



"This coastline will never be the same. This is the site for the Synthetic Petrol plant. An outfall is proposed to cross our Urupa and the Epiha reef. This led the Hapu to take their concerns first to the Planning Tribunal and then to the Court of Appeal". — Ngawhakaheke (Tuti) Wetere, Trustee Ngati Rahiri Hapu pictured with her Kete gathering from her sea garden.

No winners, only losers in legal battle

Alastair Morrison

Four Aunties from Manukorihi Marae headed the small party that filed into the plush armchairs at the back of the new Court of Appeal in Wellington.

They wore their white feathers — Te Whiti's symbol of passive resistance. They had come to the highest court in the land to seek justice.

Above and beyond sat throned the top judges in New Zealand. Below them a host of highly paid legal brains, looking like a colony of penguins in their wigs and gowns, conferred and argued in a seemingly foreign language. It was hard to see any of them as the hired servants of the aunties.

At the back of the courtroom there was an anger. Why?

Many months before, the legal battle began at home in Taranaki, at Waitara. The issue was the waste pipeline from the proposed synthetic petrol plant. It was going to travel across burial grounds, over the seafood reefs, and discharge chemicals into the sea that washed over the foods.

The Maoris raised objections at the tribunal. During the hearing they took time out to invite all parties onto the marae. Judges, lawyers and people from all sides received the traditional hospitality of the marae and a grand seafood dinner — a first hand taste of the fruits of the sea the Maoris said were threatened by the waste pipe.

Now the argument had taken them to the Court of Appeal. It was a wet, long, tiring day. The court showed no hospitality, not so much as a cup of tea.

Perhaps the point seems trivial. Pakeha tradition does not expect the

highest judges in the land to dent their dignity by offering tea. But to the aunties it was an affront.

The stark contrast was a symbol of cultural difference, a reminder that Maori and Pakeha do not have inherent cultural harmony on which we can rely.

Frustration

Behind the anger there was a deeper feeling of frustration. It was born of a knowledge that those who sat in judgement had no real understanding of what was at stake. As Aunt Mary Turner put it; "They don't know what they're bloody talking about. None of them have been collecting in their lives".

Think Big was a programme designed by the politicians to use New Zealand's energy resources: its gas, water, coal, wood and so on.

The National Development Act was designed by the politicians to build the Think Big projects as soon as they could (the "fast track") but still give everyone a chance to have their say to one big planning hearing.

In the process landowners, conservationists, local authorities and thousands of ordinary blokes have been challenged to sacrifice their land, or their ideals, or their way of life. Such is progress.

In Taranaki the Maoris have met it in a big way. Maui gas has so far spawned the ammonia-urea fertiliser plant, the methanol plant and the gas to synthetic petrol plant.

The issues those projects have raised leave very little room for compromise. Issues like; How do you weight the merits of a ripe, plump mussel against a litre of synthetic petrol; How do you observe tapu over an urupa and still bulldoze it up for a pipeline; How do you keep the seafood reefs clean and still pipe chemical waste into the seas that wash over them.

Simple issues

The answers provide only winners and losers. Yet these simple issues, the right to treat the dead with traditional respect, the right to gather clean seafood from the rich coastal reefs, lie at the very heart of the culture and traditions Taranaki elders are fighting so hard to preserve.

Taranaki Maoris are a conservative lot. The excesses of Bastion Point or the Raglan Golf Course find little support among their leaders. So in recent years they have learned to play the system, and in some respects they have made inroads.

When they started out at planning