

## CHAPTER 3

# PERSPECTIVES

### 3.1 INTRODUCTION

To background the issues before us, this chapter considers perspectives about claimant views and the river in more recent times. It covers the claimants' beliefs, recollections, experiences, and hopes that define the nature of their current association with the river, their concerns over despoliation, and their claim for the restoration of their traditional authority. Their views, and additional material on river use and degradation, explain the concerns that gave rise to the claim. A Pakeha perspective follows as a reminder of other interests in the river and other opinions on its management.

### 3.2 THE FIRST PEOPLE

#### 3.2.1 Past voices

Atawhai (Archie) Taiaroa, the chairman of the Whanganui River Maori Trust Board, opened the people's submissions, and following Maori tradition, honoured the forebears before addressing the living.

He referred to the longstanding nature of the claim and stated that the Whanganui iwi:

are embarrassed after 118 years of making applications to different forums, to different levels of government, trying to prove who they are, trying to say 'This is our tupuna awa, this is our ancestor', and to come again today to make the same presentation. And as such they are saying, 'This is it'.<sup>1</sup>

The claim, he added, was a memorial not only to the past leaders 'but to the many who have passed through the 118 years'.

We thus recall the words of Te Keepa Rangihwinui, one of the first former river leaders to argue that the old Maori laws for the river should still apply, in a letter of 1876 to the Whanganui Harbour and River Conservation Board:

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1. Oral submission of Archie Taiaroa, Putiki Marae, 18 March 1994. The written record of protest over the river probably begins with the petition of Te Keepa Rangihwinui on the Timber Floating Bill of 1873, expressing fears of the Crown's quiet assumption of what he saw as Maori waterways: see 'Report on Petition of Major Kemp and Others', LE1/1873/10, NA Wellington, p 9.

I salute you! and convey my thoughts to you. My ancestors downwards, have been in the habit of frequenting these waters from the ancient Pa of Putiki wharanui. The right passage for the waters of the Wanganui to take is that through Te Patapu, which is now being closed by the European. If you persist in closing up the passage naturally sought after by the contending waters of the Wanganui, the money of the Government spent thereon will float to the sea and be lost sight of. In the ancient days, before the memory of living man, this was the course taken by the Wanganui. Therefore, I advise you, let the waters seek their ancient outlet by the direct channel of my ancestor, Rere o Maki, to nature's outlet.<sup>2</sup>

A century later, the first named claimant, Hikaia Amohia, who died in 1991, was to say:

The Whanganui River has a Significance to the Maori People of this Region, beyond its use as a Commercial/Resource Product. The Whanganui River retains and, maintains the *Spiritual Elements, and, Tribal Cultural bondage of our Maori People together*, that can be described within the Terms and, Practical Observances of: *IHI, TAPU, and MANA*.

For our People, *IHI, TAPU and MANA go together*. Each one is dependant upon the others. An interference or breach of one affects the rest. Any interference with NATURE, including the RIVER, breaks the LAW OF TAPU; breaks the IHI or Sacred Affinity of our Maori People with the River; and, reduces the MANA and Soul of the Whanganui River, to what it is becoming regarded of today, to being nothing more than a Product for Commercialisation or, a product for purely aesthetic appreciation. The Whanganui River is far more than that.

Physical Pollution of the Whanganui River affects its SOUL, its WAIRUA; . . . its MANA; and, through the Sacred Affinity of this Sacred Place to our People *affects us*, mentally, physically, and, spiritually . . .

When YOU interfere with the Flow of the River you are interfering with NATURE. Carried out intentionally, you interfere with TAPU . . . [Emphasis in original.]<sup>3</sup>

### 3.2.2 Living voices

An account of  
personal and tribal  
experience

The many who spoke at the numerous marae described what it was to be part of the traditional river people, calling in aid their experiences and such of the history and values as had been orally passed down. Much was to be gleaned as well from the accompanying speaking tools, the many genealogies, proverbs, chants, and songs to support the speaker's ancient association with the territory. Nor could we dismiss the silent testimony of the surrounds, from the ancestral effigies and woven panels that amply adorn their striking carved houses to the cemeteries and bush-clad remains of early habitations that pepper the rugged beauty of the landscape.

The late Matiu Mareikura provided a contemporary overview:

2. Cited in M J G Smart and A P Bates, *The Wanganui Story*, Wanganui, Wanganui Newspapers, 1972, pp 98–99

3. Document A64, pp 1, 3

My affiliations to Whanganui the river go back to my inception as a child, and even before that. I had no option about it, I had no right to choose it, it is my way of life to belong to the river.

... Our Whanganuitanga is the ultimate in things that are Maori. The things that have been left behind from our old people to us, and only to us as caretakers. Not to us as owners. To us as caretakers for the future. Rangatiratanga means to me that nothing shall come between what is right for me, Whanganui, and what has been left behind from our ancestors.

. . . . .

That Rangatiratanga, my Whanganuitanga, is something to be always treasured, and we have always been brought up to believe that we need that. That's why our people have left behind what they've left behind for us. And now we find that we have to go and see other people to get permission to go places that are special for us.

... It's important that we have the right to do what we have to do, because culturally we will suffer for it otherwise. We will suffer physically and we will suffer spiritually for the things that we are unable to do. If anything impedes our Rangatiratanga then we the Tribe will suffer immensely psychologically. Physically, we can end up being quite sick, spiritually we will go down. All these things will be detrimental to the tribe if our Rangatiratanga is taken away from us.

... As the people of the river, we speak of the teardrops, the teardrops of Ranginui, and one of the teardrops was our river. Our river is the Whanganui River, and some people claim the Whanganui River comes out of the Tongariro mountain. That's right, if they don't know how Tongariro got there. Before Tongariro was there, the river was there. So if we go back in history, we find that the tear drops of Ranginui were given to Ruapehu.

And so we go back to the river, and the river is the beginning, the beginning for our people from the mountain to the sea. It ties us together like the umbilical cord of the unborn child. Without that, it dies. Without that strand of life it has no meaning. The river is ultimately our mana. Our tapu, our ihi, our wehi, all these things make up what the river means to us. It is our life cord, not just because it's *water* – but because it's sacred water to us.

Our people go to the river to cleanse themselves, they go to the river to pray, and they go to the river to wash. They go to the river for everything leads back to the river. And the river, in return, suffices all our needs. Without the river we really would be nothing because of all the resources that it gives back to us, the history that has gone on in the past with our people who have lived on the banks and used it as a motorway, used it as the only thoroughfare. We have been taught to treasure the river for what it is, and what it has been given to us for. For we are its caretakers, we have been given the job of taking care of the river. And we care for it jealously, which is why we argue about the things that go on today.

. . . . .

Tribal karakia and rituals, poi, action songs and haka all go back to the river, and to the mountains, and to the sea. We have been given the task to hold and preserve these things for our mokopuna – not for us, but for the generations yet to come. We do that because if we say it's for us, the time is only short, but if we say it's for our mokopuna, then that time is like this shadow. It starts to spread out and spread out and spread out, and when our shadow is long, we are in line with the old people and the ancestors.

To me, the river has been the ultimate part of my learning, my own learning in the Whare Wananga, and it has been a source of spiritual things that even you and I can't discuss. It is something that has been discussed by the ancient ones, and the rituals that went on are not to be discussed. But those are the spiritualities that the river holds for us. We give to it the things that people don't realise – it is hard to even begin to understand what we're talking about when we talk about the spirituality of the river. [Emphasis in original.]<sup>4</sup>

An underlying history and unity

Pervading the submissions was an omnipresent sense of history, of an enveloping past that caresses the people's present and directs their future. It is from that history too, as Mareikura stressed, from their common origins and shared experience, that the people were to be seen as one people, though traditionally arranged as several hapu and though now largely dispersed.

### 3.2.3 Children's voices

A training place and playground

Speaking of a place where steep hills highlight an expanse of flowing water, Te Kuia Peeti was one of many who recalled the river of their childhood. At Kaiwhaiki, she said, she could swim before she could walk:

From morning till night, we would swim and learn about ourselves and surrounding environment. As youngsters, our bodies were developed in the water. Limbs were stretched and pulled. We learnt fleetness of body and mind. We swam continuously across and back a dozen times a day without a thought. The river was our playground. As a child to be a fully fledged and accepted part of the 'elite' was to have prowess and abilities in the water.

As children we had our special landings, special places where we swam. Our favourite landing was below the marae. It always had a lovely wide beach where we could sit, sing, talk, eat and play. We would splash water on to the banks and slide into the river. It was fun. We would dry our hair with the willow branches. Flicking our hair back and forth, back and forth.<sup>5</sup>

For Dardanella Metekingi at Putiki, the river was her and her friends' 'main playground'. She recounted such games as crab races, making mud cakes, catching flounder, jumping from one floating log to the next, piggy-back fights in the water, and swimming races: 'We used to virtually live down there,' she added.<sup>6</sup>

Swimming was paramount. Arthur Anderson claimed that 'the same time that I walked, I swam as well because I lived in the river'.<sup>7</sup> Julie Ranginui remembered being 'thrown in the river to learn how to swim, and I can remember coming up from under the water and seeing all my kuia and my dad standing there waiting to see whether I was going to come out of the water or not'.<sup>8</sup>

4. Document B11, pp 1–4

5. Document A58, pp 1–2

6. Document A57, p 1

7. Document A60, pp 1–2

8. Document A70, p 1

Figure 1: Lamprey and eel weir in the Whanganui River, 1921.  
 Photograph by James McDonald. Courtesy Alexander Turnbull Library (P-A1 257-076-3-Q).

### 3.2.4 Fisheries

Play place and training ground though it may have been, the river was also a place of work and provided a plentiful supply of food. It supported 18 kinds of native freshwater fish and other species such as freshwater crayfish and mussels.<sup>9</sup> Matiu Mareikura explained how the activity of fishing was controlled:

**A communal fishing activity**

Fishing was a family thing, a tribal thing. Everybody had a job and you knew your job. You knew when to go fishing, and you only went fishing for reasons. You didn't go to catch a couple of thousand fish just for you and your family, it wasn't like that. When you fished, you fished for everyone. You fished for the tribe and you fished for a hui that you knew was coming up. Everybody went prepared for those particular things at a particular time.<sup>10</sup>

Resource conservation was stressed, Mr Mareikura considering that the old people:

**Conservation**

knew when to go out, and they knew when to stop. They didn't go out fishing and eeling and just stay there and take hundreds – which they could have done because there were plenty at that time – they just went to get sufficient food. They were conservationists at their best. The little ones were always put back, and you only took a certain size so as the population was plentiful all the time.<sup>11</sup>

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9. Document A49, p 14

10. Document B11, p 7

11. Ibid

Figure 2: Eel pots, Whanganui Regional Museum.  
Photograph courtesy Alexander Turnbull Library (G741471).

Others described the restraints placed on fishing when stocks were low, to allow numbers to increase. Kevin Amohia spoke of learning to respect nature when being taught to fish by his father, and of the custom of releasing the first fish as an antidote to greed:

My dad caught an eel further down river from where we were swimming. He went into the undergrowth beside the river, and came back without the eel, and I wondered why. I asked him and he said ‘Oh well, I made an offering son, we’ll get

another one'. And he did. He caught a big one. It was that big that the tail was dragging on the ground when we carried it home. We know that nature will provide.<sup>12</sup>

To introduce the variety of fish that the river sustains, and their migratory patterns, the claimants called Ronald Little, a fisheries biologist.<sup>13</sup> He listed five groups of native species for the river:

Fish species

- freshwater, non-migratory species: the upland bully, Crans bully, and giant kokopu (giant whitebait);
- species that spawn in freshwater but have marine larval development: the common bully, red-finned bully, torrentfish, and various whitebait, including the inanga;<sup>14</sup>
- marine species that feed in freshwater: the yellow eyed mullet, grey mullet, black flounder (found well upstream), yellow belly flounder, and kahawai;<sup>15</sup>
- marine species that also use the freshwater environment: the common smelt and the lamprey;<sup>16</sup>
- freshwater species that must spawn at sea: the short- and long-finned tuna (eel). Although scientists recognise only two species of eel, Maori have many names for them, according to their different appearances at separate stages of their life-cycles.<sup>17</sup>

12. Document A65, pp 1–2

13. Document B10, pp 4–7

14. Inanga represent about 95 percent of New Zealand's whitebait catch. The adults live in flowing fresh water and spawn in autumn and early winter, and the larvae are washed out to sea. In spring, countless millions of transparent inanga whitebait make their way to the inland waterways from the sea. These are known to Whanganui Maori as karohi. The young inanga feed and grow over the summer and take on their adult appearance of an olive-green back and silver belly. In March, to coincide with the spring tide in the estuaries, the inanga begin their long migration down to the estuarine areas to spawn: doc B10, p 4; R A J Knox (ed), *New Zealand's Nature Heritage*, Hong Kong, Hamlyn, 1974, p 559; doc A62, p 1.

15. Grey mullet, or kanae, generally keep to estuarine and tidal areas as well as harbours and bays: *New Zealand's Nature Heritage*, pp 759–760.

16. The smelt, or ngaore, is a silvery fish found along the coast and spawns in estuarine conditions or near sea estuaries. In spring, however, the young move in large numbers through river estuaries from the sea. They can be caught and eaten like whitebait. Mature two-year-old fish, eight to 10 centimetres long, move upriver during the rising tide when they are approaching spawning. The lamprey, or piharau, on the other hand, is a long, thin, eel-like creature (not strictly a fish), which grows up to two feet long and weighs up to 200 grams. The piharau is parasitic on larger fish and spends part of its life at sea. Between May and October, the adults migrate upstream to spawn in fresh water: doc B10, p 5; *New Zealand's Nature Heritage*, pp 523, 563–564.

17. The long-finned eel, the larger of the two species, may exceed 20 kilograms and grow to almost 1.8 metres. Short-finned eels seldom reach more than four or five kilograms and one metre. The habitat of the adult eels extends from the estuaries to the headwater swamps. In springtime, large columns migrate upstream from the estuaries. The short-finned eels stay mainly in the lower reaches, but most long-finned eels migrate further up the river in January and February. In autumn, in new guise, they move to the sea to spawn, the short-finned eels as the silver belly eel ('longer than the ordinary tuna [eel], silver in colour, generally very rich in flavour and very fat' according to Arthur Anderson (doc A60, attachment, p 1), while the long-finned eels are distinctively black. The peak migration is in March and April, when the river is in flood. The adults are presumed to die somewhere in the south-west Pacific, the young returning to the river within a year of hatching. Some eels – the largest always long-finned females – do not migrate to the sea. They are thought to be sterile and to have lost the urge to spawn: *New Zealand's Nature Heritage*, pp 509–514.

In addition to the five fin-fish categories are the kakahi and koura. The kakahi, another substantial contributor to the Whanganui diet before it disappeared through reduced river flows and altered habitats, is a freshwater mollusc, which grows to 12 centimetres amongst the stones or sand along the banks.<sup>18</sup> The koura or freshwater crayfish was also taken as food from the river and creeks, but today is no longer available.<sup>19</sup>

#### Traditional fishing

Tom Bennion described European accounts of the tribe's extensive knowledge of the fish and of their intricate fishing habits.<sup>20</sup> Mr Little regretted that the Government had made limited use of the documented traditional knowledge of the fisheries before effecting a diversion of much of the river's headwaters.<sup>21</sup>

For centuries, tuna (eels) had been caught in numerous and substantial weirs, or pa tuna. Before about 1890, it was estimated that there were some 350 of them. They were generally erected in the rapids in the middle, to catch tuna migrating downstream in the fastest flowing current. Impressively solid structures requiring skill and effort to erect on stony riverbeds from canoes held steady by poles, the pa were able to withstand strong currents and the weight of loaded eel baskets. Regular repairs were required after flooding, however, and it appears that many did not withstand the larger floods that followed the clearing of the catchment area for farming.<sup>22</sup> The pa consisted of a v-shaped wooden race, into which the tuna would swim, narrowing at the downstream end, where a hinaki (basket or trap) was attached. Once inside the pa, the force of the current prevented the tuna from swimming upstream and escaping, but the hinaki had a small opening at the downstream end for smaller tuna to pass through. The very large hinaki, of which examples were produced to the Tribunal, were extremely heavy. Emptying them was a skilled operation, the canoes being poled up rapids and attached to the pa.<sup>23</sup>

Titapu Henare of Pipiriki continues to rely on many traditional ways, navigating at night by the stars to check or set his traps. He described the method of catching three types of tuna today, the tunaheke, tunapa, and tunatoke. The tunaheke, the migrating eel, is caught in hinaki or speared at night by a gaff with the aid of torchlight. They migrate down the river during the first and second floods in

18. Document A62, p 1; *New Zealand's Nature Heritage*, p 2522

19. Document A66, p 5

20. Document A49, pp 14–16

21. Document B10, p 21

22. Crown counsel submitted in closing submissions that without regular maintenance the weirs would eventually have disintegrated. She argued that the lack of maintenance, as well as dietary and cultural changes, not just channel-clearing destruction, would account for the weirs' disappearance: doc D19(c), pp 66–68. William Robertson, employed on the river from 1915, told the Native Land Court in 1939 that high floods broke the weirs, adding that Maori repaired them from time to time: doc A27(f), p 112. In a recent doctoral thesis, Suzanne Doig considered that pa tuna 'could be built with solid beams to last generations and withstand major floods'. In this, she distinguishes between varieties of weirs considering that the pa auroa were especially able to cope and, if maintained, would almost never need replacing. Even when allowed to fall into disrepair, their remains could last for generations: Suzanne Doig, 'Customary Maori Freshwater Fishing Rights: An Exploration of Maori Evidence and Pakeha Interpretations', doctoral thesis, University of Canterbury, 1996, pp 156, 160–161.

23. Document A49, pp 15–16. During the first week of our hearing of the claim, we visited the Whanganui Regional Museum and were shown James McDonald's 1921 film *Scenes of Maori Life on the Whanganui River*, which included footage of river iwi poling canoes and fishing in the traditional way.

March, he said, adding that in earlier times they were caught in weirs with catches so full it was nearly impossible to lift them out of the water. The tunapa, he said (which we understand to be the non-migrating, female long-finned eel), is a large eel that dwells in the deepest water and is caught by using a long line. Formerly, piharau was used for bait. Thirdly, he spoke of the tunatoke, caught year-round in hinaki, or by bobbing from a boat or the river bank.<sup>24</sup>

Bobbing was mentioned also by Julie Ranginui:

Glow worms were threaded onto the fibre of the flax and tied onto the end of quite a long stick. Normally it was a manuka stick because the manuka could stand the strain of pulling fairly big eels.<sup>25</sup>

She described the seasonal lifestyle of eel fishing:

We would go further down from Matahiwi and the name of that place was called Ruapirau. Ruapirau creek comes out into the river from up in the hills, and the eels there are quite long and good for putting into a smoke house. At a certain time of the year we would go down to that area when we wanted to catch the big ones for smoking. Other than that, because there were other eels handy to where we lived, we always used to leave Ruapirau for a specific time of the year. That was when the eels came out from the creek from the lakes that were up in the hills. We would be there waiting at a specific time of the year, from the middle of March to the end of April. The most uncanny thing about it was that after April, there were no fish there.<sup>26</sup>

Arthur Anderson recalled the enormous catches of his school years in Taumarunui:

I would also go down to the river to catch eels for the local hui held on the marae, at Ngapuwaiwaha. We have an eel basket in the dining hall, that we would use in past times to catch hundreds of eels. We would go down and set this basket and in one catch we would have enough to feed our people on the Marae.<sup>27</sup>

The hinaki, he added, six feet long and three feet high, was often so heavy with eels that it could not be carried and was instead rolled to shore.<sup>28</sup> He remembered, too, the autumn droves of ascending tunaheke:

They'd come up, and the only time we could ever catch them was at the Ohura Falls, just off the Whanganui River, they'd go off the Falls. And we used to watch them. The whole lot dropped off.<sup>29</sup>

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24. Document A61, pp 3–4

25. Document A70, pp 1–2

26. Ibid, p 2

27. Document A63, p 2

28. Document A60, p 3

29. Ibid, p 2

The tunariki, the small eel, travelling in arrow formation, would scale the Ohura Falls in their hundreds, he said, and 'If you knocked the top one off they would all fall into your kerosene tin'.<sup>30</sup>

Te Wera Firmin described how the tunaheke and the tunarere were caught in a pa:

The Tuna Pa had to be set up so that the full body of the main current of the river flowed down through it. Tuna coming down were travelling out to sea to spawn. It is a well known fact among the older people that as the tunaheke travels down the river it doesn't swim like you would normally think a tuna would swim, which is parallel with the surface. As they come down the river, the tips of their noses just touch the surface, and their movement is quite distinctive. Vertical as opposed to horizontal.

The method of catching them was, as they came down the river a big funnel shaped net with a ring, up to five feet across the opening. This is called a poha. The smaller end of the funnel was attached to the opening of the hinaki. . . . Another method of catching the tuna is that they have a big plaited rope or wire rope strung right across the river and anchored on both sides, with a big triangular-shaped cradle in the middle with a poha behind it. You move the big poha out into exactly the right place on the awa so you got the full force of the current as the tuna came down.<sup>31</sup>

On the other hand, the piharau, when travelling upstream, keep away from the stronger currents in the middle of the river and are caught in a weir, or utu piharau, placed adjacent to the river bank. The utu or pa consists of a barrier in the water with a gap in the middle, which concentrates the water flow through that point, with the hinaki immediately behind it. Constructed at a right angle to the bank, the utu prevents the upstream movement of the fish, and as they attempt to swim through the gap in the barrier, they are forced back down into the hinaki. A second hinaki is set on the river side of the barrier to catch piharau that attempt to swim around it. In former times, the utu were much larger, with as many as seven traps extending up to 16 metres into the river.<sup>32</sup>

Mr Anderson considered that, in his area and in his time, the people did not catch piharau further north than Maraekowhai, about midway between Tawata and the Ohura River junction. The piharau season at Maraekowhai started later than at Pipiriki, at the end of July or the beginning of August, and after September the piharau no longer ran. He said that they set their utu every night and a good catch would be about 80 piharau.<sup>33</sup>

Titapu Henare assessed the period from the beginning of June to the end of August as the best time to catch piharau in his area. When the fish reach Pipiriki, where he catches them, they have already been travelling up the river for some time. He described the required skills:

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30. Document A60, attachment, p 2

31. Document A62, p 2

32. *New Zealand's Nature Heritage*, vol 2, pp 563–564; doc A61, attachment, pp 19–20

33. Document A60, attachment, p 1

The location of the weir requires a specialised knowledge and a place near specific rapids among currents which behave in a particular way. Catching piharau depends on an accurate reading of the behaviour of the water after the trap or basket has been set in the evening, based on close familiarity over many years with the river and its behaviour, with the climate and other factors.<sup>34</sup>

Likewise, there is an art to utu construction. Mr Anderson recalled assisting his uncle, Titi Tihu, in building an utu piharau at Maraekowhai in 1936:

Before constructing the utu my Uncle surveyed the river. He was looking for the high water, a water that would encourage the flow of the piharau and studied the currents of the water.

Piharau will always take the easy side of the route up the river, the lowest part of the water. They do not go out into the fast flows. In selecting sites for the utu you had to take several considerations into account. You could put your utu right in the path of a lot of logs coming down from the river. You had to try to eliminate [that] by placing it in such a position that would overcome it, but at the same time you would still have to erect your utu on a site which is at right angles to a fast flow of water, . . . creating a back water that the piharau would come up in. You had to make sure that you erected the utu on solid ground. When you started you had to clear the bottom and make it flat to ensure that the piharau did not escape underneath. Construction of the utu took place when the water was low.

The Kaumatua performed his Karakia during the period of Awatea (dawn) and, prior to the arrival of myself and other younger ones, began the construction.

The materials for the utu began with the tools for erection. A jumper, shaped like a horseshoe at the bottom and a long pole. The jumper had a metal base. Kanuka poles were used, two poles were used, and in between were the tightly compressed leaves so that no piharau could escape and to block the water volume to create a fast flow at the end of the weir.

. . . The utu also had to have props to strengthen against the flow of water.

We had to work long hours to ensure we had the right type of water and at that time of the year it could rain and become too high for us to work. We had to work to ensure we caught the tail end of the piharau migration, August. It took from daylight to dark working continuously. We had to eat no food until we had finished it and then we went home and had something to eat.

Among the tools we had to use a bore made out of a root of a manuka, big enough to accept the top of the pole so that we drove into the pole with the jumpers. It went into the ground about two to three feet and the pole was about four inches through. Behind the weir, above the high water mark we made a walkway to go from shore to the outside part of the weir where we sat the basket down into the throat of the fast flowing current. There was a funnel arrangement made from a woven flax. One part would be three feet across and then it narrowed to the bottom of the hinaki, tied to it; which guided the piharau into the hinaki.

The weaving of the flax was special to let the water flow through it but at the same time stopped the piharau from going through it. It was a very fine weave. My sister knows this weave extremely well. The hinaki itself had a different weave called poha.

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34. Document A61, pp 1–2

We had to make sure that we were on the bottom end of the utu. If caught in the top end of [the] utu, we would be caught in the current and there would be no way to survive.<sup>35</sup>

Kakahi were eaten 'either fresh or threaded on flax and hung to dry', according to Te Wera Firmin, 'and you took them as you wanted them'.<sup>36</sup> Mr Anderson said that they could be found among the roots of shade-giving willow trees in the water.<sup>37</sup> They were a great delicacy for the old people, said Mike Potaka. He was mainly familiar with the kakahi beds at Parikino and Paetawa:

These were within my hapu area and were food sources over which my people exercise particular authority. The beds were in both the eastern and western side of the river. That on the western side of the river was about 100 metres long and some 18 inches wide. On the eastern side were a larger number of shorter beds. Before the diversion, the beds were covered in 6 inches to a foot of water and the shellfish flourished.<sup>38</sup>

Mr Potaka also described catching ngaore and karohi:

[They] are traditionally caught in a race called a Pa on the edge of a shingle bed over which flows, shallowly, the current of a rapid. The Pa is built from available rocks and stones, parallel to the beach with its open end downstream. If it is correctly positioned, concerning which careful judgement must be exercised, then ngaore and karohi travelling upstream will enter the race. A net is then placed at the opening and the fish are encouraged back down the race into the open net. Most members of the hapu took part in this activity. The drying of the fish was a means of preserving for off season and winter months. This was considered a delicacy. My brothers and I on hunting trips would fill our pockets with the dried fish to chew on whenever we felt hungry.<sup>39</sup>

Until the 1970s, he said, he and his family would expect to catch ngaore and karohi by the bucketful at pa located at Pungarehu, Huiarere, Parikino, Whakahuruawaka, Upokopoito, Atene, and Koroniti.

The trick to catching ngaore, according to Matiu Mareikura, is to create a special current to diminish the main flow. The fish will come through in their millions and feel for the right channel to swim through. The old people had taught him to catch ngaore this way, he said, and that is how he had passed it on to his children:

Its an ancient way of doing things. . . . People think 'Oh, you just build a paa . . .' and you wait and wait and wait, but you're building a special current, they like the water at a certain speed and that's how you catch them. And nobody catches any fish like that. Once it fills up, you put the net at the bottom with the kids in there and

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35. Document A63, pp 5-7

36. Document A62, p 2

37. Document A60, attachment, p 2

38. Document A66, p 4

39. Ibid, p 3

that's when the kids really enjoy it – kids with branches . . . shaking them, running down the race. That's how we've got to teach our children.<sup>40</sup>

Kanae were highly prized for food, said Te Wera Firmin, recalling how large numbers of the fish came up the river from the sea between November and March. He remembered shoals of 30 to 40 when he was a boy, and that the only way to catch them was with a net.<sup>41</sup>

### 3.2.5 Fish depletion

Several others spoke of fish depletion. That the river is no longer the main source of food, they say, is the result not only of changed lifestyles but of the destruction of fisheries. Worse, river food has become a rare treat at hui. This cuts deep in tribal pride, because traditionally visitors would be fed the river delicacies for which the river people were renowned. Some species have gone altogether. Others are diminished in number and size.

The people still build their eel weirs, but as Mr Mareikura put it:

Today, the catch is there, if the fish come. And we prepare every year, we go to the river, and we prepare these paa, and we wait. Sometimes it's in vain, they're not coming.<sup>42</sup>

He thought that it was important to continue teaching traditional fishing methods, however, 'because when they did come, you were prepared, you were ready. And so you'd wait seasons after seasons to get a catch.'<sup>43</sup> In his view:

When our fish don't come, there's something wrong with our river. They tell us what is good. It's like the birds, when the birds keep landing on your tree, then your tree is healthy. When they don't come any more, there's something wrong with your tree. And likewise with the river. When we found that the fish didn't come any more, the old people were concerned . . .<sup>44</sup>

Many reasons were proffered for the fishery decline – sewage discharge, bush clearance, farm run-off, sedimentation, land-fills, gravel extraction, water abstraction, headwater diversion, commercial fishing operations, and competition from introduced species. The Tongariro hydroelectricity scheme, which diverts water from the Whanganui headwaters and the Whakapapa River into the Lake Taupo catchment area, was especially targeted. After the scheme was introduced, river levels dropped, river vegetation was affected, there was an insufficient water volume to wash away sediment, and, reputedly, fish catches became less reliable. According to Mr Mareikura:

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40. Document B11, p 8

41. Document A62, pp 2–3

42. Document B11, pp 7–8

43. Ibid, p 7

44. Ibid, p 6

Figure 3: Whanganui River utu piharau at Patupa, Pungarehu, circa 1890.  
Photograph courtesy Alexander Turnbull Library (F J Denton collection, G482½/1).

Reducing the headwaters has brought about algae because of the low waters that we get now, and we have had a downturn in fish because of the low waters. Piharau, and ngaore, are not so prominent now. Now we have less fish, and that's because we haven't got enough water in our river.<sup>45</sup>

Speakers contended that the headwater diversion had made the river lower, slower, and warmer. They stated that fish that had once thrived had lost their natural habitat and have either gone or dwindled in numbers. Kakahi beds along the banks were exposed, and claimants say that nowhere is this food now obtainable. Similarly, eels like cool, dark water, it was asserted, and claimants say that they are much less plentiful now than before the diversion. The usual habitat of eels – holes amongst the stones or in the rocks of the river bank – was, in places, exposed above the water line after the diversion, leaving sheer papa faces that give no shelter from the sun.

For Titapu Henare, the erratic flows make it nearly impossible to set the piharau traps in the right place, while Arthur Anderson complained that there is insufficient water in places even to cover the old eel baskets.<sup>46</sup>

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45. Document B11, p 5

46. Document A61, p 2; doc A63, p 2

Kevin Amohia considered that the former flows washed quantities of shingle downstream to clean the riverbed, but now the bed is muddy and slimy. You can still get eels, he said, but they taste different, while trout have a muddy flavour.<sup>47</sup>

In the opinion of Niko Tangaroa, the reduced flow has lessened oxygen levels, threatening fish numbers and causing the proliferation of algae.<sup>48</sup>

In addition, perceived competition between eels and trout, it was alleged, had led to large-scale eel destruction by anglers. As early as 1944, the claimants told us, Titi Tihu and Hikaia Amohia had objected to the 'war against eels' project of the Taumarunui Rod and Gun Club.<sup>49</sup>

The impact of metal extraction was a concern to several speakers. We understand that it has been found, from prior proceedings where Maori sought compensation, that large quantities of gravel were removed from the bed for the building of roads, the Whanganui River Road included, and for other purposes. Here, the concern was with not lost royalties but the environmental consequences.

**Metal extraction**

Mike Potaka spoke of the harmful effect on key fishing places:

I remember seeing Thompson O'Foley Trucks, taking out loads and loads of crushed metal from a crusher situated at Upokopoito. We stood in awe at the sight of the trucks speeding back and forward.

All of these places have depended for their suitability as sites for Pa (fish) upon the gravel beds being in a particular configuration in relation to the rapids. All have for many years before the 70's been affected at different times by the taking of metal from shingle beds bordering the rapids.<sup>50</sup>

47. Document A65, p 5. This opinion was supported by geographer Richard Heerdegen: doc B14, p 2.

48. Document A73, p 4; Richard Heerdegen considered that the effect of abstraction was cumulative, because the river is becoming adjusted to a new and changed regime of lower flows: doc B14, p 7.

Biologist Ronald Little opined that the drop in water levels had damaged fish populations and habitats, and not just near the abstraction points. Even the distant estuary was affected. The river and estuary form a coherent biological entity, and damage to the estuary affects the river as a whole. Amongst other things, the estuary is a feeding ground and part of the migratory fish pathway. Its delicate equilibrium was affected by more than abstraction. It had also been affected by road-making, vegetation removal, infilling, and deepening.

Little gave estuarine pollution and change as the greatest threats to the whitebait fisheries; for example, destroying the spawning ground. Eels are more especially affected by reduced water levels in the upper reaches, he considered, with increased sediment and reduced river flows diminishing the food supply. It was apparent that the eels had become fewer and smaller. The habitat of the kakahi had been destroyed throughout the river as well, by changes in river levels, flow, and sediment. He thought piharau catch reductions could be owing to new problems in catching as well as a decline in population. The river's rapid rise and fall created difficulties in finding new catching sites or in attempting to use old ones. However, he thought the population would recover if the river flow were restored. Juvenile piharau particularly require specific stable habitats in the headwaters, he said, where the abstraction is done. He had no doubt that reduced wetted areas, altered substrate types, and artificial water flows had reduced the habitat to the point that this once vital fishery no longer existed for the Maori people: doc B10, pp 7–9, 13–17.

For the Electricity Corporation of New Zealand, Russell Howie stated that, in 1964, the Crown agreed that the diversion of water would not be allowed to cause the safety of the fish to be endangered. A minimum flow regime now applied, and following a 1990 Planning Tribunal decision, the diversion was now 19 percent less than that allowed for in the original design. Less electricity was generated as a result: doc D5, paras 3.5–3.7.

49. Document A24, p 2

50. Document A66, p 4

Figure 4: Poutama Te Ture and family at Otukopiri (Koroniti).  
 Photograph by James McDonald. Courtesy Alexander Turnbull Library (F53059½).

Before the 1970s, he added, the volume of water in the river washed enough shingle down to replenish the beds, but this no longer happens.

Te Wera Firmin said that Pungarehu was the most popular fishing spot on the lower Whanganui River. Ngaore, karohi, tuna, kanae, pariri, patiki paro, and piharau could all be caught there in large numbers. Today, he claimed, the extraction of metal from the riverbed has ruined the rapids and the associated fishery.<sup>51</sup>

**Destruction of eel  
weirs**

The historical destruction of eel weirs still rankles, embellished with stories of the police action last century to quell the Maori protest. From the 1880s, clearance for steamboat navigation was undertaken in stages from Wanganui. A 1950 estimate was that before 1890 there had been 350 eel weirs and 92 utu piharau on the river. Nearly all the weirs had been removed by the end of the century. The utu piharau fared better, since they did not obstruct navigation as much as the others, but, as we have footnoted above, the altered flow regime today has made catching piharau in weirs more difficult.<sup>52</sup>

Titapu Henare said that today there are only six utu piharau: four at Pipiriki (two of which the Tribunal saw, shortly upstream from the Pipiriki wharf), one at Matahiwi, and one at Upokopito. He said he had experienced catches of 600 piharau in a single night, and that a very good season would yield several thousand. He remembered good seasons like that until the 1960s and 1970s.<sup>53</sup>

51. Document A62, p 6

52. See Doig, pp 335–336, 347; doc A49, p 16 (citing 1950 royal commission report of proceedings)

53. Document A61, p 2

### 3.2.6 Sacred waters

Throughout the world, there are river people who see their rivers as sacred, or who regard the flowing waters as having a power to bless or absolve. The people of the Whanganui River said that they are no exception. In the view of Kevin Amohia, the relationship of the people to the river may be likened to that of other people to the Ganges or the Jordan.<sup>54</sup>

River as healer and purifier

Moving accounts were tendered of the river's power to cleanse and purify, to bless and heal, or to give strength and resolve. For Te Kuia Peeti, while growing up, the river was 'the life-blood of my life'. She and her family looked upon it as 'part of the whanau, a faithful friend who was always there'. It had a wairua, she contended, a spirit that had meant more to her than the imported religions of England and Rome. It healed, purified, and sustained. The first baptism of the river children, she stressed, was in this 'sacred taonga'.<sup>55</sup>

The nurturing, care-giving significance of the river was evoked in Julie Ranginui's words: 'The river for me is like my mother, is like my father. The river is my grandfather, my grandmother, it's my tupuna'.<sup>56</sup> Arthur Anderson added that his family have recourse to the river when in need of peace of mind, 'And 9 times out of 10 it works wonders'.<sup>57</sup> It was his grandmother who taught him of the need for spiritual cleansing, he recalled:

Whenever there was sickness in the family we would all sit down and talk about the whole thing. Our grandmother would say prayers and she would take us down to the river. We would never go down to the river without having this *korero* first, to get this [side] of things correct before seeking assistance from the river.

When we got down there she would say prayers, she would get a stone pebble and she would draw it across our foreheads in the sign of the cross and then she would discard it back into the water. That would take away any hurt, cleanse our minds and we could feel the cleansing. I found leaving the river and coming back home that I felt I was cleansed and being a different person altogether and, because of the value that we as a family got out of it, we never ever neglected it. [Emphasis in original.]<sup>58</sup>

As children, Mr Anderson and his brothers and sisters were never referred to a doctor, he claimed, for his mother would care for them through accessing the river. He later used the spiritual strength derived from the river to handle other forms of adversity. In the Second World War, he found fortitude in recalling the river and his grandmother's advice, and a similar courage and resolve from the Sangro River in Italy.<sup>59</sup>

Dardanella Metekingi recalled that her mother fetched water from the river when the children were sick before applying European medicines or calling the doctor. Her mother, she said, spoke to the river, and:

54. Document A65, p 7

55. Document A58, pp 1,3

56. Document A70, p 5

57. Document A60, pp 5-6

58. Document A63, pp 3-4

59. Ibid, pp 4-5

it was like she was talking to someone special. She shared the awa with us. Those karakia meant more to us than going to our services. They were part of us.

She also used the water and karakia when we had a problem in the house. If she wasn't able to communicate with anyone else, she would gather us and we would sit down and she would use the water to sprinkle us and say her prayers and talk about what was concerning her.<sup>60</sup>

Hera Tuka said that she would be taken to the river as a child when she was sick and submerged in its waters and prayed over by her parents, in order that the sickness would be cast into the water. She recalled how, when assisting in childbirths at Koroniti, she would first prepare herself by going down to the river. She would bring back water to wash the mother's head, and later return to the river to fetch more water to anoint the new-born baby.<sup>61</sup>

The practice endures. Still today, Hinewai Barrett has a horoi (wash) in the river before going to the doctor when sick, and this, she claimed, always helps her.<sup>62</sup> Niko Tangaroa advised that he moved away from the river for a time, returning in severely poor health. The river renewed his strength, both physically and spiritually, giving him the will and the power to continue living.<sup>63</sup>

In comparing these accounts with those given in the preceding chapter, it is apparent that, as with all religions, changing circumstances and new ideologies have wrought change in the people's religious observances. None the less, the underlying values and beliefs have remained on the sanctity and healing power of water, and on the need to maintain water bodies in unpolluted form.

Given the spiritual use of water in the everyday lives of the Maori people, it is unsurprising that, even today, the people's union with the river is seen to run deep, as was brought out, for example, in the submissions of Dardanella Metekingi. She considered that:

The awa is a beautiful thing. You need the people. It lives with the people. The spirit of the awa has to be the people. It's not a separate thing. It's part of who you are – like a soul partner. Sharing everything with you, and it gives it back to you. 'You don't get your strength from what you see, but from what you believe!'. These things that nature has given us are our inheritance, are our family.<sup>64</sup>

Others testified that the spiritual dimension of the river stayed with them long after they had moved away. It was said that parents now living at a distance still teach their children about the strength that the river can give them. In all, the evidence showed that the psychological wellbeing of the people is still bound to the state of the river and their continued possession of it. When others pollute its waters or when the control of the river is assumed by people of another ideology, it

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60. Document A57, pp 1, 2, 3

61. Document A68, p 3

62. Document A72(a), p 1

63. Document A73, p 3

64. Document A57, p 2

is as though the world is no longer theirs to control, as though they have no place in it, or as though their own history and beliefs have been expunged from the river's face.

### 3.2.7 River guardians

In former times, the river guardians were the taniwha that inhabited its course, exacting retribution on those who did not observe the local law. We introduced and described them in the previous chapter. In reality, however, the law was the law of the people, and as the elder Titi Tihu observed before the Maori affairs select committee in 1980, the taniwha embodied the spirit of the river people (see sec 2.6). Today, the people of the river describe both themselves and the taniwha as the traditional river guardians, invoking in the process the teachings of their forebears and their gods, the taniwha amongst them.

On taniwha and people

The philosophy of the Whanganui people, which was often put to us, was that, if you respect the river and treat it well, it will in turn look after you. Time and again, they said that they had no fear of the river, and neither did their children or mokopuna, because they treated it with respect. Ngatangi Huch was always told by her elders that Titipa, their local kaitiaki, or awa tupuna to use her expression, would protect them if they were respectful. Indeed, she added, she could not recall any accidents or drownings. The river had always felt warm, and she had always felt safe.<sup>65</sup>

Ethic of respect

Kevin Amohia likewise stressed the importance of showing deference to the river's taniwha or kaitiaki. He recalled how some canoeists on the annual hikoi, or journey down the river, may not have observed proper protocols, and when 'they came down on the Victory Bridge . . . the old fulla flipped them up in the air'.<sup>66</sup>

Matiu Mareikura also referred to these river beings and the right way of doing things:

Kaitiaki

The Kaitiaki is very, very important for us because he is our connection to our rights to go to the river. You see it's not just going to the water, you have to talk to these things first. You sit, and you pray, and you ask for their help, their assistance and their guidance and they give it to you and then you go. Not the other way around. You don't go half way across the river and start asking. He might say no. Those are ultimately important for us because we know that we have many Kaitiaki and we can inter-relate with them . . . as we go up the river. Those ones of us who are fortunate to go on the Tira Hoe Waka [the annual river journey] every year, we become very involved and at one with those Kaitiaki. Some people get afraid of them. Some, the bond gets stronger and stronger.<sup>67</sup>

65. Document A72(a), p 2. Drownings did, however, occur. Three Maori crewmen, for example, drowned in a riverboat accident in 1940, while the old Maori riverboat captain Andy Anderson drowned on the river in 1958: see Robert D Campbell, *Rapids and Riverboats on the Wanganui River*, Wanganui, Wanganui Newspapers, 1990, pp 204–207, 240.

66. Document A65, p 7

67. Document B11, p 12

**Unity of people,  
land, and river**

In short, the relationship of the Whanganui people to their river transcends the mere physical world. The river, for them, is a sacred taonga and the essence of their life. It is not a convenient conduit for sewage or farm run-off, a means of electricity generation, or even just a transport link or source of food. It is the font of spiritual sustenance and renewal, a friend and a companion. It is a caregiver, a guardian, and a totemic symbol of unity. In the words of Niko Tangaroa:

The river and the land and its people are inseparable. And so if one is affected, the other is affected also. My father mother and our tupuna lived on the Whanganui River. They knew the river well. The river is the heartbeat, the pulse of our people. Without the Awa we are nothing, and therefore I am reminded of the korero when one of our elders Taitoko Tawhiri said of the River, if the Awa dies we die as a people. Ka mate te Awa, ka mate tatou te Iwi.<sup>68</sup>

It appeared to the Tribunal that, when speakers described themselves and the river beings as kaitiaki, or river guardians, it was done not merely to protect the state of the river or even the traditional river laws but also to protect themselves.

**3.2.8 River highway****River settlements**

The people's knowledge of the river was, and remains, intimate. There are known locations of 143 marae along its length, as shown in a map produced by Arthur Anderson.<sup>69</sup> The 240 or so rapids between Taumarunui and the tidal limits all have descriptive titles. The names of some, like Kaiwaka (canoe eater), tell stories on their own. The early location of numerous marae on the water's edge, we were told, showed both the importance of the river for meeting daily living needs and the role of the river as a highway. As Matiu Mareikura put it, 'They never take the water to the marae, they take the marae to the water'.<sup>70</sup> Today, most marae still line the river's border, but they are serviced from the road, not the river. The decline of river traffic inevitably rendered most river communities without road access unviable, and the people moved away or the buildings were shifted.<sup>71</sup> It is well documented, however, that the river traditionally served to link isolated settlements. That is still the case in some places, and the time when the river provided the main means of transport is still within living memory.

**Steamers**

A number of witnesses recalled the days when the river steamers plied the waters, carrying provisions and mail, and canoes were used to send wool bales to Wanganui. Mr Anderson said that, in his youth, he worked for the Wanganui River

68. Document A73, pp 1-2

69. Document A60(a)

70. Document B11, p 5

71. For example, in 1967 Panatahi Metekingi dismantled the wharepuni Poutama at Karatia (earlier called Poutama or Hikurangi) opposite Matahiwi. It was reassembled at Koroniti, eight kilometres downstream. The Karatia location was on the opposite side of the river to the road and had been abandoned by 1934. Koroniti adjoined both the river and the road. The finely carved house had been the subject of vandalism and scavenging: Morvin T Simon, *Taku Whare E: My Home My Heart*, 2nd ed, Wanganui, Wanganui Regional Community Polytechnic, 1991 (doc A59), p 35.

Figure 5: Poling on the Whanganui River, 1861.  
Engraving by James Crawford. Courtesy Alexander Turnbull Library (D-PP 0085-096).

Trust. Then, the riverboat ran three times a week between Tawata and Taumarunui, leaving Tawata at eight in the morning and arriving in Taumarunui at three in the afternoon:

When we returned from Taumarunui, the boat would service the farms adjacent to the river and they would take their stores and everything down and throw them down on the landings. And during the shearing season, the wool went by river too. Provisions for the farmers and ourselves came by river. There were no roads.<sup>72</sup>

Julie Ranginui's father was a riverboat captain and she recalled travelling with him on the runs from Taumarunui to Pipiriki and calling in at all the marae along the river, many of which are no longer there.<sup>73</sup> Te Wera Firmin said that the river:

was used as a road by steamers and waka. Mail and groceries were delivered by the steamers. You were also able to travel to town by boat. Fruit, produce and livestock were also taken to market on the steamers and waka. It's changed dramatically.<sup>74</sup>

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72. Document A60, p 4

73. Document A70, p 4

74. Document A62, p 3

**Poling**

Traditionally, the river was traversed by many waka. Such old ways are not forgotten, and some members saw for themselves the skill with which the late Grace Taiaroa, an old river identity, handled a canoe on her own in swift waters. The old technique for ascending rapids – standing in the canoe and using long poles to push through them – is still known. Arthur Anderson, for example, recalled how he was taught poling by his elders, and the challenges of his youthful friends to pole the swiftest rapids.<sup>75</sup> The poling holes drilled in the cliff-banks, by early antecedents, are still in evidence, as are large boulders used to secure the canoes, with rope-holes drilled through them. Many are unusable now, because water levels have been lowered, but the art of poling is not forgotten.

**3.2.9 River unity**

Just as the river served to link the scattered settlements, so too are the people linked by common origins, and a history with which they remain familiar.

**River's origins**

John Tahuparae referred to the river's origins, presenting a different account from that which the Tribunal heard in Taranaki, but one that more accurately reflects the Whanganui tradition.<sup>76</sup> In this account, Ranginui, 'the supreme universe', created the mountain Ruapehu (or Matua Te Mana, which he translated as 'absolute Mana') in order to becalm Maui's great fish, Te Ika a Maui (the North Island). When Ruapehu expressed his loneliness, however, Ranginui responded by placing two teardrops at Ruapehu's feet, one becoming the Whanganui River, the other the Tongariro River, which emerges on the other side of Lake Taupo as the Waikato. Thus, the Whanganui River is known to them also as Te Awanui-a-rua – the second teardrop of Ranginui. The subsequent story accords more with other traditions, of how Ranginui created the further mountains to provide companions for Ruapehu – the maiden Pihanga, Tongariro the warrior, the servant Ngauruhoe, and the sacred Taranaki – and of the departure of Taranaki following his ill-fated interest in Pihanga. In this account, however, Taranaki did not create the Whanganui River, but followed the pre-existing watercourse to cool and cleanse his feet as he travelled to the ocean.

Followers of tribal politics might observe how this legend gives paramountcy to Ruapehu, and links the Whanganui River not to Taranaki but to Ruapehu and the further waterways beyond. Anthropologists might additionally observe how the sacredness of the river is also thus accounted for, as a gift of compassion from the gods. John Tahuparae added, however, that Taranaki's footprints to the sea are firmly etched in the Whanganui riverbed.

**Tribal history and unity**

Kaumatua Anihera Henry referred to subsequent events in the history of Te Atihaunui-a-Paparangi. She spoke on the basis of her 'birth-right', she said, in order 'to affirm the true and rightful guardianship of the river to all the hapu, the tribal people of Te Ati-hau-nui-a-Paparangi'. She stressed that all the hapu of the river are related. She said that she had lived at Taumarunui for most of her 76 years.

75. Document A60, p 4

76. Document A50

She is a kaumatua affiliated to all the ‘subtribes of Ati-hau-nui-a-Paparangi’. In the usual Maori way, she acknowledged descent from several sources, from the ‘tangata-whenua tuturu’, the autochthonous people of the river and the land; from Turi, the Aotea canoe leader; and from Tamatea, the Takitimu ariki who visited Whanganui in the early days. In referring to the tribal hostilities in 1828 and 1829, she traced her tangata whenua tuturu line back to the warrior chief Tukaiaora, a generation before any intermarriage with Turi’s descendants.<sup>77</sup>

Anihera’s account also brought out the unity of the Te Atihaunui-a-Paparangi hapu in defence of the river against the combined attacks of those from outside, of Ngati Toa and Ngati Raukawa under Te Rauparaha.

Anihera then spoke of Tamatuna, one of the legendary river chiefs and a descendent of Turi. Tamatuna’s principal wife was Tauira, a sister of Ruaka, who married Tamakehu and had Tamaupoko, Hinengakau, and Tupoho, as earlier described. She also referred to Tu Tangatakino, the kaitiaki of the Aotea waka, who came from the islands to make his final home here. Tu Tangatakino, taking the form of a whale, she said, guided the waka from Rapanui to Aotearoa. She added:

Tutangatakino guarded and cared for our ancestors [of] the Aotea waka, from whom we also descend. Today, he resides within the Whanganui River, at the upper reaches. He guards the passage for us, the descendants of all hapu of the tribal people of *Ati-hau-nui-a-Paparangi*; I [reaffirm] to the Tribunal that we are the true and rightful *tangata-kaitiaki* of te awa o Whanganui.<sup>78</sup>

Matiu Mareikura, of Ohakune, was amongst those who contended that the ties between the people remain strong, indeed as strong at the river’s source and the river’s mouth as they are from one bend to the next. There was, he maintained, ‘no difference between us living here, and those people living down there, because we keep them in mind and in connection with the river and all that’s going on’.<sup>79</sup>

Unity today

The Whanganui people, it was said, have always gathered together to reinforce their bonds. Just as the waters of the Whanganui and the Ongarue meet at Ngapuwaiwaha Marae in Taumarunui, Arthur Anderson contended, so would people come from different parts of the river to talk:

I suppose every five or ten miles on the river there would be a settlement of people closely related all the way through. We have on our marae carvings which represent the people from the top end of the river and the bottom end of the river represented by two birds in the carving – the koau (black shag) and the torea (seagull) represent the people that used to go there and talk from down the river and up the river. They came from all parts of the river.<sup>80</sup>

Others emphasised that the close connection between the river people was and is exemplified by their cooperation, and the sharing of resources in times of both

77. Document A56, pp 1–8

78. Ibid, pp 9, 12

79. Document B11, p 1

80. Document A60, p 6

need and plenty. People from different hapu shared transportation and food and would help each other in times of sickness. Mike Potaka stressed that fish caught from the awa served to feed not only one's own family but also one's relations throughout the tribal district. This generosity had an economic significance, he explained:

because it brought reciprocity, now or later, from most to whom it was distributed, and was an important means of providing hospitality to guests and expressing the mana and generosity of the people of the river.<sup>81</sup>

The close connections up and down the river were reflected in the way the people came together. Te Kuia Peeti spoke of the thriving social life along the river during her younger years after the war. Intense, yet friendly, inter-hapu rivalry was played out in numerous sporting and cultural activities, and Te Wainuiarua Sporting Movement was born. 'Contacts were made,' she said, 'romances bloomed and marriages were born during these times of great social [significance]'.<sup>82</sup>

Tariana Turia considered that, before the widespread post-war urbanisation, 'the social activities of whanau centred around the marae on the awa'.<sup>83</sup> She noted that Te Wainuiarua is now being revived after 25 years of minimal participation.

Julie Ranginui said that a tangi in one whanau would affect groups the length of the river because of the interrelatedness of the people. The connection, she argued, can be traced through whakapapa back to the ancestors Tamakehu and Ruaka:

From Tamakehu and Ruaka came the three children – Tamaupoko (the central area where I am from), Hinengakau (second child – the daughter) and she married into the King Country, the top part of the river, so her area comes down as far as Whakahoro . . . From Paparoa down to the mouth of the river was the third child, Tupoho. So Tamaupoko, Hinengakau, and Tupoho were the three children of these tupuna. From these three children derive the people of the river. What would happen is they would marry out of the river, but they would come back and live in the river. The inter-relationship – its the whakapapa. If there was a wedding in say Wellington, if all didn't go from the three rohe, at least some of them would go to represent these communities.<sup>84</sup>

Matiu Mareikura emphasised the way that the tribe stood together as one. One group's problem was a problem for the entire tribe. He described the way that each whanau knew it was only part of a wider whole:

It is ultimately important to have those inter-hapu, inter-whanau, inter-tribal links and relationships. They are important for our well-being because it's not good for Ngati Rangi to be okay and Ngati Tupoho not to be. It's no good for Hinengakau to be okay when Tamaupoko is not okay. It's important that we all know this. We need one another for strength, we need one another to be able to hold ourselves

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81. Document A66, p 2

82. Document A58, p 4

83. Document A55, p 5

84. Document A70, p 4

together as a people, as a tribe. Without that, we become individuals. That wasn't what the old people wanted us to do. They wanted us always first to hold together for 'divided we fall, and, united we stand'.

And our iwi-hapu relationships are strong . . . even up here in Ngati Rangi, we're still strong with our relationship to the river, and anywhere along the river because we're Whanganui, we belong to the greater tribe. And so really, we're only small fish in relation to whanaungatanga, we belong to a family. We haven't the right to pull away. And when it's time to stay together and to help one another, look after one another, that's where the hapu come in.<sup>85</sup>

The hapu of Whanganui thus proclaimed how they saw themselves as constituent parts of a wider tribal body. Identity was seen to be derived from the whanau and hapu, but Whanganuitanga overarched all. The river was seen to link the people from the mountains to the coast, a constant reminder of the irrevocable connection between the whanau and hapu who belong throughout its length.

In short, we received striking evidence of a people whose identity and outlook are inextricably connected to their eponymous river. We heard how the river and the people both prosper together or share ill health, as the case may be, and we frequently heard the comment that the people did not claim to own the river but rather were owned by it. As Mr Mareikura contended, by his birth he had no option but to belong to the river.<sup>86</sup> A tau, pepeha, or waiata accompanied each speaker, and the following remains one of the Tribunal's enduring memories of the hearings:

*E rere kau mai te awa nui nei,  
Mai te kahui maunga ki Tangaroa,  
Ko au te Awa  
Ko te Awa ko au*

*The river flows from the mountain to the sea  
I am the river  
The river is me<sup>87</sup>*

### 3.2.10 Winds of change

The people's current concerns were especially highlighted. The association with their ancestral river is being severed and the river spoilt by new developments. Their complaints of spoliation are more poignant when seen in the context of their cultural duty to transmit the whenua, unharmed, to succeeding generations. Kaumatua contrasted that which they had loved and enjoyed with the remnant that is their mokopuna's birthright. Younger persons spoke of the river life as told to them by their parents, and of the life they are leading now.

Sense of loss

85. Document B11, p 9

86. Ibid, p 1

87. Document A55, p 13

This was more than a lament for a lost way of life. It was a protest against that which was seen as an imposed alternative. Matiu Mareikura said he was:

quite sorry for our mokopuna because they won't have those opportunities of seeing and knowing the river like I knew the river, and it's nowhere near how my father knew it, and how his father knew it, in the times when the river was truly the highway of New Zealand as it was called in the past. And now the river's coming back down to something a bit more than a trickle, I suppose. I find things are going to be very difficult for my moko – *but I'm going to fight for them*. [Emphasis in original]<sup>88</sup>

Te Kuia Peeti saw it this way:

To my sorrow my own children and mokopuna have not grown up in this environment, but what we had as children is no longer there. What we thought was unchangeable and immutable, the river, [has] undergone changes which we never dreamt of. Our beautiful safe swimming places have all gone. Because so much of the water was taken away, and therefore made it inhospitable for the fishlife to live, it was not uncommon for us to see dead [fish] floating down the river. Where once stood strong trees all along the river, we now have very serious erosion on our banks.

Where once the birds were plentiful and we could recognise their cries, or squawks, we hardly see them at all now. Where once we had crystal clear water flowing up and down our marae, this is now a very rare occurrence. In fact, the river is filthy dirty most of the time, that is our friend, tupuna, our whanau, has been desecrated by bad farming practices. Where once we had a healthy waterway, we now have a sick river, which is dying, unless drastic measures are taken to alleviate this situation.<sup>89</sup>

Tariana Turia also expressed this sense of loss. She said that her adopted mother at Putiki spoke to her:

about her relationship with the River as if it was an integral part of her life. Her life was about the river as their sustenance. It provided for them physically, spiritually, and culturally. It was also their place of recreation. I never understood this as a teenager, because my experience of the river down here at Putiki was that we were not allowed to swim or to eat kai from the river as it was polluted.<sup>90</sup>

Most especially, witnesses sought to maintain the association of the people and the river. Each was presented as meaningless without the other. As Dardanella Metekingi put it:

We believe that we should have the awa back. . . . We are a race at risk. If we are to continue being Maori and not just brown skin Pakeha, then we need our awa back to do the things we need to do as Maori. Our awa is not separate, it's all part of us. We can't be separated. You don't just send your eyes to the concert.<sup>91</sup>

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88. Document B11, pp 6–7

89. Document A58, p 3

90. Document A55, p 1

91. Document A57, p 2

She thought that control of the river should be ‘a sharing thing. Respectfully shared taking into consideration that it’s just not a large expanse of water to be used commercially and things like that.’<sup>92</sup>

Other concerns referred to were pollution, loss of control, and a migration to the towns and cities. The Government, it was claimed, was responsible for the urban shift through the disproportionate acquisition of Maori land, land reform, planning laws, building restrictions, and the failure to prefer local employment when opportunities were presented. In earlier days, Governor Grey had provided flour mills to inaugurate local Maori development. They pointed to the remnants of the Kawana (Governor’s) flourmill during site visits, but claimed that later policies were directed to the people’s removal.

Urban migration

Although there is a greater proportion of Maori land in this district than many others, much of it is remote, precipitous, inaccessible, or so zoned as to limit or prevent commercial exploitation.<sup>93</sup> Generally, it was not cultivable land able to sustain a large population; indeed, it had little commercial value before afforestation in the second half of this century. Evidence of a policy of fair sharing, when the Government embarked on land-buying in the district, is not immediately apparent.

Land acquisition

Land acquisitions were referred to by various speakers, and Patrick O’Sullivan made particular reference to some.<sup>94</sup> As this was not an inquiry into land claims, however, we simply note the amount of land conveyed in the catchment area. Though the land was not necessarily abutting the river, these acquisitions must have affected the people’s association with the river.

Major acquisitions before 1900 included the 1887 Waimarino 1 block purchase of 384,260 acres (which we believe to have been the single largest Crown purchase in the North Island, and which contained significant stretches of the left bank of the river), the 1893 Taumatamahoe 1 block purchase of 82,670 acres (which included no land contiguous to the river), and the 1848 Whanganui purchase (on the coastal flats, bisected by the river) of 86,200 acres. There had been numerous other purchases of various sizes by 1907, in which year the Stout–Ngata commission reported that 1,273,000 acres had been acquired in the Whanganui region.<sup>95</sup>

It may not be popularly known but it is well understood by claimants that the Maori land law of today has little relationship to the traditional tenure; that it was imposed by the Government last century; that it was directed to or expedited Maori land sales; and that it led to unworkable titles in multiple ownership for the Maori land that remained. Indeed, various speakers regarded land sales, imposed land reform, and Government land use policies as the main causes for the severance of many from the river territory that remained.

Migration, land reform, loans, and town planning

92. Ibid, p 5

93. Alan Ward, *National Overview*, 3 vols, Wellington, GP Publications, 1997, vol 1, pp xxi–xxiv

94. Documents C12, C13, C16

95. The commissioners added that ‘There yet remain to the Maoris of the Whanganui District about 500,000 acres, at a liberal estimate’: ‘Interim Report of Native Lands in the Whanganui District’, AJHR, 1907, G-1A, p 15–16.

Matiu Mareikura claimed that you had to own 10 acres solely to build a house in his area.<sup>96</sup> We are aware that by the time to which he referred, Maori land ownership had become fragmented, that partitions were required for housing or individual farm loans, and that partitions, or building permits, were not always available. Nor were they regularly granted for rural land where the subdivided lots were not economic farm units or where a house already existed. Papakainga zoning to maintain existing settlements had not been provided for at that time.

In the Tribunal's experience, when Maori could not reside on or use multiply owned land, as a result of such laws and the title system, and when rates mounted or one or other of the many owners became financially stressed, a sale of the land was likely to follow. Mr Mareikura claimed that, as the Maori occupants moved out, 'a lot of white people moved in and did very, very well, on the same lands that our people couldn't farm'.<sup>97</sup>

Tariana Turia contended that the Maori affairs policy of the late 1950s and early 1960s was to force or encourage Maori to move to urban areas. We consider that multiple land ownership, partition restrictions, Government land development policies, and town planning laws had the same effect. Ms Turia referred to a further blow to Maori with the subsequent disinheritance of many through the compulsory acquisition of shares deemed to be uneconomic.<sup>98</sup>

Meterei and Esther Tinirau considered that large-scale agriculture under Maori incorporations and Board of Maori Affairs development schemes provided something of a solution to the development of the fragmented land. Nevertheless, the development itself was not ultimately successful, because holdings were uneconomical and the scheme referred to took control out of the hands of the owners.<sup>99</sup> Ms Turia had similar concerns:

We have to wonder how effective Incorporations have really been in returning land to the whanau.

The whole voting process of our Incorporations is founded on the principle that 'they who have the most shall have the greatest say'.

This is not in line with kaupapa Maori but in fact is again policies of Kawanatanga.<sup>100</sup>

Many claimed that the urban movement from the river communities to the towns could have been resisted but for Government policy. When Te Kuia Peeti married, she said, she wanted to build a home on her marae but was prevented from doing so because of rural zoning laws and Maori affairs policies. Consequently, she and her family were forced to shift into the city, leaving the stable structures of the whanau. They are, she said:

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96. Document B11, p 10

97. Ibid, p 11

98. Document A55, pp 3, 5

99. Document A67; doc A76

100. Document A55, p 4

a product of the social dislocation in terms of the urbanisation process which has systematically dismantled our way of living and those relationships with our resources, whenua, iwi and the awa.<sup>101</sup>

The extent of the migration from the river was not quantified in the submissions, nor have we inquired fully into the causes. At the national level, the urbanisation of the Maori people has been dramatic, from 84 percent rural in 1926 to 76 percent urban in 1976, and 84 percent urban in 1986.<sup>102</sup> Arthur Anderson's map of over 143 past and present river marae indicated that a much larger population inhabited the river previously.<sup>103</sup> Missionary census data from the 1840s and 1850s depict a relatively even spread of settlement the length of the river, with larger aggregations at present-day Tieke, Pipiriki, Jerusalem, and Parikino. In the 1840s, broad and general estimates of those living on the river varied between 3000 and 5600.<sup>104</sup> The evidence for the subsequent depletion of the Maori river communities, though compelling, is largely anecdotal. Until recently, the picture to be gained of each of the remaining communities on the River Road as far north as Pipiriki, and those upriver of Whakahoro such as Tawata, has been one of retreat or decay. The present-day concentrations of Te Atihaunui-a-Paparangi are in the urban environs of Taumarunui and Whanganui, though many have left the district altogether.

We have not inquired fully into the causes of the Maori migration. Maori access to European goods and services and the pursuit of work were obviously important, and no doubt there were world-wide economic forces leading to urban migration globally that were beyond the power of a government to control. Land loss and land reform must have had an impact, however, and many Maori recall how Maori land laws, town planning laws, and Government housing policies worked against those who sought to stay in their traditional communities. Certainly, no one has pointed out to us any positive policies designed to give effect to the Treaty's guarantee of continued possession of the land by Maori for so long as they might wish to retain the same in their possession.

We should add that, in comparison with other areas, the Whanganui region has been one of poor economic growth since the Second World War and was thus never able to provide full employment for the migrating iwi. The town was (and is) a declining port and service centre. As S Harvey Franklin wrote in 1978:

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101. Document A58, p 5

102. Ian Pool, *Te Iwi Maori: A New Zealand Population, Past, Present and Projected*, Auckland, Auckland University Press, 1991, especially pp 239–240. Pool refers to Maori society as involved in an:

almost total transformation from an agrarian to an urban population in the two decades 1945–66, over less than one generation. This transition has been accorded less significance than it should, probably because there is little appreciation about how rapid it really was when viewed from a global perspective. It was probably the most rapid urban shift anywhere, and recognition of this is fundamental to an understanding of all aspects of Maori social dynamics since World War II.

103. Document A60(a)

104. Document A47, pp 2–3

The region's opportunities for growth are restricted by the limited area and the limited resources of the region, by competition, [and] by the fact that within the total structure of the economy many of its resources have already been developed.<sup>105</sup>

Tariana Turia gave this perspective of the consequences in Wanganui City:

Certain areas of Whanganui were designated for Maori. We saw the development of Housing estates in the Whanganui East Pepper Block area, Aramoho Kotare St area, and the Castlecliff Matipo St area.

These areas are now identified by Social Service agencies as the 'lower socio economic' areas of Whanganui and where we can expect certain social problems.

Maori Affairs also had a policy of ensuring that our iwi of Whanganui were kept in the area of Castlecliff. In fact, Maori Affairs even pre bought sections and sold them on to prospective Maori Home buyers.

Contact with the awa lessened as these families struggled to survive. They lost the ability to utilise what little land they had in their backyard to grow kai. From self sufficient people of the awa we became dependant on the system to provide for us.

Our bodies that were once lean and strong have succumbed to the lifestyle behaviours of our colonisers.

Our rangatahi no longer have an affinity with their awa as they have become alienated from their own culture. They have become part of the sub culture of rastafarianism, drugs and alcohol.

They can align themselves more with the messages of Bob Marley of freedom from oppression.

These same mokopuna of the awa are now filling the mental institutions with drug and alcohol related mental illnesses.

Criminal offending has increased tenfold amongst our young in the past ten years.

There would be few families who have not experienced the pain of seeing their young in jail.

They are wandering around our streets of Whanganui today with no sense of purpose in life. Some have taken their lives. It breaks your heart.<sup>106</sup>

#### Pollution

Those who return from the towns to their ancestral marae, which many do when circumstances allow, and those who still occupy the river lands now face a problem of increasing river pollution, as has already been mentioned. The river is sick, they say. Pollution and development, they claim, have affected the river itself, the associated food chain, the vegetation on the river bank, the fish, and the human beings.

Some perceived the people's association with the river as such that, when the latter was sick, the former were also. As Ms Turia observed: 'Our health which is tied irrevocably to the Awa has suffered. When the Awa became sick, so did the wellbeing of our Iwi. Such is our relationship.'<sup>107</sup>

105. S Harvey Franklin, *Trade Growth and Anxiety: New Zealand Beyond the Welfare State*, Wellington, 1978, p 279

106. Document A55, pp 5-6

107. Ibid, p 12

The Maori cultural demand for the maintenance of pure water streams makes despoliation a cultural offence, a desecration in terms – especially the discharge of raw sewage to water, rather than to the cleansing land, as has occurred in Taumarunui and Wanganui. Matiu Mareikura spoke of his distress:

The sewerage that goes into the water to us is absolutely sacrilege – it is sacrilege to contaminate water anywhere but in particular, to contaminate the river. For that is our source of life as a people, as a tribe. We go there, and we suffer for these things.<sup>108</sup>

For Dardanella Metekingi, the discharge of sewage is ‘a betrayal’. She added:

From what I’ve seen, the Government is not doing a good job in controlling the river. There’s been a deterioration in the river. It’s spirit is dying. It looks dead. Don’t just look on top, you need to look underneath, and at all that makes up the river. There is less bird life, particularly less shags.<sup>109</sup>

The diversion of much of the headwaters to Lake Taupo and the Waikato River through the Tongariro power scheme was affirmed as a spiritual affront. As Matiu Mareikura put it, it has ‘severed the cord of our unity’:

Water diversion

You see – we follow the river, and once we follow the river, we carry on up to the mountain. And that’s how we pray. We go up the pathway. Now the spiritual cord has been cut because they have taken the water away from us. And that to us is sacrilege. And then to give it over and put it into another tribal area is equally bad, because the water wasn’t meant for those people. It doesn’t belong to those people, it belongs to us. We all share, but this is not sharing. This is completely taking it away from us and giving it over to our relations in Tainui, first to Tuwharetoa, and then to Tainui. And so you know the spirituality of that has untold heartaches; tears have flowed. I remember the old man crying, our koro, Taitoko [Tawhiri] shedding his tears because he said that ‘my river has been severed, the head has been cut – what is there left for me?’<sup>110</sup>

For Kevin Amohia, the river’s mauri had been damaged:

The Maori view things differently from Pakeha. We cannot divorce one part of the river from the other. Because without one, the other does not exist. If you empty half of the water out of the river, you have a stream, and that’s what it’s like up this end. In some places, you can walk the river.<sup>111</sup>

Arthur Anderson remembered the swimming contests with his friends and where it was a challenge to swim to the opposite bank and back. Today, he claimed, he can walk across some of those same places, and once again, Richard Heerdegen supported this perception.<sup>112</sup> Mr Anderson thought that the spiritual dimension had also been affected:

108. Document B11, p 3

109. Document A57, p 2

110. Document B11, p 4

111. Document A65, p 3

112. Document A63, p 3; doc B14, p 3

I can recall when my mother died, which was a sad occasion for me and I went down to the river. This was in Taumarunui itself after the diversion. I looked at the river but found that it was not the river I had known as a child. I had to go further down the river to find a spot that I felt would be correct. It was past the Hospital Hill, near the Herlihy Bluff. There I found a spot that was more like the Whanganui River that I know. In the time of grief when I needed the river, I found I could not use the river by Taumarunui.<sup>113</sup>

### 3.2.11 Future planning

#### River resettlement

Whatever the effects of spoliation of the river and dispersal of the people, a solid group of all ages remains determined to recover their birthright, to keep their links with the river and to fortify the cultural values that have sustained them. 'What I want to see is something that could be given back to me to give to my babies,' said Julie Ranganui, adding:

Irrespective of the condition of the river, the little water that I have there is still my mother, is still my father, is still my tupuna, and as long as I see that bit of water, at least I have a little hope to hold that the wairua is still alive, but it is dying.<sup>114</sup>

The wairua remains, in the opinion of Kevin Amohia, even though most of the old kainga are now empty. Indeed, the people are ready to reclaim their presence on the river:

I can assure you that in today's environment of economic development that a lot of our people will certainly go back to those old kainga to live. Even if they had to go back to doing the things that their old people did. Planting their gardens. Living in a tin shack if that's the only one they've got. They will do it. They will live from the river, they will exercise their spiritual and physical well-being.<sup>115</sup>

A group that reoccupied the former village site at Tieke in October 1993, in what is now the Whanganui National Park under the Department of Conservation, showed the lengths to which some would go to achieve this.<sup>116</sup> It was welcomed by speakers in so far as it showed a determination to move back to the river. Referring to Tieke Hut, Mr Anderson said, 'A lot of our young people sat in there and wouldn't move. They said "We own this place", and so in the finish, the Government has sort of softened towards that and agreed to it.' He was encouraged by the Government's approach and rejoiced that young people were now 'beginning to realise what they have left behind and that the river is still there if they need it'. He added that many river marae were being rejuvenated.<sup>117</sup>

Mike Potaka agreed. He said that Parikino, which had a population of 100 when he was a boy, had been reduced to only 30 inhabitants, but that he was now

113. Document A63, p 5

114. Document A70, p 6

115. Document A65, p 6

116. Document B24

117. Document A60, pp 7-8

witnessing a gradual return of people to live near their ancestral river. At present, the Kaitangata Trust, which he chairs, is able to assist with some finance for housing construction, and he said that, in the past three years, six new houses had been built. 'Those who have returned,' he opined, 'and others wanting to return all believe that the river is calling them back':

There are always things that bring the people back. They have to have that finishing, or come where they belong, and nothing calls them back except the river, and more so as they get older.

It is a korero – the river is calling for its people. At some time in your life you need something when you are out there, home is the river and you say 'I need to go home'.<sup>118</sup>

Prominent amongst the drives to re-establish the culture, history, and traditions of the Whanganui River people is an enterprising project funded by the Whanganui River Maori Trust Board, Te Tira Hoe Waka. Te Tira Hoe Waka began in 1989 as an annual canoe pilgrimage in January from the confluence of the Whanganui and Ongarue Rivers by Ngapuwaiwaha Marae in Taumarunui. The journey downstream to Putiki Marae, near the mouth at Wanganui, covers 210 kilometres, reliving the summertime passage of the many ancestors who traversed the river's length to fish for kahawai where the river meets the sea. This journey, which regularly attracts 70 to 100 Atihaunui canoeists, young and old, is undertaken in some 30 to 40 canoes or waka, and is conducted over two weeks. It also involves visits to the ancient pa and kainga sites, formal receptions at several marae along the way, and swimming, tramping, or touch rugby on the river banks. Evening campfires resound to haka and waiata practice, teachings of history and lore, and drills on canoe handling or how to survive spills. Most of the younger participants are from cities or towns, and some have not been to the river before. A number of them attended the hearings to relate their Tira Hoe Waka experience. Matiu Mareikura spoke of this:

Te Tira Hoe Waka

Some of our young people have no contact with the river. And that's not their fault. Our young people who have had no contact with the river, once they get on the Tira Hoe Waka, after two days, they don't want to get off. They are in the realm of the awa. They stay up late at night wanting to listen to more talk, only to listen to korero. And when the camp fires burn down, you get up in the morning and those kids are strewn all over the place because they wanted to sleep there. They've never done it before. They've never gone to the washing places down by the little wee stream that have been provided for them. They cry and they shed tears knowing it's going to end.<sup>119</sup>

The Tira Hoe Waka experience led Ned Tapa to return to Parikino, where he had been brought up.<sup>120</sup> For Leon Rerekura, Te Tira Hoe Waka was a platform for the

118. Document A66, pp 1, 7

119. Document B11, p 14

120. Ned Tapa, oral evidence, 17 March 1994

rediscovery of his Maori roots. He was, he explained, born in Wanganui, and did not grow up on the river. Instead, his family had moved into town to seek employment, and his parents, from Parikino and Upokongaro, never spoke Maori to him or his brothers and sisters, having been conditioned into believing it had no future place. Te Tira Hoe Waka had opened a door that had been closed to him:

The daily wananga on the awa and in the evenings around the fires [with] our kaumatua were so special to me. The more I learned about the awa and our tupuna, the closer I felt to it and them. . . . I have been given a rare insight into the lives of our tupuna and I have been able to share and experience the totality of Whanganuitanga with regards to learning some of the ancient ruruku and tikanga, concepts of aroha, manaakitanga, wairua, mouri, iwi, hapu, whanau . . . These things I did not learn at a young age and my only regret is that I will never be able to experience the physical things like traditional fishing and accordingly hand those on to my own children. . . .

Learning to appreciate the awa as they did has enhanced my own wairua and reasons for being. Mere words cannot express the feelings I have for our awa. I only know I am as much a part of the awa as it is of me. I have my identity as one of many of the mokopuna of the awa and through me, so do my children.<sup>121</sup>

Gerrard Albert said that the younger generation of Whanganui Maori had not had the experiences of their parents and sometimes questioned their own identity. He was emphatic, however, that members of his generation would carry on as their parents and grandparents had done before them:

For young people, brought up within the 'sensibilities' of western thinking, of Christian doctrine, of western science, how is it we readily and quite comfortably accept as fact that our tupuna, our kaitiaki reside within the water, within the bed, and upon the banks of our River? We do so with a faith that is absolute, that is unquestionable, that is unchallengeable. A faith borne out of an ancient bond with the River that dictates that its mana resides with the Iwi. We, the present generation of the Whanganui Iwi, descendants of the River, will perpetuate this view into the next, for without the River, we are nobody.<sup>122</sup>

Thus, we were regaled with the people's account of their beliefs, practices, experiences, and hopes with regard to the Whanganui River. They spoke, too, of their concerns that their traditional association with the river, and their time-honoured authority over its use and management, have been wrested from them. In all, they claimed, their rangatiratanga and mana had been trampled on by rules, policies, regulations, and practices that neglected or negated their legitimate, customary interests. They say that they have not been properly recognised as the tangata whenua and river kaitiaki, and that policy makers and administrators seem even unaware of their customs and traditions or of what they mean or entail. Their traditional control of the river, and of themselves, they said, was wrongly taken over by the Government, and their mana should be restored.

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121. Document A72(a), pp 4–5

122. Document A72, pp 3–4

The assumption of governance over the Whanganui River and the question of whether it was rightly or wrongly assumed are considered in succeeding chapters. For the moment, mention is made of general public views. Clearly, there are a number of interested parties in the river besides the claimants: those with commercial interests in effluent disposal, water abstraction, and transportation, and those with recreational and environmental concerns. Their perspectives will be better understood if they are examined in a wider context of changing attitudes to the natural environment and its management as colonisation proceeded.

### 3.3 TE IWI PAKEHA

Pakeha settling in New Zealand in the nineteenth century encountered an alien natural environment, and set about transforming it into a 'Britain of the South'. English plants and animals were acclimatised and bush cleared. Native bush was not romanticised in popular culture until the end of the century. By then, the majority of Pakeha were New Zealand-born, while the bush had ceased to represent the same obstacle to farming and settlement. Only once the forest cover was greatly reduced could the remnant be accommodated and even revered. The completion of the main trunk railway line through the King Country in 1908 was one event that symbolised a victory over the forest. At the time, there were the beginnings of a public cry for scenery preservation. 'Is it true, then,' asked Monte Holcroft in 1946, 'that contact with the wilderness has induced, not a spiritual humility, but a strong sense of superiority?' Answering his own question he replied:

Conquest or  
adaptation? Monte  
Holcroft

Our ancestors saw the forest as an impediment to be removed. They acknowledged its vastness and took pride in the vigour with which they attacked it, carved out their paths and settlements, and introduced the framework of a transplanted civilization. Behind them was the power of an age growing up to industrialism.<sup>123</sup>

Comparing the predominantly spiritual and communal Maori world, with its emphasis on the primacy of nature and the need to tread carefully when interfering with natural laws and processes, the Manukau Tribunal commented in 1985:

It might be considered that Western society, although espousing a religion, is predominantly secular and individualistic in its world-view. Although there is a religious premise for the presumption that humankind has authority over nature, that view probably springs from the secular and rational characteristics of our society.

The Tribunal noted a shift away from the desire to reshape the environment towards a wish to live with the natural features of the country:

Shift from conquest  
to accommodation

123. M H Holcroft, *The Deepening Stream: Cultural Influences in New Zealand*, Christchurch, Caxton Press, 1946, p 28

Western society, after the large scale modification of the natural environment, has seen the need to impose constraints. It has come to uphold certain values that argue the case for the maintenance of more of the natural environment or higher standards in environmental care. In some quarters the approach is rationalised in the view that nature has its own purpose.<sup>124</sup>

**Accommodation of  
Maori**

It is one thing to come to terms with the natural world that was here before human settlement, however, and another to come to terms with the first people here, who have been acknowledged in law to have legitimate property interests by discovery and prior occupation.<sup>125</sup> Should they be accommodated too, and if so, how?

Maori and Pakeha cultures were very different, with the former stressing extended family values and the latter the individual. While the Maori economy at 1840 could be described as emerging from subsistence, the settler economy was industrial and based on capital accumulation. These different cultural perspectives were reflected in their respective legal systems. While the culturally specific dimension of Maori law is often criticised, the cultural influences inherent in Pakeha law are rarely acknowledged. The imposition of Pakeha law on Maori, without consultation, can be equated to an invasion – an invasion that was devastating to Maori culture. The imposition of that law on the administration of the Whanganui River was equally crushing.

Many of the beliefs and values of the Atihaunui River people were incompatible with Pakeha perceptions of future commercial development. Greater emphasis on private property and exclusive ownership forced Maori to adapt, while the newcomers assumed that theirs was the only relevant view.

Such a settler attitude ignored the fact that both cultures valued the river, valued trade, and could accept the other on the river. Maori and Pakeha had sophisticated political systems, which were adept at dealing with change and which could have been used to harness new solutions for river management. The settler mindset appeared to be that communal values were fundamentally incompatible with progress. The narrow views taken by those in authority meant that they saw only one solution – Maori law and administration had to be totally replaced with settler law.

As a consequence, an evolution that occurred over centuries in Britain was squeezed into just a few decades in New Zealand (see sec 2.2, chs 6, 8). The settlers believed, as do many of their descendants today, that the imposition of the labyrinth of administrative controls brought greater benefit than detriment to Maori. This may or may not be so, but in introducing what were often for Maori totally alien practices in land tenure, boundary definition, and property ownership, the settler governments officially invalidated much that was vital for the

124. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Manukau Claim*, 2nd ed, Wellington, Department of Justice: Waitangi Tribunal, 1989, sec 9.3.5

125. This has long been recognised in United States, Canadian, and New Zealand courts under what is sometimes referred to as the doctrine of aboriginal title, and in 1992, it was acknowledged by the Australian High Court in the *Mabo* decision.

efficient functioning of a communal society. These changes lead to Maori and Pakeha talking past each other to a much greater degree than is willingly acknowledged. It is a legacy that continues to inhibit dialogue and a true meeting of minds.

If new statute law represented settler agendas, they were also more likely to understand English common law such as arm of the sea. Many also feared severe consequences for farming and industry if individuals or groups were given ownership over freely flowing water. European freehold landowners came to recognise and accept the centre line of a river as a convenient boundary, and there were few Pakeha who objected to the Crown assumption of ownership of navigable rivers by legislation. Crown ownership was sympathetic with a European cultural construction of rivers and could be seen to reinforce a strong settler preference for public river access.

The case was put to us that ‘public access’ to the outdoors should not in any way be compromised. The strength of feeling on this issue is perhaps the contemporary equivalent of the desire of many nineteenth-century settlers that New Zealand should be free of English game laws and the like, whereunder labourers and tenant farmers risked dire penalties to supplement their food supply by poaching from the estates of the privileged few. As G T Alley and D O W Hall wrote in 1941: ‘To the liberals of 1840 New Zealand must have seemed gloriously free of the weight of custom and oppression.’<sup>126</sup>

Federated Mountain  
Clubs and public  
ownership

Perhaps in this vein, therefore, Hugh Barr for the Federated Mountain Clubs of New Zealand left little room for anything short of ‘public’ ownership of the Whanganui River, though his argument was based on an assumed affinity with Maori ethics:

As an advocate for human back country recreation we strongly support the concept that all the natural lands, rivers, coasts and lakes owned by the Crown should be in full public ownership. This must be with government, accountable to the people, to manage those lands and resources, so as to be ‘preserved in perpetuity’ in their natural state (in the words of the National Parks Act, and of the Reserves Act for Scenic, Scientific and Nature Reserves). The expectation also of our outstanding wild and/or scenic rivers, is that they too should be preserved in perpetuity, in their natural state.

Commonly owned resources such as the Conservation Estate and rivers are the ‘Commons’ of our society. Because they are owned in common by us all, we all gain from their existence, and we all should have an interest in their protection. In these characteristics they would bear some resemblance to the idea of communal ownership by Iwi, but on a national rather than a tribal scale, and under a democratic rather than a chiefly authority.

126. G T Alley and D O W Hall, *The Farmer in New Zealand*, Wellington, Department of Internal Affairs, 1941, p 36

Mr Barr likened those of a conservationist mood to Maori themselves. Most who have immigrated here and have come to know the land, he contended, are moved to protect it:

This land makes those of us who feel this way in a very real sense the tangata whenua, the people of the land, whether we are of Maori descent or not. These feelings and these obligations are what has created New Zealand's public conservation estate. It has been the commitment of many individual citizens, often in the face of opposition from Government and the exploitive interests in our society.

He went on to describe the struggle of many people to establish conservation areas and national parks, despite Government lethargy or opposition. The process of creating such treasures began, he considered, with the gift of the Tongariro National Park mountains by Tukino Te Heuheu in 1887. 'The Whanganui River,' Barr added, 'is one such natural treasure in the eyes of most New Zealanders.' Extending his earlier metaphor, he continued:

Conservationists including many recreational users, are in a very true sense an iwi, with common interests in protection of these natural lands. Our rohe is the Public Conservation Estate.

We 'have kept our fires burning' in these areas for over four generations.<sup>127</sup>

PANZ and public  
ownership

Other material submitted by Mr Barr included publications by Public Access New Zealand (PANZ), formed in 1992 to preserve and improve 'public access to public lands and waters, and the countryside, through the retention of public ownership and control over resources of value for recreation'. While acknowledging 'the legitimacy of [proven] Maori claims over public lands', PANZ believes that, 'to reach equitable settlements, Government should use government assets, rather than public lands and waters held in trust for the benefit of all New Zealanders.'<sup>128</sup>

The distinction between 'government assets' and 'public lands and waters held in trust for the benefit of all New Zealanders' reflects a sentiment rather than the legal position. 'Government land' is either unappropriated Crown land, or Crown land appropriated for a particular purpose, such as national parks and certain reserves under the Conservation Act 1987 or the National Parks Act 1980. These may be managed by a prescribed body, such as the Department of Conservation (see sec 2.2).

Here again, the view in the material submitted was that nothing short of 'public ownership' could be considered. Shared management with Maori was not seen as a possibility, and Maori ownership could not be contemplated, presumably even if a 'legitimate' claim to 'public' land was 'proven'.

127. Document D1, pp 3-6

128. Document D1(c), p 16

To PANZ, Maori claims appeared to depend upon the application of the principle of partnership, as found for by the courts in interpreting the Treaty of Waitangi. It warned against the extension of that to impute a 50:50 entitlement between Maori and the Crown.<sup>129</sup>

Further, PANZ considered that most Maori claimants ‘do not subscribe to the concept of preservation of intrinsic natural values for their own inherent worth, rather preferring utilisation of conserved natural resources’. In addition, ‘Tribal authority over access to and use of natural areas contrasts markedly with existing rights of access, conveyed equally on everyone’.<sup>130</sup>

A concern for public access to lakes, rivers, and seas, and the maintenance of public walkways along their edges, has grown in recent years. Current laws requiring esplanades and marginal strips on the transfer of land from the Crown or on the subdivision of private land have been seen as insufficient. Arguments have been advanced for a general law to impose public walkways along lakes, rivers, and foreshores (see sec 2.2).

**Principle of public access**

Comparatively speaking, the accommodation of Maori interests in rivers, lakes, seas, and foreshores has attracted little attention in policy formulation. Rather, the Crown has opposed Maori claims for legal recognition of customary interests in rivers, foreshores, and lakes (see secs 1.3.5, 2.2).<sup>131</sup> Claims to sea fisheries, and for the protection of particular customary fishing areas, followed only after Waitangi Tribunal inquiries or court litigation.

**Principle of accommodating prior Maori interests**

This is illustrated in the lack of provisions for customary fishing rights in the history of fishing legislation. They were vaguely acknowledged but not specifically provided for.<sup>132</sup> Until more recent years, no search has been made for a comprehensive policy or law to reconcile perceived public interests in natural resources with the legal rights of Maori, under the doctrine of aboriginal title.

The assumption that the Whanganui River was part of the public domain has been made from early pioneer times – though as seen, the common law did not so provide (see sec 2.2). It was one of the first rivers to be developed as a highway, for tourism and as an access to the interior. River development was proposed to link with a projected railway line from Auckland. Though few people ventured by river beyond Pipiriki before the late 1880s, steamboats were operating on lower sections

**Presumption of public right – access and riverboats**

129. Ibid, p 1. PANZ researcher Bruce Mason traces the development of the concept of partnership from its use by the courts to denote the responsibilities that Maori and the Crown bear to each other to act in the utmost good faith to its use by the public service to depict something more in the nature of a contractual, business partnership. Here, he argues, references to the equal status of the Crown and Maori in Treaty terms become references to equal asset sharing. We agree that the judicial interpretation of the principle of partnership has been misconstrued in practice, as is noted in Waitangi Tribunal, *Te Whanau o Waipareira Report*, Wellington, GP Publications, 1998, secs 8.2.5, 8.3.

130. Document D1(c), p 2

131. Maori claims to the Ninety Mile Beach were also opposed by the Crown in litigation: see *In re Ninety Mile Beach* [1963] NZLR 461.

132. Consider, for example, section 8 of the Fish Protection Act 1877, which did not define Maori fishing rights but provided only that nothing in the Act ‘shall be deemed to repeal, alter, or affect any of the provisions of the Treaty of Waitangi, or to take away, annul, or abridge any of the rights of the aboriginal natives to any fishery secured to them thereunder’. Similar provisions appeared in subsequent fisheries legislation.

from 1864. Over time, riverboat operations expanded, and Maori eel weirs were progressively cleared off. In places, the river flow was realigned. David Young wrote:

Centuries of Maori habitation have left little mark on the river itself: only the round holes of toko (canoe poles) stamped in the papa cliffs beside wild waters. But in recent history the European steamboats and settlers made more forceful demands. The remains of their endeavours are still to be seen: a ring-bolt secured in rock above a rapid, used to winch a boat up through white water; a retaining wall that wrestled the river into another pathway; the shadowy outline of a riverboat wreck – brief glimpses of an era when the river was known internationally as ‘The Rhine of New Zealand’.<sup>133</sup>

**Use for tourism**

The scenic splendour of the Whanganui River, and the uniqueness of its Maori inhabitants, impressed many an early traveller. The river, its people, its history, and its natural beauty have been the subject of a prolific number of books over the years, but Alfred Burton’s descriptions and photographs of 1885 may have most helped in initiating a substantial tourist flow.<sup>134</sup> Hatrick’s riverboats loaded with colourful tourists were to become an institution on the river. Deep in the interior, a houseboat was established at Retaruke, and this was replaced by tearooms after it was destroyed, though these disappeared in a flood in 1940. In the gorge at Otumangu, a tearoom with magnificent views was maintained by the Shaw farming family from the 1930s, but it was abandoned, with the farm, in the 1940s.<sup>135</sup> The famed Pipiriki House, a luxury hotel for river visitors, burnt down in 1959.<sup>136</sup>

**A wilderness area  
for outdoor  
recreation**

Since the 1950s, the river has been used by the general public for mainly outdoor recreation, though there is still a significant tourist industry involving large craft and jetboats. In Young’s words:

The Whanganui River enjoys considerable fame for its unique combination of history – natural and human – and the wilderness-like recreation which it provides on trips undertaken by canoe, raft and even jetboat. It has been argued that taking a trip down the river is one of those uniquely ‘Kiwi’ endeavours, like walking the Milford Track or reaching Cape Reinga, that have become almost a prerequisite for being a New Zealander. Last summer some 18,000 recreational canoe days were spent on the river.<sup>137</sup>

The easy gradient for canoeing makes the river suitable for school groups and families. Swimming, fishing, eeling, bush walks, exploring streams, climbing waterfalls, and camping and barbecue sites are all available, and in an unspoilt

133. David Young, ‘River of Great Waiting’, *New Zealand Geographic*, July–September 1989, p 98

134. For a list of over 20 publications, ranging from Richard Taylor’s *Te Ika a Maui*, published in 1855, to recent publications, see Arthur P Bates, *The Whanganui River Digest*, Wanganui, Wanganui Newspapers, 1983, pp 74–75; David Young, *Histories from the Whanganui River: Woven by Water*, Wellington, Huia Publishers, 1998, bibliography.

135. Arthur P Bates, ‘Otumangu: Site of Mysterious Whanganui Tearooms’, *Whanganui River Annual*, 1991, pp 47–48

136. Campbell, p 240

137. Young, ‘River of Great Waiting’, p 98

Figure 6: Utu piharau being built at Patiarero (Hiruharama).  
 Photograph by James McDonald. Courtesy Alexander Turnbull Library (c8998).

utopia where time stands still. The isolation between Whakahoro and Pipiriki is especially preferred, but the beauty extends throughout. Again, from Young:

Even outside the Wanganui's spell-bindingly beautiful gorge, the banks are often steep papa or sandstone, bare or covered in moss, liverworts, parataniwha and tangled festoons of kiekie. Sometimes the banks are broken by exotic openings, cracks, 'coves' and caves, now yielding to tall and slender cascades, now breaking open to admit one of the river's tributaries. Behind the smaller plants and umbrella punga the cover rises magnificently into tawa, kamahi and rimu, rewarewa and occasionally rata and totara.<sup>138</sup>

To the settlers' descendants, a river conjures two principal images. The more pleasurable and benign image arises from its aesthetic and recreational value. The second image is as a channel. This has many aspects. A river is primarily a drain to allow water to escape to the sea, but in so doing it provides a means of transport for crafts carrying people and freight. A river is also a conveyance for pollutants to the sea. Industrial waste and public sewage spring to mind as the main pollutants, but they are easily identified and can be dealt with. Multi-point discharges of heavy metals from the atmosphere, agricultural chemicals, and farm waste are more difficult to identify, while the introduction of disease-causing organisms is particularly hard to isolate. The river takes all contaminants with it to the sea. This

Industrial and  
pastoral uses

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138. David Young and Bruce Foster, *Faces of the River: New Zealand's Living Water*, Auckland, TVNZ Publishing, 1986, p 17

role is not always easy to reconcile with the river as a domestic and industrial water source. In the post-war period, the waters of the Whanganui River have been diverted and re-channelled to provide electricity.

The settlers also wanted to be protected from the ravages that rivers could cause. This was most commonly achieved through stopbanking and diversion. Because the Whanganui River discharges almost directly from its valleys in the hills into the sea with no delta or flood plain, less intervention was needed than for other rivers. There is, however, some stopbanking in the urban reaches and where the road and railway run parallel.

Development at  
Wanganui

In Wanganui, in the 1930s, the town wharf served coastal shipping, with often six coasters berthing at a single time. The collier *Gabriella* discharged Newcastle coal at the gas works wharf every second week, and as frequently, the *Puriri* unloaded coal from the West Coast. Castlecliff wharf handled phosphate rock from Nauru Island and sulphur from Mexico for the fertiliser works at Aramoho. Imlay wharf served lighters loading overseas shipping anchored in the roadstead offshore. It was necessary to extend and strengthen the harbour facilities in the river, and large stone was barged down from the quarry at Kaiwhaiki. Sewage and industrial wastes were discharged into the river.<sup>139</sup>

Even in its lower reaches, however, the river was valued not just for industrial purposes but for fishing. Norm Hubbard reminisced on growing up in Wanganui in the 1930s:

We could actually live on the riverbank, so we reckoned. There were plenty of fish, mainly herring, a few kawhai, whitebait, flounder and we caught the odd brown trout, helped along at times with a drop of aniseed on the bait, bought from Mark's chemist shop in Duncan St. Usually we had a fire going on the bank and a good size fish would soon be cooking on the end of a piece of wire.

... at the Aramoho bridge on an in-coming tide it was possible to see the flounder coming in with the rising water. I could catch an average of six a week.

... Kukuta was a favoured swimming area and kakahi could be found there in the river.<sup>140</sup>

It was to be many years before the concept of the Crown's responsibilities for water quality developed. While river control and erosion prevention came to be regarded as essential activities for the continued progress of farming and the protection of harbours, the remedy for damage arising from pollution still depended on actions in tort under English common law. One such action was taken in 1912, against flax millers whose discharges to the Oroua River near Palmerston North made the water unfit for stock and also blocked waterways. The Pollution of Water Act 1912, which resulted, did not change the legal regime, but it enabled water users to obtain injunctions where diminution of water purity was established.<sup>141</sup>

139. The Wanganui and Ruapehu District Councils have been involved in schemes aimed at gradually eliminating sewage discharges from Wanganui and Taumarunui, respectively, from the early 1990s.

140. Norm Hubbard, *Whanganui River Annual 1993*, Wanganui, Friends of the Whanganui River, 1993, p 31

141. Michael Roche, *Land and Water: Water and Soil Conservation and Central Government in New Zealand, 1941–88*, Wellington, Department of Internal Affairs, 1994, pp 28–29

The assumption that the river and its waters were available for general public use was highlighted in the 1950s when the New Zealand Electricity Department began to build the diversion necessary for taking water to drive the Tongariro power scheme from the tributaries in the river's upper reaches. The water was first discharged to another water regime in 1969 through Lake Taupo and the Waikato River, to pass away to the north. As a consequence, the Whanganui River was denied much of its volume, 50 percent of normal flow when measured at Taumarunui, with, in many opinions, catastrophic effects. Opposition to continued abstraction, in resource consent litigation, threw Pakeha and Maori together.<sup>142</sup>

Hydroelectric  
development

Was Monte Holcroft's postulation that Pakeha contact with the wilderness engendered a sense of superiority reasonable? Certain Pakeha families who have now lived along the river for many years, indeed for generations, would answer no to this. Industrialists may come to the river to use it. Recreationalists may come to enjoy, or to conquer the surrounding peaks and discover hidden river recesses. At times, some will be captured by an inner peace, or at least for a while until they go home, but a deeper comprehension of the river is to be found from those who have decided to live with it.

Residential  
adaptation

Save for the Wanganui seaboard, farm settlement came late in the Whanganui district. Farming in the upper catchment area, under the Government's returned soldier schemes, was on the heavily bushed central area. Trees were felled and fired, but the land quickly reverted to bush and scrub. The Government's Mangapurua settlement, 31 kilometres above Pipiriki, was planned from 1917. Some 50 settlers were involved, but all had abandoned their farms by 1942. Today, a graphic reminder of the past stands above the forest on a river tributary – 'The Bridge to Nowhere' – a bridge built to take a road that was never laid for a settlement that no longer exists.

Development for  
farming – the  
central area

Through regeneration, the central hills have regained their wilderness character, but only after bush clearance had been followed by major floods, extensive erosion, and silting of the river, with the damage extending to the river mouth and harbour.

Still, the country was slow to deal with flooding as a land-use problem – indeed, for many years floods were seen as acts of God rather than as a consequence of farming. Engineering solutions were sought with stopbanks, river realignment, and plantations of willow. Farmers whose lands were liable to inundation were rated for flood protection works under river boards established from the 1870s, but

Erosion and  
flooding

142. Document A78(a), pp 7–12. For the purposes of proceedings and public campaigning, numerous groups melded together as the Whanganui River Flows Coalition, including King Country Federated Farmers and the Wanganui Chamber of Commerce. Following a hearing before a Tribunal for the Central Districts Catchment Board, and while the matter was before the Planning Tribunal, the Royal Forest and Bird Protection Society withdrew (at least officially, as a party), and the opposition was maintained by the Department of Conservation, the coalition, and the Whanganui River Maori Trust Board. The Planning Tribunal decision, in 1990, that ECNZ (the successor to the New Zealand Electricity Department) must increase minimum flows in the upper Whanganui was subsequently upheld in the High Court.

it was not until the Soil Conservation and Rivers Control Act 1941 was passed that attention became more focused on farming practices.<sup>143</sup>

The problem remains. Arthur Bates, the chairman of the Friends of the Whanganui River, has referred to the excessive amount of silt carried by the river:

To anyone who travels the length of the river, the major source of this river pollution is obviously from the Ohura, Tangarakau and the Whangamomona Rivers, the three large tributaries that drain the Taranaki back country. In the slightest fresh, these rivers run thick with heavy silt and logs, eroded from the Taranaki papa country, and contaminating the comparatively clean, at that stage, Whanganui River.<sup>144</sup>

Bates looked to the Manawatu–Wanganui Regional Council to produce a management plan to control erosion.

Perception of rivers  
as public property

Over many years, a raft of legislation enabling the Crown to control the use of rivers and water for agricultural, industrial, drainage, town, and recreational purposes has raised the public perception that rivers are ‘public property’ vested in the Crown. For the purposes of some of those Acts, the Crown has been deemed to be the owner of the water, or water streams have been deemed to be ‘public drains’ and placed under the control of local authorities.<sup>145</sup> Local authorities and private companies have been empowered to alter the course or level of natural waterways.<sup>146</sup> The use of rivers for transportation, or timber floating, has been authorised by statute, even where this has had serious consequences for Maori customary usages, especially the maintenance of eel weirs. Maori protested against the introduction of the Timber Floating Act 1873.<sup>147</sup>

The bestowal of rights or the exercise of control by the Crown does not in itself impute the assertion of ownership. The Crown may control the use of private land, for example, limiting or expanding upon private use and enjoyment, but without taking away private ownership. Whether the exercise of controls or the authorisation of rights or works is tantamount to the assertion of ownership, or extinguishes Maori customary interests in the Crown’s radical title, may depend upon the particular facts of a case. By the same token, the regular exercise of such controls and powers over water regimes can create the public impression that the Crown owns them or holds them on behalf of the public, and is free of any obligation to respect Maori interests.

Farming interests

Farmers near the river may well claim a greater proprietorial interest in the river than occasional users, even though, since 1903, their presumptive ownership under the doctrine of *ad medium filum aquae* has been replaced by the Crown’s statutory ownership of the bed, on the assumption that at law the doctrine was not to be

143. National legislation was enacted with the River Boards Act 1884

144. Document D1(a), p 4

145. For example, s 3 Municipal Corporations Waterworks Act 1872, ss 165–166 Public Works Act 1876

146. For example, s 34(4) Railways and Construction and Land Act 1881

147. Hauraki Maori vigorously protested against the Timber Floating Act 1873: Robyn Anderson, *The Crown, the Treaty and the Hauraki Tribes, 1800–1885*, vol 4 of *Hauraki Treaty Claims Research*, Paeroa, Hauraki Maori Trust Board, Paeroa, 1997, pp 274–279.

rebutted on the ground that the river was navigable. It would not be surprising if those whose lands were liable to inundation and who were rated for river protection works claimed a special interest, the more so when many had a substantial say in the works. River works were controlled by river boards, which in turn were elected by ratepayers.<sup>148</sup>

Many who lived by the river, however, had much larger concerns than flood protection. In answer to growing problems, not only of erosion but also of environmental damage and neglect, the Wanganui River Scenic Board was established in 1957 with Wanganui auctioneer John Coull as first chairman. Friends of the Whanganui River was formed in 1988, with Pakeha and Maori members, under the chairmanship of Arthur Bates, a well-known river identity and author. It was from the latter group's publication entitled the *Whanganui River Annual*, with its remarkable compilation of oral history, that we learnt of the spiritual dimension of Pakeha relationships to the river, and the close empathy that many have with the Maori river people. For example, Jock Erceg, an honorary ranger who farmed 'Nukunuku' in the upper reaches, wrote:

Local initiatives in environmental protection and the Pakeha spiritual dimension

I came on to the banks of the river as a young school-boy in 1932. It became clear to me very early on, after listening to the early pioneers, that the historical side of the river was a priority. The Maori warrior and his maiden, the deserted kainga and pah, the legends and myths, and the struggle of the early settlers became all important. The water of the river, the force and power of the singing rapids, and the most beautiful of all, the native forests which lined the banks. The preservation and protection of all these became my main interest. This is where I learned to swim, canoe and fish, and dream about the future and the past.<sup>149</sup>

Erceg became part of a concerted local effort to restore the river and its surrounds. Though many farmers resisted any changes in their patch, meetings were held with farmers, pighunters, deerstalkers, and possum trappers. Ministers and officials were hosted on the river, and operations began to control goats, eradicate weeds, clear channels, plant native trees, put up fencing to control wandering stock, and build huts and service facilities. Some farmers gave land to secure key sites.

Erceg, like many others, came to know local Maori. He described camping out on a river trip with Titi Tihu in 1958:

Titi Tihu chose the camp site, a beautiful spot on a bend in the river [by] a swirling whirlpool . . . With the camp fire well ablaze, Titi Tihu asked our friends to carry on and prepare the evening meal, as he wanted to talk to me alone – we were not to be disturbed. He took me down to a small bed of shingle where he asked me to sit, watch and listen.

Before us was the whirlpool and as the light was fading it looked moody and mysterious, but its murmurs could be plainly heard. Titi Tihu told me that he was going to talk to the Taniwha, something that no Pakeha had witnessed and very few

148. Section 18 of the River Boards Act 1884

149. *Whanganui River Annual* 1996, Wanganui, Friends of the Whanganui River, 1996, p 35

Maori either. He picked up a few pebbles, moved to a darkening corner, and squatted down looking every inch someone completely in tune with the surroundings. He started a mysterious chant which slowly rose in volume and tempo. At this stage he threw a few pebbles in to the water and to my amazement the pool responded. The water whirled faster and faster, rising and foaming until a frenzied peak was reached by both the chanter and the pool. A brief moment, a foaming surge, and all was quiet. The Taniwha had spoken. Titi Tihu was quite exhausted and just sat quietly gazing in to the swirling depths for several moments, then without a word, stood up and came over to me and said, 'It was good. We will go and eat'. One of the very special moments in my life.<sup>150</sup>

Keith Chapple came to the district in 1980, settling at Kakahi on the Whakapapa River, the home of the artist Peter McIntyre.<sup>151</sup> Made the chairperson of the Royal Forest and Bird Protection Society's King Country branch in 1986, Chapple is widely known amongst environmentalists for his work and was prominent in the minimum flows litigation. Chapple observed the change in Pakeha perspectives:

When we arrived King Country people had a pioneering ethic but you couldn't blame them. Now we've become accepted for our views. Just look at the stance taken by the locals over the Wanganui – that's a real achievement.<sup>152</sup>

**River law and a New Zealand legal regime**

Recognition of the importance of cultural and spiritual values in relation to the natural features of the land has increased with the urgency of modern environmental awareness, but the law has yet to catch up. Much still depends upon the somewhat vague comprehension of rivers in the English legal context, though New Zealand rivers vary greatly, and the cultural history associated with each of them is different.

Save for the submissions of Keith Chapple and the writings of David Young, one of the Friends of the Whanganui River, we found nothing in the material supplied that pointed to any attempt to grapple with a New Zealand legal framework for the ownership of rivers that might cope with our two streams of law, Maori and English.<sup>153</sup> At a local level, however, there have been new initiatives to provide for both Maori and public interests in natural resources: for example, the Ngai Tahu settlement deed sections on Aoraki (Mount Cook) and taonga fisheries.<sup>154</sup>

**Contrasting views**

As described, the English common law favours private ownership based upon the ownership of the adjoining land. The New Zealand Parliament favoured Crown ownership of navigable rivers, but largely with access to minerals in mind, and the regulation of river usages. Certain environmental groups envisage the rivers as part of a public estate, while Maori see them as entities coexisting physically and spiritually with the people of the customarily associated hapu.

150. Jock Erceg, 'The Whanganui River: A Success Story', in *Whanganui River Annual 1996*, p 42

151. Peter McIntyre, *Kakahi: New Zealand*, Wellington, AH and AW Reed, 1972

152. Cited in *Forest and Bird*, November 1990, p 42 (doc D23, attachment)

153. Young and Foster, p 207. The need for a legal framework is considered in a section of the appendix 'The Right to the River' and an overview of the Maori litigation is provided in 'Who Owns a River Bed?'

154. 'Crown's Settlement Offer to Ngai Tahu', *Maori Law Review*, October 1997, pp 6–8

There has been strong opposition to the Maori claims. One concern is that Maori might enter into development modes and not respect the environmental standards now required. Their experience in modern-day environmental management has also been questioned, whereas the skills of Pakeha scientists and engineers and the work actually done by local Pakeha residents has been lauded. Hugh Barr instanced cases where, in his view, the return of land to Maori threatened public access – where recreational access was denied (Parekarengarenga Scenic Reserve, Taupo), where that access was charged for (the Kaimanawa West Highway), or where intentions to deny or control access were expressed by Maori and where, he argued, access covenants give insufficient protection (Tutae Patu or Woodend Lagoon in north Canterbury and Mount Hikurangi at East Cape).<sup>155</sup>

**Opposition to  
Maori claims**

Various articles in the popular press show that many members of the general public see the issue not as one of respecting the prior rights of the indigenous people, recognised in law for some centuries, but as one of sanctioning racial privilege. The claims of particular descent groups may also be generalised as though the claims were on behalf of everyone of Maori descent.

Other Pakeha have no difficulty with Maori ownership or control. In support of the present claim, the Tribunal received three letters from Pakeha New Zealanders from outside the district, and one from a visiting scholar from the United States.<sup>156</sup> The writers had experienced kayaking or similar trips down the river, some had been hosted by the Maori occupants at Tieke, and each supported the return of ownership, guardianship, or control to Whanganui Maori. The correspondents in one letter suggested a particular solution:

**Support for Maori  
claims**

the vesting of the guardianship of the river in duly appointed representatives of the local iwi with appropriate powers and directions given to them to the effect that all matters pertaining to the river, including proposed commercial uses, operations and exploitations be first subject to consultation and agreement with such appointed guardians.

They added:

We write as Pakeha New Zealanders resident in Auckland and as such have no connection with the claimants or any group they represent. However, from our own study and experience we can readily recognise the sacredness of this great river to the local iwi and having visited it with pleasure on many occasions can appreciate the aura of spirituality which surrounds this historic waterway.<sup>157</sup>

In reasoned and balanced submissions, Keith Chapple considered that nature conservation transcends politics and has the highest moral authority.<sup>158</sup> While not opposing the Atihaunui claim to the ownership and control of the river, he drew attention to the high conservation values of the river and the forests, the moral duty

**Conservation values**

155. Document D23

156. Documents B17, B19–21, B25

157. Document B25

158. Document D3, para 6.3

to protect them, the magnitude and complexity of conservation management, and the need to maintain funding levels for conservation purposes.<sup>159</sup> His review of the work of the Royal Forest and Bird Protection Society and the history of the debate and consultations over the Tongariro power scheme was evidence of the considerable effort required to maintain a proper respect for the river in today's world. It is appropriate for the Crown to exercise kawanatanga for the purposes of resource management and the protection of ecological and public values, he argued, and public access must be preserved and enhanced. He urged a flexible approach in meeting Maori claims, but doubted the practicability of shared management owing to structural complexities and costs.

Finally, Chapple referred to the provisions for the protection of Maori interests under existing resource management laws that would apply on the making of a water conservation order. He suggested that, while these may not reflect the full extent of the Atihaunui interests, and there were areas of ambiguity, they had the potential to ensure the centrality of Atihaunui interests.<sup>160</sup>

A New Zealand legal  
framework

Still lacking, however, is a New Zealand legal framework for rivers and water that is able to accommodate the distinctive sources of law for this country from both England and the Pacific or that accommodates legal presumptions from England concerning the Crown's radical title with the New Zealand reality that the 'radical title' was already spoken for.

Keith Chapple's submissions suggested that control, not ownership, is the key element in managing natural resources. Perhaps this points to a prospective merger of the two laws, for if we look to Maori history from the time of colonisation, as we do in the next chapter, it is not ownership but control that was central to their thinking, and respect for the mana of different peoples.

The significance of many current river rights is frequently not evident to wider society. As an example, all discharges into rivers are subject to consents. While householders are often covered by developer-obtained consents, farmers and all businesses that discharge water are subject to consent processes. The constraints can be, and often are, made more restrictive on renewal, so that the quality of river water is improved.

Maori claims for the return of ownership of a riverbed where they are no longer the adjoining landowner, or where the river is deemed to be navigable, pose challenges to the general assumptions that many people make about river rights. If all or part of a river could be privately owned, then would the owner restrict access and charge a toll for use?

The Department of Conservation's facility user charges regime was interpreted by some as a river toll. The wider issue of tolls is under public debate at the moment. The use of tolls is being seriously canvassed as a way to hasten future roading developments. A similar general river regime could have some dramatic consequences and impinge upon thousands of bridge abutments and support structures. The electricity industry would have to ponder on the security of its

159. Document D3, paras 4–4.5

160. Ibid, paras 12.8–12.9

Figure 7: Arawhata on the Whanganui River, circa 1890s.  
Photograph courtesy Alexander Turnbull Library (*Auckland Star* collection, G300571).

access to water for hydro generation. Tolls could also impact on water supplies and the numerous rights that individuals have gained under the current, and former, resource management laws.

People become insecure at the prospect of change, and this can lead individuals or groups into extreme reactions. It is important that any new regime is perceived

as a viable and legitimate system for the ongoing administration of the Whanganui River. This is particularly important in a democracy, where citizens expect representation with taxation. A ratepayer must be able to be heard through the ballot box. In the recommendations in chapter 11, the Tribunal suggests ways in which a re-examination of the political structures that currently control the Whanganui River could assist in resolving Maori grievances and create an enduring, legitimate structure for future river administration.