

national, is the most comprehensive approach to sovereignty that can be pursued. This is the policy that Ka Lāhui's national legislature has mandated and the course Trask has ably followed since the initiative's inception in 1987.

Much remains to be done, although significant inroads have been made. Sovereignty is now a recognized issue of concern that is openly debated through newspapers, in homes, and at places of employment throughout Hawai'i. Most observers now believe sovereignty, including the control of a land base, is a matter of *when*, not *if*. The coming year promises to be no less challenging or eventful.

KANALU G T YOUNG

MAORI ISSUES

Maori participation in resource management and conservation in New Zealand is becoming increasingly prominent as the effects of the provisions of the Resource Management Act 1991 and the Conservation Act 1987 start to take hold. These Acts give particular prominence to the rights of Maori, which were guaranteed in the Treaty of Waitangi when it was signed in 1840. They include the rights of reparation for past and continuing violations of the treaty, including the rights to have lands and resources currently held by the Crown returned to their rightful tribal owners. They also include the right of Maoridom to control and manage their natural resources according to their own traditional and cultural values.

In both local and central government, resource management and conservation bureaucrats are invariably Pakeha (Europeans). The overwhelming majority of them have found themselves grossly ill-informed and inappropriately trained to administer the Maori-related provisions in these Acts, which require a good knowledge of a completely different set of cultural values if they are to be adequately implemented. Yet these managers have been extremely slow to equip themselves with the necessary level of Maori expertise. It is rare to see any regional or district governmental body with more than one person hired specifically for their expertise in Maori matters.

Where such persons have been employed, they will invariably be overloaded trying to meet the demands placed on them by both Maoridom and their employer. They also frequently find themselves in a conflict-of-interest situation when the two sides clash. The Department of Conservation is the prime example, and although it endeavors to prevent such conflicts coming to the attention of the general public, they are frequently reported in the media. Media reports, particularly those compiled by Maori news media interests, highlight Maoridom's criticism of the department's overbearing attitudes toward tribal and subtribal objections. The tribes frequently point out that these attitudes are in direct violation of the department's own Act, and several tribes have taken legal action against the department.

While the Department of Conservation at least has some Maori expertise

available to it, many local government bodies in particular have no one and wonder why they are in constant conflict with the tribes of their area. Local authorities also hold out in their areas against making the necessary resources available to Maoridom, who still, by and large, battle for the preservation of the integrity of their natural resources on a voluntary basis. In April 1994 the independent parliamentary commissioner for the environment issued a statement reminding local authorities and consent authorities of their statutory obligations to pay for Maori expertise in the same way they pay, for example, for planning, legal, and engineering expertise.

Various impediments aside, Maoridom has made major strides in the past decade toward having the government recognize and acknowledge the huge injustices perpetrated against them in breach of the Treaty of Waitangi. The process of making reparations by returning stolen resources, however, has been painfully slow. Furthermore a very small but vociferous white supremacist lobby, with very good access to the media and government ministers, has campaigned tirelessly in the past year to prevent reparations being made. Nevertheless, the present conservative government has continued to maintain publicly that it is obliged to settle these grievances and that it intends to do so. The reality on the ground is that Maoridom has seen very little change in practical terms, although the words and policies being generated are starting to sound better, not least because of the recent appointment of some well-trained and articulate Maori to influential policymaking

bodies. Two examples are the Board of Inquiry into the New Zealand Coastal Policy Statement and the New Zealand Conservation Authority.

On the first of these, two of its five members were Maori, one a lawyer, the other an academic, and both had a strong mandate from their own tribes. The board's brief was to inquire into the adequacy of the proposed government policy statement, which would, once gazetted, determine the management of the country's coastline for the next ten years. On the basis of several hundred submissions, including fifty from Maori tribal authorities, along with a very careful regard for the provisions of the Resource Management Act, the board of inquiry rewrote the government's draft of the policy statement. The government accepted all the changes and gazetted it in May 1994.

The gazetted New Zealand Coastal Policy Statement has received high praise from Maori resource managers. They point out that it is the first authoritative document in the field to give practical acknowledgment and recognition to the rights that Maoridom was guaranteed in the treaty, that is, to control and manage the coastline according to their own customs and values. Yet the board went further than the policy statement and made strong and specific recommendations about the need to improve the level of expertise in Maori matters available to government resource managers and to ensure that Maoridom has adequate resources to carry out its responsibilities under the Act.

Important among the reasons the Maori members of the board were able to convince their colleagues of the

importance of the Maori provisions and their appropriate form was the manner in which the board conducted the hearings associated with the inquiry. Except for the Waitangi Tribunal, judicial bodies have invariably conducted their hearings at Pakeha venues such as courtrooms. The board conducted part of its hearings on tribal *marae*, the traditional focal point and community meeting place of any tribe. Although many of Maoridom's traditional institutions have been destroyed or largely displaced by colonization, the *marae* has not and remains the one place where Maori custom and rules prevail and are unquestioned. On the *marae*, the submissions of Maoridom possess far more relevance and meaning for all involved than those presented in culturally alien courtrooms and government board rooms. The eloquence of Maori oratory is very persuasive in such a venue, and the job of the Maori members of the board was made a lot easier as a result.

Perhaps the strongest influence in ensuring a balanced outcome for the board of inquiry was its independence from bureaucratic interference, a stance it guarded jealously throughout its inquiry during 1993 and early 1994, in contrast to the other policy-making body mentioned, the New Zealand Conservation Authority.

Although the authority is an independent body set up under the Conservation Act to advise the minister on conservation issues and give final approval on certain policy matters, it has to work fairly closely with the Department of Conservation. In practice, the department attempts to use the same control and suppression

mechanisms on Maori members of the authority who speak out as it does on the tribes in the regions. For example, the director-general, the most senior conservation bureaucrat, attends all authority meetings and remains even when the authority goes into committee. He is there ostensibly to provide information, but often advises the authority, and on more than one occasion in the past year has openly clashed with the Maori members.

Of the conservation authority's twelve members, two are appointed by the minister of Maori Affairs. Both the present incumbents, appointed in mid-1993 for three years, are Maori and have academic backgrounds. Both also hold strong mandates from their respective tribes. A third Maori member of the authority is the local government representative. Although he has a strong Maori background, he does not hold a tribal mandate on the authority. The other members of the authority represent various nongovernmental interest groups, such as the tourism and farming industries and environmental and recreational lobby groups.

One of the first major issues to confront the present conservation authority on its appointment in 1993 was that the government's inability to adequately address treaty issues has resulted in decision-making in key conservation areas throughout the country being effectively blocked by the local tribes. For example, Maori in the North are preventing the establishment of a national park in their area because their claims to lands proposed for the park have not been settled, despite the Waitangi Tribunal carrying out a very extensive investigation and, as long as

two years ago, recommending that large areas be returned to the tribes.

Similar situations are occurring in the South Island, although there the government is closer to settling those claims by returning land to the tribes. This has prompted the racist backlash referred to earlier, whose adherents have been using the very successful environmental lobby to promote their views, although there appears to be very little support for them in the environmental movement. A spokesperson for one of these white supremacist groups was publicly rebuked by the chairman of the board of inquiry for demonstrating his racist attitudes to the board's Maori members during the (public) hearings.

The Maori-appointed members have continued to maintain the tribal view within the conservation authority, despite open attempts by the director-general to dismiss their views as irrelevant. The same is true of another issue relating to the Maori right to take certain protected bird species because they are a traditional food. Despite the court having ruled against the department when it attempted to prosecute a Maori for such an act, attempts by the department to suppress all debate in the conservation authority became so obviously ridiculous that in mid-1993 the minister intervened and asked that the authority advise him on the matter after due public consultation. It had become obvious that several senior officers in the department were simply refusing to take the advice of its numerically few Maori experts on the matter.

The minister instructed the director-general to leave the matter to the con-

servation authority, which then made a determined effort to try to find a solution. To that end they spent several months drawing up a public discussion paper, written in both English and Maori, which pointed out that without the support and acknowledgment of Maori knowledge and authority in this field, there would be little chance of conserving some species of native birds. Even though the paper was fully endorsed by the authority, it went through some extraordinary stalling mechanisms before being made public in May 1994.

It has become very clear to Maoridom over the past year that although there is a general level of support for Maoridom achieving its rights in respect of natural resources and their conservation and management, there are strong bureaucratic impediments resulting from a lack of adequately trained staff in government departments. Despite this situation, policies are being promulgated that will effectively force a change in the attitudes of senior bureaucrats. It will be up to the bureaucrats how much of that change will be effected without the courts having to intervene.

MARGARET MUTU

NIUE

Niue took further steps during 1993-94 toward acquiring recognition of its international personality, when its control over its own external relations was endorsed by two specialized agencies within the United Nations system.

Niue's application for membership in UNESCO was approved in October