



## MAORI RECREATION AND CONSERVATION ESTATE

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Te Whare Wānaka o Aoraki  
Te Whare Tikaka Maori  
me ka Mahi Kairakahaua

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**Information Paper No. 6**

**Centre for Maori Studies and Research  
Lincoln University**

**December 1995**

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1995

Centre for Maori Studies and Research  
P.O. Box 56  
Lincoln University  
CANTERBURY

ISBN 0864760809

The Centre for Maori Studies and Research is a research and teaching organisation based at Lincoln University, Canterbury. Research at the Centre is focused on the advancement of Mana Maori Motuhake. The Centre for Maori Studies and Research acknowledges the financial support received from the Department of Conservation in the production of this publication.

The Centre for Maori Studies and Research offers research staff the freedom of inquiry. Therefore the views expressed in this publication are those of the author and do not necessarily reflect those of the Centre for Maori Studies and Research.

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## Acknowledgements

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E ka mana,

E ka hoa,

Ka rau rakatira ma o ka hau e wha,

Tena koutou, tena koutou.

Ka nui ka mihi whakawhetai ki a koutou mo o koutou matu i te tautoko, i te whakatikatika i tenei panui.

No reira e oku hoa rakatira,

Tena koutou, tena koutou, tena tatou katoa.

I would like to thank Dr Lionel Hume, Benita Wakefield and Vicky Mathieson (Lincoln University) for their special contribution to the production of this report.

I would also like to thank Heremahoe Waaka-Tangohau and Ailsa Smith (Centre for Maori Studies and Research, Lincoln University) and Professor Grant Cushman (Lincoln University) for their encouragement and support during its production.

Special thanks also go to all who participated willingly in the hui on Maori recreation held at the Christchurch College of Education, and in particular the staff of Te Kaupapa Pounamu (Christchurch College of Education) and Centre for Maori Studies and Research (Lincoln University).

## Summary

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### Research Objectives and Approach

This report arose out the need for more research into Maori participation in outdoor recreation within the conservation estate. To its credit, DOC has recognised the need to assess the cultural appropriateness of its recreational policy and practice and to better understand Maori attitudes to recreational use of the conservation estate. The primary purpose of this research, therefore, was to develop a better understanding of Maori recreational needs within the conservation estate and to develop a so-called 'Treaty based approach' in the management of the conservation estate to better provide for these needs.

The objectives of the research were:

- To investigate Maori views on recreation in natural areas.
- To develop a generic framework for assessing Maori recreational needs and requirements.
- To investigate opportunities for Maori to access the conservation estate for recreational purposes.
- To define a Treaty based set of principles to guide tangata whenua use, management and access to the conservation estate for recreational purposes.
- To identify how these principles can be incorporated into DOC recreational policy and management of the conservation estate.

The research method involved:

- Examining current research on Maori recreation.
- Convening a hui to discuss Maori recreation in natural areas.
- Interviewing various Maori focus groups to discuss their perceptions about Maori recreation.
- Examining current perceptions about Maori resource management, related social and cultural needs of Maori and access issues (ie, ownership and management of the conservation estate), in order to provide a context for discussing Maori recreation within the conservation estate.
- Utilising the analysis to identify opportunities for Maori to access the conservation estate for recreation, and to define a Treaty based set of principles to guide Maori use, management and access to the estate for recreation.

## **Maori Recreation**

One of the first issues tackled was a definitional one. That is, when we speak about Maori recreation what are we in fact talking about? Similarly, when we refer to Maori outdoor recreation, what do we mean?

Chapter two, therefore, opens with the rather vexing question, 'What is Maori recreation?' and what characteristics make it unique and perhaps different from 'Pakeha recreation'? The lack of research on this topic meant that primary source discussions needed to be held to ascertain from Maori what they themselves viewed as 'their' recreation. To this end a hui was held in Christchurch in 1994 on this topic, followed by a series of interviews with selected hui participants. The question put to the hui and to interviewees was:

**"What do you consider to be the characteristics and elements of Maori recreational activity?"**

A synthesis of the views received [refer to Appendix 2], coupled with what little research has been done on the topic, resulted in a first attempt at defining Maori recreation as:

*An experience personal to Maori, which reinvigorates, refreshes and creates in Maori the 'new person', which reinforces cohesion within the whanau, promotes self esteem, cultural pride, an understanding of one's history and tradition, and a reinforcing of one's identity as Maori.*

and Maori outdoor recreation as:

*An outdoor or resource based experience personal to Maori, which reinvigorates, refreshes and creates in Maori the 'new person', which reinforces cohesion within the whanau, promotes self esteem, cultural pride, an understanding of one's history and tradition, and a reinforcing of one's identity as Maori.*

## **Generic Framework for Assessing Maori Recreational Needs**

It is one thing to postulate what Maori recreation may be, but what is also needed is a conceptual or theoretical framework for defining Maori recreation needs, identifying who (in an iwi specific or geographic specific sense) has the right or responsibility for determining what these needs are, why their fulfilment is important, and what values or tikanga are at stake. It is also essential that any assessment or decision making process established to determine and predict Maori outdoor recreation requirements adopts a Maori approach to ensure credibility with Maori.

Responding to this, Chapter three develops a conceptual or generic framework which iwi, DOC or both can use, in attempting to determine Maori recreation needs and in seeking to better understand why it is important to provide for them. In this regard a conceptual framework developed by Matunga (Blackford and Matunga, 1993), for research into the cultural impacts of hazardous substances and new organisms, is applied to Maori outdoor recreation.



This framework uses three basic components ie, Kaitiaki, taonga and tikanga, and hinges on the basic assumption that tangata whenua or kaitiaki who are recreating or who wish to recreate in the outdoors are in fact the best equipped to define for themselves what they view as 'their' recreation, why it is valued, what they hope to achieve from it and, ultimately, how best to facilitate its realisation. The chapter concludes with a three stage process to use in defining Maori recreation needs. Posed as questions, these are: Who are kaitiaki of the resource and what are their recreation needs? What taonga are associated with the resource or activity? Why is the taonga valued and what tikanga express this? Essentially the power to define 'their' needs must stay with the tangata whenua or kaitiaki. The challenge for DOC is to somehow link into this process in a manner agreeable to both parties.

### **The Conservation Estate, Maori Recreation and the Treaty**

Chapter four takes up the challenge of linking the topic of Maori recreation more closely with the natural environment, in particular the conservation estate, and with current debate and edicts about the role of the Treaty of Waitangi in resource management. The aim is to identify relevant principles of the Treaty of Waitangi to guide the process for making decisions about Maori use, management and access to the conservation estate for recreation, and to test the efficacy of recreation decisions made from the point of view of their promotion of Maori aspirations.

Given the plethora of views on the Treaty being developed by the Waitangi Tribunal, Courts, the Crown and indeed Maori, it was considered that an integration or reconciliation of these often competing views needed to be attempted. Consequently, four key integrating principles or 'Treaty tests' were developed to guide the decision making process. These are:

1. Establishment of guidelines and/or principles by mutual agreement between both Maori (or participating iwi) and the Crown (or DOC) to guide the Maori recreational decision making process.
2. Recognition of the autonomy, sovereignty and rangatiratanga of iwi to define their own outdoor recreation needs.
3. Equitable negotiation between DOC and iwi to decide on management approaches to cover access, use and enjoyment of the conservation estate for Maori recreation.
4. Active protection of iwi recreation needs in a manner and to a standard agreed to by both iwi and DOC.

The disclaimer attached to these principles is that they not be construed as definitive, but rather as a starting point (from which to deviate if necessary).

## **Maori Recreation Management**

The next challenge was to develop an implementation process to effect any joint decisions made.

Consequently, the report investigates broad management options available to Maori and DOC to provide for Maori recreation within the conservation estate, and introduces the concept of Maori Recreation Planning as a distinctive planning process and vehicle for both promoting rangatiratanga and complementing other iwi and DOC resource planning processes.

However, a number of assumptions had to be made. These were that DOC was familiar with its own regulations, policy and internal processes covering negotiation with iwi and how to deal with management preferences (including recreation preferences) identified by iwi. Also that it was familiar with the various mechanisms available to itself to implement any joint DOC/Iwi recreation management decisions. Therefore these have not been discussed in any detail, but rather a Maori Recreation planning process is suggested to use as the tool for implementing any decisions made. This process recommends:

1. A comprehensive assessment of all conservation estate from the point of view of its importance for Maori recreation.
2. Creative generation of a series of management options to provide for iwi involvement in management of conservation estate defined as being important for Maori recreation.
3. Development of regional and iwi specific strategies to implement decisions made by negotiation between DOC and iwi.
4. Incorporation of any assessment, management and implementation decisions into a Maori Recreation Plan, and then planned integration with other planning processes undertaken by DOC and iwi.

## **Conclusion and Recommendations**

The report ends with the proverbial 'Where to from here?' and concludes with a series of recommendations for consideration by the Department of Conservation. These are:

### ***National Recommendations***

- (i) That the concept of Maori Recreation Planning be developed further and that guidelines be established to cover preparation of a National Maori Recreation Policy Statement and Regional Maori Recreation Plans, using definitions, guidelines and principles outlined in this report.
- (ii) That DOC investigate processes for integrating Maori recreation policy for the conservation estate with other planning processes it currently undertakes (such as Conservation Management Strategies).
- (iii) That DOC investigate the various management options currently available, and recommend on additions or amendments to existing management approaches and options to better provide for rangatiratanga.
- (iv) That a National Maori Working Group on outdoor recreation be established as a matter of urgency to assist with the development of national policy on Maori recreation within the conservation estate, that it be given the responsibility for overseeing the implementation of recommendations referred to as (i), (ii), (iii) above and (i), (ii), (iii), (iv) and (v) below, and be conferred responsibility for recommending on legislative change required both to the Conservation Act 1987 and to any other enactment.

### ***Regional Recommendations***

- (i) That on a regional basis a comprehensive assessment be carried out of existing Maori recreational use of the conservation estate, including the extent and nature of use, reasons for use and iwi affiliation of users.
- (ii) That a process be established with each iwi in the region to identify their current and future outdoor recreation needs, using the conceptual framework identified in this report.
- (iii) That Regional Maori Recreation Plans be prepared in partnership between DOC's regional conservancies and iwi in the region.
- (iv) That in order to promote orderly and planned transfer of management responsibilities (including transfer of ownership) from DOC to any respective iwi, management options appropriate to any given Maori recreation resource and/or site specific recreation area be decided as part of the Maori recreation planning process.
- (v) That all decisions made in respect of (ii), (iii) and (iv) above be integrated into other regional planning processes such as the Conservation Management Strategy and other functional plans ie, operational plans, resource management strategies and annual and multi-year business plans.

# CHAPTER ONE

## Introduction

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### 1.1 The Issues

The need for more research into Maori participation in recreation within the conservation estate is becoming increasingly evident. There are many reasons why this is so. They include the continuing importance of natural resources and the natural environment to Maori, continued Maori emphasis on wise management of natural resources for future generations, demands that under the Treaty of Waitangi Maori ownership/authority of the various domains for outdoor recreation, particularly the conservation estate, national parks, forests, fisheries, lakes and rivers be recognised, and an increasing desire on the part of Maori to derive greater and more equitable social and economic benefit from natural resources currently held within the conservation estate.

However, any research in this area is fraught with difficulty.

Firstly, there is a serious lack of documented research to draw on, not only on the subject of Maori recreation generally, but also Maori outdoor recreation and, more specifically, Maori recreation patterns within the conservation estate. This applies not only to research of a theoretical nature ie, 'What is Maori recreation?' 'Why are particular recreation activities important to Maori?' (etc), but also to applied research on issues such as Maori use patterns, types of recreational activities, age of participants, tribal affiliation of recreationists, et al.

During the early stages of this research an extensive literature review was carried out to identify relevant source material on the subject. From this review only two articles were found which were of direct relevance to Maori recreation ie, McGregor & McMath (1993), and Prentice (1992).

Secondly, the complex socio-political and Treaty context, within which the issue of Maori recreation and the conservation estate is immersed, means that research cannot be artificially divorced from current issues such as Maori development and concerns relating to broader Maori claims to the conservation estate under the Treaty of Waitangi, the developing relationship between the Department of Conservation (DOC) and iwi, and conflicts between DOC and iwi on a wide range of environmental issues such as management of the conservation estate, cultural harvesting of specific resources, et al.

## **1.2 Purpose**

The Department of Conservation and its predecessors have tended to reflect Pakeha priorities in their management of New Zealand's natural areas. In recent years, however, and to its credit, DOC has recognised the need to assess the cultural appropriateness of its recreation policy and practice and to better understand Maori attitudes to recreational use of the conservation estate.

In September 1992 the Centre for Maori Studies and Research, Lincoln University, was commissioned by DOC to research Maori perspectives on recreation within the conservation estate. The purpose was:

- To use the results of the research to assist development of DOC recreation policy and practice for the conservation estate, to better cater for the needs of Maori.
- To establish a Treaty based framework for management of the conservation estate for recreation, to meet these needs.

The primary purpose of this research, therefore, was to develop a better understanding of Maori recreational needs within the conservation estate, and to develop a so-called 'Treaty based approach' in the management of the conservation estate to better provide for these needs.

## **1.3 Research Objectives**

Key research objectives were:

- To investigate Maori views on recreation in natural areas.
- To develop a generic framework for assessing Maori recreational needs and requirements.
- To investigate opportunities for Maori to access the conservation estate for recreation purposes.
- To define a Treaty based set of principles to guide tangata whenua use, management and access to the conservation estate for recreation.
- To identify how these principles can be incorporated into DOC recreation policy and management of the conservation estate.

## **1.4 Research Approach**

There is very little documented research on Maori outdoor recreation, and even less on Maori recreation within the conservation estate. For these reasons a Maori research or narrative research approach was used. This approach emphasises the importance of Maori people identifying their own perceptions, ideas, experiences and stories about recreation in natural areas, why these experiences are important, and how they can be better provided for in any recreation management regime established by DOC.

The approach used is similar to the participatory research approach used in social assessment (Taylor, Bryan, Goodrich 1990), which highlights the importance of fact finding in collaboration with an interest group and recognition of the social and cultural needs of the group (in this case, Maori).

The research also drew on a community impact assessment approach developed in Australia to evaluate impacts on aboriginal communities of large development projects (Ross 1990, and Craig 1989, East Kimberley Irrigation Project). This approach accentuates the following:

- Community control and involvement.
- Methods which (Maori) people find comfortable to use and which reflect their realities.
- Emphasis on (Maori) people's perceptions.
- Incorporation of a social development approach, integrating aspirations for the future and adaptations to the past.

### **1.5 Research Method**

Using guidelines referred to in 1.4, the following research method was used:

- Examining current research on Maori recreation.
- Convening a hui to discuss Maori recreation in natural areas.
- Interviewing various Maori focus groups to discuss their perceptions about Maori recreation.
- Examining current perceptions about Maori resource management, related social and cultural needs of Maori and access issues (ie, ownership and management of the conservation estate), in order to provide a context for discussing Maori recreation within the conservation estate.
- Utilising the analysis to identify opportunities for Maori to access the conservation estate for recreation, and to define a Treaty based set of principles to guide Maori use, management and access to the estate for recreational purposes.

The publication structure traces the development of these steps.

## CHAPTER TWO

### Maori Recreation

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#### 2.1 Defining Maori Recreation

To what extent is 'Maori recreation' in fact different from 'Pakeha recreation'? If there are differences, what are the characteristics which make Maori recreation unique?

To attempt an answer to these questions it is necessary to briefly discuss what western recreation theorists have been saying on the issue, and to assess the applicability of these views to the concept of Maori recreation.

Recreation can be thought of as a process that restores or recreates the individual, as an activity that renews people for work (Strongman p143), or as "... restorative, providing refreshment or recreation, not only for work but for other social (familial, political etc) activities" (Smith & Theberge, p3). "Recreation consists of activities or experiences carried on within leisure, usually chosen voluntarily by the participant, either because of the satisfaction or pleasure he (sic) gains from them or because he (sic) perceives certain personal or social values to be derived from them. Like leisure, recreation does not have work connotations" (Kraus p266). Recreation is "... a worthwhile, socially accepted leisure experience that provides immediate and inherent satisfaction to the individual who voluntarily participates in an activity" (Hutchinson p3). It is "... any leisure activity or pastime including those which provide relaxation and enjoyment and which promote the total wellbeing of individuals" (Recreation & Sport Act 1973).

Others have been more pointed in their views. For instance: "No simple definition is able to encapsulate the multi-dimensional nature of the recreation concept" (Gidlow p160), and: "Recreation is so highly personalised that any effort to assign its usage, and limit its area to a small segment of human action is fruitless" (Shivers p179).

In this research, the generic definition thought most useful to apply to Maori recreation was one put forward by George Thorkildsen, in 1974:

Recreation on the other hand is a personal experience. Whatever activity or experience reinvigorates, refreshes, recreates, whatever recharges the batteries and creates in us the 'new person', becomes recreation for us at that time. The same activity may or may not be a means of recreation at another point in time. Looked at in this way, any situation can function as a recreation experience, whether at work ... or in leisure time (Thorkildsen p17).

More importantly, he went on to state, "... it was important to create an environment in which recreation was likely to occur" (ibid p18).

From this definition a number of key factors were identified which can be adapted and utilised in the development of a definition of Maori recreation. These are that:

- Maori recreation is an experience personal to Maori as opposed to Pakeha. (Similarly, iwi recreation is an experience personal to that iwi, as opposed to other iwi).
- Maori recreation is an activity or experience which reinvigorates, refreshes, recreates, or recharges the batteries and which creates in us as Maori the 'new person'.
- The same Maori recreation experience or activity may at another time be considered to be work.
- It is important to create an environment within which Maori recreation can be encouraged and is therefore more likely to occur.

At its most basic, the essential difference between Pakeha recreation and Maori recreation is that Maori recreation is simply recreational experience which is personal to Maori as a people, and an experience or activity which reinvigorates and refreshes Maori people as Maori.

It is therefore essential that:

- Maori thoughts, views and ideas on 'their' recreation be recorded, and that
- A theoretical or conceptual framework be developed to assist identify this experience in a manner which is culturally credible, which acknowledges tikanga Maori and which has the ability to depict and reflect a Maori recreation reality.

## **2.2 Current Maori Research on Maori Recreation**

The lack of research by Maori on Maori recreation in the conservation estate, Maori outdoor recreation and Maori recreation generally, has already been noted.

As stated by one Maori researcher, "... proactive research that clearly articulates the means by which Maori ... can determine and provide for their own recreational and leisure needs (also) requires attention. There are few Maori researchers in the study of leisure, recreation and tourism.... Maori participation in leisure and tourism research will in all probability be as respondents rather than researchers" (McGregor and McMath, 1993).

In support of these views an extensive literature search found only two sources of information which can be credited with at least attempting to posit a Maori perspective on recreation, and attempting to tell a Maori story about the meaning and importance of recreation to Maori. These were McGregor and McMath's chapter on 'Leisure: A Maori and Manganian Perspective' (1993), and an article by Neil Prentice entitled 'Engaging Maori Leisure Time' (1992), in which various Maori people involved in recreational activity, primarily with Maori youth, gave their views on what they considered Maori recreation to be.



Analysis of the two texts, however, provides a considerable amount of information and distinguishes some of the key components of Maori recreation.

Firstly, McGregor and McMath argue that "... analysis of recreational patterns of Maori and Pacific islanders as homogenous groups is inappropriate ... recreation workers and researchers must be sensitive to inherent diversity within, as well as between, cultures" (McGregor and McMath, p44). The challenge posed is to recognise the inter and intra-iwi diversity that exists within Maoridom, and to develop a conceptual framework to accommodate this diversity when defining Maori recreation needs and wants.

Secondly, McGregor and McMath support the view that "... frameworks which isolate work and leisure into separate domains are inadequate in understanding the recreational needs of many sectors of New Zealand society", and go on to assert that "... the fundamental inseparable nature of work and leisure in Maori ... culture(s) is still strong today" (ibid).

A root cause of the difference between contemporary Maori and Pakeha conceptions of recreation could be that time for Maori (at least in traditional life) was largely irrelevant. A nomadic lifestyle also meant there was no strict work/recreation (or leisure) distinction. In other words, everything Maori did could be considered recreation, at least in Pakeha terms, and by the same token everything Maori did could be called work, depending on your point of view.

In traditional Maori society children's play activity often meant "the acquisition of skills that could mean the difference between life and death of not only the individual but (more importantly) the community.... Play, while being fun, was serious stuff" (ibid p46). In essence games, leisure and recreation (eg, practice of waiata, haka, dances, taiaha) were used as preparation for adult life.

Similarly, traditional Maori society emphasised the importance of learning as a benefit to be gained from recreation. In traditional Maori life there were very few formal educational institutions. Those that did exist were in highly specialised areas such as carving, healing, et al. Recreation performed an important educative function in addition to an obvious recreational one.

McGregor and McMath also noted that Maori tend to favour recreation by whanau grouping rather than as individuals, consequently defining whanau or group activity as an important element of Maori recreation.

Being a member of a kinship group can be in itself a recreational activity. Opportunities to develop self worth, to gain spiritual empowerment from a common shared belief system and to participate in a creative interest can be found in most cultural groups. In Maori society the demand for conformity and loyalty to kinship rules and an emphasis on maintaining intra and inter-whanau relationships throughout many locations and over generations underlies all social activities for whanau members (op cit, p48).

Similar issues were raised in an article by Prentice (1992) on outdoor recreation and Maori youth. Outdoor recreation, for instance, is important for "... improving the self esteem of young Maori and instilling a sense of cultural pride" (pers. comm. K. Pipi in Prentice, p22). Imparting a basic knowledge of the history of the area "... helps create a stronger relationship with both the land and its people" (ibid).

Pipi also stated, "... the Maori approach to recreation tends to place more emphasis on people involvement and respect for natural resources such as land, rivers and sea" (ibid). "There is less importance [placed] on individual competitiveness. We emphasise the whanau (family) concept where everyone helps each other ... A lot of emphasis [is] placed on responsibility and on learning the meaning of being a responsible member of a whanau" (ibid).

Maori outdoor recreation, therefore, is viewed as an important mechanism for linking people and place, or tangata whenua with their turangawaewae, exploring the natural environments and cultural traditions of their tupuna, reinforcing basic values of Maori culture and instilling a sense of cultural pride.

A number of significant messages for Maori recreation can be gleaned from this research. These include:

- The need to recognise and provide for the diversity that exists within Maoridom (ie, between iwi and within iwi) when defining Maori recreation needs.
- The need to recognise the inseparability of work and leisure.
- The importance of recreation as an aid to learning life skills.
- The importance of recreation as a whanau (ie, collective) rather than an individual pursuit, and one which promotes and values whanau/group cohesion rather than individual competitiveness.
- The importance of outdoor recreation as a mechanism for promoting Maori self esteem and cultural pride.
- The importance of outdoor recreation as a mechanism for understanding iwi history and tradition and reinforcing iwi identity.

### **2.3 Results of Survey on Maori Recreation**

Because of the dearth of Maori research on Maori recreation a hui was held in Christchurch in 1994, to facilitate discussion on various issues relating to Maori recreation and to Maori outdoor recreation in particular. This hui was followed by a series of smaller Maori focus group discussions. The aim of both approaches was to encourage Maori participants to discuss their own perceptions about Maori recreation and to reflect on their own outdoor recreational experiences. [Refer to Appendix 2].

The results of this investigation can broadly be grouped as follows:

#### **2.3.1 *Recreation as physical and spiritual renewal***

Maori recreation, as with everything in Maoridom, acknowledges the mauri and wairua (ie, the physical and spiritual essence) present not only in defined recreation activity but in resources, valued objects or taonga, within which and on which such activities occur (pers. comm. T.R. Rakuraku, 1994). The primary purpose of recreation, therefore, is physical and spiritual renewal. This combination of physical and

spiritual may in fact form the basis for a lasting and uniquely Maori definition of recreation.

### **2.3.2 *Recreation as the integration of work and leisure***

Traditionally, Maori did not make clear distinctions between work and recreation. Traditional activities were frequently mixtures of work and recreation.

Examples of activity which combine recreation with work, learning, culture and spirituality are:

- Cultural activities which merge recreation with the serious task of learning about one's culture and values, such as kapa haka, taiaha and traditional art and craft.
- Marae noho (weekend live-ins) as a forum for learning tribal waiata, history, legends and stories.
- Maori pastimes such as kite flying, canoe racing and hand games, in addition to being fun, also have important cultural, ceremonial and spiritual meaning.
- Fishing (eg, catching eels or whitebait using traditional methods and according to the Maori calendar), hunting (eg, pig hunting), and gathering edible plants. The important task of obtaining food is often a spiritual experience, invoking a sense of oneness with the ancestors ie, 'walking in the steps of one's ancestors'.
- Gathering medicinal plants.
- Mahi kaimoana - the work or act of gathering seafood. The serious task of gathering food may combine the pleasure of participating in a traditional activity with friends and perhaps "having a swim".
- Planting 'traditional' Maori vegetables such as kumara.

Many of these activities are expressions of identity for Maori people, and may also have heightened importance because they were also carried out by one's ancestors in the same environment. The sense of oneness with the environment and with one's ancestors is profoundly important to Maori.

### **2.3.3 *Recreation as a whanau activity***

Recreation is a group activity which strengthens family ties and acknowledges the roles, responsibilities and contributions of different age groups eg, mokopuna and kaumatua.

### **2.3.4 *Recreation as a means to a cultural end***

Recreational activities tend to have a purpose. For example, rather than going to the beach to merely lie in the sun or have a swim, Maori may tend to gather seafood as well as swim. Rather than just tramping for its own sake, Maori will often spend time in natural areas as much to consolidate links with their past,

thereby strengthening their identity as Maori. This may include learning about the history of an area and their whakapapa, hearing the stories and legends of a locality, learning about the food and medicinal resources of the area, and also ensuring the protection of wahi tapu.

## **2.4 Characteristics of Maori Recreation**

In summary, therefore:

- Maori recreation is an experience personal to Maori as opposed to Pakeha. (Similarly, iwi recreation is an experience personal to that iwi, as opposed to other iwi).
- Maori recreation is an activity or experience which reinvigorates, refreshes, recreates or recharges the batteries, and creates in us as Maori the 'new person'.
- The same Maori recreation experience or activity may at another time be considered to be work.
- It is important to create an environment within which Maori recreation can be encouraged and is therefore more likely to occur.
- There is a need to recognise and provide for the diversity that exists within Maoridom (ie, between iwi and within iwi) when defining Maori recreation needs.
- There is also a need to recognise the inseparability of work and leisure.
- Recreation is important as an aid to learning life skills.
- Recreation is important as a whanau (ie, collective) rather than an individual pursuit, and one which promotes and values whanau/group cohesion rather than individual competitiveness.
- Outdoor recreation is important as a mechanism for promoting Maori self esteem and cultural pride.
- Outdoor recreation (particularly within defined iwi contexts) is important as a mechanism for understanding history and tradition and reinforcing Maori/Iwi identity.
- Recreation means physical and spiritual renewal.
- Recreation is the integration of work and leisure.
- Recreation is a means to a cultural end.

## 2.5 Definition of Maori Recreation

Taking these characteristics and combining them, a broad definition of Maori recreation could be:

*An experience personal to Maori, which reinvigorates, refreshes and creates in Maori the 'new person', which reinforces cohesion within the whanau, promotes self esteem, cultural pride, an understanding of one's history and tradition, and a reinforcing of one's identity as Maori.*

Therefore, within the context of the outdoors, Maori recreation could simply be:

*An outdoor or resource based experience personal to Maori, which reinvigorates, refreshes and creates in Maori the 'new person', which reinforces cohesion within the whanau, promotes self esteem, cultural pride, an understanding of one's history and tradition, and a reinforcing of one's identity as Maori.*

## CHAPTER THREE

### Generic Framework for Assessing Maori Recreational Needs

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#### 3.1 Introduction

One of the primary objectives of this research is to posit a theoretical or conceptual framework for assessing Maori recreational needs. The previous chapter identified various characteristics and proposed a definition of Maori recreation. It also identified a series of process related factors that need to be incorporated into any decision making procedure for assessing Maori recreational needs, particularly those specific to individual iwi and hapu.

These included the need to recognise:

- That Maori recreation is an experience personal to Maori as opposed to Pakeha, and similarly that iwi recreation is an experience personal to that iwi as opposed to other iwi.
- That diversity exists within Maoridom (ie, between iwi and within iwi) and that this diversity needs to be acknowledged when defining Maori recreation needs.
- The importance of creating an environment within which Maori recreation can be encouraged and is therefore more likely to occur.
- That Maori recreation is an activity or experience which reinvigorates, refreshes, recreates, or recharges Maori culturally, spiritually and physically, in essence creating the 'new person'.

It is necessary to now consider these characteristics within the narrower context of Maori recreation in the outdoors, and Maori recreation in natural areas such as the conservation estate.

The challenge also is to posit a recreational planning process which recognises the unique differences between Maori and Pakeha recreation and celebrates this difference; which recognises the recreation diversity which may exist within Maoridom (from iwi to iwi), and within iwi (from hapu to hapu), and provides for it rather than avoids it, creating environments to encourage Maori recreation leading to the creation of the new person.

In so doing, though, any assessment or decision making process established to determine and provide for Maori outdoor recreation needs to adopt a Maori approach to have any credibility with Maori. In this regard a conceptual framework developed by Matunga (Blackford and Matunga, 1993), for research on the cultural impacts of hazardous substances and new organisms, is useful for assessing and making decisions about Maori outdoor recreation.

## **3.2 Generic framework**

This framework was originally developed as a tool to assess the impacts on Maori of hazardous substances and new (ie, imported or genetically modified) organisms. As a generic framework, however, it has a variety of applications and can be modified for application to Maori outdoor recreation.

It uses three basic components ie, Kaitiaki, taonga and tikanga, and hinges on the assumption that tangata whenua or kaitiaki who are recreating or who wish to recreate in the outdoors are in fact the best equipped to define for themselves what they view as 'their' recreation, why it is valued, what they hope to achieve from it, and ultimately how best to facilitate its realisation.

'Kaitiaki' refers to the tangata whenua (either iwi or hapu) who have the mana over a particular geographic area or 'outdoors', and who accordingly have the authority (ie, rangatiratanga) and obligation (ie, kaitiakitanga) to manage the taonga contained therein. The power to define their outdoor recreational needs, therefore, resides with those who are in fact kaitiaki of the particular resource or the specific 'outdoors'.

'Taonga' constitute the natural resources within which the recreation activity is destined to occur ie, land, water, sea or river. Equally, though, it may apply to a specific activity such as gathering kaimoana or edible plants.

Broadly speaking, taonga are the 'things', 'objects', 'resources' or (in this case) 'recreation activities' which are valued by the tangata whenua and which they aspire to protect because of their importance to the physical, spiritual and cultural well-being of the iwi or hapu.

It is equally important to have an understanding of the tikanga associated with specific taonga, and to understand why particular outdoor recreational activities and/or resources are valued. Understanding the values associated with a particular taonga give an insight into why it (ie, the resource or activity) is in fact valued by tangata whenua. In essence, the expression of a value attached to any outdoor resource or activity largely depends on one's (ie, iwi or hapu) tikanga.

The challenge for outdoor recreation planners, therefore, is to develop a recreation assessment and planning process which is fully cognisant of the rights, responsibilities and values of the tangata whenua of the particular area. To apply this framework credibly to any given recreation process, it is essential to have a good understanding of the various concepts it utilises.

### **3.2.1 Kaitiaki**

Only tangata whenua can be kaitiaki of natural resources within their tribal rohe (region). Consequently, primary responsibility to ensure protection of the mauri or life essence of the resources within which outdoor recreation occurs resides with the tangata whenua.

In her seminal work on Kaitiakitanga, Minhinnick (1989) stated that it (ie, kaitiakitanga) "... denotes obligations or responsibilities incumbent on the Iwi, its members and appointed Kaumatua, Kuia or Tohunga to carry out particular functions, be custodians, protectors, guardians of iwi interests, its taonga

and the various resources it owns". She went on to state that "... the kaitiaki approach to environmental management is holistic", and provides for the following:

- Restoration of damaged ecological systems.
- Restoration of ecological harmony.
- Ensuring that resources and their usefulness increase.
- Reducing risk to present and future generations.
- Providing for the needs of present and future generations.

When applied to Maori outdoor recreation, these obligations provide a set of ethical guidelines for managing the recreation resource.

For instance, explicit obligations could be:

- Restoration of damaged ecological systems within which Maori outdoor recreation occurs.
- Restoration of ecological harmony within the system.
- Ensuring that recreation resources and their usefulness to Maori increase.
- Reducing risk to present and future generations of iwi and hapu by protecting the recreation resource.
- Providing for the outdoor recreational needs of present and future generations of the iwi and/or hapu.

Kaitiakitanga, therefore, is a concept emphasising obligation more than authority. The logic is that authority over a recreational resource cannot in reality exist without a sense of obligation to protect it, and vice versa. It also stresses the importance of accountability back to the constituency (whether iwi, hapu or whanau; both in the present, to tupuna in the past, and to generations in the future) for one's actions. This means managing the recreation resource wisely so that the well-being of the iwi or hapu is protected and the mana of past and future generations of the iwi or hapu is upheld in the process.

It is also important to note (at least from a Maori perspective) that areas over which tangata whenua or kaitiaki have responsibility do not necessarily need to be in iwi or hapu ownership. Not having legal ownership does not necessarily diminish obligation. Kaitiaki after all have been given specific responsibility as guardians and custodians of all natural resources (including recreation resources) within their tribal territories, and must therefore be accorded a central role in recreation management processes which affect taonga and for which (in the end) they have ultimate responsibility.



### 3.2.2 *Taonga*

To determine the likely effects of any recreational use on taonga, a full understanding of the concept and awareness of the extremely wide interpretation it generates, even within Maoridom, is essential.

For instance, Article Two of Te Tiriti o Waitangi guaranteed Maori tino rangatiratanga (highest chieftainship) over their whenua (lands) and their kainga (homes) "me o ratou taonga katoa". The Waitangi Tribunal in numerous claims (ie, Motunui, Kaituna, Manukau) reaffirmed the view that "o ratou taonga katoa" meant all things highly prized or valued possessions. The Manukau claim, particularly, reiterated the view that "taonga means more than objects of tangible value. A river may be a taonga as a valuable resource. Its mauri or life force is another taonga" (Waitangi Tribunal 1985, p96). It is also worth noting that the Tribunal reaffirmed the view that "the Treaty of Waitangi gives Maori an equal place with British values and a priority when Maori interest in their taonga is affected" (ibid p78).

Maori themselves are also currently articulating what they mean by 'their' taonga, including:

- "Our language, health, children, whare wananga, spirituality, traditions, culture, homes, space, geothermal power, minerals, rests, bird life, swamps, fisheries of the deep sea, those within our coastline, lakes, harbours, and our rivers, creeks including spawning grounds both sea and fresh waters and their beds that they flow over, are all taonga of Te Ao Maori" (Huakina Development Trust, 1992).
- "... treasures, cultural property, intellectual property" (Awaroa Ki Manuka, 1991).
- "... prized possessions and values of the Maori people. These include material and spiritual elements such as ancestral lore, cultural heritage, heirlooms, resources, land, reo/language, waahi tapu (sacred sites), whakapapa" (Blackford and Smith, 1993).
- "... all things tangible or intangible and deriv[ing] their meaning at both physical and spiritual levels. Taonga comprises all treasures inherited from the past, to the present, and for future generations" (Gray and Saunders, 1989).

While definitions of taonga are diverse and often iwi/hapu specific, they are united in a common understanding that (at least conceptually) taonga are the 'things', 'objects', 'articles' or 'resources' that are highly prized and valued. Accordingly the taonga may be:

- A tangible natural resource on or within which a recreational activity occurs (eg, a river).
- An intangible resource (eg, the mauri of a river).
- The recreation activity or experience itself.
- The knowledge or 'intelligence' about the resource (ie, tangible or intangible) or recreational activity.

Notwithstanding, a clear distinction needs to be drawn between the taonga and the reason why it is in fact valued, given that different organisational units within Maoridom generally, and iwi/hapu specifically, may

place a different value on the same resource and/or may value it for quite different reasons. This value, however, will largely be expressed through their tikanga.

### 3.2.3 *Tikanga*

To better understand tikanga, as it may be applied to outdoor recreation, it is important to have a basic knowledge of the meaning of the concept, given its quintessential position in Maori thought.

Tikanga has been defined as:

- "... an awesome, multifaceted notion which can mean different things depending on the context. In a general sense it can mean inherent rights and cultural and spiritual values of the iwi. It can also be used in quite specific cases to denote customs or rules covering a particular aspect of iwi life (Awaroa Ki Manuka, 1991).
- "... compris[ing] the values and norms of Maoridom. This is represented by both the notions of whakaaro and matauraka, which when brought together represent wisdom. Whakaaro [is] the notion of knowledge and to know, whilst matauraka relates to knowledge obtained from the celestial curriculum which is applied within the terrestrial state. This indicates that whakaaro and matauraka are interrelated.... Tikanga in a traditional context comprises the 'the three kits of knowledge', representing all the knowledge and the values, norms, rituals and protocols" (Gray and Saunders, 1989).

Tikanga, therefore, can mean rule or plan, custom, method or habit and, perhaps at its most fundamental, what is correct and right, normal or usual. The key point is that iwi/hapu, and they alone, have the right to determine what is right, normal and usual for themselves within the context of their own value system and world view.

If the recreation resource is a taonga which is highly prized, tikanga or its English equivalent 'values' (including in its broadest sense cultural and spiritual values) provide an insight into why 'it' (ie, the recreation resource) is in fact valued.

Tikanga includes moral principles, beliefs or standards held by iwi, hapu and whanau, which they use to guide their behaviour and actions as Maori. Behaviours and actions which may be described sometimes colloquially as 'the Maori way', or in a more iwi specific contexts as 'the Ngai Tahu way' or 'the Ngati Porou way', for instance, are simply reflections of tikanga. Tikanga will be expressed in various ways, depending on the context within which it is used.

Various tikanga used as guides to moral and culturally appropriate behaviours include the following:

- Rangatiratanga  
Exercise of chieftainship commensurate with one's authority individually or collectively as iwi/hapu/whanau.

- Manaakitanga  
Showing kindness or being respectful to others and knowing (or expecting) that this will be reciprocated in kind.
- Whanaungatanga  
Protecting the interests of one's iwi, hapu or whanau and emphasising the group or collective rather than the individual.
- Kaitiakitanga  
While the words stewardship and guardianship are often used to describe this concept it is more akin to caring, and indeed there is an obligation to care for one's inanimate kin (ie, natural resources) to whom one is related by whakapapa.
- Kotahitanga  
Striving for unity by consensus within the group, and recognising not only the strengths in being united but the weaknesses inherent in being disunited.

In reality it would be quite wrong to suggest that tikanga operate in isolation from one another. Iwi/hapu behaviour when participating in recreational activity will in all likelihood be a complex interaction of tikanga depending on the context within which the activity itself is occurring.

Similarly, it is important to recognise relationships between defined tikanga and, for instance, that recognition or expression of a particular tikanga may require as a precondition the existence of another. Nowhere is this more apparent than in the relationship between kaitiakitanga and rangatiratanga. Kaitiakitanga is in fact an inherent part of rangatiratanga. Without recognition of the latter the former cannot be given its fullest expression. That is, it would be inequitable to acknowledge and expect tangata whenua to exercise the often arduous responsibilities of kaitiaki without the requisite rangatiratanga or authority to make decisions about outdoor recreational use and activity. Tikanga (such as those referred to above) are used to guide behaviour and actions. How they are expressed will depend on iwi or hapu specific interpretation.

Tikanga in a general sense can also include desired states of existence that an iwi may identify as worth striving for or retaining.

Within an environmental or outdoor recreational context, such desired states could include:

- Preservation of outdoor recreation taonga for future generations.
- Protection of the mauri of natural resources within which outdoor recreation occurs.
- Recognition of the mana whenua status of tangata whenua to make decisions about management of resources (including outdoor recreation resources) within their tribal territories.
- Recognition of the obligations of kaitiaki to manage the outdoor recreation resource wisely for future generations.

The development of a discrete and complete set of tikanga is difficult if not impossible. Nevertheless, while it may be possible to derive a generic set of tikanga universally applicable to Maori, iwi (or hapu) specific tikanga will be reflective of unique iwi/hapu histories, experiences, contemporary realities and aspirations for the future. This will in turn determine the relative importance of any given tikanga, and how it should be expressed, applied or provided for in any outdoor recreation assessment or planning process. Clearly, expression of any particular tikanga ultimately lies with those who as kaitiaki have an obligation to protect the taonga.

### 3.3 Summary

Application of this framework not only to the assessment of Maori outdoor recreational needs, but to subsequent planning and decision making processes, needs an awareness about the significance of process and the importance of getting the process right. In many respects the 'rightness' or 'wrongness' of a particular Maori outdoor recreation decision is determinable by the 'rightness' or 'wrongness' of the process used to do any needs assessment. Some of the more important questions to ask in determining this are:

- To what extent have the tangata whenua been equitably involved in designing the outdoor recreation assessment process? Has an appropriate conceptual framework been used? Have they retained the power to define 'their' recreation needs?
- To what extent have tangata whenua been involved in the assessment process on their own terms? Has sufficient time, information and resourcing been made available to facilitate full participation?

The framework to assess Maori recreational needs outlined in this chapter is generic in the sense that it has a variety of applications. Nevertheless, it is only one approach and it is important that it be accepted as valid by the tangata whenua whose recreation is being defined and whose needs are in fact being assessed.

As a three stage process the key steps in sequence are as follows:

- **STEP ONE - Who are kaitiaki of the resource and what are their recreation needs?**

It is critically important that the 'right' tangata whenua grouping ie, iwi/hapu is involved in the recreation assessment process. That is, the iwi (or hapu) who have the mana over a particular geographic area or 'outdoors', and who accordingly have the responsibility as kaitiaki to manage the taonga contained therein, must be involved for the assessment process to be credible. Essentially, the power to define their outdoor recreational needs must reside with those who are kaitiaki of the particular resource or the specific 'outdoors'.

- **STEP TWO - What taonga are associated with the resource or activity?**

It also essential that there be some clarity of definition as to the taonga associated with specified outdoor recreation activities, and that these taonga are designated by tangata whenua themselves in order that they can be protected and managed appropriately. They may include the tangible natural

resources within which the recreational activity is destined to occur ie, land, water, sea or river, intangibles associated with the resource such as the mauri or life essence of the river, the recreational activities themselves eg, gathering kaimoana or edible plants, and/or the knowledge or 'intelligence' about the resource or activity.

■ **STEP THREE - Why is the taonga valued and what tikanga expresses this?**

Finally, it is important to have an understanding of the various tikanga ie, rules, beliefs, moral principles and/or desired states associated with specified 'outdoor recreation taonga', in order to understand why particular outdoor recreation activities and/or resources are valued. For instance, an outdoor recreational activity will not just be physical exertion but will in fact carry with it cultural and spiritual meaning for its participants, not always readily apparent to the 'outsider'. For example, gathering kaimoana may not be just an act of food gathering, but also a cultural and (in some cases) a spiritual experience. Understanding the tikanga associated with particular taonga, therefore, provides a critical insight into the values being promoted or enhanced by any given recreational activity.

However, discussion thus far has artificially divorced the process of defining Maori recreation and determining Maori outdoor recreation needs from the political context within which decisions about Maori outdoor recreation will be made, and, in particular, decisions about Maori outdoor recreation within the conservation estate. Therefore, it is now necessary to discuss Maori outdoor recreation within the more specific context of the Treaty of Waitangi, the Department of Conservation and the conservation estate.

If, in using the conceptual framework outlined, Maori outdoor recreation needs have been defined, the challenge then is to develop a culturally and politically credible decision making process to provide for these needs.

## **CHAPTER FOUR**

### **The Conservation Estate, Maori Recreation and the Treaty**

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#### **4.1 Introduction**

To create a linkage between Maori recreation, the conservation estate and the Treaty of Waitangi requires a clarity of understanding about the context within which decisions about Maori recreational use of conservation lands will need to be made.

Firstly, Maori claims and interests in what has been termed the conservation estate have been active for many years. These interests are multifaceted. They are not restricted just to Maori use of the conservation estate for recreational purposes, but to a much broader range of justice issues covering Maori claims to ownership and management of the conservation estate under the Treaty. This continued interest is evidenced by the fact that of the more than four hundred claims currently awaiting hearing by the Waitangi Tribunal, close to sixty relate to claims by Maori over conservation lands and estates (Close 1994). Resolution of these claims to the satisfaction of Maori claimants will hopefully lead to a greater degree of Maori control over the use and management of such lands for a variety of purposes, including Maori recreation.

Secondly, the conservation estate (as far as this report is concerned) refers principally to lands and resources held, managed or administered by the Department of Conservation under the Conservation Act 1987. Principles and mechanisms developed to guide Maori recreational use of these lands, however, are equally applicable to other lands and resources administered by DOC (as a government department) under other enactments, including:

- Marine Reserves Act 1971
- Reserves Act 1977
- National Parks Act 1980
- New Zealand Walkways Act 1990

and to a lesser extent:

- Wildlife Act 1953
- Wild Animal Control Act 1977

- Marine Mammals Protection Act 1978

Thirdly, the Conservation Act 1987 is particularly clear in its statutory directive that approaches, mechanisms and/or opportunities must be sought for both promoting the conservation of New Zealand's natural and historic resources, while at the same time ensuring that any approach taken is consistent with and gives effect to the principles of the Treaty of Waitangi.

For instance, the Preamble to the Act states that it is an Act:

"... to promote the conservation of New Zealand's natural and physical resources".

Under Section 2 of the Act, conservation is defined as meaning:

"... the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations",

while Section 4 of the Act states:

"This Act shall be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi".

The clear intention signalled by the Act, therefore, is that preservation and protection of this country's natural and historic resources (including their recreational enjoyment) must be carried out in a manner which gives effect to the principles of the Treaty of Waitangi.

Consequently, four critical points can be argued. These are:

- Conservation within the terms of the Conservation Act 1987 is qualified by the extent to which it gives effect to the principles of the Treaty of Waitangi. Therefore, conservation practice or management which does not give effect to the principles of the Treaty of Waitangi is in fact contravening the Act.
- Any conservation management regime which does not adequately provide for Maori recreational needs within the conservation estate in a manner consistent with the principles of the Treaty of Waitangi, or 'Treaty Principles test', is also contravening the Conservation Act 1987.
- A 'Treaty Principles test' needs to be applied to conservation lands and estates which may be important for Maori recreational purposes and which are managed by DOC under the Conservation Act 1987.
- The same 'Treaty Principles test' can be applied to other lands and estates managed by government departments, and indeed other resource management agencies to whom the Crown has delegated resource decision making power affecting Maori recreation, such as territorial local authorities and regional councils.

The primary challenge, therefore, is to identify relevant principles of the Treaty of Waitangi to guide the process for making decisions about Maori use, management and access to the conservation estate for recreation. The aim of this chapter is to broadly investigate these principles.

## 4.2 The Treaty Context

It is beyond the scope of this report to undertake a detailed critique of the Treaty of Waitangi and an analysis of key concepts such as rangatiratanga, kawanatanga, sovereignty and the various principles that have been derived (and continue to be derived) from it. Nevertheless, it is important to at least set the scene within which negotiation between Maori and the Crown over use of the outdoor recreational resource should occur.

The term 'use' is used in its broadest sense to mean enjoyment of the recreation resource. Such enjoyment can be facilitated by a variety of mechanisms across a broad spectrum, ranging from protection of the quality of the recreation resource and protection of Maori access to it through to Maori management and/or even transfer of ownership of the recreation resource to Maori. (Use and management options will be discussed more fully in Chapter five of this report).

The Treaty (of which there was a Maori version and an English version) was signed in 1840 by representatives of the British Crown and by Maori chiefs representing various iwi and hapu throughout the country.

A copy of the Treaty is attached to this publication as Appendix 2.

The two versions differ, though, and these differences have driven the debate in New Zealand over what was retained by Maori and what was ceded or relinquished to the Crown.

For instance, the Maori version ceded kawanatanga (governance of their lands) from the chiefs to the Queen of England, with a stipulation that retention of their tino rangatiratanga or higher authority over their lands, villages and 'o ratou taonga katoa' (everything they valued) would be guaranteed.

The English version, however, ceded sovereignty from the chiefs to the Queen of England, with the understanding that the chiefs would be guaranteed full, exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties as long as it was their wish and desire to retain these in their possession.

The shift in public policy debate from 'articles' of the Treaty to 'principles' first appeared in 1975, with the enactment of the Treaty of Waitangi Act and its resultant emphasis on principles.

... the principles of the Treaty of Waitangi was designed to overcome a number of problems associated with considering the literal words of the Articles in isolation. It reflects that the English and Maori texts are not translations of one another and do not convey precisely the same meaning. It also recognised that the strict wording of the Treaty provisions assumed an ideal of equality which no longer existed (Crengle p8).



A less placatory, though no less valid, view being advanced by Maori is that the shift in emphasis from articles to principles has resulted in the abdication of the Treaty's original and essential promise to Maori, that their rangatiratanga and full, exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties would be guaranteed.

Maori ... reject all reference to the Principles of the Treaty of Waitangi as a unilateral Crown position which has not been endorsed by the Maori Treaty party (National Maori Congress, New Zealand Maori Council and New Zealand Maori Women's Welfare League Collective Submission to the Resource Management Bill 1991, p11).

Since the enactment of the Treaty of Waitangi Act 1975 the task of defining its principles has been left primarily to the Courts and the Waitangi Tribunal. Conversely, while some prominent Treaty themes are being articulated, Maori have generally resisted defining so-called Maori Treaty principles by either opposing such generalisations or by reserving their positions.

### **4.3 Principles of the Treaty**

"The myriad of Treaty principles articulated both by the Court of Appeal and the Waitangi Tribunal since 1975 can be synthesised into four overarching principles (nevertheless) applicable to Maori recreational use of the conservation estate" (Parliamentary Commissioner for the Environment, p19).

In summary these are:

#### ■ The Essential Bargain

- Maori sovereignty was ceded to the Crown in exchange for the protection of rangatiratanga (Court of Appeal).
- The right to make laws was transferred to the Crown for the obligation to protect Maori interests (Waitangi Tribunal).

#### ■ Partnership

- The Treaty implies a partnership exercised with utmost good faith (Waitangi Tribunal).
- The duty to act reasonably and in good faith, the responsibilities of the parties being analogous to fiduciary duties (Court of Appeal).
- The Treaty can be adapted to meet new circumstances (Waitangi Tribunal).
- The needs of both Maori and the wider community must be met which will require compromises on both sides (Waitangi Tribunal).

- The courtesy of early consultation (Waitangi Tribunal).
- The Treaty does not authorise unreasonable restriction on the Crown's right to govern (Court of Appeal).
- Tribal Rangatiratanga
  - The Crown is legally obliged to recognise tribal rangatiratanga (Waitangi Tribunal).
  - Tino rangatiratanga includes management of resources and other taonga according to Maori cultural preferences (Waitangi Tribunal).
  - Maori are to retain chieftainship (rangatiratanga) over their resources and taonga (Court of Appeal).
- Active Protection
  - Maori interests should be actively protected by the Crown (Waitangi Tribunal).
  - The Crown duty is not merely passive but extends to active protection of the Maori people in the use of their lands and other guaranteed taonga to the fullest extent practicable (Court of Appeal).
  - The Crown has a duty to ensure tangata whenua retain sufficient endowment for their needs (Waitangi Tribunal).
  - The Crown has an obligation to grant some form of redress where grievances are established (Court of Appeal).
  - The Crown cannot evade its obligations by conferring an inconsistent jurisdiction on others (Waitangi Tribunal).
  - The taonga to be protected includes all valued resources and intangible cultural assets (Waitangi Tribunal).

#### **4.4 Crown Principles and the Conservation Estate**

In the present situation the Crown holds all the decision making power, and while Maori may make representations to them, ultimately they (ie, the Crown) have sole discretion over determining whether and how they will respond.

Affirming this stance in 1994, the Crown unilaterally identified a series of principles to guide development of settlements for Maori claims affecting the conservation estate. These were:

- The conservation estate is held by the Crown on behalf of all New Zealanders. However, the Crown

may have to consider competing interests in fulfilling its obligations to the public under Article 1 of the Treaty.

- The existing legal protection provided to the natural and historic values of the conservation estate will not be diminished except where there are beneficial conservation effects.
- A change in management of the estate will not be approved if it results in a loss of protection to the natural and historic values.
- Existing public access and recreation rights will not be reduced (except to protect the natural and historic values).
- The existing property rights of third parties (lessees, administering bodies, etc) created under conservation legislation will continue.
- The potential interests of existing concessionaires in future uses and the needs of sectoral interests (eg, the tourist industry) will be considered.

(Department of Justice, 1994, p13).

#### **4.5 Rangatiratanga - A Maori Treaty Principle?**

The Courts and the Waitangi Tribunal have continued to articulate, develop and refine their impressions of the principles of the Treaty. Similarly, the Crown (as illustrated above) has regularly issued unilateral edicts stating its position on the Treaty. Maori views, though, have been remarkably consistent in their general resistance to the trend towards principles, concentrating instead on their rights guaranteed by the Treaty's affirmation of their tino rangatiratanga (absolute chieftainship or 'highest mana'), or the unqualified exercise of chieftainship or 'sovereignty' over their lands and resources.

Conflict also exists between Maori definitions and understandings of rangatiratanga and those proffered by the Crown and the Waitangi Tribunal. For instance, in 1989, the Crown saw rangatiratanga as approximating iwi self management which must take place within the confines of the laws established by the Crown (Department of Justice, 1989, p7), and in so doing significantly reduced the potency of the concept.

Similarly, though rather more recently, the Waitangi Tribunal stated, "Tino rangatiratanga ... refers not to a separate sovereignty but to tribal self management on lines similar to what we understand as local government" (Waitangi Tribunal, 1991, p233).

These views are clearly at odds with both historical and contemporary interpretations promulgated by Maori:

Rangatiratanga over land is inseparable from the word mana ... from the Maori viewpoint, the guarantee of rangatiratanga of their lands is equivalent to the guarantee of their sovereignty ... it is in this light that the comment by the Kaitia Chief Nopera Panakareao is more readily understood.

'The shadow [kawanatanga, governance] of the land goes to the Queen, but the substance [rangatiratanga, chieftainship and mana] remains with us' (Walker p265).

Similarly:

To the Maori chiefs who signed the Treaty ... rangatiratanga was far more than a guarantee of their possession of lands and other properties; it was also a guarantee of their autonomy and authority, above all their mana as chiefs ... even ... a guarantee of Maori sovereignty (Sorrensen p159).

Within a specifically natural resources context:

... rangatiratanga denotes an institutional authority to control the exercise of a range of user rights in resources, including conditions of access, use and conservation management. Rangatiratanga incorporates the right to make, alter and enforce decisions pertaining to how a resource is to be used and managed and by whom ... the authority encompasses both the making of the decisions and their implementation. Rather than being confined to process the exercise of rangatiratanga included rights to control end uses (Crengle p11).

Notwithstanding, the exercise of rangatiratanga also denotes a process for making resource decisions and, by implication, outdoor recreational decisions within the conservation estate, as well as having control over determining the end state of the decision making process or the outdoor recreation decision itself.

For instance, rangatiratanga as a process could include:

- the right of each iwi to speak for itself,
- the right of each iwi to determine its own preferences without recourse to anyone else,
- the right of each iwi to be diverse (and different from other iwi),
- the notion that each iwi has an equivalent status to the Crown and that issues in respect of resource management need to be dealt with at the level of iwi to Crown,
- the right of an iwi to exercise full authority over its taonga,
- the right of each iwi to be involved (at the very least) in resource management issues that affect their interests, in a manner which acknowledges that the iwi's authority flows from the Treaty and/or its sovereignty as an iwi, rather than from the much lesser status of 'interest group'.

(Blackford and Matunga, 1991, p9).

A number of key points need reiterating, to put issues being raised more firmly within the context of a decision making process to cover Maori recreation and the conservation estate.

Firstly, rangatiratanga may be both a process for making decisions about Maori recreation within the

conservation estate, **and** a Maori recreation end state or 'state of existence' that incrementally results from such processes being followed. As an end state the Maori recreation will have defined characteristics that an iwi postulates as prerequisites to being in a relative state of rangatiratanga.

The risk lies in not recognising that the two ie, process and end state must co-exist to be meaningful. There are, after all, risks in relegating everything to process and, for instance, simply establishing good consultation processes, adopting culturally appropriate protocols or being sensitive to the recreational needs of Maori, because (in the end) it may not necessarily lead to realisation of the iwi's desired recreation end state. If, however, the process allows the equitable involvement of Maori in the making of the final recreation decision and/or the actual transfer of power to Maori (or iwi) to make the final decision, their ability to make a recreation decision that promotes pursuit of their desired end state is obviously that much greater.

Secondly, and with particular regard to the conservation estate, rangatiratanga may not necessarily be predicated on ownership of a resource, although ownership itself is one of many end states or expressions of an iwi's rangatiratanga. That is, rangatiratanga as both a process and an end state needs to be applied to the conservation estate (and/or other estates managed by DOC) **irrespective** of whether or not the resource itself is in Maori title.

Thirdly, it may mean recognising that, like the Crown, iwi have their own autonomy and authority and, by negotiated agreement between equal parties (ie, DOC and iwi), **jointly** making decisions about how a recreational resource is to be managed and by whom.

#### **4.6 Application of Treaty Principles to the Conservation Estate**

Given that the Conservation Act 1987 requires the Act to be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi, the question then must be, whose principles?

It is a truism that a fundamental tension exists between the Crown and Maori as the two parties to the Treaty, **and** that the Crown (including DOC) currently holds all the decision making power to determine if and how they will respond to Maori recreational needs within the conservation estate, once defined. That is, under present arrangements, the Crown is ultimately (and unilaterally) prescribing principles to guide decisions affecting Maori recreation within the conservation estate (refer 4.4 above).

With such a range of views being articulated not only by Maori but by the Courts and the Waitangi Tribunal, the challenge is to attempt a series of integrating principles or 'Treaty tests' that can:

- (i) Guide the recreation decision making process, and
- (ii) Be used to test the efficacy of recreation decisions made from the point of view of their promotion of the desired recreation end state prescribed by iwi Maori.

Normally the primary parties would negotiate the principles to be applied and guidelines to be followed. If an overarching principle were necessary perhaps that would be it. As well, other principles, guidelines

or tests developed would (to quote a Treaty principle articulated both by the Court of Appeal and the Waitangi Tribunal) need to lead to the active protection of Maori outdoor recreational interests **and** recognise, promote and enhance rangatiratanga as perhaps the primary Maori interest, as defined by the participating iwi.

Four key integrating principles or ‘Treaty tests’ that should be applied to any decision making process dealing with Maori recreation within the conservation estate are:

#### ***4.6.1 Mutual agreement on guidelines***

As an overarching principle it is essential that guidelines and/or principles used to guide the Maori recreational decision making process be themselves agreed to by both Maori (or participating iwi) and the Crown (or DOC).

#### ***4.6.2 Recognition of iwi autonomy to define outdoor recreational needs***

That DOC acknowledge the autonomy, sovereignty and rangatiratanga of iwi and their right to speak for themselves, to define their own outdoor recreation needs and to determine these, in Treaty terms, without recourse to anyone else.

#### ***4.6.3 Equitable negotiation in determining management approaches***

That in recognition of the variety of management approaches available for managing Maori access, use and enjoyment of the conservation estate for recreation, there be equitable negotiation between iwi and DOC to decide on the management approach best suited to a specific recreational activity and/or area of the conservation estate.

#### ***4.6.4 Active protection of iwi recreational needs***

That once defined the iwi’s outdoor recreation needs be actively protected in a manner and to a standard agreed on by both iwi and DOC.

This report now discusses the various management options available to DOC and iwi to manage Maori outdoor recreation within the conservation estate.

## CHAPTER FIVE

### Maori Recreation Management

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#### 5.1 Introduction

The settlement of Treaty grievances generally is a complex process, particularly when the grievance affects the conservation estate. Publicly owned conservation lands and resources are potentially always available to the Crown as settlement for Treaty grievances, a fact that disturbs many non-Maori conservationists and outdoor recreationists (Smith 1994). The reasons generally given are lack of trust in iwi as conservation managers, a desire to preserve or enhance existing public access to these lands, and the principle that the conservation estate should remain in the ownership of all New Zealanders (ibid).

Within a recreation context, though, it is important to approach enjoyment and use of the conservation estate for Maori recreation from different perspectives and not just as a direct (or even indirect) consequence of a Treaty settlement. That is, there are dangers in getting locked solely into reactive grievance mode and not taking account of the fact that it may simply make sound conservation management sense to transfer management and/or ownership of particular estates important for Maori recreation to Maori, irrespective of Treaty claims that may or may not be held over the estate.

It is important to also note that most iwi have their own resource management planning processes and plans (ie, Iwi Management Plans, et al), into which the concept of recreational planning could fit quite easily. Therefore iwi management planning processes should be viewed as complementary to the planning approach currently utilised by DOC to manage outdoor recreation.

It is worth noting that the Department's brief to the incoming government (Department of Conservation, p4) concentrated solely on various outputs for resolution of Treaty claims. While these are clearly important it is significant that the brief was reactive (in this case how to deal with Treaty claims) rather than proactive (ie, how to involve tangata whenua in a more meaningful way in management of the conservation estate, or how to better provide for iwi involvement in the Department's recreation planning and management, etc).

This is not to say that proactive planning processes are not in place to deal with these issues either at a central or regional level, through (for instance) the Conservation Management Strategy and related planning processes. Rather, that various key DOC documents have not highlighted these processes, and that if some form of proactive Maori recreational planning process does in fact exist, it is not readily apparent.

There are dangers in focusing primarily on transfer of ownership to iwi as the only approach to fully

recognising rangatiratanga, though. Transfer of ownership of the relevant conservation estate to iwi is only one of many approaches to acknowledging rangatiratanga, albeit an important one. The key is in recognising the iwi's right to define its rangatiratanga and knowing that this will take many forms, of which transfer of ownership of the recreation resource to iwi is but one. Yet another may be iwi satisfaction with DOC's current ownership and management of a Maori recreation resource, and therefore maintenance of the management status quo, or indeed a myriad of options in between.

The aim of this chapter, therefore, is to:

- (i) Briefly investigate broad management options available to Maori and DOC to provide for Maori recreation within the conservation estate.
- (ii) Introduce the concept of Maori Recreation Planning as a distinctive planning process with the potential both to promote rangatiratanga and to complement other iwi and DOC resource planning processes.

## **5.2 Assumptions**

In discussing these issues, though, the assumption has to be made that DOC is familiar with relevant statute, regulation, mechanisms and internal DOC processes for implementing joint DOC/Iwi recreation management decisions. Consequently these will not be discussed in detail, but include:

- (i) Regulations, policy and internal processes covering negotiation with iwi and how to deal with management preferences (including recreation preferences) identified by iwi.
- (ii) The various mechanisms available to DOC to implement any joint DOC/Iwi recreation management decisions, including:
  - Requests to parliament for empowering legislation to be passed where that mechanism is not sanctionable under current statute (eg, disposal of reserve, national park, or conservation area),
  - Restrictive covenants under the Reserves Act 1977, Conservation Act 1987, Queen Elizabeth the Second National Trust Act 1977, and Historic Places Act 1993,
  - Easements,
  - Lease-back arrangements,
  - Vesting arrangements,
  - Creation of Maori Reservations,
  - Agreements registered against titles,
  - Appointment of iwi as administering body,



- Appointment of iwi representatives to administering body,
  - Rights under lease or license.
- (iii) DOC planning processes into which decisions about Maori recreation can be incorporated ie, the Conservation Management Strategy process, preparation of functional plans (ie, Conservation Management Plans, operational plans, resource management strategies, annual and multi year business plans, et al).

Rather than discussing (i), (ii) and (iii) above as part of this report, the nature of incorporation or integration into any management option chosen needs to be negotiated with iwi as appropriate, once again as an expression of their rangatiratanga.

### 5.3 Management Options

The Treaty claims process continues to generate a lot of debate on various management options for settling Maori claims to natural resources generally. This debate (particularly discussion surrounding management options) is directly relevant to Maori recreation within the conservation estate.

One example of an iwi's vision regarding conservation land within its tribal territories has been stated by the Chairperson of the Ngai Tahu Maori Trust Board:

We have developed an idea of shared title with our Treaty partner, of having it clearly recognised that we belong to and that there is a deliberate connection with such places as Aoraki (Mount Cook) and other Mountain peaks that were named by Ngai Tahu a thousand years ago ... Ngai Tahu interest ... would have no effect on current levels of public access to these areas or their management by the Crown. We believe the parks should become truly national and that our Treaty interest which is fundamental to that nationhood should be structurally included without detriment to other New Zealanders (O'Regan p18).

He added that it was expected that any future developments would comply with the law. The only area in which the iwi desired full control was the "interpretation of our own unique heritage in myth and history in our southern parks" (ibid p19). If this vision is equated with the tribe's desired exercise of rangatiratanga, then it is (in this case) realised in the ownership (and thus the opportunity to develop), but not necessarily in the area's direct management.

In fact, a variety of management approaches have already been applied to the conservation estate by DOC, following negotiation with iwi.

These include:

- Change from Crown to Maori ownership,
- Including Maori members on Reserves Boards,

- Including Maori members on Advisory Committees,
- Vesting reserves in Maori institutions,
- Vesting reserves jointly in Maori/non-Maori institutions.

It is also important to appreciate that the exercise of rangatiratanga over conservation lands may be severely constrained by an iwi's lack of resources. If resourcing is problematic to the iwi, solutions/management options developed may need to be viewed as temporary solutions, open to future negotiation. For instance, if an iwi was to become more economically empowered it would be better placed to express its rangatiratanga as it saw fit, enabling it to prioritise demands on its time and resources (of which recreation is but one), without curtailing future iwi management options.

### ***5.3.1 Criteria for assessing options***

In determining which management option to choose, various questions need to be posed. These can also be used as a basis for establishing criteria to assess specific management options put forward. The fundamental criterion is:

#### **The extent to which the particular recreation management option enhances iwi rangatiratanga**

Other criteria include the extent to which the option:

- Recognises the special relationship between tangata whenua (as kaitiaki) and their recreation taonga,
- Allows tangata whenua to define the relationship and their taonga,
- Allows tangata whenua to exercise their rangatiratanga under the Treaty as they see fit,
- Actively protects their recreation interests,
- Provides adequate compensation for Treaty breaches,
- Guards against further breaches.

Given the diversity of iwi preferences, histories and resourcing availability, it is not possible to simply measure each management option against a selection of criteria. Answers will always be reliant on various iwi interpretations of their relationship with their natural world and on their actual recreation needs. However, processes can be developed by both iwi and Crown to allow them to come to an agreement on appropriate management options (or combination of options) on a case-by-case basis.

### 5.3.2 *Generic management options*

In 1994, the Parliamentary Commissioner for the Environment identified a range of mechanisms that could be made available by the Crown for settlement of Maori claims to natural resources. As generic management approaches they are equally applicable to conservation lands considered by Maori to be important for recreational reasons.

In summary these are:

- Change of ownership to iwi,
- Change in management but not in management objectives or who benefits,
- Change in management objectives/use,
- Compensation through substitution or finance,
- No change in direct ownership or management but an acknowledgement of iwi status,
- No change.

In a similar vein, though in direct relation to Maori claims to Crown lands administered by the Department of Conservation, the Department of Justice (1994) identified three mechanisms government would consider in delivering redress to claimants. These are:

- Transfer of ownership to Maori with or without legal encumbrances attached to the title,
- Revesting of land in Maori subject to conditions set under statute, with the capacity for return of title to the Crown in the event of non-compliance with those conditions,
- Transfer of a significant management role to Maori in relation to the land, subject to ongoing Crown ownership and conditions set under statute.

(Department of Justice, 1994, p13).

As generic management approaches, they too can be applied to conservation lands considered by Maori to be important for recreation. Unfortunately, government has added a raft of disclaimers that severely constrain and restrict the settlement process (and therefore, potentially, the Maori recreation management process) by stating that:

- Conservation land is not readily available for the settlement of Treaty claims and should be considered only in certain circumstances (ibid).
- The areas of conservation estate which could be "considered for vesting in claimants or for transferring management to claimants" (ibid) include:

- (i) Discrete sites that are of such special historical, cultural or spiritual significance to Maori (eg, burial sites, sacred shrines ...) that **the Crown** believes they are an essential part of a settlement (ibid, emphasis added).
  - (ii) Other sites which have special importance to Maori (eg, certain lake beds, river beds, mountains, and land required for access to pounamu).
  - (iii) Discrete parcels of land where the overall management of conservation values will be maintained or enhanced as a result of their use in claim settlement.
- Transfer of ownership, for instance, will only apply where the lands:
    - (i) Form "small discrete parcels of land" which have a "very special significance to iwi" (ibid), and where
    - (ii) The alienation would not have adverse affects on the overall management of the conservation estate, or place important values "at risk" (ibid).

In spite of constraints imposed by government, as generic management options these need to be included in any list of recreation management choices.

There is also considerable merit in incorporating any process for deciding on management options into a broader framework for Maori recreational planning.

#### **5.4 Maori Recreation Plans**

As suggested already it is essential that DOC, at both a central (ie, national policy) and regional conservancy level, develop with iwi the concept of **Maori Recreational Planning** to cover Maori recreational use and enjoyment of the conservation estate, and to ensure that this enjoyment recognises and reflects the iwi's rangatiratanga.

Maori Recreation Plans could be the vehicle for articulating Maori recreational needs within the conservation estate, enabling these needs to be defined and provided for in a planned rather than an ad hoc fashion.

The model could be one in which Maori Recreation Plans are developed and implemented by direct negotiation between DOC and relevant iwi/hapu, effectively resulting in 'negotiated recreation agreements'. Ideally these plans could also be used to integrate respective (and independent) recreation goals and objectives of both DOC and iwi. They could also be used to encourage internal consistency between goals for recreation, and other conservation and resource management objectives independently held by both DOC and iwi.

Any negotiation process would need to reach broad agreement in three key areas:

- (i) The process for preparing a Maori Recreation Plan (ie, **who, what, how and when**).

- (ii) The process for making decisions about **which** management option (with respect to a specific recreation resource) is appropriate.
- (iii) The process for implementing joint decisions made.

While it is beyond the scope of this report to detail such a planning process, in broad terms it should include the following:

#### ***5.4.1 Assessment of the conservation estate***

A comprehensive assessment of **all** conservation estate land (not just the conservation estate subject to Treaty claim) from the point of view of its importance for Maori recreation, using as a starting point definitions and the generic framework referred to in Chapters two and three of this report.

#### ***5.4.2 Creation of management options***

The creative generation of a series of management options (of which ownership is one) to provide for iwi involvement in management of the conservation estate defined as being important for Maori recreation, using 'options-choices' referred to above.

#### ***5.4.3 Development of implementation strategies***

Through negotiation with iwi and/or hapu as appropriate, the development of regionally (ie, DOC conservancy) and iwi specific strategies to implement and review management options chosen.

#### ***5.4.4 Incorporation into a Maori Recreation Plan***

The incorporation of any assessment, management and implementation decisions made into a Maori Recreation Plan, and their integration into any other planning processes undertaken by DOC and indeed by iwi.

## CHAPTER SIX

### Conclusion and Recommendations

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#### 6.1 Concluding comments

The previous chapter concluded with the need to consciously develop the concept of Maori recreation planning for the conservation estate, and posited the idea of using Maori Recreation Plans as the vehicle for articulating Maori recreational needs within this estate. There are dangers in underestimating the importance of Maori recreation and viewing it as a by-product of other issues perceived to be more important, such as the settlement of Treaty claims to the conservation estate. Consequently, the risk is that Maori recreation needs will be dealt with in an ad hoc rather than a planned fashion and what is more, because of the lack of information and research on the topic, that non-Maori perceptions of Maori recreation will be used as the basis for this planning.

Maori recreational planning provides an opportunity to minimise these dangers, and provides a way forward on this issue. It also provides a mechanism for encouraging an integrated approach to providing for Maori recreation needs within the conservation estate, using the various guidelines and principles advocated in this report.

This report began with the view that there needed to be more research into Maori participation in recreation within the conservation estate. This need will endure essentially because the natural environment will continue to be important to Maori, and Maori will continue to insist that their rangatiratanga over the various domains for outdoor recreation, such as the conservation estate under the Treaty of Waitangi, be recognised. The research needed is both theoretical in nature (ie, 'What is Maori recreation?') and applied (ie, Maori use patterns within the conservation estate, types of recreational activity, tribal affiliation of recreationists, etc). 'Good' planning is heavily dependant on 'good', culturally credible information. The current lack of information can only ultimately lead to 'bad' and ineffective planning.

Neither can the issue be artificially separated from the complex socio-political context which (by its very nature) Maori recreation and the conservation estate will continue to be embroiled in. This includes such things as the developing relationship between the Crown and iwi, the Treaty settlement process, continuing Maori assertions that their rangatiratanga be recognised, and conflicts between DOC and iwi on a wide range of environmental management issues eg, management of the estate, cultural harvesting of specific resources, et al. DOC will need to be proficient in managing the various conflicts that will inevitably arise, and creatively incorporating these conflicts into any planning process developed.

To its credit DOC has recognised the need to assess the cultural appropriateness of its recreational policy and practice, and to better understand Maori attitudes to recreational use of the conservation estate. Consequently, the primary purpose of this research was to develop a better understanding of Maori recreational needs within the estate and to develop a so-called 'Treaty based approach' in the management

of the conservation estate to better provide for these needs. One of the first issues that needed to be tackled, though, was a definitional one. When we speak about Maori recreation, what are we in fact talking about?

Chapter two, therefore, opened with the rather vexing question, 'What is Maori recreation?' and what are its unique characteristics? Because of the lack of research on this topic, a hui was held to attempt to ascertain from Maori what they themselves viewed as 'their' recreation. A synthesis of these views, with what little research has been done on the topic, resulted in a first attempt at defining Maori recreation as:

*An experience personal to Maori, which reinvigorates, refreshes and creates in Maori the 'new person', which reinforces cohesion within the whanau, promotes self esteem, cultural pride, an understanding of one's history and tradition, and a reinforcing of one's identity as Maori.*

and Maori outdoor recreation as:

*An outdoor or resource based experience personal to Maori, which reinvigorates, refreshes and creates in Maori the 'new person', which reinforces cohesion within the whanau, promotes self esteem, cultural pride, an understanding of one's history and tradition, and a reinforcing of one's identity as Maori.*

It is one thing, however, to postulate what Maori recreation is or may be, but it is equally important to have a conceptual framework within which to define Maori recreational needs and to identify who (in an iwi specific or geographic specific sense) has the right or responsibility for determining what these needs are, why their fulfilment is important, and what values or tikanga are at stake. It is also considered that any assessment or decision making process established to determine and predict Maori outdoor recreation requirements needs to adopt a Maori approach for it to have any credibility with Maori.

Responding to this, Chapter three developed a conceptual or generic framework which either iwi, DOC or both can use in attempting to determine Maori recreation needs and in seeking to better understand why it is important to provide for them. In this regard a conceptual framework developed by Matunga (Blackford and Matunga, 1993), for research on the cultural impacts of hazardous substances and new organisms, was applied to Maori outdoor recreation.

This framework uses three basic components ie, Kaitiaki, taonga and tikanga, and hinges on the basic assumption that tangata whenua or kaitiaki who are recreating or who wish to recreate in the outdoors are in fact best equipped to define for themselves what they view as 'their' recreation, why it is valued, what they hope to achieve from it and, ultimately, how best to facilitate its realisation. The chapter concluded with a three-stage process to use in defining Maori recreation needs. Posed as questions, these were:

- (i) Who are kaitiaki of the resource and what are their recreation needs?
- (ii) What taonga are associated with the resource or activity?
- (iii) Why is the taonga valued and what tikanga express these values?

Essentially the power to define 'their' needs must stay with the tangata whenua or kaitiaki. DOC's role is to somehow link into this process in a manner agreeable to both parties.

Chapter four took up the challenge of linking the topic of Maori recreation more closely with the natural environment, the conservation estate (in particular), and current debate and edicts about the role of the Treaty of Waitangi in resource management. The aim was to identify relevant principles of the Treaty of Waitangi to guide the process for making decisions about actual Maori use, management and access to the conservation estate for recreation, and for testing the efficacy of recreation decisions made from the point of view of their promotion of Maori aspirations.

Given the plethora of views on the Treaty being developed by the Waitangi Tribunal, the Courts, Crown and indeed Maori, it was considered that an integration or reconciliation of these often competing views needed to be attempted. Consequently, four key integrating principles or 'Treaty tests' were developed to guide the decision making process. These were:

1. Establishment of guidelines and/or principles to guide the Maori recreational decision making process, by mutual agreement between both Maori (or participating iwi) and the Crown (or DOC).
2. Recognition of the autonomy, sovereignty and rangatiratanga of iwi to define their own outdoor recreational needs.
3. Equitable negotiation to determine management approaches to cover Maori access, use and enjoyment of the conservation estate for Maori recreation.
4. Active protection of iwi recreational needs in a manner and to a standard agreed on by both iwi and DOC.

These should in no way be construed as definitive, but rather as a starting point (from which to deviate if necessary).

The final challenge was to develop an implementation process to effect any joint decisions made.

Consequently, the report investigated broad management options available to Maori and DOC to provide for Maori recreation within the conservation estate, and introduced the concept of Maori Recreation Planning as a distinctive planning process with the potential both to promote rangatiratanga and to complement other iwi and DOC resource planning processes.

However, a number of assumptions were made. These were that DOC was familiar with its own regulations, policy and internal processes covering negotiation with iwi, and how to deal with management preferences (including recreation preferences) identified by iwi. Also that it was familiar with the various mechanisms available to itself to implement any joint DOC/Iwi recreation management decisions. Consequently these were not discussed in any detail, but rather a Maori Recreation Planning process was suggested to use as the tool for implementing any decisions made. This process recommended:

1. A comprehensive assessment of all conservation estate land from the point of view of its importance for Maori recreation.



2. Creative generation of a series of management options to provide for iwi involvement in management of the conservation estate defined as being important for Maori recreation.
3. Development of regional and iwi specific strategies to implement decisions made by negotiation between DOC and iwi.
4. Incorporation of any assessment, management and implementation decisions into a Maori Recreation Plan, and then planned integration into other planning processes undertaken by DOC and indeed by iwi.

This report now concludes with a number of recommendations.

## **6.2 Recommendations**

Based on the framework, guidelines and principles which have been established in this report, the following are recommendations to the Department of Conservation:

### **6.2.1 National Recommendations**

- (i) That the concept of Maori Recreation Planning be developed further, and that guidelines be established to cover preparation of a National Maori Recreation Policy Statement and Regional Maori Recreation Plans, using definitions, guidelines and principles outlined in this report.
- (ii) That DOC investigate processes for integrating Maori recreational policy for the conservation estate in with other planning processes it currently undertakes (such as Conservation Management Strategies).
- (iii) That DOC investigate the various management options currently available, and recommend on additions or amendments to existing management approaches and options to better provide for rangatiratanga.
- (iv) That a National Maori Working Group on outdoor recreation be established as a matter of urgency to assist with the development of national policy on Maori recreation within the conservation estate, that it be given the responsibility for overseeing implementation of recommendations referred to as 6.2.1 - (i), (ii), (iii) above and 6.2.2 - (i), (ii), (iii), (iv) and (v) below, and be conferred responsibility for recommending on legislative change required both to the Conservation Act 1987 and to any other enactment.

### **6.2.2 Regional Recommendations**

- (i) That on a regional basis a comprehensive assessment be carried out of existing Maori recreational use of the conservation estate, including extent of use, nature of use, reasons for use and iwi affiliations of users.

- (ii) That a process be established with each iwi in the region to identify their current and future outdoor recreation needs, using the conceptual framework identified in this report.
- (iii) That Regional Maori Recreation Plans be prepared as a partnership between DOC's regional conservancies and iwi collectively within the region.
- (iv) That in order to promote orderly and planned transfer of management responsibilities (including transfer of ownership) from DOC to any respective iwi, management options appropriate to any given Maori recreation resource and/or site specific recreation area be decided as part of the Maori recreational planning process.
- (v) That all decisions made in respect of (ii), (iii) and (iv) above be integrated into other regional planning processes such as the Conservation Management Strategy and other functional plans ie, operational plans, resource management strategies and annual and multi-year business plans.

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MAORI VERSION  
Te Tiriti O Waitangi

**He kupu whakataki**

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki ngā rangatira me nga hapū o Nu Tirani i tana hiahia hoki kia tohungia ki a rātou o rātou rangatiratanga me to rātou wenua a kia mau tonu hoki te rongo ki a rātou me te atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi rangatira hei kai wakarite ki ngā Tangata Māori o Nu Tirani kia wakaetia e ngā rangatira Māori te Kawanatanga o te Kuini ki ngā wāhi katoa o te wenua nei me ngā motu - nā te mea hoki he tokomaha ke ngā tangata a tona iwi kua noho ki tenei wenua a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kau ai nga kino e puta mai ki te tangata Māori ki te Pākeha e noho ture kore ana.

Na kua pai te Kuini kia tukua ahau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo ngā wāhi katoa o Nu Tirani i tukua aianeia a mua atu ki te Kuini, e mea atu ana ia ki ngā rangatira o te wakaminenga o ngā hapu o Nu Tirani me era rangatira atu enei ture ka kōrerotia nei.

**Ko Te Tuatahi**

Ko ngā rangatira o te Wakaminenga me ngā rangatira katoa hoki kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te Kawanatanga katoa o o rātou wenua.

**Ko Te Tuarua**

Ko te Kuini o Ingarangi ka wakarite ka wakaae ki ngā rangatira, ki nga hapū, ki ngā tangata katoa o Nu Tirani, te tino rangatiratanga o o rātou wenua o rātou kainga me o rātou taonga katoa. Otiia ko ngā rangatira o te Wakaminenga me ngā rangatira katoa atu ka tuku ki te Kuini te hokonga o era wāhi wenua e pai ai te tangata nona te wenua, ki te ritenga o te utu e wakaritea ai e rātou ko te kaihoko e meatia nei e te Kuini hei kaihoko mona.

**Ko Te Tuatoru**

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarangi ngā tangata Māori katoa o Nu Tirani. Ka tukua ki a rātou ngā tikanga katoa rite tahi ki ana mea ki ngā tangata o Ingarangi.

Na, ko matou ko ngā rangatira o te Wakaminenga o ngā hapū o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko ngā rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu. Ka tangohia ka wakaetia katoatia e matou. Koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o ngā ra o Pepueri i te tau kotahi mano, e waru rau e wa tekau o to tatou Ariki.

***Treaty of Waitangi: a literal English translation of the Maori text***

(Signed at Waitangi February 1840, and afterwards by about 500 chiefs)

VICTORIA, the Queen of England, in her kind (gracious) thoughtfulness to the Chiefs and Hapus of New Zealand, and her desire to preserve to them their chieftainship and their land, and that peace and quietness may be kept with them, because a great number of the people of her tribe have settled in this country, and (more) will come, has thought it right to send a chief (an officer) as one who will make a statement to (negotiate with) Maori people of New Zealand. Let the Maori chiefs accept the governorship (KAWANATANGA) of the Queen over all parts of this country and the Islands. Now, the Queen desires to arrange the governorship lest evils should come to the Maori people and the Europeans who are living here without law. Now, the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy to be Governor for all places of New Zealand which are now given up or which shall be given up to the Queen. And she says to the Chiefs of the Confederation of the Hapus of New Zealand and the other chiefs, these are the laws spoken of.

**Article the first**

The Chiefs of the confederation, and all these chiefs who have not joined in that Confederation give up to the Queen of England for ever all the Governorship (KAWANATANGA) of their lands.

**Article the second**

The Queen of England agrees and consents (to give) to the Chiefs, hapus, and all the people of New Zealand the full chieftainship (rangatiratanga) of their lands, their villages and all their possessions (taonga: everything that is held precious) but the Chiefs give to the Queen the purchasing of those pieces of land which the owner is willing to sell, subject to the arranging of payment which will be agreed to by them and the purchaser who will be appointed by the Queen for the purpose of buying for her.

**Article the third**

This is the arrangement for the consent to the governorship of the Queen. The Queen will protect all the Maori people of New Zealand, and give them all the same rights as those of the people of England.

WILLIAM HOBSON, Consul and Lieutenant-Governor

**Article the fourth**

Two churchmen, the Catholic Bishop Pompallier and the Anglican Missionary William Colenso recorded a discussion on what we would call religious freedom and customary law. In answer to a direct question from Pompallier, Hobson agreed to the following statement. It was read to the meeting before any of the chiefs had signed the Treaty.

E mea ana te Kawana ko ngā whakapono katoa o Ingarani, o ngā Weteriana, o Roma, me te ritenga Maori hoki e tiakina ngatahitia e ia.

*Translation:*

The Governor says that the several faiths (beliefs) of England, of the Wesleyans, of Rome, and also Maori custom shall alike be protected by him.

**ENGLISH VERSION**  
**The Treaty of Waitangi**

**Preamble**

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland, regarding with her Royal Favour the Native Chiefs and Tribes of New Zealand, and anxious to protect their just Rights and Property, and to secure to them the enjoyment of Peace and Good Order, has deemed it necessary, in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand, and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of these islands. Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to averting the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the Native population and to Her Subjects has been graciously pleased to empower and authorise me William Hobson, a Captain in Her Majesty's Royal Navy, Consul, and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty, to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

**Article the first**

The chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

**Article the second**

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof, the full exclusive and undisturbed possession of the Lands and Estates, Forests, Fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to maintain the same in their possession; but the Chiefs of the United Tribes and the Individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf.

**Article the third**

In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand Her Royal Protection and imparts to them all the Rights and Privileges of British subjects.

W. HOBSON, Lieutenant-Governor

**Article the fourth**

Now therefore, We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria, in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names having been made fully to understand the Provision of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof. In witness of which, we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this sixth day of February in the year of Our Lord, one thousand eight hundred and forty.



## APPENDIX 2 Results of Maori Recreation Hui

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The question put to the hui was:

*"What do you consider to be the characteristics and elements of Maori recreational activity?"*

The summarised responses, listed in no particular order, were as follows:

1. Needs to be a group activity with other Maori
2. Activity which is uniquely Maori
3. Enhances relationship with culture and/or past
4. Activity done out of choice (or at least an element of choice)
5. Focused sense of oneness with ancestors
6. Free will to do or not to do
7. Taking family to get seafood
8. Refreshing or pleasurable
9. Desire to participate in the activity
10. Means to an end not an end in itself
11. Is the activity in itself enough or must there be an end? eg, tramp to be with ancestors in own tribal area
12. Protect natural resources and help manage resources
13. Do by choice not necessity
14. Learning about taonga and acquiring knowledge handed down about land and food resources
15. Eeling and fishing - enjoy activity, not because food is needed

16. Recreational activity in tribal territory means getting back to roots
17. Recreational activity in natural areas is different from recreation in a gym - heightened importance because ancestors may also have done that activity
18. Relationship between individual and environment
19. Relationship between individual and ancestors
20. Doing things that are uniquely Maori and doing them where ancestors walked
21. Urge to collect kai that I was brought up on ie, eels, kina etc.
22. Often collect shellfish because it's fun, it's food, and because we've always done it
23. Work and recreation often mixed up into one ie, go for a swim and collect shellfish
24. Purpose could be to get food and also to have fun
25. Tend to indulge in activities for a specific purpose eg, to gather food and learn about culture/food sources/preparation practices
26. Cultural activities - kapa haka, taiaha, arts and craft (could also be work)
27. Marae noho - weekend live-ins, learning songs, history, tribal legends and stories
28. Pastimes of the Maori - kite flying, canoe racing, hand/stick games
29. Fishing/eeling according to Maori calendar ie, trout, whitebait, also birds
30. Mahi kaimoana - collecting kina (sea eggs), paua, pipi, oysters
31. Planting and harvesting kumara, potatoes, vegetables, fruit
32. Don't go tramping to the beach for the sake of it but to get food, have a swim, etc.
33. Greenstone trails - consolidate links with the past, learn about history, learn about food resources and how to collect them
34. Ensure waahi tapu are protected
35. Identify traditional medicines
36. Learn about what is in the bush (privileged to be given this information)
37. Pig hunting/ food gathering

38. Recreation in natural areas:
  - a. Food
  - b. Knowledge of resources, trees, uses
  - c. History of area and genealogy of ancestors
  - d. Stories and legends that relate to that area
  - e. Protecting waahi tapu
39. Pakeha definition of recreation not important enough - very strong cultural values in all of this
40. Whakataa, 'in a position of rest', plucking birds, rendering down fat, putting into gourd
41. Children listening to/telling stories
42. Recreation has a spiritual significance as well as fun
43. Various activities:
  - a. Swinging on vines attached to trees over pools
  - b. Whipping tops
  - c. Kite flying - flew special kites for ceremonial purposes, also helped to determine wind patterns
44. Don't have 'eight to four' work - type of work determined by season
45. The food of chiefs is talk
46. Always a motive behind recreational activity eg, poi used to strengthen wrists for battle, food gathering quite time consuming
47. Mahi whakangahau - to amuse, entertain
48. Recreation has a purpose eg, gather kaimoana, pig hunting, collect rongoa Maori (Maori medicine)
49. Mt Taranaki - water from spring important for healing
50. Day at beach - come home with something useful
51. Christmas holidays - children played, collected pipi and caught eels - old people processed pipi and eels
52. Purpose of recreation is spiritual and physical renewal
53. Recreation a whanau rather than an individual thing
54. Traditional things need to be preserved for the future

55. Need to go to the bush, to sit amongst the trees, listen to the birds - just like to be there
56. Upbringing important in determining recreational needs
57. There are particular recreational areas that we feel more comfortable in - places where our families have been
58. Need to go home every now and then to one's own tribal area to re-create
59. Gardening is an important outdoor recreational activity for Maori
60. Need to visit the mountains every now and then to be blown by the winds of Tawhirimatea
61. The nature of recreation is specific to particular iwi areas
62. How a particular area is perceived will depend on that person's role eg, medicinal gatherer, hunter, fisher, etc.
63. Urewera National Park- didn't realise that some rights would be lost - can't pick plants, take dogs for pig hunting, etc.
64. Need to enable appropriate access for tangata whenua to natural areas within their tribal territory - in special cases, need to transfer ownership over these areas
65. DOC need to record sites where Maori don't want resources used.