

MAORI CUSTOMARY USE OF NATIVE BIRDS, PLANTS AND OTHER TRADITIONAL MATERIALS

SUMMARY

BACKGROUND

New Zealand's wild indigenous species and the natural habitats on which they depend are in a very precarious state. The impacts of humans -- both the Polynesian immigrants and the later European settlers -- have had devastating effects. Forests and wetlands were cleared and drained. Fire, weeds and pollution changed the character of natural landscapes for ever. Introduced species like the possum, stoats, deer, trout and different kinds of rats brought havoc to vulnerable native species. Hunting by both Maori and non-Maori brought drastic losses before limits and controls came to be understood. Today New Zealand has a very high proportion of endangered native species, and major management problems with pest control and restoration of natural habitats. For most bird species and many plant resources, there can be no potential for any level of sustainable use in the foreseeable future.

INTRODUCTION

The New Zealand Conservation Authority (NZCA) is an independent advisory body to the Minister of Conservation. It works with the Department of Conservation (DOC) on policy, strategic directions and management plans, and gives advice on national conservation issues.

Maori customary use of native plants and wildlife became controversial in the early 1990s with the requirements for timber for waka/canoes for the Sesquicentennial, a Chatham Islands request for toroa/albatross, and publicity about kereru/pigeon poaching in the North. The Minister asked the NZCA to investigate the issue.

In May 1994 the NZCA put out a bilingual Discussion Paper, which looked at:

- the laws and the Treaty of Waitangi,
- some basic guiding principles such as:
 - sustainability,
 - sharing knowledge and scientific research,
 - taking heed of the wider context of habitats and natural ecosystems, and relationships with other species,
 - restoration and enhancement, and
 - recognition of the cultural values;
- a possible framework for making decisions, and
- administration and funding issues.

THE DEBATE THROUGH 1994 AND 1995

A process of debate and consultation followed through to mid-1995, with meetings and hui/gatherings around the country, media attention, and discussion of the issue in universities and amongst conservation groups. The NZCA received over 380 written submissions. Very few of the written submissions were from Maori (6%); most Maori gave their views verbally at meetings and hui. Nearly half the written responses came from environmental and recreationist NGO groups (46%).

The majority of Maori respondents supported traditional customary use of native plants, animals and materials such as bone and feathers. They insisted that the Treaty of Waitangi guaranteed rights and access to these taonga/valued resources. They questioned the authority and the results of the current systems of management of natural resources. They upheld tikanga/custom and matauranga Maori/the environmental knowledge and management practices which have been handed down through the generations. They discussed sustainability and protection of species and resources using traditional methods such as rahui/prohibition, and the potentials for decisions to be made at local community levels. They explained the importance of taonga species and materials in keeping Maori culture and identity alive and vibrant in modern times, and emphasised the spiritual dimensions of traditional relationships with the natural world.

The majority of other respondents were opposed to extending Maori customary use to protected species. Many took the NZCA's Paper to be a full-scale policy, rather than just a starting point for looking into the issue. They feared that the NZCA was proposing a system of Maori control over wildlife management where there might be a loss of public control and accountability. They focussed on a few "icon species" such as kereru/pigeon and toroa/albatross. They believed that Maori harvesting would lead to disaster, and noted that Maori had hunted the moa to extinction. They believed only science and modern ecological management could give security for species at risk. They insisted on strict legislation, public ownership, strong government control and absolute protection for all native species. They upheld the recreational and symbolic importance of wildlife and unspoiled wild places for New Zealand as a nation.

There is also a lot of common ground. Both Maori and other respondents are strongly committed to the conservation of New Zealand's natural wild creatures, plants, forests and habitats, and want future generations to be able still to enjoy this heritage. There is agreement that some plants for weaving and some materials from dead animals may be used. All respondents are strongly opposed to poaching and any uncontrolled harvesting which causes damage to vulnerable populations and habitats. All are strongly determined to take an active part in conservation, to have their say, and to have their views and priorities taken into account.

THE PRESENT SITUATION

A number of different laws apply to customary use of different native species. The Conservation Act is the umbrella under which DOC administers other legislation. The Wildlife Act and Marine Mammals Protection Act provide protection for native creatures wherever they are found; the National Parks Act and Reserves Act give protection for plants according to the status of the land where they are growing. Management strategies and plans apply, with variations from region to region.

The laws' primary purpose is to establish wide-ranging conservation and protection of New Zealand's natural heritage, but they also recognise the human and social priorities, providing for public use and enjoyment of these taonga. The international agreements which New Zealand has recently signed -- notably the Convention on Biological Diversity -- also combine conservation with safe, sustainable use of natural resources.

New Zealand's laws also require that the principles of the Treaty of Waitangi be recognised and given effect in practical conservation management. Our understanding of the Treaty is continually evolving as judgements of the courts and the Waitangi Tribunal consolidate and clarify the principles through addressing specific cases. Some of the Treaty principles relevant for customary use include the active protection of Maori interests, the recognition of rangatiratanga/tribal authority, and the concept of a balance between rangatiratanga and kawanatanga/the Crown's right to govern.

Maori are strongly concerned at the way their traditional knowledge about native species, and those materials themselves, especially rongoa/medicinal plants, are exploited for commercial gain by non-Maori corporations. A claim -- known as WAI 262 -- was lodged with the Waitangi Tribunal in 1991, concerning Maori rights in the control and management of all indigenous plants and animals and associated intellectual and genetic property rights. The protection of intellectual and genetic property is an issue for native peoples everywhere, and is addressed in international agreements such as the Convention on Biological Diversity.

THE CULTURAL BACKGROUND

Both Maori and Western cultures have strong traditions of utilising natural resources. For Maori close relationships with the natural world are part of the interconnected spiritual and ancestral bonds linking people, place, history and identity. Others also have a powerful sense of belonging in New Zealand's natural landscapes.

Traditional uses of native plants and animals and the materials derived from them are important to maintain Maori culture and identity. Use and sustainable management are carefully controlled in a framework of tribal knowledge and systems. Traditional responsibilities of tribal kaitiaki/guardians include taking care not only of the natural resource but of the spiritual dimensions, and passing these taonga/assets on to future generations. These traditions are continually adapting to modern circumstances and requirements.

Western civilisation's traditions of making use of the natural environment go back tens of thousands of years to cave drawings of hunting scenes, or to the biblical injunction for humans to have authority over the rest of creation. European cultures also had strong pagan traditions linking people with natural cycles and elemental forces.

In recent centuries the consolidation of agriculture, and Europe's expansion into colonies all around the planet, strengthened and spread the predominant Western ethic of utilising nature's bounty for human benefit. Inevitably, when Europeans first arrived in Aotearoa/New Zealand they saw all its resources -- timber, whales and seals, birds and land -- as things to be made use of and exploited.

The current ethic of valuing and protecting wild natural resources for their own sake, rather than for their usefulness to humans, has evolved only in the last 200 years or so and has only gathered widespread public support since the 1960s. Believing in the preservation of nature is a reaction against the damage, destruction and losses of recent "development", a recognition of the intrinsic rights of natural species to exist unmolested, and an appreciation of the fundamental values and interconnectedness of all the earth's biodiversity. Environmental organisations today are passionately committed to protecting what remnants of wild nature still survive, and keeping any human interactions within strict controls.

In recent years the harvest mentality has been moderated by the evolving protection ethic, to produce a philosophy of sustainable use. Formally recognised in international agreements and official policies, the concept of sustainability allows for a balance between use and conservation, through careful management and monitoring of the resource.

In New Zealand the Fish and Game Councils are charged with managing the harvesting of introduced exotic animals according to principles of sustainable use -- the prolific reproduction rates of exotic game species are a crucial factor compared to slow-breeding native bird species. The Councils report to the Minister of Conservation, but have considerable independence, controlling their own systems, expertise and revenues. Habitat restoration and protection are priorities for long-term viability for game species.

ISSUES

Sustainability is an important concept for any use of native species. Factors to be considered would vary from one species to another. The situation is very different for rare resources such as materials from dead wildlife and carving timber, than it is for easily grown weaving and medicinal plants and other more commonly available resources.

The levels at which different species, and the particular local or regional populations of a species, might be able to sustain any use -- and the rates of use which might be possible -- would need careful attention. The wider ecological contexts, including habitat, breeding patterns, the special needs of migratory species, and the ongoing decline of all but a handful of native bird species, are all important factors.

For many of New Zealand's native species and ecosystems, much scientific research still remains to be done. More information is needed about our natural heritage and the ecological processes on which they depend. Traditional Maori knowledge about species and their behaviour, and the wider environment, is in many cases locally based, specific to a tribal area, and not structured in ways compatible with conventional Western science. The value of traditional local knowledge is increasingly recognised -- however care must also be taken to protect the intellectual and cultural property rights of Maori in any information-sharing.

Many birds are accidentally killed, stranded whales are unable to be refloated, the fishing industry takes seabirds and marine mammals in accidental bycatch, in some cases standing dead trees or fallen timber can be removed, and creatures are sometimes culled for conservation management reasons. Maori access to what resources are currently available is an important principle.

Ownership of the crafted items made from available natural materials is another important issue for Maori. Under the present laws the Crown has formal ownership of all feathers and other materials and the taonga/artefacts made from them. This is felt as a severe insult to Maori mana/dignity and respect. No conservation values are at stake as the creature or plant is already dead. There have been calls for the law to be changed to grant ownership of such taonga to the tribe.

Many plant species important for weaving and rongoa/medicinal uses are easily cultivated, and plantations can be established for Maori customary use and for restoration of degraded ecosystems.

Greater participation of Maori in general conservation programmes and systems will help to build awareness and purposeful cooperation. An appreciation of the Maori position and traditional Maori culture is also important to make progress -- understanding the validity of using native materials in a community-based, non-profit-making, educational and cultural process.

Other questions raised in the 1994/95 consultation process include:

- improved systems of decision-making and administration for presently lawful Maori customary use,
- accountability and reporting requirements,
- funding implications,
- mechanisms for the participation and advice of Pakeha scientists and environmental groups,
- the role and responsibilities of the Crown, and
- the most appropriate balance between national consistency and regional and local flexibility.

RECOMMENDATIONS AND POINTS FOR NOTING

The NZCA notes that any customary use of native species would need to be lawful and sustainable, employing monitoring systems that provide advance warning of signs of stress or decline in the community or species being harvested.

The NZCA would recommend that encouragement is given to collaborative research between traditional Maori knowledge and science, which specifically targets customary use issues.

The NZCA would recommend that DOC adopts policy and procedures to ensure that tangata whenua have clearly defined access to traditional materials where these are lawfully available as a result of accidental kills or through approved management procedures.

The NZCA would recommend that tangata whenua are fully involved in the consideration and negotiation of requests for native birds, plants, animals and materials for scientific research, for display in museums and for other non-Maori uses.

The NZCA would recommend that the Wildlife Act 1953 be specifically amended to provide tangata whenua with lawful ownership of the crafted taonga that sustain culture and tradition, comprising feathers and other materials of native birds and animals, and the feathers and other materials allocated for the construction, maintenance and repair of those taonga.

The NZCA would recommend that attention is given to enhancing ways in which Maori can become more directly involved in conservation.

The NZCA notes that plantations of native plant species could be established to provide for Maori customary use.

The NZCA notes that publicity and educational programmes could be established to increase public understanding of:

- New Zealand ecology and conservation issues as they relate to customary use;*
- Maori and European cultural traditions of the natural environment and humans' place in nature;*
- and*
- Treaty of Waitangi obligations as they pertain to conservation, including DOC's legal requirements.*

The NZCA would recommend that consultation hui/meetings are held between tangata whenua, the Department of Conservation, the Conservation Boards and conservation stakeholder groups to consider systems of administering Maori customary use.

Given that debate is continuing, the NZCA recognises that any system of administering Maori customary use of native species would need to be managed through a system that:

- ensures national consistency and guidance within a framework defined by law and informed by science;*
- recognises the differences and distinctiveness of regional and local systems, both natural and human;*
- allows for the exercise of regional and local input in the application of the guidelines; and*
- encourages maximum communication between the different levels and sectors within the system, including the interests of science and the wider community.*