

WAAHI TAONGA AND WAAHI TAPU

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Ngai Tahu's management of its waahi taonga, resources of historical and cultural importance, is illustrated by the practices surrounding muttonbird harvesting.

To Ngaai Tuuhuriri, the hapuu of Ngaai Tahu centred on Kaiapoi Paa and Tuahiwi Marae, near to Rangiora north of Christchurch, the term taonga signifies the whakapapa trees to the natural resources of our world, and waahi taonga are the various parts of it — the branches of that tree.

The term *waahi tapu* is referred to in the Resource Management Act in sections 6(e) and 58(b). It is also referred to in Part 11 clause 2(c) of the second schedule of that act. The eight schedule amendment to the Maori Affairs Act, regarding subdivision of Maori land, also refers to waahi tapu.

However, the act leaves waahi tapu legally undefined. A major reason for not defining waahi tapu in the statute presumably is that Parliament realised that subtle differences in meaning exist between the various hapuu and tribes that make up the Maori world. Whether or not Parliament really knew what they were doing, *waahi taonga* is the term that Ngaai Tuuhuriri shall substitute to convey the meaning and intent of waahi tapu, as used in the act. In our view it is a much wider Maori term with a more encompassing meaning, and in accordance with the obvious intention of the legislation.

Waahi taonga is defined as including all those natural resources that sustain life, and that are culturally and historically important to Ngaai Tuuhuriri, and to Ngaai Tahu Whaanui, the tribe to which we all belong.

Waahi taonga is also the term that Ngaai Tuuhuriri use to identify the resources that they require to be consulted about by any relevant government or local authority. We consider that the Treaty of Waitangi imposes this duty of meaningful consultation upon the Crown, and also upon the local authorities to which the Crown has devolved certain limited powers in each district of the country.

We wish to make it clear that "consultation" does not just mean that we have only to be "told" something, after which the

"authorities" can do whatever they like! The Treaty requires the Crown and those delegated authorities to advise and consult us as taangata whenua in a truly meaningful sense.

In our view, in matters relating to waahi taonga, specifically reserved and protected in the Treaty, the authorities require our freely given *informed* consent before they take any action affecting those natural resources. In most cases any reasonable proposal is likely to get our support. We rea-

lise that in other matters not specifically reserved by the Treaty they might be able to proceed without our agreement, but this cannot be the case with waahi taonga.

With the new regime of the Resource Management Act in mind, waahi taonga are categorised and coded into sections for identification and administrative purposes (see table).

WAAHI TAONGA

Within the traditional Ngaai Tahu role, it is Ngaai Tahu alone who can identify their waahi taonga — those resource areas of land and water bodies that are of historical and cultural importance to them. It is the ownership and/or management of these resources that the tribe requires as part of a negotiated settlement with the Crown. An acceptable process of consultation must also be established in regard to the present and future uses of these resources, according to the terms of the Resource Management Act.

Below: Waahi taonga, categorised and coded into sections, for identification and administration.

Status	Description	Code
1. Waahi taapuketia	Buried taonga	TB
2. Waahi ana	Important cave areas	TC
3. Tuhituhi nehera	Rock drawing sites	TD
4. Waahi tohu	Locators and their names within the landscapes	TE
5. Mahinga kai	Places where food was produced or procured	TF
6. Waahi paripari	Cliff areas	TG
7. Kaainga nohoanga	Occupation and residential sites	TH
8. Tuuahu	Sites of importance to identity	TI
9. Waahi raranga	Sources of weaving material	TK
10. Tauraka waka	Canoe landing sites	TL
11. Maunga	Mountains	TM
12. Waahi rua	Food storage areas	TP
13. Waahi kaitiaki	Resource indicators from the environment	TR
14. Waahi koohatu	Rock formations	TS
15. Waahi raakau	Areas of important trees	TT
16. Urupaa	Human burial sites	WB
17. Paa tawhito	Ancient pa sites	TW
18. Wai whakaheketuupapaku	Water burial sites	WB
19. Wai tohi	Areas of pure water	WC
20. Wai maataitai	Important estuarine waters	WE
21. Wai Maaori	Important fresh water areas	WF
22. Wai wera	Hot water for healing purposes and recreation	WG
23. Wai ora	Area of water used for healing	WH
24. Wai puna	Important springs	WP

It should be noted that the above categories are indicative only and do not constitute an exhaustive listing. Rather, it is an attempt to show the importance of these sites and express their significance to Ngaai Tahu Whaanui.

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The Waitangi Tribunal made the following comments on natural resource management:

“... substantial changes to our law are required to ensure that Maori have an effective say in environmental matters.

The Resource Management Bill which has been introduced into Parliament provides an opportunity for changes but other statutes, regulations and procedures must also be changed. We see a need for remedial action in these four fields and make the following recommendations:

(a) amendment to statutes to ensure that Maori values are made part of the criteria of assessment before the tribunal or authority involved;

(b) proper and effective consultation with Maori before action is taken by legislation or decision by any tribunal or authority;

(c) representation of Maori on territorial authorities and national bodies; and

(d) representation of Maori before tribunals and authorities making planning and environment changes...” (Ngai Tahu Report, vol 3, p 914, 17.6.8).

KAITIAKITANGA

The social order of Ngaai Tahu was arranged according to where the natural resources were. The necessities and comforts of life were provided by this arrangement, barter and exchange among the various groups being the practical outcome, and the basis for a tribal economy.

This form of social organisation — the equivalent of the Ngaai Tahu business plan in today's language — was designed to retain whanaungatanga, or the obligations and benefits of family relationships, among the many family groups. As Ngaai Tahu were principally a hunter-gatherer people dependent upon seasonal harvesting a sophisticated system of management skills was developed based upon the continuing sustainability of the resources.

Specialist skills in the processing of these resources were also developed. This specialist knowledge — the “trade secrets” — was kept by selected individuals who would in turn pass such knowledge on to other selected persons.

These people were known as kaitiaki, the keepers and caretakers of knowledge relating to such natural resources and the protector of those resources.

It was the kaitiaki who applied the management requirements for “taking”, when to take, when to stop taking, and how to take by approved methods.

Such a person might use the signs of nature, or observations of birds and fish as allies, and such allies would also be known as kaitiaki.

Kaitiakitanga is therefore the equivalent

of a “management plan” based around the philosophy that all vegetation, fish and birds must be allowed to reproduce to provide for the sustainability of the resources, and for the future sustenance and survival of the people.

WAAHI TAONGA AREAS — TIITII (MUTTONBIRD) ISLANDS

The tiitii islands are a waahi taonga and are culturally and historically important to the owners. Our relationship as Rakiura (Stewart Island) Maori to these resources is centred around sustaining life. The activities associated with the uses of these islands identify the traditional customs and practices that existed prior to European contact.

The particular tiitii island I offer as an example of a waahi taonga, and as a tribal self-rule and the successful maintaining of natural resources in a sustainable manner, is Pohowaitai, situated to the south-west of Rakiura.

POHOWAITAI

The vegetation upon Pohowaitai was and still is used to provide the necessities of life, whether for permanent residence, or seasonal occupation. At present these islands are used only to take tiitii according to the Titi Island Regulations (which are presently being reviewed).

The natural vegetation on this island is similar to other muttonbird islands within this region. It differs slightly in its life cycle from that of Te Wai Pounamu, the South Island.

The punui tends to be the first plant to grow in the bare peat soils. In appearance it looks like rhubarb but is always a light green in colour.

The soft peat soils are attractive to the tiitii who must establish their burrows and nests, lay eggs, and raise their chicks. The maturing tiitii will eventually fly off the island to follow the migratory path of their parents (unless they are caught first by a Rakiura Maori!).

Another important plant is the tutaki, a plant similar to tussock. Punui is used in the process of preserving tiitii, and tutaki is used for thatching of houses, as well as weaving protective covers for the poha (kelp bags). Other uses are also made of these plants.

After a period of time, trees begin to establish themselves. These trees are known by us as kokomuka and titiaweka, and grow to a height of approximately 10 feet on Pohowaitai. This vegetation provides the food chain for birds other than tiitii such as the tui, parakeets, miaweka, sea hawks and various robins and wrens.

Eventually these trees die, and the cycle starts again. The wood of these trees determines the zone where firewood is to be

taken. All of the various stages described can be seen on this island.

It is the opinion of those of us who go to this island that the complete cycle takes between 80 and 110 years to complete. The important point is knowing the environment, so that both the island and its food resources can be managed in a sustainable manner.

The resources provide remedies for various ailments. Tiitii oil provides relief for rheumatics, while the tips of the kokomuka trees provide relief for diarrhoea. Titiaweka leaves are used to relieve fever. The sea and the land provide resources for food and medical use. All these customs are still in practice today, although some medicinal uses have been lost due to the introduction of modern medicines.

The coastal areas of this island are also the resting place of our ancestors, with the kooiwi secured in caves and clefts in the cliffs. All of these resources are waahi taonga — resources that sustain life — and are culturally and historically important to the Rakiura Maori of Ngaai Tahu.

TRADITIONAL MANAGEMENT PRACTICES

The management of the tiitii islands and the relationship of Rakiura Maori to those islands, are the nearest living example of rangatiratanga being exercised according to the traditional customs and practices, and as guaranteed by the Treaty of Waitangi. The return of the title to the islands and the protection of the owners' rangatiratanga is currently being reviewed by a Ngaai Tahu research team.

The identification of the Rakiura Maori and their entitlement to go to the tiitii islands, is determined by the Maori Land Court, plus an advisory committee to the Department of Conservation called the Rakiura Titi Committee, as defined by the Titi (Muttonbird) Island Regulations 1978.

Having arrived on the tiitii island, the beneficiaries meet to allocate their family rights to their wakawaka and to determine an area where new houses can be built. This function is similar to the authority given to local authority councils.

Discussions take place as to the condition of the island and rules are applied to protect the environment. New arrivals become aware of such customs. These are the unwritten laws, which the birders must live by. It is the consistent application of these laws that has ensured the ongoing health of the total environment, including the tiitii.

After the application of the management rules the individual is then at liberty to exercise his skills in hunting the tiitii. The working and dressing of these birds for future trade or barter can be done individually, ▶

► by whanau, or by a collection of whanau groups. All options are in force on Pohowaitai Island, as well as on all other tītī islands. Small differences in catching methods occur from island to island due to their unique environments. However, the catch is the property of that individual, or the whanau, to do as they determine — as it has always been. It is their property right, their rangatiratanga.

CONCLUSION

Although their relationship with the Crown has been mandated to a certain extent by the Titi (Muttonbird) Regulations 1978, Ngaai Tahu nevertheless have exercised their rangatiratanga through the whanau groups over their waahi taonga, so that with some adaptations, the resources actually have been protected and maintained in their natural state for the generations to come.

Various categories of what makes up waahi taonga can be seen to live side by side on Pohowaitai Island, for example: waahi ana (caves used for residence or burial); waahi tohu (landmarks from the sea); mahinga kai (land and water based); waahi paripari (important cliff faces); kaainga nohoanga (residential sites); waahi raranga (plants for weaving); tauraka waka (canoe or boat landing places); waahi rua (sea food sites around the island); waahi raakau (trees for various purposes); urupaa (burial sites which would be within the marginal strip zones).

Ngaai Tahu thus have the experience among their people to manage natural resources in a sustainable manner. Ngaai Tahu outcomes are measurable in resource management issues to the extent they have been able to retain their rangatiratanga over their waahi taonga, their mahinga kai.

An understanding of the subtle difference between the words waahi tapu as used in the Resource Management Act and the same words in the Maori Affairs Act can be seen. In the customs and traditions of Ngaai Tahu whaanui the skeletal remains of famous ancestors are to be found in the heart of the resources providing our food chain — which in turn is the resource underlying our economic base. Hence the term waahi taonga is used to convey this meaning — and indicates our collective tribal ownership, protected by the Treaty.

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