



Natural Resource Management alternatives: suggestions for a Mahinga Kai Cultural Park at Wairewa



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Natural Resource Management Alternatives: suggestions for a Mahinga Kai Cultural Park at Wairewa

Wairewa Programme Report Series

by

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Cover Photo: Te Roto o Wairewa (Lake Forsyth) viewed from the Bossu Road.

PREFACE

An ongoing report series, covering components of the Wairewa Research Programme, has been initiated in order to present preliminary research findings directly to key stakeholders. The intention is that the data, with brief interpretation, can be used by managers, environmental groups and users of resources to address specific questions that may require urgent attention or may fall outside the scope of formal publications.

We anticipate that providing access to environmental data will foster a collaborative problem-solving approach through the sharing of both Integrated Catchment Management and privately collected information. Where appropriate, the information will also be presented to stakeholders through follow-up meetings designed to encourage feedback, discussion and coordination of research objectives.

Introduction

Natural resource management in New Zealand is dominated by either privately owned (or leased) primary production land or publicly owned conservation estate. There is very little natural resource management occurring between these two extremes. This creates difficulties for tangata whenua wishing to incorporate ways of maintaining traditional cultural and spiritual values including the sustainability of mahinga kai and mahinga kai environments. The issue of producing new natural resource management models is significant for all New Zealanders because there is a need for land and freshwater management alternatives that actively promote the rehabilitation of degraded ecosystems within the current land ownership system. For tangata whenua struggling to exercise kaitiakitanga the issue is significant as non-ownership of large areas of land is a common reality.

Mahinga kai is an important Māori concept concerning traditional food gathering. The mahinga kai concept includes both the practices involved in food harvest and the places associated with the resource gathering (Kaupapa Taiao, 2004). The idea of Mahinga Kai Cultural Parks comes from Ngāi Tahu and aims to provide protection for areas associated with mahinga kai, while promoting the cultural aspects of traditional food gathering. They have been adopted as part of the iwi vision document: *Ngāi Tahu 2025* which defines a Mahinga Kai Cultural Park as:

a concept to refer to a natural area (either land or marine based) that is managed and/or owned by Ngāi Tahu (either at tribal level by Te Rūnanga o Ngāi Tahu or by Papatipu Rūnanga or jointly) for the purpose of mahinga kai.

Wairewa Rūnanga have been at the forefront of ideas for the development of Mahinga Kai Cultural Parks and have proposed that their takiwa be a key starting point for developing new resource management methodologies linked in to a Mahinga Kai Cultural Park.

This report aims to review different, already existing resource management structures from around the world with a critical oversight of how they might apply in a Mahinga Kai Cultural Park framework at Wairewa.

Report objectives

- To compare alternative natural resource management practices from around the world.
- To conclude with recommendations for further work towards a Mahinga Kai Cultural Park at Wairewa

Categories of protected area management

The definition of a protected area (as defined at the Fourth World Congress on National Parks and Protected Areas) is:

An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means.

This definition is wide enough to include the concept of a Mahinga Kai Cultural Park.

In order to devise a category system for protection of areas it is necessary to look at the management objectives. The Protected Areas and World Heritage Programme (part of the World Conservation Union, IUCN) suggests that the following are the main purposes of protection management:

- Scientific research
- Wilderness protection
- Preservation of species and genetic diversity
- Maintenance of environmental services

- Protection of specific natural and cultural features
- Tourism and recreation
- Education
- Sustainable use of resources from natural ecosystems
- Maintenance of cultural and traditional attributes.

These management objectives are not mutually exclusive but provide a framework for categorisation of protected areas.

The United Nations Environmental Programme (UNEP) through the IUCN and the World Conservation Monitoring Centre (WCMC) have set out guidelines for protected area management categories. The first version of these was published in 1978 (*Categories, Objectives and Criteria for Protected Areas*). This proposed ten categories of management areas, ranging from a strict nature reserve to a multiple use management area.

This system of categories has been widely used but has since been updated and revised to include only 6 categories that fit with the management objectives listed above. These are summarised in table 1.

Table 1. Categorisation of protected areas as outlined by the UN based Protected Areas and World Heritage Programme.

Type of protected area	Management objective
I Nature reserve and/or wilderness area	Strict protection
II National Park	Ecosystem conservation and recreation
III Natural Monument	Conservation of natural features
IV Habitat/species management area	Conservation through active management
V Protected landscape/seascape	Landscape/seascape conservation and recreation
VI Managed resource protected area	Sustainable use of natural ecosystems

The six categories in table 1 have been further subdivided so that a distinction is made between a nature reserve (designated Ia) and a wilderness area (Ib). These categories are described in more detail below (the majority of this information is from IUCN documentation).

Ia. Strict Nature Reserve

A protected area managed mainly for science. This would be an area of land or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species. Access is primarily for scientific research and/or environmental monitoring. The IUCN suggest that ownership and control should be by the national or other level of government, acting through a professionally qualified agency, or by a private foundation, university or institution which has an established research or conservation function, or by owners working in cooperation with any of the foregoing government or private institutions. An example of this in New Zealand are Sites of Special Scientific Interest (SSSI's) which have special protection status under regional plans.

Ib. Wilderness Area

A protected area managed mainly for wilderness protection. This would be a large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its

natural condition. The ownership and control are suggested to be as for category Ia. An example of this in the New Zealand context are wilderness areas set aside within National Parks (e.g. Otehae Wilderness Area within Arthur's Pass National Park).

II. National Park

An area protected mainly for ecosystem protection and recreation. The IUCN defines this as a natural area of land and/or sea, designated to:

- (a) protect the ecological integrity of one or more ecosystems for present and future generations;
- (b) exclude exploitation or occupation inimical to the purposes of designation of the area; and
- (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

The IUCN suggest that ownership and management should normally be by the highest competent authority of the nation having jurisdiction over it. However, they may also be vested in another level of government, council of indigenous people, foundation or other legally established body which has dedicated the area to long-term conservation. With respect to concepts like mahinga kai the IUCN state that a management objective may be to take into account the needs of indigenous people, including subsistence resource use, in so far as these will not adversely affect the other objectives of management.

New Zealand has many National Parks which adhere to this category. It is interesting to note that although the IUCN definition makes reference to state ownership many National Parks in other countries (e.g. throughout Europe) have private land ownership within the National Parks (see category V protected landscape/seascape). This is something that is not normally found within New Zealand National Park's which are owned by the Crown and administered by the Department of Conservation.

III. Natural Monument

A protected area managed mainly for conservation of specific natural features. The IUCN definition is an area containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance. It is important to note that this includes natural as well as cultural features. The IUCN suggests that ownership and management should be by the national government or, with appropriate safeguards and controls, by another level of government, council of indigenous people, non-profit trust, corporation or, exceptionally, by a private body, provided the long-term protection of the inherent character of the area is assured before designation.

In New Zealand examples of natural monuments can be seen in scenic reserves found throughout the country.

IV. Habitat/Species Management Areas

A protected area managed mainly for conservation through management intervention. The IUCN define this as an area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species. Ownership and management should be by the national government or, with appropriate safeguards and controls, by another level of government, non-profit trust, corporation, private group or individual.

There are several islands off the coast of mainland New Zealand which have this status, normally for the protection of rare bird or lizard species. An example of this is Stephen's Island in the Marlborough Sounds which is managed for the protection of tuatara.

V. Protected Landscape/Seascape

A protected area managed mainly for landscape/seascape conservation and recreation. Under the IUCN definition this is an area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area. The ownership is suggested as possibly being owned by a public authority, but is more likely to comprise a mosaic of private and public ownerships operating a variety of management regimes. These regimes should be subject to a degree of planning or other control and supported, where appropriate, by public funding and other incentives, to ensure that the quality of the landscape/seascape and the relevant local customs and beliefs are maintained in the long term.

This is a category of protected area that is not obvious in New Zealand. The example given by the IUCN is of Dartmoor National Park in England. This, as with many national parks in Europe, is an area with considerable private land ownership within the boundaries of the park. In this case the “national” suggests it is of national importance, rather than nationally owned as the New Zealand national parks are.

VI. Managed Resource Protected Area

A protected area managed mainly for the sustainable use of natural ecosystems. The IUCN defines this as an area containing predominantly unmodified natural systems, managed to ensure long term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs. The IUCN suggests that management should be undertaken by public bodies with an unambiguous remit for conservation, and carried out in partnership with the local community; or management may be provided through local custom supported and advised by governmental or non-governmental agencies. Ownership may be by the national or other level of government, the community, private individuals, or a combination of these.

As with category VI, there are no obvious cases of Managed Resource Protected Areas within New Zealand. At first glance this appears as the closest category to fit with the concept of a Mahinga Kai Cultural Park but there are several difficulties with the IUCN definition.

The first difficulty is in the suggestion that management should be undertaken by public bodies with an unambiguous remit for conservation. In New Zealand the most obvious body of this type is the Department of Conservation (DoC). At times DoC has had an uneasy relationship with Canterbury landowners, mainly through mistrust over “lockup” attitudes to conservation. This raises questions on how conservation is best achieved, whether through a lock up and preserve approach or through community management and harvest. While DoC has shown ability to have this type of dialogue (e.g. over titi – mutton bird, management) there may be distrust over DoC managing privately owned land that would make it a difficult manager for a Mahinga Kai Cultural Park.

The second perceived difficulty is in the criteria for selection put forward by the IUCN. They suggest that the area should be at least two-thirds in a natural condition, although it may also contain limited areas of modified ecosystems. As an example they suggest that large commercial plantations would not be appropriate for inclusion. Presumably the same could be said for areas with large-scale primary production such as sheep and beef farming.

The categories described above are part of IUCN approved protected areas. There is no legal obligation for all protected areas to fit within a particular definition. Therefore, although the concept of a Mahinga Kai Cultural Park fits most closely between categories V and VI, it does not have to be a perfect fit.

Combining management objectives with protected area categories

Combining the categories described above with the list of management objectives at the start of this section, the IUCN have derived a matrix (table 2). In table 2 the numbers refer to primary objectives (1), secondary objectives (2), potentially applicable objectives (3) and not applicable.

Table 2. Matrix of management objectives and area management categories.

Management objective	Ia	Ib	II	III	IV	V	VI
Scientific research	1	3	2	2	2	2	3
Wilderness protection	2	1	1	3	3	-	2
Preservation of species and genetic diversity	1	2	1	1	1	2	1
Maintenance of environmental services	2	1	1	-	1	2	1
Protection of specific natural and cultural features	-	-	2	1	3	1	3
Tourism and recreation	-	2	1	1	3	1	3
Education	-	-	2	2	2	2	3
Sustainable use of resources from natural ecosystems	-	3	3	-	2	2	1
Maintenance of cultural and traditional attributes	-	-	-	-	-	1	2

The management objectives that most closely align with a Mahinga Kai Cultural Park are the sustainable use of resources from natural ecosystems and maintenance of cultural and traditional attributes. From table 2, and the descriptions given above it is clear that a Mahinga Kai Cultural Park would fall somewhere between category V (Protected Landscape) and VI (Managed Resource Protected Area). In table 3 the data from table 2 has been reworked to show the management objectives for the two only the two categories of most relevance to Mahinga Kai Cultural Parks.

Table 3. Management objectives for categories most closely aligned to Mahinga Kai Cultural Parks

Protected area category	Management objectives		
	Primary	Secondary	Potential
V. Protected Landscape	Maintenance of cultural and traditional attributes Tourism and recreation Protection of specific natural and cultural features	Sustainable use of resources from natural ecosystems Education Maintenance of environmental services Preservation of species and genetic diversity Scientific research	
VI. Managed Resource Protected Area	Sustainable use of resources from natural ecosystems Preservation of species and genetic diversity Maintenance of environmental services	Maintenance of cultural and traditional attributes Wilderness protection	Tourism and recreation Protection of specific natural and cultural features Scientific research Education

From table 3 it appears that the protected area of most relevance to a Mahinga Kai Cultural Park would be a Protected Landscape, similar to a European National Park. The major difference is likely to be that instead of protecting a distinct landscape value, it would be designed around protection of mahinga kai, i.e. traditional food gathering places and practices. These are the values that would require protection in a multi-ownership situation. The following section of this report outlines some possible land ownership strategies that can be used for protecting these types of values.

Management strategies for protecting critical values

The categories of protected areas in the previous section is dominated by the preservation of “natural” landscapes with little consideration of preserving “cultural” landscapes, particularly within a countryside predominantly oriented to primary production. The need to preserve cultural values in this type of landscape is not unique to New Zealand; this section outlines some strategies from outside New Zealand that may be applicable here.

Protection of values of critical importance to tangata whenua has some similarities to the protection of archaeological sites; not because of their antiquity but rather the importance of preserving cultural values within a landscape. The National Park Service in the USA has published criteria for the protection of archaeological sites under the categories of land ownership and development regulations. Development regulations would be control through local body plans and are not considered explicitly here. Different forms of ownership are considered as this has direct relevance to how land could be managed within a Mahinga Kai Cultural Park.

Outright ownership

It is obvious that the best way of ensuring tangata whenua values are protected within a landscape is through outright ownership of the land. Possessing full title to the land offers the landowner control within the regulations imposed by regulatory bodies such as district or regional councils. In New Zealand, it is the regional councils who have the remit to care for the environment, therefore the greatest amount of land use regulation comes through their regional plans and by-laws.

Outright ownership of large tracts of land for the promotion of mahinga kai values is not a realistic prospect for the majority of Māori organisations in New Zealand, there is a long history of land loss rather than land acquisition. While some of this has been reversed through Waitangi Tribunal Settlements, the land that is returned often has sitting tenants who have rights over land use that may be at odds with the owning body.

It is important that the outright owner is able to assume liability and responsibility for the long-term management of the land. Organisational structure needs to be in place to ensure a long-term (i.e. multi-generational) management of the land. In terms of financial liability, it is probable that district and regional councils will still be charging rates over any land within a Mahinga Kai Cultural Park, therefore some form of economic return will be required. Therefore the landowners management structure requires some ability to manage the land for economic return in addition to management for mahinga kai values.

Easements or covenants

These can be defined as a partial interest or some specified legal right within a parcel of land that is less than the outright ownership interest. In New Zealand easements are traditionally to allow access to a place across somebody else’s property, while a covenant is a legally binding management plan for an area that is tied to the title for the parcel of land (i.e. it is maintained even when the land is sold on). These are two different forms of deed restrictions. Because of their restrictive nature they are normally acquired through purchase or gift.

The covenanting of land for biodiversity and conservation values is prevalent within New Zealand, most commonly through the QEII National Trust. The QEII National Trust has stated goals of helping landowners protect significant natural and cultural features on their land. The features they list as warranting protection are dominated by natural features (e.g. native forest remains, wetlands, streams and water features) but does also include cultural sites. Within Canterbury the QEII Trust has 158 covenants covering a total area of 11,542ha with an average size of 61 ha. The information from the QEII National Trust does not break down into the type of feature being preserved but the predominance of forest remnants is hinted at by the statistics they produce on covenant monitoring. In these the reported measure used to monitor success of the covenant is canopy cover condition.

In the area suggested for a Wairewa Mahinga Kai Cultural Park the Banks Peninsula Conservation Trust (BPCT) has recently been awarded covenanting status akin to the QEII National Trust. BPCT has similar aims to the QEII National Trust and has concentrated its efforts so far on biodiversity values and forest remnant conservation. However the BPCT does offer a possibility of developing local covenants based on mahinga kai values.

Covenanting of land is an effective way of preserving landscape values where outright ownership is not feasible. In fact in some ways it is stronger than outright ownership due to the transferability beyond sale of a land parcel. It also has an advantage of being able to be tailored to a particular landowner, and/or covenant seekers, needs. The landowner then retains the use of the land within the management regime set out in the covenant document.

The negatives attached to covenanting of land are based around three forms of cost.

1. It requires some kind of survey to identify boundaries, which may be a significant burden for the landowner to bear.
2. Land owners may be reluctant to enter into this type of arrangement because of the effect it may have on land values (being perceived as less desirable than free title land).
3. If the easement or covenant is being purchased there may be a significant cost involved for the purchasing authority.

In New Zealand the most common transfer is through gift although this is frequently in parcels of land that may be considered “unproductive” (e.g. forest remnants). Where there is a covenant of “productive” land there may be an issue over loss of income through having a particular management plan. However it is not always the case that a covenanting management plan has to impinge on the productivity of a land parcel, and this is probably true for many mahinga kai type activities.

Leasehold of land

This would involve renting land in order to enhance particular mahinga kai values. Although there is some attraction through cost (i.e. no capital cost) it can only ever be a short term option as leases do not offer full control of property. It is unlikely that a leasehold arrangement could cover a long enough time period to instigate a permanent Mahinga Kai Cultural Park.

Undivided Interest

This is essentially a sharing of land whereby a number of parties share ownership in a parcel of land, with each owner’s interest extending over the entire parcel. This is an attractive model for buying land, in that the cost is shared between several owning bodies. However changes to the property cannot be made unless all owners agree and the management can be complicated.

This model of land ownership is common on Māori land in New Zealand. Management structures can be put in place to minimise the difficulties in getting all owners to agree on small management decisions. Overall it is difficult to imagine this working well for Mahinga Kai Cultural Park in that in order to raise the capital required for new purchases the ownership interests are likely to include

a mixture of organisations all with slightly differing conservation aims (e.g. DoC, Ngai Tahu Properties, Wairewa Rūnanga, Christchurch City Council, Environment Canterbury).

Wairewa – options for a Mahinga Kai Cultural Park

The previous two sections of this report have outlined models of protected areas and land ownership options that could be used in a Mahinga Kai Cultural Park. It is clear that the closest model of protected areas that fits IUCN criteria is *Protected Landscape* which has primary management objectives of: maintaining cultural and traditional attributes; tourism and recreation; and protection of specific natural and cultural features. The example given for a protected landscape is a national park in England (Dartmoor). Originally national parks in Britain had joint management committees and effectively ran under the control of separate local authorities. Since 1995 the National Park Authorities have been given separate local authority status producing a Structure Plan and National Park Management Plan setting out its management policies. These policies have to balance the needs of conservation with the needs of the local community (houses, jobs, services), the needs of visitors to the Park (access, information) and national needs (e.g. minerals). The money to run the National Park Authorities is provided from central government funds.

In the New Zealand context this would be equivalent of setting aside an area as separate from the district and regional council with a separate planning authority (possibly, but not necessarily made up of members from the relevant councils and local community). Section 33 of the Resource Management Act, 1991 allows for statutory authorities to transfer any function, power or duty to another authority. This provides an avenue for the establishment of a Mahinga Kai Cultural Park with their own governing authority. Although this authority exists the author cannot find any New Zealand example where this has been done.

An advantage of the European (and in particular the UK) national park model is that the management aims of a Mahinga Kai Cultural Park could be addressed through land use planning and environmental control within one authority. This type of initiative would require enormous stakeholder support to become a reality. Given the recent furore over a proposed Banks Peninsula Regional Park (with unspecified management structure) it is difficult to imagine this becoming a viable option in the near future. However it is possible to think of it as a long-term goal and historically New Zealand has shown great adaptability in natural resource management.

If however, a centrally planned Mahinga Kai Cultural Park is not obtainable then options of land ownership and management within a multi-ownership, production landscape need to be considered. The option of covenanting and easements is one that needs serious consideration for promoting mahinga kai values. This provides an opportunity for bringing together tangata whenua stakeholders to identify the key values needing protection and land owning stakeholders to identify viable means of protecting these within a covenanting structure. The mechanisms are in place to be able to do this (e.g. covenanting for cultural values is specifically listed by QEII National Trust), it now requires a research project to trial different methods of achieving it in a successful manner.

Recommendation for future work

A research project trialling management models for achieving protection of mahinga kai values in production oriented landscapes. This project would involve the following steps:

- Identification of mahinga kai values in locality. Achieved through interviewing of kaumatua and other relevant persons.
- Gathering of scientific knowledge on the best method for protecting identified mahinga kai values.
- Gathering of mātauranga Māori on the best method for protecting identified mahinga kai values.

- Evaluation of Mātauranga Māori and scientific knowledge within a neutral concept framework to derive possible management models.
- Stakeholder workshops for landowners identifying methods to fit within identified management models (from previous step) for protection of mahinga kai values.

Bibliography

IUCN documentation can be found at: http://www.unep-wcmc.org/protected_areas/

Kaupapa Taiao (2004) Wāhi Mahinga Kai: Issues and Options for Mahinga Kai Cultural Parks.

Document prepared by Kaupapa Taiao for ngā Papatipu Rūnanga.

National Park Service (USA) documentation on protection of archaeological sites can be found at:

<http://tps.cr.nps.gov/pad/stratintro.cfm>

QEII National Trust information can be found at: <http://www.nationaltrust.org.nz/>