



Figure 1 MV *Rena* on Otaiti Reef

## **Ngai Te Hapu Incorporated**

### **Cultural Values Assessment of the wreck of the MV *Rena* on Te Tau O Taiti (Astrolabe Reef)**

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## Introduction

In October 2011 the *MV Rena* was negligently crashed into the taonga reef Te Tau O Taiti – known to Ngai Te Hapu/Patuwai as Otaiti. Its Pakeha name is *Astrolabe*. What followed was the worst oil pollution event in New Zealand's history resulting in a massive clean up effort involving hundreds of people and costing millions of dollars.

The nearest point of inhabited land to the wreck of the *Rena* is Motiti Island. The island shorelines – as indeed was the case with large swathes of the Bay of Plenty coastline and even further afield - were affected by the oil spill that followed the grounding and subsequently the washing ashore of cargo from broken containers. Over two years later oil and cargo are still coming ashore; the bulk of the wreck remains on the reef, there is a large debris field on the sea floor of pieces from the ship cargo and broken containers; some containers are still to be located and recovered while other containers have been located but not yet recovered. There is still some doubt about the present location and quantities of some of the hazardous materials known to have been aboard the *Rena*.



Figure 2 stuck fast - October 2011

Some cargo items known to be hazardous in a marine environment are also now present in sediments around Otaiti. The most toxic of these are copper shavings. But the best known item, because they are continually washing up on beaches, are the billions of polystyrene beads which filled up to five containers. The specific impact of the beads on marine life and bird life is yet to be properly assessed.



A further potential hazard with links to the *Rena* is the 3000 litres of the oil dispersant CoRexit 9500 which was used on the *Rena* oil spill. Subsequent research has shown that when mixed with oil, CoRexit can be lethal to marine life and is being blamed for the deaths of people coming into contact with the dispersant as a result of the Deepwater Horizon oil spill in the Gulf of Mexico<sup>1</sup>. As far as we know little or no specific CoRexit testing or monitoring has been carried out at Motiti and while use of the chemical is banned in countries overseas that is not the case here despite there being information about its potential for harm being available at the time it was used<sup>2</sup>.

Motiti Island is the turangawaewae of Ngai Te Hapu/Te Patuwai, the ahi kaa hapu of Motiti Island. We are the people most affected by the *Rena* disaster. The sea and its resources are a major part of our lives on the island and the on-going pollution of the resources of the reef and our shoreline and waters has come as a resounding shock to our Motiti community. For the first time ever, apart from severe but short term weather conditions, we have been prevented from accessing our traditional food resources.

The oil and debris meant that fishing and other food gathering activities were off limits. The wreck and the introduction of a no go zone around it (which is still in place) means that we are also denied access to and use of our most valuable fishing reef Otaiti and the waters surrounding it. Otaiti reef is regarded by all on the island as the best hapuka fishing ground around Motiti.

## CVA purpose

The purpose of this Cultural Values Assessment (CVA) document is to set out Ngai Te Hapu's cultural values associated with Otaiti – Astrolabe Reef - and the impact on our cultural and environmental values of the *Rena* event.

This assessment is largely written in the first person because it is a narrative personal to the hapu.

<sup>1</sup> <http://beforeitsnews.com/gulf-oil-spill/2013/08/aussies-blow-lid-off-bps-gulf-oil-corexit-deaths-health-catastrophe-2441278.html>. Ngai Te Hapu participated in the Ban CoRexit rally held at Mount Maunganui beach on 28 September 2013.

<sup>2</sup> <http://www.stuff.co.nz/environment/Rena-crisis/5767822/Dispersants-worse-than-oil>

## Ngai Te Hapu cultural values

What are our Ngai Te Hapu cultural values? They can be broadly described as follows:

- Respect for ourselves as Maori people with a valued historic heritage that is our inheritance – mana.
- Respect for the active practice of our culture through the observance of proper tikanga and protocols that guide our lives including the rituals of the powhiri and the tangi; the use of te reo rangatira, waiata, pepeha, whakapapa, pakiwaitara, kapa haka, poi and the many things that distinguish us as Ngai Te Hapu - tikanga
- Respect and reverence for all the places that are important to us; including the cultural landscape and seascape that we live in – our waterways, islands, reefs, rocks, moana – the sea, our traditional lands. All these things are permanent reminders of who we are as a people and help identify our place in the world - kaitiakitanga
- Respect for our ancestral marae, our remaining lands and our homes because they constitute our turangawaewae – our place to stand - mana
- Respect for the burial places of our dead, the ancestors from whom we have sprung and who provided these places for us – mana, whakapapa
- Respect for our hapu, Ngai Te Hapu and its constituent whanau – we are the strong foundations from which our people go out to face the world - whanaungatanga
- Respect for our hapu responsibilities and obligations to be active guardians for safeguarding the mauri and the mana of our heritage and the resources that are our birthright and to do what we can to ensure that these things that have been left to us are passed to the next generation in the same or better condition than when they came to us - kaitiakitanga
- Respect for the alliances and shared experiences that join us to other hapu and iwi and our obligations as hosts and helpers where we can - manaakitanga

All these values to a greater or lesser extent have been impacted or affected by the wreck of the *Rena* and subsequent events.

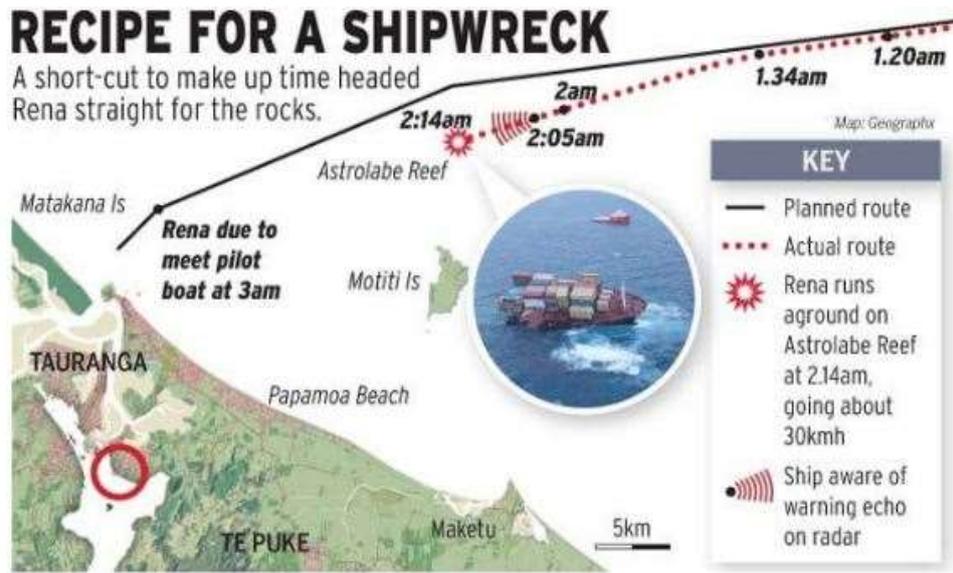


Figure 3 the short cut that wasn't – 5 October 2011

### History of Te Tau O Taiti and Motiti



Figure 4 Te Tau O Taiti - Shane Wasik photograph

*Note: This is not intended to be a complete and comprehensive history of Otaiti and Motiti – for example other iwi such as Tapuika, Waitaha and Ngati Pukenga – have all spent brief periods of time resident on the island and will have their own korero. Their occupancy is not described here. Rather the intention is to highlight the Ngai Te Hapu korero.*

## Ngatoroirangi

Te Tau O Taiti and the other reefs and islets surrounding Motiti<sup>3</sup> are acknowledged by all to have been first discovered by the priest *tohunga* Ngatoro-i-rangi. Ngatoroirangi was on board the Te Arawa migratory *waka* when the reef and Motiti were first discovered. Otaiti reef is where Ngatoroirangi performed *karakia* which some *kaumatua*<sup>4</sup> say renders the reef a *tapu* place or a *toka tipua*. He then went on to visit Motiti itself where he settled in later life.

While living at Motiti, Ngatoroirangi launched a raid back to Hawaiki against his brother in law Manaia to avenge a *kanga*, a curse, uttered by Manaia against him. In a great battle Manaia was defeated but not killed.

Ngatoroirangi returned to Motiti and in expectation of a return attack by Manaia built a fortified pa on Taumaihi<sup>5</sup> the small island at the southern end of Motiti. The pa was named Matarehua<sup>6</sup>. The reprisal visit eventually came but because of approaching darkness Manaia's attackers were persuaded by Ngatoroirangi to wait for the next day to commence the battle. The fleet anchored off shore but during the night using powerful spells Ngatoroirangi called down the storm gods Tahwhirimatea, Pungawere and Utupawa and raised a powerful storm called Te Aputahi-a-Pawa which he flung against the attackers. All Manaia's attacking force perished in the great storm<sup>7</sup>. This defeat was called Maikukutea<sup>8</sup> which means bleached fingernails and is a reference to the hands and fingers of the dead protruding through the sand where the storm had buried them.

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<sup>3</sup> Motuiti is said to be the original name for the island although others say it was Tuwhakaairi. Motu-iti = Little Island. Other traditions say the name is a reference to a place in Hawaiki which was known as a place without firewood. The first arrivals to the island noted a lack of wood at Motiti and referred to the island as *kore rakau* – without trees or “Bare Island, hence the *whakatauki*: “Kei Motiti koe e noho ana” I suppose you are at Motiti as you can find no firewood. Matheson, A.H., *Motiti Island Bay of Plenty*; Whakatane and District Historical Society, monograph No. 2 1979: p1.

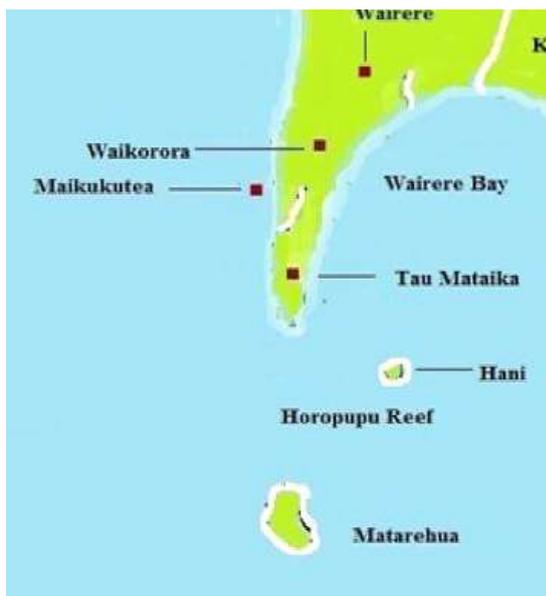
<sup>4</sup> Thomas McCausland of Waitaha and Ngai Te Hapu; personal interview, 30 April 2013

<sup>5</sup> Taumaihi was the name of the Te Arawa tuahu erected there. Matheson 1979:p1

<sup>6</sup> The islet is also known by this name although it has an alternative name of Taumaihi.

<sup>7</sup> Although according to Takaanui Tarakawa (JPS: Vol 3, No. 4 1894:p201) a man called Tura did escape by swimming to the mainland.

<sup>8</sup> Cowan, James, *Legends of the Maori* (Volume 1) 1987 (reprint):pp197-200, as related by Te Heuheu Tukino and Tokena Kerehi, descendants of Ngatoroirangi. See also Smith, Percy S, *The coming of Te Arawa and Tainui canoes from Hawaiki to New Zealand, by Takaanui Tarakawa*, (translated by S. Percy Smith), *Journal of the Polynesian Society*, Vol 2, No. 4 December 1893:239.



**Figure 5 Southern end of Motiti showing Matarehua and Maikukutea**

Some traditions say that Ngatoroirangi died during a cross country journey to Kawhia but others say he died at Motiti and was buried there at Matarehua.<sup>9</sup>

It is through the association of Ngatoroirangi with Motiti and Otaiti that the Te Arawa link to the island and reef is made. But it is also said that after Ngatoroirangi, Waitaha of Te Arawa were left in occupation on the island. Waitaha also shared Motiti and nearby Maketu with their Te Arawa kin Tapuika<sup>10</sup>. Certainly some important Waitaha ancestors feature in the Motiti whakapapa links.



**Figure 6: Motiti Island from the northern end looking south with the Maketu peninsula in the right middle distance. The northern headland is the site of Ngai Te Hapu’s Otungahoro Pa - Open2View photograph**

<sup>9</sup> An application (not from Ngai Te Hapu) has been lodged with HPT to declare Matarehua a wahi tapu area.

<sup>10</sup> This is a Ngati Pukenga tradition.

## Ngai Te Hapu

The Ngai Te Hapu link with Motiti begins with the ancestor Te Hapu who came to Motiti as part of the great *heke* of Mataatua people out of the Eastern Bay of Plenty led by the Ngaiterangi ancestor, Te Rangihouhiri. The coming of Te Hapu probably took place sometime in the mid to late-17<sup>th</sup> century. That calculation is based on the following *whakapapa* which allows 30 years for each generation and is fixed in time by the fact that the ancestor Te Ahikaiata was recorded as living on Motiti in 1818:

### *Te Hapu Whakapapa*

- Toroa
- Wairaka
- Tamatea ki Te Huatahi
- Ueimua
- Toroa Kaikaha
- Te Hapu
- Roropukai
- Tutono
- Te Ika-a-Mauihi
- Te Punatai
- Takorokaho
- Te Ahikaiata (circa 1818)
- Te Kaka
- Titiro
- Riria
- Patara
- Kehukehu
- Elaine Rangi Butler of Ngai Te Hapu

Te Hapu and the ancestor Maruhaira (ancestor of Ngati Whakahemo) left Hakuranui near Torere (east of Opotiki)<sup>11</sup> to join the *heke*. Maruhaira led the seige of Pukehina and Otamarakau while Te Hapu pushed on to take possession of Motiti Island<sup>12</sup>.

The descendants of Te Hapu took the hapu name of Ngai Te Hapu, but in time the descendants of Te Hapu also acquired the name Patuwai – Slain in the Water – there are several different versions of how the name came about. Among the most favoured is a tradition that a Ngai Te Hapu raid on Te Whakatohea went wrong and the Motiti warriors were defeated and killed at sea off the Waioatahi River near Opotiki. Others say it is derived

<sup>11</sup> Other traditions say the point of departure was from Ohiwa but this can be explained by the fact that it is likely the *heke* was carried out in two stages.

<sup>12</sup> Judge W Gudgeon, *Journal of the Polynesian Society*, Vol 2 No. 2 1893, p: 109-112

from the killing of a Ngai Te Hapu woman, Te Rangikomotuhia, by her Whakatohea captors while she was washing herself. Whichever tradition is accepted it does not alter the fact that Ngai Te Hapu and Te Patuwai spring from the same ancestor and for all intents and purposes are the same people.

### **Ngati Tauwhao or Whanau A Tauwhao**

Several generations after taking Motiti, Ngai Te Hapu was joined there by another Mataatua hapu, Whanau A Tauwhao (Ngati Tauwhao) of Ngaiterangi who had also taken part in the Rangihouhiri heke. The two hapu came to live on the island through a shared ancestral relationship that began with the marriage of Te Hapu's grandson to a Tauwhao ancestress. Other traditions say that the Motiti land was gifted by Ngaiterangi to Ngai Te Hapu as a result of that marriage but that seems illogical given that Ngai Te Hapu were already in occupation. Others say the island was gifted to Te Hapu after he went there in defiance of a tapu declaring that he would lift it.

Unfortunately the joint tenure of the two hapu on the island was not a happy one and they were in constant conflict with the main point of dispute being the boundary separating the two. This on-going tension helps explain the number of defended pa sites on a relatively small land mass but in general Patuwai occupied the northern end of the island – closest to Otaiti - and Tauwhao the southern end which included Ngatoroirangi's old pa of Matarehua.

### **Captain James Cook**

On Thursday 2 November 1769 during his first voyage to New Zealand, Cook sailed between Motiti and the mainland remarking upon the extensive complex of plantations and fortified villages that he saw around the Maketu peninsula.

In his journal he refers to a "Flat Island" which is believed to be a reference to Motunau or Plate Island as it is known today. However it is difficult to believe that he would totally ignore Motiti which more closely fits the Flat Island<sup>13</sup> description, its flatness being its most remarkable geographical feature. His interpreter, the Tahitian chief Tupaia, apparently had some discussions with the crew of several canoes that came off from Motuhora (Whale Island) but there is no record of an encounter with the people on Motiti.

### **Te Morenga and Ngapuhi**

Some accounts say that both Ngai Te Hapu and Tauwhao abandoned the island in the second decade of the 1800s. This occurred at the time of an 1818 raid by the Ngapuhi chief

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<sup>13</sup> Henry Williams recorded Motiti in his diary as "Flat Island".

Te Morenga. Te Morunga had come seeking revenge for a relative (Tawaputa) killed by Ngaiterangi and implicating the Tauwhao chief Te Waru who was living on Motiti at the time.

Te Morenga had begun his Bay of Plenty campaign with a raid on Tauranga. Te Ahikaiata visited Te Morenga there and urged him to also attack Tauwhao on Motiti. Te Ahikaiata apparently saw this as a means of settling the on-going land dispute between the two Motiti hapu.

Accordingly Te Morenga attacked Matarehua Pa and it was taken with many Tauwhao people killed although Te Waru himself was absent from the island when the attack took place<sup>14</sup>. Ngai Te Hapu are said to have left at this time but that doesn't fit given their complicity in the attack. Why would they?

### Dumont d'Urville and the Astrolabe

The next visit of an "outsider" to the vicinity demonstrates the prominence of Otaiti from a seafarer's perspective. It took place on the morning of 16 February 1827 when the French corvette *Astrolabe*, heading north under the command of Jules Dumont d'Urville, almost ran aground on Otaiti during a storm. The wind was coming from the north and north-east, the seas were high, and visibility was very poor. D'Urville had thought they were in the vicinity of Tuhua (Mayor Island), but he reckoned without the slow progress the ship had made in the heavy weather since the previous day, when they had lost sight of Putauaki (Mount Edgecumbe) in the mist and were unable to find their latitude.

*Later in the morning the weather cleared a fraction and the wind slackened, and the Captain began to feel more optimistic. He went down to his cabin for ten minutes to change his clothes and check the map. He was sure at this stage that the ship was at a safe distance from any land. However, when he went back on deck, he saw to his horror a "frightful reef, not more than a mile away", which had been hidden in the fog. What is more, he could see that they had already just barely cleared a spur of it which ran out very close to the ship. The Captain ordered every possible sail to be hoisted immediately, a risky move in the strong winds. The corvette plunged and listed alarmingly in the big waves, but with all its canvas catching the wind it was quickly carried away from the danger and survived with no damage. Thus the ship and her crew left "the terrible reefs, which might have been the grave of the Astrolabe".*

*For all the peril they were in, Dumont d'Urville was not unconscious of the splendour of the seas over the reef. "Such a sight as this, horrible for us at this critical moment, would no doubt have been wonderful for an onlooker not exposed to its dangers. The reef consisted of rocks not very far below the surface of the sea. The waves, rushing down from the crest of their great moving masses, came crashing against these threatening spikes, broke into great bursts of foam, to surge up the next moment in rounded columns of dazzling whiteness, which sometimes reached forty to fifty feet in*

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<sup>14</sup> Smith, Percy S, *Maori Wars of the Nineteenth Century*, Christchurch 1910: 90

*height. On either side a vast stretch of water rose and fell with a slow rhythm in splendid majesty.”<sup>15</sup>*

It is from this near miss incident that Otaiti received its Pakeha name of Astrolabe Reef.

### Henry Williams and the *Herald*

The next recorded Pakeha visit to Motiti and Otaiti took place in April 1828. During a visit to the Bay of Plenty the missionary schooner *Herald* with Henry Williams on board sought shelter at “Flat Island” on the evening of 6 April and unwittingly came perilously close to hitting the reef<sup>16</sup>.

Williams wrote:

*At daylight [on 7<sup>th</sup> April] discovered a very dangerous sunken rock which we had passed near in the night. The sea was breaking fearfully upon it. The Lord is my Shepherd I will not fear.*

Motiti appears to have been a popular sheltering spot in adverse weather as the following morning Williams also sighted the brig *Haweis* anchored at Motiti for shelter as well.<sup>17</sup>

### Ngapuhi return

A further Ngapuhi attack – and probably the most famous - took place in 1831/32 led by the blind *tohunga* Te Haramiti of Takou in the Bay of Islands. The *taua* he led first called at Ahuahu (Great Mercury Island) killing most of the people there, and then went on to Tuhua<sup>18</sup> (Mayor Island) where they again killed as many of the Whanau O Tauwhao people living there as they could. Te Haramiti persuaded the *taua* to travel on to Motiti but by now the Ngaiterangi on the mainland had been alerted to the Ngapuhi presence and a combined force (with Ngati Haua) was sent to Tuhua and then on to Motiti. Te Haramiti and his taua saw the Ngaiterangi canoes coming and thought they carried reinforcements. But they soon found themselves surrounded at the southern end of the island where they were overwhelmed.

The fate of the people who had been living on Motiti at that time is not clear. Some accounts say they were killed, others say that they had already fled before Ngapuhi arrived and still others that they were captured and were awaiting death when the “rescue” force came.

What is clear is that after the battle a remnant group stayed behind but there was some migration away from the island with Ngai Te Hapu/Patuwai joining their Ngati Pukeko kin at Whakatane and helping cement the Ngati Awa link which remains in place to this day. A little

<sup>15</sup> [http://en.wikipedia.org/wiki/Astrolabe\\_Reef#voyr\\_note-2](http://en.wikipedia.org/wiki/Astrolabe_Reef#voyr_note-2)

<sup>16</sup> Rogers L. M., *The Early Journals of Henry Williams*, Christchurch, 1961:74.

<sup>17</sup> The *Rena* has not been the only vessel to be wrecked after an encounter with Otaiti. The schooner *Nellie* was holed on the reef in January 1878 but the skipper managed to run the ship up onto the Motiti rocks.

later others joined with Ngati Pukenga and went with them on their various travels including to the Hauraki.

### **Whanau O Tauwhao, Te Arawa and Ngai Te Hapu**

“Ownership” of the island in the mid-1830s then became the subject of a dispute between Tauwhao of Ngaiterangi and Te Arawa. This was an extension of the conflict between the two iwi groupings arising from the Te Arawa move to the coast in the 1830s and their occupation of Maketu and surrounding areas to harvest flax. As part of that migration to the coast Te Arawa (Ngati Whakaue) also claimed Motiti citing their ancestral Ngatoroirangi ties.

Ngaiterangi had also seen the value of the flax swamps that surrounded Maketu and the wetlands at the mouth of the Kaituna River, Extensive flax swamps also extended east of Maketu at Pukehina and towards Otamarakau. To safeguard their interests in the area Ngaiterangi built a pa on some coastal high ground at Te Tumu a little further north of Maketu. The close proximity of the two tribes, who both traded dressed flax with the Danish trader Hans Tapsell, inevitably led to conflict.

Ngaiterangi in tandem with Ngati Haua attacked Maketu and defeated a small Ngati Pukenga force who with the Te Arawa (Ngati Whakaue) chief Te Haupapa had been occupying the pa. Ngati Haua was led by Te Waharoa who wanted to avenge the murder of one of his family. This took place in March 1836.

Subsequently Te Arawa came in force and fought and defeated Ngaiterangi at Te Tumu, along the beach from Maketu, in May of that same year.

After Te Tumu, Ngati Whakaue and Ngati Pikiaro of Te Arawa cast their eyes towards Motiti but Hori Tupaea of Tauwhao went there with Ngai Te Hapu/Patuwai to defend their claim to the island:

*Patuwai went to Wairanaki and repaired Otungahoro pa and lived together at Tauahora pa not very long and returned to Whakatane and the whole of the Patuwai came back and lived together at Otungahoro pa.<sup>19</sup>*

Skirmishes and alarms between the two iwi on the mainland continued over the next decade until a peace was agreed between them in 1845. But the dispute over the island between Ngati Whakaue and Tauwhao continued. Eventually a further peace accord was agreed in 1856 between Tohi Te Ururangi (Wynyard Beckham) for Ngati Whakaue and Hori Tupaea for Tauwhao. Tupaea was living on Motiti at the time. The land disputes were settled at great length when the matter was referred to the Native Land Court in 1867. But partitions and dealing with other land issues on the island occupied the Court in the 1880s, 1890s and through until 1906.

All of Tauwhao had left Motiti from their base at Orongongatea on the west side of the island by 1863. Much of their land had been leased to a Pakeha settler George Douglas in 1868 shortly after the Native Land Court confirmed title to Motiti to Ngai Te Hapu/Patuwai

<sup>19</sup> Evidence of Wi Tere Wakahau; Judge O’Brien Minute Book 28 1894:239. The Otungahoro pa is on the northernmost tip of the island.

and Tauwhao. The land was leased to Douglas by Hori Tupaea who held it in trust for Tauwhao. Douglas purchased most of the lease in 1878 and helped settle the boundary dispute by a negotiation where Motiti boundary land was exchanged with Ngai Te Hapu/Patuwai for land in Tauranga at Judea<sup>20</sup>. Tauwhao still retain interests in some of the land blocks on the eastern side of Motiti and it would be fair to say that many Motiti Ngai Te Hapu/Patuwai people can also claim, and do, *whakapapa* links to Tauwhao.

The other *hapu* that share common descent from the ancestor Te Hapu and who are associated with Ngai Te Hapu/Patuwai on Motiti are Ngati Te Uru, Ngati Makerewai, Ngati Kauweawera, Ngati Pou and Ngati Takahanga.<sup>21</sup> These hapu were identified when the Ngai Te Hapu/Patuwai partition of Motiti took place in 1894 and 1906. The hapu are presently inactive with most Motiti people identifying solely with Ngai Te Hapu/Patuwai but intermarriage over many generations would make it possible for all Motiti people to claim *whakapapa* links to all these hapu.

### HMS Pandora

Otaiti was surveyed by the *HMS Pandora* of the Royal Navy in 1852 and accurately chartered. The reef was recognised as a danger to shipping – especially in fine weather. A survey note said: “It would break almost always but as it is covered at high water, in very fine westerly weather it might not show.”<sup>22</sup>

### Summary

The Ngai Te Hapu/Patuwai occupation of Motiti Island and the use of island resources and the resources found in the surrounding reefs, rocks and islets, continues almost unbroken from the mid-17<sup>th</sup> century through until the present day. War and fighting might have caused Ngai Te Hapu/Patuwai to briefly leave the island in the mid-19<sup>th</sup> century but it is also clear they returned to the island as soon as they were able. No other *iwi* settled the island during their short absences.

Even though absent the likelihood is that they maintained their *ahi kaa* through cultivation and fishing and *titi* gathering activities for it is by these means, cultivation especially, that Maori consider occupation rights are maintained<sup>23</sup>.

<sup>20</sup> The Te Papa No. 9 block

<sup>21</sup> Nepia Ranapia District Plan submissions 5 March 2007  
[http://www.dia.govt.nz/web/districtplan.nsf/Files/MotitiSubmission11.pdf/\\$File/MotitiSubmission11.pdf](http://www.dia.govt.nz/web/districtplan.nsf/Files/MotitiSubmission11.pdf/$File/MotitiSubmission11.pdf)

<sup>22</sup> The Pandora survey: the completion of the 1848-1856 Great Survey of New Zealand by HMS Pandora, together with an account of its genesis and initial phase / Brian Byrne.

<sup>23</sup> Almost every land claim to the Native Land Court in the 19<sup>th</sup> century is prefaced by the ability of the claimants to show they maintained cultivations on the land they claimed.

## Otaiti Reef: location, structure and marine life important to Maori

The scientists and other experts tell us that Motiti Island itself is composed mainly of Miocene volcanic rocks, overlaid with more recent sediments in the south. Similar rocks occur on the mainland near Te Puke and the presence of a submarine ridge linking these and the Motiti rocks suggests that they were formerly a continuous land mass.



**Figure 7 Otaiti or Astrolabe Reef is located approximately 7 kilometres north west of Motiti - this [official map](#) incorrectly names Okaparu Reef as Okaparu**

The volcanic rocks at the southern tip of the island (Wairere Bay and Motiti Spit) are covered with sands, silts, and pumice tuffs, laid down during the Pleistocene period (10,000–1½ million years ago) when the Bay of Plenty coastline extended further out to sea. Similar and slightly older sediments, trimmed back by the sea, form the cliffs behind Ohope Beach, the Maketu peninsula and along the Matata Strait. The best example of these sediment layers is seen along the eastern/southern coastline of Motiti where steady erosion of the cliff face bears testament to the nature of these sediment layers.

Otaiti, and the other reef outcrops around Motiti, do not have these sediment layers being reduced by the sea to the bare volcanic rock. The reef itself has a depth of up to 37m on the landward side and 73m on the ocean side. It breaks the surface at low tide making it an ideal haul out for seals. The reef has caverns and canyons but its exposed nature produces strong currents and diving experts warn of the strong surge particularly in the shallows. Local surf riders say that in the right swell and tide conditions the break on Otaiti can be surfed.

The ocean side of the reef is very steep and this is where the best hapuka fishing happens. The reef has a spread of about two acres. Anchoring is possible - with care – on the landward side, but anchors have also been known to be lost there.

The reef is famous for its rich marine life including large numbers of pelagic species especially *kahawai*, *araara* or trevally, *tamure* or snapper and *haku*, kingfish and *hautere*, jack mackerel. *Takeketonga* or black marlin and *taketonga*, striped marlin can also be found

in the waters around the reef. These big fish are only taken in the summer when the water warms. At one time big game fishing off the reef and in the northern waters of Motiti challenged the quality of the big game fishing at Tuhua.



**Figure 8 Schooling fish on the ocean side of Otaiti**

Other common fish species include blue and pink maomao, demoiselles, perch or *matuawhapuku* and long finned boar fish. As already noted the reef is also a haul out for *kekeno*, seals, at low tide and it is possible that they were taken in traditional times.

The reef also provides a rich gathering place for *kina*, *paua* and *koura*, crayfish. There are also other foods there that are not eaten so much these days including *kotore moana* (anemones) and some sea weeds.

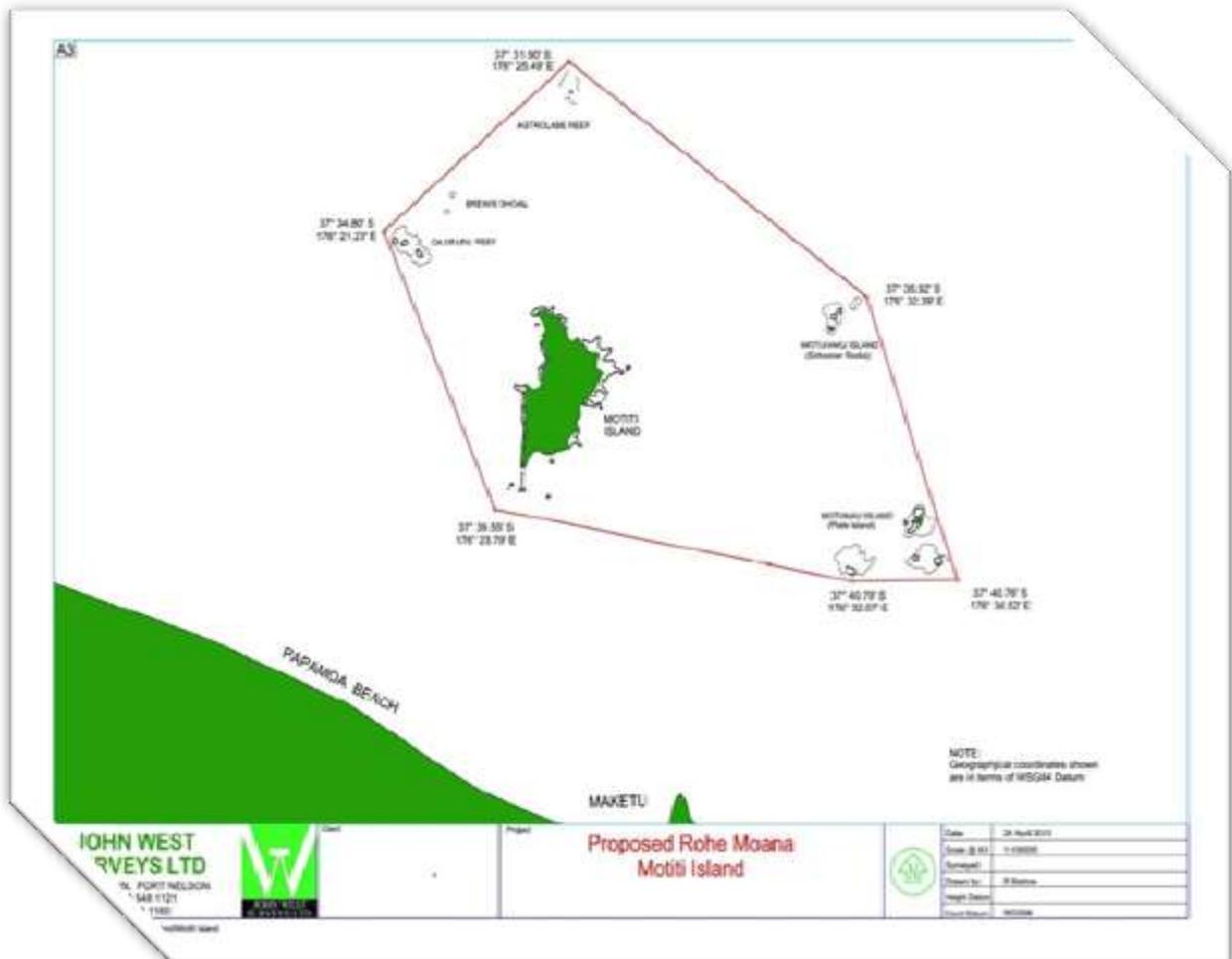
A fish taken in large quantities in traditional times was *maka* or *manga*, barracouta. The fish were taken in large quantities by netting or using wooden lures that were thrashed on the surface to imitate bait fish jumping. The fish were normally split and dried on racks.



### Customary use of Otaiti

**Customary use oral records**

Since people first came to live on Motiti, it has been acknowledged that the waters surrounding the island have been a rich fishing resource. The many islands, rocks and reefs scattered around the main island always ensure that in most weather there is always a good fishing spot or kai moana gathering place that we can go to for kai.



**Figure 9: proposed Ngai Te Hapu customary rohe moana area (currently subject to notification), Otaiti forms the top mark.**

Otaiti has always been a premium fishing place for the hapu. It is the best hapuka fishing ground of those around the island. But the strong currents that occur in and around the reef depending on the tide set are an ever present danger. There are three currents around the reef and knowing the timing of each one in relation to the state of the tide was important.

In the summer months (November through to January) there is an ocean swell that sometimes comes which is called the Rangawhenua. The swell can be so strong that it

makes fishing dangerous. Rangawhenua is also the name for a strong wind coming out of the north.

It is for these reasons that the reef is treated with the greatest respect by our people and why we cannot overemphasise the importance of karakia. The reasons are for safety for ourselves, success for our endeavours, an acknowledgement of our taonga and our sure belief that when the time comes for us to leave this life Otaiti is the beginning of our pathway home to our ancestors.

One informant said:

*When I was a child my grandfather first took me to Otaiti on his little boat. I started going on these trips when I was 8 or 9. We would leave Motiti when the tide was about half tide so that we would get to Otaiti at low tide. He would karakia and then he would start fishing. We children were sent diving but he always tied a rope around our waists and when the current change was due he would haul us in. He would always release the first fish caught as a thank you to the mauri of the reef or sometimes he would keep that fish and make sure it was given away to feed someone.<sup>24</sup>*

Other informants can relate similar stories:

*When I was young I became a favourite of this old koroua Toko Haora of Ngati Pukenga who lived at Ngapeke, Welcome Bay. He was a fisherman of great reputation and would come fishing at Motiti many, many times. I would be at school when I would see his boat coming from the Mount and I would run away from school and ride my horse down to the beach. He would bring his boat in, nose it into the rocks, and I would jump on. He would pretend to growl me if the boat bumped the rocks saying it was my fault.*

*He would then take me to Otaiti to catch hapuka but first he would go right around the reef in his boat and say a karakia tawhito – an old-time karakia. Toko told me karakia tawhito was not for me. I was young then and I would say to myself “Oh hurry up so we can go fishing” Finally he would finish and say to me “away you go” and I would start fishing – catching anything kahawai mostly, we would then use that as bait for hapuka. They were big hapuka, some as big as me. Sometimes I would catch two at a time – beautiful fish. He always timed his trips so that we got to Otaiti at low tide or when the tide was coming in.*

*He never ever told me his marks for finding that hapuka hole at Otaiti but I know he would line up on a point at Motiti and another one on the mainland. When I asked him “how do you know when you are right over the hole?” But he never told me. He said instead “look around you”. So I did and I made my own marks, one on Motiti and one on the Mount. Later when I went there with other people they would ask me what my marks were but I would never tell them. I used to say my own karakia – a Christian one not karakia tawhito.*

*When I went with Toko and he used to do that karakia I asked him: why do you do that? He said it is because this reef is one of the stepping stones of our ancestors back to Hawaiki so they are toka tapu - sacred.*

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<sup>24</sup> Elaine Rangi Butler personal interview 14 June 2013

*I learned that when our people pass on they didn't go to rerenga wairua, they went direct to Hawaiki across the stepping stones from our lovely island. That is why that reef is also a very tapu place.<sup>25</sup>*

*One other time, two of us "borrowed" a boat and I took us out there. We had a loaf of bread and some butter and jam. I didn't know the karakia tawhito so I just said an ordinary karakia for us and we started fishing. I was telling my mate to hurry up because I already had two hapuka. I wanted us to have one pulling up a fish while the other one was putting the line down. And that was how it was all day up, down, up, down – I won't forget that time. We never starved during the war because of our fishing.<sup>26</sup>*

*I come from Ngati Porou but I married onto the island. My husband was a fisherman catching mainly crayfish with pots all around the island and out at the reef too. He said he was just carrying on from his father. We bought two of our boys' boats so they could go fishing too. It was just passing on that way of life from one generation to the next.<sup>27</sup>*

*It was my grandparents who used to go out to Otaiti to fish. They went for the hapuka. Always got some never missed. They had their own boat.<sup>28</sup>*

The interesting point about fishing at Motiti in the late 19<sup>th</sup> century was that fishing resources were presided over by individuals presumably on behalf of their extended whanau. In common use was also a system of rahui, not as rahui are used today but more in the sense of being exclusive reservations for those whanau holding the mana for that resource.

Evidence given in 1894 by Ngawhika Otimi helps explain this system<sup>29</sup>:

*(Main entrance point) Te Manaiti was a crayfish rahui, it was Noko's.*

*(Northwest) Wairanaki was a beach where nets were set for fish. The mana of it was Te Aho Aho. The sea there was called Te Poroporo where barracouta were caught. It was also under the mana of Aho Aho.*

*These are the only marks I know of in that place.*

*On the eastern side: A Maomao fishing ground at Motuputa in the sea. Mahara had the mana of it.*

*Oruamahanga rock was another fishing place for barracouta. Te Wharehaira had the mana of it. He is not in [case/court?] as he is a Ngaiterangi. His grandfather was a son of Te Ika Mauihi by his first wife. Another part of the rock i.e. its northern end, belonged to Mahara, the southern end to Wharehaira. It is a reef. No one else could fish there.*

<sup>25</sup> An application has been made to the Historic Places Trust to register Otaiti as a wahi tapu area – see Appendix 1.

<sup>26</sup> Rowdy Akuhata personal interview 18 August 2013

<sup>27</sup> Mary Nuku personal interview 18 August 2013

<sup>28</sup> Pare Nuku personal interview 18 August 2013

<sup>29</sup> Ngawhika Otimi, 15 February 1894, Judge O'Brien MBK, No.28, p.198.

As early as 1889 Ngai Te Hapu/Patuwai people were building their own boats on the island<sup>30</sup>. The traditional waka were being replaced by fishing smacks and whaleboats. Indeed whaleboats seem to have been the most common form of transport from the island to the mainland at this time. The fleet was known by Pakeha in Tauranga as the Motiti flotilla.<sup>31</sup>

These new boats meant that the resources of the reef could be better utilised and along with the export of kumara, fish became an important income source for the island in the early to mid decades of the 20<sup>th</sup> century especially.

Otaiti has featured as a food basket supplying sustenance for the people in both kai and economic terms. It has continued to serve in this way for generations now.

We once needed fishing grounds for survival – that still applies to an extent - but over the centuries Motiti fishing was enculturated and culture still clings to the activity – sharing the catch around to maintain whanau links, giving thanks to Tangaroa for the bounty, and having hapu rights to the Otaiti fishing ground are all activities that continue and which serve to embed the people in their *rohe*.

The karakia of the old people, and some of us who would fish Otaiti today if we could, are offered as expressions of our respect for the mauri of our reef and a reminder to us of our kaitiaki obligations towards it.

In recent times we have had to share our reef resources with others who have come to know and respect Otaiti as we do. Until the *Rena* event, Otaiti held its own being neither over exploited nor abused and we believe that it has been shown proper deference by the recreational fishermen and divers who used to flock to the reef especially in the summer. Most of them are good – taking enough for a good feed but it is not possible for us to know for sure. But now we feel that a disregard is being shown to the way we look at the reef. The greed way in which some of the charter dive people latched onto the possibility that diving on the wreck might bring them more income is disappointing to us. We are starting to think that a time might be coming when some controls over the reef might be needed.

We would like to see an annual survey of fish in and around the reef so that we can know how our fish stocks are doing.

We regard the reef as a taonga and have a great reverence for it because while our crops and water supply might fail, until the *Rena* came, Otaiti has never failed us.

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<sup>30</sup> New Zealand Herald 7 December 1889: p1.

<sup>31</sup> 1889 Auckland Weekly News 14 Dec 1889.

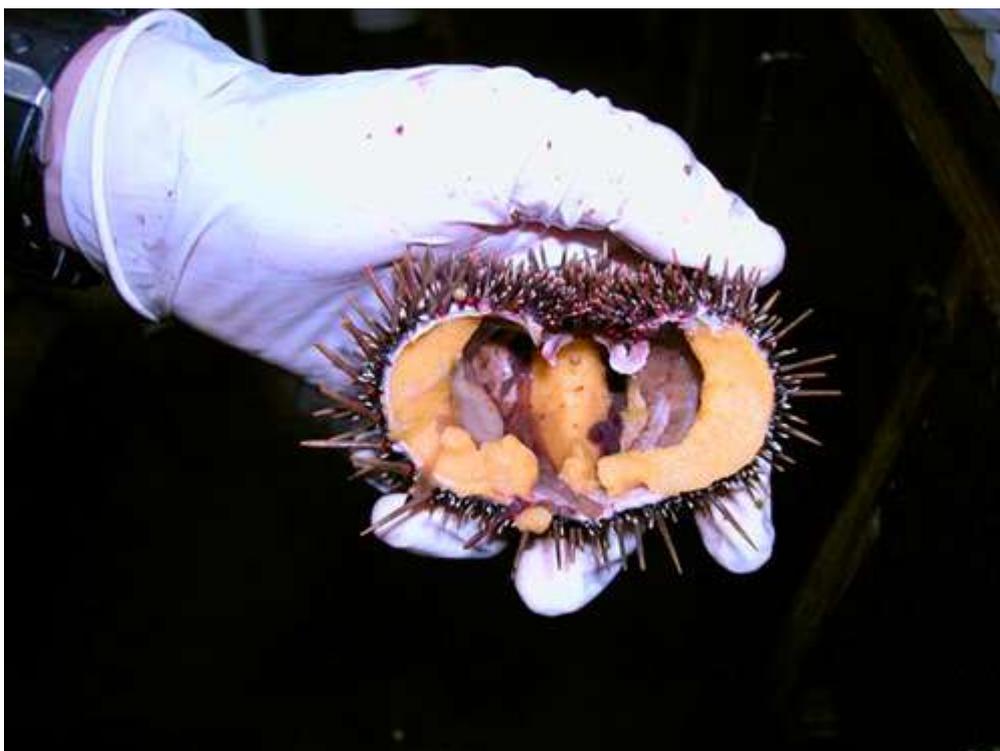


Figure 10 Kina roe at their best

### Traditional concepts associated with the reef, its resources and use

There are three traditional concepts associated with Otaiti reef. They are mauri, kaitiakitanga and manaaki. Mauri we have already touched on and it will be further discussed in the next section of this assessment.

### Kaitiakitanga and Ngai Te Hapu's obligations

In the Maori world kaitiakitanga is the obligation of stewardship or guardianship. It is an obligation passed from one generation to the next to look after the *rohe* resources of the people. That responsibility is normally regarded as being to leave Te Taiao – the environment and its resources – in a condition better than that inherited by them, the obligation then passing to the next generation.

The modern kaitiaki role has evolved to be more than it might have been in traditional times. Then as now the traditional view was about looking after the natural resources and environment within the traditional *rohe*. Now however there is an appreciation that there is a wider environmental obligation. Oil and other pollution from the *Rena* with its more than local impact is the perfect example of the need to broaden our kaitiaki role.



**Figure 11** Kaitiakitanga in action - hapu members and the hard working volunteers involved in the oil clean up on Motiti Island

As an example oil from the *Rena* wreck travelled to many parts of the Bay of Plenty and is still being cast ashore now. Those other places are well outside the Ngai Te Hapu rohe but nevertheless the source is within the rohe; therefore the kaitiaki responsibility falls on us to do something about it.

In the same way we have a responsibility towards the mammals – seals, dolphins and whales, as well as the prolific bird life. The bird life in particular is one for which we have a traditional kaitiaki responsibility. Our ancestors – and sometimes ourselves – took titi, mutton birds, and we respect them as a valued food resource. These birds and other sea birds such as penguins were badly affected by oil fouling from the *Rena*.

In former times kaitiaki responsibilities meant defending all the hapu resources against theft or misappropriation and misuse by others. It also meant ensuring the sustainable use of the resource and preservation for the future.



**Figure 12:** Titi, mutton bird or Sooty Shearwater

For example there were seasons – such as breeding times - when a resource might not be taken or used. Or when the numbers of a particular resource were down and needed time to

recover. There was also a management regime for the use of a resource. Normally sufficient of a resource might be taken to satisfy the immediate need thereby preventing over exploitation – akin to the numbers restrictions used now. This might also mean that the taking of shellfish might be restricted to those of a particular size to preserve breeding stock. The resource might be communally shared as a means of managing a resource i.e. catches would be whanau or hapu catches and the entire catch would be laid out and distributed evenly. These things remain unchanged. The only thing that has changed is how we manage our kaitiaki duties.



**Figure 13 Oil fouled seabird**

In contemporary times and under the aegis of the *Resource Management Act (1991)*, kaitiakitanga has become an important component in the consideration of cultural values and the environment. The prominence given to kaitiaki principles under section 7(a) of Part 2 of the Act gives our view of kaitiakitanga legislative “teeth” in that there must be regard for

“...the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.”

With the *Rena* our responsibility is clear, we inherited a pristine reef and we have an obligation to pass that same pristine reef on to our children and our children’s children and beyond.

### **Manaakitanga and mana**

Closely linked to kaitiakitanga – the next step in a practical sense is manaakitanga – which has various meanings among them: caring for, showing respect, hosting. For the Motiti hapu it means a proper sharing of the resource which is the physical expression of manaakitanga. It is a further obligation on us as hosts to ensure that guests and visitors are well fed from within the resources of the hapu. We have always been known for our kaimoana and feeding our manuhiri with the bounty of the sea is a point of pride and mana for us. Should we as hosts not be able to provide for our guests in this way it is a reflection on us and the poor use and management of our resources.

Our manaaki obligations can only be met if we have properly discharged our kaitiaki responsibilities. Because of the *Rena* our obligations in respect of manaakitanga and kaitiakitanga are in deficit and our mana is diminished accordingly. Our mana will not be restored until we can properly fulfil our manaaki obligations and the wreck is removed.

### **Impact of the *Rena* on our customary usage of Otaiti**

The impact of the *Rena* on our customary use of Otaiti has been immense and is on-going. For the first time in centuries we are banned from the use of our own taonga and its resources. That impact is total. It is akin to saying you are banned from the supermarket. What more can we say?

However that is just the physical impact. Yes we have alternative places around our island home to fish and other places to go to gather kai moana but we can never be sure that something from the wreck will be affecting that kai, those fish. We cannot eat of our kai moana resource with the confidence of former times. We cannot properly host our visitors because our sea food cupboard is tainted.

But the bigger impact is the psychological one. We regard the presence of the *Rena* wreck on Otaiti to be an abomination. It is a direct insult to our hapu that the mauri of our reef should be desecrated in this way.

For us the wreck had created feelings of an overwhelming helplessness because while we have kaitiaki responsibilities for Otaiti and the surrounding waters, the presence of the wreck – and the debris that still washes up on our beaches and coastline - is a constant reminder that we are in fact powerless to discharge those responsibilities. Those who have the ability and the resources to remove the wreck will not do so despite knowing full well that this is what we want.

Even worse is the fact that it belittles our further obligation to protect the mauri of the reef – its spiritual essence – the life force from which the bounty of the miracle that is Otaiti springs.

Our experience to date with the people responsible for the wreck, their representatives, our local and national government, the agencies charged with responsibility for dealing with the aftermath of the wreck, shows us that our religious and spiritual beliefs as far as Otaiti are concerned count for nothing and can be easily ignored.



Figure 14 *Rena* container cast up on Motiti

We are but a small hapu on a small island at the bottom of the world and until the *Rena* our lives and our island and its resources were wholly ours. But the wreck has changed all that. We have a running sore on our reef and we do not have the means to heal it. We can only do what we can within our humble resources to try and legally require others – strangers to our land – that they must accept the responsibility for repairing the great damage they have done to us.

To comfort ourselves we only have our karakia but no amount of prayer and supplication, no matter how earnestly offered, will shift the *Rena* wreck or serve to repair the damage it has done/is continuing to do, to the mauri of Otaiti.

We cannot protect the taonga and the resources that have been passed to us by our ancestors. The reality of the presence of the wreck laughs in our faces and we are a much reduced people as a result.

We simply ask that those who are responsible for the wreck on our reef be compelled to take it away. That will be the first step in addressing the cultural impact of the *Rena* wreck on Otaiti.

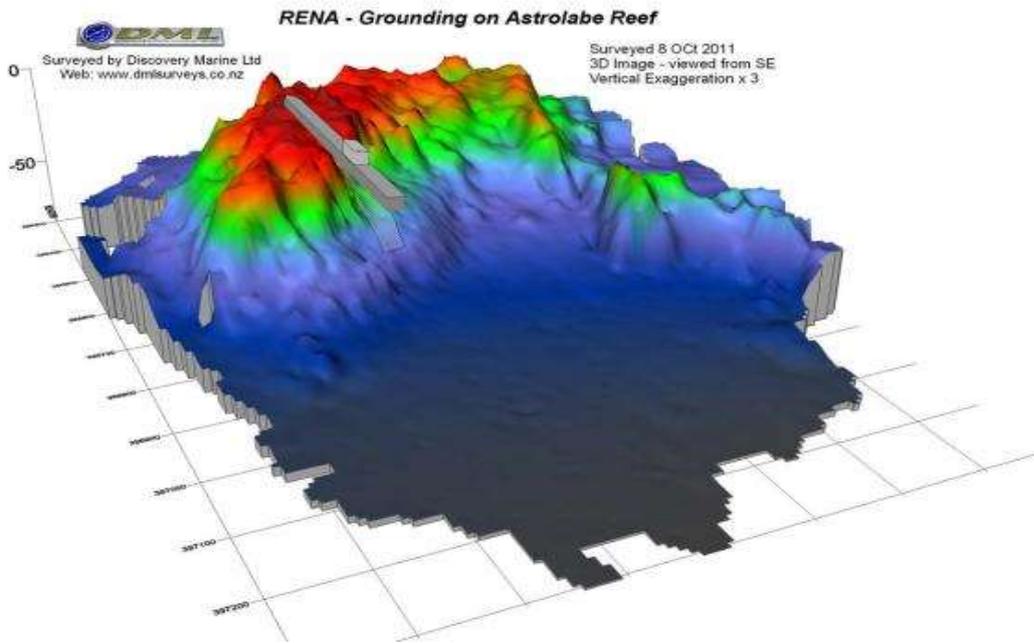


Figure 15 3-D view of Otaiti and the *Rena* wreck

### Comments on remedial and mitigation proposals

We have heard all the arguments about leaving the wreck in place. We have been told that the wreck can be made safe and that in time it will become part of the reef by being absorbed into it.

We are told that marine growth on a hulk is already occurring. We have been shown the photographs. We are also told that the wreck can become a safe dive site once the accommodation block is removed; that people will come to dive on it as they do on other wrecks. It will become a tourist attraction for dive operators and fishing charters. But we have no interest in seeing the creation of a new recreational dive site – Otaiti was already a famous dive site before the wreck came along. It is an entirely Pakeha idea that wrecks on reefs provide people with recreational opportunities.

You will forgive us if we are less than overjoyed at the prospect of others making a living from our misfortune and we note that none of these things can restore the mauri of the reef.

A further argument is that removing the wreck will cause serious environmental damage to Otaiti. We are also told that continued salvage work on the wreck will be dangerous and that someone could be killed. We have been asked: “How would you like to be the one who has to tell the family of the dead person the news.”

The way we look at it is that these are all excuses to justify not spending the money on removing the wreck. We know that the wreck can be salvaged and removed and yes it will be a costly exercise but that is not our concern.

Can we say again that we did not put the wreck there and we do not see why we should have to accept that it remain there when clearly removal is possible.

As for telling the families of any who should die while working on the wreck? That is emotional pressure of the worst kind and we find it shameful that the owners and insurers should even raise the subject<sup>32</sup>. Every job has its attendant risks some more so than others. We would expect that the very highly paid people employed in underwater salvage work firstly understand the risks involved and secondly have work plans that minimise those risks.

- We do not need the wreck as an artificial reef – we already had a reef
- If you want to create a wreck dive site then take the *Rena* wreck elsewhere and sink it there
- We understand that the job can be done safely, just not quickly.
- We understand that damage might be done to the reef in the removal of the wreck. But our point is that its mauri can never be restored if the wreck is left there.
- We are told that cutting up the wreck for removal will release toxins from marine paint flakes into the marine environment. We do not see how not cutting it up and leaving the wreck in place where the paints must break down eventually and release the toxins is a better solution. We do know that if the paint flakes were flakes of gold each one would be recovered no problem.
- We would rather that the reef recovers from the damage of removal – and it will do – and restore its mauri to where it was before the *Rena* event, unimpeded by the presence of a foreign object.

We have been told that the owners and insurers of the *Rena* will pay the Government a sum of \$10m if they obtain resource consents to leave the wreck on Otaiti<sup>33</sup>. We are struggling to see how the Government can make such an arrangement without consultation with us. Not only do we face a battle against the *Rena* owners but we feel we have been abandoned by the Government who have a clear Treaty obligation to actively protect our rangatiratanga over Otaiti. This is a blatant breach of Treaty principles.

### Infrastructure proposals for Motiti

We have been offered a range of infrastructure projects that will “improve” our lives on the island. The offered improvements will be paid for by the *Rena* owners and insurers but they are contingent on us accepting that the wreck remains on the reef. Should it be that the

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<sup>32</sup> Even the Crown has attempted to use this “guilt trip” argument against us. It was related to us by the Crown Law Office in a judicial conference with the Waitangi Tribunal on 25 October 2013 where the Crown was objecting to our request for an urgent hearing of our WAI 2393 claim.

<sup>33</sup> <http://www.abc.net.au/news/2012-10-02/wrecked-nz-ships-owners-reach-settlement/4290778>

wreck has to be removed then these improvements offers are withdrawn. Forgive us if all we can see is a bribe dressed in the clothes of an offer of help.

Obviously some things that are being put forward to us might well improve life on Motiti, e.g. improved roads, a reliable power supply, a harbour facility and similar but acceptance of these “improvements” would be at the sacrifice of the lifestyle that we have now and would open us up for potential development to a level we do not want.

Most of all it would represent a betrayal of our integrity as a hapu for the stand we have taken and an abandonment of our kaitiakitanga inheritance and our obligations to our taonga, Otaiti.



**Figure 16: the *Rena* was fully laden when it struck Otaiti**

## **Mauri, Otaiti and the Treaty of Waitangi**

The impact on the mauri of Otaiti is at the heart of the impact on our cultural values. For us the issue is the threat brought by the continued disturbance to the mauri of the reef and its resources and by association, to us. The fact that these arguments might be overlooked creates a deep sense of unease for us.

Mauri is part of the deep structure of traditional Maori thought. If our view of mauri is ignored then we think there is a larger implication for the future unity of Maori culture in general. This is because mauri is one of the primary divides between the Maori and Pakeha worldview. If we Maori are unable to gain acceptance of our view of mauri then we become not too different to Pakeha and our culture is put in deficit.

The mauri argument needs to be made to carry weight otherwise the Article 2 promises inherent in the principles of the Treaty of Waitangi are worthless. Ignoring our view of the impact on the mauri of Otaiti is an abrogation by the Crown of its obligation to uphold the principle of the active protection of our rangatiratanga. This is important because our Maori customs need to be protected and the reason is because mauri, and the concept of tapu which defends it, is at the very centre of our customary thinking.

While land loss is easy for Pakeha to understand and therefore recompense, mauri is much more elusive because it is a metaphysical religious concept rather than a physical concept. In our world nothing of importance happens without first seeking a religious blessing, through a karakia, for what is to follow. We have shown that since the days of the tohunga Ngatoroirangi this has always been the case with Otaiti and Ngai Te Hapu have continued this tradition.

In our opinion we have an equal right to have the standing of our religious truths – a belief in mauri and the need to acknowledge it - to be regarded as having an equivalent weight and gravity.

Space for the practical observation of religious concepts already exists within our legal system. Hearings of the Environment Court, for example where there is a major Maori *take*, almost invariably commence with a karakia. In all courts there is an ability to swear an oath on the Bible in recognition of God's power. Our parliamentarians seek God's blessing for the daily activities of the House of Representatives. We ask God to defend us when we sing the national anthem.

Maori in our part of the Bay of Plenty have almost completed the Treaty claims process where loss has indeed been the central experience of Maori as a result of being colonised. The loss of our lands especially is the very embodiment of the loss of authority over what was ours. Treaty settlements have in the main attempted to recognise that loss.

We therefore think that it would be cruel and immoral if the government were to ignore our arguments in the case of Otaiti and the *Rena* thereby repeating our colonial experience.

We have good reason to be dismayed on this count because there is strong evidence to suggest that our views have already been ignored. For example the confidential agreements that have been reached between our government and the owners/insurers of the *Rena* have not taken our views into account.

Otaiti, as we have explained, is an important fishing ground of our hapu. If our hapu does not wish to have the wreck left on the reef then that opinion must prevail simply because of the authority (the relationship, the rangatiratanga) that the Crown recognises us as having and which we exercise over our hapu rohe as promised in Article 2 of the Treaty. Otherwise we are re-colonised and dispossessed of authority over our possessions in the same way that others have been of their tribal lands.

We have few pieces of our culture which are not compromised and impinged upon by Pakeha and the idea of a large modern steel ship forever despoiling our pristine reef is as deeply upsetting as say commercial incursions into national parks would be for many Pakeha. For us our feeling for the natural world Te Taiao, does not stop at the land but is equally important in the sea.

It has happened too often that we are called upon to subordinate our culture for what is perceived to be the common good. That should not be the case here. The *mana* that we have over Otaiti is supported by the Treaty of Waitangi. It is not a notion but a working fact. Our people do not want to share the reef with others for purposes that are non-traditional and it is our belief that our view has the strength of the Treaty of Waitangi behind it.

If we are to be equal partners in New Zealand society, then our views on this must take precedence over the wish of the ship's owners and insurers to minimise their costs, and the wishes of some parts of the recreational lobby to maximise their pleasure.



Figure 17 A bottle-nose dolphin. There are a number of resident pods in Motiti waters. The people of Motiti regard them as kaitiaki who would ride the bow wave and escort their boats home from just off the Tauranga harbour entrance all the way back to Motiti

### What does Ngai Te Hapu want?

The primary objective for Ngai Te Hapu is the restoration of Otaiti to its former pristine state. The time needed or the costs of restoration are not considerations for us.

- A formal apology to the hapu given at a properly convened press conference with national television coverage for the wreck of the *Rena* on Otaiti
- The complete removal of the wreck and anything linked to the wreck, debris, cargo, hazardous substances etc.
- Establishment of a trust fund to deal with the removal or clean up costs of any wreck debris that may wash up on Motiti or mainland beaches in the future

- Funding of an on-going programme to monitor reef recovery and the on-going health of the reef environment including annual fish stock surveys
- A change to the rules governing navigation in the Bay of Plenty so that commercial cargo vessels give Otaiti a wider berth when passing
- Establishment of emergency response facilities on Motiti Island



**Figure 18 Volunteers cleaning up oil on Papamoa Beach - October 2011. Ngai Te Hapu wishes to thank all the volunteers who gave so generously of their time and came to help at Motiti – he mihi aroha ki a koutou.**

## Acknowledgements

Ngai Te Hapu Inc would like to thank the following people for their contributions to this CVA document or for authoring material which we have drawn upon:

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Pouroto Ngaropo	Mary Nuku
Pare Nuku	Nepia Ranapia

## APPENDIX 1 – Acknowledgement of Ngai Te Hapu Wahi Tapu area application for Otaiti Reef



## APPENDIX 2 – Ngai Te Hapu Treaty claim (WAI 2393) correspondence 14 May 2013

Ngai Te Hapu Incorporated Society

Private Bag 12060

TAURANGA

The Registrar

Waitangi Tribunal

Fujitsu Tower

141 The Terrace

PO Box 5022

WELLINGTON

14 May 2013

### URGENT CLAIM

Tena koe

On behalf of Ngai Te Hapu Incorporated Society of Motiti Island I wish to lodge a claim with the Waitangi Tribunal in respect of the grounding of the *MV Rena* on Otaiti, Astrolabe Reef, in the Bay of Plenty on 13 October 2011.

The Ngai Te Hapu position has always been for complete wreck removal in order to restore the mauri of Otaiti.

Any attempt to leave the wreck on Otaiti Reef is strongly opposed by Ngai Te Hapu and the granting of any consent that might be applied for by the owners and insurers of the *Rena* to this effect is likewise strenuously opposed by Ngai Te Hapu. The cost consideration of complete wreck removal is not a concern for Ngai Te Hapu on the grounds that it is the owner's and insurer's responsibility.

Ngai Te Hapu believes that it has been prejudicially affected by the failure of the Crown to:

- Protect Ngai Te Hapu's rangatiratanga over Otaiti by a failure to enforce the wreck removal notice served on the owners of the *Rena* by the Director of Maritime New Zealand under section 110 of the Marine Transport Act (1994)

- Protect Ngai Te Hapu’s customary rights over its rohe moana waters by the failure of the Crown to ensure the removal of the wreck and cargo remnants which continue to be a source of on-going pollution
- Protect Ngai Te Hapu’s customary rights over its rohe moana waters by the failure of the Crown to ensure that the correct shipping lanes are used by vessels in this area of the Bay of Plenty

We seek relief for our claim by insisting that the Crown require the complete removal of the wreck of the *MV Rena*, the recovery and removal of all cargo and the recovery and removal of all debris associated with the wreck, effective immediately.

We wish to seek and urgent hearing of this claim.

We reserve the right to amend this claim.

The address for service in respect of this claim is set out above or e- correspondence can be directed to: Rangī Butler at [mikaere@gmail.com](mailto:mikaere@gmail.com).

Notice of this claim should be served on:

Crown Law Office

Hon Gerry Brownlee, Minister of Transport

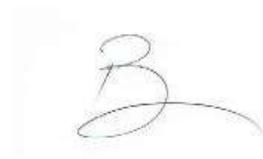
Maritime New Zealand

Lowndes Associates Level 5/18 Shortland Street Auckland (representing the owners and insurers of the MV Rena)

Robert Makgill, North and South Environmental Law PO Box 37813 Parnell Auckland

CEO, Te Runanga O Ngati Awa 4/10 Louvain Street, Whakatane

Yours faithfully



Rangī Butler

## APPENDIX 3 – Ngai Te Hapu Treaty claim (WAI 2393) correspondence 6 June 2013

Ngai Te Hapu Incorporated Society  
Private Bag 12060  
TAURANGA

The Registrar  
Waitangi Tribunal  
Fujitsu Tower  
141 The Terrace  
PO Box 5022  
WELLINGTON  
6 June 2013

### RE: URGENT CLAIM MIR/Elaine Butler/11354

Tena koe

Thank you for your response of 4 June to my earlier letter seeking registration of a claim in respect of the wreck of the *MV Rena* on Otaiti Reef (Motiti Island) in the Western Bay of Plenty.

In reply to your queries I can say:

- (i) I am Maori and so are the rest of the hapu bringing this claim
- (ii) We believe that the Crown is in breach of section 110 of the Marine Transport Act (1994) in that an order issued by the Director of Maritime New Zealand to remove the wreck of the *MV Rena* has not been given effect to;
- (iii) As a result Ngai Te Hapu has been prejudicially affected through the on-going impact of the wreck on the mauri of Otaiti Reef and the disruption to the hapu's kaitiaki obligations to the reef taonga; in addition the hapu continues to suffer from the release of wreck debris; the presence of toxic chemicals in addition to plastics, copper, marine anti fouling paints, fuel oil and other cargo contents in the wreck and in the wreck vicinity; the impact on marine life and the restrictions on access to and use of the reef resources because of the presence of the wreck;

- (iv) As stated in our original correspondence we believe the failure to remove the wreck represents a breach of the Crown's Treaty principle obligation to actively protect our rangatiratanga over the Otaiti Reef and its environs while the failure of the Crown to work with the hapu to actively achieve the removal notice represents a breach of the principle of partnership. Furthermore the failure of the Crown to consult with Ngai Te Hapu over the removal of the wreck represents a breach of the Crown duty to consult.

If the wreck is not removed in its entirety as per the removal notice mentioned previously, the hapu will suffer ongoing prejudice in terms of the matters outlined in (iii) above.

### **Urgency**

We seek urgency on this claim because we understand that the owners and insurers of the wreck are to shortly apply for resource consents to leave the wreck on Otaiti Reef. We will be opposing that application on the grounds already stated. In this respect we believe we meet the Tribunal criteria for urgency because:

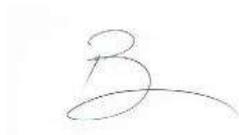
- As per (iii) above we are suffering and will continue to suffer irreversible prejudice if the Crown fails to enforce the removal notice
- There is no reasonable alternative that in the circumstances would be reasonable for us to exercise
- This is a relatively straightforward matter in our view and accordingly we believe we are ready and prepared to go to hearing
- Our claim challenges an important (in this case) Crown inaction
- Mediation is not possible given the owners and insurers stated preference to leave the wreck in place and the Crown failure to respond to this preference

We seek a recommendation from the Waitangi Tribunal that the Crown should properly discharge its Treaty obligations in this case by enforcement of the removal notice.

We have limited resources and presume that the Tribunal also has limited resources. For that reason we invite the Tribunal to hear our claim in Tauranga rather than on Motiti Island which would be our first preference.

I trust this better describes the nature and intent of our claim but please contact me if you need any further information.

Yours faithfully



Elaine Rangi Butler

For Ngai Te Hapu Incorporated Society