36'45.08"S	176°25'49.59"E	CH-195
P31A	23A	37°36'55.79"S	176°25'53.54"E	CH-195
P31B	23A	37°36'56.02"S	176°25'56.83"E	CH-195
P32	23A	37°36'57.68"S	176°25'54.27"E	CH-195
P33	23A	37°36'56.22"S	176°25'50.06"E	CH-195
P34A	23A	37°36'58.56"S	176°25'44.92"E	CH-195
P34B	23A	37°37'6.20"S	176°25'43.56"E	CH-195
P35	23A	37°37'0.08"S	176°25'30.76"E	CH-195
P36	23A	37°36'55.09"S	176°25'22.08"E	CH-195
P37	23A	37°36'44.59"S	176°25'4.06"E	CH-195
P38	23A	37°36'43.27"S	176°24'55.89"E	CH-195
P39	23A	37°36'46.14"S	176°24'54.59"E	CH-195
P40	23A	37°36'48.28"S	176°24'55.20"E	CH-195
P41	23A	37°36'55.64"S	176°25'0.60"E	CH-195
P42	23A	37°36'56.88"S	176°25'4.41"E	CH-195

Entry	Map No.	Location		Page No.
P43	23	37°37'1.26"S	176°25'1.23"E	CH-195
P44	23A	37°36'58.53"S	176°25'21.27"E	CH-195
P45	23A	37°37'0.57"S	176°25'18.83"E	CH-195
P46	23A	37°37'2.23"S	176°25'18.65"E	CH-195
P47	23A	37°37'3.30"S	176°25'4.44"E	CH-195
P48	23A	37°37'4.58"S	176°25'7.85"E	CH-195
P49	23A	37°37'8.53"S	176°24'56.07"E	CH-195
P50	23A	37°37'10.45"S	176°24'54.49"E	CH-195
P50B	23A	37°37'11.52"S	176°24'57.06"E	CH-195
P50C	23A	37°37'12.23"S	176°24'59.85"E	CH-195
P51	23A	37°37'14.80"S	176°25'1.34"E	CH-195
P52	23A	37°37'10.78"S	176°25'16.93"E	CH-195
P52B	23A	37°37'13.66"S	176°25'24.98"E	CH-195
P53A	23A	37°37'10.68"S	176°25'39.62"E	CH-195
P53B	23A	37°37'12.12"S	176°25'43.42"E	CH-195
P54A	23A	37°37'5.44"S	176°25'58.82"E	CH-195
P54B	23A	37°37'5.71"S	176°26'4.45"E	CH-195
P55	23A	37°36'54.19"S	176°26'7.49"E	CH-195
P56	23A	37°36'56.11"S	176°26'9.43"E	CH-195
P57	23A	37°37'8.99"S	176°26'6.02"E	CH-195
P58	23A	37°37'12.19"S	176°26'9.45"E	CH-195
P59	23A	37°37'11.36"S	176°26'41.68"E	CH-195
P60	23A	37°37'9.36"S	176°26'53.44"E	CH-195
P61	23A	37°37'18.62"S	176°26'11.40"E	CH-195
P62	23A	37°37'27.24"S	176°26'5.65"E	CH-195
P63	23A	37°37'26.02"S	176°26'9.61"E	CH-195
P64				

Entry	Map No.	Location		Page No.
P65				
P66				
P67	23A	37°37'24.00"S	176°26'3.23"E	CH-195
P68A	23A	37°37'20.22"S	176°25'48.40"E	CH-195
P68B	23	37°37'20.53"S	176°25'59.85"E	CH-195
P69A	23A	37°37'31.86"S	176°25'44.73"E	CH-195
P69B	23A	37°37'31.48"S	176°25'58.18"E	CH-195
P70	23A	37°37'17.14"S	176°25'43.94"E	CH-195
P71A	23A	37°37'24.24"S	176°25'34.92"E	CH-195
P71B	23A	37°37'25.59"S	176°25'39.89"E	CH-195
P71C	23A	37°37'20.44"S	176°25'43.43"E	CH-195
P72	23A	37°37'15.61"S	176°25'34.69"E	CH-195
P73	23A	37°37'35.33"S	176°25'58.41"E	CH-195
P74A	23A	37°37'35.51"S	176°25'42.21"E	CH-195
P74B	23A	37°37'36.15"S	176°25'49.23"E	CH-195
P75A	23A	37°38.94"S	176°25'33.85"E	CH-195
P75B	23A	37°37'39.50"S	176°25'44.10"E	CH-195
P76A	23A	37°37'43.36"S	176°25'27.65"E	CH-195
P76B	23A	37°37'44.69"S	176°25'42.25"E	CH-195
P76C	23A	37°37'48.48"S	176°25'40.53"E	CH-195
P76D	23A	37°37'48.02"S	176°25'25.34"E	CH-195
P77A	23A	37°37'37.76"S	176°25'25.32"E	CH-195
P77B	23A	37°37'36.51"S	176°25'10.02"E	CH-195
P77C	23A	37°37'43.54"S	176°25'14.87"E	CH-195
P78A	23A	37°37'36.86"S	176°24'58.42"E	CH-195
P78B	23A	37°37'40.36"S	176°24'57.91"E	CH-195
P78C	23A	37°37'44.80"S	176°25'20.89"E	CH-195

Entry	Map No.	Location		Page No.
P79A	23A	37°37'29.43"S	176°25'7.93"E	CH-195
P79B	23A	37°37'28.03"S	176°24'50.76"E	CH-195
P80A	23A	37°37'20.32"S	176°24'55.39"E	CH-195
P80B	23A	37°37'23.78"S	176°25'7.27"E	CH-195
P81A	23A	37°37'32.54"S	176°24'47.16"E	CH-195
P81B	23	37°37'35.56"S	176°24'54.34"E	CH-195
P82	23A	37°37'31.58"S	176°24'38.07"E	CH-195
P83	23A	37°37'28.85"S	176°24'31.56"E	CH-195
P84	23A	37°37'27.52"S	176°24'22.14"E	CH-195
P85A	23A	37°37'37.97"S	176°24'34.82"E	CH-195
P85B	23A	37°37'46.52"S	176°24'31.45"E	CH-195
P85C	23A	37°37'45.73"S	176°24'46.19"E	CH-195
P86A	23A	37°37'39.54"S	176°24'49.37"E	CH-195
P86B	23A	37°37'47.54"S	176°24'49.54"E	CH-195
P86C	23A	37°37'47.21"S	176°25'12.35"E	CH-195
P87A	23A	37°37'54.37"S	176°25'42.77"E	CH-195
P87B	23A	37°37'51.53"S	176°25'29.91"E	CH-195
P88A	23A	37°37'57.80"S	176°25'41.48"E	CH-195
P88B	23A	37°37'54.81"S	176°25'24.22"E	CH-195
P89	23A	37°37'48.49"S	176°26'14.91"E	CH-195
P90	23A	37°38'5.76"S	176°25'46.60"E	CH-195
P91	23A	37°38'14.84"S	176°25'43.15"E	CH-195
P92	23A	37°38'13.80"S	176°25'35.23"E	CH-195
P93A	23A	37°38'11.10"S	176°25'38.43"E	CH-195
P93B	23A	37°38'8.99"S	176°25'27.97"E	CH-195
P94A	23A	37°37'59.55"S	176°25'28.00"E	CH-195
P94B	23A	37°38'0.38"S	176°25'36.78"E	CH-195

Entry	Map No.	Location		Page No.
P94C	23A	37°38'4.74"S	176°25'36.27"E	CH-195
P95A	23A	37°37'58.33"S	176°25'25.35"E	CH-195
P95B	23A	37°38'9.74"S	176°25'22.75"E	CH-195
P96A	23A	37°38'7.40"S	176°24'38.60"E	CH-195
P96B	23A	37°38'5.81"S	176°25'10.61"E	CH-195
P96C	23A	37°37'59.60"S	176°24'52.64"E	CH-195
P96D	23A	37°38'0.38"S	176°25'15.51"E	CH-195
P97A	23A	37°37'53.56"S	176°24'31.66"E	CH-195
P97B	23A	37°37'53.48"S	176°24'44.95"E	CH-195
P98A	23A	37°38'10.80"S	176°24'46.31"E	CH-195
P98B	23A	37°38'14.83"S	176°24'56.02"E	CH-195
P98C	23A	37°38'23.43"S	176°24'44.98"E	CH-195
P98D	23A	37°38'19.11"S	176°24'31.51"E	CH-195
P99A	23A	37°38'20.84"S	176°24'58.24"E	CH-195
P99B	23A	37°38'27.69"S	176°24'54.95"E	CH-195
P100A	23A	37°38'27.98"S	176°25'5.36"E	CH-195
P100B	23A	37°38'27.67"S	176°25'21.12"E	CH-195
P100C	23A	37°38'14.68"S	176°25'14.59"E	CH-195
P101A	23A	37°38'21.06"S	176°25'25.47"E	CH-195
P101B	23A	37°38'25.98"S	176°25'25.63"E	CH-195
P102	23A	37°38'20.80"S	176°25'38.64"E	CH-195
P103	23A	37°38'27.92"S	176°25'25.60"E	CH-195
P104	23A	37°38'31.04"S	176°24'47.31"E	CH-195
P105	23A	37°38'44.17"S	176°25'3.60"E	CH-195
P106A	23A	37°38'34.34"S	176°24'27.00"E	CH-195
P106B	23A	37°38'32.40"S	176°24'35.37"E	CH-195
P107	23A	37°38'38.09"S	176°24'28.03"E	CH-195

Entry	Map No.	Location		Page No.
P108A	23A	37°38'43.25"S	176°24'26.25"E	CH-195
P108B	23A	37°38'47.28"S	176°24'25.78"E	CH-195
P109A	23A	37°38'51.60"S	176°24'23.90"E	CH-195
P109B	23A	37°39'6.97"S	176°24'22.57"E	CH-195
P110	23A	37°39'12.73"S	176°24'23.78"E	CH-195
P111	23A	37°38'54.61"S	176°24'30.53"E	CH-195
P112	23A	37°39'19.62"S	176°24'59.59"E	CH-195
P113	23A	37°37'34.00"S	176°26'20.21"E	CH-195



Figure 48 Pamu Bay

Above the bay are two Pa sites, Te Paanamu and Te Punawera. These areas are significant to Ngāti Tutonu, Waitaha-a-Hei and Ngāti Pukenka tribes of the Bay of Plenty, below the foreshore are significant seafood resource of the indigenous people, and however, the population of the resources are well below average. Significant measures must be undertaken by the department of fisheries and the Indigenous people to insure their survival.



Figure 49 Map No. 23 - GPS Locations of Significant Place Names

46.1 Map 21; Oceanic Territorial Boundaries;

Mana Moana \ Nga Tauranga Tai Kukume;

Each entry has a numerical sequence at the left hand margin. A letter following the entry number denotes the order of each entry location, GPS, Catalogue and Inventory

Location of significant sites is set out as a four grid column with an entry reference to number of the site.

The map page number relates to specific detail that refers to place names and sites, information that sits within the cultural frame work of;

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Table - 5 Territorial Boundaries Map No. 21

Entry	Map number	Location		Page number
VX12	21	37°31.411'S	176°25.619'E	CH-228 & 196
VW13	21	37°31.411'S	176°25.619'E	CH-228 & 196
VX14	21	37°37.141'S	176°23.839'E	CH-228 & 196
VX15	21	37°39.872'S	176°23.530'E	CH-228 & 196
VX16	21	37°38.722'S	176°24.396'E	CH-228 & 196
VX17	21	37°40.580'S	176°32.036'E	CH-228 & 196
VX18	21	37°37'3.30"S	176°25'4.44"E	CH-228 & 196
VX19	21	37°36.479'S	176°31.585'E	CH-228 & 196
VX20	21	37°31.411'S	176°25.619'E	CH-228 & 196

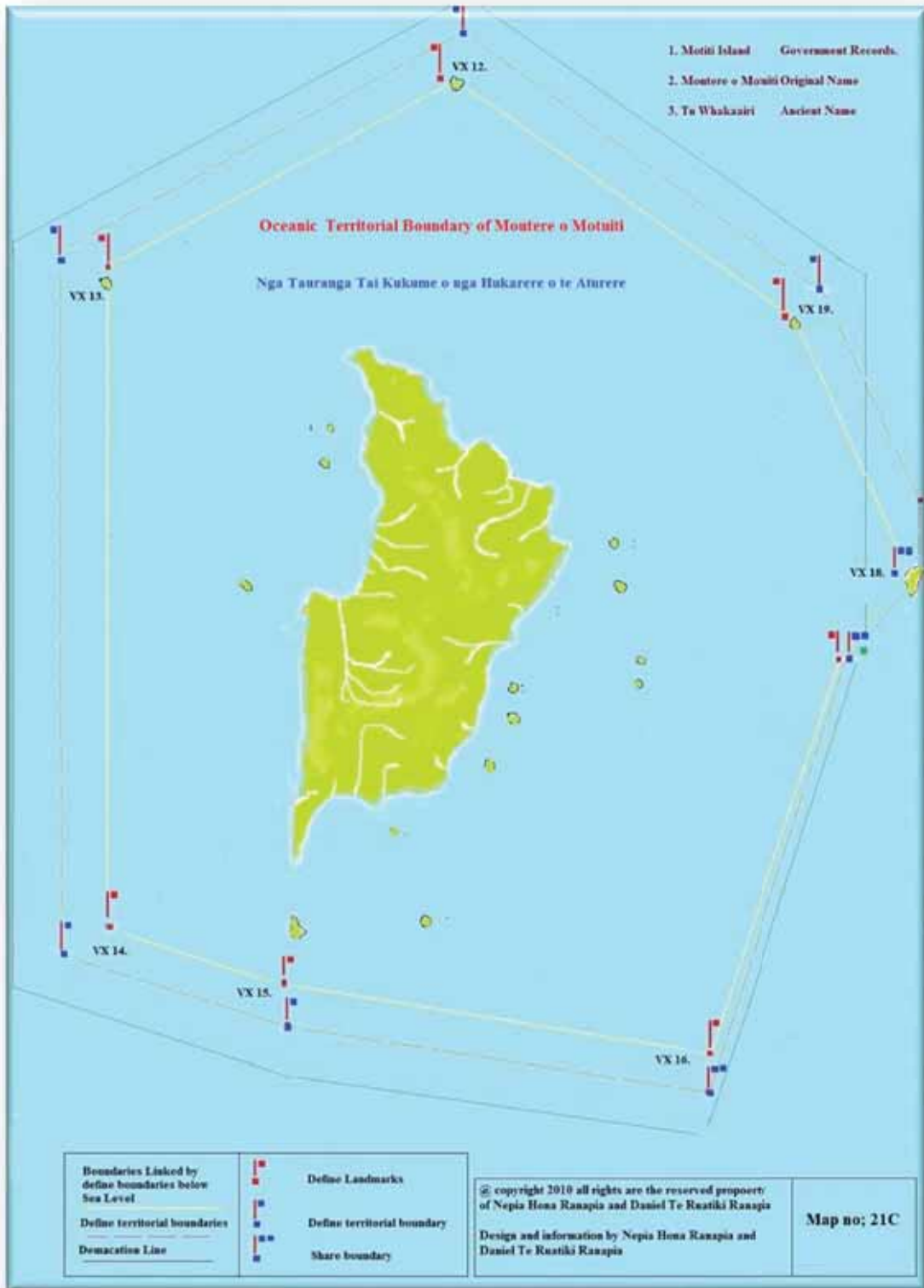


Figure 50 Map No. 21 - Territorial Boundaries

47.1; Map 26 Territorial Boundary; Pou Rahui Manawhenua;

Each entry has a numerical sequence at the left hand margin. A letter following the entry number denotes the order of each entry. Location of significant sites is set out as a four grid column with an entry reference to number of the site.

The map page number relates to specific detail that refer to the territorial boundaries and site information that sits within the cultural frame work of;

Native Cultural Heritage Waahi Tapu Document 2011 Edition (CH)

Table - 6 Territorial Boundaries Map no; 26

Entry	Map No.	Location		Page No.
ABX 1	26A	37°37'10.82"S	176°24'55.04"E	CH-120,199,250
ABX 2	26A	37°37'18.63"S	176°25'13.61"E	CH-120,199,250
ABX 3	26A	37°37'39.87"S	176°24'52.09"E	CH-120,199,250
ABX 4	26A	37°37'42.52"S	176°25'41.76"E	CH-120,199,250



Figure 51 Te Huruhi Pa

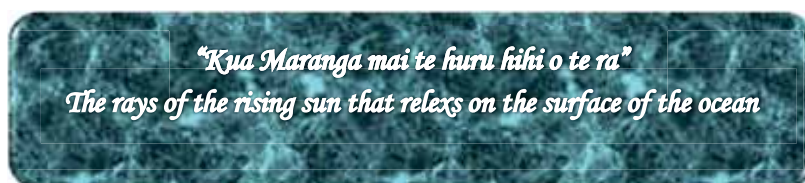




Figure 52 Map No. 26 - Ancient Boundary Lines of Te Hapu's Whanau

Appendix 4; Bibliography;

He tautoko me te miharo i nga rangatira me o ratau taonga tuku iho, hei awahi haere mai i nga take me nga kaupapa pupuri manawhenua mo nga tamariki, mokopuna.

First International Conference on the Culture & Intellectual Property of the Indigenous People (1993)	Mataatua Declaration on the Culture and Intellectual Property Rights of the Indigenous People, Whakatāne (1993). Dr Hirini Mead
Te Puni Kōkiri	Mauri Ora ki te Ao, An introduction to Environmental and Resource Management Planning (1993)
United Nations Working Group	United Nation Draft Declaration on the Rights of Indigenous Peoples 2010 D.T.Ranapia (M.H.M.P 2011 Edition)
United Nations	Rio Declaration on Environment and Development. UN Conference on Environment and Development
United Nations UNESCO World Heritage Trust	UNESCO Universal Declaration General Conference Paris Sep 2003 C/S D.T.Ranapia (M.H.M.P 2011)
Ministry for Environment	Case Law on Consultation; Working Paper (3) 1995
Resource and Management: Ngāi Tahu ki Otago, Natural	Ngāi Tahu ki Otago, Ngāi Tahu Trust Board: Tipene O'Regan
Treaty of Waitangi	N.Z Court of appeal, 1987, by Professor I.H. Kawaru (Te Tipa) the 'Advanced Guard' applied to Walter Mantell, Waitangi Tribunal (1991) D.T.Ranapia (M.H.M.P 2011)
Towards Kaitiakitanga	Te Puni Kōkiri (1993) M. Love (1995) Planning Tribunal, Source Huata Holmes . N.H.Ranapia (2011)
Iwi Identity	T.O Regan (1994), B. Dacker (1990) P. Tremewan (1994), H. Evison (1993) N.H.Ranapia (2011)
Towards Co-operative & Co-operation	Legal Frame Work; M. Love Chapter (7) Mana Whenua D.T.Ranapia (M.H.M.P 2011)
Manawhenua, land ownership and property rights	Hana Oregon (1995), Waitangi Tribunal (1995) E. Ellison & B Allingham (1995), G. Sutherland (1992), Evison (1993), N.H. Ranapia (M.H.M.P 2011)

Coastal Marine and Resources	Maarie Goodall (1994), N.H.Ranapia N.R.M.P 2011
Foreshore and Seabed Act Marine and Coastal Area (Takutai Moana) Act 2011	Introduction; 6/9/15/9/ 2010, First Reading; 2010 Report from Māori Affairs 9/2/2011, Second Reading 8/3/2011, Third Reading 24/3/2011, Royal Assent; 31/3/11, D.T.Ranapia; C.S Analysis 2011
Bay of Plenty Regional Council, Māori Policy Unit	Miss.Kataraina Belshaw; MEP (Dist) BSoCSCI (Hons), Dip IEM. MNZPI Māori Policy Advisory (2012) Mrs. Jane Waldon , Māori Policy Advisor (Editor, Microsoft Word Specialist 2012) Miss. Rereata Rogers , Māori Policy Student (Editor 2012)
Environment Ngāti Awa Iwi, Māori Policy and Advisory	Planner Advisory Beverly Hughes, (B.Soc.Sc) (REP) Ist Class, Dip Tchg) Manager Environment Ngati Awa (2006, 2012)
Motiti Hapu Management Plan Proposal 2009, 2011 revised 2012	Desmond Heke Kaiawha , Maori Policy Analyst/Planner, Papatuanuku Services (2009- 2012) B.Parks, Recreation & Tourism Mgmt (Lincoln) B.Soc.Sci.(Honours) Resource and Environmental Planning (Waikato)
Motiti Hapu Management Plan 2009 2011 Edition revised 2012	N.H.Ranapia author & writer (2009-2012) D.T.Ranapia co-author N.R.M.P (2012) A.L.Ranapia co-author N.R.M.P (2012)
Map Design and Detail entry, GPS Location and format	N.H.Ranapia; Data Information (2009-2011) D.T.Ranapia; Detail & Design Specialist (2010-2012) A.L.Ranapia; G.P.s Location Specialist (2011-2012)
History: The migration of the Ancient Ancestors from the sacred lands of Taumahi a Rongo	D.T.Ranapia C.S analysis researcher (2010-2011) A.L.Ranapia A.H. analysis researcher (2009-2011)
Hapu Management Plan, Advisory Role; Nga kaimahi (2006 – 2012)	Mrs Eunice Evans; Peter Grant; Miss Ngaro Wikeepa Kamau Wikeepa; Matahihira WiKeepa Mrs. Kopua Swales; Eddie Matehaere
Nga Morehu Pakeke; Senior Elders Advisory Role;	Mrs Meri Faulkner (Morehu Kuia) Mrs Maringi Matehaere (Morehu Kuia) Wihau (Boy) Grant (Morehu Koroua) Pairama Ranapia (Morehu Koroua) Kairau Ngahau Takotohiwi (Chairman Te Patuwai Tribal Committee 2009-2010) Huriwaka Rewa Ngawhika (Chairman Te Patuwai Hapu Management Plan Delegation 2009-2012)

Appendix 5; Conclusion

Figure 53 Temple of Ahurewa o Maru Maru

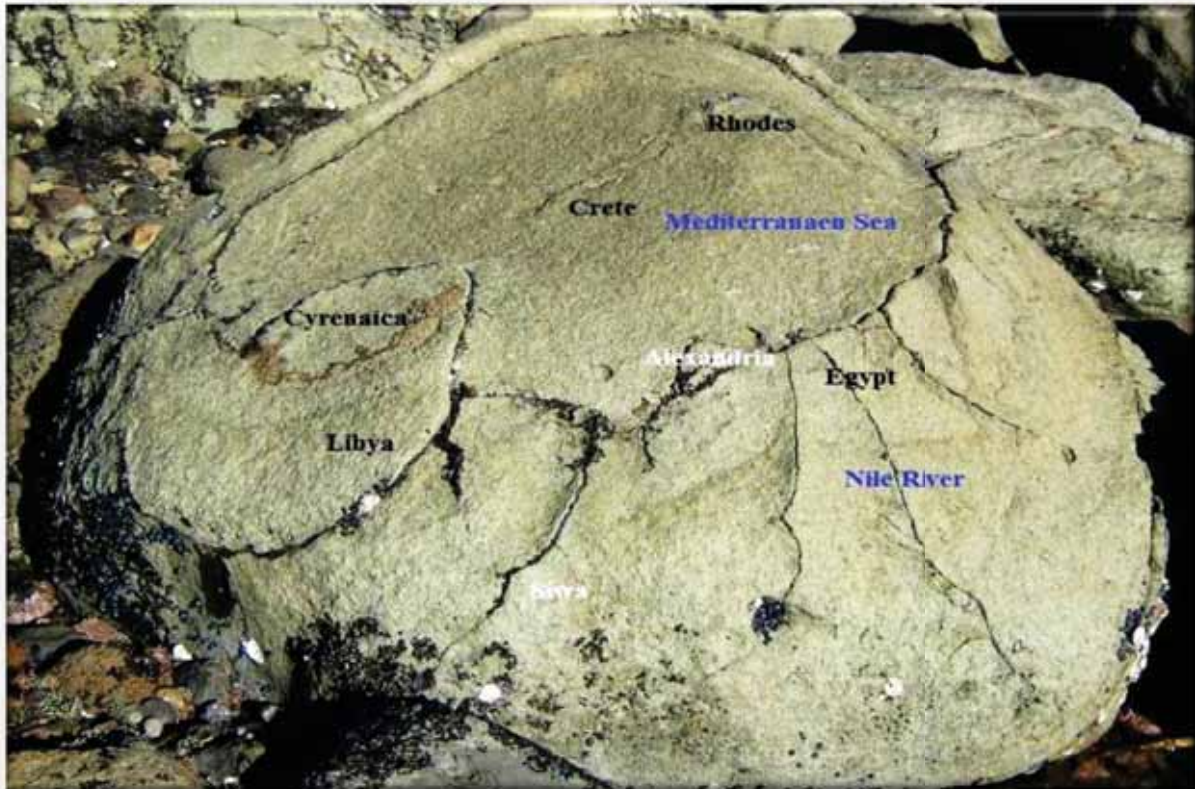


Ahurewa o Maru Maru;

Ancient Temple built by the ancient ancestors known as the Orohia Mairoa people.

(Ref; to Cultural Heritage Waahi Tapu Document for in depth history of Ahurewa o Maru Maru)

Mahere Whenua o Mairoa;



Ancient Mapping of the Mediterranean Sea, this ancient map carved in solid stone (Tablet) found in the domain of Otutairehia along Orongongatea Bay Moutere o Motuiri. The map above defines the homelands of the ancient ancestors known as Taumaihi a Rongo, land of the pyramids (Egypt).

Ancient proverb (Hawai ki Nui) used by Maori for over 1000 years refers to the seven states of Egypt "Haa-wai" delineates water as the main "energy life force" that sustains all living plants and animals.

Seven states of Egypt divided by the river Nile known as (Te Kainga-Wai-o-Ra) home of the waters of Ra, (Sun) "ki Nui" refers to the seven territorial boundaries of Egypt.

(Hawaiki Roa) Haa-wai-ki-roa refers to the river Nile that connects to the Rea Sea (Erythra Thalasa) and the tides that circumnavigates the Indian and Pacific Ocean, there were seven migration navigational pathways of the anscnt ancestors, "ki roa" refers to those pathways.

(Hawaiki Pamamao) Haa-wai-ki-pa-mamao refers to the spirit of mankind that cuicumnavigates the seven pathways throughout the Pacific and Indian Oceanic region back to its origin (Egypt)

Ko te tuatahi

Ko nga Rangātira o te Whakaminenga me nga Rangātira katoa hoki ki hai i uru ki taua Whakaminenga ka tuku rawa atu ki te Kuini o Ingarangi ake tonu te Kawanatanga katoa o ratau whenua.

Ko te tuarua

Ko te Kuini o Ingarangi ka whakarite ka whakaae ki nga Rangātira ki nga Hapū ki nga Tangata katoa o Nu Tīreni te tino Rangātiratanga o ratou whenua o ratou kainga me nga taonga katoa Ōtīi ko nga Rangātira o te Whakaminenga me nga Rangātira katoa atu ka tuku ki te Kuini te hokonga o rea whenua e pai ai te rangātira nona te whenua ki te ritenga o te utu e whakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona te whenua ki te ritenga o te utu e whakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te tuatoru

Hei whakaritenga mai hoki tenei mo te whakaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarangi nga tangata Māori katoa o Nu Tīreni ka tukua a ratou nga tikanga katoa rite ki ana mea ki nga tangata o Ingarangi.

Appendix 6; Definitions;

Ancestral Lands;

- A. Means the purpose of the Plan is to recognise lands that are currently in Maori Land Title or General Title ownership.
- B. Maori Land as defined by the Ture Whenua Act 1993 (the Maori Land Act 1993)
- C. Ancestral lands by way of genealogy from the Maori or Maioriori descent.
- D. Is “indigenous title” by way of genealogy under the title Maiori (Maori) Mana Atua
- E. Area’s formerly used as a settlement, occupation or defence structures.
- F. Area’s used to source food resources on the land and foreshore reefs and islands.
- G. Battle sites, burial sites, ceremonial sites, canoe landings, waterways. monuments

Mana Whenua; (Manawhena)

Encompasses all the elements of Kawa_Tikanga, traditional protocols of structures and rules wityhin the indigenous rights and landownership derived from a common ancestor;

1. **Tino Rangatiratanga** or **Tuturu Rangatiratanga** chieftainship is the absolute authority over tribal lands and oceanic territory.
2. **Hapu**; confederation of the collective whanau units (Manawhena status)
3. **Hapu Turangawaewae**; whanau ancestry occupational rights and land ownership
4. **Hapu whanaunga**; relative hapu that connects to Turangawaewae by way of genealogy affiliation.
5. **Hapu noho whenua**; aquire occupational rights not the latter of ownership, also refers to tangata nohowhenua.

6. **Rohe Whanau**; occupy lands under the traditional values of kaitiakitanga
7. **Whanau Whanui**; families within the hapu territory and those who live in other area's who affiliates to a common ancestor by way of genealogy (Whakapapa).
8. **Tangata Whenua**; people of the land who hold their ancestral rights.
9. **Kaitiakitanga**; administrators and caretakers of Turangawaewae
10. **Papakainga**; Whanau settlements and occupation
11. **Manamoana**; authority, ownership over seabed and foreshore land and resources
12. **Whakapapa**; genealogy from the source of their origins
13. **Taha Tinana**; components of the physical world
14. **Taha Wairua**; components of the spiritual world
15. **Mana**; Authority and power spiritually or phsycially
16. **Mauri**; Spiritual life force\guardian that is encapsulated in an object e.g. a rock
17. **Maori (Maori) Mana Atua**; monarch-divine title associated to the Atua
18. **Atua**; Spritual embodiments of the elements and guardian protectors of mankind
19. **Maiori**; refers to as being a superior race of people (Maioriori)
20. **Waahi Tapu**; sacred historical sites of significant on land and sea.
21. **Waahi Taonga**; sacred objects and treasures possess by the ancestors
22. **Toka Tapu**; sacred historical rocks on land and sea;

23. **Aukati**; a restricted area off limits based on the terms of intended purposes.
24. **Rahui**; a restriction placed on a particular area due to death on land and sea
25. **Korero Tawhito Matauranga**; Heritage of the origin (Historian)
26. **Tohunga**; Specialist field e.g. Tohunga Karakia (high priest)
27. **Morehu Pakeke**; Patrons, most senior elder's advisory rolls.
28. **Nga Pakeke**; recognised senior elders leadership rolls. (Pakeke)
29. **Taipakeke**; middle age members of the hapu
30. **Taitamariki**; up and coming younger members of the hapu
31. **Tamariki**; children treasures of the hapu
32. **Mokopuna**; grandchildren treasures of the future
33. **Marae Atea**; designated area of traditional practices.
34. **Waharoa**; main entry to the Marae Atea
35. **Papatapu**; a traditional place of oratory.
36. **Whare nui**; place of oral traditions, customs and practices.
37. **Whare mate**; place of mourning and area where deceased lay in state;
38. **Whare kai**; traditional place of feasting, unity and entertainment.



TE RŪNANGA O NGĀTI AWA

6 August 2012

TO WHOM IT MAY CONCERN

Motiti Hapu Management Plan Recognised as Relevant by Te Runanga o Ngāti Awa

At its meeting of the 25th May 2012 Te Runanga o Ngāti Awa unanimously resolved to recognise this plan as a relevant planning instrument.

Te Runanga o Ngāti Awa extends its warm congratulations to Te Patuwai hapu and Te Patuwai Tribal Committee, in particular Pukenga of Motiti, Mr Nepia Ranapia who is also the Chairman of Te Patuwai Tribal Committee.

Kia ora,



Beverley Hughes
Manager, Environment Ngāti Awa



Murray Haines
Acting Chief Executive

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NGĀTI MAKINO IWI AUTHORITY

10 July 2012

Te Korowai Kahui o Te Patuwai Tribal Council
c/- Nepia Ranapia
Motiti Island
Private Bag 12060
TAURANGA

Tena koe e te rangatira

MOTITI ISLAND NATIVE RESOURCE HAPU MANAGEMENT PLAN

We thank you for your letter of 31 March 2012 in which you outline the content and purpose of the Mōtiti Island Hapu Management Plan. We also acknowledge receipt of such tāonga as presented by Ngāti Te Hapu / Te Patuwai to Ngāti Mākino at a hui-a-iwi at Otamarakau Mārae on 31 March 2012.

This letter is provided as Ngāti Mākino endorsement and support of the presentation that was given at Otamarakau Mārae which is for the protection of the Wahitapu on the island and sets out to retain and maintain the mana, and the autonomy of the tangata whenua on Mōtiti Island.

This endorsement however should not be seen as political interference into any issue of mana whēnua that may arise on the island.

Kua mana hia i runga i te whakawhānaungātanga ki te hono wairua o ngā mātua tipuna.

Naku noa

Awhimate Awhimate
CHAIRMAN

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