[1] School of Biological Sciences, University of Auckland, Private Bag, Auckland.
[2] 30 Palatine Tce, Christchurch, New Zealand.
[3] Ngati Wai Trust Board, PO Box 1332, Whangarei, New Zealand.

CUSTOMARY MANAGEMENT OF INDIGENOUS SPECIES: A MAORI PERSPECTIVE

Summary: In addressing the issue of customary management of indigenous species, we begin by defining the rights of Maori and the responsibilities of the Crown under Article 2 of the Treaty of Waitangi. We then criticise the *status quo* by demonstrating what we see as cultural bias in native bird management. This is followed by an outline of the approach we believe is needed to better serve the requirements of the Treaty. We conclude that existing unfair management emphases produce outcomes that are both culturally and ecologically counterproductive.

Keywords: indigenous species; customary management; Maori perspective; cultural harvest; grey duck; shoveler duck; wood pigeon.

Overview

In this article we present our views as scientists of Maori descent on customary rights to manage indigenous species and ecosystems. The premise of the paper is that to better meet important cultural and conservation objectives in this country, a true partnership in indigenous species/ecosystem management needs to be developed between Maori and the Crown. We recognise that both Maori and European cultures have had substantial ecological impacts, causing many extinctions and much loss of habitat in Aotearoa/New Zealand and in Europe. In this country, both peoples are in the process of learning to live in a more informed way with nature and we claim no additional virtue in this endeavour on the part of Maori.

The Treaty of Waitangi

The rights of Maori to manage treasured indigenous species are ensured under Article 2 of the Treaty of Waitangi. However, despite recent legal precedents that give the Treaty affirmation (e.g., Sealord Settlement Act), those rights still do not have general recognition in law. Existing legislation which prevents such management by Maori contradicts the Treaty. In our view, the Crown has a duty to restore the Treaty rights, so that decisions concerning the management of species of customary importance can be made in true partnership with Iwi (tribal) Maori. Under a partnership-based management regime two conditions that we consider desirable are likely to prevail. Those are: firstly that prohibition of customary use would be based solely on conservation need; and secondly that any such prohibition would treat Iwi Maori and non-Maori aspirations and wishes both fairly and comparably. This would begin the process of reconciliation by replacing current management regimes that meet neither of these conditions.

Some species, such as many native marine and freshwater fish, are managed as resources and harvested commercially or for sport. Until recently this has often been done with little regard to their sustainability (e.g., tamure/snapper [*Chrysophrys auratus* Forster], inanga/whitebait [*Galaxias vulgaris* Jenyns]). Others, such as most indigenous birds, are absolutely protected in the name of species conservation. There is no clear universal rationale for the present mixture of use and harvest prohibition. In the absence of clearly focused criteria in species use, Maori, as a minority, have tended to be ill-served by the prevailing biases in management emphasis.

Cultural bias in native bird harvest and guardianship?

These points are perhaps best demonstrated by comparing present treatment of kereru/wood pigeon (*Hemiphaga novaeseelandiae* Gmelin) with that of two duck species, parera/grey duck (*Anas*

[*] Tribal affiliations of authors are Te Ati Hau, Ngati Tuwharetoa and Ngati Wai respectively.

Editors note: This article is derived from letters by the first two authors, as part of, and commenting on the New Zealand Ecological Society (1995) Submission on Maori customary use of resources reproduced in this issue of the *New Zealand Journal of Ecology,* 19: 77-82.

superciliosa Gmelin) and kuruwhengi/shoveler (*Anas rhyncotis* Latham). Maori have sustainably harvested all three species for almost a millenium. As a result of this long and successful tradition, the kereru, in particular, was looked upon as a prime food source of considerable cultural importance. Understandably, then, many Maori perceive it as justifiable and appropriate to continue to harvest kereru, yet its harvest has been prohibited since 1921. In contrast, many New Zealanders of European extraction consider harvest of the two duck species acceptable and appropriate, not least because these species have close northern hemisphere counterparts, the mallard (*Anas platyrhyncotis* Linnaeus) and northern shoveler (*Anas clypeata* Linnaeus) that are very important in the traditional food gathering and sport cultures of Europeans. Harvest of the two indigenous ducks is therefore permitted under the Wildlife Act subject to European-style regulations and hunting systems.

Guardianship for the two duck species has been delegated to the Fish and Game Councils. There has been no equivalent delegation of guardianship or kaitiakitanga for kereru to Maori. There are two potential explanations for this dichotomy. The first is that the duck species are able to comfortably absorb hunting pressure whereas the kereru cannot. The second explanation is that the dichotomy reflects a cultural bias against Maori.

In terms of conservation need it would appear that the protected kereru and the huntable duck species have equivalent levels of vulnerability. The still widespread kereru has suffered major population declines in many areas as a consequence of habitat loss and competition with or predation by exotic mammals (Clout *et al.*,1995). Importantly, recent research shows that control of those mammals enhances the reproductive success of kereru (James and Clout, *in prep.*), suggesting that the population decline can be reversed. The kuruwhengi appears to be a patchily distributed species. Despite its uncommon status in many places, harvesting is permitted everywhere. The parera is more uniformly widespread, but is severely threatened by competition from and hybridisation with the introduced mallard. During the 1970s parera showed a decline in population ratio compared to mallard. Depending on the region, the ratio decline was at least from 90% to 80% and at most from 70% to 15%, with the latter order of change being more typical (Ogle, 1982). Nevertheless the parera has remained legally available for hunting even though there appears to us to be little realistic prospect of reversing the trend. The likely causes of decline for this species are probably exacerbated by the periodic reductions in population size associated with harvesting. This brief comparison indicates to us that the explanation for the differing harvest status for the ducks and kereru is not based on conservation need. In rejecting this first potential explanation we are forced to accept the existence of cultural bias.

Cultural bias in the delegation of guardianship has, in our opinion, been primarily based on a biased perception of what constitutes valid guardianship of a resource. The Fish and Game Councils manage wetland ecosystems to ensure the maintenance of the duck species for harvest. This is done using closed seasons, daily bag limits, and enforcement officers to manage those species and associated habitats. In the broad sense, the function of the Councils is similar to the traditional Maori resource management role of kaitiakitanga (a responsibility to protect a resource for future generations). Why then aren't Iwi Maori permitted to act as guardians for kereru? Past and present lawmakers (almost all non-Maori) have been comfortable with the form of guardianship applied by the Councils, but not with the Maori equivalent (kaitiakitanga), even though some of the underlying principles are similar (Kirikiri and Nugent, *in press*). There has therefore been little or no recognition of kaitiakitanga as a viable alternative to the 'European' approach and hence no transfer of management responsibility to Maori.

A vision of kaitiakitanga

As shown by James and Clout, there are straightforward actions that can be taken to enhance kereru populations. Restoration of their Treaty rights as kaitiaki would, in our opinion, see Maori become actively involved in exotic mammal control programmes in key areas to benefit species such as kereru. One outcome of this would be to allow for a sustainable harvest in circumstances where the techniques applied to achieve population enhancement were successful. The precedent set by Rakiura Maori in monitoring titi/sooty shearwater (*Puffinus griseus* Gmelin) populations in partnership with the University of Otago indicates the willingness of Maori to engage in management which is scientifically based. We envisage species management under kaitiakitanga involving a variety of operating partnerships between Maori and appropriate institutions and Crown agencies. Quite apart from the conservation value of this type of initiative, involvement of Maori as active management participants would begin in a small way to satisfy the Crown's duties under Article 2 of the Treaty.

We believe that the right to guardianship by Maori of currently prohibited species that once

yielded important customary products should be reconstituted. This should be done for all of those species whether or not harvesting is likely to ever be possible. Where harvesting does become an option in the future for a particular species we are certain that it will be done under the primary constraint of its guaranteed survival. Sustainability of course needs to be scientifically defined in terms of population performance. Successful population enhancement would therefore be the only means by which harvest levels could be increased. Associated with its guarantee of katiakitanga, the Treaty also encompasses the rights to the intellectual property associated with key species. The aspiration by Maori to reclaim these intellectual properties has resulted in the W262 claim to the Waitangi Tribunal. This claim involves pursuit of the rights of ownership for any information related to designated species (e.g., kereru) that are treasured by Maori.

A more enlightened approach to the management of customary resources on the part of the Crown in particular and Pakeha in general would greatly alleviate the existing problem of illegal harvest by Maori of some protected species and would therefore produce a net conservation benefit. This would arise firstly because any transgression would be viewed by those Maori acting as kaitiaki for a given species as an offence against their manawhenua (a form of sovereignty over the land that implies control of the resources it contains, but which also imposes kaitiakitanga). An offence is therefore likely to involve a culturally more substantive sanction for the offender (although that sanction should continue to be supported by the capacity of legal enforcement). In more practical terms, kaitiaki who live close to their natural resource base are best placed to police its protection. Secondly, and we believe more importantly, fairer participation by Maori in the management of their culturally important natural resources would result in a much improved level of acceptance by them of access restrictions or rahui (temporary ban) (even where those might involve long-term protection for endangered species such as kaka).

The existing situation, where Maori are often inadequately included in species management scenarios, has led to some making illegal attempts to exercise their customary harvest rights (as guaranteed to them under the Treaty!). The prosecutions which follow undermine the commitment of Maori to species conservation, which they would otherwise support. This is resulting in a failure to meet important conservation objectives for species such as kereru in regions of high Maori population density such as Tai Tokerau and Te Urewera.

Exotic game as destroyers of ecosystems

As an additional consideration, many species of exotic game presently occupy a variety of important natural ecosystems, often at great cost to their integrity and function, essentially because these are being utilised by sport-hunters (e.g., Mark, 1989). For example, red deer (*Cevus elaphus* Linnaeus), mallard and brown trout (*Salmo trutta* Linnaeus) represent categories of game animals with a long tradition of harvest by European peoples. We would submit that this 'custom' is the fundamental grounds for their continued presence in this country in ecological circumstances that are entirely inappropriate. Further, the presence of those exotic species in natural ecosystems is highly likely to be having a negative impact on a variety of indigenous species for which Maori have some customary use.

The Ecological Society submission

The New Zealand Ecological Society submission (reprinted in this issue of the *New Zealand Journal of Ecology*) prepared in response to a discussion paper on customary use (New Zealand Conservation Authority 1994) is illustrative of the distance between Maori and Pakeha on the point of Article 2 rights. Despite a commendable commitment to management in partnership with Maori, the Society then goes on to put constraints and conditions on that partnership in advance of its formation and concludes that the Crown must retain over-riding authority for the application of harvest programmes. Paralleling this viewpoint, the Society also emphasises the "precautionary principle" requiring that all risks be fully understood before any changes in management occur. Historically that principle has not been applied to duck or whitebait harvest for example, but would now be required of Maori. The submission, in taking these positions, shows in microcosm the prevailing misunderstandings about what are acceptable levels of interference by other parties in the relationship between the Crown and Maori. We acknowledge there are some ecological risks associated with any harvest, but believe strongly that focusing on these alone ignores the potentially major conservation and cultural benefits that we see accruing from greater involvement by Maori in indigenous species/ ecosystem management. We are certain that no one, Maori or Pakeha, wants to harvest any species to extinction. The common aim is surely that there be an abundance of treasured species such as the kereru.

Conclusion

In New Zealand, the Treaty of Waitangi in recognising the inalienable rights of resource

management for Iwi Maori based on the fact of prior occupancy, removed the spurious idea of *terra nullis* from our national life. Despite this, Maori are still denied those rights for culturally important species simply because they are a minority within a larger populace with different views on which species it is valid to harvest. Put starkly, the dominant fraction of the population has been willing to accept substantial costs in terms of species and ecosystem conservation to satisfy the objective of continued access to a variety of exotic and indigenous 'game' species for which there is a culturally entrenched custom of use. For species of particular value to Maori, however, there is much less willingness to incur any conservation cost or even to allow an equal say in the conservation management of those species. The unwillingness to recognise and reverse the denial of Treaty rights is creating enormous tension between Iwi Maori and the Crown, producing outcomes that are culturally and ecologically destructive. Until Iwi Maori are given a more meaningful role in the management of the natural heritage of Aotearoa/New Zealand, the existing counterproductive situation will continue to prevail at cost to us all.

References

Clout, M.N.; Karl, B.J.; Pierce, R.J.; Robertson, H.A. 1995. Breeding and survival of New Zealand pigeons (*Hemiphaga novaeseelandiae*). *Ibis* 137: 264-71.

Kirikiri, R; Nugent, G. (*in press*). Harvesting of New Zealand native birds by Maori. *In:* Grigg, G.C.; Hale, P.T.; Lunney, D. (Editors), *Conservation through sustainable use of wildlife*. Centre for Conservation Biology, University of Queensland, Brisbane, Australia.

Mark, A.F. 1989. Responses of indigenous vegetation to contrasting trends in utilisation by red deer in two south western New Zealand national parks. *New Zealand Journal of Ecology 12 (Supplement):* 103-114.

New Zealand Conservation Authority 1994. *Maori customary use of native birds, plants and other traditional materials*. New Zealand Conservation Authority, Wellington, New Zealand. 27 pp.

New Zealand Ecological Society 1995. Maori customary use of native birds, plants and other traditional materials. *New Zealand Journal of Ecology 19:* 77-82.

Ogle, C.C. 1982 (unpublished). *Wildlife and wildlife values of Northland*. Fauna Survey Unit Report 30, N.Z. Wildlife Service, Department of Internal Affairs, Wellington, New Zealand. 272 pp.