The Anatomy of an Environmental Decision: A Discourse Analysis of Events and Processes Linked to the Grounding of the MV Rena

Philippa Janne Galbraith

A thesis submitted to Auckland University of Technology
in fulfilment of the requirements for the degree of Doctor of Philosophy
(PhD)

2020

School of Communication Studies

Abstract

This research is concerned with the social construction of nature and the environment in connection with the case study of a man-made environmental disaster which occurred off the coast of the Bay of Plenty of New Zealand in 2011: the grounding of the MV Rena. The problem I explore relates to the clash of worldviews embodied in the contested discourses of the resource consent hearing to abandon the wreck of the Rena on Astrolabe Reef, also known as Ōtāiti. The objective of the research is to examine people's stories and submissions on the resource consent process as discourses that influence the way people think about the environment and environmental justice in twenty-first century Aotearoa New Zealand.

Two research questions guide this research. The first concerns the way in which different discourses related to the grounding were made manifest throughout the processes of the Resource Management Act 1991. The second deals with the dominance of certain discourses within the context of the resource consent hearing, and what this means in terms of social change for affected communities and environments. To this end, the research draws on theories of environmental and social justice, deliberative democracy, procedural inclusion and the special forms of psycho-social trauma experienced by communities, particularly indigenous communities, in the wake of environmental disaster.

In terms of the development of the thesis, the concept of 'nature' as a social construction is considered along with a chronological review of Western ideas about nature and their evolution throughout history to modern times. Then, the issue of the Rena is introduced by way of thematic analysis of interview data. Analysis focuses on the discourses of the hearing, and I adopt a critical approach in unpacking and explicating the effects of the grounding on the beliefs and worldviews of those closely associated with the affected environments, the MV Rena and processes of impact assessment. Data comprised materials from the online archives of the Bay of Plenty Regional Council together with interviews conducted with key participants.

Dryzek's (2013) framework for categorising environmental discourses is used to organise the data according to different worldviews. Specific methods of critical discourse analysis are applied to

selected documents as a means of revealing the intertextuality of arguments and the rhetorical, grammatical devices and persuasive techniques employed by discursive agents to position themselves and their arguments in relation to others within the wider discourse of the hearing. The identification of themes within the interviews complemented and strengthened this approach.

Significant findings in this research coincide with international research that shows indigenous communities experience environmental trauma and injustice in ways that are much more profound and socially corrosive than for mainstream communities, and that this is compounded by the historical, ongoing and wider environmental injustices of post-colonial, white settler societies. It shows that under the hierarchy of the Resource Management Act 1991, biophysical considerations take precedence over socio-cultural, and highlights the concept of environmental personhood as a means by which enviro-social-cultural considerations might find atonement within decision-making procedures.

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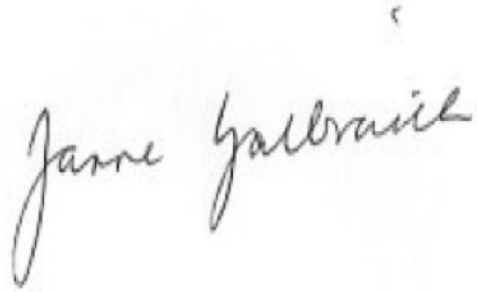
Attestation of Authorship

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor material which to a substantial degree has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.



Janne Galbraith

November, 2019

Acknowledgements

Sincere thanks to the participants of this research, all of whom and in different ways laboured to restore the environmental and cultural integrity of coastal Bay of Plenty in the wake of the MV Rena. Your unwavering commitment to place, cultural principles, past, present and future generations has been the inspiration behind this research. Thanks to you all for sharing your time, experiences and perspectives on this significant moment in the environmental history of Aotearoa New Zealand. Special thanks to Rangi Butler for inviting me to and guiding me around Mōtītī Island. It truly is a special place and my trip there an experience I'll not forget.

Thanks to Auckland University of Technology for the award of a Vice Chancellor's Doctoral Scholarship to conduct this research, and heartfelt gratitude to my primary supervisor, Dr. Frances Nelson. From the time I mentioned the MV Rena as a topic of interest, Frances championed and had a vision for this project. She single-handedly kept this unlikely Phd student on the long road to completion despite the many unforeseen twists and turns such large projects seem to attract. Thank you for your faith, loyalty and patience, Frances. I wish you all the best for your retirement by the river. Thanks also to Dr. Jennie Watts, who bravely picked up the baton of second supervisor and has been a calm and supportive presence through the final pangs of submission.

To my wonderful family. Chris, your encouragement, belief, love and care is woven into the fabric of this story. I simply could not have done it without you. Thank you. Leo, Vincent and Sylvie, you have grown up with this story. I hope that in some way it inspires you to fight the good fight, make a positive difference and somehow survive to tell the tale.

This research was carried out with the approval of AUTEC. Ethics application number: 15/285, approved September 2, 2015.

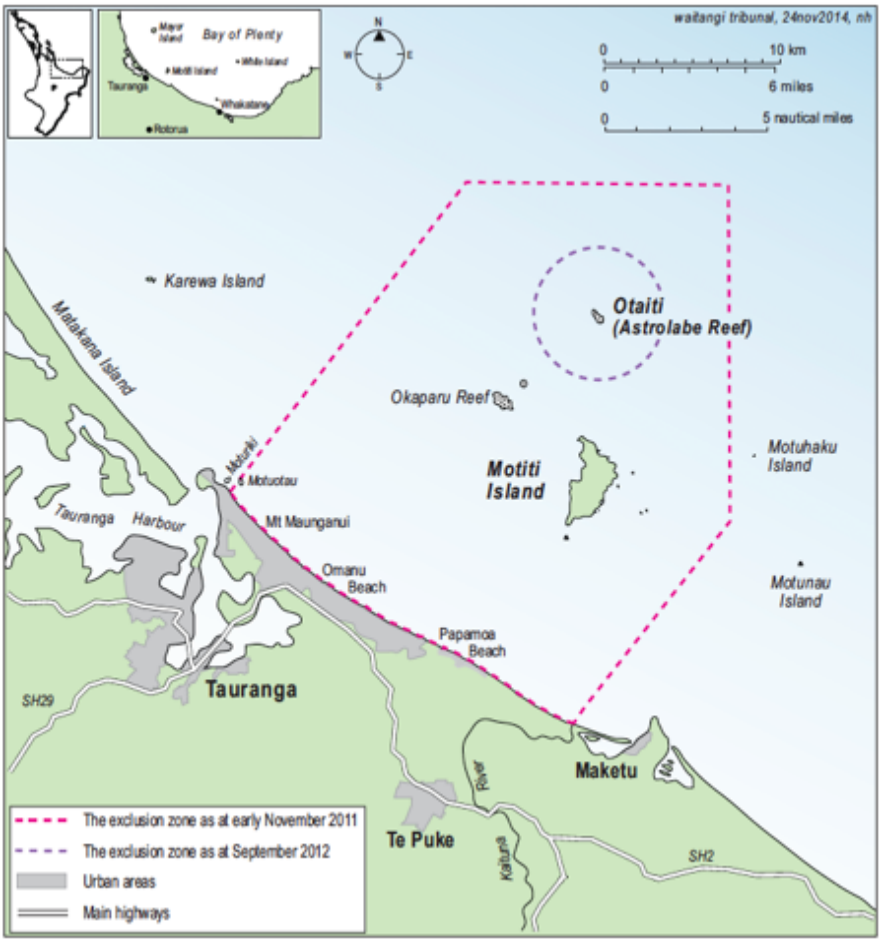


Figure 1: Map of Bay of Plenty areas affected by the MV Rena (Waitangi Tribunal, 2013, p. 2).

Chapter 1

Introduction:

the Saga of the MV Rena:

Overview

This chapter has three sections. The first describes the purpose and method of the research: that is, what I set out to do in the research, the questions that guided me, and how I set about answering them. The second gives an overview of how the thesis is structured. The final section contextualises the research by describing background events that led up to the resource consent hearing for the owner's application to abandon the wreck of the MV Rena on Astrolabe Reef[1], which is known to tangata whenua[2] as Ōtāiti. I attended the hearing and it is at this point where I enter the MV Rena saga as observer and researcher.

Purpose and context

The purpose of this research is to analyse the "communication anatomy" of an important environmental decision. Any decision to make a major change to the environment comes with concomitant issues of social justice (and injustice), community development (and decline), and loss of (and gains to) ecological integrity. It is the contention of this research that because the decisions are framed by these issues, the environment – the material world – is, effectively, constituted in the flows of communicative activity that contribute to deliberations and hearings. The 'new' environment created at the reef by the wreck of the MV Rena, and the fragmentation of communities affected by its presence, are outcomes of the tens of thousands of written and spoken words on which the final decision was based, and which are used as the basis of this research.

The grounding of the MV Rena on Ōtāiti is the single most significant maritime disaster in the history of New Zealand. It resulted in tonnes of oil, cargo and debris being washed up on the

[1] The reef is commonly referred to as the Astrolabe among the mainstream community. However, its traditional Māori name is Ōtāiti. To reflect the cultural importance of the reef to Māori, it is referred to as Ōtāiti throughout this research. See Appendix for a description of the history and naming of the reef.
[2] Refer to glossary for description of Māori terms.

shores of Mōtītī, Rangiwaea and Matakana Islands, the beaches of the Bay of Plenty and the East Cape. Despite the best efforts of an army of volunteers to clean the beaches, the local flora and fauna were devastated. Salvage operations removed most of the cargo and containers and cut up and removed some of the wreck before it finally broke apart and sank to where it now lies between 24–53 metres beneath the surface of the water. The bulk of the wreck remains on Ōtāiti and despite an unprecedented underwater wreck reduction and clearance programme, a large debris field still litters the sea floor. The ecology of the wreck site has begun to recover – marine plants have re-established and fish, enticed by the structure of the wreck, have started to return – but the long-term environmental impacts of MV Rena and its silent discharges, likely to continue for generations, are still relatively unknown.

The effects of the Rena go beyond the physical ecological effects of a ship colliding with a reef, for when the Rena crashed onto Ōtāiti it also, metaphorically speaking, crashed into and severely disrupted the social and cultural lifeworlds of local communities. The depth of connection people of the Bay of Plenty felt towards their beaches was expressed vociferously in a collective outpouring of anger and grief. The perceived recreancy of the government and its agencies and their initial failure to set up a public volunteer programme to clean the beaches were causes of public anger and undoubtedly an outward expression of how closely connected New Zealanders feel to their environment. The clean white sand beaches of the Bay of Plenty and their association with sun, surf and summer holidays, are so ingrained in the national psyche that in many ways, they define part of what it means to be a New Zealander, and their defilement was an abhorrent threat to people's connection to place, sense of self, cultural and national identity.

Having said that, it is widely recognised that the Māori communities living closest to Ōtāiti and polluted beaches were most negatively affected by the social and cultural impacts of the grounding due to their long-standing ancestral connection to place, and the beliefs and ontology that underpin a traditional Māori worldview. As well as this, and compounding the issue, was a second order of community upheaval, a social and political one, much of which had its roots in the continuing project of colonialism, and whose corrosive social effects are likely to continue as long, if not longer, than the time it will take for the wreck of the MV Rena to disintegrate. The behaviour of the Government in terms of its response to the grounding (perceived as tardy and lacklustre) and secret deal-making with the Rena owners, resulted in public backlash of an intensity rarely seen in New Zealand; perceptions of government recreancy developed and persist still. Thus, the cultural and social impacts of the Rena grounding and long-term social changes it caused, give this research national significance, for the stress that technological

environmental disasters impose on communities, especially indigenous communities, has the potential for the sort of social corrosion that causes permanent long-term damage to relationships and social groups, and damages the fabric of communities.

Evolution of the research

When the Rena grounded in October 2011, my family and I had just moved to Auckland from Ōhope Beach, a satellite suburb of Whakatāne (95 kilometres east of Tauranga) where we had lived for nine years. My connection to the Bay of Plenty went back as far as my grandparents, and as a child growing up there, it was a place with which I forged a close and enduring connection. Consequently, when I heard of the grounding and imagined the environmental disaster unfolding on the beaches of the Bay of Plenty, I was filled with dismay. Via media reports, I watched with horror the unfolding of the disaster. Four years later, an opportunity to embark on doctoral research coincided with what, the owner no doubt hoped, would be the final stage in the saga of the MV Rena: the application for resource consents to both abandon the wreck of the MV Rena and to allow for any discharges emanating from it.

Initially, my interest arose from my personal connection to the area, its people and the environment, but I soon became concerned by wider issues at play. Clearly, the grounding and the associated environmental devastation had brought widespread anger, disruption and despair to affected communities, many of whom rallied to volunteer in mass beach clean-up activities. However, as time progressed, affected Māori communities continued to experience serious negative social and cultural effects of the grounding. I am not Māori, but the sense of community rancour, of groups turning inwards and against each other due to external influence of the Rena was very concerning indeed. For me, this reinforced, at least at an emotional level, the import of this story.

In order to relate better to Māori perspectives, I took a year-long Māori language course through AUT University. This by no means made me an expert in Te Reo, but it did allow me to show Māori the basic respect of greeting them in their own language as well as improving my pronunciation of names and place names. I was familiar with the basic framework of Māori ontology having researched aspects of it for my Master of Arts thesis about the social construction of Rotorua as a fantasy space for colonial tourists. However, I relied upon the canons of Māori theological and anthropological literature for understandings of more esoteric Māori concepts. Further, because my interview participants took great care to explain their interpretation of traditional ideas, I slowly became more confident in my understanding of the Māori world view.

From an academic perspective, I was also interested in how the MV Rena's foreign corporate owners and insurers would engage with the New Zealand government, its agencies and legislation, as well as the mainstream and Māori communities impacted by the grounding. The Treaty of Waitangi guarantees that Māori, as the indigenous people of Aotearoa New Zealand, are considered partners with the Crown in all matters concerning their lands, resources and taonga. Accordingly, how effectively the owners and the government engaged with, and responded to, affected hapū and iwi would determine how successfully the owners would leave Aotearoa New Zealand with their corporate reputation intact. The story had all the elements of a political David-and-Goliath drama: small, indigenous communities taking on the might of a transnational shipping organisation; secret deals and bureaucratic bungling; feisty activists and slick public relations companies.

I was also interested in how the environmental decision-making processes of Aotearoa New Zealand would accommodate the issue of wreck abandonment. The Act had not been designed to deal with such eventualities, so the owner's application for resource consent would test the legislation as never before. Accordingly, and as the timing was right, I decided to investigate the Rena saga though the framework of the resource consent process. This proved a long, and complicated piece of environmental decision-making due to the inherent legal and technical complexities of the case, as well as wider issues of personal, collective and cultural connection to place. Even four years after the event and extensive salvage and engagement and consultation programmes led by the owner, many still felt a significant sense of outrage and sadness at the grounding and the idea of wreck abandonment. Some vowed to carry on the fight for full wreck removal, even when this appeared legislatively impossible, because this was the only way they felt justice could be achieved.

Contemplation of the MV Rena disaster raises questions of what it means to the sense of self when special places are despoiled, what are considered acceptable levels of pollution, how much notice to take of small, marginalised sectors of the community bearing the brunt of environmental disaster, and how far current legislation goes in terms of securing justice for people and their environment. As a significant disruption to people's collective sense of place, the grounding of the MV Rena is worthy of investigation, for it raises important issues of what New Zealanders think and feel about the environment, themselves and each other in terms of decision-making processes in the first quarter of the twenty-first century.

Design of the study

One way in which cultural impacts and social change may be considered is through forensic examination of the discourses and deliberative decision-making processes that attend an issue, as they invite a range of views and positions representative of different sectors of society whose interests are likely to be affected by the outcome. Due to the politically invested nature of environmental decision-making, a critical approach is necessary to reveal the underlying motivations of discursive agents and the imbalances of power that often lie between them. Accordingly, this research considers the saga of the MV Rena as a body of discourse that reveals and helps shape the way people think about nature and the environment in Aotearoa New Zealand. The title of this thesis, 'The Anatomy of an Environmental Decision', reflects the consideration of discourses related to the resource consent application as a body or corpus of texts, generated over the course of the crisis and across different modes, genres and disciplines and which, under the framework of the resource consent hearing, "crystallised" (Harvey, 1996, p. 81) into a large, interconnected and very complex body of discourse. Through submissions and from a variety of perspectives, the effects and impacts of the disaster are analysed from the moment of grounding through to the decision on the resource consent application.

The methodological approach is critical discourse analysis, formulated around the problem of what to do with the wreck of the MV Rena within the framework of the Resource Management Act 1991. Methods of analysis include thematic analysis of interviews, discourse and textual analysis of technical reports and rhetorical analysis of evidence. A multi-dimensional approach to analysis was appropriate due to the range of perspectives presented, the intent and purpose of submissions and lexical choices made.

Two main questions guide the research, the purpose of which is essentially to consider the ways in which participants to a resource consent process seek, through discursive action, to influence environmental decision-making and through the decision, to shape the material world in ways that contribute to social and environmental justice. Accordingly, the research questions are as follows:

> *How, and in what ways were the different discourses in the processes of the resource consent hearing made manifest?* and,
>
> *What does the dominance of certain discourses mean for social change and environmental justice in New Zealand?*

The data are presented as a series of case studies that use multiple sources of evidence (Yin, 1994) – interviews, submissions, reports and official documents – to build a well-rounded view of the many different perspectives on the issue of the MV Rena and her environmental effects and impacts. Case study is a worthy approach to this research, as it allows meaningful interpretation of specific (sometimes catastrophic) events from which wider generalisations about society, its institutions and structures are drawn and in ways that can lead to social improvement (Malik, 2019). Data-gathering was based upon my attendance of each and every day of the resource consent hearing, held in Tauranga during the spring of 2015. My attendance allowed me to develop a deep understanding of the issues and emotions attached to the MV Rena and the prospect of her abandonment. Attending the hearing was also an invaluable way to meet and get to know key knowledge holders, those essential individuals who very kindly agreed to take part in this research as interview participants, and whose rich insights and knowledge inform and enhance this research. It is fair to say that the passion with which submitters advocated their positions on the fate of the Rena was the inspiration that both motivated and sustained this research. Due to its significance and the public interest in the hearing, the Bay of Plenty Regional Council dedicated an entire website to the hearing, the now defunct www.renaresourceconsent.org, where all documents and events related to the hearing, including submissions and evidence, were uploaded. This became a vital source of data for this research, for it allowed ready access to a huge array of documents which I could use for textual analysis and to inform my understanding of often very complex technical arguments.

Having briefly set out the purpose, evolution and design of the research, I now offer a description of the grounding of the MV Rena. This is intended to contextualise events that caused the grounding, the event itself, how the crisis unfolded, the scale of the problem and official, technical and community responses to it leading up to the time an application for resource consent to abandon the wreck was made by the Rena's owner and insurers.

The event: the grounding of the MV Rena

On October 5th, 2011, the Liberian-registered container ship, the MV Rena, left the port of Napier loaded with 1,369 cargo containers. The ship was destined for the port of Tauranga, where various cargoes were scheduled for off-load (Evidence 39). In order to enter the port of Tauranga with favourable tides, the MV Rena's master instructed the watch-keepers to deviate from the planned course and look for currents that would enable the ship to berth at 3 a.m. (Transport Accident Investigation Commission, 2014). In order to make that deadline, the second mate

planned to take a one mile "shortcut" past Mōtītī Island and Ōtāiti, both of which are clearly marked on nautical maps. He did not, however allow for compass error or sideways drift and ended up heading straight for the reef. Meanwhile, the ships' master had been woken and arrived on the bridge to prepare for arrival at Tauranga. However, he did not discuss the change in course made by the second mate so took over control of the ship with "virtually no information about where the ship was, where it was heading, and what immediate dangers to navigation he needed to consider" (Transport Accident Investigation Commission, 2014). In effect, no one was monitoring the position of the ship and, at 2.14 a.m., the MV Rena hit Ōtāiti at full speed, grounded and stuck there, bow-first. Thus, began the worst environmental disaster Aotearoa New Zealand had ever known.

The crisis develops

Within hours of the grounding, the Director of Maritime New Zealand had declared a Tier 3 response, which is the highest level of response under New Zealand's Marine Oil Spill Response Strategy. Notices were issued declaring the Rena and its equipment and cargo a hazard to navigation (Whiting et. al, 2016). The Maritime Incident Response Team and the National Oiled Wildlife Response Team were mobilised, an international salvage expert was contacted to provide advice, and an Incident Command and Control Centre was established (Murdoch, 2013).

As soon as possible, Maritime New Zealand inspectors and the Tauranga Harbour Master boarded the vessel to ascertain the extent of the damage. It was found that the grounding had caused instant and extensive damage to the bottom of the ship: about 60 metres of keel (25 percent) had broken away and parts of the reef protruded through the torn structure. The bow had wedged firmly on the reef while the stern remained afloat and buoyant, effectively acting as pivot on which the aft section would swivel and rotate in bad weather. Initially, the vessel listed to port, but it soon began listing heavily to starboard as the holds and compartments flooded and the ship settled on the reef. There was also extensive damage to oil tanks and pipelines. Clearly, the ship had been significantly damaged and would be impossible to re-float intact. It also became obvious that the hull was under intense pressure, making it likely that the ship would break in two, spilling large quantities of oil, cargo and debris into the sea. This "worst-case scenario" was considered highly probable in the event of imminent heavy weather (Evidence 39; Murdoch, 2013; Whiting et al., 2016). From that moment, securing the cargo and removing oil from the vessel became the most pressing priority. Work began pumping oil from tanks in the most damaged sections to less vulnerable tanks in the stern. Meanwhile, the owner's

appointed salvor, Switzer, arrived from overseas to plan how to remove the estimated 1,712 m^3 of marine fuel oil the Rena was carrying.

The day after the grounding, a wildlife facility was set up in Tauranga, with bases on Mōtītī Island and further down the coast, at Te Kaha. It was run by experts from Massey University and had the capacity to clean and rehabilitate up to 500 oiled birds. During the weeks after the Rena grounding, teams scoured the coastlines for dead birds (more than 1,000 were found) or oiled birds needing care at the Wildlife Response Centre. The release of rehabilitated birds from the centre began in November, and by February, the wildlife team was stood down. The National Oiled Wildlife Response Team remained on standby in case of any significant event (October 2011 Daily Reports, n.d.).

Over the next few days, heavy-duty off-shore oil recovery equipment was sourced from around Aotearoa New Zealand and overseas and assembled in Tauranga and, five days after the grounding, salvors began preparations to remove fuel from the vessel. However, in signs of what was to plague salvage efforts for the next four years, their efforts were thwarted by bad weather, and oil continued to leak from the damaged ship, containers were lost overboard and their cargoes washed up on beaches. Weather conditions were so bad that salvage was halted. By this time, significant amounts of oil had washed up along the 60-kilometre coastline from Mount Maunganui to Maketū.

Twelve days after the grounding, oil removal began from the MV Rena itself. This was a slow process because the heavy marine oil had cooled and taken on a thick, marmite-like consistency, making even more difficult the job of pushing the substance through 150 metres of hose from the MV Rena to a fuel tanker attached alongside. Bad weather continued to hinder the oil removal, but the salvors made as much progress as they could, and by halfway through November, almost all the heavy fuel oil had been removed. Eventually, a total of 1,468m^3 of marine fuel oil was salvaged, as well as a third of the marine gas oil. This indicated losses of about 244m^3 of heavy marine oil to the sea and about 47.7m^3 of marine gas oil. By January 2012, all but 7m^3 of oil had been removed, and by the time of the resource consent hearing, the Head Salvor estimated that all had been removed except for approximately 2m^3 (Evidence 39).

Once the oil removal was mostly complete (December 2011), operations began to remove containers from the ship and retrieve those that had been lost overboard. Salvors targeted cargo likely to hold substances hazardous to the environment, in particular containers loaded with polyethylene plastic beads and copper clove (Whiting et al., 2016), but the clearance programme

was still underway when heavy weather in January 2012 caused the aft section of the vessel to break away from the bow and partially sink. The rupture caused the contents of an entire hold and part of another to be released into the sea. The "debris field" created by this event was a 10,000m^2 array of organic and inorganic materials such as aluminium ingots, scrap steel, wire coils, car parts, container parts, steel cages, bags of milk powder, plastic beads, and canisters of trichloroisocyanuric acid.

The aftermath: the scale of the problem

Over the following months, on days when sea conditions prevented wreck reduction in the shallower parts of the reef, salvors worked to remove material from the debris field. Clearance of the debris field was a priority because technical reports conducted as part of the resource consent application had identified further work necessary to bring the wreck to a 'consentable' state. This work was far outside the original scope of debris removal and added significantly to the cost of the operation; John Owen, the owner's insurance company representative cited a total figure of US$94 million dollars for the cost of debris field clearance and copper clove removal (Evidence 39; Evidence 42).

Tropical Cyclone Pam (March, 2015) caused significant changes at the wreck site and surveys showed that large sections of the wreck, cargo and container debris had been exposed. Further, the storm had disturbed sediment to reveal further deposits of copper clove. Accordingly, salvors continued the clearance of debris and cargo and, by the time of the hearing, the applicant was able to advise the panel of Commissioners adjudicating the hearing that 2,484 tonnes of metallic container and cargo debris, 1,033 tonnes of non-metallic debris and 55 tonnes of copper-laden sediment had been removed (Whiting et al., 2016).

When the MV Rena grounded, she was carrying four containers of 2-3 mm opaque polyethylene plastic beads. When the ship broke apart, two twenty-foot containers were lost from one of the holds. Due to the danger that these beads posed to wildlife, a concentrated effort was made to locate the containers before they broke apart. One was found intact and retrieved but the other was lost (only part of the container has ever been found) and all its contents released into the sea (Evidence 40). It was concluded that the other two containers were buried beneath the degraded remains of the wreck. One container was located beneath about 24,000 tonnes of debris. Most of its cargo was intact, but it could not be retrieved before Tropical Cyclone Lusi was predicted to hit in March 2014. To prevent the bags of beads inside the container breaking and spilling during the incoming storm, divers covered it with 30 tonnes of steel plates and bags of sand but the storm dislodged this protective covering and about 13 tonnes of plastic beads

escaped (Evidence 39; Evidence, 42). A major recovery operation began, conducted by contractors and community volunteers including iwi and community organisations, to clear the beads from the shorelines they washed up on before they could be ingested by marine and bird life. This coordinated effort of volunteers to clean the beaches proved important in achieving significant social and environmental recovery.

A 21-tonne container of scrap 'clove' copper[3] was also part of the Rena cargo. Dealing with the tiny filaments of copper wire became a priority because of their potential for ingestion by marine organisms and for the metal to leach into the water column (Hearing statement 35). When this potential harm was recognised, considerable time, effort and cost was put into locating the container of clove within the wreck, but it could not be recovered before the ship broke apart in January 2012. Numerous attempts were made to find the container (Whiting et al., 2016), but it was eventually concluded that the container and its remaining contents lay unrecoverable beneath the wreckage (Evidence 41). It was thought that the container would eventually be encapsulated by the future degradation and eventual collapse of the wreck, a time period of around 70 to 220 years (Whiting et al., 2016). Deposits of copper clove were located over an area of 400m^2 in sediment of up to 1.5 metres and depths of 27–40 metres. Salvors devised a system for targeted removal of the clove, but at the time of the hearing, they calculated that 12.4 tonnes of clove, over half the original amount, remained unrecovered (Evidence 39).

In line with their legal obligations under the Marine Transport Act 1994 (Ss 100A and 248), the vessel's owner and its insurer were responsible for the removal of the wreck (Whiting, et al. 2016). Accordingly, an invitation to tender was put out for a salvage company to reduce the bow section of the wreck (the part stuck fast on the reef) to a depth of one metre below lowest astronomical tide, and, in July 2012, American company Resolve was contracted to do this work. Later, the scope of the contract was extended to include additional work that could be done when weather conditions hampered work on the bow. This included a clean-up of cargo scattered across the debris field and the targeting of specific debris including the copper clove and plastic beads, wire coil, aluminium ingots and other inorganic material. They were also responsible for the recovery of remaining oil pocketed in pipes and lines and the removal of the accommodation block (Evidence 39).

By 2013, the ship's accommodation block was showing signs of structural failure so, despite the owner's original intention to leave the block *in situ*, the decision was made to remove it (Evidence

[3] Tiny filings of copper scrap

42). This proved a lengthy and technically very challenging process, often hampered by weather conditions that prevented the deep-penetration diving necessary to prepare the structure for cutting and lifting (Evidence 39). Furthermore, shortly after the removal operation began, Tropical Cyclone Lusi hit. The storm caused additional structural damage and the wreck slipped further down the reef. As a result, only a top section of the accommodation block was removed.

Aftermath: public response and involvement

Immediately after the grounding, public health warnings were issued advising people not to go to the beaches or touch the oil. Not only was the oil potentially toxic, it was not clear what other hazards might have been released into the sea. Despite the warnings, however, crowds of people went to the beaches to witness what was happening. Public anger about the situation was high: people wanted to assist with the clean-up and were angry at being kept away from the beaches. Once the oil had been analysed and found to be non-toxic, Maritime New Zealand agreed to a community volunteer programme, and Operation Beach Clean-up was born (Fraser et al., 2012). More than 1,500 people registered and over one thousand attended the first clean-up where more than 220 tonnes of sandy oiled waste was removed from the coastline between Mount Maunganui and Maketū. By the end of December 2011, thanks in large part to the efforts of the public, only daily beach patrols were needed. The public response had been swift and powerful: more than 8,000 people registered to volunteer at 150 clean-up events, donating 24,000 work hours. The volunteer programme was a success and constituted an essential part of the response to the crisis (Fraser et al., 2012).

Once the work of volunteers was accepted as an important part of the recovery process, effective communication with the volunteers became essential. To this end, a dedicated communication advisor was appointed, and each day a daily update was issued by way of text message or email to everyone on the volunteer database. According to the communication advisor, communicating with volunteers was a particularly successful aspect of the programme, because the public were given consistent, accurate information, which helped ease anxiety and anger about the situation (Personal communication, October 23, 2015).

The changing attitudes among the public are captured in the following summary of Bay of Plenty Times headlines, from 10th October to 10th November:

> 10 October: People told to stay away from Mount Maunganui beaches

11 October: Spectacle of toxic mess draws crowds

13 October: Rena oil spill: how to volunteer

14 October: Oil spill: tempers flare at meeting

14 October: Tauranga beach clean-up in full swing

15 October: Bay residents help where they can

16 October: Rena clean-up teams overwhelmed by generosity

17 October: Volunteers, businesses come together

17 October: Maketū connection motivates volunteers

17 October: Editorial: no lack of help during a crisis

18 October: No age barrier for Mary in beach battle

25 October: TV star puts world spotlight back on Bay's plight

7 November: Rena: Volunteer work unprecedented

10 November: Rena: neighbourhood blitz on beach (cited in Fraser et al., 2012).

The predominantly Māori communities at Mōtītī and Matakana Islands, and further along the coast at Maketū, preferred to manage their own beach clean-ups rather than take direction from a centralised agency. This made both practical and cultural sense because they had particular ecological, geographic and cultural knowledge that officials from the Incident Command Centre lacked. Local knowledge included how to access difficult areas, the location of wāhi tapu and other culturally important sites that needed to be treated with caution and respect. Furthermore, being local and proximate to the coast, hapū and iwi were usually the first to know when oil and debris were washed ashore (Bennett, 2015).

Mōtītī Island, which is the closest landmass to the grounded ship, bore the major impacts of oil and debris from the stricken vessel. Although the locals did not initially want help from the Volunteer Programme, the scale of the disaster meant that help from the mainland was necessary. Accordingly, the volunteer team, aided by the Iwi Liaison Team from the Incident Command Centre, organised groups of registered volunteers to fly to the island and stay there

for a week to help clear the beaches of oil and debris under the direction of the local people. The volunteer programme also worked with the Iwi Liaison Team to assist the people of Matakana Island with their beach clean-up operations.

The clean-up of beaches at Maketū was described in both submissions to the resource consent hearing and Cultural Impact Reports commissioned by the Bay of Plenty Regional Council (Hinemoana Associates, n.d.) and the Long-term Environmental Recovery Plan (Bennett, 2015) as being particularly successful in terms of environmental clean-up and as an expression of cultural empowerment. A meeting between tangata whenua and authorities alerted Maketū locals to the fact that oil was likely to wash up on local beaches and threaten the estuary. Pre-empting an official organisation, locals formed a small committee in readiness for the appearance of oil on the Maketū shorelines (Bennett, 2015). During the clean-up period, the committee trained more than 450 volunteers who collectively spent over 50 days (3,300 hours) removing more than 26,000 bags of oil pollution from 80 kilometres of Maketū coastline.

For the people of Maketū, the successes of the volunteer effort were due to several things, chief of which was that the local organising committee did not wait for authorities to tell them how or when to act, but rather, took the initiative and organised volunteer clean-ups themselves. According to iwi organisers, the clean-up of Maketū had not initially been a priority for the authorities, whose resources were focussed elsewhere (Personal communication, October 22, 2015). As soon as oil began washing ashore at Maketū, local volunteers started collecting it, and by the time authorities visited, the beach clean-ups were already running smoothly (Submission 6; Hinemoana Associates, n.d.). According to co-ordinators of the programme, assuming responsibility for the environmental clean-up was an active expression of the cultural principles of rangatiratanga and kaitiakitanga for Maketū tangata whenua. From their perspective, it would have been deeply offensive, inappropriate and impractical had 'outsiders' controlled the process (Hinemoana Associates, n.d.).

Ongoing: submissions and solutions

As the emergency and clean-up response continued, an official long-term approach to environmental recovery became necessary (Personal communication, December 23, 2015). Accordingly, submissions were sought to develop a Long-term Environmental Recovery Plan which would be implemented by a Rena Recovery Programme. The programme would be overseen by a governance group comprising representatives from regional and local government agencies and organisations and iwi groups, and managed, at first, by the ex-CEO of Maritime New

Zealand, Catherine Taylor, and later by Bruce Fraser, who had also coordinated the volunteer programme.

The primary goal of the Recovery Programme was environmental recovery, centred upon the traditional Māori concept of mauri, and its restoration to a pre-Rena state (Ministry for the Environment, 2011). In this context, mauri was defined as the "lifeforce, the integrity, form, functioning and resilience of the coastal environment, including its ecosystems, all kaimoana, marine and inter-tidal areas, rocks, estuaries, rivers and streams, islands, dunes and land, and customary fishing areas" (Ministry for the Environment, 2011, p. 3). A range of objectives was associated with achieving this goal, including that any salvage and recovery activities do no further harm. The need to learn from the grounding and the recovery programme was also recognised, so that future policies, regulations and operations could be informed by the Rena experience (Ministry for the Environment, 2011).

Five different areas of the environment were identified for long-term monitoring: the affected beaches, shorelines and seabed, water quality and the water column, kaimoana and wildlife, and programmes were developed to address key issues within each area. These included scientific monitoring of the marine environment on and around the reef, especially areas closest to the wreck site; the shorelines and their wildlife, in particular the recovery of New Zealand dotterels taken into care when the oil spill was at its peak, and biosecurity investigations, which surveyed marine areas for unwanted aquatic organisms introduced via the salvage barges and their support vessels. A Cultural Impacts and Mātauranga Māori Programme provided tangata whenua with an opportunity, outside of the resource consent process, to describe how the Rena grounding had affected their cultural values, and five reports were written by iwi and hapū associated with Mōtītī Island, Maketū, Matakana and Rangiwaea Islands, Mauao and Papamoa and the East Cape. A separate Mauri Monitoring Programme was also undertaken using a culturally-specific framework of modelling and measurement called the 'mauriometer' to calculate pre- and post-Rena levels of mauri and its predicted recovery over time.

The scientific monitoring was conducted by the Te Mauri Moana collective of tertiary providers and researchers, led by Professor Chris Battershill of the University of Waikato. Overall, Battershill's research found the grounding had few long-term effects on the physical environments studied, mainly because of the techniques used by volunteers and contractors to remove debris and oil from beaches and rocks by hand. Although some contaminants were found in kaimoana, no evidence of catastrophic die-off was reported. However, parts of the reef closest to the wreck site showed consistent, albeit low, levels of toxic chemicals and other contaminants

in sediments and kaimoana, especially around the ship's hull, and, accordingly, more monitoring was called for (Te Mauri Moana, n.d.). The shoreline programme reported that the birdlife was recovering well (particularly the endangered dotterels taken into care at the height of the oil spill), and the scientists conducting the biosecurity programme found no evidence of invasive marine species that might have been introduced by the various salvage barges, cranes and other equipment resourced from ports in Asia and elsewhere.

A series of recommendations was made to the Rena Recovery Group based on the cultural impact reports. These included the establishment of shipping lanes in and out of the harbour, policed by Maritime New Zealand. Although these recommendations were not adopted, a number of reefs were fitted with GPS transponders to alert vessels of their presence (Personal communication, October 23, 2015). Other recommendations were made regarding culturally appropriate engagement principles that could be included in plans and policies in the event of other oil spills (Personal communication, October 23, 2015).

All tangata whenua groups supported the full removal of the wreck from the reef. From a Māori perspective, this was the only way to restore the mauri of the reef to a pre-Rena state and achieve the stated goal of the Long-Term Environmental Recovery Plan. Tying an intangible indigenous concept such as mauri to the official goal of a government programme through a blend of mātauranga Māori and Western science was a ground-breaking initiative. The idea came from Maketū iwi representative Pia Bennett who considered the inclusion of mauri a natural progression from a one-dimensional western style of assessment of environmental recovery. She considered it a relatively easy concept to slip into the plan because it wouldn't disturb established workstreams (Personal communication, October 22, 2015). Further, a Te Arawa academic and researcher, Dr. Te Kipa Morgan had developed a multi-dimensional framework that claimed to measure and assess environmental impacts on mauri over time, the Mauri Decision-Making Model, and this framework could be used to track changes in pre- and post-Rena mauri (Fa'aui et al., 2017; Morgan & Fa'aui, 2017). The inclusion of mauri restoration as a specific project goal met resistance within the Long-term Environmental Recovery Plan, however, especially among the more conservative (mainly Pākehā) members, uneasy at the inclusion of such an intangible, subjective and ultimately unquantifiable concept. According to Long-term Environmental Recovery Plan manager, "Even the iwi people involved at the time in the development of the plan were a little surprised that that got through as a goal," (Personal communication, October 23, 2015).

Meanwhile: a deed, a visit and an apology

In October 2011, the Rena's owners, the Daina Shipping Company and their insurance company, The Swedish Club, entered negotiations with the Crown to settle costs arising from grounding and clean-up, calculated at $NZ47 million. Two deeds settled the Crown's claims for $NZ27.6 million and indemnified it for claims up to $NZ38 million. Another, the Wreck Removal Deed, required the Crown to consider the owner's proposal to apply for resource consent to abandon the wreck. If the Crown did not oppose the application, and the application was granted, the owners would pay the Crown an additional $NZ10.4 million dollars. A similar deed also obliged the Bay of Plenty Regional Council to consider supporting, or at least not opposing an application to abandon (Waitangi Tribunal, 2013). Given the scope of the deed, and following the principles of the Treaty of Waitangi, the Crown was obliged to consult with hapū and iwi in decisions regarding the reef and its marine environments, but the Crown did not, in fact carry out this consultation. Instead, negotiations were held in secret and iwi were not invited.

When iwi learned of the Crown's secret dealings with the Rena's owner and insurer, they appealed to the Waitangi Tribunal to conduct an urgent inquiry. The subsequent report revealed the Crown's half-hearted, tick-box consultation with iwi over the negotiation of the deeds, and a wholesale failure to uphold the principles of the Treaty. Moreover, the Tribunal found the Crown's actions were likely to prejudice any future resource consent application towards the applicant. A number of recommendations was made to redress this bias, including a requirement that the Crown encourage and support tangata whenua participation in the consultation and resource consent processes, even if they opposed the application (Waitangi Tribunal, 2013).

In July 2012, the owner's representatives arrived in Tauranga. The representatives were Konstantinos Zacharatos, a director of Costamare, parent company of Daina Shipping, and John Owen, a representative of Daina's insurance company, The Swedish Club. They arrived in Tauranga from Athens to deliver a formal apology to the people of Aotearoa New Zealand and to meet with central, local and regional leaders. This was the first visit by owner representatives to affected communities, and because the visit occurred a full ten months after the grounding, there was some consternation at their tardiness. The intervening time had been engaged in sensitive negotiations with the Government over the deeds of settlement, learning about Aotearoa New Zealand and the history and culture of the Bay of Plenty and Mōtītī Island.

Zacharatos sought advice from Sir Wira Gardiner, a prominent Ngāti Awa[4] leader, businessman, ex-senior civil servant, professional soldier and author.

Zacharatos delivered his first apology at Whareroa Marae in Tauranga, followed by others on the mainland and Mōtītī Island. He also apologised to local mayors and the Regional Council. This visit marked the beginning of an extensive engagement process (he visited eight times over the next three years) in which he and Owen met with a large number of individuals, communities, their leaders and representatives at hapū, iwi, central, regional and local government levels to share information about the wreck and its salvage and seek their views on how it should be dealt with (Evidence 21). This wide-reaching engagement eventually influenced the owner's decision to extend the scope of salvage and clean-up works, remove the accommodation block, extend the debris-field clean-up and apply to have the resource consent application heard in a Regional Council hearing rather than the Environment Court, all of which led to significant increases in time and cost.

At last: an application is made

In January 2014, the MV Rena's owners informed the Crown of their intention to apply for resource consent to abandon the wreck on the reef, and in May they lodged their application under the name of Astrolabe Community Trust, an independent charitable entity, set up to administer the consent and its conditions. In September, the Bay of Plenty Regional Council announced that the application would be heard in the Environment Court, rather than a Regional Council hearing. This was considered the best option as those opposing the application had made it clear that any decision made by the Council was likely to be appealed to the Court anyway. Given this inevitability, it made sense to send the application straight to the Court and save the time and costs involved in duplicating a hearing (Rena Recovery: Owners decide against Environment Court, 2014).

However, following their visit to Tauranga in December of that year, the owner and insurer decided not to proceed with a direct referral. Instead, the application would be heard by a panel of four independent Commissioners appointed by the Regional Council. This decision was based on the owner and insurer's belief that salvage works would have rendered the wreck in a consentable state by the time of the hearing and feedback received from submitters, tangata whenua in particular, that the costs associated with the Environment Court would prohibit submitters from participating and limit their opportunity to have their voice heard (Rena

[4] Ngāti Awa is the iwi to which Mōtītī hapū Te Patuwai and Ngāi Te Hapu belong.

Recovery: Owners decide against Environment Court, 2014; personal communication, February 26, 2016). Accordingly, in early 2015 the Regional Council announced the appointment of four hearing Commissioners; Environment Court Judge Gordon Whiting, Cultural Commissioner Rauru Kirikiri, marine engineer John Lumsden and environmental scientist Dr. Shane Kelly. The date for the hearing, originally set for June, was extended to September 2015 and scheduled to run for three weeks.

Table 1: The MV Rena saga: a timeline of key events

The following table sets out a timeline of significant events in the saga of the MV Rena from the time of the vessel's grounding in October 2011 to the beginning of the resource consent hearing in September 2015.

2011 Oct	MV Rena grounds on Ōtāiti reef; oil appears on beaches; beaches close; Volunteer Beach Clean-up and Wildlife Response Programmes set up.
Nov	Large seas damage hull; oil and container removal; volunteer beach clean-ups begin.
Dec	Rena Long-term Environmental Recovery Plan released; heavy weather; oil lost; secret negotiations between Government and owners to settle claims.
2012 Jan/Feb	Vessel breaks in two during storm, stern partially sinks, "debris field" formed and container of copper clove now inaccessible.
Mar/Apr	More poor weather; structural damage and deterioration of vessel; stern sinks further; containers lost overboard, debris and oil leaks.
May	Oil spill response downgraded; container, debris removal and shoreline clean-ups; the master and second mate of the MV Rena are convicted.
Jun/Jul	Container salvage complete; Wreck reduction salvors contracted; sea floor debris clearance; Zacharatos and Owen deliver formal apology.
Oct	Wreck Removal Deed signed; Crown announces settlement with Rena owners; Daina Shipping Company convicted and fined.

2013	Dive surveys, wreck salvage and shoreline cleanups; scientific sampling; Zacharatos visits; community consultation begins; Waitangi Tribunal receives claims regarding Crown's signing of the Wreck Removal Deed.
2014 Jan	Waitangi Tribunal grants hearing regarding Wreck Removal Deed; Rena owners tell Crown of intention to apply for resource consent.
Mar	TS Lusi hits, thwarts full removal of accommodation block; plastic beads escape; stern sinks further; urgent shoreline bead clearance.
May	Owners lodge resource consent application in the name of Astrolabe Community Trust.
Dec	Application to be heard in Regional Council hearing, not Environment Court.
2015 Jan	Bay of Plenty Regional Council announces panel of Commissioners.
Mar	TS Pam; wreck shifts; containers, debris and copper clove exposed.
Jul	Final Rena Recovery Plan Governance Group meeting held.
Sept	Resource consent hearing begins in Tauranga; scheduled for 3 weeks.

Structure of the thesis

First, I conducted a literature review in which ideas related to the research questions are introduced. Specifically, the evolution of Western ideas of nature from Neolithic Europe to modern-day Aotearoa New Zealand are charted, including those regarding the position and role of humanity in relation to the natural world and concepts of social and environmental justice. A far-reaching consideration is required to enable a deep understanding of modern mainstream attitudes towards the natural world and the environment, many of which underpin attitudes and perspectives found in discourses related to the MV Rena.

The review considers human conceptualisations of nature as far back as the Great Mother and eternal feminine of the Neolithic period, the intelligent, universal organism and Earth Mother of

antiquity and the emergent dualism between humans and nature. It tracks the patriarchal usurpation of Earth Mother and her deities, and the rise of a mechanistic, rational view of the natural world during the Enlightenment when nature became regarded as a resource wherein lay economic and political power. The rise of European romanticism coincided with a new geo-political world order in which global exploration brought new knowledge of new places, people and environments, all ripe for transformation and exploitation. Colonial attitudes towards the environments of Aotearoa New Zealand are considered. First, as an ungodly wilderness to be tamed and put into pasture, then for romantic appreciation of its unique qualities. The twentieth century focuses on the rise of modern environmentalism and the commonalities and conflicts between Pākehā and Māori notions of nature. Sustainability as an environmental concept and its incorporation into Government legislation and everyday vernacular is considered, particularly its role in the Resource Management Act 1991, legislation which is central to this research. Then, issues of environmental justice are contemplated in terms of theory, social movements and disaster research. Finally, the idea of awarding nature legal standing is considered through the concept of environmental personhood, a designation recently awarded Te Urewera and the Whanganui River.

The third chapter sets out the methodological foundations for the research, introduces the research questions and how I set about data collection and textual analysis. It does so first, by exploring ideas about discourse, what it is, how it has evolved as a concept and its role in critical theories of social process as prescribed by David Harvey (1996), Norman Fairclough (1992; 1995; 2003) and Chouliaraki and Fairclough (1999) and the environment (Dryzek, 2013). This explanation is necessary for understanding why discourse analysis is the methodology underpinning this research. Framed by the preceding description of discourse and discourse analysis, the research problem and questions are set out, these being the issues that guided the research and which the reader should bear in mind when reading the thesis. Then, the way in which data was gathered and a corpus of texts established for analysis is explained. Finally, the methods of textually oriented discourse analysis used in this case study are described.

The methodology chapter is divided into six sections. The first introduces the focus of research, that is the idea of using discourses associated with the grounding of the MV Rena and the owner's resource consent application to abandon the wreck on Ōtāiti as a means of investigating the various impacts of an environmental disaster and the different ways in which these are interpreted according to worldview. The second section considers the concept of discourse, and the way the term, so broad in its potential applications, is used in this study. Then, the research

problem and the research questions are presented. Both are discussed in relation to Fairclough (1992) and Chouliaraki and Fairclough (1999), whose work guided the methodology of the research. The third section explains how the archive of data and corpus of texts for analysis was established and treated. The fourth section deals with the interviews conducted for this research. That is, how potential participants were identified and recruited, the interview process and how the interview data was handled (thematic analysis courtesy of Braun and Clarke [2006]). Then, how the data was anonymised is briefly explained. Lastly, the methodological approach applied to official and technical documents is set out and methods of analysis explained.

Data analysis begins at Chapter 4 which deals with the psycho-social effects of the disaster as identified in thematic analysis (Braun & Clarke, 2006) of participant interviews and public submissions to the resource consent hearing. Specifically, it reveals the anger, pain and blame that arose in communities affected by the disaster and which has lingered to the point of entrenchment, even as the pollution and debris associated with the MV Rena was cleared away, the environment began to recover and the MV Rena herself began to disappear at the hands of the salvors. Three main themes are discussed: first, the sense of recreancy attributed to the government and its agents; second the culturally-specific pain and grief experienced by Māori communities, collectively termed mamae and, third, tangata whenua outrage at attempts to quantify and mitigate damage to the traditional spiritual ecological concept, mauri. Of all the data chapters, this is presented first as the human response to the grounding. The richness of data and intensity of emotion contained therein is testament to the passion displayed by interview participants coming soon after the close of resource consent hearing but before the Commissioners decision on the application had been released. The rawness of emotion that presented in almost every interview alerted me to the national significance of this study and impressed upon me the importance of recording the stories of those so heavily impacted by the grounding and the resource consent hearing.

The purpose of Chapter 5 is to consider a traditional Māori worldview and thereby to appreciate tangata whenua responses to the MV Rena grounding and the owner's application for resource consent to abandon the wreck. To this end, Dryzek's (2013) method of environmental discourse analysis is used to frame Māori perspectives considered through tangata whenua discourse on the Rena. Following Dryzek (2013), the chapter has four main sections. The first considers the basic ontological frameworks and assumptions that underpin the traditional Māori worldview. It introduces the body of traditional Māori ecological knowledge collectively known as mātauranga Māori and the idea of a vital and animated universe in which all things are connected through

complex and balanced relations of kin. Next, entities recognised to exist and which are fundamental to this worldview are described. These include a personified natural world, Earth Mother and Sky Father, pantheon of gods and demigods and landscapes and places populated by spirits and ancestors, all of whom have agency within the natural world. Then, traditional concepts of environmental agency are explored, including principles of environmental authority and guardianship over place, and how these were enacted during different phases of the Rena saga. That is, the initial response to the crisis, the environmental recovery phase and the resource consent processes. Lastly, various metaphors and culturally-specific rhetorical devices employed by tangata whenua are considered in terms of persuasive effect.

Chapter 6 considers the MV Rena and its environmental effects from the scientific and technical perspectives of experts tasked with environmental impact assessment within the framework of the Resource Management Act 1991; specifically, the owner's application for resource consent to abandon the wreck and remaining debris on Ōtāiti. It describes, in a roughly chronological manner, the data-gathering processes and analyses conducted soon after the grounding and the way they were woven into subsequent analyses so as to create particular versions of reality in which all agents were obliged to function. Thus, following Dryzek (2013), the chapter sets out how a particular discourse of the environment – a scientific/technical one – was constructed, its key agents and their functions. Then, a close reading (Fairclough, 1992) of the owner's cultural impact assessment is undertaken to consider the way in which tangata whenua were positioned within the discourse of impact assessment, and the lexical choices and rhetorical devices that allowed cultural conclusions to be drawn from technical findings.

Chapter 7 presents the owner's view of the Rena saga. The owner's perspective was informed by organisational imperatives about the best thing to do with the remains of the wreck and cargo. The chapter reveals the owner representatives' use of persuasive rhetorical techniques (Cheney et al., 2012; Higgins & Walker, 2012) to influence both reception of the formal apology and their application for resource consent to abandon the wreck. Classic persuasive elements (ethos, logos and pathos) are easily identifiable within the representative's hearing statements and evidence, supplemented by other techniques associated with the corporate apologies (Koehn, 2013; Tavuchis, 1991), crisis and reputation management and other types of organisational discourse (Benoit, 1995; 1997; Benoit & Drew, 1997).

Conclusion

This chapter has introduced the purpose, topic and significance of this research. That is, to understand the way people perceive nature, the environment and their place within it in

twenty-first century Aotearoa New Zealand, and how this might change in terms of how people respond to a significant environmental disaster: the grounding of the MV Rena and the extenuating environmental pollution. It briefly described the method of research and gave an overview of how the thesis is structured, then contextualised the research through an overview of the event, the emergency response, government actions, environmental recovery, and public involvement up until the application for resource consent was made. The next chapter embarks on a comprehensive review of literature related to the evolution of Western concepts of nature with an eventual focus on how they have applied to ideas of nature and environment in the context of post-colonial Aotearoa New Zealand.

Chapter 2

Literature review: the Nature of 'Nature'

Overview

Where the previous chapter introduced the purpose, structure and topic of the research, this chapter contextualises the research by a review of literature about nature, the environment and the position of humanity therein. The terms 'nature' and 'the environment' are treated as complex social symbolic constructions that have, over the course of human history, accumulated layers of meaning which now underpin modern mainstream 'common sense' definitions. The evolution of these ideas is charted chronologically from Neolithic times through to modern-day post-colonial white settler society so as to illustrate how Western ideas of nature have been variously constructed, deconstructed, reconstructed and adapted to suit the dominant economic, religious and scientific views of the times.

Introduction

Two related concepts are fundamental to this research; 'nature' and the 'environment'. In submissions to the resource consent hearing and in interviews, participants attempted to convey their ideas about how the natural world of Ōtāiti had been affected by the Rena grounding. Their submissions differed in terms of subjectivity and objectivity, depth and complexity, rational and emotive appeals and contained a complex mix of ideas ranging from myth and metaphysics to traditional indigenous knowledge, science and technology, philosophy and economics. All represented a range of perspectives and socially constructed meanings of nature, environment and sense of place in modern Aotearoa New Zealand. Accordingly, a review of literature on the development of such ideas is necessary, not only to aid understanding of the concepts *per se*, but also to understand how they played into and underpinned people's responses to the MV Rena and the owner's application to abandon the wreck on the reef.

This research considers ideas of 'nature' as a symbolic social construction, fundamental to humankind's definition of self and sense of place in the world (Greider & Garkovich, 1994; Williams, 1972); a term whose meanings have been socially negotiated by both groups and individuals over many different social and historical epochs of Western thought and, as a result,

has attracted a "plethora" (Inglis et al., 2005, p. 6) of meanings and layers of complexity which continue to persist beyond the simple 'common sense' definition of nature, as all the material, non-human phenomena that exists on earth (Simmons, 1993). Thus, this chapter traces some of the historical and cultural influences assigned to the concept and the ways in which understandings of nature and the natural world have shifted over time and are now conceptualised as the 'environment' and 'landscape' (Inglis et al., 2005).

From an ecological point of view, humans are part of a wider eco-system of living things and processes, easily definable as homo sapiens, the single species in the genus (Simmons, 1993). However, as well as the material world, humans also occupy psychological, social and cultural worlds (Simmons, 1993). This difference was first noted by the ancient Greeks in their term *nomos* which denotes the world of human society, culture and politics, and sets it apart from *physis*, the Greek word for nature; the physical world outside of and separate to human existence (Lloyd, 1992). This idea that humans are separate from the natural world reflects the enduring and persistent theme of dualism and human dominion over nature in Western philosophy and Judeo-Christian thought (Simmons, 1993; Williams, 1972).

From a social constructivist perspective, human beings are set apart from the rest of the nature, first because of their ability to define 'the self' psychologically as an entity separate from its surroundings and, second, because of their ability to think symbolically, thereby imbuing their physical surroundings with systems of socially negotiated meanings, through which the physical, outside world is interpreted and understood (Greider & Garkovich, 1994; Simmons, 1993). This is not an objective process: meaning and understanding are always perceived subjectively, interpreted through belief systems, negotiated through social processes, then reified through their incorporation and reiteration in social and cultural practices (Greider & Garkovich, 1994; Lidskog, 2011). Thus, meaning and the reality it helps to construct are constantly redefined through social interaction and social processes that reinforce or redefine symbolism, meaning and nomenclature. These definitions constitute reality for those individuals and groups who share them. Through the imposition of meaning on the physical world, humans inter-subjectively produce the psycho-symbolic reality in which they live, and, in this way, humans may be considered "world-producing" (Berger & Luckmann, 1967, p. 189), rather than products of the natural world.

Amongst all this busy imposition of meaning, reification and production of lifeworlds, humans are apt to forget their productive role in "the authorship of (their) world" (Berger & Luckmann, 1967, p. 189). The observable worldview of any group is always underpinned by comprehensive and

often complex systems of shared convictions, values and beliefs that are "so taken for granted, so implicitly obvious to the individual that it is indistinguishable from the person's self-definition" (Greider & Garkovich, 1994, p. 7). This makes it very difficult for people to recognise the 'reality' or plausibility of other worldviews or perspectives about the nature of things outside of their own (Dryzek, 2013), and this is often where conflicts about nature, the environment and the role of human beings within it begin. Accordingly, this research takes the view that people's ideas and beliefs about the real world are socially negotiated symbolic constructions. Bearing that in mind, this discussion now turns to the historical evolution of Western concepts of nature and attitudes towards the natural world and the environment.

The essence of things, an eternal feminine, intelligent organism and dualism

Nothing, one would think, could be as simple or straightforward than the idea of 'nature', being, most obviously, the world 'out there', all the physical material of the cosmos outside of and apart from human beings (Lloyd, 1992). However, the question of 'nature', what it is and how humans should relate to it has perplexed philosophers for millennia (Collingwood, 1945; Glacken, 1967; Inglis et al., 2005; Lloyd, 1992; O'Briant, 1974). In fact, it is a concept fundamental to human understandings of self and place, space and time, and it carries layers of meaning built up over social and historical epochs. Williams (1972) declared, the term 'nature' to embody such an "extraordinary amount of human history" that it is "the most complex word in the (English) language" (p. 184). Its polysemy lies in layers of meaning, from abstract singularities to multiplicities of the cosmos and all things within. He identifies three central areas of meaning attached to the term; first, the features, essential qualities and characteristics inherent in all things, that is, 'the nature' of things; second, the inherent force that directs both the physical world and the world of human beings, that is, the force of Nature, personified across the ages as supreme deities; and third, the multiplicity of the material world and everything within including or excluding human beings, that is the physical place and stuff of nature (Williams, 1972).

An essential quality of things

The word 'nature' is of Latin derivation, originating from the verb, *nascere*, to be born (Coates, 1998; Williams, 1972). Thus, the idea of an original, or unaltered state is embodied in the root term. This sense is also conveyed in the title of the first century BC poem by the epicurean philosopher/poet Lucretius (99BC-55BC), *De Rerum Natura* which translates as, "on the nature of things" (Williams, 1972, p. 80). Here, *natura* has the sense of an inherent quality (*rerum*); an essential set of characteristics organised, as Williams (1972) puts it, around a single principle; a

'nature' (p. 48). According to Williams, the phrase was shortened over time to *natura*, signifying the "the essential constitution of the world" (p. 80).

Ancient Greek philosophers believed that every living thing had a nature peculiar to type, and that this enabled the fulfilment of every thing's life purpose within the wider cosmological order (Collingwood, 1945). What the exact nature of the living world was, and how one should go about discovering it, was a matter of some contest and debate. Hippocratic practitioners, for example, used the idea to explain the nature of certain diseases and to validate their observation based theories and treatments over and above those of their rivals; namely, priests and other healers who believed diseases had supernatural origins and used prayers and other invocations to cure their patients (Lloyd, 1992).

The sense of 'a nature', that is a singular, essential character, was also used to categorise human traits and uphold social and political structures. Behaviours and traits observed in individuals and groups led to cultural and gender stereotypes, which validated social structures and practices such as slavery and the exclusion of women and other non-citizens from participating in democracy (Collingwood, 1945; Lloyd, 1992). This sense of nature is so ingrained in human thought, that is has been used to validate various oppressive and discriminatory behaviours and regimes throughout human history.

An inherent force

Here, 'nature' is understood in the sense of an abstract, essential and independent force, as in a 'force of nature', responsible for the creation and arrangement of the cosmos and generation of natural processes (Coates, 1998; Sheldrake, 1990; Williams, 1972). This force has, since very early on in human history, been variously personified as a supreme deity, reflective of human understandings of self, society and place. In this sense, natural processes were observed and understood as the result of divine forces symbolised through religion and myth over millennia as the Great Mother, Earth Mother and Sky Father deities and their children, the departmental nature gods, and the singular supreme patriarchal deity of Judeo-Christian tradition. However, despite the pressures of the Christian doctrine, Nature retained her association with feminine principles for many centuries (Berger, 1985; Gadon, 1989; Sheldrake, 1990). Mediaeval thinkers, drawing on classical texts, attributed to the cosmos a female soul personified as the goddess Natura (Coates, 1998; Sheldrake, 1990; Williams, 1972). In this sense, Nature was a servant of God, who operated according to his rules and through whom his mysteries would be revealed. The idea that all things were permeated with an inherent female life force endured until the social

discord of the Reformation and rise of a capitalist economy heralded a major shift in the way the physical world was conceived and studied (Merchant, 1994; Sheldrake, 1990).

Nature as the Great Mother, the eternal feminine

As far back as 35,000 years ago, natural processes were associated with a supreme, supernatural force known as the Great Mother (Berger, 1985; Gadon, 1989; Gimbatus, 1993; Pagels, 1976). Archaeological evidence suggests this figure was worshipped concurrently, in various places all over the world and for many millennia. She was a supreme deity solely responsible for the creation and continuance of the entire universe and every living thing, and therefore of central importance to early human societies, especially in terms of fertility, sustenance and reproduction. Her identity as a singular creative force, however, was fractured into a myriad of multifaceted goddesses with the arrival of early Indo-Europeans from southern Russia around the fifth millennium BC who introduced patriarchal social, economic and religious structures including a sky-orientated, male dominated pantheon of gods (Gimbatus, 1993). Thus, the Great Mother lost her dominance as the singular supreme deity, and although she still remained immensely powerful, she became subordinate to male sky-based deities and confined to her earthy domains (Gimbatus, 1993).

It appears that all ancient cultures have some kind of Earth Mother figure who gave birth to the natural world and the departmental deities who occupied it. As the stuff of earth, the Earth Mother represented the womb of life, the source of all living things, and the place to which all return in death. As a force of nature, the Earth Mother embodied female principles of fecundity and reproduction (powers central to agrarian and subsistence communities) as well as the most primal of female psychic traits: benevolence, care and nurture towards her human 'children', but by turns unpredictability, destruction and terror (Berger, 1985; Gadon, 1989; Sheldrake, 1990).

Throughout early human history, the Earth Mother was known by many names and in many manifestations. From the earliest times, humans responded to the world around them by constructing symbolic frameworks of meaning that understood the natural world as an abstract, singular and female force. These beliefs were dealt a hefty "blow" (Gadon, 1989 p. xiii), by the introduction of a "competitor" Creator-deity (Williams, 1972, p. 69): the male monotheistic God of Judeo-Christian tradition (Gadon, 1989; Sheldrake, 1990; Williams, 1972). As Williams (1972) points out, the historical interaction between this omnipotent, patriarchal mono-deity and the multiplicity of nature as the eternal feminine is "immense" (p. 69). It begins with the absence of a female Creator-deity and debasement of the first woman, Eve, in the Judeo-Christian Creation story, as told in the first book of the Old Testament of the Bible, Genesis. In this interpretation,

the cosmos is not produced through 'natural' generative processes: rather, it is called into being from nothing by the divine proclamation of a singular omnipotent, patriarchal God (Gadon, 1989). The first person (Adam) is made in his image, ordered to fill and subdue the earth, name and rule over all animals. Woman is created later in the passive role of 'companion', and it is her 'sinful' association with the serpent (an ancient companion to the Earth Mother and symbol of her care of animals and the power of regeneration) that precipitates the deterioration of nature and the expulsion of human beings from the Garden of Eden into a life of earth-bound misery, pain and struggle (Berger, 1985; Gadon, 1989; Glacken, 1967).

Nature as intelligent organism, a view from antiquity

For the ancient Greeks, nature was the place where gods dwelled and their influence as creative and controlling forces was obvious (Coates, 1998). Every natural feature, whether a tree, stream, hill or mountain, had a guardian spirit. Human activity or interference in such natural domains risked divine retribution, and the gods were consulted whenever projects that threatened nature's rhythms were undertaken (Coates, 1998; White, 1967). Thus, the ancients were somewhat aware that their actions had effects, the consequences of which could be negative if the gods were not attended to correctly. Gaia was the original Greek Great Mother Goddess (Sheldrake, 1990). Like other Earth Mothers, she was considered the progenitor of both gods and human beings (Athenians held to the myth that they were born of the earth of Athens and presented to Athena the protectress of Athens [Rosivach, 1987]). Her grandson, Zeus, was the supreme patriarchal sky deity who presided over the heavens, the pantheon of departmental gods and humans.

Apart from the mythico-religious structure of the pantheon and the gods as divine natural forces, many diverse ideas about the nature of the cosmos were held across various classical periods, philosophical positions and common attitudes (Lloyd, 1992). During antiquity, the dominant view of nature was as a living organism, which operated independently according to innate harmonious and intelligent rhythms, which were both observable and repetitive (Collingwood, 1945). At a celestial level, the planets and stars moved across the sky with reassuring predictability, seasons came and went, and animals and plants grew, multiplied and (apart from the odd exception) behaved according to kind. In this sense, nature was understood as an intelligent force that drove seasonal cycles of fertility and abundance, life and death, and instilled in all living things an end purpose that was pursued repetitively (Coates, 1998; Collingwood, 1945; Glacken, 1967).

Plato and Aristotle analogised the natural world as a well-kept household, arranged by a kind of supreme artisan (the word 'cosmos' means arrangement) for the benefit of human beings, who occupied a place near the top of a great hierarchical "chain of being" (Coates, 1998, p. 27), just below the gods. The purpose of each living thing in the cosmos was to serve the interests of those further up the hierarchy (Glacken, 1967). As Aristotle explained in *Politica*, "if Nature makes nothing incomplete and nothing in vain, the inference must be that she has made all animals for the sake of man" (cited in Glacken, 1967, p. 48). According to Aristotle, this cosmic hierarchy was ranked according to soul. The soul of plants embodied the powers of growth, nutrition and reproduction and their purpose was to feed animals. The soul of animals also embodied these powers, as well as locomotion, perception, sensitivity and desire; their purpose was to benefit humans. The soul of humans, at the top of scale, but just below the gods, possessed all the aforementioned powers, as well as, most importantly, the ability to think rationally. Having a rational soul endorsed the righteousness of human domination over the natural world. This was a general principle held by all great Greek and Roman thinkers of antiquity, and one which also influenced the development of Christian thought, philosophy and the natural sciences throughout the Western world (Coates, 1998; Glacken, 1967).

Christian thought draws on many different sources in its attitudes to human beings, nature, God and the material world. According to Glacken (1967), this is because many early Christian writings were exegesis, critical explanations or interpretations of the Bible, which drew on classical conceptions of nature as well as scripture. In European monasteries, the Middle Ages were an especially busy period of scholastic translation and interpretation of classical texts and their influence is seen in major and enduring themes that underpin Christian worldviews. As seen in the Christian versions of a cosmic hierarchy, ideas of dualism and a female world soul are present in Christian and mediaeval thought. Drawing on ideas from Plato and Aristotle, Christian philosophers also believed in a hierarchical cosmos in which humans occupy a special place; beneath God and the angels but above animals and other living things. On earth, this hierarchy is reflected in the order of nature, which acts as a microcosm of the wider cosmos. Like God, people had their own earthly domain over which they ruled all things. This is humanity's natural right having been licensed to do so by God in the first book of the Bible, Genesis:

> And God blessed them. And God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air and over every living thing that moveth upon the earth". (Genesis I, 28)

This privilege is not lost by Adam and Eve's expulsion from the Garden of Eden, but as a consequence of the original sin, humans are condemned to toil for survival in an imperfect nature, corrupted at the Fall, which vexes at every turn, "In the sweat of thy face shalt thou eat bread" (Genesis III, 19). The trade-off was that humans, being god-like, of rational thought, creative and hardworking, would be able to employ the stuff of nature (and it is here that the idea of nature as a 'resource' is born) to better their miserable material existence. Stuck in a place they do not truly belong (that place is heaven), people must wrest their earthly survival from an inhospitable nature through their own hard work and ingenuity. As O'Braint (1974) puts it, people are essentially "supernatural being(s) who find (themselves) for the moment in a natural world – a world which cannot be (their) home" (p. 65). The only up-side is that as a superior class of creature, humans share something of God's transcendence over nature, as seen in his insistence that people should exploit the natural world to benefit their own ends (White, 1967).

Dualism in nature

Another significant legacy from antiquity is the logic of dualism, the conceptual separation of a thing into two opposing aspects; a theme found throughout classical philosophy, Judeo-Christian and Western thought. As already mentioned, the ancient Greeks recognised a difference between the realm of nature (*physis*), and the realm of human society (*nomos*). In a similar way, the Christian world is defined by separation: God is quite separate from Earth; Earth is separate from heaven; the spiritual is separate from the material and the soul is separate from the body (Coates, 1998). While God created the world according to a divine plan, he does not dwell there but in the spiritual realm. Having created the natural world and predestined all future events, God absented himself from earth to observe and preside over the toil of humans from the heavens.

The natural world is evidence of God's handiwork, but its wonders should not be confused with him or his presence, worshipped as him or for their own sake, for that would be both pagan and idolatry (Glacken, 1967). Accordingly, although God is separate from the physical world, all of nature and the natural world came from him. Thus, it follows, God may be understood, though only ever partially, through contemplation of nature, a point which inspired and rationalised the pursuit of knowledge about the natural world, beginning in the later part of the Middle Ages and continuing throughout the Renaissance, Scientific Revolution and Enlightenment (Coates, 1998; Sheldrake, 1990; White, 1967).

Separation of the cosmos into heaven and Earth, spirit and matter also followed gender lines. Early Christian interpretation of scripture synthesised the Platonic idea of the universe as an organic cosmos imbued with a soul that that was female, alive, and known as Natura. Here,

Natura was personified as a kind of Mother Earth, a creative and productive force, but certainly not a pagan one. Rather, she was portrayed as God's servant or "midwife" (Merchant, 1994, p. 10), subservient to him, but still very powerful, able to realise God's wishes and ideas in all the material variety of nature. Accordingly, the concepts for nature's things came from God and were masculine, but the matter of which they were made came from Natura and was feminine. In this way, all things in nature were considered alive and female, the womb from which all life comes. As a living organism, Mother Earth's tides mimicked the ebb and flow of human blood, and the dew and springs the body's natural lubricants. In the warmth and safety of Earth's womb grew veins of precious gems and metals, while earthquakes and eruptions were analogous to flatulent eliminations (Merchant, 1994).

A book in which God's word is writ

Another popular analogy was of nature as a book in which "creatures [were] like letters proclaiming the harmony and order of things" (Athanasius, cited in Glacken, 1967, p. 204). People did not have to be literate to read the signs. Rather, as St Augustine espoused, they just needed to attend to the world around them:

> Some people, in order to discover God, read books. But there is a great book: the very appearance of created things. Look above you! Look below you! Note it; read it. God, whom you want to discover, never wrote that book with ink; instead, He set before your eyes the things that He had made. Can you ask for a louder voice than that? Why, heaven and earth shout to you: 'God made me'. (St. Augustine, cited in Glacken, 1967, p. 204)

In this way, nature was like God's minister, operating according to his laws and ways as well as imparting moral lessons and values (the bee and ant were favoured exemplars of industry). In this role, however, nature sometimes and without warning also delivered catastrophes such as plague or natural disaster. On one hand, these were interpreted as part of God's pre-ordained plan or his revenge for human affront, and on the other as evidence of Mother Nature's (female) capriciousness and cruelty. Either way, nature in this sense was approached with a sense of futility (Coates, 1998; Glacken, 1967; Merchant, 1994).

If nature were a book in which God's work was writ, then the study of the natural world, it followed, would lead to a better understanding of God and his mysteries. This study of nature for religious ends was known as natural theology, and towards the end of the Middle Ages, combined with the application of human reasoning, became less about the decoding of moral lessons and more about discovering how God's creation actually operated. This pursuit was motivated by the desire to understand God and explain his works rather than to challenge him

per se (Sheldrake, 1990). As both Coates (1998) and White (1967) point out, every major scientist-philosopher, from Copernicus (1473–1543), whose heliocentric model initiated the Scientific Revolution in thirteenth century, to thinkers of the Renaissance and the Enlightenment, explained their drive to discover the workings of nature as motivated by the desire "to think God's thoughts after him" (White, 1967, p. 1206). The accumulation of knowledge about nature in the Western tradition was impelled by the drive for religious understanding. However, it was also during the Renaissance that this desire to know God through his works was linked to the idea that such knowledge could (and should) be applied practically so as to enable and extend humanity's control over the natural world. This more adequately fulfilled God's edict made to Adam at the time of Creation, to go forth, multiply and have dominion overall.

Disorder of the times

During the Renaissance a major shift in thinking about the relationship between God, human beings and nature occurred (Coates, 1998; Glacken, 1967; Sheldrake, 1990). This change coincided with a certain sense of unease among the writers and thinkers of the time who worried that the natural order of things was in danger of breaking down, with chaos and catastrophe resulting for all (Merchant, 1994). Adding to this sense of disorder were scientific discoveries that disrupted traditional ideas about the place of Earth in the cosmic hierarchy. Copernicus' theories placed the sun and not the earth at the centre of the universe, and the sightings of new celestial bodies and phenomena by various scientists inspired a new cosmic metaphor: Kepler's (1571–1630) clockwork universe that ran like a "celestial machine" and not a living and "divine organism" (Merchant, 1994, p. 129). Classical theories of human anatomy were thrown into doubt by new discoveries about the structure of the organs and circulation of the blood while an increase in mining began to effect environmental degradation by polluting streams and waterways (Coates, 1998; Sheldrake, 1990). Further, the discovery of the New World introduced new and disturbing tales of wilderness, of desolate and chaotic places and people inhospitable to Christian settlement (Merchant, 1994). This disorder of the times was further exacerbated by the disruption of the natural social hierarchy as exemplified in the governance of England and Scotland by women; Mary Tudor (1553–1558), Elizabeth I (1558–1603), Mary of Lorraine (1554–1560) and Mary Stuart (1561–1567). Through this period, women were often portrayed in art and literature as unruly sexually deviant creatures, in league with the devil, and tormented by him, persecuted and ultimately meeting an awful end as witches (Merchant, 1994).

Through knowledge comes power

Set against this background of disorder came a new voice that most eloquently represented the mood of the times and changing ideas about humanity's relationship with nature (Merchant, 1994). Francis Bacon (1561–1626) was an ambitious and influential statesman, philosopher and scientist who, through the favour of King James 1 (1566–1625), worked his way into the powerful and influential position of Lord Chancellor. He is often referred to as the 'father of modern science' due to his development of the inductive method of scientific inquiry, which allowed for a methodical, (apparently) objective and universal acquisition of knowledge about the natural world; modern scientific method is based upon this Baconian model (Sheldrake, 1990; Vignais & Vignais, 2010).

Bacon recognised that humanity's true power and potential lay in the ability to create, rationally interpret and practically apply knowledge about the natural world. The modern saying 'knowledge is power' is derived from Bacon's promethean aphorism, "human knowledge and human power meet in one" (Bacon, 2009, Aphorism 3, p. 14), and such power derives only in understanding and controlling nature through science and technology. As Bacon wrote, "Now the empire of man over things is founded in the arts and sciences alone, for nature is only to be commanded by obeying her" (Bacon, 2009, Aphorism 129, p. 177). Bacon vehemently advocated that the power of science lay not only in its theological ends (what it revealed about the workings of God), but in its practical application for the betterment of the cosmos and humanity. Through science and technology, humans could fully realise God's plan by restoring order to both nature, which had been corrupted by humanity's fall from grace, and society, whose order had been disrupted by the Reformation (Merchant, 1994; Sheldrake, 1990). These disciplines would enable dominion over other countries, nations and peoples and, ultimately, the entire universe, an ambition Bacon considered most "noble" (Bacon, 2009, Aphorism 129, p. 177).

Death of Natura

In his writing, Bacon employed the common metaphor of a feminine nature to convey the relationship between people and the physical world (Merchant, 1994). However, Bacon's nature was not the nurturing, benevolent, self-actualising and ordered nature of the pre-Fall paradise, rather, she was a woman "out of order", "perverse", "insolent" and secretive (Bacon, 1803, cited in Merchant, 1994, p. 168). Bacon's rhetoric is loaded with sexually aggressive metaphors, which for feminist critics such as Merchant (1994), derive from the social context in which Bacon wrote. According to Merchant (1994), the witch trials during the reign of James 1 were symptomatic of a

growing disassociation from nature and the patriarchal enterprise of modern science that debased women by portraying them as lustful, animalistic and diabolical (Coates, 1998).

In this new style of scientific inquiry, a female Nature would be taken "under the hand of man", "vexed" by the art and tools of science, and repeatedly "hounded in her wanderings" (Merchant, 1994, p. 168). For Bacon, the only way to discover Nature's secret truths was through force, interrogation and persistence, as seen in his depiction of scientific inquiry in a letter to James 1:

> For like as a man's disposition is never well known or proved till he be crossed, nor Proteus ever changed shapes till he was straitened and held fast, so nature exhibits herself more clearly under the trials and vexations of art than when left to herself. (Bacon, Preparative Towards a Natural and Experimental History, Works, vol 4. p. 263, cited in Merchant, 1994, p. 169)

Elsewhere, Bacon describes a female Nature as "bound into service" and made a "slave" to humanity. Using the mechanical instruments of science, she is "put in constraint", "forced out of her natural state and squeezed and moulded", her "holes and corners… entered and penetrated", as ought "a man… when the inquisition of truth is his whole object" (cited in Merchant, 1994, p. 168). According to Merchant (1994), Bacon's dehumanising rhetoric of torture and sexual degradation reframed society's previous reverence for Nature as a sentient living organism. Instead, a feminine Nature was objectified; remade in the passive role of slave to scientist-exploiter. Other members of the Royal Society (the institute of scientific research set up by Bacon) followed in their use of misogynistic epithets to describe the acquisition of knowledge from nature. Robert Boyle (1627–1691), widely regarded as the father of modern chemistry, decried the "veneration men commonly have for what they call nature", because this "obstructed and confined the empire of man over the inferior creatures". He proposed that "instead of using the word nature, meaning either a goddess or deity, we wholly reject or very seldom employ it" (Experimental Essays (1661), cited in Sheldrake p. 32). This was part of a general move away from a view of Nature as imbued with a sacred feminine vitality and towards the secular view of nature as inanimate matter in constant mechanical motion. In this sense, nature as a cosmic organism, Natura, was dead, and in her place, a new and more powerful worldview metaphor ascended: nature as machine (Sheldrake, 1990).

World machine vs cosmic organism

As an antidote to the disorder in nature and society and the anxiety this caused thinkers of the Renaissance, a new rational conception of nature as a cosmic machine arose (Sheldrake, 1990). The idea of a mechanistic cosmos was not new; Kepler had described a clockwork universe in the

Middle Ages. However, under French philosophers Mersenne (1588–1648), Gassendi (1592–1655) and Descartes (1596–1650) the idea became a convincing philosophy and powerful and enduring worldview that presented a solution to the post-Reformation concerns of "intellectual and philosophical certainty, social stability, and individual responsibility" (Merchant, 1994, p. 194). The mechanists absolutely rejected ideas of vitalism, naturalism and animism inherent in the view of nature as a living organism with a female soul (Glacken, 1967; Merchant, 1994). Rather, the entire universe was a system of inert particles of matter (a concept later extended by Newton), all of which were designed, arranged and set in motion by God and according to his laws (which were mathematical). God was like a master engineer, who, having built and wound his cosmic machine left it to run independently for eternity (Coates, 1998).

In this view of the universe, life was not immanent in the natural world and natural phenomena were comprised of nothing more than dead matter in motion. Complex forms such as plants, animals and humans could be studied and known through their reduction. Thus, the world was regarded as a collection of inanimate parts that lacked an enlivening spirit, and the different qualities that people recognised in things, such as colour, character and personality, were not believed to be inherent, but the subjective perceptions of an external reality (Harvey, 1996; Mazzocchi, 2006). Accordingly, all of nature, including all her life forms, such as humans and animals, operated mechanically, like automatons. With nature declared devoid of spirit and viewed objectively as a collection of inert particles moved by external (rather than internal) forces, the mechanical philosophy reinforced the desecration of Nature initiated by the Reformation, and legitimated its manipulation in the name of human emancipation and self-realisation through science, technology, industry and capitalism (Harvey, 1996; Merchant, 1994; Sheldrake, 1990).

However, the mechanistic philosophies of Enlightenment science, technology and economics did not go unquestioned. The reductive aspects of Cartesian mechanism were criticised and debated by various physico-theological thinkers, for whom mechanism did not adequately explain the mystery and vitality of life and who attempted to reconcile ideas of theological organicism and divine design with scientific rationality and economic progress (Coates, 1998; Merchant, 1994; Glacken, 1967). From this perspective, the world was alive, but not in a pagan, animistic way. Matter may be made up of particles, but these were motivated internally, not externally, and God was present in his Creation, albeit in mediated, spiritual form. God was a kind of supreme overseer and humans his earthly caretakers who combined the gift of rationality with the use of nature's resources to advance human progress in responsible ways. Thus, the secular activities of

science, technology and commerce were united with an idea of religious stewardship, in what Merchant (1994) interprets as an early "*managerial* interpretation of the doctrine of dominion" (p. 249, my italics) over the natural world. From this point of view, nature was abundant, varied and comprised of more than enough resources to go around. If managed wisely and understood rationally, nature could not be depleted.

Nature and the Romantics

As the eighteenth century wore on, attitudes towards the prevailing ideas of a mechanistic and secular nature began to shift. The rationalist view of nature as a uniform system of harmonious laws and order, the 'dis-enchantment' of the natural world and separation of humans beings from the rest of Creation resulted in an intellectual backlash from a variety of fashionable and influential thinkers who, laying the groundwork for later Romantic poets and philosophers of the nineteenth century, regarded nature as evidence of God's presence and a source of inspiration and spiritual renewal (Coates, 1998; Cronon, 1996; Harvey, 1996; Sheldrake, 1990).

At the time, conventional attitudes towards untamed nature were largely negative. Wild, uncultivated places were feared and considered dangerous, constant reminders of humanity's fall from paradise into a Godless and hostile existence of earthly toil and torment. For the Romantics, however, nature was no longer a place of fear and loathing as had previously been the case, but a site of spiritual contemplation and restoration (Cronon, 1996). While it was understood that God did not reside on earth, he could be sensed in the grandeur of nature. There, one could convene with God, and through contemplation become a better, more enlightened version of the self (Cronon, 1996; Harvey, 1996).

The Romantic turn signified a dramatic shift in Western attitudes towards the natural world because it re-conceived the natural world as a place where God resided. This was best expressed in the Romantic doctrine of the sublime (Beattie, 2011b; Cronon, 1996). It was in the grandeur of majestic landscapes that the awesome power of God could be found. For the early Romantics, the kind of extreme emotional arousal sought in experiences of the sublime, however, was often far from pleasurable, and more like a dangerous and delicious kind of terror. Edmund Burke in his influential, *A Philosophical Enquiry into Our Ideas of the Sublime and Beautiful* (1757) defined the experience in the following way:

> The passion caused by the great and sublime in nature, is astonishment: and astonishment is that state of the soul, in which all its motions are suspended, with some degree of horror… the mind is so entirely filled with its object, that it cannot entertain any other...Hence arises the great power of the sublime, that far from being produced by

> them, it anticipates our reasonings, and hurries us on by an irresistible force. Astonishment, as I have said, is the effect of the sublime in its highest degree; the inferior effects are admiration, reverence and respect.

Proponents of Romanticism believed it took a certain level of intellectualism, sensitivity and social station to fully appreciate the natural world and expressed their beliefs through the aesthetic of art and literature. Paradoxically, wild nature was most appreciated by those most removed from it; that is, the educated and the urbane. The sublime was not open to everyone. The rural and lower classes were considered either too uneducated or too closely associated with the land to achieve the subtle remove and emotional sensitivity required for rapture (Beattie, 2011b). And so, especially towards the later end of the Romantic period, appreciation of untamed nature, or 'the wilderness' became a kind of middle-class pursuit. Eventually, as wild areas became more accessible, familiar and safe the sublime lost its edge, and succumbed to more muted tones of enjoyment known as the picturesque (Beattie, 2011b).

Geo-politics, the New World of the Pacific and colonialism

Meanwhile, from the sixteenth century onwards, and against this background of scientific thought and activity, Western European powers began to look beyond the confines of their own nation states to 'undiscovered' reaches of the globe and the establishment of geopolitical influence and empire (Miller, 1996). The early exploration of the Pacific and the British acquisition and settlement of Aotearoa New Zealand were heavily influenced by geopolitical and economic concerns.

The early establishment of British supply stations and naval bases along the Aotearoa New Zealand coastline was primarily to secure British interests in the South Pacific against those of other powers, specifically the French, and to act as bases at which British ships could repair and resupply (Miller, 1996). Of particular use to visiting ships was the native flax which, when harvested and treated, could be made into ropes strong enough for use as rigging, while kauri from the northern forests were used for masts and spars. Fresh water and food were likewise abundant. Captain Cook's early visits to Aotearoa New Zealand initiated trade with Māori, scattered seeds of European crops and released pigs, sheep and chickens previously unknown to the isles as food sources for future visits (McAloon, 2013).

However, by the 1790s, Aotearoa New Zealand had become somewhat more than a maritime supply station. With the world's interest in its natural resources explicit, Aotearoa New Zealand's place in maritime trade flows to and from China, India, Europe, Australia and Canada was soon established. Now framed as a resource economy within a network of global trade, British imperial

interest in Aotearoa New Zealand and all elements of its natural world took on scientific, practical and commercial orientations (McAloon, 2013).

Botany, classification, commerce and centres of calculation

Scientists often accompanied voyages of discovery, and their role was both practical and utilitarian. They were to identify, collect, and classify newly discovered objects of nature, incorporate them into existing European frameworks of scientific knowledge, and advise how they might be best utilised as resources and assets for the benefit of the Empire. In this way, and particularly from the 1760s, science worked alongside exploration in a very deliberate drive for knowledge that would inform technological and commercial progress (McAloon, 2013; Miller, 1996). Thus, science acted as a deliberate servant of empire, with scientists its agents, "their urge to classify and catalogue, an undertaking inseparable from the economic use of plants and animals" (McAloon, 2013, p. 70).

The leading scientific figure in the botanical conquest of the antipodes was botanist Sir Joseph Banks (Miller, 1996). Banks was highly aware of the practical and commercial potential of plants, and from his positions as President of the Royal Society and Director of Royal Botanical Gardens at Kew, Banks was able to coordinate the pursuit of botanical science in the name of the British Empire. Combining scientific quest for knowledge with commercial imperatives, Banks commissioned missionaries, explorers and other travelling emissaries as "botanical agents" (Mackay, 1996, p. 47) who were tasked with identifying and collecting exotic plants of commercial or imperial potential and sending them back to London or Sydney for establishment at the botanical gardens at Kew or Port Jackson.

Away from the 'chaos' of their indigenous environments, these botanical collections represented a scaled-down, simplified version of the natural world, and facilitated their study and incorporation into Western scientific systems of categorisation (Gascoigne, 1996; Johnson & Murton, 2007; Miller, 1996; Pratt, 1992). In this process, plants, animals and other natural objects were removed from their natural contexts, relationships and place in indigenous histories and socio-symbolic systems, and subsumed into a wider global hegemonic system of scientific knowledge. Pratt (1992) describes such processes as an ideological apparatus of empire where "one by one the planet's life forms were drawn out of the tangled threads of their surroundings and rewoven into European patterns of global unity and order" (p. 31). Indigenous knowledge, names and categories were subjugated in this process because they were considered by the European collectors to be obscure, rooted in paganism and superstition and therefore irrelevant (Johnson & Murton, 2007; Miller, 1996).

The imposition of European order and botanical categorisation were thought by many at the time to reveal God's logic in the natural world. It did not occur to the collectors and scientists of the time that their very act of collection, transfer and transplantation disrupted the original environments from which the samples were removed as well as the new environment into which they were introduced; the very antithesis of preserving 'nature', and a practice that would affect, in more damaging and permanent ways, the indigenous environments of the antipodes than it would ever the British motherland (Crosby, 2015; Pawson & Brooking, 2013; McAloon, 2013; Mackay, 1996; Miller, 1996).

Kew Gardens, together with the British Museum, was headquarters of a global network of botanical activity vital to the accumulation, production and dissemination of knowledge about the natural elements of newly discovered environments (Miller, 1996). Such institutions were considered inextricably linked to the rise of Western science, capitalism and imperialism (Jöns, 2011; Miller, 1996). In the Pacific, this is seen in the way indigenous flora and fauna of potential imperial benefit were centralised (transplanted) in the gardens at Port Jackson, Sydney and there acclimated for transport to other places in the empire where they were used as sources of food, industry or naval supplies. By moving botanical resources closer to where they were needed, Britain kept production costs low, maintained control of supply and serviced a maritime empire on a global scale. Crosby (2015) describes this process of displacement and transplantation of plants, animals, people and pathogens, both intentional and unintentional, as a form of ecological imperialism, which had serious long-lasting consequences for indigenous flora and fauna of the receiving colonial environments.

Western technology, science and commerce were certainly stimulated by European expansionism and contact with other places, people and cultures. Botany in particular was instrumental in revealing the potential utility of newfound natures, and in ways designed to advance the political and economic interests of imperial powers. This relationship between science, economic gain and political power, combined with the dogma of dominion theology, Christian morality and Western concepts of commerce spread by missionaries and early European settlers helped create Britain into a colonial superpower (Mackay, 1996; Miller, 1996).

It is to the context of colonial Aotearoa New Zealand that this discussion of Western attitudes towards nature now turns, specifically to the Treaty of Waitangi, the treaty of cession signed in 1840 between the British Crown and a majority of Māori chiefs. The Treaty formed the basis of British settlement, and has, since the 1980s, underpinned the recognition of Māori cosmology and environmental values in law and politics (Iorns Magallanes, 2015), establishing norms peculiar

to a uniquely Aotearoa New Zealand understanding of the environment and environmental justice. Therefore, it is not possible to discuss attitudes towards nature and the environment without a discussion of Treaty of Waitangi and Aotearoa New Zealand as a colonial settler society (Mills, 2008).

A treaty and colonial settlement

With Aotearoa New Zealand having proved its potential as a resource economy, whaling and shipping entrepreneurs began advocating for the right to settle as a means of securing their interests. The British government, aware of the poor behaviour of some of its subjects in their interactions with Māori, attempted to stem the lawlessness in the outpost by negotiating a treaty of cession with Māori. This would establish the country as a British colony with British governance and extend the rule of British law to all who resided there (Waitangi Tribunal, 2011; 2016). The Treaty of Waitangi (1840) was signed on behalf of the Crown by Governor William Hobson and many, but not all, Māori tribes. The Treaty is widely cited as the founding document of Aotearoa New Zealand, not least because it opened the country to (mostly) British settlement and the creation of a national government, institutions and laws based on the British model (Galbreath, 2002; Mills, 2008).

Two versions of the Treaty were drawn up; an English version (the Treaty) and a Māori version (Te Tiriti). Major differences exist between the two documents, particularly in regard to the translation of the concept of sovereignty. A local missionary and his son, both of whom spoke te reo, undertook the translation. Neither was an experienced translator and the exercise was conducted in haste with the unwritten intention of securing Māori agreement. Having said that, the instructions that Lieutenant-Governor Hobson received from the British were careful, especially in regard to land acquisition. Hobson and his advisors knew exactly what they were doing when they drafted the English version of the Treaty using previous treaties with indigenous peoples as a guide (Ministry for Culture and Heritage, 2017). In any case, the discrepancies that exist between the two documents are such that the Māori version (the version presented to and signed by Māori chiefs) is essentially opposite in meaning to the English (Iorns Magallanes, 2013).

The Treaty consists of a preamble and three articles. The English version of the preamble states that British intentions were to protect Māori from the "evils" of encroaching settlement, provide for British settlement and establish a government to maintain peace and order. The Māori version suggests the Crown promised to provide government while securing tribal rangatiratanga and Māori ownership of land for as long as they wanted it. In the English version of article one, Māori cede to the Crown all "rights and powers of sovereignty" over their land. In

the Māori version, Māori cede kawanatanga, understood as governance (not sovereignty) over the land. The word 'sovereignty' had no direct translation in Māori. Chiefs had powers over their own tribal areas but the Crown would act as the one central ruler over all. Kawanatanga was a transliteration of the word 'governance', which Māori knew from Māori versions of the Bible and the Kawana or Governor of New South Wales. In ceding governance to the Crown, Māori believed they would retain authority over their own affairs in return for the promise of protection (Ministry of Culture, 2017).

In the English text of the second article, Māori were guaranteed exclusive and undisturbed possession of their land and estates, forests, fisheries and other properties. It also included a Crown right to pre-emption over Māori lands. That is, if Māori did decide to sell, they could only sell to the Crown, not directly to private buyers. In the Māori version, Māori were guaranteed te tino rangatiratanga, or chieftainship, over lands, villages, property and taonga, and agreed to offer their land to the Crown if they decided to sell. The English reference to pre-emption was not referred to in the Māori version, and as Article 3 assured the same rights and privileges to Māori as British subjects, this suggested to Māori that they had the right to sell their land to whomever they chose (it also put in limbo a series of pre-1840 transactions between Māori and Pākehā because no title would be recognised unless it had first come from the Crown) (Iorns Magallanes, 2015).

Almost as soon as the Te Tiriti was signed, its undertakings of protection, undisturbed possession and self-determination were cast aside and ignored by both settlers and government alike (Mills, 2008; Galbreath, 2002; Iorns Magallanes, 2015). In 1852, New Zealand was granted self-government, but the settler government did not involve Māori participation, as at this stage Māori retained their autonomy (Iorns Magallanes, 2015). However, Māori soon became increasingly concerned at the activities of the government and settlers in relation to land restrictions and confiscations. Each time they protested to the authorities (and this included direct appeals to Queen Victoria) they were guaranteed that Treaty obligations would be upheld, and Māori land and resources would be protected. This did not happen, and conflict was inevitable. Fighting began in 1860, erupted throughout the North Island and continued late into the decade. The lasting result of these uprisings was the government punishment of 'rebel' tribes by confiscation of extensive areas of land. This created a new set of grievances, some of which have only recently been settled (Stokes, 2013).

Discrepancies between the two Treaty documents were obvious. However, rather than honour the Māori version, the Government, in 1865, simply retranslated the English version (the one that

best served their goals) into Māori and circulated that as the 'official' version (Orange, 2012). Māori, weakened by war and loss of land, had no choice but to accept the settler government's authority over them. The Government continued to breach all Treaty obligations regardless of version, passing laws on all aspects of Māori affairs (Orange, 2012). By 1900, Māori had lost their autonomy and control of most of their ancestral lands and resources, were marginalised and relegated to pockets of land deemed unsuitable for farming and agriculture (Iorns Magallanes, 2015). The way was now clear for full-scale environmental transformation – a process already well underway before 1840 – and the development of New Zealand as Britain's outlying, southern-most producer of food surpluses for export (Crosby, 2015; Pawson & Brooking, 2013; Stokes, 2013). Injustices associated with the signing of the Treaty and subsequent breaches continued despite Māori opposition, and were largely ignored by successive governments; a court case in 1877 labelled the Treaty 'a simple nullity'. It was not until 1975, with the establishment of the Waitangi Tribunal that the Treaty of Waitangi regained its influence as a founding document (Mills, 2008).

Settler ideology, rooted in ideas of European superiority and the God-given right of dominion, neither recognised nor accepted tribal authority or Māori ownership of land. The successful establishment of New Zealand as a settler society and agrarian food surplus economy dictated that Māori simply could not continue in "undisturbed possession" of their land, forests and other taonga as set out in the Treaty, regardless of promises made (Galbreath, 2002; Mills, 2008). Nor did settler ideology accept indigenous cosmology, ontology, social institutions and ecological understandings. The establishment of settler social institutions (education, religion, law, economy) was designed to erase such indigenous histories, lived experiences, social realities and futures and in so doing, manifest both the permanence and inevitability of settler society (Whyte, 2016). All this was rationalised through settler narratives of wilderness and primitivism, conquest, dominion, industry and creation of homeland. Such narratives hide histories of violence, land confiscation, displacement of indigenous people and environmentally unsustainable practices, such as deforestation and the global transplantation of plants and animals. At the same time, landscapes of scenic beauty were separated from human activities deemed non-recreational, for example, traditional indigenous activities such as harvesting of food (Galbreath, 2002; Mills, 2008). All this is tied to ecological systems of relationship that connect humans to natural objects universally regarded (from the settler perspective) as resources or units of production within discourses of capitalist industrialisation, agriculture and commerce but which Māori conceived of as ancestors, kin and taonga. In this way, and as Whyte (2016) portrays it, settler colonialism offers a structure of oppression and injustice based on the interference with and erasure of one

society by another in ways that are deeply ecological. For this reason, settler colonialism is always about environmental injustice (Whyte, 2016).

Thus, the colonial establishment of New Zealand as a white settler "neo-Europe" (Crosby, 2015, p. 105) ensured the "collective continuance" (Whyte, 2016, p. 105) of European settlers through the instigation of a new political order and systems of law, initiated by the Treaty. This ultimately inscribed new conceptions of space and ownership, forms of personhood and citizenship and new unwritten rules of what was considered 'real' or valid, all to the detriment of the collective continuance of Māori society.

A colonial Christian view

According to Beattie (2011a, 2011b), Beattie and Stenhouse (2007) and McAloon (2013), missionary and settler attitudes and practices towards nature and the indigenous landscape of their new home need to be understood in the context of the Christian theology and the dual ideologies of environmental improvement and economic progress they brought with them. While colonial Christianity did not have "a single, simple or monolithic environmental meaning" (Beattie & Stenhouse, 2007, p. 414), Christian beliefs underpinned attitudes and assumptions towards indigenous landscapes, environments and people. This is seen in the biblical references, imagery and language that pervade the literature of colonial Aotearoa New Zealand. Although settlement began at a time when secular and scientific ideas, such as Darwinism, were beginning to gain social acceptance, Christian discourse remained inextricably linked to the moral legitimation of settler capitalism and environmental transformation (Beattie & Stenhouse, 2007). Thus, many settlers' attitudes and practices were based on the doctrine of dominion theology (Beattie & Stenhouse, 2007). The role of the settler, therefore, was to bring the indigenous chaos of the native landscape to order and replace it with an improved, European version of pastoral perfection, a kind of "neo-Europe" (Crosby, 2015, p. 105), where, as Galbreath (2002) puts it, mostly "European settlers, grew European crops and grazed European sheep and cattle on European grass" (p. 380) for the benefit of the motherland… in Europe. The ethos of 'improvement' assumed that all things European were superior to the indigenous and that the disruption of indigenous landscapes, displacement, and even extinction, of native flora and fauna (including people) was not just necessary but an inevitable and unfortunate historical process (Beattie, 2011b).

Impelled by Euro-Christian ethnocentricity, supported by government policies and regulations (Beattie, 2011b), settlers burnt and cleared huge areas of bush, felled trees and drained swamps with such vehemence that, within less than a century, the forested environments that had

previously dominated the New Zealand landscape had been cleared (Wynn, 2013). The task of creating ordered cultivated farmland from forest was the guiding tenet of the Christian settler mind-set. Forest clearance was analogous to purification of the soul, as seen in the words of this Taranaki minister to his congregation in 1844, "If you find your mind, your heart to be a wilderness, cultivate it in the same manner as you do your fields, cut down the bush, great and small, spare no sin" (cited in Wynn, 2013, p. 127).

Unsustainable practices

However, the profligate transformation of forests into "smiling slopes of grass" (Brooking & Pawson, 2013, p. 20) came at a price. As early as the 1840s concern was raised at the destruction of kauri forests as masts for the British navy, and looming wood shortages which threatened the economic development of the colony. Rapid and indiscriminate land clearances desolated much of the landscape and led to widespread erosion, lowland flooding, declining soil fertility, climate change and loss of habitat for native birds and animals. Most nineteenth century settlers caught up in the process of change were either too busy establishing themselves in a new land to think particularly deeply about the future impacts of their actions. Or, even as the consequences of their actions grew apparent, most were willing to put aside any aesthetic or ecological feelings in the name of utility. As Wynn (2013) put it, "The bush was abundant. A yeoman empire was the goal. Reduction of the former was necessary to realise the latter" (p. 133). Morally bound to turn uncultivated nature to domestic and civilised use, the destruction of indigenous flora and fauna was merely collateral damage (Star & Lochhead, 2013; Wynn, 2013). Along with the loss of forest came the inevitable decline in native bird populations, as their habitats disappeared, and this combined with the introduction of cats, stoats and weasels, the European practice of sport hunting and Māori customary harvest of birds as a food source seriously impacted populations of native birds (Park, 2001). Public concern began to percolate at the loss of pristine forest and bush and the effect of introduced plants and animals on indigenous wildlife (Beattie, 2011a).

Colonial appreciation for the scenery, flora and fauna of Aotearoa New Zealand

Underpinning this concern was an attitudinal change among parts of settler society, wherein a new cultural aesthetic and romantic appreciation for the scenery of Aotearoa New Zealand began to develop. This included a growing national pride in distinctive indigenous scenery, flora and fauna (especially birds) and sense of nostalgia for the original, now lost, bush of pre-settler environments (Beattie, 2011b). Scenery appreciation gave expression to European ideals rooted in English and American Romanticism and forged in conventions of the picturesque, the sublime and the beautiful. At the time of colonisation, aesthetic appreciation of wild places was reaching

the peak of its popularity in Europe particularly in the form a Grand Tour, where people visited and experienced scenery reminiscent of landscapes portrayed in art and literature (Park, 2001). Such celebration of the wild and primitive was considered an antidote to the ills of urban industrial society. As Aotearoa New Zealand provided an abundance of wild, but picturesque scenes, England's most southern colony quickly became known as the locale of "the most beautiful scenery in the world" (Park, 2001, p. 250) as attested by many nineteenth century travel guides whose exhortations did much to initiate and establish a colonial tourism industry. Anthony Trollope's 1873 *Australia and New Zealand* was particularly influential (Park, 2001) as were artists' grand representations of Aotearoa New Zealand's most beautiful scenery (Beattie, 2011b). Where an appreciation of scenery was not innate, it could be taught: guidebooks promoting scenic places explained how to access and view them. For the most part, scenic appreciation was a distinctly middle-class European pursuit. The rural classes and indigenous peoples were considered unable to perceive, understand or much care for scenic beauty because they were too close to the land to achieve the necessary remove (Beattie, 2011b; Cronon, 1996; Park, 2001).

Public concern at environmental effects of colonisation soon became a political issue. Scenery Protection Societies began to appear in provincial towns and cities advocating for remnants of indigenous forest and wilderness areas, preferably near to urban areas and easy to access, to be set aside as scenic reserves for public use and as protected breeding areas for native birds (Mills, 2008). The government acknowledged the environmental impacts of rapid and overly-zealous slash-and-burn land clearances and also began to realise the economic potential of scenic tourism and the 'value' of indigenous fauna and flora, inspired by the establishment of national parks in America, particularly Yellowstone (Nightingale & Dingwall, 2013; Star and Lochhead, 2013).

Accordingly, from the 1890s the Government began legislating for the reservation of areas identified as having particular scenic or curiosity value and the protection of native animals. The thermal areas in the Rotorua area were early targets to secure their tourist revenue-producing potential rather than actively protect them (Star & Lochhead, 2013), as well as the areas around the central North Island volcanoes (originally gifted to the Crown by Ngāti Tuwharetoa to ensure their protection from developers), which now comprise Tongariro National Park. However, it wasn't until the first decade of the twentieth century, with most 'good' agricultural land having already been cleared and settled, that the Government made concerted efforts to identify worthy landscapes, plants and animals and ensure their protection through legislation. Judgments on what was worthy of protection were made according to Pākehā cultural aesthetics and priorities, with no consideration of Māori values, customary use or access to resources.

‘Protection’ had officially become a Crown activity defined by European aesthetics and human exclusion, enacted through compulsory land acquisitions and government control and prohibition of hunting native birds (Park, 2001).

Although compensation was paid for land acquired compulsorily, rates were poor and evaluated differently where Native Title was concerned (Mills, 2008; Park, 2001). Many of the sites targeted were on Māori land and of cultural significance, and hapū and iwi were concerned they would lose access to these special places and traditional resources. Māori Members of Parliament warned “of ‘a suspicion in the Māori mind’ that they were not receiving full justice” (Park, 2001, p. 256) in terms of compensation for land that was taken, and objected to how land was identified for ‘preservation’ and the legislation relating to acquisition was administered. Written into the legislation was the proviso that agriculturally promising land would not be taken but remain available for Pākehā settlement; implicit was the idea that ‘preserved’ land was good for nothing other than scenery. Amendments were reluctantly made to placate Māori concerns but, for the sake of convenience, the amended clauses were removed. Some Māori Members of Parliament thought these omissions meant the Act did not apply to Māori land, but this was not the case and the Government agents employed to identify scenic spots continued “focusing their attentions” (Park, 2001, p. 256) on the acquisition of Māori land for scenic reserve. In general, the acquisition of land for scenic reservations, bird sanctuaries and national parks was conducted at the expense and alienation of Māori from traditional lands and hunting and gathering practices (Galbreath, 2002). For example, when the Government’s ideas on native species moved towards conservation and protection, Māori customary use of flora and fauna was encroached upon further by restricting access to lands and regulating and categorising traditional food sources as prohibited. The Animals Protection Acts systematically ordered bird-life into categories of prohibited and un-prohibited, native and non-native, game and not game, their harvest allowed at certain times and places and not others, and by certain means (guns, yes; traps and snares, no) (Galbreath, 2002; Mills, 2008).

The designation of three off-shore islands as reserves resulted in the forced removal of Ngāti Wai from Hauturu (Little Barrier Island) to make way for a bird sanctuary despite their offers to act as guardians, a role they had successfully practiced for generations (Galbreath, 2002; Mills, 2008); from the Crown’s point of view, where bird life was vulnerable to people, it was the people, specifically Māori people, who should be removed (Park, 2001). By the 1920s, virtually all native birds had made it onto the Government’s ‘protected’ list, with the exception of those regarded ‘pests’ by doyens of colonial life; recreational fishermen, farmers and orchardists (Galbreath,

2002). Park (2001) points out that while Crown intent had been not to replicate the inequities of English game laws, those dependent on forests for food resources certainly suffered in order to preserve them according to another culture's ethical and aesthetic orientation. The prohibition of the kererū was particularly contentious. While Māori argued that harvest of the birds for food was guaranteed under the Treaty of Waitangi, the Crown rejected such claims as both "absurd and ridiculous" (Park, 2001, p. 487) and regarded allowing Māori 'special' customary rights of harvest as discriminatory towards Pākehā. This kind of attitude has endured through Crown dealings with tangata whenua and is symptomatic of a "persistent historical dissonance" (Park, 2001, p. 487) between Crown and Māori, of which claims to indigenous flora and fauna is but one expression.

Crown acquisition of land for the purposes of designating scenic reserves peaked during the years 1913–17 (Park, 2001) but compulsory acquisition for conservation purposes continued until the 1950s (Mills, 2008). Māori continued to be poorly compensated and most opposed their land being taken. The effects of such initiatives on Māori were not uniform, but those who were most negatively affected lost access to foods, medicines and other resources gathered from the forests. Others lost sacred mountains and other lands, either through dishonest purchase or confiscation as a consequence of the 1860s Land Wars, some of which were subsequently made into national parks (Mills, 2008).

Crown action during the first half of the twentieth century, supported by the advocacy of the Forest and Bird Association, certainly prevented the extinction of certain indigenous species (Galbreath, 2002; Park, 2001; Mills, 2008). However, exclusionary European ideas of preservation and protection overwhelmed Māori values and made the fulfilment of traditional relationships with nature very difficult. Reporting to the Waitangi Tribunal on the effect on Māori of Crown actions to protect and preserve the environment since 1912, Park (2001) found that the Crown generally (and deliberately) acted "to marginalise and exclude Māori and Māori values" (p. 487) from reserves, sanctuaries and parks through land acquisition and restrictions on customary hunting and gathering practices. This was achieved through the construction of legislative and administrative systems of protection which made no reference to Māori or their place in the history of Aotearoa New Zealand. Traditional Māori relationships and knowledge of indigenous environments were treated as insignificant, ignored and excluded from legislation. As Park (2001), drawing on legal academic McHugh (1999) points out, this is typical of colonial settler-states that marginalise and exclude indigenous peoples, their views and values from institutions and legislation, so as to negate the tribal sovereignty which threatens Crown

hegemony. The result is an official "historical narrative" founded by the State that both licenses and supports "constitutional fictions of absolute Crown sovereignty unqualified and unquantifiable by any aboriginal aspect" (McHugh, 1999, p. 106–107 cited in Park, 1991, p. 668).

Early environmentalism and Māori interests

Environmentalism, as a global movement, emerged in the context of the social and political change of the 1960s and 1970s and denoted both a cultural and political stance as well as a way of viewing the natural world as a balanced and interconnected system (Mills, 2008). It is based on the biological science of ecology, an adjunct to early twentieth century conservation, which was driven by the need to rationalise resource use. Ecology sought to understand, predict and be able to control natural processes through rational methods so that landscape transformation could be better managed.

According to Zelko (2013), ecologists' focus on the interconnections between species and the natural world as a balanced system predisposed a holistic worldview. From this perspective, a disturbance in one area of the system is problematic because it causes imbalance in another that may be so disruptive as to cause catastrophe. By the mid-twentieth century, the analogy of nature as a balanced web of ecological relationships in danger of collapse began to emerge, alongside a brand of ecological morality that regarded humans as the cause for this imbalance and called for restraint in the use of Earth's resources. A moralistic ecology began to dominate Western understandings of ecology, aided by the publication of best-selling popular science books such as *Silent Spring* by Rachel Carson (1963) and *The Closing Circle* by Barry Commoner (1974). A major cultural shift occurred where nature was re-conceived as "a bounded and fragile space" of intrinsic value in need of "human nurturing and protection" (Zelko, 2013, p. 35), rather than a mass of inert matter freely available for unrestrained human consumption. Ideas of stewardship are not new to Western thought. They can be traced back to the eighteenth century and beyond (Glacken, 1967), but as a mass cultural phenomenon, such notions were not a central feature of the cultural landscape of modernity until after World War II (Young, 2004; Zelko, 2013). This new view, which by the 1970s was known as 'environmentalism', was characterised by four key ideas. First, that nature is finite, easily overexploited and damaged by humans; second, that everything in the natural world is interconnected, and disturbances in one part of the system have consequences elsewhere. Third, such disturbances may be catastrophic and make ecosystems uninhabitable and fourth, that the potential consequences of human impact are so serious that global transformation of socioeconomic structures is required (Commoner, 1974; Zelko, 2013).

In Aotearoa New Zealand, the beginning of an environmental movement is often cited as the 'Save Manapouri' campaign (1969–1972) which began in opposition to a Government proposal to raise the levels of Lake Manapouri in the South Island and thus destroy a remote wilderness within a national park (Mills, 2008; Nathan, 2007; Park, 2001; Wheen, 2013). This was part of a massive hydro-electric power generation scheme, secretly devised by the Government to attract overseas interests with the promise of cheap power. However, the scheme caused such public protest and the government's handling of it such public backlash that Manapouri became a political election issue, awakening a mainstream environmental consciousness in which people from seemingly contradictory ideological quarters, agriculturalists and farmers, Māori and mainstream environmentalists, all worked to the same end (Mills, 2008; Young, 2004). In 1972, the new Labour Government kept its election promise to not to raise lake levels, and passed legislation that created new environmental institutions, laws and procedures designed to protect the environment (Wheen, 2013). This was the first time a major national development scheme had been successfully opposed on environmental grounds and showed what could be achieved through public mobilisation and protest (Young 2004; Nathan, 2007; Wheen, 2013).

The establishment of the Waitangi Tribunal in 1975 was another significant factor in the rise of modern environmentalism, conservation and, arguably, environmental justice, in Aotearoa New Zealand, although in ways that were perhaps neither intended nor obvious when the Tribunal was first set up (Young, 2004). Early claims concerning discharges of sewage and industrial waste into bodies of water at the Motunui inlet, the Kaituna River and the Manukau Harbour centred on environmental concerns as well as issues of justice and cultural survival for Māori claimants. They claimed that the Government had breached Article Two of the Treaty, that is, the Crown's guarantee to Māori of undisturbed possession of lands, estates, fisheries and other taonga. Non-government environmental groups submitted in support of these claims as they concerned the environment and fisheries, which were also issues of national environmental and mainstream public interest.

The success of the Motunui claim attracted more to the Tribunal. Most claims concerned historical land grievances which at the time were outside the scope of the Waitangi Tribunal. However, the hearings served to put them on the record and make open for public scrutiny the litany of injustice and grievance felt by Māori (Walker, 2004). This set the tone for historical claims that would inundate the Tribunal after its 1985 dissolution and restructure with extended powers to hear historical grievances going back to 1840. After this, claims to the Waitangi Tribunal tended to be more about loss of land, sovereignty and control over resources and other

Treaty breaches with environmental concerns contextualised within these wider debates, and the broad support and commonality between Māori and mainstream environmental groups fell away; with this change in the nature of claims made to the Waitangi Tribunal, ideological differences between the two groups became more evident (Mills, 2008).

Ideological commonalities and differences between Māori and Environmentalists

Although originating in divergent ontologies, Western environmentalism and traditional Māori environmental philosophy share similar values and beliefs, and it was these commonalities that enabled the cooperation of non-governmental environmental groups and Māori in early environmental protests and Waitangi Tribunal claims (Gillespie, 1991; Mills, 2008). First, the ecological idea of nature as a holistic system of balanced, interconnected relationships is in some ways conceptually similar to the idea of whakapapa embodied in Māori cosmology (Mills, 2008). Similarly, the traditional concepts of utu, tapu, kaitiakitanga and mauri of natural phenomena have parallels in Judeo-Christian ideas of stewardship, Enlightenment vitalism and Romanticism (Glacken, 1967; Ruse, 2016). However, unlike the environmentalists, Māori environmental perspectives are also deeply rooted in wider issues of social, political and economic justice including the redress of historic wrongs, tribal sovereignty and control over land and resources. It is at this point where the ideology of environmentalists and Māori activists diverge, the former becoming increasingly disillusioned with Māori environmental ethics they had "mistakenly thought closer to their own" (Mills, 2008, p. 697). For many environmentalists, the philosophy of conservation dictated the absolute preservation of environment to the exclusion of humans and their cultural practices. Such conflict is best exemplified in debates over the prohibition of certain birds, such as the harvest of kererū, which has been a long-standing source of contention between Māori 'hunter-gatherers' and Pākehā 'preservationists' (Galbreath, 1996; Young, 2004). Further, and as Gillespie (1991) suggests, the preservationist perspective has traditionally been uncomfortable with the idea of local, tribally based environmental management due to the perception that such an approach would lack the resources, expertise, consistency and universal approach of centralised, government management of conservation estates.

For Māori, on the other hand, activism stemmed from appeals to rangatiratanga, as well as kaitiakitanga, and was underpinned by historic injustices of unfair land acquisition and breaches of the Treaty. Such appeals included the right to manage their own environmental resources and taonga according to mātauranga Māori and tikanga. Such notions of justice, of course required a redistribution of power and resource, and invariably led to a backlash from some within the conservation movement, who, convinced of Western ideological superiority, questioned the

validity of indigenous environmental values, and the capacity and capability of Māori to manage their own environments (Gillespie, 1991). Central to this antagonism is environmentalists' charge of anthropocentrism towards indigenous approaches (Gillespie, 1991), which consider customary use of plants, animals and the resources derived from them as an important source of cultural identity and collective continuance, their use carefully controlled within a framework of traditional knowledge and systems of environmental reciprocity and responsibility that acknowledge the spiritual as well as physical dimensions (Whyte, 2016). Thus, for Māori the right to interact with and use the environment according to tradition is as much about cultural survival and recognition as it is about fairness and justice.

Governmental reform and integrated environmental management

The years after 1984 were dominated by radical neoliberal legislative and institutional reform and restructuring by the fourth Labour Government (Wheen, 2013). During this time, Government Departments were restructured, some disestablished, and new ones formed, including the establishment of the Department of Conservation, a single government agency responsible for looking after the environment and advocating its protection. The Waitangi Tribunal was disestablished and reformed in 1985 with new powers to hear claims relating to historical land grievances. This provided Māori the opportunity to claim for the redress or return of lands unjustly taken and, accordingly, the nature of claims made to the Tribunal changed to reflect this new focus on land and control of resources rather than solely environmental issues. As a consequence, Māori lost the support of mainstream environmental groups as their demands for tribal control of lands and environmental resources sat uneasily with environmentalists' preference for centralised government control of conservation estates (Mills, 2008). Also during this time, and in recognition of the connections between social, economic and environmental inequity, legislation and policy were produced that required decision-makers to recognise the principles of the Treaty of Waitangi and work in partnership with Māori on issues that directly affect them. This included the introduction of the Local Government Act 2002, State Owned Enterprises Act 1988 and the Resource Management Act 1991.

When it passed into law, The Resource Management Act 1991 was considered ground-breaking legislation. It over-turned old environmental resource management and planning statutes and rules and introduced a new legislative framework for protecting the environment, underpinned by the principle of sustainable management (Palmer, 1995; Wheen, 2013). The idea that resources should, and could, be sustainably managed came to international prominence through the Brundtland Report (1987). This principle forms the central purpose of the Act which purports the

management of natural and physical resources such that people and communities are able to provide for their social, economic, and cultural well-being, health and safety while simultaneously sustaining and protecting the potential and life-supporting capacity of natural and physical resources to meet the needs of future generations (Resource Management Act 1991 s 5.5(2)). In this way, and according to Sir Geoffrey Palmer (1995), ex-prime minister and architect of the Act, economic, social and environmental objectives could be merged under the one principle and statutory decision-making framework.

As a decision-making tool, the Resource Management Act represents the statutory framework for planning and environmental decision-making in Aotearoa New Zealand by providing the legal context for the use and preservation of resources (Pearce et al., 2006). It includes a hierarchy of provisions to be recognised and provided for in the decision-making process, including matters of national importance. Significantly, this recognises and provides for the relationship of Māori and their culture and traditions within their ancestral lands, water, sites, wāhi tapu and other taonga and with regard to the cultural value of kaitiakitanga, which is defined as the exercise of guardianship, care and protection of the environment by tangata whenua for the good of future generations. A third and final provision is the requirement that the principles of the Treaty of Waitangi be taken into consideration throughout the decision-making process.

According to Palmer (1995), the Act promised a more streamlined, efficient and "just" (p. 154) approach to decisions concerning the distribution of natural resources, by decreasing the number of agencies involved, recognising ecological connections between land, air and water, and considering Māori interests, which had previously been frequently overlooked, through the mechanism of procedural inclusion. However, as Pearce et al. (2006) point out, given the neoliberal context (minimal government, market driven efficiencies and allocation of resources) in which the Act was drafted, and the fact that nowhere in it are issues of social and environmental equity addressed, Palmer's claim that the Act offers "just" deliverance in environmental decision-making needs some examination. This is particularly so given that the neoliberal notion of sustainability as encapsulated in the Act espouses the integration of contradictory concepts, development and conservation, as achievable goals. Precisely how this can be achieved is, as Murray and Swaffield (1994) point out, unclear, especially considering the spatial and temporal ambiguities of intergenerational risk when calculated in solely biophysical terms (Jackson & Dixon, 2007; Pearce et al., 2006). Further, the prominence of biophysical and economic measures in decision-making processes has been criticised as too narrow, naturalist and reductionist (Memon & Perkins, 2000) because of the way they "desocialise future

generations (by) limiting their 'reasonably foreseeable' needs (and therefore obligations of present resource users) to natural and physical matter" (Le Heron & Pawson, 1996, p. 252). Some suggest that the Resource Management Act's biological focus upon "environmental bottom lines" (Jackson & Dixon, 2007; Pearce et al., 2008) comes at a cost to wider socio-cultural equity concerns and that this, along with asymmetries of power and resource between developers and communities, compromises the Act's capacity to protect and sustain ecological values.

Defining environmental justice: social movements and academia

Traditional theories of justice tend to rely on liberal definitions based on distributive patterns of advantage and disadvantage in societies (Rawls, 1971). Injustice, where it occurs, does so along a range of dimensions, such as economic, social, cultural, procedural, as well as environmental, all of which overlap and combine according to context. In scholarly literature, the term 'environmental justice' has two applications: first, as it applies to environmental activism and social movements and second, as a branch of academic research and theory. It is important to note, however, that in both contexts, the term does not mean 'justice to the environment' but to a just distribution of environmental harms and benefits among human populations. Issues of justice to the environment are better described under the label of 'ecological justice', which is a different branch of the discussion about justice and the natural world (Dobson, 1998).

As a social movement, environmental justice began in the early 1980s in the United States, when it became clear that some minority and underprivileged communities carried disproportionate environmental burdens. These burdens were initially identified as toxic hazards and pollution, but nowadays, the term 'environmental justice' encompasses almost every human activity considered environmentally unsustainable (Cox, 2006). The term was first associated with community activism and non-violent civil disobedience (and subsequent law suit) in protest of a decision to allow a hazardous waste landfill which would be used to dump contaminated soil in a small, poor, predominately African-American community. This led to landmark sociological research on the distribution of solid wastes sites among communities in Houston, Texas, which concluded that waste disposal sites were and more likely to be located in predominately black neighbourhoods than nonblack neighbourhoods (Bullard, 1983). Further investigation conducted on a national scale found the siting of hazardous waste sites was disproportionately higher among minority and poor populations of colour and used the term 'environmental racism' to describe the targeting of predominantly poor minority communities in the placement of toxic waste-generating or waste storage facilities and their discrimination in the enforcement of environmental standards. In 1991, delegates to the First National People of Color Environmental

Leadership Summit drafted and adopted 17 Principles of Environmental Justice as a guide for grassroots environmental justice activist movements (Cox, 2006). The Principles combine ideas of traditional environmentalism with the recognition of the sacredness of Mother Earth and the special relationship of indigenous peoples towards their traditional places; demands for community inclusion and parity in decision-making; political, economic, cultural self-determination and the conviction that all individuals have the right to live, work and play in a safe, healthy environment conducive to community cohesion. Thus, the early environmental justice movement expanded the notion of 'environment' as a remote 'wilderness' separate to human existence to include everyday places where people, live, work and play (Novotny, 1995).

In academia, however, environmental justice refers to a framework of study that includes theories of the environment and justice, environmental law, policy, planning and governance as well as issues of development and sustainability, indigeneity and post-colonialism, political ecology, democratic, deliberative decision-making and theories of communication (Bullard, 1983; Dryzek, 2000, 2001, 2013; Hunold & Young, 1998; Palmer, 1995; Salmon, 1998; Schlosberg, 2007; Schlosberg & Carruthers, 2010; Whyte, 2016; Young, 1990, 1996, 2000). Regardless of discipline, environmental justice is generally regarded as the problem that poor people, people of colour, indigenous peoples and other minorities are more likely than privileged white people to live and work in toxic environments that are bad for human health and community cohesion (Whyte, 2016). Much mainstream environmental justice literature traditionally focused on the distribution of toxic waste sites and harmful environments in domestic settings, including the right to clean air and water. International case studies extend domestic theories of environmental justice to examine the effects of northern hemisphere nation's environmental behaviours on poor nations of the global south, all of which are subject to different asymmetries of power, legal frameworks, rules and regulations, cultural concepts and beliefs (Anand, 2017; Martinez-Alier et al., 2016; Pena; 2003; Pulido, 1996); thus, conceptions of environmental justice are multifaceted, complex and diverse.

There is little environmental justice literature written from an Aotearoa New Zealand perspective, and what does exist is written from the perspective of public health (air pollution) (Pearce & Kingham, 2008; Kingham et. al., 2006) or geography (contaminated sites and socio-economic deprivation) (Salmond, 1999), and apart from one study into South Auckland urban Māori (Coombes, 2013), none frame issues or lived experiences of indigeneity in terms of environmental justice. Likewise, specific sociological or psychological impacts of environmental degradation such as those identified by Norgaard and Reed (2017) in their study of the Karuk tribe (California)

have not been investigated in the Aotearoa New Zealand context, which seems an odd aberrance, considering the well-documented intimate and longstanding relationships between indigenous people, the health of their environment and the effects of settler colonialism (Berkes, Colding & Folkes, 2000; Durie, 2010; Harmsworth, 2005; Harmsworth & Awatere, 2013; Jollands & Harmsworth, 2007; Tipa, 2009; Tipa & Nelson, 2008; Whyte, 2016).

Disaster research

However, the field of disaster research provides valuable insights into specific psycho-social effects of environmental technological disasters, chronic environmental toxicity and degradation on affected communities, as well as the effects of long-term stress associated with processes of litigation, redress and justice associated with community disruption (Gill & Picou, 1998; Gill et al., 2012; Edelstein, 2004; Erikson, 1994, 2006, 2017; Freudenberg, 2000; Freudenberg & Jones, 1991; Kroll-Smith & Couch, 2009; Marshall, et al. 2004; Picou et al. 2004; Ritchie, 2012; Ritchie et al., 2013). Edelstein's (2004) landmark study of a residential community's reaction to long-term exposure to toxins, Kroll-Smith and Couch's (2009) treatment of community understandings of an underground mine fire as an eco-symbolic disaster, Erikson's (1994) sociological study of the collapse of a mining community in the wake of a devastating landslide, and Freudenberg and Jones' (1991) consideration of corrosive communities and recreancy all describe the psychological and social impacts on communities who experience human-induced environmental disaster. The studies highlight striking commonalities in the way that the trauma of disaster and related stresses can irreparably damage the social fabric of community. Common themes relate to post-disaster stress and perceptions of risk and ambiguity; that is, the scientific uncertainties of environmental toxicity across space, time and generations. The way in which these perceptions are interpreted is associated with the rise of community rancour, the corrosion of community and familial relationships and the loss of social capital and public trust in institutions previously presumed to ensure public safety.

For the purposes of this study, research into the trauma of the Exxon Valdez oil spill on Native American communities is significant as it focuses solely on the psychosocial effects of technological environmental disaster on indigenous peoples (Gill & Picou, 1992; Gill et al, 2012; Marshall et al, 2004; Palinkas, 2009; Palinkas et al., 1993, 2004; Picou et al, 2004; Ritchie, 2012). In addition to the economic and subsistence impacts one would expect of a community dependent for both food and income on renewable resources, the spill shook the foundations of community life because of the way it interfered with traditional and ancestral connections to place, cultural practices and intergenerational responsibilities understood to exist between people and

environment. Picou et al. (2004) also noted the prevalence of long-standing psychological impacts including stress, grief, anger, post-traumatic stress disorder and depression, and conclude that indigenous communities affected by technological disasters are more likely to experience detrimental psycho-social effects and take longer to recover than other sectors of the community (Gill & Picou, 1992; Gill et al., 2012; Marshall et al., 2004; Palinkas, 2009; Picou et al., 2004; Ritchie, 2012). A report written on behalf of Maketū Te Arawa (Hinemoana Associates, n.d.) identified significant similarities in psychological, sociological and environmental impacts of the Rena disaster on Te Arawa ki Tai and the indigenous people of Prince William Sound affected by the Exxon Valdez spill.

Pluralistic conceptions

According to Schlosberg and Carruthers (2010), a broader, more pluralistic conception of justice is required. This conception of justice would account for the effects of environmental degradation on the capabilities and functioning of communities and individuals. These scholars remind us that indigenous perspectives consider threats to nature as direct assaults not only against people and the environment, but also against belief systems, cosmologies, cultural practices, collective and individual identity and integrity (Schlosberg, 2007; Schlosberg & Carruthers, 2010). By extension, this affects the ability of communities to continue to reproduce patterns of tradition, function and flourish in ways determined important by them (Nussbaum & Sen, 1992).

Schlosberg (2007) and Schlosberg & Carruthers (2010) consider environmental justice to be underpinned by four essential elements: distribution of (environmental) harms and benefits throughout society; procedural inclusion and parity of participation; recognition and respect both at collective and individual levels (Fraser & Honneth, 2003); and the consideration of the way in which injustice affects communal or individual capability to live a fully functioning life (Nussbaum & Sen, 1992). Here, justice is measured not only by how much or how little communities have, but whether they have enough of what is needed to enable a fully functioning life, defined in their own terms. Thus, injustice resides in forces that limit potential. This last point holds significance for indigenous communities, for defining a fully functioning life presupposes elements of self-determination and cultural recognition.

Sen (1992) notes five concepts that advance individual capabilities: political freedoms, economic facilities, social opportunities, transparency guarantees and protective security. Sen's categories are broad because he prefers a process of deliberation to determine where injustices lie in particular contexts. Nussbaum (2000), however, details a specific capability set necessary for

functioning and flourishing. This includes the ability to live a normal life span; have good health and bodily integrity; use imagination and intelligence, play and express emotion; determine the 'good' life for one's self; be recognised; have self-respect and dignity, and recognise these in others; live with concern for other things; and have control over own environment (political, social and physical). She believes the best way to protect the interests of a minority group is by delivering capabilities through constitutional guarantee. However it is delivered, the capabilities approach encompasses issues of recognition, redistribution, political participation, parity and process and considers how disruptions affect both flourishing and functioning in the real world. Schlosberg (2007) and Schlosberg and Carruthers (2010) point out that injustice happens at collective as well as individual levels and that Nussbaum and Sen's capabilities approach is appropriate when considering how environmental injustice affects a group or community's capability to flourish and function.

Ecological capabilities

Schlosberg (2007) uses the notion of ecological capabilities to argue for the recognition of the natural world as a participant in deliberative democratic decision-making processes. Like human communities, non-human ecological communities also have capability sets that are influenced by the distribution of environmental harms and benefits; unfair distribution may lead to an ecological system being unable to function or flourish. Schlosberg points out that nature (the non-human world) receives more than its fair share of environmental ills because it is not awarded equal standing in decision-making processes, and that this needs to be redressed through its recognition as a legal entity with a right to participate (through human proxy) in decision-making. Although nature and its objects are not capable of rational thought or subjectivity and are non-verbal, Dryzek (2013, 2000) and Dryzek & Schlosberg (1998) argue that nature does have agency. This agency is communication as ecological imbalance through a whole range of different 'signs'; changes in climate, growth or reproductive patterns or species behaviour, for example. Recognition and interpretation of nature's signals necessitates new ways of listening, attending to and interpreting the world outside mainstream systems of Western science, such as traditional ecological knowledge, narratives and stories.

Unthinkable personhood

The ecological forms of justice set out above draw on Stone's (1972) proposition to do the "unthinkable" (p. 455) and "give legal rights to forests, oceans, rivers, and other so-called 'natural objects' – indeed the natural environment as a whole" (p. 456), that is, assigning nature, or the things of nature, legal personhood. This meant nature would both enjoy and be subject to

legal rights and duties, including the right of legal standing (*locus standi*) – the right to act as claimant in court on any issue in which it has an interest. There are two kinds of legal person: 'natural persons' – human beings, who acquire legal personhood when they are born, and 'juristic persons' – groups of people such as corporations, trusts, joint ventures and nation states, who acquire personhood through legal incorporation (Law, 2018). Although at various times in history it was common for certain people to be 'owned', neither natural nor juridical persons can now be owned and although this is now accepted legal tradition, Stone reminds us that concepts of personhood and ownership have evolved, expanded and changed over time in ways that have sometimes been "jarring" (p. 452) to the collective mind-set.

In a similar way, Stone's proposal to create a new category of legal personhood applicable to nature would revolutionise the way people think about and act towards the natural world. The concept of personhood would apply to nature and its entities in the same way as it does to corporate entities, with its interests represented by a guardian or trustee. By proxy, nature would be able to claim for any breach of rights, such as the right to not be polluted. This contrasts conceptually with the traditional anthropocentric approach, which recognises user rights in debates about infringements, rather than the intrinsic right of the natural world not to be polluted or degraded.

Thirty years after Stone proposed the 'unthinkable', Morris and Ruru (2010) revived the concept of environmental personhood and argued that it be applied to the rivers of Aotearoa New Zealand. From their perspective, legal personhood would improve environmental protection and management of rivers. It would allow for a more eco-centric system of assessment and decision-making by recognising the rights of rivers to make claims against harm and injury to their health and well-being. Not only would rivers have legal standing in such matters, a guardian or trustee (such as the Commissioner for the environment) appointed to oversee river management would advocate for the rights of rivers, ensuring their voice was heard in decision-making processes that affected them.

According to Morris and Ruru (2010), the "beauty" (p. 88) of the concept lies in the way it merges a Māori worldview with Western legal precedent; Māori values with Crown law. As they point out, Māori have always personified the landscape, regarded themselves a part of it and significant landmarks as living ancestors with their own distinct life force, or mauri. Thus, the idea of applying legal personhood to the environment fits well with Māori ontologies and traditional ecological practices. Further, the concept would not threaten economic development or resource usage critical to modern lifestyles, such as agricultural irrigation or power generation

schemes, as long as these practices did not infringe on rivers' health or well-being. From this perspective, they argue, "the concept need not stymie development, just *unwise* development that threatens the future use of the river" (Morris & Ruru, 2010, p. 58, my italics). Indeed, Māori have a long tradition of sustainable resource management use through cultural practices of tikanga, rāhui and tapu. Moreover, the concept of environmental personhood would not override existing central and local government plans, policies or legislation such as the Resource Management Act 1991, which already embodies the principles of sustainable management, kaitiakitanga and the Treaty of Waitangi. Rather, enshrined in law, the concept would support these protections, all of which must be considered in environmental decision-making process.

Morris and Ruru's argument found favour and was soon adopted by the Government. First in its decision to grant Te Urewera, a large ancient forest in the central North Island, and second, the Whanganui river, legal personhood. The two pieces of legislation that established these new legal persons, The Te Urewera Act 2014 and The Awa Tupua Act (Whanganui River Claims Act 2017) were both revolutionary pieces of legislation. The transformation of the ownership of Te Urewera from government-owned national park to freehold land owned by Te Urewera itself, (management is conducted under a shared iwi/government model of guardianship) was significant. It aligns with the exclusion of ownership contained in the legal concept of personhood and indigenous beliefs in the connection of human and natural world. Further, the Government's relinquishment of conservation estate land was something previous governments had carefully avoided, an attitude that clung to the idea of conservation being a role to which only the government could be trusted.

Despite being the first in the world to make the idea of environmental personhood a legal reality, Aotearoa New Zealand is not the only country to recognise the rights of nature. The Indian Government used the recognition of the Whanganui River as a legal person as a precedent to grant personhood to the sacred Ganges and Yamuna rivers (Saji, 2017). Both Ecuador and Bolivia have long recognised the rights of nature in their constitutions, Ecuador being the first country in the world to do so. In all these countries, it has been the indigenous peoples who have pushed for recognition of rights of nature, aligned as the concept is in so many ways to indigenous ontologies and worldviews (Gordon, 2018). In the United States, however, acknowledgement of the rights of nature derives mainly from the efforts of the environmental justice movement and its battles against dumping of toxic and hazardous materials in poor, minority communities. The movement's achievements in this regard have influenced a number of local government bodies

throughout the United States in incorporating some form of provision for the rights of nature (Gordon, 2018).

Ontological re-evaluation

However, as Gordon (2018) points out, even many years after Stone (1972), and despite the notion of corporate personhood being generally socially accepted and understood, the idea of nature having rights, let alone legal standing and personhood, remains novel and somewhat controversial. This is an ontological issue because it has to do with the ways in which some things are recognised to exist and have rights and others are not. Thus, the conference of rights onto some new entity always involves a shift in mindset, because it involves a new kind of regard for the 'thing' in question. This can be challenging, "because until the rightless 'thing' receives its rights, we cannot see it as anything but a thing for the use of 'us' – those who are holding the rights at the time" (Gordon, 2018, p. 455). By conferring rights within the discursive structures of the law, a rightless entity moves from being a mere thing, a passive object at the mercy of the rights-holder, to attaining both subjectivity and agency, in the real world. It can affect the world because it is recognised as a subject with certain rights and legal standing by which it can have them upheld.

Māori have always personified the natural environment, and understood nature as a living, interconnected system of kinship, of which they are a part. So, from a traditional Māori perspective, environmental personhood fulfils the dual purpose of upholding Māori values and the promises of the Treaty of Waitangi by enshrining them in law (Morris & Ruru, 2010). It could almost be regarded as a kind of natural progression in terms of both social and environmental justice, especially as the personhood of Te Urewera and the Whanganui River was conferred as part of the negotiated settlement of long-standing grievances and injustices at the hands of colonial and subsequent governments.

However, for mainstream Aotearoa New Zealand, the concept may be more difficult to accept. Pākehā mentality is still in many ways firmly rooted in settler traditions that are overwhelmingly Western, anthropocentric and utilitarian. Such views still often dominate environmentalist discourse (the preservation of wilderness for recreational use, for example), while the rhetoric of sustainable management is inherently business centred and riddled with oxymoron and policy myth (Jackson & Dixon, 2007; Swaffield, 1997; Murray & Swaffield, 2000). The idea of having to consider the 'rights' of nature before acting upon it is bound to sound, as per Stone's description, "odd or frightening or (even) laughable" (1972, p. 455) to many because of the challenge it poses to ingrained attitudes about humans and nature. One could also argue that the environment is

already well protected in law through the Resource Management Act 1991, which ensures environmental impacts and Māori conceptions of the natural world and resource use both matter and effect how protections of the Act play out (Gordon, 2018). However, Gordon (2018) goes on to say that the structure underlying environmental personhood will act to give these protections more weight and may eventually change the way people think about the rights of the environment, normalise the concept of rights of nature and thus have real effect in the real world.

This reflects a constructionist view of the world wherein institutions and their discursive structures are able to create and change social realities through the dialectic of law and society. Legal persons have agency within these structures and are able to influence real-world decisions likely to infringe upon their rights. Environmental personhood is eco-centric but its personification is neither animistic nor romantic. It does not regard nature as imbued with spiritual force, but nor is it solely materialistic. Rather, it is a blend of cultural value and legal ethic; a new way of conceiving the environment, which has the potential to generate and develop a new way of conceiving the natural world (new for Western cultures; old for traditional indigenous) that may also redefine notions of justice for the environment.

Conclusion

This chapter has considered and contextualised the concepts of nature and the environment as social symbolic constructions and chartered the evolution of Western ideas of nature from Neolithic Europe to present-day Aotearoa New Zealand through a review of the relevant literature. The next chapter sets out the methodological orientation of the research and the means and methods by which it was conducted.

Chapter 3

Methodology and Method

Overview

Where the previous chapter introduced the purpose, concept, and gave an overview of the topic of research, this chapter explains how the research was carried out. It has three objectives. The first is to specify the focus of the research. The second is to set out the concept of discourse and critical discourse as the methodology underpinning analysis, and the third is to set out the specific techniques and processes of analysis, including how the data was handled and is presented in the research.

Focus of the research

The focus of this research is the multi-layered discourses engendered by the MV Rena grounding, leading up to the hearing held to consider her owner's application for resource consents to abandon the wreck and all future discharges on Astrolabe Reef. The research adopts a critical approach in its exploration of psycho-social, ecological and cultural impacts on affected communities and individuals. A critical view is especially necessary where issues of environmental justice are concerned because they often involve the distribution of environmental benefits or harms to certain groups at the expense of others (Bullard, 1983; Dobson, 1998; Schlosberg & Carruthers, 2010). As Nelson (2004) puts it, a critical approach, therefore, "intends to reveal the gaps between false consensus, espoused and actual corporate practices and the hidden connections between language, power and ideology" (p. 7). The research unpacks the multiple discourses in the Rena affair, taking the view (following Fairclough, 1992) that discourses construct social realities, and it explicates the effects of discourses on beliefs and worldviews related to the affected environment. The data were derived from public submissions, impact assessments and interviews of key participants. The objective of this research is to examine people's stories and the submissions associated with the MV Rena and the resource consent process as discourses that influence the way people think about the environment in twenty-first century Aotearoa New Zealand. This research does not set out to judge whether the positions taken by participants or submitters were right or wrong, nor does it judge the outcome of the hearing.

What is discourse?

Like many words in the English language, the meaning of the term 'discourse' has evolved over the course of its history. Etymologically speaking, the term came to modern English from

medieval French and Latin and, while aspects of the Latin remain, modern usages of the term, especially as it is used across the social sciences, are complex, sometimes contradictory, often vague and even obfuscatory (Mills, 2004).

In its original Latin sense, the term had two meanings, one as a physical 'running about' or 'to-ing and fro-ing', the other a more abstract meaning of 'going over' or talking about a subject in depth and at length. The term has long referred to a dialogic process of communication, that is, a more formal kind of discussion about an important subject which occurred in either speech or writing, and which enhanced understanding through the communication of thought and reason, as in, for example, a lecture, sermon or treatise (Fairclough, 1992). This sense of discourse as sustained communication concerning a certain subject still rings true. However, today the term is more often associated with the purposeful communication that occurs within specific domains of knowledge, involves the sharing of thoughts, ideas and reasonings, and effects social change (Fairclough, 1992).

The term 'discourse' is also widely used in the social and behavioural sciences, especially disciplines concerned with the nature of language and communication. In linguistics, for example, 'discourse' has a specific and technical meaning. It refers to any coherent succession of human statements or sentences, be they spoken or written, long or short, whose meaning may be studied at the level of grammar, lexicon and syntax. In this sense, 'discourse' is often used interchangeably with the term 'text'. Thus, a novel is an example of discourse, as is a speech by a politician or a lecture to students. Similarly, an interview or conversation or any other series of "speech events in which successive sentences or utterances hang together" in some meaningful way also qualify as pieces of discourse that can be studied from a linguistic point of view (Matthews, 2014).

On the other hand, the term is also deeply entrenched in critical social theories, especially those influenced by the work of Michel Foucault (1970, 1972) that purport an important relationship between discourse, social institutions and processes and the real world. From this perspective, everything recognised as real and meaningful depends on systems of meaning that are embedded in language and symbol (Mills, 2004). Language and symbols construct discursive structures underpinned by shared worldviews common to subscribers, which enable the interpretation and analysis of information, and its construction into coherent stories, narratives and imaginaries about how the world is, could or should be (Dryzek, 2013; Chiapello & Fairclough, 2002; Harvey, 1996). For example, Western science as a discursive structure based on an objective view of the world has a very different understanding and way of talking about and

symbolising natural objects and events than do traditional indigenous knowledge systems. However, as discursive systems, both use language in ways that uphold and reify existing meanings and structures of belief, recognise certain key entities and objects of knowledge, as well as convey information, add to knowledge and have social effect.

Discursive systems have rules that regulate who is allowed to speak, about what, to whom, in what way, whose voice dominates and is recognised as legitimate and authoritative and whose is excluded and ignored (Dryzek, 2013; Fairclough, 1989; 1992). On the one hand, regulation enables discourses by establishing shared assumptions, principles, judgments, terms, symbols and language that provide a basis for discussion, analysis, debate, agreement and disagreement. On the other, regulation also constrains discourse because it disregards and excludes alternative views which may threaten the validity of discursive structures. Once indoctrinated into the worldview of a certain discourse, it can be very difficult to recognise the validity of others (Dryzek, 2013). This is made more difficult by the exclusionary nature of discourses, and the way subjects and the relations between them are positioned therein. In this way, discourses are often the site of struggles for identity, recognition and power.

As symbolic resources, discourses can be very powerful, and some more so than others; especially those embedded in social institutions, such as those of government, religion, education, law and science. Discourses gather and internalise power through the accumulation of ideas, knowledge and worldviews, which are consolidated in ways that make their logics appear natural, obvious and sensible, but which are neither arbitrary, transparent nor innocent (Dryzek, 2013; Fairclough, 1989, 1992, 1995, 2003; Harvey, 1996). More often, and in their more rhetorical forms, discourses can be used strategically to persuade (Cheney, 1983; Cheney et al., 2012; Higgins & Walker, 2012). Upheld by 'common sense', dominant discourses and the ideas and attitudes that accompany them become entrenched and powerful. When used hegemonically, discourses situate people as subjects, and through such subjection, control their knowledge, attitudes, ideas, norms, values and intentions. In this way, discourses can be deliberately constructed, ideological tools. With what Chouliaraki and Fairclough (1999) call "the mystifying effect (of) discourse working ideologically" (p. 4), discourses influence the creation of the social order and uphold the power structures that help maintain it (Dryzek, 2013; Fairclough, 1989, 1992, 1995, 2003; Harvey, 1996).

Discourse as social practice and social process

Thus, discourse is an important element in the constitution of social life, organisations and institutions; through discourse objects become known, social subjects and relationships

constructed and concepts conveyed. This does not just 'happen'. Discourse, as a form of social action, is firmly rooted in real events and situations, social structures and institutions in which people and organisations, acting as discursive agents, use words and symbols to establish legitimacy, communicate perceptions and experiences of reality, including their fears and desires for the future (Fairclough, 1992). Thus, to advance the virtues of a particular discourse, its agents often act rhetorically by employing a range of linguistic strategies intended to portray themselves as ethical and their arguments as credible so as to persuade others to identify with their view of the world (Cheney et al., 2012; Fairclough, 1992; Harvey, 1996). As Cheney et al. (2012) point out, rhetoric is embedded in organisational discourse especially that oriented to public, institutional or crisis situations that are defined by contingency, uncertainty and ambiguity, and where organisations are seeking to persuade specific audiences so as to affect some sort of economic advantage.

However, while discourses can be powerful and their rhetoric persuasive, their multiplicity, heterogeneity and the power-plays and games of positionality that operate within them difficult to escape, they are not the only factor that facilitates social action and change (Harvey, 1996). For, where there is only discourse there is little effect; talk alone can be circular, labyrinthian and hollow. According to Harvey (1996), in order to understand the role of discourse in social processes, discourses must be understood as one social dimension, or "moment" (p. 78) among others that internalise aspects of each other in the ebb and "flow of social and material life" (p. 80). As well as 'moments' of discourse, the social process includes manifestations and relations of power in all their diversity: moments of imaginary expression, that is, people's beliefs, fantasies, values, and desires; moments of institution building, where political or social relations are organised into durable arrangements, such as religions and cultures or social institutions (law, education, state, science, marketplace); moments of material practice that include all physical and sensory experiences from which human knowledge and modification of the environment derives; and all social relations between human beings and the orderings that arise from these.

As Harvey (1996) conceives it, the social process is a dialectical progression in which each moment is internalised in some degree by the others within the flow of social and material life. For example, through discourse, people express their imaginaries (hopes and dreams), but such expression is usually based in some kind of discursive institution with its attendant material or practical constraints and thus based in manifestations of social and power relations (p. 80). Internalisation between social moments always involves an element of translation as aspects of

each moment are adopted into the others. Harvey (1996) calls such translations a "slippery business" (p. 80) as ambiguities and unintended consequences inevitably occur as elements of one moment are translated, metamorphose and appear as something slightly different in another.

Political discourses, for example, use a range of rhetorical devices (Cheney et al., 2012) to tap into and promote certain deeply held beliefs, values, fantasies and fears over others and to utilise the mobilisation of people's imaginations to sustain and promote power relations. "Slippage" (Harvey, 1996, p. 81) is partly due to the differences that reside within and between these moments. Power, for instance, manifests differently in all moments; in the relations between people, the suppression of hope, or ritual or material practices and/or regulation of public discourse. The plurality of deeply held beliefs that exist in society also means that various forms of contestation and resistance occur across the social process, and these modify how moments are internalised.

In the course of this social process, 'moments' sometimes "crystallise" (Harvey, 1996, p. 81) into more permanent elements, domains or systems. Social institutions, such as economic, legal or religious systems, are examples that seem impervious to transformation because of the way they have been constructed, their systems of discourse so widely accepted and reified that their basic tenets are almost beyond question. Change does happen, however and, like Harvey, I am interested in, not only how such permanences occur, but how the internal relations between discourse and other moments of social life influence change, and how marginalised discourses internalise power and are translated into new forms of social understanding and action.

In a similar vein, Fairclough (1992; 2003) also describes a theory of discourse that is dialectical, based in social practice and firmly rooted in and oriented to the rhetoric associated with material and institutional structures. He sees social life as made up of a series of interconnected networks of social practice; relatively stable forms of social activity comprised of diverse but interconnected social elements. Discourse (language and semiosis) always features, as do human subjects and their social relations, activities and instruments, objects, time, place, different forms of consciousness and values. All these elements are dialectically related, because while different, they are neither discrete nor separate from each other. Rather, each one internalises aspects of the others, creating, validating and upholding interconnected networks of meaning, social structure and material practice.

Fairclough (1992; 2003) argues that the role of discourse in these processes of social practice and change can be established through critical analysis that focuses on discourse and the relationship between it and other elements of the social process, in particular ideology and power. His approach of critical discourse analysis combines critical social analysis, (normative and explanatory critiques which explain inequities in social well-being in terms of social structures, mechanisms and forces), with linguistic and semiotic analysis of texts (where texts comprise spoken or written language and/or image). Thus, critical discourse analysis is a transdisciplinary approach that combines theories from a range of social sciences (for example, economics, history, sociology, psychology) with linguistic and semiotic analysis of discourse as a way to explain social practices and relations of power that seem natural and sensible, but are in fact driven by politics and ideology. Analysis occurs at three levels. First, as discourse manifests most obviously in language, analysis is conducted at the level of the text. This involves very close reading of the text and detailed consideration of lexical, rhetorical and grammatical choices contained therein, the text's structure, internal cohesion and coherence of reasoning, force of utterance and degree of intertextuality (the extent to which the text draws on others).

Texts are part of discursive social practices, which in turn are part of wider discursive social fields, or orders, comprised of various semiotic configurations of genre and style, and which have certain rules or traditions about how texts should be produced, distributed and consumed (for example, academic writing, newspaper reports, advertising etc). Here, the concern is to consider how texts work discursively, that is, at the micro-social level of discursive practice; what order they belong to, who has produced them, why and how, what might have constrained or enabled their production, what other discourses are drawn upon (their level of interdiscursivity), their intent and, ultimately whether that has been achieved, that is their macro-social effect (Fairclough, 2012a; 2012b). While discourses include "imaginaries", projected assessments of how things might, could or should be in the future (Harvey, 196, p. 81), as Chiapello & Fairclough (2002) point out, there is nothing inevitable about the dialectics of discourse. When it comes to social change and "the seemingly automatic reproduction of repressive social orders typically depicted in social theory" (Harvey, 1996, p. 97), much depends on the context of time and place, the agency granted social actors, the heterogeneity between and within discourses, and the solidity and permanence of social institutions as well as their resistance to change.

However, societies do change, and such change is sometimes triggered, incrementally, by "voices from the margins" (Harvey, 1996, p. 90). That is, from those espousing points of view other to the dominant views or the status quo. In Aotearoa New Zealand, the incorporation of the

principles of the Treaty of Waitangi in laws and institutions has ensured that the views of Māori be taken into account when making decisions on issues that affect them. Environmental decisions made within the discursive legal framework of the Resource Management Act 1991 provide space for both public submissions on environmental matters and require that values central to the Māori worldview be regarded in decision-making processes. Codification of different views of the environment encourages tolerance of different ways of viewing the world, but, as Nelson (2004) points out, this does not automatically guarantee their acceptance or agreement. Māori world views might be taken into account in decision-making, but the degree to which they influence the outcome often depends upon the strength of competing discourses, the rhetoric and arguments employed, and the commitment of decision-makers to pay more than lip service to the requirements of the legislation. By employing critical discourse methodology to this research, I hope to uncover some of the ways in which different discourses and the perspectives they espoused helped influence institutional environmental decision-making in regard to the fate of the MV Rena.

The research problem and research questions

The previous section covered the theoretical orientation of the research and examined some key ideas about discourse and discourse analysis as they apply in this thesis. This section visits the main problem addressed by the research and the research question that formed the structure of this case study.

The problem that is explored in this research relates to the discursive construction of the environment and the effect of narratives and stories told by people as they attempt to influence environmental decision-making and problem solving. Thus, it involves issues of how people and organisations, in their role as citizens, engage with and participate in the public sphere (Habermas, 1984). The problem explored in this thesis exists both as a problem of social practice, understood as issues of participation in the resource consent process, and problems of representation and recognition; of being heard within that process (Chouliaraki & Fairclough, 1999). This invariably involves issues of power that operate within institutions and legal frameworks pertaining to the environment in New Zealand. The Resource Management Act 1991 provides opportunities for the public to submit on environmental issues, and these empower citizens to express concerns in the form of written and oral submissions, that is, in discourse. However, the stories people tell in their participation in resource management act processes are not just expressions of agency, they are active exertions of power in the contestation of

environmental activities. Thus, resource consent hearings are sites of struggle, where power is manifest discursively, in the arguments, reasons and positioning of participants.

Accordingly, this research was formulated around the environmental problem of what to do with the wreck of the MV Rena, posed as a discursive contest within the framework of the Resource Management Act 1991. Two research questions were posed to help guide the research:

> *How and in what ways were the different discourses in the processes of the resource consent hearing made manifest?* and,
>
> *What does the dominance of certain discourses mean for social change and environmental justice in New Zealand?*

The order of the research questions aligns with Fairclough's (1992) idea of the inter-relationship between text, discourse and society. Individual texts, whether they are official documents, submissions or transcripts of interviews or conversations, are tangible manifestations of discourse. They are central to discursive structures and practices, which are in turn located within a wider set of social practices. Thus, a close examination of texts underpins and is an important means of examining discursive practice and the concept of social change. These questions are intended to achieve the purpose of this research, which is to consider whether the participation of citizens in the public arena of environmental decision-making contributes to justice for people and environments affected by the grounding of the MV Rena.

Gathering data and examining the texts

The problem that this research investigates is located in that part of social life where citizens engage with public policy and institutions concerned with the management of the environment, and in particular the processes associated with resource consent hearings. As Fairclough (1992) suggests, one way to assess the scope and nature of such problems, is through the examination of a selection of discourses associated with and produced through related institutional practices. In this case, discourses related to environmental regulation were used as a vehicle for considering people's different perspectives on nature and the environment and whether they were able to influence institutional decision-making. In the way of Fairclough (1992), samples of discourse were procured from institutional archives and collected into a "corpus" (p. 227) of texts suitable for use as data. Institutional archives were particularly useful, not only as a source of data but because they often facilitate a mental model of the order of discourse under investigation and how its affiliated institutions are structured (Fairclough, 1992).

Accordingly, the order of discourse under investigation is that of environmental management as it relates to the resource consent process, and specifically the resource consent hearing on an application by the Astrolabe Community Trust (a Trust set up by the Rena's owners as applicant to the consent) to abandon the wreck of the MV Rena on Astrolabe Reef (Ōtāiti), as administered by the Bay of Plenty Regional Council in accordance with the Resource Management Act 1991. The hearing was held in Tauranga in 2015 and involved consideration of numerous submissions presented by technical experts, affected iwi and members of the public on the potential environmental impacts of the proposal. In the name of public interest, all processes, documents and submissions pursuant to the resource consent hearing were uploaded to the Bay of Plenty Regional Council's Rena resource consent website. For the purposes of this research, this represented a rich and valuable archive of discursive events and source of corpus texts that could be used for analysis. With the hearing and its related texts neatly confined to place and time, so too was the focus of my attention. Attending the hearing would enhance the data corpus by allowing me to identify and contextualise texts related to key moments, or "cruces" (Fairclough, 1992), within the discourse event, and to identify, meet and interview key participants to the hearing, thereby supplementing the textual documentation with personal insights and interpretations that could be further used for thematic analysis (Boyatis, 1998; Braun & Clarke, 2006).

Participants and interviews: the human experience of the MV Rena grounding

Due to my personal associations with the area, I already knew a few people personally affected by the Rena grounding. Some had participated in clean-ups while others worked in various roles for the Bay of Plenty Regional Council or in iwi organisations submitting on the resource consent application. Through conversations with them, I was able to gain a sense of the saga, its key players[5], and how I might be able to approach them about being involved as interview participants.

I learned that all key players would be present at various times at the hearing, so it was clear that my attendance would be vital to making the right contacts. I attended each and every day of the five-week long hearing and during this time met, spoke with and formed relationships with many prospective participants, often over coffee during breaks in the hearing or a shared lunch. People were curious to know who I was and what I was doing, turning up, taking notes and staying until the end of every day. Without exception, every person I met, from the owner's representatives, to the divers, technical experts, scientists, iwi, lawyers, was welcoming, pleasant and interested.

[5] See Appendices for a full description of key players and their roles in the saga of the MV Rena

In the end, most of the interview participants I met, I got to know either at or through the Regional Council hearing and were recruited directly or through chain referral (one person would introduce me or recommend me to another). Generating a study sample through the referral of others who share similar characteristics, also known as 'snowball sampling', is often an effective way of accessing sensitive or hard to reach populations (Biernacki & Waldorf, 1981; Elliot et al., 2019; Penrod et al., 2003), such as indigenous populations wary of outsiders and protective of sensitive or traditional knowledge (Smith, 1999).

As it transpired, most of those approached either directly or through referral were happy to be involved with this research. In all, I interviewed a total of eleven people, for a total of approximately 13 hours. As the most impacted communities, Māori views were central to this study. Accordingly, seven participants were Māori and recognised iwi or hapū representatives, and of these four were female and three male. I also sought the views of other people involved in or affected by the Rena. This included two Bay of Plenty Regional Council employees, a public relations practitioner closely involved with the Rena project and a local small business representative. All of these people were Pākehā, male and all, bar one, residents of Tauranga.

Although I had ties to the Bay of Plenty, I had, a few years earlier, moved to the city for work. I was therefore something of an outsider to the Rena event, having neither been in the area when the vessel grounded, nor when the clean-up operation was underway: I was, apart from knowledge gleaned from the media, new to the whole event. Further, my identity as Pākehā academic marked me as an outsider to the Māori communities most impacted by the grounding, pollution, clean-up processes and most actively involved in submissions that opposed the application for resource consent to abandon the wreck of Rena. As well as the environmental damage caused by the grounding, the event had significant cultural impacts on hapū closely associated with polluted areas and some individuals experienced significant emotional distress. The people of the coast had been hurt and were still hurting; some sensitivity in how I approached the interviews was required.

Accordingly, I sought to convey respect and empathy by treating the research and potential participants in culturally sensitive ways (Smith, 1999). Traditionally, Māori often prefer personal modes of communication; dealing with people face to face, and being open about one's family background and relationships recognises and establishes connections and commonalities, and affirming the traditional values of whanaungatanga and principles of kanohi i kitea and kanohi ki te kanohi (Love & Tilley, 2014; Smith, 1999). Attending every day of the hearing showed

I was committed to the issue, I became less of a stranger, and began to form relationships with people, some of whom later agreed to be interviewed.

I acknowledge that traditional Māori knowledge, and knowledge specific to Māori communities, is regarded a taonga; something to be protected, respected, shared with care, and generated in ways that help and advance Māori communities (Smith, 1999). I have regarded participants' sharing of knowledge, time and experiences of the Rena as a privilege and I have sought to treat their words with respect. This is particularly so in the case of ancient and sacred knowledge brought to light during public submissions. Where interviews were considered, I meant to acknowledge the mana (status) of participants' words and knowledge, by giving them an opportunity to review and comment on the transcript of their interviews and a short summary of the themes I had identified therein. My purpose in this was to make sure I had not misinterpreted people's words or intentions.

Interviews

All interviews were conducted in person at mutually agreed locations in Auckland, Tauranga, Te Puke and Whakatāne. I was invited to Mōtītī Island by one participant, who guided me around the island, showing me the areas that had been most seriously affected by the oil. This trip was very valuable in giving me a sense of island geography and lifestyle and this helped contextualise the event and its impacts.

The qualitative nature of this research and its subject matter meant that an asymmetric interviewer-respondent relationship would be unlikely to result in the rich personal reflections I sought as data (Fontana & Frey, 2005). Accordingly, my approach to the interviews was that they be balanced collaborative social exchanges (Fontana & Frey, 2005) in which I sought understanding of often complex social and cultural relations, rather than a direct interrogation of subjects positioned as "vessel(s)-of-answers" (Gubrium & Holstein, 2002, p. 13) for which I held the questions. Instead, the interviews were semi-structured, resembling guided conversations, rather than uniformly structured lines of questioning. The point was to have participants freely express and explain their experiences (Fontana & Frey, 2005; Liamputtong & Ezzy, 2005; Robson & McCarten, 2016) in such a way that their responses were fluid and unencumbered. Although it was important to ensure a consistent line of inquiry was pursued, questions were responsive to participants' train of thought, rather than rigidly predetermined or structured (Yin, 1994). If the interviews started to stray off topic, participants were guided back to areas of concern or asked to explain how this related to core issues. To avoid defensiveness on behalf of the participants, I posed 'how' questions rather than 'why' questions (Yin, 1994). Most interviews lasted an hour or

so, but one early interview extended to nearly two, which was indicative of the participant's passion and willingness to talk. All interviews were recorded and preserved in digital form.

Between the end of the resource consent hearing (October 2015) to the release of the decision of the panel of Commissioners in February 2016, I recruited and interviewed eleven participants across ten interviews (two participants wished to be interviewed together). These included iwi and community representatives, public submitters, public relations practitioners and planners, bureaucrats and programme managers. Although only one interview participant had wanted to conceal his identity using a *nom de plume*, the emotional intensity, contested subject matter of the data and small localised pool of participants suggested that a system of anonymisation be devised. Accordingly, participants names are not used. Interview data are cited as 'personal communications' followed by the date of interview. Data from official documents are numbered according to type, for example, Submission or Submitter 1, Hearing statement 34 or Evidence 39. All participants were generous with their time and gave passionate, thoughtful and considered responses, which is ultimately why the data is so rich and detailed. Mostly, participants seemed to value the opportunity to reflect on and share their involvement in a national environmental crisis that was undoubtedly for them a significant life event.

Handling the interview data: thematic analysis

Once interview data were collected, decisions needed to be made about how to approach, organise and analyse it. Thematic analysis (Boyatzis, 1998; Braun & Clarke, 2006) was considered an appropriate method to identify common and significant patterns, or themes within the interviews. Braun and Clarke (2006) consider thematic analysis "a foundational method for qualitative analysis" (p. 78) mostly by virtue of its versatility. Not bounded by theoretical frameworks, it is a method that allows the researcher to conduct either inductive or deductive analyses depending on theoretical orientation (Boyatzis, 1998). In this case, with data based squarely in the raw, lived experience of participants, my approach needed to be data-driven and inductive, rather than framed by pre-determined theoretical criteria. As Guest et al. (2012) point out, thematic analysis is also a useful way of analysing relatively under-researched areas of inquiry, such as this. It was also flexible enough to enable me to look beyond the explicit descriptions given in interviews to consider hidden or latent meanings and identify wider patterns or themes in the data (Aronson, 1994; Braun & Clarke, 2006). This was most pertinent to the critical aspects of this research, for, as well as reflecting described realities, thematic analysis is also useful in revealing hidden layers of ideology and relations of power (Braun & Clarke, 2006). An inductive approach to the analysis of interview data allowed the voices of participants to be

directly represented, and in this I sought to honour participants' lived experience of the MV Rena and their struggle for justice.

Another reason for choosing to analyse the interview data thematically was entirely pragmatic. The accessibility and efficiency of Braun and Clarke's (2006) six-phase process was immediately appealing, especially as I was determined to transcribe the interviews myself (a process I knew would be time consuming but ultimately beneficial in helping me develop an intimate knowledge of the data). Accordingly, following Braun and Clarke (2006), each interview was treated as a complete data set, analysed separately, then all were reviewed as a complete set.

First, I transcribed the interviews. Although this took many weeks, it meant I became very familiar with the data. I learned the voices of the participants, their ethos and the pathos of their expression. I read and reread the transcriptions, and then I began looking for explicit patterns in text and delivery, such as repetition within the data set, intensity, emphatic, un-ignorable use of language, expression or level of concentration, that is, a certain "keyness" (Braun & Clarke, 2006, p. 87), whether something seemed particularly important. Once I had generated an initial list of ideas about what was in the data and what I thought was interesting about them, I started producing initial "codes". That is, those "most basic segment(s), or element(s), of the raw data or information that (could be) assessed in a meaningful way" (Boyatzis, 1998, p. 63). This phase of the analysis involved organising the data into meaningful groups (Tuckett, 2005), and was performed manually, by systematically working through each data set, highlighting and writing notes next to key segments and developing an initial, working set of codes. I coded extensively and inclusively in preparation of the next phase of analysis; sorting the coded data and considering how they might be grouped into overarching themes. As Braun and Clarke (2006) suggested, I used both tables and mind maps to help visually represent my findings. Coding tables were created for each data set with key ideas or significant occurrences marked each time they appeared. This allowed an idea of where the data were falling most regularly and eventually an overarching picture of the main ideas and themes began to emerge. It was at this point, I decided to check my findings against participant's hearing submissions. My purpose in this was to compare what had been expressed publicly with what had been revealed privately in interviews. I wanted to know if the two data sets complemented each other, whether any anomalies existed, and if my initial analysis was also borne out in submissions.

I drew up large mind maps of the coded data, each one illustrating four or five main ideas that linked to and represented the relationship between key words and concepts. As patterns started to emerge, major and minor "candidate themes" (Braun & Clarke, 2006, p.90) were identified.

Then, I began to consider the data more deeply. I looked for implicit meanings, that is, I tried to theorise the significance of the patterns and their broader implications by examining the underlying ideas, assumptions, concepts and ideologies that seemed to shape the explicit content (Boyatzis, 1998; Braun & Clarke, 2006). This was very much a process of definition and refinement in which themes were named, and their "essence" (Braun & Clarke, 2006, p. 92) determined and internal logic considered. For example, there was a clear relationship between the candidate themes such as bureaucratic bungling, malfeasance and negligence and community anger, stress and alienation, but rather than have these as separate themes, their internal relatedness meant they could be grouped under the wider and more appropriate theme of recreancy, a phenomenon that occurs when a community feels they have been let down, or imperilled by government agencies charged with their care and protection (Freudenberg, 2000). Another theme that persisted was that of 'pain', but beneath this rather small and seemingly simple term were layers of emotional and cultural complexity related to people's deep and abiding sense self, identity and connection to place. A more culturally relevant term was needed that incorporated all these elements, and so the Māori word 'mamae' which refers to emotional as well as physical grief, pain or injury was chosen. It is a word which, in this analysis, reflects the special kind of pain that comes from being spiritually, emotionally and physically alienated from places of ancestral significance and is the impetus which propelled tangata whenua to pursue so doggedly that which they considered ultimate justice for Ōtāiti, their ancestors and future generations.

The thematic analysis is intentionally presented first among the data chapters. It represents the wave of emotion and anger present in all the interviews which I found emotionally moving, both as an empathetic researcher and as a former resident of the Bay of Plenty also deeply connected to the place. The data are contextualised by an analytic narrative that draws on studies of other indigenous communities which have also been significantly impacted by technological environmental disaster, then the data are considered in terms of their culturally unique emotional responses. By placing this chapter first, it is intended that readers become aware of the pain of the affected communities. This intensity of emotion was present throughout interviews, the resource consent hearing and its aftermath and, to honour the passion of those advocating for the environmental and cultural integrity, is the motivating factor of this research.

Archival data: evidence, submissions and technical reports

There was no shortage of publicly available information pertaining to the MV Rena's grounding, clean-up and resource consent processes, most of which was available online. Official

websites included those administered by the vessel's owner and insurers, the New Zealand Government and the Bay of Plenty Regional Council. Such was the national interest in the owner's application for resource consent that the Regional Council set up the website, www.renaresourceconsent.org.nz on which all information pertaining to the hearing was posted. The material that was uploaded included all the scientific and technical reports that were commissioned by the owner, the Government and Regional Council, as well as all public submissions. Memoranda, scheduling details and each day's proceedings were also uploaded. Cumulatively, this represented a vast and varied formal archive of discourse on which to draw. However, the sheer volume of written material, its multiple viewpoints and technical complexity presented certain challenges, and a way to approach and organise it all had to be established before any attempt at analysis began.

A worldview approach

Dryzek's (2013) method of categorising discourses on the environment according to worldview presented a useful macro-level orientation in this regard. Taking a social constructionist approach, Dryzek argues that people make sense of their environments through discourse or "shared ways of apprehending the world" (2013, p. v). Adherents to certain kinds of environmental discourses recognise certain ontologies and assumptions about the way the world works, often to the detriment of others, and use language in particular ways in their narratives and descriptions of environmental events. Once naturalised in the rules of a certain discourse, he argues, it is very difficult to comprehend or recognise the validity of others or move between them. This is where issues of contestation come into play, for what seems 'natural' and obvious about the way the world works from one perspective may seem anathema from another.

The application of the 'perspective' logic to the discursive construction of the resource consent hearing suggested that the data could be organised according to the orders of discourse present. Thus, data espousing a scientific or technical perspective of the environment and the MV Rena were grouped under the 'Scientific worldview'. Data advocating an organisational perspective were grouped under the 'Owner's worldview', and that espousing traditional Māori perspectives, under the 'Tangata whenua worldview'. Thus grouped, the data now represented three basic categories of discourse considered as forms of narrative that enabled "stories" (Dryzek, 2013, p. 9) about the environment to be told. In order to understand how and why these stories developed as they did within the context of the resource consent hearing, the following questions, devised by Dryzek (2013) for the purposes of his model, were applied to each set:

What are the basic entities whose existence is recognised or constructed in this perspective?
Here, the underpinning ontology of the discourse is considered. Questioning included what was recognised as true, real or essential from the perspectives of these discourses. For instance, I questioned whether and how ecosystems were recognised and whether the environment was valued intrinsically or only in so far as it supported and benefitted human life.

What are the fundamental assumptions that underpin this perspective?
At issue in this question are certain assumptions about natural relationships and the place of human beings in the natural world, including, what subscribers to a certain perspective consider to be the 'nature' of nature and whether humans are considered part of the natural world or somehow set above it due to their ability to reason.

Who has agency and what are their motives?
Discourses require actors whose agency is recognised and who construct narratives or storylines (Dryzek, 2013) that, by virtue of their own internal rationality, are both plausible and coherent (Fisher, 1987; 1994). In environmental discourses such actors may be individual or collective, human or non-human. For example, in some environmental discourses, such as those relating to indigenous ontologies and epistemologies, deities have agency because they can effect change (Dryzek, 2013). All those who participate in discursive deliberative processes, such as resource consent hearings, have some level of agency depending on the power of their position and arguments. In the context of resource management, this includes government agents, applicants to resource consents, and those acting on their behalf such as scientists, technical experts and public submitters who have an interest in the issue.

What key metaphors and rhetorical devices are employed in the discourse?
The power of a discourse relies, partly, on the strength and coherence of its narrative rationality (Fisher, 1987; 1994), internal coherence, use of shared language, rhetoric and symbolic devices such as metaphors. In the contexts of law and environmental hearings, rhetorical devices are strategically and persuasively employed to influence decision-making (Forret, 1998). Appeals are made to logic, ethics and emotion (Higgins & Walker, 2012), metaphors are employed to portray situations in a certain light and narratives, and stories told that exemplify traditional values and practices (Fraser, 2001). Accordingly, the discourses are analysed to identify what linguistic features are shared and their effects.

Dryzek's (2013) framework allowed for a flexible, transdisciplinary approach to the data, where the literature, theories and methods related to natural and social sciences[6], crisis management and corporate apologies[7], indigenous ontologies, epistemologies, social life and customs[8] were critically analysed. Not only did this approach provide a thorough understanding of the assumptions and motivations underpinning the discourse related to each data set, it acted as a springboard into deeper critical analyses using different methods of textually oriented discourse analysis[9]. This facilitated an exhaustive critical appreciation of how the Western discourses of science, technology and organisational rhetoric work together to marginalise other worldviews that do not conform to their rationalities (Fisher, 1987; Goulet, 1993).

As Dryzek (2013) points out, environmental discourses, and especially those to do with impact assessment and carried out under the auspices of environmental management, represent the meeting place of ecological and human social systems. Independently these are two very complex discourses, and their intersection often adds layers of complexity to already multidimensional and contested situations. Moreover, the more plausible perspectives there are on a situation and the more coherent the internal narrative rationality of their arguments, the harder it is to prove any one wrong in absolute terms (Fisher, 1987; Goulet, 1993; Dryzek, 2013). This makes the job of those charged with adjudicating environmental decisions in which the competing interests are framed by duelling depictions of the natural world very difficult (Carbaugh, 2001; Forret, 1998, Goulet, 1993).

The discourse of tangata whenua

A corpus of tangata whenua discourse was derived from submissions to the resource consent hearing and cultural impact statements written as part of the Long-term Environmental Recovery Plan. This formed a rich and comprehensive data set to which Dryzek's (2013) questions could be applied. First, underpinning assumptions and their associated ideas about human-nature relationships were considered to reveal traditional frameworks of Māori epistemology. Then, basic entities recognised as fundamental, constructed and reified in traditional discourses were identified and acknowledged. The third section addresses concepts of agency, who has it and

[6] See Chibbaro et al., 2014; Craig, 1990; Karami et al., 2017; Mazzochi, 2006; 2008; Saaty, 2008; Schiel et al., 2016; Taylor & Mackay, 2016; Taylor et al., 2004; Vanclay et al., 2015.
[7] See Benoit, 1997; Benoit & Drew, 1997; Cheney et al. 2012; Higgins & Walker, 2012; Kleefeld, 2007; Koehn, 2013; Koons, 2017; Kritzer, 2009.
[8] See Cheung, 2008; Durie, 2010; Fa'aui et al, 2017; Harmsworth, 2005; Harmsworth & Awatere, 2013; Hiroa, 1910; Irons Magallanes, 2015; Jollands & Harmsworth, 2007; Kawharu, 2000; Marsden, 1992; Mead, 2016; Metge, 1986; Patterson, 1992; Rameka, 2016; 2018; Sachdev, 1990; Williams & Henare, 2009.
[9] See Dryzek, 2013; Fairclough, 1992; Burke, 1969; Cheney, 1983; Cheney et al., 2013; Higgins & Walker, 2012; Koehn, 2013.

how it is recognised both within the traditional social structures of the Māori worldview and official discourses on the MV Rena. The fourth and final section concerns the use of traditional and culturally-specific rhetorical devices, narrative forms and persuasive appeals that establish identity, connection to and authority over place.

The discourse of scientists and technical experts

Analysis of the technical impact assessment documents was conducted in a roughly chronological order that mirrored their presentation to the hearing and the internal hierarchy of scientific disciplines operating within the assessment process. Thus, reports concerning eco-toxicity were considered first because the subsequent reports drew on and linked to these in various interdiscursive and intertextual ways. Then, due to the premise that social and cultural recovery would naturally follow on from ecological recovery of the reef, the social impact assessment and cultural impact assessments were closely considered. Thus, the owner's cultural impact assessment is analysed following Fairclough's (1992) model of critical discourse analysis. Fairclough mandates close reading of the text that pays attention to aspects of intertextuality and interdiscursivity, lexical choices, grammatical devices and subject positioning. This text was chosen for such attention because I wanted to juxtapose an objective, scientific interpretation of cultural effects with the subjective accounts contained in public submissions and participant interviews and which came to represent tangata whenua perspectives (as seen in Chapters four and five).

The discourse of the owner's and insurer's representatives

The submissions related to the owner and insurer's perspective are considered data representative of an organisational perspective and analysed in terms of organisational rhetoric and apologia set within a legal context (Benoit, 1997; Cheney et al, 2013; Higgins & Walker, 2012; Kleefeld, 2007; Koen 2013; Kritzer, 2009). A rhetorical approach is warranted because, as Kritzer (2009) points out:

> although we like to think of the courtroom as a setting where we seek truth and justice, in reality (it) is fundamentally a world where the art of persuasion is paramount. Evidence, both technical and nontechnical is presented to persuade. (p. 43)

This research considers the context of the MV Rena resource consent hearing similarly. For, it is in this essentially adversarial and competitive legal context that the economic benefits and 'disbenefits' of environmental decision-making are adjudicated and distributed, and 'just' or, at least, 'sustainable' decisions are sought as per the Resource Management Act 1991.

In legal contexts (and most others), organisational actors are motivated by self-interest, act strategically (Cheney et al., 2012; Higgins & Walker, 2012) and argue persuasively in ways considered rational within discourse of their specialisation to convince decision-makers that their perspective is the most correct and reasonable version of reality (Kritzer, 2009). Their arguments are based on reasoning provided by paid technical experts, whose findings, especially in environmental contexts, are often based on technical uncertainties, imperfect or theoretical knowledge. Nevertheless, organisational agents present partisan interpretations of such facts and, through the logic of persuasive argument and rhetoric, attempt to convince decision-makers that their perspective is the best and that those who do not agree with their presentation of the facts are both irrational and unreasonable (Kritzer, 2009).

Thus, rhetorical analysis was identified as the most appropriate method with which to approach the corpus of data related to the owner's perspective. I felt this would both complement and reinforce the critical discourse analysis undertaken with the technical reports. As Cheney et al. (2012) point out, where critical discourse analysis identifies issues of power, a rhetorical approach deals with the often-concomitant presence of strategy, influence and persuasion. A Burkean (1969) notion of rhetoric is adopted, where the concept is defined as the "use of words by human agents to form attitudes or to induce actions in other human agents" (p. 41) and is considered almost synonymous with persuasion. Thus, an analysis of persuasive language, symbols and strategies was undertaken to reveal arguments structured according to Aristotelian rhetoric. This includes direct appeals to ethos (credibility), logos (reason) and pathos (emotion) (Higgins & Walker, 2012; Koehn, 2013) in the intentional and strategic construction of ethical, credible and trustworthy organisational personas (Cheney, 1983).

This research also analyses the elements of apology present in the hearing statement of Konstantinos Zacharatos, the MV Rena owner's official representative, its persuasive effect and the role the apology plays in the rhetorical construction of an ethical and trustworthy organisational persona (Kleefeld, 2013; Koehn, 2013). Research has shown that what an organisation says and does in the aftermath of a crisis caused by one of its employees affects its corporate reputation (Coombs & Holladay, 1996). Benoit (1995) and Benoit & Drew (1997) argue that the behaviour of an organisation and the conduct of its representatives is pivotal to how it will be perceived both during and after the crisis and recommend the use of apology as the best response to organisational misdemeanours. However, to be believable and effective, apologies need to be something more than an automatic lip-service type of response. As Tavuchis (1991) points out, apologies, while by nature "mundane" (p. 1), represent "mysteriously potent,

symbolic act(s)" (p. 2) that, to be effective, need to go beyond a ritualistic and "hurried 'sorry'" (p. 2) in their healing of social rifts and transgressions. Certainly, in the context of this research, the formal official apology for the grounding given by Zacharatos on behalf of Costamare Inc and Daina Shipping was a long-awaited, significant and strategic communicative event. How it was delivered and received by his audience set the tone for the extensive community consultation and engagement programme that followed, and which was widely touted as an unprecedented success. Accordingly, Zacharatos, his apology and purposeful self-construction as a credible and trustworthy agent of an ethical organisation features strongly in the analysis of the owner's perspective. A rhetorical analysis of the apology acts as a springboard into a wider consideration of Zacharatos' use of ethos and pathos in arguing that Costamare had acted ethically and honourably in all issues regarding the MV Rena, and that this should weigh in their favour when making a decision on the application for consent.

Koehn's (2013) Aristotelian approach to identifying elements of "ethically good" and "authentic corporate apologies" (p. 245) is most useful in this regard. He identifies the strategic goal (telos) of the apology as restoring trust between the organisation and its respective publics, then analyses the apology in terms of first, its logical elements (logos), the reason for the apology; the establishment of speaker ethos, that is, the conveyance of a settled, prudent and just organisational character. Thirdly, the pathos of the apology is considered, that is, the amount of empathy generated between the organisational agent and his audience and how this is achieved.

Strategies of persuasion are also analysed in the evidence and submissions made by John Owen, Senior Claims Manager and representative for The Swedish Club, the owner's insurance company. Although the two men worked closely throughout the Rena saga, Owen's rhetoric, in line with his role as insurance representative, was financially oriented, logos-heavy and pathos-light. To extend the critical analysis applied to the owner's perspective, Cheney et al's (2012) identification of common organisational rhetorical and discursive strategies[10] was applied, together with the identification of specific types of legal reasoning and metaphor.

Conclusion

This chapter presented the research problem and three interrelated questions that guided the research and analysis. It also set out the methodological orientation of this research, namely, critical discourse analysis. It has discussed different understandings of the term 'discourse' and

[10] These include: identification, differentiation, strategic ambiguity, minimising an issue, enhancement and bolstering, expansion and exclusion

its role in social processes and institutions, by way of Harvey (1996), Fairclough (1989, 1992, 1995, 2003; 2012a; 2012b; Chouliaraki & Fairclough, 1999; Chiapello & Fairclough, 2002) and Dryzek (2013). It has also set out the methods by which a corpus of data was acquired (through the Bay of Plenty Regional Council archives and participant interviews), how the data was handled, and how the analysis was conducted using various critical disciplinary approaches, rhetorical, thematic, and textual analysis where necessary.

Chapter 4
Localised Damage, but Pain Everywhere

Overview

This data chapter deals with the anger, pain, and blame that arose in the communities affected by the MV Rena disaster. Of all the data chapters, it is presented first because a) it represents the raw human response to the grounding that I first encountered as a researcher new to the topic and b) as a thematic analysis of data, it sets the scene for the worldview analysis that follows in subsequent chapters. It shows that while the grounding and the environmental damage occurred in the physical world, even after four years had passed and some mitigation of environmental damage had occurred, the effects of the disaster were still strongly felt. The chapter is divided into three main themes: first, the communities' sense that the government and its agents acted recreantly (Freudenberg, 2000) at every point leading up to and following the disaster; second, the impact of the grounding upon the spiritual concept of mauri and the issue of its measurement and restoration; and third, the culturally-specific personal and collective grief experienced by mana whenua as a result of the grounding.

Recreancy

Following Freudenberg (2000), I have chosen 'recreancy' as the umbrella term under which to examine the attributions of negligence, incompetence, complicity and deception which were made against the government and its institutions in the aftermath of the Rena grounding. In disaster research, the term 'recreancy' is used to describe the idea that experts or specialised organisations have failed to properly execute the responsibilities with which they have been entrusted (Freudenberg, 2000; Gill & Picou, 1998). When communities believe that recreancy has occurred, the belief is frequently coupled with anger, frustration and even hatred (Freudenberg, 2000). All these emotions were present, in one way or another, when I interviewed my participants. The accusations that were made against the government and its institutions ranged from mere lackadaisical unpreparedness and neglect to incompetence, complicity, secrecy and even treason.

Ritchie et al., (2013) and Gill et al., (2012) contend that when communities feel that officials have been incompetent, the ensuing feelings of frustration, anger, alienation and stress can become deep-seated and permanent. In fact, when victims realise a disaster is the result of institutional malfeasance, (in)action or corporate greed, they may not direct anger and blame towards the individuals who were the immediate cause of the disaster (Edelstein, 2004). Instead, it is not uncommon for the victims of disaster to attribute the responsibility to officials who were likely at some considerable remove from the unfolding events. This 'blame behaviour' may be accompanied by a shift in individuals' and collectives' worldviews and core assumptions about how society works. For instance, notions of governmental, institutional and corporate responsibility may be challenged, and communities and individuals may stop believing that governments act in the best interests of their citizens or that agencies and corporations will act ethically and responsibly to fulfil the roles expected of them (Edelstein, 2004). If such fundamental beliefs about how society works are sufficiently threatened, doubt may be cast on the legitimacy of government, owner and insurer representatives before, during and after a disastrous event (Erikson, 1994, 2006, 2017; Freudenberg, 2000). Erikson (1994) asserts that the long-term trauma of the sort that communities suffer enduring a disaster can diminish confidence in the structures of human society, such as family and community, the government, its institutions and social systems, which are "the larger logics by which humanity lives" (p. 242). In fact, research shows that the event of a disaster itself may not necessarily cause the most stress and damage to communities (Edelstein, 2004; Freudenberg & Jones, 1991; Ritchie et al., 2013). Instead, the most powerful cause of long-held stress is likely to be any actions during and after the event that are taken as denying the agency of local people or the legitimacy of their anger and claims for reparation.

Regardless of the intellectual position my participants held in relation to the grounding, their emotional reaction to the situation was similar: all expressed a deep level of disappointment with the governmental and institutional management of the disaster. In fact, even though four years has passed since the grounding, when I conducted the interviews, participants' emotional pain was still palpably raw, echoing, to some extent, the finding of Gill & Picou (1998) and Gill et al. (2012) that perceptions of recreancy contribute significantly to chronic stress in communities. The interviews I conducted about the Rena grounding were marked by the kind of intense emotion that characterises people living with a sense that recreancy has occurred.

Scholars of disaster research believe that natural disasters cause less community disruption and chronic psychological stress than do disasters caused by human error or negligence (Gill & Picou,

1998). Victims of a natural disaster are more likely to attribute cause to a higher power, or to some natural process outside human control. Of course, no disaster, natural or not, is ever agreed to by its victims, but when a disaster is caused by carelessness or the failure of technology, trauma and stress are increased, because there is an inherent sense of the unfairness of becoming involuntary victims. In the case of human cause, there can be a further stressor from conflict about the moral and legal aspects of placing the responsibility for clean-up and reparation correctly. Further, becoming an involuntary victim of another person's error makes disasters more difficult to accept and rationalise (Edelstein, 2004).

In the case of the MV Rena, prosecutions of the ship's master, second mate and Daina Shipping Company were sought and achieved. However, over and above this initial level of individual responsibility, my participants identified the government and its agencies as being recreant in the cause of the grounding and in controversial aspects of the clean-up and compensation. The people I interviewed agreed that although Maritime New Zealand did not actually drive the ship into Ōtāiti, the organisation administered flawed maritime legislation that allowed the grounding to happen. Three main areas of criticism existed: first, that Maritime New Zealand was negligent for not enforcing mandatory shipping lanes in and out of the Port of Tauranga and for not staying up-to-date with international trends in maritime legislation; second, that Maritime New Zealand was incompetent because it failed to use the few days of fine weather immediately after the grounding to begin removing oil from the ship and also, was reluctant to allow the public to help in the clean-ups; third, that the Government was perceived as deliberately trying to deceive both Māori and the wider public by circumventing Treaty of Waitangi principles and entering into secret agreements with the insurers.

As Edelstein (2004) points out, blame for technological disasters often extends beyond the parties immediately responsible for causing the disaster to include those responsible for the protection of the public, limitation of damage and remediation in the aftermath. This is especially evident in the case of the MV Rena. My participants did not focus blame on the two men directly responsible for the grounding, but instead directed their anger towards the government and its agencies by placing the event in the much wider context of post-colonialism and the global capitalist system. For instance, the determination of the master of the Rena to meet a deadline imposed by the Port of Tauranga led to a series of poor navigational decisions that resulted in the grounding. The master and the second mate then falsified the records to conceal their errors. Both men received a seven-month jail sentence for a number of charges including operating a ship in a manner causing unnecessary danger or risk to persons and property (Morton, 2012).

However, although there was strong community anger at the grounding, it was not directed towards the two mariners. In fact, the following excerpt from an interview with an influential iwi representative shows empathy for the guilty parties, together with some recognition of their role as both players and victims in a wider capitalist system. "What happened was when they left Hastings, that port rang them and said if you don't get that ship in here by 9 o'clock, you'll be charged $1,500," (Personal communication, October 22, 2015). The participant goes on to talk about the threat of financial penalty, explaining the errors of the ship's master as understandable and fixing the blame for them firmly on "the prick at the wharf" who threatened him. This participant sees the Port of Tauranga, with its unreasonable timetable and impatient employee, as the real villain.

In their study of recreancy and the Exxon Valdez disaster, Ritchie et al. (2013) point out the tendency of disaster victims to focus on institutional failure rather than on any one individual, and a similar pattern was evident in the Rena disaster. This is shown in the following excerpt taken from the Victim Impact Statement of Maketū (Te Arawa) (Hinemoana Associates, n.d.), which was prepared for a marae justice hui to confront the ship's master and mate responsible for the grounding at Tahuwhakatiki Marae in April 2012. The author states:

> We are pleased that the Captain and First Mate took ownership of their mistakes. We recognise that this was an accident and we wish to not inflict any further blame or persecution towards the Captain, First Mate and their families. We recognise that in the scheme of things, they are only a small part of this catastrophe and are easy targets… these men have families who depend on them. (p. 98)

Here, the men's admission of guilt and the unintentional nature of the event is acknowledged. This contrasts with participants' descriptions of the New Zealand government's actions as negligent, almost reckless in not keeping abreast of international maritime laws. The men's place in a wider whanau, and the effect the grounding will have on their lives, is also pointed out. Again, the men are portrayed as powerless subjects within a wider system. The speaker goes on to describe past Government environmental policies as being more harmful to the community and the environment than the Rena grounding, an example of how past issues frame, contextualise and influence perceptions of recreancy in the present (Edelstein, 2004; Kroll-Smith & Couch, 2009) as follows:

> For Maketū, the diversion of the Kaituna River out through the Te Tumu cut has been a worse environmental disaster. The NZ Government did that to us, but they have not pleaded guilty or offered a remedy or restoration and it's ironic that they can put so much blame on these two men. (Hinemoana Associates, n.d. p. 23)

Here, the Government and its agencies are perceived as the primary recreants, and the speaker's knowledge of the Government's poor decision-making based on ongoing lived experience.

Another iwi representative states the same point more forcefully. Here, he refers to the ship owner's attitude towards the negotiation of mitigation packages for cultural harm inflicted on local iwi, "You didn't mitigate shit by jailing that poor man and I'll stand up in court and I will smash you over it. And it will be the first time you are beaten by an unqualified Māori boy from the street," (Personal communication, October 22, 2015). The anger is powerful and the language is violent. The conversation has shifted from the appropriateness of a jail sentence to a personalised attack based on class and race. Once again, the conversation is not so much about the master and mate as about power and inequality, and the perception of a much wider social malaise.

For this participant, the grounding is experienced as a traumatic event that feels removed from his 'real' life, something like watching the 9/11 terrorist attacks unfold on television, and which he describes in the following:

> …when I saw the Rena on TV, I thought I was watching the news about Australia, the Caribbean or whatever – like, when I saw the first shot of an aeroplane hit the twin towers, I thought I was watching a Bruce Willis movie…. And it was the same thing when the Rena hit". (Personal communication, October 22, 2015)

This participant experiences a shift in perception. The reality he experiences is so abhorrent and traumatic, it becomes unreal, like a movie or a news report about an event taking place elsewhere, in another country but certainly not in New Zealand. He continues:

> When I realised it was our coast, I climbed up on the roof and looked across…one of the first people who came to mind was John Key[11] – you're responsible for that, you bastard – no shipping lanes – and the Port of Tauranga. (Personal communication, October 22, 2015)

For this participant, the grounding is just as horrifying as an act of terrorism: his homeland has been attacked and a taonga defiled. However, instead of blaming the people driving the ship, he immediately lays responsibility at the feet of the Prime Minister for not keeping the nation safe from 'attack'. He sees fault in the 'system' and those who maintain it: the government and its leader.

[11] Prime Minister and leader of the New Zealand National Party at the time of the grounding.

A main aspect of the locals' perception of recreancy was that seemingly simple measures to prevent disaster were not in place. One such measure would have been the imposition of mandatory shipping lanes to prohibit ships from taking the shortcut past Mōtītī Island and Ōtāiti on the way to the Port of Tauranga, which led to the perception that the route past Ōtāiti was an accident waiting to happen. As one participant said, "I knew this was going to happen one day," (Personal communication, October 22, 2015). Although the cultural impact reports written for the Long-term Environmental Recovery Plan advocated mandatory shipping lanes for large commercial vessels to make passage in and out of Tauranga harbour safer (Ngāi Te Hapu, n.d.), the lanes have not been imposed. As a result, one submitter to the hearing concluded that government institutions are not only incompetent, but are also arrogant in ignoring an obvious and sensible solution, as follows:

> We think that there should be dedicated safe shipping lanes… the penalties for not staying in the lane should be severe. Despite our asking for this really sensible suggestion to be put in place, it has apparently found no favour with the government and Maritime New Zealand continues to ignore us. (Submission 17)

Perceptions of the incompetence of Maritime New Zealand developed early, persisted and became enmeshed in a theory of collusion between government agencies and the Rena owners. The grounding was followed by five days of fine weather which, according to some participants (Personal communication, 28th October, 2015), should have been used to remove either the ship or some of the oil and cargo before predicted bad weather arrived (Schiel, Ross, & Battershill, 2016). Edelstein (2004) recognises the stubborn persistence of perceptions formed in the early days of an event, even in the face of new and contradictory evidence revealed later. Indeed, participants were still referring to Maritime New Zealand's failure to remove the ship, cargo and oil at the resource consent hearing four years after the grounding, despite repeated assurances that everything possible had been done by Maritime New Zealand and the salvors given both the weather conditions and the unstable state of the ship. The blame directed at the government was ongoing, as a representative of Mōtītī Island showed. He spoke of the "fat cat bureaucrats" in Maritime New Zealand, and what he thought of as ministerial lethargy which both compounded the pollution disaster and also became part of a cover-up of general administrative incompetence, saying:

> I've been so underwhelmed by the effort that they have made. They could have got that oil much earlier if they'd got off their bloody fat bums in Wellington, got up here straight away and organised to have that oil taken off. 'Cos they had a perfect window of… fine weather to get in and do something. (Personal communication, October 28th, 2015)

The public perception that Maritime New Zealand was not doing all it could, or should, to remove the oil and cargo was exacerbated when oil and debris began to appear on the beaches, and matters worsened when the public was banned from cleaning the beaches. In fact, it was a concern for public safety that led to the ban, but the caution was not appreciated for what it was, and instead was seen as incompetence and unpreparedness. The co-ordinator of the volunteer beach clean-up operation describes the public's reaction:

> The message to the public had been stay off the beaches, stay off the beaches. And the public were really, really angry… The local people's message was unequivocal – these are our beaches, you're not going to keep us off there. (Personal communication, October 23, 2015)

The public's deep sense of connection with the beach environment is evident in the use of the possessive "our" rather than the impersonal definite article. The word reflects the hurt and pain of people in seeing "their" beaches disastrously polluted and an overwhelming desire to connect with, clean and heal their environment. These sentiments were also expressed by Ngāti Ranginui's iwi representative. He refers to angry words and insults directed by some members of the public towards the surf club patrols employed by Maritime New Zealand to warn people away, saying:

> I knew what happened with the Rena – our people getting on the beaches – you're never going to stop Māori getting down there. They weren't going to listen to the authorities. (Personal communication, October 22, 2015)

Barring people from the beaches created tension between the public and the volunteer surf lifesaving club. As the coordinator of the beach clean-ups put it:

> The clubs – they rely heavily on the goodwill of people to give them donations so they can operate and also their whole education programmes… they were finding themselves in the role of police, really. Having to tell people, 'no, you've got to get off the beach'… [it] was affecting their relationships and they didn't want to carry on that way. They said very clearly to me, 'look we're not going to continue to deliver that message'. (Personal communication, October 23, 2015)

The matter of allowing the public to enter the beaches became a political issue, and under increasing local and national government pressure to engage with the hurt and angry public, Maritime New Zealand eventually agreed to allow volunteers to clean the beaches. Despite Maritime New Zealand's initial fears and hesitation, the volunteer programme soon became a

lauded success: levels of community participation were unprecedented. Māori led the way through mātauranga Māori, sharing culturally appropriate cleaning techniques and alerting volunteers and authorities to culturally significant or tapu areas that should be avoided or treated with special care. Working together heightened the sense of community, while being active and working in ways that produced tangible and visible results helped heal the public's trauma and distress (Personal communications, October 22 & 23, 2015). The volunteer clean-up became an important and significant aspect of environmental, social and psychological recovery. However, it had taken vehement action by the people before Maritime New Zealand allowed them to participate, and this official reluctance fed the public perception that the government agencies did not know what they were doing, were unprepared and not to be trusted.

Another reason that the local communities took the view that Maritime New Zealand and the government were incompetent and negligent was because they had refused to ratify various international conventions which, had they been in place, would have strengthened the position of the government, iwi, and business groups when they were negotiating for the removal of the wreck, realistic compensation, and for the financial losses caused by the grounding, debris and oil spill. The following participant was a member of the Business Action Group which represented businesses whose livelihoods had been destroyed or affected by the grounding. He describes with anger the retention of out-dated and inadequate limited liability legislation as part of the Marine Transport Act 1994:

> New Zealand had this limitation fund which meant that any compensation that the insurers had to pay for loss of business or cost to New Zealand was limited; a total failure on behalf of New Zealand law. In today's world, having limitation[12] is crazy. It's based back in the 1800's and it's retarded. Absolutely stupid that we even consider it. (Personal communication, October 10, 2015)

This view is echoed by a representative of Mōtītī Island who said, "There's a refusal to acknowledge that the laws governing the movement of shipping around the New Zealand coastline are inadequate for circumstances such as this," (Personal communication, October 28th, 2015). For this participant, the maritime laws are quite inadequate, and the government has been recreant by not acceding to international treaties that would insulate citizens from disaster. Another participant said, "It's John Key's fault for not signing that international treaty. The

[12] limited liability legislation

reason being it costs ships more to come here, so countries that sign that treaty get less shipping – all economics," (Personal communication, October 22, 2015).

Here, it is clear that anger and blame are directed away from the immediate event towards prevalent social, economic and political systems, wherein the government's motivation is criticised:

> I know we are reliant on shipping because we're at the bottom of the world to get all our stuff to other markets, but it doesn't mean we should abrogate our responsibilities to the environment. (Personal communication, October 28, 2015)

Both participants recognise New Zealand's rather small place in the global capitalist system but point out that promoting economic benefits over environmental and social concerns is a false economy. They pointed to the Crown's "negligent" failure to ratify the Nairobi Convention for the Removal of Wrecks 2007[13] as one reason why it might have felt pressured into entering the secret and controversial Wreck Removal Deed. As one participant put it:

> The Crown was and probably still is afraid that these people will just walk away and leave the entire mess and so I think that was one of the reasons for getting into confidential agreements with them early in the piece. (Personal communication, October 28, 2015)

Eventually, a resource consent hearing was set in place to deal with the issues of wreck abandonment, management of environmental effects and costs. At the hearing, the applicant was represented by the insurer of the MV Rena, The Swedish Club. One of the Club's principal arguments was that the wreck should be left on the reef because the cost of removal was disproportionate to the hazard it presented. The MV Rena is one of the most expensive maritime salvage operations in history. At a cost of nearly US$430 million (Hearing statement 43), it is second only to the salvage of the Costa Concordia off the Italian island of Giglio (US$2 billion). For parties opposed to the application, the success of Italian authorities in insisting the Costa Concordia was removed in one piece despite the cost (Italy: Costa Concordia Wreck Removal Plan Presented, 2012) contrasted painfully with the New Zealand government's failure to achieve the same result with the MV Rena.

[13] The Nairobi International Convention on the Removal of Wrecks, 2007, was ratified and adopted in 2007 by 41 nation states (excluding New Zealand). It provides the legal basis for states to remove, or have removed at the expense of the shipowner, wrecks that have the potential to adversely the safety of lives, goods and property at sea, as well as the marine environment (International Maritime Organization, 2019).

At this point, the anger of locals became intense. The need for full removal of the wreck was obvious for most of the iwi and hapū along the Bay of Plenty coastline: "If you make a mess, clean it up. What's so hard about that?" (Personal communication, December 16, 2015). Another participant said:

> The owner is totally responsible for doing that (that is, removing the ship), which was the case with Costa Concordia. There's no ifs buts or whatever. You know, take it away! But for some reason there's a refusal by Maritime New Zealand in particular and the Minister to acknowledge that that's the case, and what should be done. (Personal communication, October 28, 2015)

Another participant also sees general inadequacy on the part of the government, arguing that:

> This is all because our Government's incompetent! This never had to happen. If the government had just stood up and said, this is what you're doing, this is when it's going to happen by. Done. That's all. That would have taken a little bit of backbone. Not a problem! (Personal communication, October 10, 2015)

The sense that the government had let the people down crystallised into theories of complicity, "Useless! In our opinion, they've been so blatant in their support for the owners and insurers right from day one," (Personal communication, October 28, 2015). These comments all point to a generally held belief in an early and enduring complicity between the Government and the insurance company to achieve the cheapest 'solution' rather than environmental and social well-being. The belief endures, despite a four-year-long public relations initiative aimed at convincing Māori and the wider public that removal of the wreck was unnecessary. One participant said what many believed, "When it all comes down to it – we all know it's about money," (Personal communication, October 23, 2015).

Perhaps the strongest opinion about the government's perceived collusion with the owners and the insurers was expressed in the simple, but ugly, word "treason". For this participant, the government's behaviour can be understood in no other way:

> If we did have proper treason laws, whoever came up with that deal (the Wreck Removal Deed) would be charged with at least corruption. 'Cause you speak to anyone overseas in Greece or London in the shipping industry and the only explanation they can come up with for making a deal like that is corruption. They cannot believe someone would be so incompetent as to come up with a deal like that. And they're right! It's already been shown they've broken the principles of the Treaty of Waitangi, they've broken New Zealand law, broken international conventions and they've let the insurers off hundreds of millions of dollars. (Personal communication, October 10, 2015)

In his submission to the hearing, the same participant describes perceptions of the government's handling of the situation shared with him by other Greek ship owners in Athens thus:

> The word was that they (the Rena's insurers) were finding the local officials and Government extremely incompetent and very easy to manipulate to serve the insurers' interest. The general words used to describe Maritime New Zealand and the local bodies were "incompetent," "stupid," and "corrupt" and from a ship owner that feels the wreck should be removed, "treasonous". They also said that our officials make the Greek Government look competent. (Personal communication, October 10, 2015)

For this participant, the exposure of governmental incompetence to outsiders is especially painful because they disrupt our ideas of self-identity (Edelstein, 2004), of our place in the world and of how other nations perceive us as New Zealanders – that is, our sense of national pride and identity.

It is a fact that the Crown entered confidential negotiations with the owners and insurers of the Rena very soon after the disaster, while the initial cleaning of the beaches was still taking place. Three related deeds of settlement were signed: the Claims Deed, the Indemnity Deed and the Wreck Removal Deed. The Claims Deed settled the Crown's claims against the owners for $NZ27.6 million. Through the Indemnity Deed, the Crown agreed to indemnify the owners against public and local government claims up to $NZ38 million. The Wreck Removal Deed required the Crown to consider the owner's application for resource consent to abandon the wreck. If the Crown did not oppose the application, and the application was granted, the owners would pay the Crown $NZ10.4 million dollars. A similar deed also obliged Bay of Plenty Regional Council to consider support (Waitangi Tribunal, 2013).

These negotiations took place in secret, and local iwi were not invited, which particularly angered tangata whenua. All governments of Aotearoa New Zealand are obliged to consider the principles of the Treaty of Waitangi and act in partnership and good faith with Māori relating to taonga, lands and water, and the exercise of tino rangatiratanga. The local citizens expected the Government to enable them to participate as partners and the lack of consultation was a source of hurt and anger. When iwi learned of the Crown's secret dealings, they appealed to the Waitangi Tribunal, and the subsequent report from the Tribunal showed that consultation was a wholesale failure on the part of the Crown to uphold Treaty principles. Moreover, the Tribunal found the Crown's actions were likely to prejudice the resource consent application in favour of the claimants. It made a number of recommendations to help remedy this bias (Waitangi Tribunal, 2013).

The Crown took this criticism seriously, provided funds to help iwi oppose the application and commissioned experts to compile independent reports and advice. The Crown also had a significant presence as submitter at the resource consent hearing. However, the Crown's poor initial efforts at consultation, exclusion of Māori and secret meetings with the owner and its representatives exacerbated pre-existing issues of mistrust and created new feelings of deception and abandonment, as explained in the following:

> It's the nature of that kind of consultation and confidentiality without any reference to us, which is upsetting for us because it runs counter to everything we know about Treaty principles and that kind of thing, right? (Personal communication, October 28, 2015)

Another participant describes how the government seriously overstepped its mandate in signing the Wreck Removal Deed. By denying Māori a voice in the guardianship of a taonga, the government negated the rangatiratanga of the five iwi, and reduced their mana. He states:

> The Government had no right to sign that (the Wreck Removal Deed) on behalf of the Crown and iwi. They might have been able to do it as Government, but they certainly couldn't do it on behalf of iwi. (Personal communication, October 23, 2015)

The lack of good faith and consultation on behalf of the government was more than an interpersonal slight. Rather, it cut to the core of the Māori-Pakeha relationship, reminding people that there had been problems of trust, honour and respect since the signing of the Treaty of Waitangi. From this perspective, the relationship between the Crown and iwi in the Bay of Plenty was damaged as expressed by the following participant:

> It was actually the bureaucracy that brought on the mental and physical barriers to dealing with the ship. The New Zealand government was the worst because they weren't doing Jack and had done double deals behind scenes from day dot. (Personal communication, October 22, 2015)

One of the effects of the government's actions was to make the removal of the wreck a minority 'Māori' issue rather than one of national interest, so local distress was increased because the Government was perceived to be working against Māori in the protection of their taonga. An already difficult situation was exacerbated, resulting in a feeling that the government favoured the interests of outsiders over those of its citizens. Iwi felt aggrieved that they had to suffer years of stress and expense to fight a resource consent application that, in the minds of the affected communities, should never have been considered in the first place.

Interview participants described a deep and serious sense of betrayal by the government and its agencies. They perceived negligence, incompetence and inaction, complicity, deception and secrecy. For example, one participant employs the word "anguish" in his perception of Bay of Plenty Regional Council's alignment with the Rena owners, saying:

> I know ever since this whole thing got going with the Regional Council, they have been kind of swayed towards the owners rather than swayed towards their constituents which has been as source of much anguish for me personally. (Personal communication, October 28, 2015)

Locals felt that they could not trust elected representatives, and this ensuing sense of unfairness ran deep. One participant describes the inequity of the situation for iwi: indirectly, through their rates and taxes, they funded government experts to write reports that failed to incorporate Māori cultural values. They then had to pay directly to dispute those reports, set the record straight and represent their point of view accurately in a Regional Council hearing:

> Ngāti Awa members pay rates. They pay taxes so they contribute to the (Regional) Council. And then, when Ngāti Awa has to fight (Regional) Council to get a lawyer and ecologist – Ngāti Awa's actually contributed towards that. Then Ngāti Awa have to resource me to do my job, and lawyers to go in and fight a battle so they're paying a fourth time. (Personal communication, October 23, 2015)

Perceptions of institutional recreancy produce emotional reactions that translate into serious social consequences, because implicitly accepted social patterns and expectations are threatened. In the case of the MV Rena, expectations that Maritime New Zealand would ensure safe navigation into the port and act quickly and decisively in a time of crisis were not upheld. Ritchie et al. (2013) term this "first-order recreancy" (p. 662): an institutional failure that enables disaster to happen. Expectations of an open and honest partnership consistent with Treaty principles were not upheld, nor was there any defence of cultural values and taonga. This is a "second-order recreancy" (p. 662) because it occurred after the initial disaster and is related to how institutions behave in the aftermath of litigation that follows technological disasters. Government recreancy in this matter has led some to question whether their institutions and their leaders are capable of representing their best interests at all, leading to a loss of faith in government legitimacy (Freudenberg & Jones, 1991). It is also associated with the kind of collective response that is so disruptive it depletes social capital and corrodes the social bonds that are the glue of community relationships. This is a form of secondary trauma observed by scholars of other technological disasters and is associated with issues of long-term stress

(Ritchie, 2012; Ritchie et al., 2013) and post-traumatic stress disorders (Picou, Marshall & Gill, 2004) that leaves communities corroded and divided (Freudenberg & Jones, 1991).

Mauri and the MV Rena

In 2011, the Ministry for the Environment released the Rena Long-term Environmental Recovery Plan. Overseen by a governance group comprising government organisations, agencies and iwi representatives, the Plan set the goal and objectives for long-term environmental recovery and outlined the actions intended to address them. The plan included a mātauranga Māori approach to environmental recovery and monitoring programmes including, significantly, making its primary goal to "restore the mauri of the affected environment to its pre-Rena state" (Ministry for the Environment, 2011, p. 2). Although the mauri of bodies of water has been evidenced as important in Waitangi Tribunal claims, and Māori values incorporated into the Resource Management Act's concept of sustainability, the inclusion of Māori knowledge and the concept of mauri in the Long-term Environmental Recovery Plan, the mandating document of a government governance group, was unprecedented. The concept was hard fought but it was finally accepted largely due to submissions made by Ngāti Makino (Maketū, Te Arawa). According to the following participant, who had been key in helping develop the plan, mauri was an obvious, necessary and relatively straightforward inclusion. For her:

> (it) seemed natural, right that (mauri) was involved… It wouldn't upset the plan as such – wouldn't rewrite the plan, the draft. It would just slot in… Slipping mauri in there wouldn't upset things too much but it coped a lot of resistance. (Personal communication, October 22, 2015)

"Slipping mauri in" was one thing but gaining the support of others involved in the governance of the plan was not so easy. Among those involved in the drafting and administration of the Plan, one participant identified what she termed the "conservative planners' view" held by old school, Pākehā bureaucrats wary of potential disruptions to the process that might be caused by the inclusion of Māori concepts, or indeed, any concepts other than those of Western systems thinking, "… don't give Māori anything or don't go down that road cause you (Māori) can't conveniently agree on what mauri means – (so it is more) convenient to avoid it," (Personal communication, October 22, 2015). There were concerns about the general direction the Long-term Environmental Recovery Plan was taking and the financial costs of restoring mauri, but eventually the restoration of mauri was set as the Plan's environmental "benchmark" (Bennett, 2015, p. 14) – a result heralded as a "seismic success" for both Māori and Te Arawa ki

Tai and for which the courage of the then Minister for the Environment, Nick Smith, was acknowledged (Personal Communication, October 22, 2015).

Once mauri restoration was officially recognised as a goal to be achieved, the concept needed meaningful and measurable definition, so that achievement of the goal could be tracked and identified. Accordingly, and drawing on the New Zealand Coastal Policy Statement, Bennett (2015) submitted that mauri be defined as "the life force, the integrity, form, functioning and resilience of the coastal environment, including its ecosystems, all kaimoana, marine and inter-tidal areas, rocks, estuaries, rivers and streams, islands, dunes and land, and customary fishing areas" (Ministry for the Environment, 2011, p. 3). Here, mauri is defined almost solely in terms of ecological systems and their physical manifestations of the structure, shape and dimensions of the coastal environment. This is a largely biophysical conceptualisation, based upon the idea of interrelated yet mechanistic ecosystems consisting only of tangible entities (kaimoana, marine and inter-tidal areas, rocks, estuaries, rivers and streams, islands, dunes and land, and customary fishing areas) whose form favours scientific enquiry. The metaphysical aspects of mauri are alluded to as 'life force', but there is no deeper contemplation of what this 'force' might be. Thus, the fundamental spiritual and theological beliefs associated with mauri are obscured, and in this case, the cosmological origins of the mauri of Ōtāiti, and the sense of the atua and kaitiaki who have visited or reside there (Submission 9; Submission 3), are ignored. The 'enchanted' quality of Ōtāiti, which filled the reef with an aura of abundance and made it such a special place to visit and collect kaimoana (Bay of Plenty Regional Council S87F Report, 2014), is not mentioned. Side-lining metaphysical aspects reduces mauri to parts that are more easily recognised and incorporated into Western ideas of resource management and made it more palatable to the "conservative" sectors of the Long-term Environmental Recovery Plan who may have felt threatened by the inclusion of the belief systems of the 'Other'.

Removed in this way from its spiritual context, mauri became just one more aspect of the Ōtāiti environment to be quantified, measured and assessed by experts under the regime of impact assessment. To this end, the Bay of Plenty Regional Council contracted a local hapū Trust to assess the impact of the Rena on the environment of Maketū. The objectives were to determine first, the pre-Rena state of mauri, second, the impacts of the Rena upon the environmental mauri of Maketū; third, the current (post-Rena) state of mauri; and fourth and last, to provide recommendations on ways to remediate mauri impacts with a view to meeting the Long-term Environmental Recovery Plan's goal of mauri restoration (Bennett, 2015). The main methodology used to achieve this was an indigenous decision-making tool, the Mauri Model Decision-Making

Framework, developed by Dr. Te Kipa Morgan (Te Arawa) and his team of researchers from Auckland University (Morgan & Fa'aui, 2017). As is appropriate in Māori research contexts, the process was conducted according to the principles of kaupapa Māori research and Te Arawa tikanga. Three of the four researchers (including Morgan) shared whakapapa with participants; the fourth did not but was Māori. As Morgan and Fa'aui (2017) put it, whakapapa links facilitate trusting relationships between researchers and participants because of the assumption that a relative is more likely to act with integrity.

The Mauri Model was presented to all iwi affected by the Rena as a way of representing collective impacts upon mauri, but Tauranga Moana and Mōtītī Island groups chose not to be involved. Morgan cites inter-hapū political tensions and lack of funding as the reason (Morgan & Fa'aui, 2017), but in fact, the interview participants from these groups expressed a deep distrust of Morgan's concept and methods, describing attempts to quantify the mauri of Ōtāiti as ridiculous, abhorrent and controversial (Personal correspondence, October 23 & 28, 2015).

The Bay of Plenty Regional Council contract required an assessment of the mauri from 1911 until 2011. Although there were some detractors, the project to model a century of mauri got underway at a series of wānanga held at Te Arawa coastal marae. Information collected from these meetings was intended to establish a pre-Rena baseline of the mauri of the area (Fa'aui et al., 2017; Morgan & Fa'aui, 2017; Bennett, 2015) against which the impact of the MV Rena's grounding would be measured. Although very little scientific information about Ōtāiti and its environment pre-dated the grounding, the Mauri Model recognised the validity of knowledge that had been established outside the canons of conventional Western science. Therefore, information that elsewhere might have been considered inadmissible, was here included as data, so a variety of historical events, considered to have impacted the ecological, cultural, social and economic dimensions of the Te Arawa ki Tai environment were included as indicators of mauri (Bennett, 2015).

Once participants had selected and prioritised indicators of mauri, and sorted the indicators into their appropriate categories – environmental, cultural, social and economic – the impact upon the mauri of each indicator was quantified, calculated, graphed and applied to the mauriometer (the graphic used to represent the state of mauri, see Fig. 2) which registered mauri as unchanged, destroyed, denigrated, enhanced or restored. Results found that prior to the grounding, mauri had been in an "enhanced", or positive, state but had been declining steadily over the hundred years prior to the grounding, much of which was attributed to human impacts of colonisation. Further analysis confirmed that mauri had diminished sharply after the

grounding, dropping across all indicator dimensions such that it had been severely denigrated but not quite destroyed.

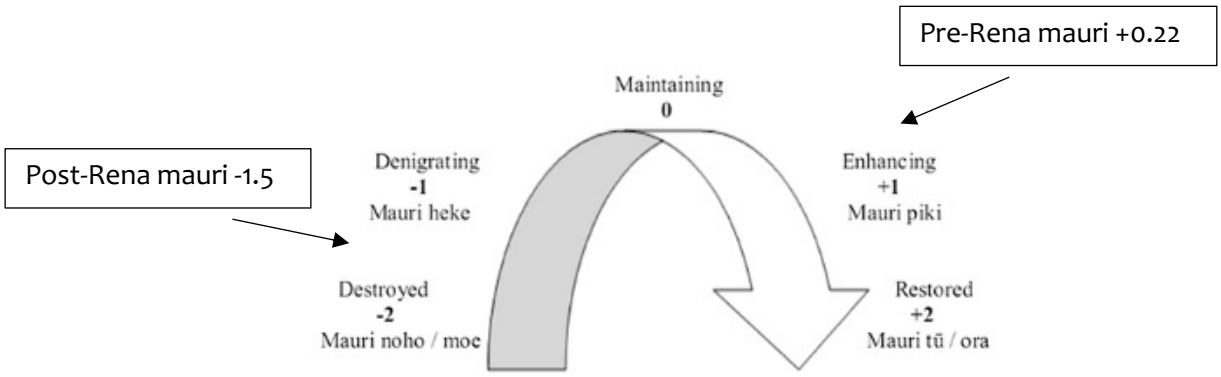


Figure 2: The mauriometer shows the state of pre- and post-Rena mauri (Morgan et al,. 2013).

Having thus established a pre-Rena baseline and the catastrophic effects of the grounding in 2011 across all four dimensions of mauri, further mathematical calculations meant that future impacts on mauri could be extrapolated. Thus, in his evidence, Morgan was able to conclude that a return to a pre-Rena state was possible but would require an "enhancement" of mauri "by four mauri years" (Evidence 19). The term "mauri years" is, of course, an abstraction related to the internal logic of the Mauri Model, not to common notions of time, such as the Georgian calendar. So, when Morgan referred to mauri being "enhanced by four mauri years", this does not mean that, all going well, mauri will have recovered to pre-Rena levels in four calendar years. Rather, the "mauri year" is, as Fa'aui et al., (2017) explain, "an estimate of the resilience of the system as a whole, which is sustained by cumulative positive impacts and interventions" (p. 239). Rather than predicting a time scale for recovery, the "mauri year" quantifies a theoretical unit of recovery, deduced through mathematical formulation from the subjective understandings of impact and recovery collected from participants during initial workshops.

Following his conclusion that mauri would need "enhancement" to reach its pre-Rena state, Morgan went on in his evidence to present an analysis of the applicant's proposals for the wreck over the proposed period of consent, namely, partial wreck removal and debris clean-up and full wreck removal. While full wreck removal was by far the preferred option as far as mauri restoration was concerned, whether this was, in fact, achievable without further damaging the structural integrity of reef was a matter of great debate at the hearing. The applicant's technical experts deemed full removal unfeasible and dangerous both to salvors working on the wreck and the reef structure. So while partial wreck removal indicated a "diminishment" of mauri such

that it would never return to a pre-Rena state, Morgan proposed a range of alternative "non mechanical" measures (offset mitigation, in other words), which would result in positive increases in mauri over the four indicator dimensions and thus an cumulative enhancement of mauri overall. Such measures included increasing the capacity and authority of tangata whenua to manage the affected ecosystem once the salvage equipment was removed and the exclusion zone lifted. In particular, iwi management of anthropogenic effects, such as imposing a rāhui over the reef, would allow for continued regeneration of reef species under the exclusion zone, constituting an enhancement of ecological mauri.

Morgan also advocated a ten-year continuation of mauri assessment, using the Mauri Decision Making Framework, as a condition of the resource consent. This was endorsed by the applicant who proposed a mauri monitoring programme as part of the conditions of consent. Such a programme would involve comprehensive monitoring of mauri based on frequent data collection, iterative analysis, forecasting and trend assessment with input from wānanga, annual reporting and presentation of results. This, Morgan proposed, would strengthen the cultural dimension of mauri, which, when averaged over the model's four dimensions, would lead to an increase in overall mauri and thus provide "the earliest and most reliable return of mauri to the pre-Rena state" (Evidence 19).

The question of whether the mauri of Ōtāiti could or would ever recover with the wreck *in situ* was a highly contentious issue, which formed the basis of many individual, hapū and iwi submissions on behalf of tangata whenua groups associated with Ōtāiti or those affected by the grounding. This forced people to examine their personal views of mauri, what it was, what it meant to them and whether or not the mauri of the reef would ever recover. As one iwi representative says:

> ...at the time (of the grounding), who had the experience around mauri to know either way? It wasn't a concept I was an expert in. It wasn't a concept (anyone) was an expert in…I had my own concept before this happened, but I had a hell of a lot of learning going on. (Personal communication, October 22, 2015)

The esoteric intricacies of mauri were not widely known, these being the preserve of tribal elders, experts versed in ancestral, theological and academic knowledge about te ao Māori. Lay understandings of mauri were rather more intuitive. Thus, interview participants described mauri as "an individual thing," (Personal communication, October 22, 2015), "the very essence of Ōtāiti – the "something" which makes it the special place that is," (Personal communication, October 28, 2015) or the "enchantment" (Bay of Plenty Regional Council s87F Report, 2014) of Ōtāiti. As

people had their own understanding of what mauri was and how it operated, they also came to their own opinions about whether or not it would or could recover with the wreck in place, although what led people to these conclusions was an entirely subjective process:

> If you think the mauri (of Ōtāiti) has been restored well, good on you. You're entitled to that thought and there must be something about the situation that made you feel like that. 'Cause to me mauri is all about feeling. (Personal communication, October 22, 2015)

This "something…about feeling," special "essence" and forms of "enchantment" are at the crux of debates about mauri, for it is exactly this indescribable, yet somehow pleasing quality, inadequately described or expressed through language (so a kind of sublimity), which the Mauri Model proposes to measure. If, due to its sublime qualities, perceptions of mauri cannot adequately be expressed in language, then proponents of models such as the Morgan's Mauri Decision-making Framework would argue that numbers should replace words as a means of representation. According to this perspective, numbers better reflect the intensity and variation of feeling associated with defining the indefinable. Thomas Saaty (1990) is the originator of Analytic Hierarchy Process, which is the decision-making process upon which the Mauri Model is based. He argues, "…in the face of complexity, we run out of words to express adequately our full awareness of what we sense to be taking place" (1990, p. 17). From this perspective, numbers, as simple mental constructs, are more useful than words to better represent feelings and distinctions in making complex decisions and problem solving.

However, perhaps unsurprisingly, most tangata whenua groups associated with Mōtītī and Ōtāiti were wary, distrustful and even dismissive of this method of assigning a numerical value to a core spiritual value. For some, the idea of measuring mauri was both reductive and anathema. The essence of mauri as a sacred and spiritual concept means it embodies more than a simple mathematical equation, and it is this which makes quantification impossible:

> I don't think you can (measure mauri) because spirituality is different – you can't say 2+2= 5 and it's the same with the mauri model put forward – if you're giving everything a score or indexing it all, add the score up – there's an improvement in the mauri – That's bullshit! (Personal communication, October 28, 2015)

To emphasise his point, this participant compares the measurement of mauri to the measurement of another intense and uniquely human experience – being in love, "It's like saying quantify your love for somebody. Do you love them on a scale of 1 to 10…is it a 7?" (Personal communication, October 28, 2015). For another, the use of Western models to measure the 'truth' about mauri was laughable, both ridiculous and inappropriate, "The whole idea of

measuring mauri – what a laugh! We found that hilarious," (Personal communication, October 23, 2015). The quantification process was also taken as a sign of a wider assumption that environmental problems, whether natural or man-made, will be remedied through the application of technology and cash, "There's this automatic, 'How can we fix it?' Some things can't be fixed," (Personal communication, October 23, 2015).

The same participant uses the metaphor of confinement as a sign of the wish to neatly contain and frame cultural and spiritual values in ways that are easily measurable and understandable:

> The Councils… they love the mauriometer (and) they're throwing it at everything… It's really palatable. People like the idea of it. Council love it, they really, really love it because then they can have oh, it's a 4.2 now it's 4.3… but that's one thing you can't do with mauri – put it in a box. (Personal communication, October 23, 2015)

In trying to represent mauri in ways that conform to Western bureaucratic systems such as impact assessment, something of the concept is inevitably lost or reduced, because, as others also explained, there is "something" more to mauri, in the way of the spiritual and sublime, that defies Western definition. So, while proponents of mathematical modelling advocate the use of numbers to map and represent cultural values and worldviews, the majority advocating for affected hapū and iwi considered the modelling reductive, amusing, or saddening, because to them the assignment of numbers and application of calculations obscures aspects of the sublime which are essential to the concept of mauri.

Those advocating the use of modelling believed tangata whenua's preoccupation with full wreck removal limited their recognition of "options to a problem that is open to other solutions" (Submission 19). In other words, tangata whenua's obsession for full wreck removal blinded them to other "non-mechanical", "broader actions" that, it was suggested, would address the meta-physical impacts of wreck abandonment (Submission 19). Instead of restoring mauri by mechanical means, another option would be to abandon the remains and give tangata whenua authority over the reef (and wreck) so that mauri restoration could continue through cultural means such as karakia and rāhui, and be monitored over ten-years using the Mauri Model. Morgan and the applicant both argued that as this would enhance the cultural dimension of mauri, overall mauri would eventually be enhanced.

However, for those tangata whenua opposed to abandonment, no amount of mitigation – whether in the form of mauri monitoring, financial compensation or karakia – could moderate the impacts upon mauri while the wreck remained on Ōtāiti. Their point of view was that mauri could

not be mitigated and attempts to do so were just plain wrong. For the following participant, a veteran resource management consultant on cultural issues, the applicant's proposals to mitigate mauri were unique and misguided:

> I've been in this game for over 25 years now, and this is probably the only case I've been involved in where you can't mitigate for the impact on mauri, right? Apart from removing it, there's nothing you can do to mitigate the mauri of the reef. That's my opinion, and in the past the Environment Court has fully accepted that. (Personal communication, October 28, 2015)

This participant believed this process to be a farce based on the disingenuity of those cultural experts and tribal leaders advocating for abandonment and that this comes from the promise of financial gain (compensation by way of mitigation). This is a source of deep disappointment for him:

> … I've found it quite saddening, as well, because there's been a group of witnesses giving evidence who I know in other circumstances would not be saying that kind of thing. And, so what's saddening is their willingness to sacrifice their cultural integrity. (Personal communication, October 28, 2015)

That senior members of the tribe, recognised kaumātua, did not act according to Te Patuwai tikanga is a serious accusation, and not made lightly. While this participant frames his description of the mauri in the language of impact assessment (enhancement, incremental improvement, mitigation), for others, spiritual issues remained central to the arguments about mauri.

The following participant, for example, speaks from a spiritual perspective within te ao Māori. Here, Ōtāiti is not just a reef, but a wāhi tapu that has been defiled by the perversion of the wreck, "…the point is a wāhi tapu has been desecrated, and will still be desecrated as long as that unnatural man-made structure remains on there dispersing its pollutants. It's still being desecrated," (Personal communication, December 16, 2015). The metaphor of the body is used to convey the idea of Ōtāiti as permanently disfigured; the wound may heal, but physical traces remain, as do perceptual traces in the hearts and minds of tangata whenua connected to the reef, "The mauri doesn't return. We know once something's been desecrated the mauri doesn't return, once something's been impacted. It's like people who have broken their ankle. It heals but it's never the same," (Personal communication, December 2015). The perlocutionary force of this participant's rhetoric about mauri is seen in her repetition of key points, words and use of emotive language. "Desecration" for example, implies the intentional spoiling of something holy and profound; while the metaphor of the (sacred) body has dual connotations – that of Christ

and Mother Earth. And it is this pathos conveyed through rhetoric that is not adequately conveyed in the coarse assignation of numeric value in decision-making models such as that developed by Morgan.

Regardless of the reactions of tangata whenua, the applicant went ahead and included a mauri monitoring plan in its application for resource consent. The allocation of $25,000 per annum was proposed to support the venture and was meant to signal care for Māori cultural values and obviate the need for full wreck removal. From this point of view, for a relatively small financial expenditure, Māori would be able to reconcile spiritual and cultural values with the physical presence of the wreck, and the applicant, having provided funds, could leave them to it. However, as the panel noted in their decision, this condition raised a number of concerns from various submitters (Whiting et al., 2016). First, the Mauri Model as a means of assessment was, "less than enthusiastically received" (Whiting et al., 2016, p. 126) by most tangata whenua groups other than Te Arawa ki Tai, leading the Regional Council and other submitters to raise concerns about the potential of such a condition to "exacerbate and prolong" (Whiting et al., 2016, p. 34) already existing inter-hapū and iwi conflict and tension. Accordingly, both the Regional Council and independent submitters sought that mauri monitoring be removed from the proposal. They clearly perceived an element of favouritism on behalf of the applicant towards Te Arawa ki Tai and Morgan and his Mauri Model, and this, combined with a general distaste for the quantification of spiritual values, resulted in the deletion of the mauri monitoring programme altogether. Instead, mauri would be considered along with other cultural values (including mana, ara wairua, mahinga kai, mauri and kaitiakitanga) under a cultural monitoring plan overseen by a Kaitiaki Reference Group, a cultural advisory group comprised of hapū and iwi representatives.

There were some positives associated with the attempts to quantify mauri. The mauri modelling workshops conducted by Te Arawa enabled participants a deep, collaborative and culturally safe consideration of core values related to the environment and offered the opportunity for some tangata whenua to work through the grief and anger associated with the Rena grounding. One participant described her experience thus:

> I really had a lot of doubt at the beginning but having to sit there and really think – what was the environment like before the Rena? Oh, it was pristine! But, when we analysed it, no it wasn't! So, we couldn't stay angry (thinking) we had a pristine environment before the Rena, because we didn't. (Personal communication, October 22, 2015)

On the other hand, many participants found that the very concept of mauri modelling was offensive, and the notion that it could be employed to find a way to mitigate loss of mana exacerbated the wound already created.

Disagreements over how to understand and deal with mauri, together with deep, but ultimately unprovable suspicions created by the sense of recreant behaviour on the part of officials, left the 'Rena communities' angry, unsettled and in grief. The next section of this chapter deals with the psycho-social aspects of the grounding through the culturally-specific phenomena of mamae, whakamā, and mate Māori, the terms used to describe the personal and collective insult and affront suffered by the tangata whenua.

Mamae, whakamā, mate Māori

During the resource consent hearing and in interviews, Māori participants used the word mamae to describe the personal and collective insult, pain, grief and affront to mana caused by the MV Rena. Mamae was specific to Māori submitters and interviewees; at least, no Pākehā submitters used the word or went to such pains to describe their emotional response to the grounding, nor did any Pākehā speak of the disaster as a cultural or spiritual affront. The term was volunteered by Māori participants to signify a culturally unique response to an environmental disaster perceived as a spiritual and cultural crisis.

Taken together, the interviews and submissions to the hearing reveal a collective mamae variously expressed as anger and outrage but also as feelings of powerlessness and despair. For some submitters and respondents, these emotions manifested outwardly as depression born from the loss of mana and the shame of not being able to fulfil traditional obligations of kaitiakitanga to atua, ancestors, environment and future generations. Some submitters reported witnessing individuals withdraw physically, emotionally and socially from Mōtītī Island, their childhood home, a behaviour considered as a culturally-specific response to the grounding, the subsequent conflict both within and between hapū, and the prospect of the permanent loss of mauri because of the abandonment of the wreck. Indeed, for some of the individuals, and groups, the mamae was so intensely felt that it bordered on a kind of whakamā, a state of dishonour due to a failure to fulfil personal or collective obligations. Shame is a powerful force in traditional Māori society, which values interdependence, altruism, spirituality and the well-being of the group (Sachdev, 1990).

When mamae and whakamā are felt deeply enough, sufferers are susceptible to illnesses known as mate Māori. These ailments, which manifest both mentally and physically, are traditionally

regarded as having a supernatural origin and are regarded a punishment for transgression of tapu or the result of mākutu from hostile forces. From a mainstream, Pākehā point of view, the causes of mate Māori are not easily explained. Mākutu is not recognised by Western science, but conversely, a te ao Māori perspective may not consider the explanations of Western medical science particularly legitimate either (Hiroa, 1910; Metge, 1986). While I am not an expert in the area of mate Māori, and so am unable to make cause and effect declarations, the psycho-spiritual dis-ease described in submissions, as well as claims made of illnesses and even death as a consequence of Rena-related activities, certainly suggest the Rena event is responsible for a great deal of psycho-spiritual and psychosomatic distress unique to the Māori communities associated with Mōtītī and Ōtāiti. Of course, the Pākehā community of the Bay of Plenty was also distressed and angered by the Rena event, as witnessed by the crowds who gathered at the beaches and attended public meetings. Many contributed weeks to cleaning the beaches as part of the volunteer programme, but it was the tangata whenua who turned up *en masse* to the resource consent hearing to describe, in detail, the spiritual and emotional mamae and disruption caused to their way of life, traditional values and worldview by the Rena grounding and its consequences.

Accordingly, the next section begins by considering tangata whenua descriptions of the Rena as kind of monstrous, unnatural 'Thing', which has unbalanced the proper order of the universe, destroyed the mauri of Ōtāiti and brought ominous portents of death and disease. Next, the spiritual connection between people and place is conceptualised as a mauri severed and the psycho-spiritual consequences are considered. Submitters' explanations of negative effects of the wreck on hapū and iwi's abilities to fulfil traditional cultural obligations to the environment, ancestors, atua and future generations, as well as the disruption to tribal mana, mark the Rena grounding and its on-going effects as a significant ecological-symbolic crisis for affected hapū and iwi.

Spiritual imbalance: metaphors of death and disease

In the following words from a Te Patuwai submission, the speaker describes the shock and sadness experienced by a group of kaumātua and other adults on first seeing the wreck on Ōtāiti:

> I've never experienced anything like it. The sea was flat, quiet, and eerie. When we neared Ōtāiti the wreck loomed out in front of us. It was huge. A five-storey rusted, and lifeless body lying on its side. We stopped not too far from it and had a karakia. Everyone was quiet. I just felt pain in my heart and said, 'they've turned our kete kai into an urupa'. Then everyone cried. (Submission 2)

A respondent to Hinemoana Associates' report on the cultural impacts of the Rena on Maketū/Te Arawa ahi kā also describes the grounding in terms of the supernatural as a means of making sense of the event:

> I wondered what had we done to bring this calamity on us? It was a tohu. I thought that maybe the atua thought we had not been looking after the moana. That's what I thought. Our punishment for abusing Tangaroa. (Hinemoana Assoc, n.d., p. 24)

Metaphors of death, disease and imbalance in nature are also present in other submissions and interviews. One participant, referred to the wreck as a "tūpāpaku" or corpse in the food source, a toxic intrusion into a "pure" and "natural" environment (Personal communication, December 16, 2015). Later in our conversation, she described the ship as a rat that has got into the food store, defecated over everything, then died. Elsewhere, the wreck is described as a "running sore" and "an abomination" (Ngāi Te Hapu Inc., n.d., p. 24).

The sight of oil pollution from the Rena traumatised a group of adults who had gone to the beach to see the damage. They were literally struck dumb by the sight. Even the strongest of the group (the men) were moved to tears, and the trauma led to a kind of collective depression, a draining of energy, of emotional and physical resources, described in the following way:

> When we went to the beach and saw all the mess everyone was quiet. The smell from the fumes was putrid. All that oil, and black stuff was on our beach and you couldn't go down there. You'd have bloody cried. We just sat there, not saying anything, and just cried, even the men, and they don't cry. After that the energy of the people on the island was down, in shock and mamae. (Submission 2)

Similar reactions are reported in cultural impact statements written on behalf of the other hapū for the Rena Long-term Recovery Project. For the author of Matakana and Rangiwaea Islands' Cultural Impact Statement, the oil pollution is a sensory and emotional assault for which she was not prepared, "We could not imagine the extent of the oil contamination that confronted us. It was horrific. The smell, the sight, the stench of it all…" (Rena Cultural Impact Assessment for Matakana and Rangiwaea Islands, Tauranga, 2013, p. 5).

The broken bond

The following submitter described the special connection tangata whenua have with their tūrangawaeawae as a "special bond" (Submission 8), a kind of mauri. From this perspective, the Rena is a burden on the mauri between the tangata whenua of Mōtītī Island and Ōtāiti. This

explains how the presence of the wreck damages the spiritual bond between people and place, and results in a kind eco-symbolic crisis and emotional dis-ease, as in the following description:

> Looking at the connection as a mauri, it can be understood when the hapū and iwi who use Ōtāiti say that as long as the Rena wreck is left on Ōtāiti, the people will be sick, or will be burdened. (Submission 8)

Another submitter spoke of her elderly uncle's emotional distress. For him, the grounding and continued presence of the wreck has damaged, perhaps permanently, his connection to Mōtītī, his childhood home, and has created in him a stubborn and persistent sadness that will not leave until the wreck is removed:

> … his misery was almost tangible. He did not want to come to the island. The Rena crashing into Ōtāiti had affected his mind, body and soul. To him, something had been broken and he could not return to his homelands until that damage has been repaired. (Submission 29)

This deep suffering shows how the human subject's well-being is connected to the environment. The man's grief is revealed in outward expressions of his internal despair. He is so upset that he feels emotionally unable to visit his homeland, coping with the trauma of the grounding by physically, socially and emotionally withdrawing from island life. Another elderly gentleman also experienced the grounding as a severance of spiritual connection to place, and a disruption of personal as well as ecological mauri resulting in an internal imbalance and dis-ease:

> He then went to the small basic house that he grew up in and sat inside quietly reminiscing. Like his brother, the pōuri or sadness in my grandfather was obvious that day. And today, it is still there. Like many of Te Patuwai my papa is still grieving because of the damage that was caused to our wāhi tapu and taonga. And he will tell you that his well-being or Mauri is still not in balance because the Rena continues to contaminate his tūrangawaewae, his homelands. (Submission 29)

The hearing at which this submission was made took place four years after the grounding, but the stubborn, ingrained grief had not abated. From the perspective of the speaker and the sufferer, this mamae can be cured only by the removal of the wreck.

Mauri, as a psychosomatic connection between person and place, is also reflected in the following submission, where the submitter shares her experience of the presence of the Rena on Ōtāiti as an emotional and physical pain,

> The mauri of the reef is hurting, I hear it, I feel it. Experts might tell you that if you wait long enough the reef will eventually be restored but that just displays a lack of understanding of the Māori world. For me, and Ngāi Te Hapu, so long as one scrap of that wreck remains there the mauri can never be restored. (Submission 3)

This submitter went on to explain that the mamae she and others on Mōtītī feel is not confined to the emotional sphere but infiltrates and negatively effects other interconnected dimensions of individual and collective well-being, "I told you I was filled with a great sadness. Like others on Mōtītī the Rena event has affected us spiritually, mentally, emotionally, physically and socially" (Submission 3), which leads to a discussion of culturally-specific psycho-social impacts of the grounding.

Whakamā, mana and mate Māori

Outwardly, whakamā is expressed as a psycho-spiritual crisis that manifests as an emotional, physical, spiritual and social withdrawal (Metge, 1986) which derives from feelings of shame at loss of mana and may be experienced at the individual, hapū or iwi level. The term describes a range of emotions, including feelings of powerlessness, hurt, inadequacy, and depression. It is an unpleasant – even dangerous – state to be in because it limits an individual's or group's ability to function and fulfil their potential. Further, because of the connection of whakamā to mana**,** a tapu construct, those suffering from this condition are more susceptible to mate Māori. This is a term that refers to physical and mental illnesses, which have supernatural or spiritual origins and for which Western medical science offers no adequate explanation (Hiroa, 1910; Metge, 1986; Sachdev, 1990).

Injuries to mana accrue from negative events, such as the loss of social status or reputation stemming from the loss of land, or access to and control over places and resources of special significance (Mead, 2016). Further, as all tikanga are oriented towards mana enhancement, the failure to honour customary obligations to whānau, friends, ancestors, and the environment, such as the practice of manaakitanga, koha, and kaitiakitanga, weakens the mana of both the individual and the group (Submission 8). The loss of mana in this way is an important and enduring element of whakamā, a state experienced until utu is made, mana repaired and the correct balance in the natural order of things restored (Metge, 1986; Sachdev, 1990).

For tangata whenua affected by the grounding, the presence of the MV Rena negatively affects all such cultural practices and the values to which they are attached. The following excerpt from the Ngāi Te Hapu Cultural Impacts Statement notes the hapū's whakamā:

> For us, the wreck has created feelings of an overwhelming helplessness because while we have kaitiaki responsibilities for Ōtāiti and the surrounding waters, the presence of the wreck – and the debris that still washes up on our beaches and coastline – is a constant reminder that we are in fact powerless to discharge those responsibilities. (n.d., p. 24)

The author's use of language such as "overwhelming helplessness", "we are in fact powerless" and "belittles our further obligation" illustrates the pain and frustration relived each time new debris appears, and the shame that accompanies the derogation of Māori cosmology and spiritual beliefs. He continues:

> … even worse is the fact that it belittles our further obligation to protect the mauri of the reef – its spiritual essence – the life force from which the bounty of the miracle that is Ōtāiti springs. (Ngāi Te Hapu Inc., p. 23)

The ability to mahi kai is an important aspect of the mana of an individual or group (Submission 8). Before the Rena, Ōtāiti and its abundance of sea life was a source of pride for residents of Mōtītī Island and the wider hapū, who were able to physically, and according to tikanga, express manaakitanga to guests through the choice kaimoana gathered from their rohe. Koha of the same were also sometimes sent to family and friends on the mainland. Manaakitanga is an obligation which, depending on how well it is fulfilled, either enhances or diminishes the mana of the host hapū, as seen in the following:

> It is a further obligation on us as hosts to ensure that guests and visitors are well fed from within the resources of the hapū. We have always been known for our kaimoana and feeding our manuhiri with the bounty of the sea is a point of pride and mana for us. Should we as hosts not be able to provide for our guests in this way it is a reflection on us, and the poor management of our resources. (Ngāi Te Hapu Inc., n.d., p. 23)

Of course, manaaki responsibilities can only be fulfilled if kaitiaki responsibilities have also been met. However, because the hapū can fulfil neither of these responsibilities, the mana of the group cannot recover, and as long as the wreck is on Ōtāiti, it will be a source of whakamā, "Because of the Rena our obligations in respect of manaakitanga and kaitiakitanga are in deficit and our mana is diminished accordingly," (Ngāi Te Hapu Inc., n.d., p. 23).

Further, the Rena grounding will not be forgotten but will be remembered and told to future generations through the oral traditional of waiata, storytelling and other symbolic cultural forms of communication (Submission 8). Thus, the mamae is repeated, woven into the fabric of tribal memory, and the hapū's relationship with Ōtāiti re-defined as pre- and post-Rena. Before the grounding, the relationship was actively reinforced through the customary practices of gathering

food and the telling of stories. Now according to the following submitter, even the oldest stories will be tainted by the mamae and whakamā associated with Rena, because of tangata whenua's inability to have the wreck removed. She explains:

> Our proud re-telling of the stories of our tupuna and our connection to Ōtāiti will be forever overshadowed by a wreck being abandoned on such a sacred site and our inability as kaitiaki to prevent the destruction of the mauri of Tangaroa. (Submission 9)

Moreover, at a supernatural level, the presence of the Rena corrupts the sanctity of Ōtāiti as an ara wairua. This leaves the wairua of Ngāti Awa with no access to or from the spiritual realm and ancestral homeland of Hawaiki. The idea of wairua unwillingly stuck in an earthly purgatory is an understandably distressing thought for those submitters who subscribe to traditional Māori religious cosmology, as the following submitter explains:

> Ngāti Awa believe that we will not be able to access this traditional waharoa/gateway and that our spirits will be unable to make their journey from this place. Failure to utilise this waharoa where our spirits go unhindered will lead to the eventual loss of this waharoa/gateway and loss of connection with our spiritual whakapapa, history and tupuna. (Submission 9)

Conclusion

This chapter has considered the main themes identified through analysis of participant interviews and submissions. First, it identified expressions of anger, blame and anguish arising from perceptions of recreant government and agency behaviour, resulting from a failure to protect communities and their environment. This is a sign of participants' tendency to see the real cause of the accident as latent socio-structural and institutional issues rather than the negligent actions of two men in charge of the vessel at the time of the grounding. Participants also referred to the irreparable damage inflicted by the MV Rena to the mauri, or life essence, of the reef, and problems associated with the need to measure mauri as part of the Long-term Environmental Recovery Plan. Most evident was the impact on individual and collective mana, which accrued from feelings of powerlessness and an inability to protect the reef and its mauri from permanent desecration. The deep pain and grief this caused manifested for some individuals in different forms of culturally-specific psychological and psychosomatic trauma referred to by participants as mamae, whakamā and mate Māori. For many members of affected hapū and iwi, these were the very real, ongoing and long-term effects of the grounding. In order to more fully appreciate why tangata whenua reacted in such profound ways, a consideration of the values and beliefs

that form the basis of the traditional Māori world view is necessary and follows in the next chapter.

Chapter 5
Ko Au Te Moana, Te Moana Ko Au[14]:
the Tangata Whenua Perspective

Overview

Where the previous chapter used thematic analysis to highlight people's emotional and psychological responses to the grounding, this chapter uses Dryzek's (2013) framework of environmental discourse analysis to set out the elements that underpin tangata whenua perspectives on the environment and the effects of the MV Rena. The first section of this chapter introduces the framework of traditional ecological knowledge, mātauranga Māori, unique to the Māori worldview which defines the place of human beings within the natural world. The second section describes the basic entities recognised or constructed within this perspective. This includes spiritual entities and forces constructed and reified in traditional discourses. The third section considers traditional concepts of agency, who has it and how it is recognised both within the traditional Māori worldview and tangata whenua discourse on the MV Rena. The fourth and final section identifies the use of traditional rhetorical devices, narrative forms and persuasive appeals that establish identity, connection to and authority over place.

In the discourse that developed around the issue of the MV Rena, two very different responses are discerned. One was the clinical objective rationality of scientists, technical experts, the owner and insurer as they set about, through practical reasoning, to solve the problem of what to do with the remains of the MV Rena. The other was the culturally-guided response of tangata whenua directly affected by the grounding and the proposal to abandon the wreck. The two groups have different symbolic frameworks for understanding the natural world and interpreting the significance of environmental change. Where the former interpreted the potential abandonment of the MV Rena as acceptable because, through science, the wreck and its contaminants could be monitored and controlled, the latter saw abandonment as a direct threat

[14]'I am the sea, the sea is me': a whakataukī illustrating the relationship of people to the natural world.

to their lifeworld, symbolic structure, identity and existence as a cultural group. It is the latter interpretation of the grounding of the MV Rena that this chapter attempts to understand.

Humans make sense of the physical world by imbuing it with symbolism and meaning (Greider & Garkovich, 1994; Williams, 1972). In this way, symbolic landscapes are created that are both embedded in, reflective of and reified through culture and cultural practices. Shared meanings and symbols are negotiated intersubjectively within groups to define and understand the world in ways that reflect ideas and events associated with time and place. Landscapes, then, are both cultural expressions and material events. However, while symbols and meanings may adapt to accommodate environmental change or new understandings, significant traditional symbols and the values that attach to them are tenacious, enduring and are taken as 'facts' within the symbolic structure. These underpinning belief systems are so comprehensive and obvious to the individuals and groups who subscribe to them that they reflect and are indistinguishable from self-definition. Environmental changes challenge these understandings and require re-negotiations of meaning of the self, the group and relationships with the environment. If change cannot be incorporated into the lifeworld of those experiencing it, or it threatens access to valued resources or sacred places, then new meanings need to be negotiated. This is an intersubjective process that occurs among group members, which cuts to the core of self-definition, identity, sense of time, place and belonging (Grieder & Garkovich, 1994; Tax, 1990).

Accordingly, if the way in which tangata whenua responded to the Rena is to be properly comprehended, the way in which the natural world is perceived and symbolically represented in the Māori worldview needs to be understood (Fairclough & Fairclough, 2012b; Dryzek, 2013). Such an understanding requires that the shared meanings, premises, symbols and assumptions that underpin and define traditional Māori understandings of the world be uncovered. That is, what is recognised as real, factual and important and what is not. From this, threats to the symbolic world order may be discerned.

Māori conveyed their experience of the MV Rena grounding and the perceived impacts of the wreck's abandonment through their submissions to the resource consent hearing. As tangata whenua, their submissions formed an important and essential part of the hearing process. This was due to the proximity of Māori communities to the wreck site and to their role as Treaty partners whose lands, culture and taonga the government is duty bound to uphold. Accordingly, their submissions are here regarded as significant symbolic events within the discourses of the resource consent process. Not only do they represent the culturally-specific experience, hopes

and desires of groups impacted by environmental disaster, but as tangata whenua, their submissions had the potential to significantly influence institutional decision-making on what to do about the wreck of the MV Rena.

Following Dryzek's (2013) approach to environmental discourses, Māori views on the Rena are considered through their discourse on the subject: that is, submissions, cultural impact statements and participant interviews in which entities fundamental to Māori ontology, the assumptions upon which this is based, the relationships that connect basic entities and humans to the world around them and their values are described. Submitters are regarded as discursive agents, or actors in the saga of the MV Rena, motivated by philosophical imperative to tell their stories about Mōtītī, Ōtāiti and the impact of the grounding on their environment and lifeworld. Through the use of rhetoric, these discursive actors try to persuade the panel of Commissioners to decide in favour of Māori perspectives. Almost all submitted that the application to abandon the Rena be declined and the owner be required to remove the wreck in its entirety, however, this was something the panel could not do: a requirement for removal being outside the legislative framework of the Resource Management Act 1991.

Basic frameworks and assumptions

Traditional Māori understandings of the natural world are based on a system of ecological knowledge called mātauranga Māori. This is a holistic system which encompasses symbolic networks of meaning and traditional knowledge gathered over generations and transmitted through cultural practice and ancient narratives dating back to Polynesia and the Polynesian migrations that founded Māori society (Harmsworth & Awatere, 2013). Mātauranga Māori is based on a holistic view of the universe, which is vital, interconnected, and in a continual cosmic process of 'becoming' (Henare, 2001). The cosmos is symbolised as a double spiral (like the shape of an opening fern frond) at the centre of which is Io, the Supreme Being, and source of cosmic energy and vitality. The process of Creation is conceived as a continuous outward flow of energy that brings shape, form and unity to all things (Williams & Henare, 2009). This metaphor informs and connects the symbolic structure of te ao Māori, and the dynamic cyclical rhythms of life, growth, death, decay and rebirth that pervade all things (Williams & Henare, 2009). Mātauranga Māori is an enduring symbolic framework and the values which attach to it continue to resonate strongly within contemporary Māori society. It frames understandings of the natural world, cultural values and definitions of self and tribal identity, time and place (Harmsworth & Awatere, 2013; Mead, 2016), and it was from this perspective that the MV Rena was interpreted as a serious

and traumatic eco-symbolic disruption to basic assumptions and understandings of time and place, self and tribe, cosmos and natural world.

The relationship between nature and tangata whenua

In the Māori worldview, all things in nature – human and non-human, sentient and non-sentient – are connected in vast genealogical networks called whakapapa, that connect everything across time and place back to Creation, the atua, ancestors, present and future generations. The principle upon which these relationships are based is called whanaungatanga, where all things, having come from the original parents, Papatūānuku, the Earth Mother, and Ranginui, the Sky Father, are connected and related as kin. In Māori cosmology, humans derive directly from the earth and the atua: the first woman, from whom all humans descend was moulded from earth by Tānemahuta[15] and taken as his wife (Royal 2005; Orbell, 1995). Accordingly, Māori do not just consider themselves of the land as do some other indigenous peoples, but *as* the land, made of the very same stuff as Papatūānuku (Ministry of Justice, 2001). The concept is embodied in the term Māori use to refer to themselves as the indigenous peoples of Aotearoa, tangata whenua (tangata, people; whenua, land). By extension, tangata whenua are connected as kin to the environment, and significant parts of the landscape such as mountains, rivers, rocks and reefs are recognised as ancestors of great mana.

For Māori, all things in nature are imbued at birth with a sacred, spiritual force responsible for status, authority, prestige and power called mana. This is a powerful and sacred individual and collective spiritual force, and great lengths are taken for its protection and enhancement (Henare, 2001; Metge, 1996). Mana also has social consequences. A misuse of mana or a breach of the tapu associated with the mana of an atua, ancestor, wāhi tapu, individual or tribal group is a serious matter that diminishes those responsible as well as the wider groups to which they are affiliated (Mead, 2016; Metge, 1996). For Māori submitting in opposition to the application, the vessel's ongoing presence represented a direct affront to mana on all these levels, and their submissions were an active assertion and defence of mana whenua, mana atua, mana tūpuna and mana tangata.

The relationship between humans and the rest of nature is holistic, balanced and reciprocal (Henare, 2010). From this perspective, it is not necessary to understand the specific connections between and within each thing in order to have a complete cosmology, or to feel intuitively that there is something wrong in the state of nature. As the Māori world works holistically, a

[15] Atua of the forest and creator of all things therein

disturbance in any part disturbs the whole, including the people, and their sense of self and belonging, as conveyed in the following:

> Why should we care about mauri impact? It is because we believe it is caring for the very essence of Otaiti – the "something" which makes it the special place that it is. Restoration of the mauri and restoration of us as a people is only possible by the complete removal of the cause. (Submitter 1)

The atua provide resources for humans to use, but humans are not above or any better than any other thing in te ao Māori. This natural balance is maintained through symbolic cultural practices that embody principles of respect, reciprocity, care for others and guardianship, all three of which are acknowledged in this description of fishing at Ōtāiti:

> my grandfather taught me… to respect and be grateful for what the sea and the reef gave us. Like all the fishermen of his time – and those of today, they always began their fishing with a karakia. The karakia was for good catch and to keep us safe. The first fish caught was always returned to the sea or kept aside to be given away to our community. (Submitter 3)

Here, respect for the sea and appeals for a safe and successful excursion are embodied in prayers to Tangaroa, while the act of return, of 'giving back', ensures enough remains for the regeneration of the species and the sustenance of future generations, as embodied in the principle of kaitiakitanga, or guardianship.

Kaitiakitanga is a relatively recent term that has developed in relation to the legal recognition of tangata whenua authority and management of traditional environmental resources, particularly as embodied in the Resource Management Act 1991. The use of the single term has allowed the Crown to translate the concept as something akin to the idea of guardianship and sustainable management; ideas easily understood within and incorporated into western understandings. However, kaitiakitanga is more than that for it encapsulates a range of traditional ideas about the relationship, rights and responsibilities of human beings towards the natural world including, most importantly, the care and protection of resources so that they can be passed on in a condition as good, if not better, to future generations (Miller, 2005; Kawharu, 2018). The environment and its resources are regarded as "gifts" from the atua (Henare, 2001, p. 206) which are provided for the sustenance of humans and all other living things (the concept of private ownership does not exist in traditional Māori thought) (Kawharu, 2018). The right to such gifts is aligned to ancestral association with place, handed down through generations, evidenced by whakapapa (Harmsworth & Awatere, 2013; Henare, 2001) and conditional upon the maintenance

of certain relationships and responsibilities embodied in cultural practices and day-to-day activities (Ministry for the Environment, 2010).

Many tangata whenua submitters described the embodiment of kaitiakitanga in the cultural practices enacted during fishing trips to Ōtāiti, for example:

> When I was a child my grandfather first took me to Ōtāiti on his little boat...He would karakia and then he would start fishing...He would always release the first fish caught as a thank you to the mauri of the reef or sometimes he would keep that fish and make sure it was given away to feed someone. (Ngāi Te Hapu Inc, n.d., p.18)

Karakia symbolises respect for the atua of the sea, Tangaroa, and is necessary to ensure good harvest and safe passage. The idea of balanced and reciprocal natural relationships is symbolised by the return of the first fish to Tangaroa, which is also a sustainable practice (not taking too much, leaving some behind). If not returned, the first catch was given away, perhaps to whānau on the mainland or guests, thus embodying other core cultural values, such as arohatanga and manaakitanga (Henare, 2001).

The quality and abundance of a tribal resource is an important reflection of how well the group is carrying out its kaitiaki responsibilities, and this in turn reflects favourably upon their mana or social status (Kawharu, 2018). Thus, kaitiakitanga has both political and socio-environmental aspects, for it is associated with ideas of sovereignty or rangatiratanga, and mana whenua; the authority of hapū and iwi to speak for and make decisions concerning the resources within their area. The social obligations of manaakitanga and utu also link to the kaitiakitanga ethic for, obviously, a group cannot properly or generously share, or trade the abundance of tribal resources if they have not been adequately protected and are failing (Ministry of Justice, 2001). For Mōtītī tangata whenua, who had "long been known for kaimoana and feeding manuhiri with the bounty of the sea," their particular brand of manaakitanga was "a point of pride and mana" (Ngāi Te Hapu, n.d., p. 23). Accordingly, the inability of Mōtītī groups to "provide for our guests in this way is a reflection on us and the poor use and management of our resources" (Ngāi Te Hapu, n.d., p. 23), and a failure of kaitiakitanga. Here, the MV Rena symbolises a serious disruption to the symbolic framework of Mōtītī Islanders, for their inability to fulfil environmental and social obligations can only be interpreted as, and result in, a loss of standing, as explained in the following:

> because of the Rena our obligations in respect of manaakitanga and kaitiakitanga are in deficit and our mana is diminished accordingly. Our mana will not be restored until we

> can properly fulfil our manaaki obligations and the wreck is removed. (Ngāi Te Hapu, n.d., p. 24).

More than 'guardianship', kaitiakitanga is the responsibility to care for the environment across generations past, present and future. Special places and resources are protected and cared for in recognition of how they are associated with and have sustained those who have gone before, as well as present and future generations. The author of the cultural values report written on behalf of Mōtītī Islanders states, "We regard the reef as a taonga and have great reverence for it because while our crops and water supply might fail, until the Rena came, Ōtāiti has never failed us" (Ngāi Te Hapu, n.d., p. 20). In this sense, time is understood intergenerationally. The past, the ancestors, their achievements and special places, are ever present, a continual influence that underpins and enhances both the present and future (Rameka, 2016, 2018; Williams & Henare, 2009). Thus, the past actively informs the concept of kaitiakitanga as expressed in the following description of beach clean-ups undertaken by Maketū tangata whenua:

> I hope that they [ancestors] would think we did the best we could under the circumstances. I know I kept them to the front of my mind. Ngātoroirangi, my koro and kuia...They were there inspiring and strengthening our resolve. I hope our actions honoured them. (cited in Bennett, 2013, p 23)

Here, the past is at the forefront of collective consciousness, motivating and informing the immediate clean-up, while working to minimise environmental damage on future generations (Walker, 1992). This is a very different understanding to Western ideas of time as linear, progressive and measured in regular chronological units, and where the past is singular and often best left behind (Patterson, 1992).

Basic entities: atua, ancestors and spiritual forces

These notions of a balanced, holistic, cyclical and reciprocal natural world are upheld by the recognition of certain basic entities and concepts whose symbolic construction and reification are the pillars upon which the discourse relating to this worldview are built (Ministry of Justice, 2001). Accordingly, a description of basic entities as recognised in tangata whenua submissions follows.

Atua

In te ao Māori, nature is personified, animate and overlaid with layers of cultural meaning that create symbolic landscapes. The sky and earth are Ranginui and Papatūānuku and their atua children populate the natural world and preside over various aspects and domains. Two most

potent atua are Tānemahuta, who presides over the forest and from whom all people descend, and Tangaroa, atua of the sea, and progenitor of all fish and sea creatures. As an island-dwelling people, the tangata whenua of Mōtītī are keenly aware of Tangaroa and his many different characteristics, shapes and natures; sometimes calm, benevolent and nurturing, at others boisterous, capricious and unforgiving (Royal, 2006). All these traits are embodied in Ōtāiti, as explained in the following submission:

> From an early age, I was made aware that Ōtāiti had… a generous side – its bounty of kai moana – and its ever-present dangerous side. Care is needed...because the changes of tide bring different currents into play (and) sudden heavy swells. (Submission 3)

As well as its significance as a favoured fishing site and mahinga kai, the reef also occupied an important place in the tangata whenua's spiritual symbolic order. This was detailed by a tribal expert who, through whakapapa, linked Ōtāiti and Mōtītī to the Supreme Being, Io and the Creation, to atua, ancient ancestors and significant cosmological and mythical events, including the creation of Ōtāiti by Rehua[16] as an ara wairua that links the earth, heavens and the spiritual world. He recounted the use of this pathway by Tāwhaki[17] in his deliverance of knowledge to humanity and the placement of a vital life essence, mauri, on Mōtītī that enabled such knowledge to 'blossom'. Powerful mauri were also imbued in Ōtāiti by Tangaroa, atua of the ocean, around this time (Submission 9). Another tribal expert explained the place of Mōtītī and Ōtāiti within a wider land and seascape of rocks and reefs spiritually connected to the atua and wider cosmological symbol order (Submission 18).

Ōtāiti's significance is also symbolised by the presence of kaitiaki, protective ancestral spirits who remain on earth in the form of animals, birds, fish or insects, to watch over their descendants and wāhi tapu. They are spiritual guardians, guides or messengers between the spiritual and physical realms (Barlow, 1991; Ministry for the Environment 2010). In their evidence, two submitters registered the presence of a number of spiritual kaitiaki in the waters around Mōtītī and Ōtāiti. The first submitted that:

> It is said by the hapū of Te Patuwai that at tangihanga on the island two dolphins or kaitiaki are always present and can be seen from the urupā waiting to escort the spirits of those who have passed. (Evidence 9)

[16] An extremely sacred atua associated with the heavens
[17] A powerful demi-god chosen by Rehua to ascend to the heavens and deliver baskets of knowledge to earth

Both submitters attested to visitations of kaitiaki in the form of pairs of whales and dolphins, a hammerhead shark and a stingray (Evidence 9) and a white shark and giant octopus (Submission 3).

Much of this spiritual knowledge is tapu and not for common consumption. "For many spiritual reasons we keep these beliefs in Te Pō," Submitter 9 explained to the hearing. This may be one reason, perhaps, why the cultural significance of these rocks and reefs was not widely known outside Māoridom. However, such was the import and gravity of the hearing, that this submitter felt impelled to share "our spiritual and cultural connection to Ōtāiti and Mōtītī Island" to illustrate how and why "the abandonment of the wreck of the MV Rena will negatively impact the wairua and well-being of the people" (Submitter 9, Evidence p. 9). In bringing this knowledge out of Te Pō (the darkness) and into the world of light, a discursive shift takes place, from guarded traditional oral frameworks to that of publicly available, official written records, absorbed into the mainstream legal frameworks of resource management discourse.

Ancestors

Mōtītī and Ōtāiti also draw significance from their association with important ancient and founding ancestors, such as Toi who, along with his descendants, is believed to have inhabited Aotearoa long before the arrival of migratory canoes. According to submissions, Toi lived on Mōtītī Island (Submission 9) and his association with the ocean and the coast of the Bay of Plenty is recognised in the name, Te Moana-nui-a-Toi (the Great Ocean of Toi). His son, Awanuiarangi, is the founding ancestor of the Ngāti Awa tribe and Te Patuwai people. A few generations after Toi, migratory canoes began to arrive from East Polynesia, carrying the ancestors who permanently settled Aotearoa. The waka associated with Rena-affected areas are Te Arawa, Mataatua and Takitimu (Kahotea & Rolleston, 2014), and it is from these founding waka that the social and political structure of Māori society related to the Bay of Plenty originated.

On board the Te Arawa canoe was the revered tohunga and expert navigator, Ngātoroirangi, a very tapu man, whose actions and deeds are widely recognised as having significantly influenced the environment of the Bay of Plenty and central North Island. As the Te Arawa made its way down the East Coast, it stopped at the partially submerged reef now known as Ōtāiti. Ngātoroirangi recognised this as a very special, spiritual place and performed karakia there, rendering the reef a toka tipua and naming it Te Tau O Taiti (now abbreviated to Ōtāiti) (Ngāi Te Hapu, Inc., nd). This association with Ngātoroirangi adds another, significant dimension of tapu to the reef, as his mana is still very much revered by Te Arawa (Te Arawa Cultural Impacts Assessment, 2013). The waka continued past Mōtītī Island and came ashore at Maketū Estuary,

which is named Ongātoro after the revered ancestor (Te Arawa Cultural Impacts Assessment, 2013). It is said that Ngātoroirangi lived on Mōtītī with his wife (Kahotea & Rolleston, 2014; Ngāi Te Hapu, Inc. n.d.) and there waged and won a terrible battle by bringing forth fierce storms that destroyed a powerful challenger and his army from Tahiti (Submission 9; Te Arawa Cultural Impacts Assessment, 2013; Ngāi Te Hapu, Inc. n.d.).

The tapu of Ngātoroirangi endures at all the places with which he is associated, and this is acknowledged in everyday encounters, "I don't gather kaimoana or fish in Wairere waters [at the southern end of Mōtītī] it is too spooky, [because of Ngātoroirangi], you can feel it" (Bennett, 2013, p. 22). This illustrates the ongoing presence and mana of ancestors and importance of the spiritual world within the traditional Māori symbolic framework. Ancestors are not relegated to a distant past as in Western traditions. They, or at least a sense of them, are always present or nearby and any disruption to the tapu of places associated with them is interpreted as a symbolic infringement with very real, intergenerational consequences, as explained in the following:

> Through the grounding (of the Rena) the mana of Ngātoroirangi has been disrespected (and) the impacts of this can only affect his descendants. Our people could get sick, some may die. Some did get sick, some have died. This is our reality. (Hinemoana Assoc., n.d., p. 47)

Mauri, wairua, mana

Another concept fundamental to tangata whenua viewpoints rests on the assumption that natural entities cannot be explained merely in terms of their material composition or physio-chemical performance, but are animated by a life force that originates externally, is self-determining and not explicable by the laws of Western science (Bullock, Stallybrass & Trombley, 1988). In Māori philosophy, the idea that all things in nature have an inherent vitalism is embodied in a number of interrelated, sometimes interdependent concepts, principles and behaviours that inform, support and reinforce each other. These are mauri, tapu, wairua, mana and hau (Henare, 2001; Marsden,1992). These ancient concepts are central to the Māori symbolic order, but by the middle of last century, many, mauri in particular, had "almost vanished from even the consciousness of Māori" (Bennett, 2015, p. 22). A renaissance of Māori culture in the later part of last century led to a resurgence of these traditional concepts, particularly within environmental discussions (Walker, 2004), and the Rena grounding, in particular, caused their wholesale assertion. Mauri was examined and considered as it never had been before and became the focus of much introspection, analysis and debate on behalf of hapū and iwi. Tangata whenua submitted that three powerful mauri reside in Ōtāiti: one related to its role as an ara

wairua; another as an abundant, life-filled part of Tangaroa; and a third due to its role in the deliverance of knowledge. These layers of mauri compounded the spiritual importance of Ōtāiti, Mōtītī Island and its surrounds.

Mauri

Mauri is a spiritual life force that originates from the atua, is bestowed at birth and resides in and enlivens all things (animate or inanimate) by binding the physical body and the spirit to make a charismatic whole that is something more than just the sum of its parts (Mead, 2016; Ministry of Justice, 2001; Henare, 2001). Mauri is essential, without it holding together body and spirit, there is no life. Like other core concepts and values in Māori philosophy, mauri has multiple dimensions. It is understood as a connecting force, the conduit between the spiritual and physical worlds, between the Earth, beings and the Creator. As one submitter explained:

> Mauri is the binding power that enables the spiritual presence of the Creator, Io to exist in all things… (It is) the spiritual presence of the Creator, the spiritual presence of the atua, that being, the children of Rangi and Papa and our connection to the environment, the land, waterways and the ocean. Mauri… describes the direct link that we have to Creation itself. (Submission 9)

As an ara wairua, Ōtāiti has a mauri that links the spiritual and physical realms. For hapū and iwi, the grounding and continued presence of the MV Rena seriously wounded, perhaps even severed that connection. There can be little more serious an impact than ancestral spirits being unable to return to their spiritual homeland to rest in peace, as the following submitter laments:

> The wreck of the MV Rena has severed that gateway or mauri directly related to Ōtāiti. For as long as the wreck remains on Ōtāiti, the spiritual gateway or stepping stone cannot work and the mauri will not return. (Submission 9)

Mauri is also understood as the connecting force that links humans, and other natural entities, to their environment. As Submitter 8 pointed out, others had ignored this assumption, preferring instead to focus on the cosmological significance of mauri and the mauri as it related to the physical environment of Ōtāiti. Rather, he refers to the special bond that hapū and iwi have to Ōtāiti as a mauri. He explains that certain places are so closely aligned with tribal and personal identity that they "are synonymous to the person and there is a mauri that binds them together". He continues:

> ...leaving the Rena on Ōtāiti is a burden on the connection (mauri) between Ōtāiti and the people who have this bond to it… Looking at the connection as a mauri, it can be

> understood when the hapū and iwi who use Ōtāiti say that as long as the Rena wreck is left on Ōtāiti, the people will be sick, or will be burdened. (Submission 8)

Mauri is also associated with abundance, and in this context, the cultural value of Ōtāiti as a fishery as Submitter 1 explains, "Anything that supported human existence had a mauri whose condition was an index of success. A mauri for a fishing ground, for example, represented the life in fish". The abundance of life, for which Ōtāiti was widely known, is an indicator of the powerful mauri that resided there. In the following, an accomplished diver, having dived all over the Pacific, still regards Ōtāiti as "one of the most special places I ever dived in my life… the amount of fish and life, the rock is just alive aye, alive with fish – [it's] unbelievable" (Submission 29). The metaphor of enchantment is extended in the personification of the reef as a thriving undersea community buzzing with interest and busy diversity:

> It was such a lovely place and just to see the amount of kaimoana, miles and miles of kina and the fish, the buzz of the fish, all kinds of fish, kingfish right down underneath, coming from under the rock and we saw a hammerhead shark, kahawai, every kind of fish you can think of moki, red moki (Submission 29).

His description paints a picture of almost Edenic innocence and harmony. The animals have no natural fear, not even of human invaders. The speaker continues:

> The kahawai just used to lay on top of the rock, they were asleep. You would go up and touch them with your spear or your hand and they would move and it was like light shot through them. (Submission 29)

Such lyrical descriptions convey something of wondrous nature of Ōtāiti and hint at the marvellous vitalism, the life essence, the mauri believed to reside there. The concept of mauri rests on the fundamental idea of balance. When the mauri of a thing is in its "natural" "organic" state (Personal communication, December 12, 2015), it is balanced and at peace, and its host, in this case Ōtāiti, will flourish on its own terms within the bounds and conditions of its natural existence (Barlow, 1991). However, if for some reason a mauri is violated, diminished or depleted through neglect, abuse or trauma, it may flee, or even die (Mead, 2016). This is exactly what many tangata whenua believed had happened to the mauri of the reef when the MV Rena hit the reef. There was a strong sense the mauri was gone, and that this would remain the case until the wreck was fully removed.

However, not everyone felt this way. The idea that the mauri still resided at the reef and that it was in the process of restoration came from two different schools of thought. The first came

from the traditional Council of Elders that sat within Te Patuwai's Tribal Committee. The second, from the University of Auckland's Engineering department, in the form of Dr. Te Kipa Morgan's Mauri Modelling Framework (Morgan & Fa'aui, 2017; Fa'aui et al., 2017) which drew on a mathematical model of hierarchical analysis to measure changes in mauri over several dimensions over time. The use of this model was not received favourably by most tangata whenua submitters, nor was it included as a monitoring tool in the final suite of conditions attached to the resource consent as originally proposed by the applicant (see discussion in Chapter 4).

The Council of Elders is a group of kaumātua that sits within the Te Patuwai Tribal Committee. Its decision to submit independently and against the views of the Committee in support of the application to abandon the wreck was a source of much rancour within the hapū. The elders submitted that the application of karakia at the reef (administered by themselves) had encouraged the mauri to repair and it was well on the path to restoration, as evidenced by the regeneration of fish and plant life seen in the owner's dive videos. Further, salvage works were, in their view, too risky, both to divers and the structure of the reef. Serious incidents or near misses had been reported at the site, and they were aware that death or injury (as well as being unfortunate for those involved) would threaten the already compromised spiritual integrity of the reef.

This was anathema to the hapū's 'official position' of opposition and full wreck removal. For one informant, it seemed that tikanga "was being compromised by our own kaumātua," (Personal communication, December 4, 2015). For her, and many others advocating full wreck removal, the fact that a few fish and plants had begun to appear was beside the point, and the elders' argument evidence of traditional knowledge being bent to suit the applicant's goals – the manipulation of te ao Māori to fit te to hurihuri, the changing world (Personal communication, December 4, 2015).

Wairua

In the traditional Māori symbolic framework, all living things have an immortal spirit, or wairua, which is connected to the body by the binding force of mauri (Henare, 2001; Marsden, 1992; Mead, 2016). At death the mauri or connection between body and wairua is broken and the wairua is able to depart the physical world, via an ara wairua, a spiritual pathway and return to Hawaiki. One of the most well-known ara wairua is Te Rerenga Wairua at the top of the North Island, but this is not the only route; different access points exist and are known to local hapū and iwi (Submission 8). For Mōtītī tangata whenua Ōtāiti is a recognised ara wairua, part of a wider spiritual seascape of sacred rocks, reefs and islands used since ancient times as portals to

the spiritual world (Submissions 8 & 18). However, at the time of the Rena grounding, this was not common knowledge. As Submitter 1 pointed out, such culturally-specific knowledge is not usually publicly shared, confined to those who need to know, in this case, the hapū of a small offshore island in the Bay of Plenty. Ōtāiti's status as an ara wairua was not part of 'official' record, but passed on within the group, from one generation to the next, often in the ritual practices associated with fishing at Ōtāiti, such as karakia (Submission 1). Thus, from a young age, Mōtītī children:

> learned that when our people pass on they didn't go to rerenga wairua (a commonly known ara wairua at the top of the North Island), they went direct to Hawaiki across the stepping stones from our lovely island. That is why that reef (Ōtāiti) is also a very tapu place. (Ngāi Te Hapu Inc., n.d., p. 19)

As open portals to the spiritual world, spirits may return to the physical world via ara wairua to watch over the living, tapu places or as invoked for especially important ceremonies (Mead, 2016). The Rena represented an immutable blockage on the path between heaven and earth. In a symbolic sense, these repercussions were very distressing, for not only would the spirits of tangata whenua be unable to reach heaven upon their death, neither would they be able to return to guide and protect their descendants. This was a most serious impact upon the symbolic order of those associated to the reef and island.

Mana

Mana and tapu are concepts of great consequence in Māori culture. Both are practical manifestations of forces derived from ancestors and atua (Ministry of Justice, 2014). Together, they structure and regulate society by bestowing agency and setting out expectations of how people should behave in relation to the ancestors and atua, the environment and place, objects, themselves and others. The need to maintain and enhance mana and tapu drives almost every activity, ceremonial or otherwise. So central are these concepts to individual and group integrity, that everyday measures designed to maintain and protect mana and tapu are consciously or otherwise "threaded into the fabric of existence" (Ministry of Justice, 2001, p. 55).

Mana represents the enduring potential for power, agency and efficacy that resides in all things (Henare, 2001; Metge, 1986; Mead, 2016; Ministry of Justice, 2001). It is a sacred, spiritual force, bestowed upon Papatūānuku and Ranginui and passed on to their atua children, human beings, animals and places through whakapapa. It is a taonga to treasure, protect and care for, which is why the mana of a person or things is tapu and certain restrictions always apply (Henare, 2001; Metge, 1986). Although a spiritual force, mana has social consequences. It is responsible for a

person or tribal group's status, authority, pride, and prestige and is allied to social agency and efficacy. Mana can rise or fall, be enhanced or diminished depending on the holder's actions and talents. A misuse of mana or a breach of the tapu associated with it is a serious matter for, not only may the mana of the individual responsible be diminished, but so too that of the wider group to which he or she is affiliated. Therefore, every endeavour should be more mana-enhancing than not (Ministry of Justice, 2001).

Mana takes on various dimensions when applied to different entities. For example, mana atua, represents the prestige and power of the gods and the spiritual connection to the universe and the gods; mana tūpuna is that drawn from the actions and skills of the ancestors and passed from generation to generation. Mana tangata represents the special qualities powers and skills of individuals or groups (Mead, 2016). Mana whenua, mana of the land, has two dimensions (Barlow, 1991). The first is eco-spiritual, is related to mauri and refers to the significance of prominent landscape features within a tribal area and their abundance in sustaining and nurturing life. The second is socio-political and relates to the status derived from association with place, including the right to speak about or be involved in decisions concerning a certain area (Mead, 2016). All aspects of mana are interconnected, and the enhancement or diminishment of one aspect impacts all the others. Accordingly, the adverse social effects of the MV Rena negatively impacted the all aspects of mana and resulted in fearful perceptions and assumptions about the misfortunes that might result.

At a spiritual level, Mōtītī and Ōtāiti are part of a wider cosmological landscape, created by the atua, that links heaven and earth. Accordingly, the grounding represents an insult to both the mana of the atua and their tapu, that is, the "protection of Io[18] and the atua that enables the mauri (of Ōtāiti) to function and exist" and disrupts the spiritual relationship tangata whenua have with the atua, including Tangaroa, atua of the sea. As Submitter 9 described, "all that is in (Tangaroa's) domain, including Ōtāiti, has now been negatively impacted by the presence of the wreck resulting in damage to the mauri of the realm of Tangaroa". While the Council of Elders argued that karakia could be applied which would aid spiritual repair of mana and mauri, this suggestion was largely deplored by the majority (Personal communication, December 4, 2015).

Tangata whenua also derived mana from having accumulated over generations of cultural practice the knowledge and skills necessary to gather kaimoana from the rocks and reefs surrounding Mōtītī Island. These "techniques, handed down to us by our forefathers" included

[18] Supreme Being from which all of Creation originates

traditions which bonded individuals "to each other and our island" (Submission 29) in ways that helped form the unique cultural identity of Mōtītī Island. For example, one submitter shared memories of kuia diving for kaimoana, as well as the thrill of her own experiences:

> I too am a hunter and gatherer... I have dived, and fished Tuhua, Mōtītī and the surrounding area including Ōtāiti. Each time has been euphoric, and the stomach has never felt better after a good day's catch. (Submission 2)

She shared this knowledge to reveal the ignorance of 'expert' evidence that suggested Te Patuwai women were prohibited from diving:

> According to one of the applicant's cultural witnesses, women divers are unheard of. That man doesn't know Mōtītī. My memories of how our kuia went out diving is still very clear in my mind since I was a child. (Submission 2)

For this submitter, mana derives from sourcing food in the old ways, from being a 'provider' who also happens to be female. Such culturally distinct practices are an assertion of self, pride and social identity; an assertion of mana tangata.

Traditionally, any resource that ensures the well-being and success of the hapū is considered a taonga from which mana derives, but this is particularly so where food resources are concerned. While Mōtītī Islanders' reliance on traditional fishing grounds is less now than in the past (Ngāi Te Hapu, n.d.), the island is still rather isolated. For example, the nearest supermarket is a plane ride away on the mainland. The sea remains an important source of food with Ōtāiti a traditionally reliable source. Cultural impact statements describe catches of hāpuka "some as big as me" and "grandparents who used to go out to Ōtāiti to fish. They went for hāpuka. Always got some never missed" (Ngāi Te Hapu, n.d., p. 19). Another spoke of his kuia who as a girl "witnessed the men returning from fishing at Ōtāiti, the hapuku being loaded onto a dray[19] and the fish so big that their tails would be dragging on the ground" (Submitter 13). Such tales are the stuff of fishing legends, but hauls like these were not isolated events, though more rare in modern times. Accordingly, the reef has always been regarded as a taonga from which the people of Mōtītī have drawn much pride and for which they have "great reverence...Ōtāiti has never failed us" (Ngāi Te Hapu, n.d., p. 20).

For coastal tribes, there is always the assumption that mainland whanau and manuhiri be admirably supported and cared for with gifts of premium kaimoana caught within the rohe

[19] Large horse-drawn cart

(Ministry for the Environment, 2010), this principle of care and hospitality, or manaakitanga being especially valued. Certainly, this has always been a source of mana for hapū associated with Mōtītī Island, as the explained by Submitter 29:

> The waters surrounding Mōtītī have sustained our people for more than 200 years. It has been the pātaka or food cupboard of Te Patuwai over the generations. As a result of this long-standing connection, Te Patuwai feel a deep affinity and have a strong cultural relationship with this area including Ōtāiti.

Conversely, being unable to share the abundance of Ōtāiti diminishes the mana of Mōtītī because it carries with it the insinuation that the hapū or iwi have been unable to adequately care for the environment (and therefore atua and ancestors) and have neglected their responsibilities as kaitiaki (Mead, 2016). For hapū and iwi of Mōtītī Island, this 'failure' is particularly painful, for "there will always be the knowledge that the reef is befouled by the presence of the wreck and its debris and will be a constant reminder that we have failed in our kaitiaki responsibilities" (Submission 1).

Agency: political, social, environmental

This section discusses ideas of political, social and environmental agency in the Māori world, identifies key tangata whenua groups within the context of the Rena saga and considers the ways in which such agency was made manifest during three main phases of the event: the initial response to the crisis, the recovery period and the resource consent hearing.

In the Māori world, agency over place is established through the doctrines of ahikāroa, mana whenua and mana moana. Ahikāroa refers to the continuous occupation or use of a place and its resources by a tribal group over an extended period of time, usually generations, so that it is recognised as their tribal area (Ministry of Justice, 2001; Mead, 2016). Only the ahi kā, as the resident and practicing kaitiaki of a place or resource, are able to speak with authority and be involved in decisions about its use and management. That is, they are recognised to have mana over a place: mana whenua in the case of land, mana moana in the case of the sea. Mana whenua and mana moana are key political concepts in environmental discourses in Aotearoa New Zealand, because they involve recognition of tangata whenua authority and control over their environment and resources, their legitimacy in important environmental decision-making processes, and their ability to fulfil kaitiaki responsibilities to the physical and spiritual worlds, thus upholding the mana of ancestors and tribe. Given the political, economic, social and spiritual import of environmental decision-making, issues of mana whenua and mana moana are often hotly contested, especially when there are overlaying tribal interests and competing claims, and

the disagreements that surround such issues can be both long lasting and damaging to relationships (Mead, 2016). In the legislative context of environmental and resource management, government agencies rely on statutory processes, documents and tangata whenua to decide which groups have mana whenua and whose views should take precedence, in which case, their environmental agency becomes 'legitimated', recognised under the Resource Management Act 1991.

Key agents

The area of the Bay of Plenty affected by the MV Rena is associated with a number of different hapū and iwi groups all of whom live in geographic proximity and are closely related through whakapapa. The grounding directly affected all of these Māori communities all along the Bay of Plenty coastline, from Mauao (Mount Maunganui) right up to East Cape (see Fig. 1). All tangata whenua who participated in the processes and procedures that played out around the Rena saga acted with agency, that is with a feeling of empowerment and with a view to influence the outcome through their actions. This is so regardless of whether they picked up pats of oil, participated in hui or workshops during the consultation process or wrote and delivered submissions on the owner's resource consent application to abandon the wreck. However, as this research focuses on the consent hearing, this section focuses on the agency of those hapū and iwi recognised as potentially most affected by the proposal, while also acknowledging the impacts on other Tauranga Moana hapū and iwi groups and their hard work and determination in upholding their cultural values, cleaning the beaches and making submissions on the owner's resource consent application.

The people of Mōtītī Island were widely recognised as most impacted by the Rena grounding and the owner's resource consent application due to their proximity to the reef and the spiritual and cultural significance of it to them. Two hapū have direct links to Ōtāiti through their traditional occupation of Mōtītī Island, Te Patuwai (formerly known as Ngāi Te Hapu) (Ngāti Awa iwi) and Te Whānau a Tauwhao (Ngāi Te Rangi) (Whiting et al., 2016). Of the two, Te Patuwai has maintained the strongest and most enduring presence on the island despite historic intertribal skirmishes, warfare and occasional abandonment. Te Whānau a Tauwhao have less of a presence due to historic land confiscations and sale (Submitter 18). Accordingly, Te Patuwai as ahi kā, hold mana whenua over Mōtītī Island. Other Te Moana a Toi (Bay of Plenty) groups have interests and associations with the island and its surrounds arising from whakapapa connections as well as their geographic proximity (Whiting et al., 2016). Te Arawa's strong interest in Ōtāiti, for example, was recognised in terms of their ancestor, Ngātoroirangi's association with the reef.

At the hearing, tangata whenua groups were represented by officially mandated tribal organisations, who acted as their agents in preparing and delivering submissions on their behalf. However, internal disagreements arose about the validity of some of these mandates, and whether they adequately represented hapū or iwi views. This led to a certain degree of intra- and inter-hapū and iwi conflict, rancour and disagreement. Much of this was complicated by the complex social and political background against which the Rena processes were set, including inequities in resourcing, capability and capacity between groups, on-going Treaty settlement processes, tribal aspirations (Bennett, 2013) and the development of a District Plan for Mōtītī Island. The latter was a fraught and difficult process, which went on to taint aspects of the Rena consultation and resource consent processes (Personal communication, December 4, 2015). Of course, hapū and iwi are comprised of free-thinking individuals who held a range of opinions on the wreck's impact on cultural values, mitigation and whether the wreck should be removed. However, such was the level of emotion attached to this issue that, in some cases, positions became polarised and rifts developed that are likely to be long-standing, even intergenerational (Personal communication, October 28, 2015). Having identified aspects and issues of agency, representation and conflict within tangata whenua groups, I now turn to considering how such issues played out over the course of events, and to what effect.

The response: hands-on kaitiaki

All those who participated in the response, recovery and resource consent processes acted as environmental agents in some way, impelled by subjective connections to place and empowered by the local agencies and frameworks that legitimised their participation. For example, the volunteer 'Operation Beach Clean-up' programme based at the Incident Command Centre headquarters in Tauranga during the height of the crisis co-ordinated over 8,000 volunteers and 24,000 hours of volunteer effort. Recognised as an unmitigated success, volunteers removed tonnes of debris and oil all along the coast and on Mōtītī, Matakana and Rangiwaea Islands. They were an essential part of the response and environmental recovery of the coast in what has universally been described as an admirable example of community altruism and environmental agency in a time of crisis and despair (Fraser et al., 2012).

In small, predominantly Māori communities, such as Maketū, the beach clean-ups, while including all comers, were led by the ahi kā. From a tangata whenua perspective, they were extremely successful, not only in terms of environmental outcomes but as an expression of cultural agency and empowerment. For many Māori, the clean-ups were a practical embodiment of kaitiakitanga, a fulfilment of intergenerational environmental, spiritual and social responsibilities, and thus a

culturally-specific form of environmental agency which helped salve the grief and anger associated with the grounding and restore the well-being of "our taonga tuku iho, our atua, our environment and our people" (Bennett, 2015, p. 6).

To truly fulfil the concept of kaitiakitanga, clean-ups had to be underpinned by traditional ecological knowledge, that is, mātauranga Māori, and carried out according to local tikanga. This was both appropriate and practical. Only the ahi kā were privy to the location of wāhi tapu or other culturally significant sites and knew how to approach them. Responses were locally led and coordinated in ways that ensured rangatiratanga and empowerment (Bennett, 2013). For Maketū, at least, "kaitiakitanga and rangatiratanga in their most profound natural form" (Bennett, 2015, p. 6) were "triggered" by basing the volunteer response at Whakauekaipapa marae at Maketū. Away from the bureaucracy and political one-upmanship at the Incident Command Centre in Tauranga, a marae-led initiative allowed "an instinctive order of leadership" to emerge, to which the locals responded naturally and with familiarity, enabling full "kaitiakitanga within the ahi kā (to be) revealed" (Bennett, 2015, p. 6).

For the Maketū community, rooting the response in the traditional and the familiar, while allowing people to participate in a process of environmental healing was deeply restorative and empowering. As Bennett (2013) reported:

> Although we didn't realise it at the time, we later discovered how taking charge of ourselves for us and our wider community protected our people from some of the serious adverse socio-cultural effects suffered by others who were not in charge in their own area. Retaining and exerting out mana motuhake was immensely empowering. (p. 7)

Other reports and cultural impacts statements also recognised the beneficial psycho-social effects that accrued from the beach clean-ups and of ahi kā leading local operations (Fraser et al., 2012; Rena Cultural Impact Assessment for Matakana and Rangiwaea Islands, Tauranga, n.d.).

The Recovery: agency, capability and capacity

All iwi representatives involved in this research spoke of the huge burden the Rena response and recovery processes placed on the resources and staff of iwi organisations. Important other work had to be put aside as staff and resources were redirected to respond to the disaster, engage with the owners and their representatives, go to meetings, interpret technical information, report back to their own people, prepare reports and, later, submissions (Bennett, 2013). Some organisations, being better resourced in experience, staff and finances, were more able to accommodate such demands than others. In this regard there were undoubted inequities among

tangata whenua groups and this influenced both the response and agency of those most affected.

For Te Patuwai Tribal Committee, the Mōtītī hapū organisation charged with tribal mandate, the grounding came at a time when they lacked the structures, staff, experience and resources to confidently engage (at least initially) with the owner and its representatives or participate in the resource consent process (Personal communication, December 4, 2015). The Tribal Committee was in the process of restructuring and the loss of key people made things difficult for new members unfamiliar with governance structures and processes. While the owner attempted to engage through its Aotearoa New Zealand representatives, the shadows of past experience (the owner used the same company employed in the development of a District Plan for the island) led to an "uncomfortable" and unsatisfactory exercise marked by distrust and suspicion (Personal communication, December 4, 2015). When it came to the consultation process, an informant confessed that Te Patuwai was caught off guard. "We didn't really know what we were doing", she told me (personal communication, December 4, 2015). Instead of taking a measured and strategic approach, they felt as if they were running around like "headless chooks". There was "no support from anybody", and no guidance on how to consult with the owner or participate in resource consent processes. Their collective reticence and uncertainty were compounded by a general and longstanding mistrust of the Crown, Council and those leading the owner's engagement (Personal communication, December 4, 2015).

Although it was not an official requirement of the resource consent application, the owner's consultation and engagement process with hapū and iwi was widely recognised as respectful and dignified. Notwithstanding the deferential way in which engagement was undertaken, however, some tangata whenua groups, particularly those associated with Mōtītī Island chose not to participate or became less engaged and eventually withdrew from the consultation process. This situation arose when it became clear that the owner had ruled out full wreck removal due to safety and technical issues and made clear their intention to apply for resource consent to abandon the wreck. Most tangata whenua groups saw full removal as the only appropriate outcome and regarded the owner's refusal to entertain this option as unacceptable. Consequently, some viewed the engagement process as a waste of time and decided to concentrate on preparing for the resource consent hearing instead. As one iwi representative explained, "We just understood each other's positions very quickly...unless you're going to come to us and tell us how you're going to do it (remove the wreck), there's no point in us talking any further," (Personal communication, October 28, 2015). Being "forcefully" told that full wreck

removal would involve dangerous salvage work and that the very real possibility of death or injury would lie solely at the feet of tangata whenua, was extremely insulting to the groups involved and interpreted as "a thinly veiled attempt at coercion" (Submission 1), designed to portray hapū and iwi as uncooperative or irrational (Personal communication, October 28, 2015).

By way of support, Te Patuwai's iwi organisation, Whakatāne-based Te Rūnanga o Ngāti Awa offered to help navigate the resource consent process, prepare submissions and provide advice and moral support during the hearing. However, one iwi representative strongly felt that Te Patuwai's general lack of organisation and mistrust of government and owner representatives was a severe disadvantage. This was particularly so in terms of applying to the Crown Fund, set up under direction of the Waitangi Tribunal, to assist tangata whenua in preparing their submissions and this ultimately affected their ability to engage the advice of independent technical experts (Personal communication, December 4, 2015). Having said that, while an expert view might have put a more technical spin on evidence, the words of one interview participant reveal a perspective that relies more on moral imperative than technical justification:

> for Māori organisations, I guess, especially the traditional ones it (technical information) is irrelevant to us. Scientific evidence is irrelevant. It's like, if you make a mess, clean it up. What's so hard about that? (Personal communication, December 4, 2015)

At the other end of the spectrum, the response and engagement for Te Arawa iwi of Maketū was led by Ngāti Makino, a well-resourced iwi organisation whose lead representative held multiple degrees and diplomas in marine, environmental and social science and was experienced in resource consent processes. A strong advocate for self-determination, the representative co-ordinated Maketū based beach clean-ups and confidently engaged and built strong, strategic relationships with both Konstantinos Zacharatos and other Aotearoa New Zealand-based owner representatives early in the engagement process (Personal communication, October 22, 2015).

For example, when Te Arawa learned, at their first meeting with the owner's iwi engagement representative, that a consultant had been contracted to assess and write cultural impact reports on behalf of all tangata whenua, they were concerned that their views and issues might not be accurately reflected and immediately insisted they write their own. Again, self-determination was a key motivation, not only in terms of self-assertion, but in controlling how that identity would be represented. A Te Arawa representative explained: "being in charge of our own cultural assessments was a really key benefit for us because we got to determine our own impacts and how those impacts might be assessed and addressed," (Personal communication, October 22,

2015). However, it created a "nightmare" for the owner's representatives because, much later, when other groups heard that Te Arawa had written their own cultural impact assessment, perceptions of favouritism developed and persisted throughout the resource consent hearing (Personal communication, October 22, 2015).

Te Arawa were strategically aware of what the long-term outcomes of the Rena disaster might be and that their actions early in the consultation process would influence future outcomes for their iwi, as revealed in this comment by an iwi representative:

> We already knew when that big ship hit the rock that one day that we were gonna end up in a resource consent process. I don't think others thought like that or thought that far ahead or whatever. (Personal communication, October 22, 2015)

Where other groups might have been wary of the resource management aspects and slow or unwilling to engage, Te Arawa built relationships and "maximised what was on offer – maximised every opportunity we could," (Personal communication, October 22, 2015).

All this played out against a background of community stress at what had happened, what might happen next and how to make sense of it all, and the iwi representatives often found themselves the focus community expectations. During one interview, an iwi representative confided that:

> They (hapū and iwi) expected (that the reps) were gonna take care of that (the removal) for the whole East Coast...Everybody at the end of the day would come past me and say, 'what do you think we should do? What are you doing? Do you know anything about that?' Then we realised all that hurt and anger (people felt) was because everyone had an expectation that (we, the iwi reps) were gonna remove that ship. (Personal communication, October 22, 2015)

Another iwi representative explained how, having spent the day clearing beaches of oil and debris, her evenings consisted of writing submissions for the Long-term Environmental Recovery Plan, or going to meetings, liaising with iwi leaders, or helping those who "weren't environmental people" understand information and processes (Personal communication, October 22, 2015). She went on to say:

> Even though we were burdened – voluntary work and kids – families made sacrifices. Everyone else got a bit of us as well – we helped – too much to explain, but we did things to help others understand, get representation or gave them advice about how we did things … but it got to a point where we had to decide this isn't healthy and it's just too tiring. (Personal communication, October 22, 2015)

In regard to the iwi representatives capacity to fulfil their roles, another defined it succinctly: "capacity is you being prepared to do it voluntary and having the knowledge and putting the energy in – that's what (capacity) is," (Personal communication, October 22, 2015).

Even though the representative was financially supported by the iwi organisation, the remuneration was hardly commensurate with the workload, personal time away from family and effect of this stress on mental and physical health. Much of the work was done in their own time, "so all voluntary – the whole lot voluntary," (Personal communication, October 22, 2015). Another prominent iwi representative, showing clear signs of burn-out, described the role in the bluntest of terms:

> It's full-on, it's unhealthy and its dangerous at times. It really is… they all praise you at every Board meeting – but they don't pay me for it. I've been busting my arse for this iwi, but I don't get paid for any of it. O, I get a meeting fee if I go to a Council meeting or something. So, they say they appreciate it all and you make great gains for your iwi but *pay* something. As the rep you get nothing out of it but hatred and ridicule. I don't know. Don't ask me why I do it I wouldn't have a bloody clue. I have a passion for it but that's not the answer I don't think. (Personal communication, October 22, 2015)

Hence, the iwi representative acts as a conduit for people's hopes and dreams, but when outcomes fail to meet people's expectations, they can also become the focus of lingering community anger, grief and pain.

The resource consent process: coming to terms

For Te Arawa (Maketū), the decision to drop their opposition to wreck abandonment was made reluctantly, and only after they had insisted that much of the debris that remained had been cleaned up. Two major initiatives helped them come to this decision, both of which were carried out under their own direction. First, they commissioned their own independent dive assessment of the structural integrity of the reef. Their diver strongly cautioned that full wreck removal could very possibly irreparably damage the reef structure of the reef, an idea, which, for Te Arawa was untenable (Whiting et al., 2016). Secondly, they undertook their own survey of mauri through a series of workshops that used Morgan's Mauri Modelling Framework to assess the effects of the Rena on Ōtāiti. While the use of the Mauri Model was contentious, from Te Arawa's perspective, it was a tool that enabled them to step outside the emotive aspects of the issue, and consider the concept of mauri deeply, in a rational way and across a range of dimensions. For the following participant, mauri modelling helped her deal with the trauma of the grounding and accept the fact that the wreck might have to stay: "I think our mauri modelling for me had a lot to do with it

(the decision to support). You'd have to rationalise your emotions. Attending those workshops really helped...we couldn't stay angry, (Personal communication, October 22, 2015).

For these participants, the Mauri Modelling Framework was a tool that realised a positive improvement in mauri, at least from a Te Arawa (Maketū) perspective (Bennett, 2015; Morgan & Fa'aui, 2017), and this caused a shift in their thinking. Instead of approaching decision-making from a position of anger, they started looking, "…in a very Māori way, because the rock is tapu," (Personal communication, October 22, 2015), at positive mitigation that could help offset abandonment. The same participant went on to explain:

> …we had to make sure our decision wouldn't transgress tapu, which would mean harm for ourselves or our whānau or our community. Our decision wasn't taken lightly but we went through the process and in the end, we think wrecking the rock is the worst alternative. (Personal communication, October 22, 2015)

This decision resulted in a backlash both from within and outside of Te Arawa. However, according to the iwi representatives, much of the people's lingering anger and grief was based in their own lack of participation in the processes that attended the Rena. From their point of view, people's lack of participation indicated a wider lack of social engagement which by extension lead to feelings of alienation and political impotence, as described in the words of the following iwi representative:

> I think that part of people's mamae or hurt is that they don't see themselves. They can't pick up a document and say I was involved in that, I went to that meeting, or I remember that...It feels like they haven't had any recognition for their contribution, whether it was picking up oil or coordinating volunteers, y'know. (Personal communication, October 22, 2015)

From this perspective, and pivotal in coming to terms with wreck abandonment, it was necessary for people to see themselves reflected in decision-making processes and to have their contributions recognised by their community. The same participant went on to say that "…when you actually saw you had a say, a voice – got to see your story being told in different places. They were all positive things that helped heal," (Personal communication, October 22, 2015).

Metaphors and rhetorical devices

Where the previous sections dealt with issues of agency within the worldview and discourses of tangata whenua, the following considers culturally-specific metaphors and other rhetorical

devices employed by Māori submitters in their attempt to influence the decision-makers. It shows that the reduction of the reef and the recovery of its ecological systems to objects of scientific study was an approach rejected by tangata whenua submitting from a traditional perspective. The kind of reasoning that tangata whenua employed was based on an indignant rejection of the idea that the wreck should be abandoned on their taonga reef. Their rhetoric was passionate, measured and strategic, framed by metaphor, appeals to religious belief, cultural principles and practices, whakapapa and lived experience.

The discourse of a traditional Māori worldview is underpinned by the principle of whanaungatanga, the personification of the natural world as one vast family in which all things are related through vast metaphorical webs of kinship. Papatūānuku is the original Earth Mother (whenua, the word for land is also the word for placenta) and Ranginui the Sky Father and their atua children preside over, are present in and represented as the physical domains of nature. Significant features of landscape, like mountains, rivers, the sea, are ancient ancestral forms to which Māori, as tangata whenua, are related (Mead, 2016). Such relationships are proved through whakapapa, the layers of genealogy that establish personal and collective identity. Through these metaphorical connections, tangata whenua intuit infringements against nature and, sometimes, these are subjectively experienced as physical or mental pain. In tangata whenua submissions, Mōtītī and Ōtāiti were not treated as singular and fragmented pieces of landscape, as in the discourse of scientists and other experts. Rather, they were represented as part of a wider symbolic system of sacred places, rocks and reefs linked to atua and ancient ancestors whose activities helped create and shape the physical environment to which people are inextricably connected (Submission 18).

Congruent with the generic requirements and conventions of legal discourse, the identity, qualifications and authority of submitters to speak at the hearing were established in their opening address to the panel. However, unlike the submissions of scientific and technical experts, the special authority of tangata whenua submitters to speak on the subject of Ōtāiti came from the long-established, ancestral and lived experience of the place as embodied in the principles of ahikāroa, mana whenua and mana moana. From this perspective, only the views of those whose knowledge of place stems from long-standing personal experience can be considered valid, for it is only through this that ecological agency, kaitiakitanga, is inculcated. Academic qualifications are interesting, but inconsequential compared with the practical knowledge of lived experience (Personal correspondence, December 4 & 21, 2015).

Traditionally, such authority is established through whakapapa, the traditional genealogies and ancient stories that describe the relations of kinship that connect people to atua, ancestors, tribe and place (Cheung, 2008; Mead, 2016; Rameka, 2016, 2018). All tangata whenua opened submissions by establishing whakapapa, and the rhetorical purpose and effect of this was to establish identity and authority to speak. Some of these introductions were set out in the traditional form of pepeha. A traditional mode of introduction, pepeha is a formal statement of personal and collective identity based on a simple whakapapa. As it is told, connections to place, ancestral landscape features and forms and people are asserted, elements critical to the establishment of authority and identity (Durie, 2009; Rameka, 2016), as represented in the following:

Ko Putauaki te maunga	Putauaki is the mountain
Ko te Moananui a kiwa te moana	Kiwa is the great sea
Ko Mataatua te waka	Mataatua is the waka
Ko Te Patuwai Te Hapū	Te Patuwai is the hapū
Ko Toroa ratou ko Tamateatehuatahi,	Toroa, Tamateatehuatahi and
Ko te Hiingaotera nga whare tipuna	Hiingaotera are the wharenui
Ko Mōtītī te haupapa kohatu	Mōtītī is the island

> My name is [anonymised] I am a member of the Ngāti Awa iwi and through my father I descend from the Te Patuwai hapū. (Submission 29)

Through whakapapa, questions critical to Māori identity and sense of self are answered that relate to place, tribe and family (Rameka, 2016; 2018). Ancestors are named first, in a discursive process of ordered genealogical layering, which continues up to the present. There are different types of whakapapa and ways of reciting them depending on context and rhetorical purpose. For example, the ancient and sacred whakapapa submitted by cultural experts detailed the origin of Mōtītī and Ōtāiti all the way back to Creation and the Supreme Being, Io. Others established tribal whakapapa to founding ancestors such as Te Hapu, the eponymous ancestor of Te Patuwai. From a purely rational perspective, genealogies along with religious myths and stories have little place in legal submissions and decision-making (Fraser, 2001). They are, however, an important aspect of deliberative processes marked by fundamental differences in worldview because they act as rhetorical appeals to an alternate, in this case indigenous, rationality and experience of place that goes beyond the objective and into the realms of unshakeable belief.

Other submissions contained stories and narratives of cultural practice and tradition rooted in the idyllic past of childhood experience. One submitter gave a narrative account of two kuia of formidable self-sufficiency, who lived on the island and cared for him as a boy. As he recalled, the

elderly sisters were knowledgeable in "all aspects of life on Mōtītī… and the moana". One maintained large plots of kūmara and maize (the main crops that islanders grew) and "from ploughing to planting to cultivating and gathering the crops she did it all with a team of horses" (Submission 13). From an early age, all children were taught to collect edible shellfish, and later, when the speaker was about seven years old, the old women taught him how to dive for crayfish and other traditional methods of catching fish. They taught him "to respect the moana and its bounty...by using appropriate karakia whenever they went to the water" and spoke of a mythical creature associated with the reef, "a white stingray kaitiaki taniwha", which "if you saw it you should pack up and go home as you would not be able to catch anything that day, which I can confirm as being quite true" (Submission 13).

The rhetorical force of personal narrative, story and metaphor goes beyond the banality of reason, by appealing to an audience's deeper empathy. Everyone likes a good story, and those that appeal to the themes of intergenerational bonds, the wisdom of the elders, and the association of the feminine with the natural world, growth and fertility are present in the folklore of many cultures. Through such stories, important cultural values are conveyed – hard work, self-sufficiency, respect for nature, reciprocity – which might otherwise be difficult to explain or justify as a basis for rational argument (Fraser, 2001). While myths might contain an element of truth shrouded in the fantastic, narratives are all about lived experience. They help foster understanding by giving voice to different, sometimes previously unknown views and experiences. In this way, the narratives contained in submissions helped create and expand social knowledge about tangata whenua relationships with the land and seascape of the Bay of Plenty. By expressing alternative perspectives and experiences of Ōtāiti and Mōtītī before, during and after the Rena grounding, tangata whenua narratives challenged the usual hegemonies of Western scientific knowledge. Included to demonstrate, describe, explain or justify perspectives not recognised or made mute by mainstream society, but which otherwise might influence decision-making, the rhetorical use of stories, narratives and whakapapa is overtly political because it deals with the territory of epistemological validity. That is, what is or is not regarded as genuine knowledge.

Officially, the panel of Commissioners as decision-makers on the application was the only relevant audience for submitters' arguments, but with the public gallery full of hapū and iwi from Tauranga Moana, the wider Bay of Plenty, and Mōtītī Island, there was another audience to address. Thus, some submissions performed the dual purpose of asserting cultural pride as well as rebutting claims made by parties that were contrary to the position taken by mandated iwi

organisations or those perceived to be impinging upon the mana whenua of Mōtītī ahi kā. One participant admitted: "my submission – nearly every paragraph was a rebuttal, about the mana whenua, the ahi kā and to prove kaitiakitanga… (It was) a rebuttal externally and internally as well as for the panel," (Personal communication, December 4, 2015).

On the days on which specific hapū or iwi were scheduled to speak, busloads of supporters, some having taken the day off work, including school children from the local kura, would attend to hear tribal representatives speak on their behalf, and this level of emotional support impressed upon the panel the import of the application to tangata whenua (Whiting et al., 2015). Although the show of support was not *per se* a rhetorical device, when it was added to the persuasive effect of submitters' arguments, it emphasised the broader intergenerational aspects of the issue. That is, as the following submitter explained, that the fight for the wreck's removal concerned the future and culture of all those associated with the island and reef:

> The reasons I have given for wanting the wreck removed come from my heart. I believe they can also be found at the heart of te ao Māori, the Māori world and accepting something less or something else is a denial of our heritage and the sacrifice of our integrity as Māori people. (Submitter 3)

Conclusion

Using a Dryzekian framework (2013), this chapter has set out the traditional Māori worldview of the environment associated with Mōtītī Island and Ōtāiti as revealed in the submissions of tangata whenua to the resource consent hearing. The first section set out the basic framework of traditional Māori knowledge and ontology, mātauranga Māori, that defines the relationship of tangata whenua to the natural world. It introduced the concepts of whakapapa and whanaungatanga, both of which incorporate the idea of a nature as holistic, interconnected, balanced and reciprocal. The concept of kaitiakitanga, broadly understood as guardianship, conveys the sense of intergenerational responsibility to uphold the mana of generations past, present and future through respectful, reciprocal use and care of resources and the environment. Understanding this intergenerational dimension is vital in contemplating tangata whenua discourse on the Rena. From the moment the ship hit the reef one of the most motivating factors in the Māori response, (apart from the obvious need to clean physical environment), was the need to restore and uphold, as environmental kaitiaki, the mana of the reef and other places affected by pollution, and of the atua, ancestors, tangata whenua and their future generations.

The second section described what Dryzek (2013) calls 'the basic entities' of this worldview. Thus, this section introduces the atua, ancestors and spiritual forces recognised and reified under the

symbolic frameworks of affected tangata whenua groups. The place of Ōtāiti in the cosmological symbolic order is described, including its function as an ara wairua, a pathway or portal to the spiritual world, and its role in the deliverance of knowledge to humanity. The concept of mauri is introduced and its various dimensions (as a spiritual connection and vital life essence) discussed in relation to the MV Rena, its proposed abandonment, and the way in which different tangata whenua perceived its effects upon mauri and its potential restoration.

The third section addressed the issue of agency. This is approached in two ways. First, it considers the concepts of ahikāroa, mana whenua and mana moana as traditional ways of establishing 'agency' within environmental discourses. Then, it considers the agency of two main tangata whenua groups considered most affected by the proposal to abandon the Rena; Mōtītī Island tangata whenua (Te Patuwai and Ngāi Te Hapu), and Te Arawa (Maketū) and how differences in resourcing, capacity, capability and strategic thinking between the two influenced their participation in reaction to Rena-related processes and outcomes. The personal impacts of Rena-related processes on iwi representatives as the official agents of mandated organisations are also considered. Finally, the metaphors underpinning this worldview are considered as are other rhetorical devices, such as the use of whakapapa and other cultural appeals specific to tangata whenua discourses. Having discussed the Māori worldview, attention now turns to another dominant and oppositional form of discourse employed by the owner and applicant to advance their arguments for wreck abandonment, that is, the discourse of the scientific and technical worldview.

Chapter 6
Deductive Reasoning, Reductive Results: the Technocratic Perspective

Overview

The purpose of this chapter is to set out a case study of the events that occurred and the processes that were mobilised after the MV Rena grounding, with special attention to the ways in which the discourses of Western science and technology were inextricably woven into each phase of the investigation, evaluation, impact assessment and decision making processes constructing a particular reality in which all the agents were obliged to function. The material in the chapter is presented in roughly chronological episodes that introduce key agents and their actions. The chapter, following Dryzek (2013), shows one set of assumptions – though arguably, the dominant set – about the way that humans relate to the natural world and to one another within it. It also undertakes a close reading (Fairclough, 1992) of the applicant's cultural impact assessment report to consider the way tangata whenua are positioned within the discourse, the lexical choices that allow cultural conclusions to be drawn from technical findings and the obfuscatory use of rhetorical devices in assessing social and cultural impacts.

Science, positivism and the Resource Management Act 1991

The premise on which Western science is founded is that objective truths are discoverable by deploying various organising and epistemological strategies, and that these truths make sense of a universe that would otherwise seem chaotic (Chibbaro et al, 2014; Mazzocchi, 2006; 2008). Perhaps the strongest influence in the development of the Western scientific view was positivism, based on the philosophies of Auguste Comte (1798-1857), who proposed three stages in the development of human thought: the theological, in which phenomena and events are attributed to supernatural beings; the metaphysical, which posits that phenomena and events are caused by mysterious forces; and finally, the positive or scientific, which argues that knowledge derives from observation, hypothesis and experimentation (Laudan, 2003). Positivism (Auguste Comte, 1798-1857) has promulgated an understanding of the universe as machine-like, a complex whole made up of myriads of small, interacting systems which can be comprehended

piece by single piece and system by separate system. Proponents of the Western view of the natural world as mechanical and deterministic have found it to be a useful way to predict effects from causes and outcomes from actions (Mazzochi, 2006, 2008; Chibbaro et al., 2014).

As logical positivism gained strength in Western scientific circles, advocates argued that the natural sciences should be explained in terms of physics and mathematics. In the complex science of biology, the effect was especially obvious when organisms were reduced to and described in terms of their physical and chemical components, rather than as entities in an holistic ecology. In fact, many scientists came to agree with Francis Crick (the scientist who, along with James Watson, identified the molecular structure of DNA) that the ultimate aim of science should be to explain biology in terms of physics and chemistry (Mazzochi, 2008; Laudan, 2003; Olby, 2003). Such ideas have had a potent and enduring influence on the scientific view of the natural world as consisting of small, interconnected parts behaving mechanistically in regular, predictable ways (Park & Allerby, 2017). Some scholars, notably Mazzocchi (2008), have attempted to explode this view, arguing instead that Western science is in fact based on an ontological assumption. Equally, the concept of ecosystems being organised in different levels from molecular to cellular, individual organisms and whole communities is an epistemological assumption. Although it is possible to argue convincingly that Western science was based on a philosophical decision (Mazzocchi, 2008), the ontological assumption has had a powerful effect, perhaps expressed most clearly by White (1967), who claimed that "today… all significant science is western in style and method" (p. 1204).

Applying Western science to environmental matters in Aotearoa New Zealand means invoking the Resource Management Act 1991, which is the legislative framework that governs the management of the environment and its resources (Peart, 2008). The Resource Management Act leads decisionmakers to seek out and place great value upon the authority of Western science for the management of all aspects of the environment, which inevitably involves experts from a range of scientific disciplines that all have their roots in Western traditions, and are regarded as the best and only way to deal with the complexity that attends environmental decision-making. Thus, decisions are made on the basis of technical data derived from an enormous body of scientific knowledge that favours the quantifiable over quantitative, objective over subjective and reason over intuition.

Establishing an ecological baseline: assessment begins

As soon as the MV Rena had grounded, local researchers, mindful of the requirements of the Resource Management Act, realised the necessity for the scientific assessment of the

contaminants that might escape from the ship (Battershill et al., 2016). The experts hypothesised that, because the Rena and her cargo consisted of many inorganic elements foreign to a marine environment, the effects on ecosystems would likely be chemical and toxic (Battershill et al., 2016), and therefore an extensive eco-toxicological assessment of the reef and coastal marine environments would be required. Soon after the grounding, but before any contaminants were released, scientists from local tertiary institutions, with the support of iwi, Bay of Plenty Regional Council and Maritime New Zealand, began to assess areas at risk of contamination. Undamaged environmental conditions needed to be quantified so that, once oil and debris reached the reefs and beaches, any effects could be measured and monitored against a pre-pollution baseline.

Some quantitative data existed from long-term environmental monitoring programmes of the coastline from Matakana Island to Opotiki, and this constituted a helpful picture of pre–Rena environmental reality (Battershill, et al. 2016). However, there was a "dearth of quantitative information about Ōtāiti… prior to the grounding" (Hearing statement 34) and what information did exist was largely "scarce and largely anecdotal" (Schiel, Ross & Battershill, 2016, p. 6). As scientific approaches deem anecdotal evidence to be unreliable because it is rooted in subjective interpretations of past events, this meant that a new body of environmental knowledge about the reef would have to be constructed, based on the authority of objective numbers and measurement. Accordingly, a plan was devised to systematically produce the necessary information by measuring the geological and biological compositions of the adjacent Tuhua and Rurima reefs. These two systems were thought similar to the Astrolabe Reef before the Rena's grounding, but far enough from the wreck site that they were unlikely to be affected by any contaminants (Hearing statement 34). Thus the ecologists considered that they would be able to quantify and construct an artificial baseline representation of pre-Rena conditions at the reef against which a post–Rena reality could be assessed.

Establishing contaminants: the eco-toxicologist and the manifest

The ship's manifest was then audited to ascertain which parts of the cargo should worry scientists the most in terms of eco-toxicity and environmental impacts. However, the review of the ship's manifest and identification of cargoes was not a straightforward job (Hearing statement 35). Of the 1368 containers on the manifest, only eleven were listed as containing dangerous goods, but in fact, the whole cargo had to be considered potentially dangerous because the contents would hardly ever enter a marine environment, and there was no knowledge of what effects some items might have, especially when released in great quantity (Evidence 36). What was harmless when loaded, therefore, was radically redefined under this

eco-toxicological perspective, and what was once "cargo" became a "contaminant" that systematically generated risk to the passive, "receiving environment" (Hearing statement 35).

The dilemma for the investigating eco-toxicologist immediately became one of identification, classification and semantics. For example, the manifest revealed that the MV Rena was carrying a container of scrap copper. As its port of origin was Lyttleton, it was thought to be crushed copper spouting and hot water cylinders from buildings demolished as a result of the Christchurch earthquakes and, in this form, was not considered a "high risk" cargo (Evidence 36). A sample from the suppliers, however, revealed that the crushed copper was in fact tiny filings of copper "clove", and in this form and quantity (multiple tonnes), the copper became a priority contaminant because of its potential to leach into the water column and be picked up from sediment by animals that live on the sea floor (Evidence 36). Indeed, this point of view made copper clove a key ecological "stressor", but the copper clove was only one example among many similar difficulties in evaluating the risks caused by the grounding.

One outcome of the eco-toxicological audit of the manifest was a decision to focus on the inorganic contaminants that were leaching from the MV Rena, and so rock, sediment and animals were taken from the reef and other control locations to quantify levels of toxins, using guidelines issued by the Australian and New Zealand Environment and Conservation Council. The operating principle of these guidelines is that ecosystems and organisms are able to assimilate and tolerate levels of contaminants up to certain limits, after which the consequences are dire. As the applicant's expert put it:

> …the normal metabolic processes of cells can be interrupted, causing a range of potential effects such as reductions in growth rates, loss of osmoregulatory functions, weight and biomass loss, dysfunctional sensory responses, interference with reproduction or specific life stages, shortened lifespan and/or reduced resistance to infectious diseases. Where widespread toxicity affects the viability of a population, changes can occur in community structure and in extreme cases lead to ecosystem level effects. (Evidence 37)

Here, the metaphor of 'organism as machine' is employed to explain the toxic effects of too much copper, while un-emotive 'scientific' language objectifies and reduces the animals in question to a series of "metabolic processes". Any lack of growth is described in terms of a system failure, conceptualised as reduction in growth rate, loss of function, dysfunctional response and shortened lifespan. Congruent with scientific experimental process, the creatures, having been gathered and removed from their home context, ceased to be integral to an ecosystem and were translated instead into "samples" which were dissected, bagged, labelled

and sent for analysis in a laboratory, where they were reduced to even smaller parts (ground rock, blended biological samples) for molecular and chemical observation. The results of the chemical analyses were quantified and entered as numerical data into a master spreadsheet, and the finalised spreadsheet was then distributed to a wider group of experts and scientists for extrapolation in varied fields such as marine science and epidemiology (Evidence 38).

Discourses of toxicity

In this way, the discourse of chemical toxicity, which is a discourse type within the wider order of scientific discourse, underpinned and was drawn upon by other scientists, and its trail can be followed through the texts of impact assessments, where it is transformed and reinterpreted to fit the logic of the other disciplines. Ultimately, the discourse of toxicity also made its way into areas outside the resource consent process and into the public domain, in the texts of various 'communication tools' used by engagement specialists and other experts at open days and community meetings, in newsletters, information posters, media releases and other public forums. Because of the way the discourse of toxicity was mobilised, one unintended consequence of the grounding was to render the holistic environment of the reef to tiny component parts. The environment around the wreck was reduced to observable physical and chemical effects determined by the measured presence of chemical compounds and tiny particles of trace metals.

To determine whether the wreck would have a negative impact on human health, data from four sampling rounds were analysed against guidelines from the European Food Safety Authority and the World Health Organisation. This was a highly mathematical exercise that at no time involved the people whose immediate environments were directly affected by the contaminants. The base-line used was a generalised simulation of New Zealanders' consumption of seafood. The mathematical and quantitative reasoning involved in the simulation constructed a particular reality based, not on the lived experience of the local inhabitants, but rather, on the manipulation of numbers. The simulation was nevertheless accepted as the total empirical truth (Porter, 1995). It did not reveal quantifiable epidemiological risk to human health from the consumption of kaimoana sourced from Mōtītī Island and Ōtāiti and, because no direct causes and effects could be proven, it was concluded that none existed (Evidence 24).

In fact, submissions were made to the hearing that for Māori with ancestral connections to Mōtītī, the presence of the MV Rena and the spilt contaminants were responsible for culturally-specific physical expressions of mate Māori (Submission 29; Submission 11), but the hearing determined that while "the distress caused by the wreck was clearly evident among the Māori

submitters we heard from… no expert evidence was presented to us as to the extent of the actual mental, or other health issues" (Whiting et al., 2016, p. 95). Here, it is made most obvious that the panel's decision is likely to privilege the opinions of scientists and technical experts over the subjective experience of citizens.

Another example of scientific assessment of separate parts of the environment is found in the metocean report on conditions at the reef. Wave-modelling techniques were used to measure, calculate and assess the impact of the wreck on the "wave climate" (Whiting et al., 2016, p. 98) at the reef, and found that the wreck had little or no adverse impact on "wave crest elevation, wave phase and wave height distribution" (Whiting et al., 2016, p. 98). In other words, the size, shape and frequency of the waves would be barely affected by the presence of the wreck beneath. An 'out of sight, out of mind' situation was expected to prevail: the wreck, having been cut down to just below the surface, would have achieved a benign and harmless state. The same evidence proved, through scientific method and mathematical calculation, the validity of the salvor's and insurer's arguments that further salvage work was too dangerous and too expensive (Evidence 39; Evidence 36). According to this particular analysis, conditions considered safe for salvage operations could only be expected to occur eleven percent of the time, and, on this basis, an argument was advanced that complete removal of the Rena could not be expected, because it was neither practical nor cost effective. The insurer's representative, John Owen, drew on the same data, but re-framed it as a discourse of financial responsibility in which time is equated with money, and the difficult conditions would guarantee even more expensive project over-runs.

Discourses of the Western sciences featured strongly throughout the entire corpus of MV Rena-related discourse and texts. The language employed by scientists in one discipline had a way of recurring in other areas of assessment, and furthermore, had a direct interdiscursive and intertextual presence in the communication and legal processes mandated under the Resource Management Act. Overall, the natural sciences of biology, physics, engineering and chemistry were represented by an abundance of experts in their different fields, but the measurable effects of the Rena on the biophysical, environmental, and human health were not the only issues that were raised. The experiential and subjective effects, especially those from a social and cultural points of view, were also systematically and 'scientifically' assessed and framed within the processes mandated by the Resource Management Act.

Measuring the social impacts

Along with ecological communities, the Resource Management Act also recognises the place of humans and their social, cultural, and economic systems within environmental ecosystems.

Accordingly, the social impacts of any resource consent proposal are considered alongside the biophysical so that the implications of environmental impacts can be perceived at community levels (Vanclay et al., 2015). A useful tool in these deliberations is a social impact analysis which systematically incorporates social sciences such as sociology, anthropology, human geography, and archaeology, environmental planning and policy-making processes (Taylor & Mackay, 2016). Every social analysis will inevitably be constructed on a foundation of ontological assumptions about how social worlds work (Aldeo-Tur & Dominguez-Gomez, 2016). Social impact analysis is a deliberate combination of quantitative and qualitative scientific research, and the implications of having both forms of research present is that each will receive equal weight in the conclusions that are drawn.

Two opposing views of social reality dominate the research on social impact assessment: the first is a technocratic perspective, which considers communities as mechanically functioning systems. Environmental disruptions are assumed to affect social function in universal and deterministic ways, and the resultant effects are observable, measurable and predictable by suitably qualified, objective experts using various social scientific tools and methods. This approach emphasises objectivity and quantitative method and gives primacy to the Western values of positive and empirical rationalism (Aldeo-Tur & Dominguez-Gomez, 2016; Karami et al., 2017; Taylor et al., 2004). A second point of view exists: reality is a complex social construction resulting from and residing in a nexus of socio-cultural discourses and practices. According to this perspective, communities respond to environmental disruption in different ways depending on context and cultural factors. In this view, social impacts do not follow predetermined laws and therefore no assumptions should be made because human communities experience environmental change subjectively, in both tangible and intangible ways. This view perceives humans as rational beings, able to form opinions and act appropriately in their own social milieu (Aldeo-Tur & Dominguez-Gomez, 2016; Craig, 1990; Taylor et al., 2004). This point of view acknowledges that citizens immediately involved in an environmental disaster have agency, although this may be undermined by wider issues of persuasion and strategic intent, power and hegemony, as sometimes happens when the interests of powerful economic actors collide with the less socially and economically powerful (Roper, 2005).

In practice, social impact analysis should draw on both orientations to produce results that are politically relevant (issues-led), reliable (focused on standard variables and processes) and able to withstand the rigour of rational quantitative and analytical decision-making. The processes and mechanisms of this best practice are identified in social impact analysis literature (Taylor et al.,

2004) and in an authoritative and influential guidance document published by the International Association for Impact Assessment (IAIA) (Vanclay et al., 2015), which identifies social impact analysis as a hybrid of technical and participatory processes that can alleviate any negative effects of proposed activities by predicting social effects, proposing mitigation or restoration, influencing decisions, and monitoring and managing effects once a proposal is in place.

In the case of the MV Rena, the social impacts of the proposal were considered in two separate assessments that reflected the cultural composition of the community. One focused on potential effects accruing to the 'mainstream' community: that is, that part of the community adhering to a Western worldview and mainstream values. The other considered the effects of the proposal on Māori cultural values. The separation recognised the divergence of the two worldviews – one secular and scientific, the other traditional and indigenous – and the different expertise required to consider these effects.

The assessment of social effects on mainstream communities affected by the MV Rena grounding closely followed the technocratic perspective described above. It was strongly technical, systematic and outcome-driven, which is typical of assessments charged with fulfilling the legal and bureaucratic requirements of resource management and planning (Taylor et al., 2004). The purpose of this assessment, as with the others, was to assist the resource consent decision-making process. To be meaningful, the report therefore considered the potential effects of the proposal in relation to the relevant sections of the Resource Management Act, particularly those in Part 2, which deals with the ability of people and communities to provide for their social, economic and cultural well-being (Part 2 s5(2)), the efficient use and development of natural and physical resources, and the maintenance and enhancement of amenity values (Part 2 s7(b)(c)). To achieve this, the report sought the following outcomes: an understanding of the proposal and the existing social environment; the identification of stakeholders and their perception of social issues deriving from the proposal; and the prediction of social impacts and possible mitigation and management strategies for the same (Beca, 2014a).

The process of assessment involved an extensive community consultation programme to identify the benefits and "dis-benefits" (Beca, 2014a, p. 4) of wreck abandonment over both the short and long-term and making recommendations for social impact mitigation, restoration and management. The assessment and prediction of social impacts followed an iterative hypothetical-deductive process, at the end of which a judgment was derived about how the "community of interest" (p. 4) would tolerate the Proposal. The judgment employed three assessment areas derived from the IAIA framework: effects on experiential values; the impact on

community cohesion, process and engagement, and the consequences for social infrastructure and economic opportunities (Beca, 2014a).

A number of assumptions informed these judgments. First, that the consultation process upon which the report was based deployed other technical assessments previously commissioned by the applicant into such matters as human health, recreational and cultural activities, and acoustics, and that these assessments were reliable. There was no questioning or critique of these documents: they were assumed to be admissible, correct, and to express suitably 'expert' opinion. That the impact analysis did not begin at its own 'ground zero' shows its heavily interdiscursive and intertextual nature and suggests at least some potential for inherent bias, because the assumptions embedded in previous texts were propagated uncritically in subsequent communication. A second assumption was that opinions given before the report was written would not change and that the process of consultation need not be continuous rather than ring-fenced, (as is consistent with best practice principles set out in the IAIA Guidance Document) (Vanclay et al., 2015). A third assumption was that it was acceptable to exclude Māori cultural values from this social impact assessment. The author acknowledged that Māori "cultural elements" are part of the "social environment" and asserted "… that different expertise is required to consider these effects" (Beca, 2014a). Accordingly, the applicant should prepare a separate cultural impact assessment to account for potential cultural impacts on relevant groups.

The process of social impact analysis began with a process of identification and reduction. "Communities of research interest" were first identified by virtue of their proximity to the wreck site and tangible experiences of oil and debris pollution from the shipwreck (intangible 'effects' or psycho-social issues, such as emotional pain, were irrelevant because they could not be objectively assessed), and the geographic scope confined to Tauranga City and the Western Bay of Plenty. Human communities were viewed reductively, in terms of demographic units of population (age, income, household and number of household members) and segmented into small social groupings considered representative of the wider population – ratepayers' and residents' associations, schools and community groups. Such reduction was based on an assumption that these kinds of groups have particular connections or interests that made their views especially pertinent and therefore useful in terms of feedback and data-gathering; a process that recognises the views of some groups to the exclusion of others. This is also a rather dehumanising process because of the way it anonymises individuals and their communities through reduction, segmentation and quantification.

Starting in July 2012, there were three rounds of community consultation. The first began with a visit by the owner's representative, Konstantinos Zacharatos, to personally deliver an apology to local communities, followed by "targeted community discussions" (Evidence 22), workshops and hui. Feedback was analysed, coded and summarised into the three "social themes" (Evidence 22; Beca, 2014b), which corresponded to IAIA best practice principles (Vanclay et al., 2015) and ultimately provided the framework for the report. Round Two occurred during October and November 2012 in the form of public open days and a comprehensive communication campaign. The purpose of this round was to inform the public about the salvage and wreck reduction progress, to present three options for wreck removal (full, partial or leave in place), outline initial environmental assessments and, of course, to provide the team with data for their assessment. To this end, participants were encouraged to complete feedback forms containing questions related to the three themes previously identified in Round One, the three wreck removal options and a potential community restoration and mitigation package. Feedback was both quantitative (tick-box options, significance rankings) and qualitative – a space was provided for extra comments and suggestions. Issues associated with intangible values pertaining to culture, ecology, and recreation were in this way ranked mathematically and incorporated into a scientific framework of analysis and presentation (bar graphs, for example).

Feedback from this round revealed no clear citizen support for any one of the three removal options, but high values were attached to worker health and safety, ecology, and water quality (Beca, 2014b), indicating a high level of public concern for these issues. The third round of consultation began in February 2013. Its purpose was to advise the applicant's preferred course of action for wreck management, which was to apply for resource consent to abandon the wreck with certain conditions. Specific feedback was sought for this proposal. The communication campaign was similar to those in the other rounds of consultation, but it 'triggered' more engagement from tangata whenua. Some iwi groups who had not previously engaged now chose to participate in hui and technical workshops, but although participation increased among some Māori groups, it fell in other areas of the community. This "observed waning interest and concern from most sections of the community regarding the project" was interpreted by experts as a indicative of a general lack of concern and coincident with an upswing in support for the proposal (Evidence 22), and associated with comments from the workshops and feedback forms that the reef was "back to normal" (Beca, 2014a, p. 25).

Feedback from the consultations was analysed and sorted into the three themes, with the potential effects of each considered according to their possible duration, extent, and severity.

Finally, the impacts were ranked according to degree as significant, moderate or minor. Issues related to "experiential values" were assessed as "minor-negative, with moderate severity experienced over a short-term by a few small groups, or a low severity over a long-term duration" (Evidence 22). Effects on "Community cohesion process and engagement" were considered "minor positive" due to the increase in social capital when communities came together in the spirit of altruism, partook in volunteer beach clean-ups and shared information about events. Social infrastructure and economic opportunities ranked "minor positive": it was predicted that some community benefit would derive from mitigation and restoration projects, such as monies given to the area's surf life-saving clubs, and the potential use of the wreck as a dive attraction.

Through this rather convoluted process of consultation and assessment, the overall conclusion was that potential social impacts of wreck abandonment on the mainstream community be mild, fleeting, and appropriately mitigated. This perspective presented a view of general mainstream acceptance of the applicant's narrative, namely that full wreck removal would be overly dangerous and that the reef ecology and water quality would naturally improve over time. The analysis did not suggest that there would be no social effects (after all, to do so would be to invalidate the expert's role), but it did present an argument that in this case, in expert opinion, the effects would be only "minor".

The significance of the word "minor" here is considerable because it is summative in terms of the Resource Management Act and environmental impacts assessment, but it does not signify whether the proposal on balance promotes sustainable management (Lupis & McDonald, 2011), which is the purpose of the Act. Furthermore, as the term is not defined within the Act, decision makers depend on contextual information and evidence when ascertaining what "minor" effects actually mean. Other equally opaque language is the description of effects as "low" and "moderate" in severity.

To summarise, there is no legal obligation on an applicant for resource consent to consult the parties affected by it (Resource Management Act 1991, s36A), but failure to do so increases the difficulty of claiming that assessment has been systematic and that decisions are legitimate. Corporations realise that without at least tacit community acceptance of a proposal, their reputations are at risk (Vanclay et al., 2015). In this case, the application for consent to abandon the wreck of the MV Rena initiated a prolonged and multi-layered consultation process that employed multiple communication channels. On the face of it, it would be hard to imagine what more could have been done to ensure that the analysis was representative of the affected

communities. Beneath the surface, however 'consultation' may have been something less than true sharing of opinion and information: the uncritical inclusion of original analyses based on a scientific paradigm that ignored or downplayed citizens' less tangible experiential, cultural, spiritual and psychosocial reactions to the prospect of abandonment, together with the use of undefined but somehow portentous terms such as 'minor' or 'moderate' effects, suggest that consultation processes were always driving towards an outcome which would favour the interests of the applicant (that is, the owner and insurer).

Cultural conclusions based on technical findings

Whereas with mainstream communities, analysis focuses on possible social impacts, with indigenous or marginalised communities, a cultural impact assessment is considered good practice (Vanclay et al., 2015). A cultural impact analysis can identify the likely effects of any activities on a group's cultural values and interests and early identification of potential problems may avoid or mitigate potential negative impacts (Ministry for the Environment, 2005–2006). The practice of cultural impact assessment recognises matters contained in Part 2 of the Resource Management Act that relate to the relationship of Māori to their culture, traditions, ancestral lands, resources and other taonga (s6(e), (f), (g)) as well as the practice and principle of kaitiakitanga (7(a)). Thus, cultural impact analysis necessarily involves the recognition of mana whenua (tribal authority over land and place), management of valuable environmental resources, and assessment of impact (read judgement of impact) on cultural values. These are politically sensitive topics. Accordingly, the processes and production of cultural impact analysis can be tricky.

Cultural impact assessment: the researcher's position

As with the other impact assessments commissioned by the applicant, a suitably qualified expert was sought. However, in the context of cultural impact assessment, a researcher's credentials are judged in terms apart from those in the pure sciences. Cultural legitimacy, insider knowledge and a kaupapa Māori approach is paramount. Also important is a mandate from those whose culture is the object of study. In this regard, Māori usually prefer to write their own impact assessments, rather than allow an outsider, especially one paid by an applicant to a resource consent, to speak for them. So while the author of the applicant's cultural impact analysis certainly had all the academic qualifications (doctorate in anthropology, expertise in Māori archaeology, heritage advocacy, Treaty claims and Resource Management Act research, past knowledge and tribal associations to the island) his position as applicant's agent is hard to overlook in this document. Indeed, when those representing Te Arawa heard that the applicant

was planning to produce a cultural impact assessment on their behalf, they promptly decided to write their own, preferring to represent their own voice in their own way. Unfortunately, other groups were not as quick off the mark, and this led to perceptions of favouritism later on (Personal communication, October 22, 2015).

Identifying 'scope' and positioning tangata whenua

In their submissions to the hearing, tangata whenua used traditional rhetorical devices such as whakapapa and narrative to establish traditional tribal connection to, and authority over, place. The cultural impact analysis, however, took a different approach, relying on the discourses of statutory recognition, historical records, Native Land Court narratives and Treaty of Waitangi claims to determine which tribal groups should be included in the scope of cultural assessment. In the end, proximity to the reef won the day and the report focused on the cultural impacts to Mōtītī's resident hapū: Te Patuwai-Ngāi Te Hapu and Te Whānau a Tauwhao. Throughout the document, these hapū and iwi are referred to collectively as tangata whenua, yet despite the appearance of unity offered by this collective term, the report painted Mōtītī as a picture of disunity and conflict, a community at odds with itself prior and separate to the Rena grounding:

> The people of Mōtītī are currently involved in a number of complex issues that affect the island. Many of the issues overlap and at times are difficult to separate. More broadly, engagement with tangata whenua over the Rena issue has been challenging, particularly with the number of groups representing or purporting to represent tangata whenua (Kahotea & Rolleston, 2014, p. 3).

Within any group of people there are bound to be differences of opinion, especially where complicated environmental issues are concerned. These troubling background issues were unnamed, but it is hinted that they are so numerous, diffuse and intertwined, as to be intractable. The scene is drawn of an always and already conflict-ridden community. This reference early in the document promulgates a patronising attitude towards the people of Mōtītī, momentarily obfuscates the issue of the MV Rena, and sets the tone for the rest of the document. The adverbial phrase, "more broadly" alludes to a generally uncooperative nature, while the use of the word "engagement" removes the agent of the action from the sentence and deflects responsibility for the "challenging" nature of engagement onto "tangata whenua". The use of "purporting" suggests that some groups attempted intentional deception and adds to the critical tone and theme of non-cooperation and blame that persists throughout the document:

> The owner and its representatives have had a number of discussions with tangata whenua groups over possible projects. Discussions with tangata whenua on Mōtītī found there was no appetite for the affected groups to come together to agree projects that

> would benefit the community, notwithstanding the significant effort in time and cost in assessing and analysing a range of potential projects. (Kahotea & Rolleston, 2014, p. 4)

This excerpt emphasises the efforts of the owner's representatives to reach resolution while underscoring the unwillingness of tangata whenua to partake: they had "no appetite" for what was offered. The refusal by tangata whenua to accept what was offered was framed as selfish because it deprived their people of opportunities to improve the island. This is, however, a one-sided portrayal because the rationale for tangata whenua behaviour was not included. Similarly, tangata whenua are portrayed as uncooperative and ungrateful, determined to ruin the processes of engagement and restoration for themselves and others. The overall effect is to render the relational processes of discussion an unattainable goal because one party refuses to cooperate. Further, through nominalisation, "discussions" take the place of the "the owner and its representatives" (first dehumanised by the pronoun "its", then removed as agents of the action), and ultimately, any responsibility for the failure to engage is deflected from the owner.

This use of language may be unconscious, but it matches what Fraser (2003) describes as status injury. It did not go unnoticed: the targets of the descriptions were fully aware of the way they were positioned in the discourse. As one hapū member stated,

> Unless they [the owner's representatives] were prepared to change their position then there's no point in talking further right? But they then turned that around to use it against us by saying that we didn't want to be informed or engaged...it's been the way they've portrayed that to show that we're not being cooperative or acting sensibly or properly or whatever. (Personal communication, October 28, 2015)

Groups who dropped their opposition to the proposal are painted in a much more positive light: qualities such as willingness, intelligence and pragmatism are ascribed to them, and they are described as more able to "understand the issues and challenges of wreck removal and seek a pragmatic response and resolution". Examples of cooperation and forward thinking are described approvingly, together with corresponding examples of cooperation from the owner, who provided draft technical assessments and organised workshops for people who asked for them.

The lines drawn between cooperative and uncooperative were binary, and the positioning seems a curiously simplistic way of summing up the complexity of the reasoning that led to supporting or opposing the proposal. In fact, the rationales both for and against the proposal were subtle and powerful and had little to do with being cooperative or uncooperative. For example, the "pragmatic response" of Te Arawa and Ngāti Ranginui in choosing to drop their opposition was

seen as the most expedient way of reclaiming their traditional relationship with Ōtāiti and preventing further harm to the reef and mauri (Bay of Plenty Regional Council, 2014). However, Ngāi Te Hapu continued to require the reef to be restored to its pre-Rena state, "Ngāi Te Hapu remains adamantly opposed to any application that will leave any part of the Rena on our taonga reef" (Kahotea & Rolleston, 2014, p. 13). Their position clearly articulated their assertion of authority over their cultural treasure, Ōtāiti, their "taonga reef". Having stated their position, Ngāi Te Hapu chose not to engage further, though they kept open an offer of a face-to-face consultation with the owner.

A cultural conclusion based on scientific findings

The report concluded that "from a cultural perspective, effects of leaving the vessel on the physical environment of Ōtāiti and the surrounding area are less than would result from full wreck removal" (Kahotea & Rolleston, 2014, p. 39). This argument reflects technical reasoning supplied by the applicant's scientists, based in the risk-measured expectation that over time, the reef would continue to improve by itself. Inasmuch as this argument was the work of technocrats, it was linked to fears for human and cultural welfare. The work conditions for the salvors were unacceptably dangerous, and the wreck removal activities could exacerbate structural damage to the reef. Together, these points advanced the conclusion that abandonment was the best option for the people and culture of Mōtītī. Some benefits accrued to this argument: cessation of work removed the possibility of harm, would lift the exclusion zone around the wreck and thus allow tangata whenua to re-establish their connection to the reef. These positive factors did not allay the core cultural infringement that there was a "tūpāpaku in the food source," (Personal correspondence, December 4, 2015).

Mitigation provisions of the proposal suggested the establishment of a cultural advisory group called the Kaitiaki Reference Group, which would carry out multiple tasks all deriving from the recognition of Ōtāiti as a taonga and the kaitiakitanga of associated tangata whenua. The group would also advise on the effects of the consent and how the enactment of its conditions might affect cultural values, and finally, would facilitate any cultural ceremonies at the reef. There is no doubting the good intentions underpinning this formation, but some of the lexical choices associated with establishing the group were vague. One argument was that the Kaitiaki Reference Group would enhance the "capacity" (Kahotea & Rolleston, 2014, p. 42) of the tangata whenua, but the word is undefined, and so it is unclear what kind of capacity is meant. Opinions about the Kaitiaki Reference Group were divided: for some it provided an opportunity to participate in the control and management of the wreck and reef, but for others, the group was a

threat to Mōtītī hapū's mana as ahi kā. There was concern that inclusion of hapū from outside the island who had dropped their opposition to the application would be favoured by the applicant (Whiting et al., 2016, p. 131).

Provided that...

Throughout the cultural impact assessment, cultural and spiritual well-being are associated with the physical recovery of the reef. For example, the assessment of effects on taunga ika, the status of the reef as a traditional fishing ground, draws intertextually on conclusions contained in other technical reports supplied by the applicant. The power of this linkage is achieved through the use of the complex conditional connective, "provided that…" which juxtaposes two conceptually divergent ontologies in such a way that the expression of cultural practice becomes bounded by and conditional upon certain circumstances sanctioned by scientific monitoring:

> Provided that on-going monitoring continues to confirm that kaimoana from the Reef and the surrounding waters is safe to eat then customary fishing from this area may continue. The effect on customary fishing activities of the proposal would in that case be negligible. (Kahotea & Rolleston, 2014, p. 35)

The first sentence contains two clauses, related through circumstance by the connective, "provided that…". This signals a very specific and restricted relation of conditionality between the conditional clause, "Provided that on-going monitoring continues to confirm that kaimoana from the Reef and the surrounding waters is safe to eat", and the main clause, "customary fishing from this area may continue". Such specificity means the two concepts are inextricably linked, for the event described in the main clause – customary fishing – cannot occur without satisfaction of the conditions in the preceding clause, the protasis. This very precise relationship between condition and event makes the circumstances for occurrence explicit, finite and seemingly transparent, but also marks it with asymmetrical relations of power (Montolio, 2000). Here, it is the applicant's unnamed and absent technical experts, whose agency is obscured by the gerund, "monitoring", who not only determine but also impose the conditions under which tangata whenua can "safely" resume cultural practice. Furthermore, "provided that…" combined with the present participle and present tense projects a positive image of the future (Montolio, 2000), where agentless "monitoring" reinforces the assumption that kaimoana from the reef is safe to eat. This is drawn from conclusions made in previous technical reports, which are themselves based on imagined projections of positive environmental recovery.

The decision to leave the wreck on the reef was in part taken because of the influence of the subtle power of this grammatical construction. On the one hand, the conditionality of the

sentence explicated the relationship between the actions delineated in the clauses, and on the other, the transparency usually associated with "provided that" is obscured because it deals with uncertain premises. Preposing the protasis has the rhetorical effect of enhancing the positive characteristics of the proposal. It emphasises what could happen under the circumstances, as opposed to what could not (Montolio, 2000) and provides the author with a defensible position from which to operate: "provided that" shifts blame and responsibility away from the decision to the subsequent monitoring. Placing the connector at the beginning of the sentence has a powerful argumentative and rhetorical force because the reader finishes the sentence with the positive notion of "negligible" effect on customary practice, rather than with the robust concession contained in the term "provided that" (Montolio, 2000).

For all its dependence on putative monitoring, the report ignores any possibility of a sudden release of contaminants or a build-up of toxins that might disturb a positive trend in recovery except in a tangential reference to some funds provided by the owner to "address any unexpected events through appropriate contingencies" (Kahotea & Rolleston, 2014, p. 42). The decision to abandon the wreck gives considerable weight to the techno-rationality in the report that the effects of contaminants would be "negligible", "minor" or "no more than minor". However, nowhere in the report is the definition of a negligible or minor effect set out, and this leaves the audience or reader no other recourse but to infer the meaning of the phrase; a highly subjective exercise, for what one person considers as minor effect, another may regard as major, particularly where cultural differences are in play.

The use of such phrases warrants some attention, for they appear throughout the impact assessments as a kind of a catch-cry among the experts employed by the applicant. Their use helped form an inter-discursive chain of mutually supportive arguments, in which one expert was able to draw upon another's claim of effects so 'minor' as to be 'no more than' or even 'less than minor'. Thus, predictions of "no more than minor" effects in technical assessments underpin arguments in the applicant's cultural impact assessment report (Kahotea & Rolleston, 2014, pp. 37-38) and leads to the conclusion that abandonment is acceptable in spite of vehement submissions from hapū and iwi to the contrary. Here, the phrase works litotically, through an understatement of effect (Fahnestock, 2011). On a scalar interpretation, effects are neither 'minor', nor 'more' or 'less', but something 'other', in the grey area of neither-nor. Here litotes is used to hedge, mitigate and obfuscate specific meaning. Rhetorically, its use is persuasive, for it insinuates that whatever the potential effects and environmental harms, they remain insignificant and inconsequential. Here, the obfuscatory effects of litotes is used to bolster a

hegemonic disempowering and marginalisation of opposing arguments. Other instances of the hedging and obfuscatory language of litotes abound. For example, in contrast to the personal tributes to the enchantment of the reef, the assessment simply comments, "The presence of the wreck does not seem to have affected fish quantities" (p. 34). The use of "seem" diminishes the force of the following verb "affected" and deflects authorial commitment to a definitive statement about the effect of the wreck on the unique mauri of Ōtāiti. Further deflection is secured by attesting to "minor effects" (p. 34) and "no identified long term significant effects" (p. 34) of the wreck, the latter a perfect example of hedging: it suggests there may indeed be significant long-term effects, but because they are unknown, they need not be thought of.

Many on Mōtītī saw the wreck as a blight on the takutai moana, an all too visible reminder of the cultural and ecological disaster that continued to unfold on their doorstep. To mitigate the eyesore, the owner resolved to reduce the bow to one metre below lowest astronomical tide mark. For over a year, the reef was busy with ships, cranes and barges, which changed its status, making it less a taonga reef and more an industrial work site. The bustle and disturbance contributed to the appeal of abandonment, so that the visual appeal of the seascape would very quickly be returned to normal. Page 34 of the report tantalising suggests, "If the proposal were to proceed...the general seascape will be clear of visible structures," whereas continuing to remove the wreck would not only mean the continued exclusion of tangata whenua from the reef, but also, "… the barges and cranes would be visible and in place for an extended, an uncertain, period of time affecting the seascape around the Reef." Both possibilities are marked by the conditional use of "if", implying uncertainty and contingency.

This argument coincides with the assessment of the applicant's expert on landscape and natural character, which was that the effects on the visual, ecological and heritage values of the seascape would generally be of a low degree; because the reef is submerged, the wreck would occupy only two percent of the reef, and only a "relatively small section of the community […] will experience the presence and impact the wreck" (Hearing statement 40). These reasons were sufficient to classify its effect on takutai moana as "minor" and considered that once made safe of potential snagging hazards, the wreck could accrue heritage value and become a diving attraction for tourists.

For tangata whenua of Mōtītī, who had fought hard to have the reef recognised in relevant planning documents as an outstanding natural feature with unique natural character, the idea of the wreck transforming into valuable heritage was "especially galling" and "laughable", especially as none of the landscape experts or advisors had consulted directly with affected

tangata whenua upon the subject (Submitter 1). Further, continued psychological awareness of the wreck on the reef had unknown implications for the way tangata whenua perceive and connect to their cultural landscape; as Edelstein (2004) found, the stigma associated with connection to toxic or befouled places can have enduring psycho-social effects on communities. Participants referred to an injury to their mana arising from the inability to safeguard their taonga reef for future generations, the impact of the wreck on life essence (mauri) of both reef and people. Public submissions had explained that Ōtāiti is a pathway to the ancestral homeland, Hawaiki, but this particular spiritual belief was barely considered.

Cultural mitigation

Although the majority of hapū and iwi did not waver in their belief that the wreck should be fully removed and that mitigation of abandonment was all but impossible in cultural terms, the author of the assessment proposed a range of actions to assuage the harm of abandoning the Rena. These were framed in terms of traditional Māori concepts of restorative justice; muru and puretumu, both of which are underpinned by the principle of utu; the wider notion of keeping balance and harmony between and among individuals and groups. It involves the reciprocation of good deeds as well as retaliation for harm. Failure to adequately give or receive utu diminishes the mana of both parties and jeopardises relationships (Ministry of Justice, 2001; Mead, 2016). The report brought traditional Māori methods of dispute resolution into the contemporary resource consent context and suggested four actions of cultural mitigation: an apology, karakia, the monitoring of cultural values, and the amelioration of the takutai moana, which are briefly discussed below.

The apology

Here, the formal apology to tangata whenua by the owner's representative, Konstantinos Zacharatos in July 2012, is presented as an act of mitigation and restoration, although the report does not explain how this mitigation might occur. No one involved disputed the sincerity of Zacharatos' apology and his respectful and extensive engagement with hapū and iwi, but the apology could not remove the wreck as the central issue upon which the restoration of mauri, mana and kaitiakitanga rested. In fact, the apology might be more accurately considered a symbolic form of appeasement rather than mitigation of the negative effects of the wreck.

Karakia

Karakia is another form of symbolic mitigation recommended in the assessment. The author remarks on the importance of karakia in restoring the mauri, te ara wairua and kaitiaki, and goes on to say that the MV Rena's owner has "facilitated" site visits to the reef to "allow tangata

whenua to reconnect and discuss operational issues with the salvors" (Kahotea & Rolleston, p. 41). The words "facilitated" and "allow" here are noteworthy, because they denote an accepted change in the traditional relationship of tangata whenua with the reef. Before the Rena disaster, they had free, open and unquestioned access to Ōtāiti, but after it, their visits became a matter of the owner's benevolence (the reef now subject to health and safety regulations of an industrial work site).

Despite the author's status as insider/cultural expert, he admits, "It is not known whether kaumātua or other (sic) have carried out the blessings and karakia that would be needed to allow the vessel to rest as one with the Reef" (Kahotea & Rolleston, 2014, p. 41). The passive verb "It is not known…" simultaneously distances the author from this gap in knowledge and deflects responsibility for the spiritual recovery of the reef to tangata whenua and their practice of karakia. The wreck and reef are both personified: the wreck has assumed a passive, even benign, presence, and the reef will eventually accept and accommodate the incomer, which will eventually "rest as one" with it.

Monitoring

As well as the appointment of an Independent Technical Advisory Group to monitor the physical recovery of the reef, a Kaitiaki Reference Group would be established. Membership would comprise representatives of hapū and iwi associated with the reef and the prime purpose of the group would be to ensure the recognition of Ōtāiti as a taonga and the kaitiakitanga of associated hapū and iwi groups. A cultural monitoring plan would monitor the long-term effects of the abandonment on cultural values (Whiting et al., 2016, p. 130). All would be funded by the applicant.

The immediate effect of the cultural monitoring would be to place the human communities of the reef under close scrutiny, in much the same way that the biota, flora, fauna and wider ecosystems of the reef were under examination. The idea seems based on an assumption that cultural values will improve if the proposal goes ahead, but it does not recommend who should evaluate cultural values for signs of cultural and spiritual improvement, nor the methods by which assessment could take place. It was suggested that the Kaitiaki Reference Group represented an opportunity for kaitiaki to participate in and be involved with the scientific as well as cultural monitoring of the reef. Reference Group representatives would advise the Independent Technical Advisory Group on mātauranga Māori and cultural matters pertaining to scientific monitoring so that monitoring would be done in a culturally sensitive and holistic way. This was promoted as an enhancement of mana and expression of kaitiakitanga. Through such

inclusion, the author suggests, comes cultural and spiritual healing; the "restoration" of tribal mana, toka and mauri, as seen in the following excerpt:

> Monitoring of potential effects on cultural values will facilitate the restoration of the toka and mauri enabling an appropriate response if there are identified issues. The formation of a Kaitiakitanga Reference Group with representatives of the kaitiaki of Ōtāiti will assist by recognising and restoring the mana of kaitiaki. The establishment of the Kaitiakitanga Reference Group will enable active participation and input to monitoring enhancing the mauri of the Reef, future engagement and reporting. (Kahotea & Rolleston, 2014, p. 42)

Opposition to Mitigation

Tangata whenua groups who opposed the proposal did not view the monitoring proposals quite so favourably. For them, plans to manage the wreck, its contaminants and the physical environment of Ōtāiti were not enough to allay potential impacts on their cultural values. Only full removal would achieve this. Secondly, the formation of the Kaitiaki Reference Group caused considerable conflict and concern for hapū and iwi of Mōtītī. The inclusion of iwi who did not live on Mōtītī, but who had ancestral connections to the reef, was an affront to the rangatiratanga of the longstanding ahi kā, Te Patuwai/Ngāi Te Hapu,

> How can people who live (elsewhere) have say in what happens out at Mōtītī Island? Surely the people that live there should have the first say. Having them as part of KRG is just ludicrous and, you know, from our perspective that KRG is just going to be stacked with people who took money. (Personal communication, October 28, 2015)

A perception developed that the interests of groups believed to have been favoured by the applicant would dominate the group, a kind of hegemony would develop and the effects on cultural values and tikanga specific to each group would not be adequately recognised. Again, only full removal would achieve this.

Last, but not least, the owner, in consultation with affected communities, proposed a financial restoration package intended to mitigate the cultural effects of the proposal through the funding of community projects. These projects would target and "benefit" (Kahotea & Rolleston, 2014, p. 42) affected communities on Mōtītī Island, Maketū, affected Tauranga and the wider Bay of Plenty. The restoration and mitigation package was included in a set of conditions proposed by the applicant (Whiting et al., 2016). It detailed the establishment of a community trust administered by the consent holder, which would oversee the disbursement of monies for community projects designed to mitigate the cultural effects of abandonment. The consent holder would administer all funds, except those allocated to Te Arawa, who would administer

them through their own Te Arawa ki Tai Trust. The reason for this separate form of treatment is not given, but it indicates a somewhat different relationship between Te Arawa (who dropped their opposition) and the owner than that enjoyed by opposing tangata whenua groups.

The financial mitigation packages recognised the relationship of affected communities to Ōtāiti in the following ways. First, the Mōtītī Island community would be awarded NZ$1.5 million dollars for their use on projects on the Island that would benefit the environment, cultural and social well-being of the community. Te Arawa ki Tai (Maketū) would receive NZ$1.25 million for the establishment of a marine institute at Maketū. Tauranga Moana hapū and iwi were awarded a fund of NZ$250,000, while the coastal volunteer community who helped with the beach clean-ups received a NZ$440,000 contribution to Bay of Plenty surf-life saving clubs and an annual contestable research and educational scholarship fund (Whiting et al., 2016).

For hapū and iwi opposed to the proposal, offers of financial mitigation exemplified the owner's continued inability to understand the impact of the wreck's abandonment on cultural and spiritual beliefs. For some, the idea that financial compensation could salve all wounds is a typically Western, capitalist assumption that in no way mitigates cultural and spiritual harm:

> There's this automatic, so how can we fix it – some things can't be fixed. If I give you a cheque for $1.25 mill that means that the impacts on mauri have been mitigated – Wrong! I don't roll with that. I don't think that works. (Personal communication, December 21, 2015)

For another, the wreck's continued presence was sure to have on-going psychosomatic effects,

> the wreck, if it remains there – we know that it's there – no amount of money will help – you know, with the mental effects, with physical effects, with the wairua effects, the spiritual. (Personal communication, December 4, 2015)

The acceptance of compensation carries the stigma of having sold out cultural values and an attendant loss of mana from being unable to protect core cultural values such as the preservation of taonga and kaitiakitanga. Whereas for the following Mōtītī resident, the acceptance of compensation implies complicity, even support for the proposal:

> You heard Matt Casey (solicitor for the applicant) saying that it's for Mōtītī, even for those who oppose leaving the wreck there. That's making it look like we agreed with them to them leave it there. (Personal communication, October 10, 2015)

Conclusion

This chapter has explored the way the discourses of science and impact assessment influenced the decision to grant resource consent for the abandonment of the wreck of the MV Rena and any debris on Ōtāiti. They did so by establishing particular ideas about the environment, the reef, the wreck, her cargo and contaminants. These were understood in particular ways that drew on and reinforced each other in an inter-discursive and intertextual manner; each assessment drawing on previous assumptions and conclusions so as to create a self-perpetuating version of the what the future impacts of the wreck would be. This was all based on a concept of ecological environments as mechanistic systems liable to disruption by outside forces. Such disruptions have impacts, most likely to be negative, which can be quantified, measured and predicted, but by virtue of scientific prediction may be prevented, remedied or mitigated. This is the science of impact assessment, a practice which underpins environmental decision-making under the Resource Management Act, but which also advocates a particular view of the world and reality based on positivist Western science.

The chapter set out to show how from a particular, scientific view the reef environment was symbolically reconstituted as an ecological system, its creatures and their biological systems reduced and quantified as data, and how this body of information underpinned and influenced all subsequent impact assessments including those concerning toxicity, human health, social and cultural impacts. This occurs in such a way that together, impact assessments form an interconnected, un-self-critical and almost impenetrable body of discourse against which it is almost impossible to argue from the standpoint of opposing worldviews. The section on social impact analysis reveals an extensive and multi-layered community consultation based on the uncritical acceptance of scientific research and incorporation of someone else's findings into communication tools. A rather convoluted process of analysis ground out an assessment of social impacts on a significance scale of "minor" to "less than minor". Close textual analysis of the applicant's cultural impact assessment report also showed how lexical choices (conditional connectives) allowed a chain of reasoning based on a deference to science, the ontological principles of which did not fit with the worldview under examination. The undefined use of significant terms was obfuscatory, platitudinous and, from the point of view of a majority of tangata whenua submitters, understated the serious potential cultural impacts of abandonment.

Chapter 7
Making an Environmental Hero: the Owner's Perspective

Overview

In all the rhetoric that led to the decision, the communicative behaviour of Konstantinos Zacharatos, an Executive Director of Daina Shipping Company's parent company Costamare Incorporated, had a key influence. This chapter examines Zacharatos' communication in relation to the Rena grounding.

Early efforts: the apology

Several people were important in promoting the owner's perspective. For instance, the head salvor, Captain Roger King, was respected, experienced and unassailably expert in his field. His contributions to the communication processes were detailed technical descriptions of the scope, methods and equipment used during the salvage process. John Owen, as the representative of the insurer, controlled the money that financed every part of the response to the grounding, including setting up the Astrolabe Community Trust and the negotiation of financial security for fulfilment of the consent conditions. His job was to ensure that the response was "reasonable and proportionate" and conformed to the requirements of international and domestic law. In their own ways, these and other people played important parts in forming the new environments of the Astrolabe Reef and Mōtītī Island. None, however, took such a personally influential role as Zacharatos, whose communicative purpose was to present Daina Shipping as a responsible and remorseful corporate citizen committed to doing the right thing for the environment and the people of Aotearoa New Zealand.

As Benoit (1997) points out, no bigger threat to organisational reputation exists than an environmental disaster caused by its own employees, and how representatives behave in the aftermath of the crisis determines the organisation's future credibility. Central to the (re)establishment of credibility is a staged process which begins with apology, and continues with appropriate engagement (Koehn, 2013). An apology under crisis circumstances must be treated as a strategy that will set the tone for future relationships with stakeholders (Evidence

32), and if it is understood in Aristotelian terms, it will use three persuasive appeals to heal the breach of trust: ethos, logos and pathos (Koehn, 2013). The logos of an organisational apology should be a measured statement giving the reason for the apology and accepting responsibility; the pathos will be an expression of regret and understanding, and the ethos will be a resolution for change and promises of restoration (Kleefeld, 2007; Koehn, 2103; Tavuchis, 1991). These three persuasive elements were present in Zacharatos' spoken apology, but other elements were included to show how seriously the company viewed the Rena situation. One of the most compelling elements of genuine apology is that it should be a speech act delivered in person (Koehn, 2013). Zacharatos enacted the principles of kanohi i kitea and kanohi ki te kanohi. Charlie Tawhiao, representative for Ngāi Te Rangi remarked, "Today represents the first physical contact we've had with them [the owners]. It's important for us to be able to look them in the eye" (Rena owners apologise to iwi, 23 July 2012). Furthermore, as an executive leader of Costamare Inc., Zacharatos operated at the highest level of the organisation. Thus, as the person delivering the apology, his high status simultaneously signalled Costamare's concern and connected with the Māori principle of rangatira ki te rangatira or communicating chief-to-chief.

The timing of apologies is another significant element of the apology strategy because an early apology allows the apologiser to experience the damage firsthand and thereby understand more of the hurt and anger of offended parties (Koehn, 2013). This was certainly so in the case of the MV Rena. As the mayor of Tauranga said, "I remember soon after it happened … I wanted the owners to come out here to touch and smell what had happened" (Helliwell, 2012). Zacharatos' apology came ten months after the grounding, and three months after the Captain and Navigation Officer had given their personal apologies in April 2012. The apology was delayed in order to allow time for the secret negotiation of the Wreck Removal Deed and the clean-up costs by the owner, the insurer and the New Zealand Government, and it was feared that an apology might give rise to negative publicity. With the deed agreed, however, Zacharatos' apology was used to mark the end of the clean-up phase, and a new period of restoration. It initiated a "journey" (Hearing statement 44) of recovery, on which the affected communities and owner representatives would embark together. To ensure optimum reception of the apology, lawyers acting for Costamare Inc. commissioned Sir Wira Gardiner to visit Zacharatos in Athens to brief him on the culture, political associations and history of affected hapū and iwi, and to coach him on tikanga and speaking on marae (Evidence 32).

At every stage of his visit and his speeches, Zacharatos exhibited a mixture of heroism and humility. The conventional rhetorical forms of his apology were interspersed with and

strengthened by appeals to Māori cultural values and principles of communication to explicitly convince his target audiences that his organisation was sincere and to build a credible persona as a representative of an ethical organisational (Cheney, 1983), and he willingly absorbed the expression of hurt and pain along with his more positive interactions with tangata whenua. He stated at the hearing that "people were hospitable and welcoming" but were also "forthright in expressing their anger and hurt at what had happened" (Evidence 21). The dominant message here is that he heroically endured the blame levelled at him, while being humbly grateful for the welcome, but in an interesting verbal construction, he does distance himself somewhat from his audience: the emotions of tangata whenua are expressed as "their anger and hurt" (Evidence 21) rather than as jointly-felt dismay shared by owner and tangata whenua. In a similar use of language, he later said, "I acknowledged the grounding of our ship on one of their ancestral reefs. I conveyed, on behalf of the owner our deepest regret for the casualty. I expressed concern and sorrow for any environmental and cultural hurt that had resulted, and any effect on their fishing grounds and livelihoods" (Evidence 21). Here Zacharatos repeats the distancing effect by reinforcing an 'I/them' dichotomy. By referring to "*their* ancestral reef" and "*their* fishing grounds" (Evidence 21, italics added), he effects a kind of Othering. It sounds as though the grief is their grief, for which he may apologise, but in which he cannot share. His use of the first-person pronoun emphasises his own presence in the situation, suffering in his own way, and therefore a somewhat heroic man of honour staunchly accepting the responsibility and blame. His role as an apologiser was also to listen, understand and, importantly, act, for as Koehn (2013) points out, merely saying sorry is not enough: a genuine apology needs to be coupled with sincere attempts at restoration. Charlie Tawhiao commented along these lines to TV3 News when he said, "apologies are good but what we are really interested in is what's next" (Rena owners apologise to iwi, 23 July 2012).

Costamare's commitment to the Rena situation did not stop with the apology, which in fact marked the beginning of an extensive programme led by Zacharatos on behalf on Daina Shipping, John Owen for insurer, The Swedish Club (TSC), and teams of engagement and public relations specialists (Beca and Sweeney Vesty). Zacharatos used Owen to further substantiate the logos of the apology. After the delivery of the apology, he introduced John Owen, who had accompanied him from Athens, saying, "… since the incident, the owner has worked together with TSC, night and day, to ensure a proper response to the casualty" (Evidence 21). Zacharatos and Owen were presented as working for "a proper restoration" and their journey from Athens, together with their sustained presence in Aotearoa New Zealand, could be read as manifestations of credibility and trustworthiness.

Over the following four years, Zacharatos and Owen made many trips to Aotearoa New Zealand to meet iwi and community leaders to inform them of progress with on-going salvage and debris clearance programmes, their plans for environmental recovery, and findings of their technical experts. During these visits, Zacharatos presented his persona as just, prudent and trustworthy. He showed he understood iwi concerns, listened to feedback and acted on it. He developed respectful and enduring relationships with many tangata whenua groups. People who worked closely with him noted that his communication values were similar to those of Māori. He had an "instinctive feel" (Evidence 32) for how to communicate with Māori. For example, when Sir Wira suggested to Zacharatos that the apology could refer to the soldiers of the 28th (Māori) Battalion who had died in defence of Greece during the 1941 German invasion and were buried in military graveyards in Athens, Zacharatos immediately saw the significance and agreed. Acknowledgment of ancestors is an essential part of oratorical tikanga, especially on marae, so this ticked the box of culturally appropriate communication. In terms of persuasive technique, such acknowledgement is evidence of the ethos of the speaker (deference to honoured ancestors) and forges a link by drawing on shared history.

The apology Zacharatos made was a major communicative event in the Rena affair, and it set the tone of his increasingly informal relationship with iwi. By contrast, a Hearing statement is formal. It is a concise summary of lengthy evidence previously submitted in written form, delivered by the author to the panel of Commissioners and interested parties in attendance. At the hearing, Zacharatos' primary audience was the panel, and his communication goal was ostensibly to persuade the Commissioners that he (and his organisation) had engaged adequately with communities. The spoken statement, however, revealed a second audience: the public gallery, where tangata whenua who opposed the application were sitting.

A hearing statement is arranged according to a legal template. Each paragraph is numbered and details a particular fact or point of reason. The first two paragraphs introduce the speaker, their qualifications, authority and warrant to speak, while the subsequent paragraphs lay out the facts or logos of the argument. In his first two paragraphs, Zacharatos established his authority to speak as Executive Director of Costamare Inc., parent company of Daina Shipping, and owner's representative "tasked with the handling of the Rena grounding on behalf of the owners". From this point, however, his statement differed from those of the scientific and technical experts in that his 'argument' is composed of far fewer facts and many more persuasive appeals to ethos and pathos. In fact, 17 out of 28 paragraphs are persuasive appeals, and all exist in the first two

thirds of the document devoted to Māori engagement, while the last third is devoted to the engagement with the wider mainstream community.

Zacharatos gave the details of his significant engagement with Māori. He had put considerable time and effort into sharing information and seeking their feedback on the salvage and clean-up process and on the draft application for consent so that, eventually, "they could feel comfortable with our proposal" (Hearing statement 44) to abandon the wreck. The first seven paragraphs of his statement are direct appeals to ethos and pathos. They centre on his narration of three anecdotes about his personal experiences and include little data which might have helped the panel ascertain the validity of what he had done. Five paragraphs detail the practicalities of the actual process (the logos), and the last four reiterate deference to mana, humility of the speaker and friendships formed through adversity. The mention of friendships formed ended his statement on a positive note. By comparison, Zacharatos' discussion of how he engaged with the wider community takes only five succinct paragraphs, unframed by lengthy claims to deference, humility, and respect.

This description does not contain funny or poignant stories or declarations of life-friendships formed. His statement, then, is a 'game of two halves' which reflect the cultural differences in communication styles preferred by the two groups: for Māori, a more oratorical style, which acknowledges elders and leaders and honours mana and humility of the speaker; for the 'Western' audience, a clear organisation of facts in which pathos is superfluous. In adopting the two styles, Zacharatos adapted his communication to his two audiences – iwi in the public gallery, whom he needs to keep on side, and the panel of Commissioners who decide the fate of the application. Any comment on his motivation in choosing two such markedly different styles must be speculative, but it is hard to see how his communication was other than, at best, coached and choreographed, and at worst, a cynical campaign to ensure the triumph of business interests over those of the tangata whenua and the environment.

Zacharatos began by relating three stories that he claimed had "heavily influenced my personal approach to the owner's interaction with Māori" (Evidence 21). These three anecdotes, while poignant and humorous, added little to the logos of his argument, but they firmly established Zacharatos as someone who, first, recognised the mana of the tangata whenua; second, shared certain communication values; and third, willingly overcame his mortal fear of flying, and travelled to Aotearoa New Zealand where he braved the anger directed at his company.

First, Zacharatos tells of meeting government officials in January 2012 where he learned of the

> … very high standing held by iwi in the country and that they would be central in any future resolution. They also told us about Treaty negotiations and how they take place for a long time, where parties start from opposite ends, but if one puts in the time and effort, there comes a moment where one sees eye to eye and finds practical solutions. (Hearing statement 44)

Here he paid respect to the mana of Māori as tangata whenua and Treaty partners, showed that he understood that any resolution would centre on them and depicted a metaphorical journey where the parties would start as adversaries but move in a linear fashion, towards consensus. This journey might be long and difficult, but eventually, common sense would prevail and the technologically possible would provide "practical solutions" (Hearing statement 44). The journey is the prevailing metaphor in Zacharatos' evidence.

Zacharatos' second anecdote tells of his first marae visit, to Whareroa Marae in July 2012 to deliver the formal apology to Tauranga iwi. Again, he appealed to pathos by invoking the memory of that time. He described the meeting as "very heated" and at times personally stressful because of the anger directed at Daina and him as the proxy of the company. His admission was self-effacing, and showed he was deeply affected and somewhat intimidated by the depth of emotion he encountered, but he continued to defer to the manaakitanga of his hosts, who explained the need for patience and understanding:

> Do not worry, we need to vent our anger and we appreciate that you are here face to face for this. We need time and now is not the moment to look to the future, but this time will come when we have grieved and are ready to move on. (Hearing statement 44)

Part of the process of apology is an act of mortification and humility, which Zacharatos enacts as he defers to the anger of those most aggrieved and places his trust in the guidance of the iwi leaders.

In his third anecdote, Zacharatos used the pathos of self-deprecating humour to put the audience in a receptive frame of mind. He described his arrival at Mōtītī Island where he planned to deliver a formal apology to local hapū. As does any good storyteller, Zacharatos first set the scene, describing a miserable July morning on which, due to his fear of flying, he declined the opportunity to quickly and comfortably helicopter to Mōtītī along with the rest of his party, instead opting to go by boat. However, because of the lack of a jetty on the island, his disembarking is rather undignified:

> It was a rainy morning and while everyone in our party went by helicopter, I was too scared and went by boat in a three-meter swell and had to jump in the water fully clothed to reach the shore. (Hearing statement 44)

In telling this story, Zacharatos revealed that he was not afraid to laugh at himself. In fact, he invited others to do so too, and in this he appealed to audience empathy to establish a bond of shared humanity. Part of his job as owners' representative meant he had to overcome his fear of flying in order to come to Aotearoa New Zealand, as well as Mōtītī Island. In showing himself to be at odds with the most convenient mode of transport, he indirectly gave credit to the fearlessness of Mōtītī Islanders who regularly fly to and from the island. Here too, he recalled the emotions of the meeting, the good intentions of those involved, and showed his esteem for the mana and manaakitanga of iwi leaders:

> even in the hardest conditions, [they] treated me with kindness and respect and always acknowledged my efforts in being here in person and trying for the best, even if we did not agree. (Hearing statement 44)

The first ten paragraphs of his statement are full of repeated acknowledgements of the kindness, guidance and mana of iwi, together with declarations of his own efforts "to show respect, inform in an open manner, listen and to learn of the concerns of Māori and the community and to find solutions" (Hearing statement 44). By the eleventh paragraph, Zacharatos finally reaches the logos of his argument and begins to relate the practical facts of Daina's engagement with Māori. He opens the paragraph with a simultaneous nod to the comfort of his audience and the facts underpinning his argument, namely, that he went to a lot of meetings: "I will not tire you with the details of the over 100 meetings John Owen on behalf of the insurers and I, have held over the past three years" (Hearing statement 44). This announcement engendered an inaudible sigh of relief in the audience, but the seemingly casual mention of the number of meetings he attended cleverly underlined the extent of the engagement he had undertaken on behalf of Daina and suggested that the owners had exceeded the call of duty. For example, he claimed that as a result of concerns raised during consultation, Daina and its insurer significantly extended the scope of salvage work carried out on the wreck site. This included removing the accommodation block (despite its potential as a dive attraction), the removal of plastic beads and a more extensive clean-up of the debris field than had been planned so that, by the time of the hearing, he was able to claim that almost everything had been removed (Hearing statement 44), although "almost everything" did not, of course include the wreck itself and the remaining contaminants.

He frequently used repetition to amplify this theme of extensive reparation, contrasting the company's generous spirit and effort with the insatiability of certain iwi groups who insisted on full removal but did not fully appreciate the organisation's work to ameliorate the situation:

> We went back again and again adding more work in the hope that we could reach a point that would satisfy people, or for those that we could not satisfy, to reach a proper state of affairs that they could live with. (Hearing statement 44)

What his statement omitted was that at the time of the hearing, nearly all the iwi groups were still advocating for full wreck removal.

Zacharatos stated that iwi were given a draft version of the application for resource consent and the opportunity to give feedback on it. He asserted that the feedback resulted in amendments and additions to the proposal, including doubling the duration of consent conditions to 10 years, the inclusion of the Mauri Monitoring Programme, and other environmental monitoring programmes. He presented the amendments as evidence of the owner's goodwill and flexibility, and certainly, these actions do present an image of a trustworthy and ethical organisation.

To end his section on iwi engagement, Zacharatos reverted to various emotional appeals. First, he repeated the metaphor of the journey from an adversarial position to consensus, from strangers to friends:

> I do not see the process here as adversarial. There are iwi here today, who are real friends and others that I know and respect. I know their families, I know their personal histories, their health problems, how their kids are doing. We've spent time together. I think we have taken this journey together, even with those who today do not agree with us. (Hearing statement 44)

His assertion that the process was not adversarial was curiously oxymoronic, given the context of a resource consent hearing, in which no fewer than four Commissioners preside over the task of granting economic and environmental benefits to one party over the other. The very layout of the room symbolised the adversarial nature of the process, with lawyers, expert witnesses and supporters for the applicant occupying one side of the room and lawyers, expert witnesses and supporters appearing for the Crown, Regional Council and various iwi organisations occupying the other.

Zacharatos spoke of reaching common ground and identifying "iwi who are real friends" (Hearing statement 44). The implications of "real friends" are many: supporting iwi are identified as an in-group and are incorporated into the collective term, "us", which linked them to the

corporation's environmental values. The assumption that was implicit here was that dropping of overt opposition necessarily implied support. Furthermore, if some iwi are included as "real friends", "others… who do not agree with us" (Hearing statement 44), must, by extension, be excluded. Such an exclusion 'othered' those iwi groups who did not acquiesce to the company's worldview. Zacharatos is deferential to those iwi who "have graced me with their confidence" (Hearing statement 44) and acknowledges the honour of being supported in the application by "tangata whenua of great mana" (Hearing statement 44), a comment which could have been taken as a slight to the mana of those tangata whenua who continued their opposition to the proposal.

In his penultimate paragraph, Zacharatos reiterates and amplifies his company's key themes of extent, consistency and perseverance in dealing with the Rena situation, "We are now four years from the grounding and we are still here, still working trying to honour our promise to provide a responsible resolution" (Hearing statement 44).

He compared the salvage of the Rena to that of the Costa Concordia off the coast of Italy in 2012, the latter being the most expensive maritime salvage operation in history, costing over €1.5 billion (Reuters, 2014). He used the comparison to bolster his argument that the clean-up of the Rena grounding had gone far beyond the minimum requirements, and the extra action had been undertaken in response to feedback from the wider community and iwi in particular:

> we have extended the works performed on the site on several occasions to the point where, with the exception of the large cruise ship in Italy, this is by far the most expensive operation in maritime history with a spend in excess of $500 m dollars, which is almost three times the next accident on the list. At the same time we developed and improved the application of resource consent and strengthened the extensive accompanying conditions. (Hearing statement 44)

The grounding of the Costa Concordia is introduced as an aside, in a parenthetical clause, which minimised the fact that despite the cost, that recovery required the removal of the entire ship from the reef on which it was grounded. The omission amplifies the cost of the MV Rena's removal, contained in the following clause and hides the fact that the Rena salvage, at NZ$500m, was significantly less than that of the Costa Concordia at €1.5 billion. Here Zacharatos alludes to the Rena operation as the financial horror story described in detail in the evidence of John Owen, the insurer's representative.

The insurer's representative: proportionality, reasonableness and defeasible argument

Owen and Zacharatos worked together. They attended almost all meetings with community leaders and iwi, and although they were concerned with the costs resulting from the grounding, they clearly worked to balance financial and reputational considerations. Their statements to the hearing complemented each other rhetorically. Zacharatos relied significantly on appeals to ethos and pathos to convey both organisational and personal credibility, while Owen was heavy on logos and economic rationality. When Zacharatos and Owen were not in Aotearoa New Zealand, they were never absent from the communication. They were represented by a team of public relations practitioners, cultural engagement and technical experts and lawyers who were employed to engage with the communities. Their presence as actors in the discourse therefore never diminished.

Owen established The Swedish Club as an ethical organisation with the necessary credibility, expertise and qualifications required to manage the Rena casualty in an appropriate and practical manner. He did this by pointing to the Club's longevity as an established player in the marine insurance industry and as a member of the International Group of P&I Clubs, a professional body, which covers liability for most of the world's ocean-going tonnage. He also referred to The Swedish Club's ethic of relationship building and its importance in demonstrating international "best practice". By alluding to the knowledge, "strength" and value his organisation draws from relationships with its assured members, other P&I Clubs, affected stakeholders and regulatory agencies, he bolstered The Swedish Club's image and expertise based on learning from previous maritime casualties, which enabled the Club's "identification of key facts, quick and effective decision-making and assessment of relative risk in an operational context" (Evidence 42).

He drew on this wider discourse of maritime casualty management to validate The Swedish Club's argument for abandonment by invoking vague and unnamed precedents carried out elsewhere: "international practice recognises that it is not necessary for all parts of a wreck to be removed" (Evidence 42) and continued that "removal is not inevitable", there being many instances where shipwrecks have been left *in situ* with little problem; hazards were reduced or eliminated in accordance with international maritime treaties and conventions and the attendant principles of proportionality and reasonableness. In other words, he argued that the owner's response to the casualty and clean-up should be proportionate to the risk the wreck posed to the environment. In the case of the MV Rena, "proportionality" implied the ostensibly objective consideration of the quantifiable elements of cost and time in relation to the unquantifiable elements of environmental and cultural values.

The scales of justice are a visual metaphor used ubiquitously in legal rhetoric and everyday language to the point that the expression 'just' decision-making is naturalised in language and thinking. However, a number of elements should be considered in connection with just decisions. First, a balance implies commensurability between the factors under consideration (comparing apples with apples, for example), but the comparison between business and cultural values is unjust because it is inherently impossible to place a dollar value on cultural values. Moreover 'balancing' conveys a seemingly objective and precise process of weighing, and here obscures the fact that in a social context, true equilibrium is rarely achieved, so that where the scales favour one party, the other is disadvantaged (Moosavian, 2015). Owen contrasts the measured sensibility of balance with the challenges of working with imperfect knowledge to make necessary decisions in a dynamic and unique maritime context. He pointed out that all decisions carried with them the benefits of hindsight, as well as the "potential for those who are affected by an incident to form unrealistic expectations about what can practicably be achieved" based on their lack of understanding, information and experience (Evidence 42). Here, Owen was referring to demands for removal of the wreck as a kind of wishful thinking based upon preference rather than what could practically be achieved.

His argument continues with a kind of defeasible reasoning (Koon, 2017), where the facts of the context constitute reasons for abandonment, rather than people's attitudes towards those facts. The facts presented relate to the vigour and extent with which the owner and insurer have approached the Rena situation and that they exceeded the legal obligations required to ensure the wreck is in a proper state to abandon, enabling the conclusion that because of these actions, abandonment is the most appropriate response.

In this discourse, time is money, and the forces of nature thwarted the salvor's and insurer's original costings almost as soon as the Rena grounded. While Owen stated philosophically that "planning for casualties inevitably must accept and anticipate potential setbacks… with the Rena, progress has not always occurred in a linear way" (Evidence 42), the strong message in fact was that the Rena played out as an insurance horror story of setbacks, frustrations and delays, to the extent that Rena ranks as the second most expensive salvage in maritime history. To illustrate this development, Owen provided a table of itemised time and costs, revealing salvage costs of US $429.7 million. He explained the complications associated with each phase of the salvage process, most of which were associated with the location of the wreck, unpredictable weather, problematic cargoes and a desire to act on community pressure for further clean-up before applying for the resource consent.

Owen asserted that the "remote" location of the casualty, far from "salvage hubs" in Asia and Europe, posed challenges in terms of sourcing and transporting necessary equipment, assets and resources to Aotearoa New Zealand. Further, the topography of the reef and weather conditions at the wreck site "impacted on the salvage operations to a degree that was impossible to predict" (Evidence 42). Conditions at the wreck site were suitable for working on only half of the days planned, so timeframes were not achieved and "equipment on expensive daily rates (was) often under-utilised in terms of its capacity" (Hearing statement 43).

One example of the effort put in and the difficulty faced is the matter of the 21 tonnes of copper clove which was scattered all over the seabed. This was a major concern because it could be ingested by biota and leach into the water column. The hunt for the container and the retrieval of the clove that had already escaped became a heroic quest for the salvors, but they faced wreckage too large and waters too deep for salvage. A technical solution was tried, but it did not discriminate between targeted copper clove and other elements of the sea floor, so that large quantities of reef sediment, small rocks, marine growth and members of the benthic community were also inadvertently destroyed, and the salvors' and owner's good intentions faltered somewhat, because "after six days of copper recovery it became apparent that more reef sediment and biota was being removed than copper scrap and the removal process was halted to allow a reassessment of efficiency" (TMC Marine, 2015, p. 31). Despite its ultimate failure, this attempt is presented as heroic, involving personal risk for divers operating at depths of up to 50 metres below the surface and considerable expenditure of ingenuity, time and money.

Another "unique" element to the owner and insurer's casualty response was, according to Owen, "the depth of engagement undertaken with the community, in particular with Māori" (Hearing statement 43). While Zacharatos uses the engagement process and relationships formed to establish a persona of credibility and trustworthiness, Owen revealed how the engagement process influenced and substantially extended the salvage programme; and its associated costs. For example, it was originally intended that the MV Rena's accommodation block should be left on the wreck as a potential dive attraction, but concerns raised by both Māori and the Regional Council, led to the owner removing it. This too was a technically challenging and expensive operation, involving the acquisition of machinery and assets from overseas. Community feedback also influenced the decision to continue clearance of the debris field, another high-cost operation which took eight months. By the time of the application for resource consent, the clean-up had "gone well beyond was what contemplated at the time the resource consent application was prepared and lodged" (Evidence 42).

Conclusion

This chapter set out to reveal the way in which the owner's representatives used persuasive rhetorical techniques to influence both reception of the formal apology and the application for resource consent to abandon the wreck. Classic persuasive elements (ethos, logos and pathos) were easily identifiable within the representative's hearing statements and evidence, and were supplemented by other techniques associated with corporate apologies (Koehn, 2013; Tavuchis, 1991), crisis and reputation management and other types of organisational discourse (Benoit, 1997; Cheney, 1983; Cheney et al., 2012; Dryzek, 2013; Higgins & Walker, 2012).

Zacharatos' apology contained all the elements of effective corporate contrition (recognition, regret, responsibility, and through the insurer, redress) and was amplified by appeals to shared cultural values, deference and pathos. It laid the foundations for his characterisation (in evidence) as an organisational man of honour on a heroic journey of engagement to make amends for the grounding and ensuing environmental disaster. His evidence was laden with appeals to ethos and pathos, which were then used to justify his argument that because nothing more could be done in practical terms or expected in moral terms, it was acceptable to abandon the wreck. Owen's evidence, on the other hand, is light on ethos and pathos. His is a logos-driven argument based on financial fact and defeasible reasoning that illustrates how, despite all good intentions and ingenuity, the insurers and salvors were thwarted in their attempts to salvage the wreck and debris in a timely and cost-effective manner due to a range of factors beyond their control. These included the remoteness of the casualty, the reef's exposed location, heavy weather, depth of the wreck and the "insatiable" demands of tangata whenua. All these factors conspired to turn the Rena salvage and clean-up programme into a financial horror story for the insurers and, ultimately, this made continued clearance impossible.

On the surface, the discourse appeared to champion the stakeholders, but that championing was in fact used as evidence of credible, ethical and responsible response to the disaster and drew a line beyond which the owners would not advance. From the perspective of the owner and insurer, it would appear that they had reached a situation of diminishing returns: the outlay associated with continued salvage was not commensurate with either the environmental or reputational risks associated with abandonment.

Chapter 8

Discussion and Conclusion: Justice and the MV Rena

The purpose of this research was to explore the effects of a significant man-made technological disaster – the grounding of the MV Rena – on affected indigenous communities and to ascertain whether the participation of citizens in the public arena of environmental decision-making contributed to positive social change and achieved justice for both the environment and affected communities. The grounding of the MV Rena and the subsequent multilayered responses by citizens and agencies have been built into a forensic study of the discursive anatomy of an important environmental decision and the psycho-social effects of a man-made environmental disaster. In Aotearoa New Zealand, environmental decision-making is carried out within the framework of the Resource Management Act 1991, which has as its underpinning principles the sustainable management of the environment, a commitment to the Treaty of Waitangi, and kaitiakitanga. The resource consent process, particularly where it involves a hearing, is a heavily discursive one, drawing on discourses of scientific rationality, financial responsibility and a diversity of perspectives contained within the discourses of the public submissions.

Accordingly, as a means of answering my two research questions, 'How and in what ways were the different discourses in the processes of the resource consent hearing made manifest?' and 'What does the dominance of certain discourses mean for social change and environmental justice in Aotearoa New Zealand?' a critical analysis of the discourses attached to the resource consent hearing was undertaken. Three main perspectives were identified: those of science, of the owner and insurers, and of tangata whenua. The research considered the submissions made to the resource consent hearing as purposeful stories produced by discursive actors whose goal was to influence decision-making in ways that aligned with their perspectives, values and beliefs. The analysis of texts revealed the discursive network of ontological assumptions and beliefs that underpinned the perspectives and worldviews of the agents in the discourse, basic entities and agents recognised, and key metaphors and rhetorical devices particular to these discursive structures. This research also drew on Fairclough's (1992) and Harvey's (1996) ideas of the dialectics of discourse and social process to consider the resource consent hearing as a form of

institutional social practice in which people, as discursive agents, voiced their ideas, beliefs and imaginaries in an attempt to influence the decision-making process about what to do about the wreck of the MV Rena and environments affected by her abandonment. As such, it considered the resource consent hearing as a particular moment in an ongoing, dialectical social process which has contributed to the symbolic construction of the 'environment' in Aotearoa New Zealand.

The problem of what to do with the remains of the Rena was determined through the discursive institution of the law and the ritualised practices of the resource consent process, the discourses of which internalised moments of power, imaginary and institution (Harvey, 1996). Each submission presented to the hearing was viewed as a moment of agency, an attempt to exercise power and influence the outcome and also as a moment of self-expression and belief about the potential environmental effects of abandoning the wreck. Throughout the hearing, such moments related to each other. Some, such as the evidence and impact statements submitted by the owner's representatives and technical experts, drew upon, referenced and reinforced each other interdiscursively, and in such a technocratic way (Jackson & Dixon, 2007) that it was difficult, nigh on ontologically impossible, for those arguing from a traditional Māori perspective to invalidate or argue against them.

This illustrates the ideological effects of language and the way discourses allied to Western capitalism and science work hegemonically to marginalise other views, and to sustain and reinforce the prevailing norms, social relations and structures of contemporary neoliberal capitalism (Higgins & Walker, 2012; Livesey & Kearns, 2012). This is particularly pertinent in the case of Aotearoa New Zealand where, on one hand, the legitimacy of indigenous knowledge and principles is lauded and recognised within statutes and legal frameworks such as the Resource Management Act 1991, but on the other is overridden or accounted for only partially. Institutions typically defer to discourses of organisational rationality, fiscal proportionality and scientific objectivity in decision-making, all of which appeal to narratives of 'sustainability', widely recognised as a neoliberal catchphrase in the meta-discourse of global capitalism (Higgins & Walker, 2012; Jackson & Dixon, 2007; Livesey & Kearns, 2012; Murray & Swaffield, 1994; Swaffield, 1997). Official decisions create precedents which construct and add to existing discourses and these influence and shape how organisations and other social actors perceive the concept of environmental sustainability and the social institutions charged with its execution (Livesey & Kearns, 2012). While the processes of environmental decision-making invite public discourse in

the form of submissions, there is a great difference between being heard, having those views included in official decisions and having those decisions practically enacted.

In many ways, the tangata whenua submissions to the Rena resource consent hearing represent the sheer determination of hapū and iwi to have indigenous cultural values not just recognised but restored and upheld through full wreck removal. Tangata whenua participated in the resource consent hearing because they had a major stake in the outcome, considered their views both relevant and significant, and were able to exercise their right to be heard. Their submissions were expressions of a deep sense of self, of ancestral connection to place and spiritual belief often embodied in material practices and rituals carried out on or around Ōtāiti. Their submissions were also assertions of tribal identity, cultural survival and power, recorded and thus made permanent in the institutional discourses of the hearing. Māori submissions on the spiritual significance of the reef, and, in particular, its role as an ara wairua, steeped in mauri and associated with mythic and legendary figures, were not just stories rolled out for their interest-value. From a traditional Māori perspective, these were submitted as ontological facts. Some submissions disclosed deeply personal spiritual beliefs not lightly shared, while others consisted of genuinely tapu knowledge, traditionally guarded by cultural and spiritual experts, and brought to light only because of the seriousness of the application. This knowledge was also produced in a non-traditional form – as written submissions made in English – for the benefit of a particular audience: the panel of Commissioners as decision-makers. In this way, the discourse of Māori submitters internalised the material practices that express cultural and spiritual beliefs and linked them to submitter's ideas about what they imagined should happen to the wreck; only its full removal would facilitate environmental repair and return the reef to a pre-Rena state. Thus, the discourse created by the resource consent application captured aspects of the complex Māori cultural world associated with the reef and re-presented it as part of a (new) administrative order in which hapū and iwi most affected by the grounding would have an active role in decision-making as kaitiaki of the reef.

The resource consent hearing can also be regarded as an expression of the very technocratic values that underpin the processes of sustainable management (Jackson & Dixon, 2007). That is, the dominance awarded technical and scientific knowledge in the assessment of environmental effects and the way it is used to produce a certain type of information that overrides alternative wisdoms and ways of knowing and experiencing the world (Grimes & Feenberg, 2013). For the technical experts propounding such approaches, the hearing also represented an opportunity to establish and assert a 'professional' and 'expert' self. A significant event by the standards of

Aotearoa New Zealand, the MV Rena affair offered many researchers and their assistants career-defining opportunities from which higher degrees and published articles could be derived. In their evidence, such experts assessed what they considered to be the potential effects of the consent and how these could be managed or mitigated; that is, they presented an imagined future (Harvey, 1996) of environmental recovery based on observation, empirical findings, mathematical calculation and practical reasoning.

In this research, the impact assessments were treated as a corpus of texts suitable for textually oriented discourse analysis, with each assessment representing a different discipline within the wider discourse of Western science. This Faircloughian (1992) approach showed the reports to be both interdiscursive and intertextual, and that such interdiscursivity was hierarchical and based on the discourses of mathematics and chemistry. The eco-toxicity of the reef was calculated according to toxin levels recorded in biota. Using this data, human health impacts were theorised through mathematical proof, and from this analysis cultural and social impacts were inferred. Scientists and experts quoted and drew on one another's findings such that an intertextual chain of self-supporting argument was constructed which purported no more than minor effects.

Analysis of submissions made by the owner's organisational representatives showed how persuasive rhetorical techniques were employed to influence both the reception of the owner's formal apology and the application for resource consent to abandon the wreck. Classic persuasive elements (ethos, logos and pathos) were used in the symbolic construction of an ethical, credible and trustworthy organisational persona, and were easily identifiable within the representative's hearing statements and evidence and supplemented by other techniques associated with corporate apologies (Koehn, 2013; Tavuchis, 1991), crisis and reputational management and other types of organisational discourse (Benoit, 1997; Cheney, 1983; Cheney et al., 2012; Dryzek, 2013; Higgins & Walker, 2012).

The owner and insurer's representatives preferred future (Harvey, 1996) was one where, having gone 'above and beyond' what was legally required of them in terms of salvage and environmental clean-up, they could safely quit Aotearoa New Zealand with effects "no more than minor" and organisational reputation intact, even enhanced, by the extensive engagement process undertaken and large funds left behind to cover environmental monitoring and cultural mitigation programmes. For the experts involved in the Technical Advisory Groups, set up as part of the consent conditions, the future, no doubt, held good promise of ongoing material practice. That is, employment and research – sampling, testing and reporting back to the Community Trust set up by the owner and insurer to administer the consent.

As Wheen (2013) points out, the resource consent hearing process basically boils to a down to a contest of views in which arguments are weighed up and traded-off against the vague and indeterminate principle of sustainability. This makes the process inherently competitive and antagonistic instead of the consensual 'win-win' scenario suggested by the term 'sustainability', and with few exceptions (Binning & Aronson, 2002), it is the intangible spiritual and cultural values that weigh more lightly on the scales of justice. While technocratic environmental analysis showed that the wreck and its environmental effects were problems that could be managed through scientific and technical monitoring, from the perspective of tangata whenua, this judgment made no sense at all. The ongoing presence of the wreck was an ongoing injustice and abomination, an insult to mana and source of individual and collective grief that could not be relieved unless the wreck was fully removed. Tangata whenua participation in the resource consent process protested the applicant's technical arguments that touted practical reason, common sense and "less" or "no more than minor" environmental and cultural effects as virtues. Hapū and iwi groups who were able to do so contracted their own technical experts (often whanau members) who worked for free or at reduced rates to submit alternative interpretations of the Rena's effects. The Government, under the direction of the Waitangi Tribunal, provided a fund to help hapū and iwi prepare their submissions, but the fund was not enough, and it was dispensed on the basis of first-come-first-served rather than need. Accordingly, hapū and iwi representatives were often on the back foot, rhetorically speaking, having to defend their cultural position and countering rather than advancing arguments.

Further, where arguments based on traditional knowledge and anecdotal evidence were proposed, such as that advanced by Ngāti Awa that abandonment could lead to significant psychosomatic health issues for their people, these were rejected because "no expert evidence was presented (to the panel) as to the extent of the actual mental, or other health issues" (Whiting et al., 2016, p. 95). No hard data were presented because none existed, at least not in a form recognised as 'scientific'. Such studies are undertaken over long periods of time and require the kind of resourcing that was quite simply beyond the scope of the groups involved. This reliance on scientific assessment from pre-determined environmental baselines disadvantaged hapū and iwi trying to advance more subjective arguments or those based on intangible evidence, and from this perspective this certainly restricted delivery of environmental justice because their arguments were not always recognised as valid.

In any case, the Resource Management Act 1991 simply did not give decision-makers the jurisdiction to order removal of the wreck (Whiting, et al., 2016). All they could do from a legal

perspective was refuse or grant the consent. Refusal would not have ensured the wreck's removal or address management of wreckage and debris. It would have meant the applicant could abandon the wreck, without any framework in place for its management or environmental monitoring. This would not have ensured any certainty as to managing the wreck nor fulfilled the principle of sustainable environmental management which is the single purpose of the Act (Whiting et al., 2016). The problem was that in achieving this, they failed to meet other important social and cultural considerations, specifically, that of traditional Māori cultural connection to ancestral lands, water, wāhi tapu and the principle of kaitiakitanga as described in sections 6(e) and 7(a) of the Act. These were addressed, though not mitigated, in conditions attached to the application for the consent, namely the formation of a Kaitiaki Reference Group and Cultural Monitoring Plan (Whiting, et al., 2016).

The purpose of the Kaitiaki Reference Group was to recognise the importance of Otāiti as taonga and the kaitiakitanga of related Māori (Whiting et al., 2016). Funded by the consent holder, the group would comprise representatives of hapū and iwi recognised to have a traditional relationship with the reef and would ensure their involvement in ongoing environmental monitoring specified by the consent, in particular that carried out by the Technical Advisory Group, a group also created as part of the consent conditions whose role would be to carry out scientific and technical monitoring of the wreck and affected environments. Effectively, the Kaitiaki Reference Group would liaise between tangata whenua and the consent holder, advise on any adverse cultural effects arising from the activities of the Technical Advisory Group and perform appropriate cultural ceremonies as required.

The objective of the Cultural Monitoring Plan was to monitor any effects on cultural values that arose over time or from the technical monitoring and, were these to be negative in nature, to identify how these might be avoided or mitigated. The consent specified several minimum requirements for the plan including that someone be responsible for its methodology, implementation and assessment (Whiting et al., 2016). However, the panel of Commissioners did not suggest who that person might be or how cultural monitoring might be carried out.

The inclusion of these conditions was no doubt well-intentioned. However, details as to how exactly they were to be enacted were scant and, while funded by the consent holder, the establishment of the Kaitiaki Reference Group rested on the collaboration of tangata whenua groups. Given the intra- and inter-hapū conflict and rancour that had developed over the course of the Rena saga, the prospect of seamless collaboration soon after the close of the hearing seemed rather bleak. Indeed, nearly four years after the granting of the consent, a Ngāi Te Hapu

representative commented that relations remained troubled and the Kaitiaki Reference Group had still not been formed, "Fighting for the wreck to be removed and the clean-up to be done properly has damaged relations between iwi in Tauranga Moana, and a kaitiaki reference group is still not functioning" (Rena lessons not learned, October 11, 2019).

Also vexing was the fate of the Cultural Monitoring Plan and the way in which this might be implemented. Affected tangata whenua had already been subject to copious 'cultural assessment', having written their own reports for the Long-term Environmental Recovery Plan and described cultural impacts in their submissions to the hearing. The cultural values of Mōtītī Islanders had also been subject to anthropological examination by the applicant's independent technical expert, who concluded the proposal would have "minor" cultural effects, a conclusion based ultimately on quantitative rather than qualitative findings. The prospect of more observation beneath the anthropologist's eye, let alone the issues of 'methodology' and 'measurement' left locals wondering exactly how this condition would be fulfilled, by whom and in what way. Once a place that existed outside the purview of territorial authorities and mainland rules and regulations, Mōtītī and its peoples, now traumatised by environmental disaster, unable to fulfil cultural and spiritual responsibilities, and disrupted by the conflict and rancour arising from the engagement and resource consent processes, were still to be subject to cultural surveillance for some time yet.

Perhaps what was most needed was a cultural *recovery* plan instead of a monitoring plan. That is, a plan which provided psycho-social support to help the community recover from stresses related to the grounding, engagement and resource consent processes, and to help repair relationships that had been damaged along the way. In the report, *Kua Mamae Te Ngakau*, commissioned as part of the Long-term Environmental Recovery Programme, Hinemoana Associates (n.d.) recognised commonalities between the psycho-social impacts of the Exxon Valdez oil spill experienced by indigenous peoples in Alaska with those occurring in the Maketū community, including the on-going socially corrosive effects of post clean-up institutional and litigious processes. The report recommends the use of culturally appropriate methods of counselling to help those struggling with feelings of long-term anger and anxiety derived from the MV Rena, *as well as* the long-term monitoring of cultural recovery. It also advocates strengthening emotional community resilience by building relationships with other indigenous communities who have suffered similar environmental trauma so that learnings and experiences may be shared, and issues of mutual benefit explored. The recommendations highlighted both a need and an opportunity to care for a traumatised and vulnerable community. That such

recommendations, all of which were based on reputable academic research (Freudenberg, 1994; Palinkas et al., 1993; Palinkas et al., 2004; Picou, 2000), were not adopted is disappointing, and is perhaps indicative of a lack of understanding of the culturally-specific mental health effects of environmental calamity on indigenous peoples.

One model that tangata whenua of Maketū found useful in processing the emotional impacts of the Rena was the mauri modelling framework (Fa'aui et al., 2017), which was used in workshops to formally assess mauri recovery (Bennett, 2015). However, while this approach proved beneficial for Maketū (Bennett, 2015), other tangata whenua groups found the assessment of traditional values through Western methods of quantification abhorrent, and its proposed inclusion as a monitoring tool in the consent conditions untenable. Those of a more traditional mindset could not accommodate the melding of traditional spiritual knowledge with Western models of abstraction and quantification embodied in the mauri modelling framework. While the model remains an academically interesting analytical tool, in the real world of experienced cultural effects, emotional stress and trauma, the methodology was too blunt a tool to apply to such spiritually sensitive subject matter, and its proposed use, at least outside of the Maketū context, only served to aggravate inter-group tensions. Tangata whenua opposed to its inclusion as a monitoring tool made submissions to this effect, and their objections were considered by the panel of Commissioners and internalised in the final decision. The applicant's proposal for a funded mauri monitoring condition was deleted with mauri to be assessed alongside other cultural values in the Cultural Monitoring Plan (Whiting et al., 2016).

To this extent, tangata whenua submissions on certain issues did influence decision-making and the final outcomes. Submissions and arguments were ultimately considered by the panel of Commissioners, transformed, institutionalised and made permanent through their inclusion in the official discourse of the resource consent process, as represented in the substantial decision document produced by the panel (Whiting et al., 2016). Some submissions have also been enacted in material practice, such as the operation of advisory and monitoring groups, which exemplifies Harvey's (1996) concept of the dialectic of discourse and its role in social processes. The Kaitiaki Reference Group, as mentioned, is yet to get underway, exemplifying the gap between concepts espoused in discourse and the practical difficulties of their implementation.

This brings me to consider aspects of the Resource Management Act 1991 and whether, in the context of the Rena resource consent process it has justly served the people and environments of the Bay of Plenty. At the time of implementation, the Resource Management Act was considered a 'pioneering example' of legislating for environmental sustainability because of the

way it married statute-led planning principles with the idea of 'sustainable' resource use determined through the assessment of impacts of human activity on the environment (Jackson & Dixon, 2007). Since then, however, the underpinning principles of the Act have been variously criticised as neoliberal "policy myths" (Murray & Swaffield, 1994) due to their state-lite, market-led, technocratic biases and "high (but indeterminate principles)" (Wheen, 2002, p. 272). For these reasons, critics argue the Act falls rather short when measured in terms of social and environmental justice (Jackson & Dixon, 2007).

One of the main areas of criticism is the Act's loose definition of the concept of sustainability. According to Wheen (2002), this was designed to give decision-makers the scope to apply the concept broadly and depending on context, which is important in discursively contested local contexts and when decisions are weighed on the balance of technical assessments, conflicting arguments and the significance of the application. However, trade-offs and comprises are always necessary when taking a "balancing approach" (Wheen, 2002, p. 273) to decision-making, and this means one party always benefits over another. Further, balanced decisions tend to be based on the weight of empirical environmental assessments and technocratic arguments that the effects of human activity in the environment can be efficiently managed through science and technology. Decisions based on such reasoning tend to favour the financial imperatives of business and development, and as Jackson and Dixon (2001) argue, the very neoliberal belief that, due to market pressures, organisations will act ethically and sustainably of their own accord in order to avoid financial consequences.

The consent process has also been criticised on the basis that it tends to favour the applicant, and therefore organisational interests, due to their position as initiator of, and therefore protagonist within, the consenting process (Jackson & Dixon, 2007). It is the applicant that instigates the process and whose experts undertake initial assessments of environmental effects and recommend ways to avoid, remedy or mitigate them. As a result, the applicant sets the parameters of debate by first determining the nature of the consent, its potential effects and how they can be managed. This puts the applicant in a position of power relative to those opposing the consent, who react defensively to generate arguments as to why a consent should be refused. In this way, contested consent applications often become competitive and adversarial, conflictual and agonistic.

Jackson and Dixon (2007) have suggested that decision-maker's emphasis on technocratic and biophysical understandings of sustainability over and above social and cultural interpretations of the term have restricted opportunities for achieving environmental and social justice, claims to

which tend to disrupt technocratic discourses. In contexts of environmental decision-making, the notion of 'justice' is complex because it encompasses dimensions of fairness as they apply to human and non-human, tangible and intangible worlds. The following sections address three types of justice concerning the sustainable management of human behaviour within the environment. Distributive justice concerns the equitable distribution of environmental risk weighed against social and material benefits. Procedural justice considers elements of fairness within decision-making processes, the possibilities available to individuals and communities to be informed, participate in and influence discursive democratic decision-making processes on the fate of the Rena. Lastly, restorative aspects of justice are considered by way of reparation, restoration and problem solving.

Distributive justice

Traditional definitions of environmental justice concern the inequitable socio-spatial distribution of environmental harm among socially or economically marginalised populations who are bound by proximity to polluted or contaminated sites, while any so-called benefits are enjoyed by broader, mainstream populations located beyond the immediate risk burden (Cotton et al., 2014; Scholsberg & Carruthers, 2010; Walker, 2009; Whyte, 2016). Such injustices often exhibit racial or class biases (Bullard, 1983; Wenz, 1995). Research has shown that communities of colour, indigenous peoples and other minorities are more likely than those of privileged white people to live and work in toxic environments that are bad for human health and community cohesion (Whyte, 2016; Vanderheiden, 2017). Disaster research has also found that indigenous communities are more negatively impacted by technological environmental disasters than are mainstream (Freudenberg, 1994; Palinkas et al., 1993; Palinkas et al., 2004).

To understand the kind of impact the MV Rena had on the residents of Mōtītī Island, it is necessary to understand life on the island before the grounding. Submissions and cultural impact statements attest to an idyllic, semi-subsistent, traditional lifestyle and ancestral connection to place enjoyed by residents. As one of four small offshore islands located outside the territorial boundaries and administrative responsibility of the local authorities, the island came under the administration of central government, specifically the Department of Internal Affairs. However, largely ignored by central authorities, Mōtītī and its occupants enjoyed an autonomous existence, and this was one of the island's main attractions. Residents were not subject to local body rates or annoying bureaucratic constraints such as dog registration or building consents. On the other hand, they did not have a sewerage system, adequate roads or a fire management plan. All services had to be provided, paid for and managed by the residents and their families (Mōtītī -

Tuhua Plan, Newsletter no. 1, November 2004). Residents balanced these inconveniences with the pleasure of living on ancestral land and a lifestyle based on traditional values. In many ways, life on Mōtītī allowed a full expression of tino rangatiratanga, unhindered by the Crown.

However, in 2004, the Department of Internal Affairs initiated the development of a District Plan[20] for the island, a process that would prove to be long, drawn out and extremely divisive. Some perceived the development of a District Plan as a threat to Mōtītī's traditional way of life and worried the development of the island would turn it into an offshore tourist attraction and playground of the rich and privileged. Thus, by the time the MV Rena hit in October 2011, the Mōtītī community was already somewhat fearful about the future of their island. It is no wonder that the combined issues of Plan development and the MV Rena compounded and exacerbated the culturally-specific social complexities and stresses on the island and left residents feeling "extremely vulnerable" (Mōtītī residents hit back at district plan, September 17, 2012) and in ways that mainstream communities of the mainland did not.

According to the owner's social impact assessment, the mainstream, mainland communities of the Bay of Plenty accepted the wreck's potential abandonment much more easily than Māori communities. This was indicative of a number of cultural and spatial factors including: distance from the wreck site, the wreck's invisibility, that is, its reduction to below the low tide line, faith in scientific claims that toxin levels were "no more than minor", not harmful to humans and could be managed through monitoring, and the idea that the environment would somehow eventually self-repair. The phrase 'out of sight, out of mind' is most apt here. For mainstream, mainland communities, normal life resumed as soon as the beaches ceased showing signs of pollution and the wreck had been reduced below the waves, there were even arguments of social enhancement, with the wreck acting as a dive site and potential tourist attraction.

However, for Mōtītī hapū life had changed forever. Their inability to fulfil traditional cultural obligations as environmental guardians – kaitiaki – of the Mōtītī environment constituted ongoing stigma and status injury. The prospect of the wreck's abandonment meant that they could no longer comfortably manaaki whanau and friends with kaimoana from the reef, an activity which had long been a source of pride and mana for those associated with the island. For some individuals, the pain and grief experienced at the time of grounding manifested as a

[20]A District Plan provides a set of guidelines for the management of a community of common interest. It provides for the well-being of that community and the sustainable management of the natural and physical environments, and may include other plans concerned with rural development, conservation and iwi management (Mōtītī-Tuhua Plan, Newsletter no. 1, November 2004).

culturally-specific form of distress known as whakamā, and possibly even the psychosomatic disorder, mate Māori. No such effects were reported by mainstream Pākehā communities, which implies that Māori communities bore the effects of the Rena grounding in far more negative ways than mainstream Pākehā.

On the other hand, it is possible to argue, as did those submitting on behalf of the applicant, that the grounding was accidental, the result of human error, and that retributive justice had already been served by way of punitive measures. Daina Shipping had been heavily fined and those directly responsible for the grounding sentenced for their negligence. Any unjust distribution of negative effects, while regrettable, were purely coincidental. In a sense, this is true. However, submitters and interview participants opposed to the application also argued that the 'accident' was due to recreant social institutions who had not fulfilled their obligation of protection either to the environment or tax-paying citizens. Due to the cultural imperative of kaitiakitanga, the upholding of environmental justice fell more heavily on the shoulders of tangata whenua than on mainstream Pākehā communities, and in ways that data have shown were not psychologically, socially or financially sustainable.

As part of the Long-term Environmental Recovery Programme, the five most affected tangata whenua groups produced cultural impact reports intended to convey the effects of the MV Rena on tangata whenua and their cultural values. The reports made a range of recommendations, among which included the creation and policing of compulsory shipping lanes with serious consequences for ships in breach of them. While shipping lanes were not implemented, GPS transponders were fitted to Ōtāiti and surrounding reef so that ships are still able to use the route past Mōtītī Island but will be alerted if they come too close to rocks and reefs. Why this course of action was taken rather than the outright prohibition of ships from that route continues to rankle the island's residents (Rena lessons not learned, October 11, 2019). This illustrates the tendency in political culture to downplay or ignore the systemic issues that might have led to catastrophe rather than addressing them through actual structural change: a phenomenon underpinned by the neoliberal fear of regulation as an "affront to freedom" (Malik, 2019). Marginalisation of structural issues is facilitated through the rather anthropocentric aspects of mitigation and sustainable management which propose that, even when past actions have led to catastrophe, mitigatory action via science and technology is all that is required to obviate future risk.

In reports and submissions, tangata whenua also recommended that there be more open and transparent communication between them and government agencies in emergency situations;

better use of local networks and knowledge, and better resourcing of rural communities to enable an adequate response to emergencies; simplification and streamlining of bureaucracy and paperwork and improved adherence to the Treaty of Waitangi principles by government agencies. One iwi representative also reported the potential development of a national oil response framework, based on the experiences of Tauranga Moana, Mōtītī and Te Arawa hapū, which included how to appropriately engage with tangata whenua and the use of mātauranga Māori in the official response (Personal communication, October 22, 2015). However, a degree of cynicism remains at how deeply such recommendations have been integrated into response systems. Such concerns were recently conveyed to a Māori news channel by an iwi representative involved in the Rena response, who reported that "Despite our best efforts nothing has changed. We still have the same rules in place we had previously. There is no change and I have grave concerns (that) if it ever happens again, we are going to be in the same position again" (Rena lessons not learned, October 11, 2019).

Procedural justice

Dryzek (1987) argues that ecologically rational decision-making requires procedures that are discursive and democratic, including the devolution of such processes to local contexts and increased public participation in decision-making, saying that this leads to better, more legitimate and therefore more 'just' decisions that reflect local knowledge and values. The Resource Management Act 1991 adheres to these principles in many ways, though sometimes only partially (Jackson & Dixon, 2007). Decision-making is carried out at a local level and is structured in such a way that that citizens can have a 'say' in (some[21] of) the decisions that affect them and their environments. Further, the Act also specifically states that Māori values, traditional resource use and the principles of the Treaty of Waitangi must be considered when making decisions and, while not mandatory, the Resource Management Act guidance documents advise prospective applicants on the wisdom of engaging early with members of the public, especially tangata whenua (Consult early with tangata whenua, 2017; Ministry for the Environment, 2005). However, in the context of this research, weaknesses in regard to 'just' decision-making have been identified.

First, while the owners of the MV Rena and its representatives engaged, openly, honestly and respectfully with communities and in ways that were culturally sensitive, and the hearing

[21] Not all resource consent applications are publicly notified. Under section 95 of the RMA, it is the consenting Authority (the Council) who determines whether public notification is necessary (When are applications notified, 2008).

included a range of practical measures intended to promote democratic procedures, inclusive participation and cultural sensitivity, the essence of argument still came down to a contest of perspectives and the weight of empirical argument versus subjective cultural and spiritual experience. Decisions were based on technocratic rather than social or cultural factors, which were considered secondarily. Under the conditions to the consent, any change in the wreck or contaminant levels would trigger a hierarchy of management responses according to risk level, including notification of the Kaitiaki Reference Group so that appropriate cultural responses could be undertaken. From the tangata whenua perspective, this could only ever be unjust because no amount of 'management' could ever mitigate the cultural offense posed by the wreck's ongoing presence.

Another way in which democracy was tested was in the requirements of the engagement process and resource consent hearing, and the way in which this unfairly burdened hapū and iwi organisations and their representatives and caused a significant degree of community conflict. Financial support to help tangata whenua commission independent technical reports and prepare their submissions only came from the Government at the direction of the Waitangi Tribunal, and after the Government had already jeopardised how the consent might be heard by signing the owner's Wreck Removal Deed. The fund itself was contestable and inadequate and provided more reason for conflict among those who applied for it. Interview participants commented that the fund was not enough to oppose the deep pockets of global shipping and maritime insurance organisations, and in any case, it was dispensed on an inequitable, first-come-first-served basis.

As time went on, a second order of culturally-specific community stress developed (Marshall et al., 2004; Picou et al., 2004; Ritchie et al., 2013) among tangata whenua associated with the consultation and engagement processes conducted by the owner and the requirements for the resource consent hearing. Interview data showed significant patterns of long-term and persistent individual and collective stress, community conflict and rancour arising from these processes. This closely mirrored patterns of social corrosion also seen in other indigenous communities suffering the effects of man-made environmental disasters. Research conducted in these communities suggests the impact of such events and the associated, drawn-out decision-making processes results in long-term, perhaps intergenerational, negative social effects. Similar effects were reported in interview and textual data related to this research.

Thus, while aspects of the engagement and resource consent hearing processes may have ticked the box of Dryzek's (1987) ecologically rational, discursive democracy, this research

suggests that the stress associated with participation in the institutional processes allied to MV Rena had significant long-term negative impacts for indigenous communities. In light of such social disruption, the question as to whether the processes of the Resource Management Act can be considered either socially 'just' or socially 'sustainable' is begged. This indicates that further research in this area is necessary, one which identifies less disruptive and conflict-inducing processes.

Restorative justice

A restorative approach to environmental offenses is constituted by a particular kind of "victimhood" (White, 2014, p. 43) that embodies certain human-nature relationships, some of which are peculiar to indigenous perspectives. This starts with recognition that, due to different worldviews and cultural values, indigenous people experience environmental injustices and are harmed by environmental risks and nuisances in ways that mainstream, Western-oriented communities are not (Whyte, 2016), and that this special type of victimisation should be taken into account when decisions about the environment are made. A restorative justice perspective is informed by such as concepts as reparation for harm, social and environmental restoration, harmonious relationships, procedural participation, cooperation and problem solving, and it promotes relationships and understanding through victim-offender engagement and reciprocity (White, 2014), for example, the sharing of knowledge and perspectives, expressions of remorse and forgiveness, repair and reparation.

One-to-one engagement humanises this process, and Zacharatos, as the owner's representative, established an effective embodiment of an honourable corporate citizen. He was reliable, respectful, attentive, adaptable and consistent, and this approach earned him the respect of tangata whenua, even when they did not like or agree with his arguments. Hapū and iwi submissions represented personal and collective stories of grief, anguish and disrupted connection to ancestors, place and spiritual realm. It made the transgression of the MV Rena grounding extremely personal and powerful, as was necessary, for the absence of such personal expression would have rendered the hearing an exercise of expert debate over scope and scale, and the deliberation of justice one based only on technical argument. The panel of Commissioners took the Māori explanations of worldview and potential cultural impacts of the proposed consent and conditions at face value and some conditions, such as the mauri monitoring programme, were amended to reflect tangata whenua concerns.

Yet different understandings of what environmental justice looks like remain. From the practical perspective of western rationality, all had been done to ensure the wreck was safe and

environment secure under the conditions attached to the consent. From this viewpoint, elements of justice were achieved. Daina Shipping and its employees had been fined and punished, the organisation had recognised its transgression, apologised and attempted repair and restoration through cleaning-up the environment, building trusting relationships and providing social (financial) mitigation packages. Under this logic, the organisation, having done all it could, should be free to get back to its core role of facilitating global trade and capitalist systems through merchant shipping. However, this was not enough for those more closely associated with Mōtītī Island and Ōtāiti. Their understandings of environmental justice could only be achieved through wreck removal and to this end, some groups went on to lodge appeals with the Environment Court and High Court. These were extremely expensive exercises, and ultimately unsuccessful in overturning the consent and having the wreck removed.

The resource consent hearing provided a space in which indigenous views and knowledge could be articulated about a personalised and personified environment, but it restored neither the environment nor the relationships of those so closely associated to it. For tangata whenua, Ōtāiti remains not just an underwater rocky reef, but an ancestor, imbued with its own life essence and part of a much wider interconnected physical, spiritual and social terrain of reciprocity and moral responsibilities (Whyte, 2016). Their submissions provided an alternative and much more holistic view to the fragmented environmental understandings contained in the technical assessments. In this respect, and to the extent that tangata whenua views were incorporated into the monitoring conditions attached to the consent, they can be regarded part of a wider project involving the decolonisation of institutions and their processes, and the assertion of traditional indigenous ecological knowledge over and above Western epistemologies. The Māori perspective cried out for a form of environmental justice that *restored* both nature and the relations of reciprocity and intergenerational responsibility that from an indigenous perspective this entails.

Conclusion

This study has cast a spotlight on a singular, localised and traumatic event that severely impacted the environments and communities of Tauranga, Maketū, and the East Cape, the impacts of which, social and biophysical, are likely to continue for many generations to come. As a newcomer to the resource consent hearing process and Rena event, I was rather unprepared for the level of emotion attached to the issue of abandonment, especially that displayed by tangata whenua. I was also unaware of the commitment of hapū and iwi representatives, who worked tirelessly, during beach clean-ups, in engaging with the Rena owners and their representatives

and reporting back to their people, and in preparing a variety of impact statements and submissions for the resource consent hearing, to have impacts on tribal cultural values recognised and to uphold the mana of their ancestors, whanau, hapū and iwi. Aotearoa New Zealanders, Māori and Pākehā, owe them a debt of gratitude. Without their unwavering insistence, the salvage and clean-up programmes would not have continued to such an extent, and Ōtāiti would have undoubtedly been left a junk pile. While the outcome was not that tangata whenua would have chosen, it is certainly a lot better than it would have been had it not been for their persistence and determination.

Thankfully, in Aotearoa New Zealand, environmental disasters of the size and scale of the MV Rena grounding are not regular occurrences. However, the risk that another such event might happen is real enough given Aotearoa New Zealand's geographic location and reliance, as a consumer driven and export-led economy, on ocean transportation. Accordingly, this research considered investigation into the social processes and 'fallout' of such a disaster both necessary and important. This was especially so considering the place of tangata whenua not only as people indigenous to Aotearoa, but also whose role as partners with the Crown is recognised both in the Treaty of Waitangi, the founding document of Aotearoa New Zealand, and in legislation and environmental decision-making processes. I was especially interested in what could be learned from a communication perspective when the interests and views of a powerful and extremely well-resourced international shipping company clashed with those of an indigenous group of island dwellers whose worldview is based on traditional ontology and ways of life inextricably tied to ancestral connection to place and the natural world.

Apart from the psycho-social research on indigenous Alaskan communities impacted by the Exxon Valdez oil spill (Picou et al. 2004; Ritchie, 2012; Ritchie et al., 2011, 2013), there exists scant literature on the effect of man-made environmental disasters on indigenous peoples and even less pertaining to the people of Pacific nations or Aotearoa New Zealand. The report, *Nga Mamae Te Ngakau* by Maketū-based Hinemoana Associates (n.d.), produced for the Rena Long-term Environment programme, provided a valuable starting point and source of inspiration for this research. The findings of this research support those contained in that report, both of which point to the importance of supporting vulnerable communities in times of social and environmental crises and beyond, throughout the institutional processes that attend related litigation and long-term decision-making. Such approaches would recognise and attempt to redress the psycho-social impacts of man-made environmental disasters. They would need to be

socially adaptive, culturally appropriate, place-based and locally led and could ultimately form part of official long-term response and recovery plans.

Further, the negative historical and compounding effects of colonisation on indigenous peoples also needs to be accounted for when considering issues of social and psychological stress arising out of environmental trauma or disaster. Certainly, aspects of the Rena assessment processes were based in Māori epistemologies, and this enhanced empowerment and the decision-making process for some of the groups involved. However, data indicates that this was not the experience of most tangata whenua, and certainly not those most closely associated with Mōtītī and the reef. For most, the overriding dominance of Western discourses of science, technology and organisational logic ultimately reinforced the hegemonies peculiar to post-colonial settler societies (Whyte, 2016) and which are built into social institutions. Research into how such structures and decision-making processes could be further de-colonised is warranted.

Lastly, this research began with a review of literature that outlined the social construction and conceptualisation of nature throughout Western history. It considered ancient concepts of nature personified as the eternal feminine and tracked the evolution of such ideas. From the idea of humans as an intrinsic part of nature, to their fall and separation from the natural world, their growing dominance and control of nature as a resource wherein economic power and knowledge lay. As a final word on the way in which the nature of nature is perceived in modern Aotearoa New Zealand, it is fitting to point to the assignation of legal personhood to Te Urewera and the Whanganui River, and to suggest that this new, yet very ancient concept of a personified nature seems to have returned, albeit in a more abstract and symbolic way and within the very confined concept of legal standing. This concept is an important one, for it has the potential to change the way aspects of the environment are perceived both socially, and in the courts, and is an idea most worthy of further research both locally and in global terms.

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Appendices

Key Players

As Fairclough (1992) and Dryzek (2013) point out, stories and discourses require players and protagonists who act, interact and react to each other in ways that drive social change. In order to assist readers in understanding and contextualising the key players in the MV Rena saga, this provides further background details.

The MV Rena

The MV Rena was a 22-year-old German built, Liberian registered, cellular container vessel. She was 236 metres long, weighed 32,209 gross registered tonnes and had seven cargo holds. The vessel was owned by Daina Shipping Company of Liberia, a subsidiary of the Greek container shipping company Costamare Inc., which is based in Athens. She was chartered to the Mediterranean Shipping Company and manned by a mainly Filipino crew. At the time of grounding, she was carrying 1,368 containers of mixed sizes, which was just over a third of her full capacity. Of these, 477 containers were listed on the ship's manifest as empty and 891 held various cargoes typical of the New Zealand trade, including manufactured goods, plastic beads, stock feed, paint colouring, steel products and scrap, personal effects, wine, timber, milk products, refined aluminium ingots, aluminium smelting by-products, wool, waste paper, frozen fish, meats and animal hides, personal effects and copper clove. Eleven containers were listed as dangerous goods as per the International Maritime Dangerous Goods (IMDG) Code, however, salvors later discovered that a further 21 containers also qualified as such but were not listed as such in the manifest (Evidence 39).

Ōtāiti

Ōtāiti is an open sea reef that lies approximately 7 kilometres north of Mōtītī Island, 24 kilometres from the Maketū estuary and 26 kilometres from the entrance to Tauranga harbour. For tangata whenua it is a tāonga, first named Te Tau o Taiti by revered Te Arawa tohunga, Ngātoroirangi as the waka travelled down the east coast of Aotearoa on its migratory voyage from Hawaiki . Much later, in 1827, the French corvette, the Astrolabe, under the command of Jules Dumont d'Urville, almost ran aground on the reef during a storm. It is from this event that the reef obtained its European name, the 'Astrolabe' reef (Ngāi Te Hapu, n.d.).

The Astrolabe Community Trust

The Astrolabe Community Trust was established by the owner of the MV Rena as the applicant to the resource consent. As holder of the consent, the Trust would be responsible for the performance of any conditions attached to it. It would have a sole corporate trustee, comprised of community leaders and representatives from within the Bay of Plenty (Whiting et al., 2016).

The owner's resource consent applications

The owner of the MV Rena lodged an application for two resource consents. The first sought consent to 'dump' or abandon the remains of the MV Rena, its equipment and cargo on Astrolabe Reef as a result of the grounding of the vessel on 5 October, 2011 pursuant to Section 15A of the Resource Management Act 1991. The second sought consent to 'discharge' any harmful substances or contaminants from the remains of the MV Rena, its equipment and cargo that may occur over time as a result of the degradation of the vessel pursuant to Section 15B of the Act. In many respects, the application was unique. The Resource Management Act 1991 does not directly address what to do in the case of marine casualties, and there was considerable debate as to how the Act could enable the consents sought (Whiting et al., 2016).

Bay of Plenty Regional Council

The Bay of Plenty Regional Council administers the environmental management of an area comprising 21,837 square kilometres along the east coast of the North Island, including 18 offshore islands within a 12 nautical mile boundary. Regional councils have a key role under the Resource Management Act 1991, which charges them with the integrated management of the natural and physical resources of a region. Regional councils are generally responsible for making decisions about discharges of contaminants to land, air or water, water quality and quantity, the coastal marine area and other matters to do with land and soil use and the preparation of regional policy statements. In this case, the Regional Council acted as the authority required to consider the application made by the owner for resource consent. In this role, the Council administered the application, consent hearing and appointed a panel of Commissioners to preside over and determine the application. It also acted as a submitter, making submissions on conditions to the proposal including the duration of the consent period, amount of bond and letter of undertaking provided by applicant.

Commissioners

Four independent Commissioners were appointed by the Bay of Plenty Regional Council to hear and determine the owner's application for resource consent to abandon the wreck of the MV

Rena. The panel was chaired by a retired Environment Court judge, a cultural Commissioner, marine engineer and environmental scientist.

The New Zealand Government

Very soon after the disaster, the New Zealand Government entered into confidential negotiations with the MV Rena's owners and insurers. Three related deeds of settlement were signed: the Claims Deed, the Indemnity Deed and the Wreck Removal Deed. These negotiations took place in secret, and local iwi were not invited. When iwi learned of the Crown's secret dealings, they appealed to the Waitangi Tribunal. The subsequent report from the Tribunal revealed a wholesale failure on the part of the Crown to uphold the principles of the Treaty of Waitangi and that the Crown's actions were likely to prejudice the Resource Consent application in favour of the claimants. The Tribunal made a number of recommendations to help remedy this bias, including the Crown provision of funds to help iwi oppose the application, commissioning experts to compile independent reports and advice on behalf of the Crown as submitter at the Resource Consent hearing (Waitangi Tribunal, 2013).

Maritime New Zealand

A Crown entity under the Ministry of Transport, Maritime New Zealand is the national regulatory compliance and response agency for the safety, security and environmental protection of coastal and inland waterways. It has three key roles: the regulation and compliance of vessels, ports and offshore installations within New Zealand waters; the provision of maritime safety infrastructure such as coastal navigation aids to shipping, safety radio service and emergency locator detection networks and the management of national responses to maritime incidents and emergencies (www.maritimenz.govt.nz, n.d.).

The Rena Long-term Environmental Recovery Plan

This plan was a $2.4 million government-funded project developed and overseen by a Governance Group comprised of representatives from central, regional, local government and iwi organisations. It was launched in December 2011 (two months after the grounding) and continued until July 2015 (just before the resource consent hearing began). The plan recognised the need to move from the initial emergency response to the grounding to a long-term plan for the environment that would identify any ongoing issues. The official (but controversial) goal of the programme was to "restore the mauri of the affected environment to its pre-Rena state" (Ministry for the Environment, 2011). The plan consisted of five different work streams designed to address key cultural and environmental issues related to various parts of the environment,

with Government agencies and authorities assigned responsibility for monitoring and reporting on each aspect of environmental recovery.

Konstantinos Zacharatos

Representative and an Executive Director of Costamare Inc., the parent company of Daina Shipping Company and owner of MV Rena at the time of the grounding. Zacharatos first visited New Zealand in July 2012 to formally apologise to tangata whenua and communities of the Bay of Plenty for the Rena grounding and to make good the damage caused. He visited another eight times leading up to the resource consent hearing to consult and engage with government, its agencies and affected communities. Zacharatos worked hard to build and maintain a reputation as a credible, honest and trustworthy organisational actor, ready to talk and listen to those most impacted by the grounding. It was generally agreed that he conducted open and extensive consultation and engagement, and was widely respected among tangata whenua, even those who remained in opposition to the resource consent application.

The Swedish Club

Captain John Owen was a Senior Claims Manager to The Swedish Club, a maritime protection and indemnity syndicate, and member of the International Group of Protection and Indemnity Clubs which insured the MV Rena. As insurer, The Swedish Club orchestrated the emergency response, salvage of the wreck, the environmental clean-up, pay out of claims, community engagement and preparation of the application for Resource Consent to abandon the wreck under the Resource Management Act 1991. This included the setup of the Astrolabe Community Trust as applicant to the consent, its funding and the negotiation of financial security for the fulfilment of consent conditions. It was also Owen's job to ensure the response to the casualty conformed to the requirements of international and domestic law and conducted in ways considered fiscally 'reasonable and proportionate'.

TMC (Marine Consultants) Ltd

Captain Roger King was the head salvor and owner and insurer's on site representative responsible for almost all operational aspects of the MV Rena's salvage and cargo recovery operations, including wreck reduction and salvage operations, targeted cargo and debris removal, including the copper clove and pocketed oil recovery. He personally attended the wreck site numerous times during all phases of the salvage operation and in most weather and sea conditions, and so had an intimate technical knowledge of the MV Rena, her degrading wreck and cargo, the reef on which she had grounded and the surrounding marine environment.

Te Mauri Moana

Immediately following the grounding of the MV Rena, quantitative surveys of the environment were undertaken to ascertain pre-Rena environmental conditions before oil and contaminants were lost from the ship (Battershill et al., 2016; Whiting et al., 2015). This initial response lead to the formation of Te Mauri Moana, an independent partnership of twelve organisations including tertiary institutes, research and community groups, Regional Council and tangata whenua, led by Professor Chris Battershill, of the University of Waikato.

BECA Group Ltd

One of the largest engineering and professional project management and consultancy firms in the Asia-Pacific region. Beca acted for the MV Rena owners in the preparation of the resource consent application including the community consultation and engagement processes and preparation of technical reports and impact assessments.

Technical Advisory Group (TAG)

An advisory group of technical experts advising the owners of the MV Rena through their consultants, Beca and in collaboration with the University of Waikato, Ministry of Primary Industries and Bay of Plenty District Health Board (Toi Te Ora). The data compiled by this group contributed to the assessment of effects as part of the resource consent application and the design of the proposed monitoring programmes (Whiting et al., 2015).

Mōtītī Island

Two hapū are recognised to have direct associations with Ōtāiti, which are based on their traditional occupation of Mōtītī Island. They are Te Patuwai (formerly known as Ngāi Te Hapu) (Ngāti Awa) and Te Whānau a Tauwhao (Ngāi Te Rangi). The cultural impact statement written by Ngāi Te Hapu Inc. states that Te Patuwai generally lived at the northern end of the island, closest to Ōtāiti and Te Whānau a Tauwhao at the southern.

Te Patuwai and Ngāi Te Hapu

Sometime in the mid to late seventeenth century, the eponymous ancestor, Te Hapu came from the eastern Bay of Plenty and settled at Mōtītī Island, which was uninhabited at the time. His descendants took his name and were known as Ngāi Te Hapu. Later, the hapū adopted the name Te Patuwai, which refers to their defeat in a sea battle with Te Whakatohea near Opotiki (Ngāi Te Hapu Inc.). Te Patuwai have two marae on Mōtītī island and one near Whakatāne. The hapū has maintained a strong and enduring presence on the island and are generally considered ahi kā of Mōtītī (Ngāi Te Hapu, n.d.; Kahotea & Rolleston, 2014). At the resource consent hearing,

Te Patuwai were represented by the Council of Elders, Te Korowai Kahui o Te Patuwai, Te Patuwai Tribal Committee and Ngāi Te Hapu Inc. There was a range of differing opinions within Te Patuwai on the application: Te Korowai supported, Te Patuwai Tribal Committee and Ngāi Te Hapu Inc. opposed (Whiting et al, 2016).

Te Whānau a Tauwhao

Te Whānau a Tauwhao are a hapū of Ngāi Te Rangi who came to the island after Ngāi Te Hapu, through marriage. The shared occupation was not always happy, however, and there were frequent conflicts over ownership and territorial boundaries, including challenges from mainland tribes (Kahotea & Rolleston, 2014; Ngāi Te Hapu Inc., n.d.).

As a hapū of Ngāi Te Rangi, Te Whānau a Tauwhao supported the Kingitanga movement and were involved in land wars against the Crown in the 1860s. As a consequence, the government confiscated Ngāi Te Rangi land including interests at Mōtītī Island (Stokes, 1990, p. 102). Ngāi Te Rangi held the land in trust from the Crown for Te Whānau a Tauwhao and this was leased and later sold (Kahotea & Rolleston, 2014). The sale of the land weakened the hapū's physical claim to the island, though their strong and recent association was acknowledged at the hearing where they were unanimously opposed to the application (Whiting et.al, 2016).

Other iwi with close associations to Ōtāiti

A number of other tangata whenua groups from Te Moana a Toi also whakapapa, are geographically proximate to Ōtāiti and Mōtītī Island and made submissions to the resource consent hearing. Most supported Te Patuwai in their opposition to the application, citing kaitiaki responsibilities and concern for mauri as key reasons for the application to be declined. Those who supported the application were concerned that further salvage activities would structurally damage the reef and were satisfied that mitigation measures offered as conditions to the consent were adequate (Whiting et al., 2016).

Ngāti Awa

Today, the ancestral homeland of Ngāti Awa is located within the eastern Bay of Plenty of the North Island. Te Rūnanga o Ngāti Awa, which is based in Whakatāne, is the official entity mandated to manage the collective affairs of iwi members (Te Rūnanga o Ngāti Awa, n.d.). The Rūnanga supported Te Patuwai in their opposition of the application in the form of resourcing, capability, advice on how to negotiate the resource consent process. It submitted that Mōtītī Island, Ōtāiti and other nearby reefs were imbued with ancient mauri and tapu and were part of a spiritual pathway which had been irreparably damaged by the grounding. Moreover, they

submitted that the physical, mental and cultural health of the iwi would suffer as long as the wreck remained (Whiting et al., 2016).

Te Arawa Parties

There was no a common Te Arawa view on the application. Some Te Arawa parties were represented in submissions through the Ngāti Mākino Heritage Trust. They initially opposed the proposal but later supported it on the basis that their concerns had largely been addressed and the advice of their own expert diver who advised that full wreck removal would cause more damage to the reef (Whiting et al., 2016).

Tauranga Moana

All Tauranga Moana iwi have a strong association with Ōtāiti based on whakapapa, geographic location, overlapping interests and a shared sense of kaitiakitanga. Ngāi Te Rangi, Ngāti Pūkenga, Ngā Pōtiki a Tamapahore all either formally opposed the application or submitted in support of Mōtītī hapū. Ngāti Ranginui initially opposed the application but withdrew their submission prior to the hearing, having come to an agreement with the owner regarding offset mitigation (Whiting et al., 2016).

ahi kā	burning fire; right to land by occupation
ahikāroa	fires of occupation; rights to land by occupation
ara wairua	spiritual pathway
arohatanga	care, compassion for others
Awanuiarangi	son of Toi, ancestor of Ngāti Awa
hapū	sub-tribe
hāpuka	grouper fish
hau	vitality of human life
hui	meeting
iwi	extended kinship group or tribe descended from common ancestor and associated with a distinct territory
kahawai	edible greenish-blue fish
kaimoana	seafood
kaitiaki	guardian
kaitiakitanga	guardianship
karakia	incantation
kaumatua	elder(s)
kauri	*Agathis australis* Large forest tree found only in the northern North Island
kete kai	food basket
koha	gift
kuia	female elder(s)
kura	Māori cultural immersion school
mahinga kai	seafood gardens and other traditional sources of food
mahi kai	to gather food
makutu	sorcery
mamae	pain, injury, grief
mana atua	spiritual authority

mana moana	authority over sea and lakes
mana	prestige, status
mana tangata	human authority
mana tipuna or tūpuna	prestige and authority of the ancestors
mana whenua	territorial rights, authority over land
manaakitanga	hospitality
mana motuhake	self-determination
manuhiri	guests
marae	village
mātauranga Māori	the body of traditional Māori knowledge originating from the ancestors
mate Māori	Māori sickness; psychosomatic illnesses attributed to transgressions of tapu
mauri	spark of life; vital life essence
moana	ocean
moki	a blue-grey edible fish
Ngātoroirangi	tohunga and navigator of Te Arawa waka
Papatūānuku	the Earth Mother
pātaka	raised storehouse for food
pōuri	sad, mournful
rāhui	a temporary ritual prohibition placed on an area or resource
rangatiratanga	sovereignty, self determination
Ranginui	the Sky Father
rohe	territory of an iwi
Tānemahuta	creator of humanity, god of the forests
Tangaroa	God of the sea
tangata whenua	people of the land
tangihanga	funeral
taniwha	water spirit, monster or powerful creature; considered protective guardians or malign influences over certain places
taonga	highly prized object or treasure
taonga tuku iho	heirloom, something handed down

tapu	sacred
Tāwhaki	mythical hero chosen by Rehua to deliver the four baskets of knowledge to humanity
te ao hurihuri	the changing world
te ao Māori	the Māori world
Te Hapu	ancestor of Ngāi Te Hapu and Te Patuwai
Te Moana a Toi	Pacific Ocean
te pō	night, darkness; the underworld
tikanga	correct procedures or customs; the customary system of values and practices that have developed over time and are embedded in the social context
tohu	sign
tohunga	priest
Toi	early Polynesian explorer, first inhabitant of Aotearoa
toka	rock
toka tipua	sacred rock
tūrangawaewae	home, place to stand
urupā	burial ground
utu	reciprocation
wāhi tapu	scared place
waiata	songs
wairua	soul or spirit
waka	canoe
whakamā	shame
whakapapa	genealogy
whānau	family
whanaungatanga	relationships
whakataukī	proverb
wharenui	meeting house on a marae
whenua	earth, land, placenta