ENVIRONMENTAL GUARDIANSHIP IN NEW ZEALAND: A CROSS CULTURAL ENCOUNTER

A thesis submitted for the partial fulfillment of
the requirements for the degree of
Master in Resource and Environmental Planning
at Massey University, Palmerston North
New Zealand

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December 2002

A mi mamá y papá

Que sin saberlo empezaron a escribir estas líneas hace muchos años,

A Paulo

La hueya junto a mis pasos a lo largo de este camino.

ABSTRACT

In New Zealand, managing natural resources and planning for the environment entail a cross-cultural encounter between the Maori and the Modern Western worldviews. As different worldviews, each of these groups gives meaning, form and order to their respective experiences of reality in fundamentally different ways. The Maori notion of a spiritual ultimate reality and the rational apprehension of a material reality in the Modern Western worldview produce incompatible and irreducible views over the guardianship of natural resources and the environment. The Resource Management Act 1991 as the major piece of legislation for environmental planning in New Zealand is, however, predominantly monocultural, i.e. based on Modern Western worldview as an absolute and exclusive approach. Therefore, the relationship between Maori and the New Zealand Government in this regard, is characterized by both a deeply-rooted imbalance, and a difficulty to effectively communicate and understand each other. It is suggested that the first step towards an appropriate framework for a cross-cultural relationship, is to overcome exclusivist and absolutist attitudes and claims that sustain the predominance of the Modern Western worldview over the Maori. Creating communication and understanding in symbolic levels may bridge the gap between Maori and the Government, and lay the foundations to redress the imbalance in their relationship. Examination of the Resource Management Act and the Treaty settlement process suggests this is feasible and successful approach for dealing with cross-cultural issues and to move towards pluralism in managing natural resources. This thesis concludes in recommendations for moving towards pluralism in New Zealand environmental management, and thereby a reduction in the imbalance between Maori and the government.

ACKNOWLEDGEMENTS

First, I wish to thank Taranaki and Waimarino Nuri, Niwa and the rest of the family for taking me into the heart of your wonderful culture, for sharing with me valuable knowledge and time, and most of all, I thank you for showing me that which one cannot find in books: the spirit of Maoridom. For this thesis, and my own personal journey would not have been possible without it.

To my supervisor, Dr. Meredith Gibbs I wish to express my most sincere gratitude for being really committed with this project, for believing in it, and for her guidance and lengthy discussions. Thank you so much for that critical lawyer-way-of-thinking and enthusiasm, for it is what anyone would wish from a supervisor. I also wish to thank Dr. Scott Eastham who generously offered to review and comment on the thesis.

I would like to thank the New Zealand Official Development Assistance programme for giving me the opportunity to come to New Zealand and learn about policies, processes and mechanisms that may be helpful for the situation in México. Special thanks to Sylvia Hooker from the International Student Office for looking after us.

Finally, I would like to thank Mr. Jorge Alvarez, Mexican ambassador for New Zealand, and Mr. Eusebio del Cueto, Minister of the Mexican embassy for New Zealand for their support, time, enthusiasm and for contacting me with Taranaki Nuri and family.

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Chapter One. Introduction

In June 2002, I was invited to the 116th commemoration event of the Mt.Tarawera eruption in Rotorua, New Zealand. The event took place in what is known today as 'the buried village'. This is a museum of what was once a Maori village that was destroyed with the eruption, causing the death of all the inhabitants of the village. Today, New Zealanders of European descent, or Pakeha people, live in that particular area and run the museum. This area is one of particular interest for Maori, the Indigenous people of New Zealand, and for Pakeha; both have bonds with it, and although probably in different ways, both care for it.

Speakers were invited for the commemoration event. One of them was a Pakeha scientist who has devoted his life to studying the volcanoes of New Zealand, and in particular, the volcanic activity of the Tarawera volcanic domes. Another was a Maori elder, a *kaumatua,* whose ancestors are buried in the village and has a direct connection with that land. The scientist spoke first. He had prepared a seminar presentation with a projector and slides, photographs, dynamic models, graphics and statistics. He explained about volcanoes in scientific terms: the geological features of volcanoes, how they operate, what different types of volcanoes exist, the age of the volcanoes in New Zealand, their eruptions (some information about what happened 10,000 years ago or even more) and so on. Everyone listened. Then it was the turn for the Maori elder to speak. He stood up in front of the people and spoke without any presentation aids. He spoke about his ancestors, how they are still present in the land. He spoke about the Earth mother and the gods, the lakes, the plants. Everyone listened.

At the end of the commemoration event I had the opportunity to talk about it with the Maori speaker, of whom I was a guest. I realized that what the scientist had explained meant absolutely nothing to him. The models the scientist presented, although well founded in scientific principles and supposed to provide data with certainty, were no more than fantastic stories to him. I realized it was not a matter of lack of attention, it was not about having different opinions, it was about *meaning.* Were they not speaking of exactly the same event in exactly the same area? How could their accounts be so different? Who was 'right' and who was 'wrong'? Was it even constructive to ask these sorts of questions? Perhaps going a little bit deeper into the situation, one could ask if they were even shedding light on each other's perspectives? Were they creating meaningful communication? Or was it just about listening to other's non-sense? To me, it was clear then, that Maori and Pakeha are more than

just two groups with different opinions; that they have different systems of meaning that can inhibit effective communication and understanding. It was clear then, that in a cross-cultural encounter like this one, meaningful communication requires more than argumentation and mutual attention.

Now, it seems easy to recognise from the outside this difficulty to communicate between a scientist and a *kaumatua*. But perhaps the really relevant question should be if we are not all at some point a scientists listening to the fantastic stories and myths of a Maori elder, and explaining how things *really* are? Or for the case, are we not all at some point a *kaumatua* listening to the non-sensical, empty explanations of a scientist, and telling people how things *really* are? Chances are that in our present reality, where the encounter of incompatible worldviews is a day-to-day situation, we all are, have been or will be at some point the scientist / the philosopher / the Catholic / the artist / the 'civilized' etc... that *really* knows how things are, have been and ought to be. And thus when we encounter people with a different way of perceiving and interpreting the world, instead of communicating, we try to ignore, convert, assimilate them or in the worst case, to dominate and destroy them.

This is, of course, nothing new. It is a behaviour that relates much of the history of encounters in humankind. Except for now, we can experience the whole history of encounters in humankind in any single day. Cultures and civilizations are no longer isolated in space and time. Thus we experience something of the imperial time of the Romans, the time when European colonizers meet Indigenous peoples, the time of the great discoveries of Modern science, the Polynesians voyaging the Pacific Ocean, the time of the dogma against the heresies, the time when Jews meet Muslims... and all these in any supermarket, any office or any school. The point here is that today, cross-cultural encounters are everybody's business; we need to be aware of the pluralist nature of our time. As Raimon Panikkar states:

> Pluralism is today a human existential problem which raises acute questions about how we are going to live our lives in the midst of so many options... Today we face pluralism as the very practical question of planetary human coexistence.[1]

In natural resource and environmental management and decision-making we face a particular cross-cultural encounter: the encounter between Indigenous and Modern Western worldviews. In these encounters we inherit

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[1] Panikkar, R. (1995) *Invisible Harmony: Essays on Contemplation and Responsibility*. Minneapolis: Fortress Press

today the legacy of the historical relations of Indigenous and Western worldviews. It is no surprise that the contemporary relationship between Indigenous peoples and Western-based governments is overtly imbalanced in terms of economic, cultural, social and political representation. Historically, in the clash of the two worldviews, it was the Indigenous peoples who were either destroyed by domination, assimilated or converted to the colonisers' beliefs or simply ignored, reduced to a status of sub-human savages.[2] Yet,

> the unexpected result of such actions was that traces of those [Indigenous] cultures which were not utterly destroyed by the European onslaught actually survived, to re-emerge in the twentieth century restating their claims as legitimate representatives of coherent worldviews.[3]

The questions here are: How do we - planners, economists, policy analysts, engineers, lawyers...all those involved in natural resource and environmental management and planning, Western or Indigenous - deal with these cross-cultural encounters? Are our structures (personal and institutional) appropriate for a pluralist situation? Is it even possible to have profound communication and understanding with other worldviews?

These questions deal with one of the most pressing problems in environmental planning today, namely that in many instances management and decision-making over the environment entail essentially cross-cultural situations dealt with through predominantly monocultural frameworks. Therefore, when Indigenous and Western views and interests overlap, the imbalance between Indigenous peoples and governments is either maintained or increased, and effective communication between the different worldviews remain illusive.

This thesis explores the cross-cultural nature of the encounter between Maori and the New Zealand government in managing natural resources and planning for the environment. It argues that the framework for environmental management and decision-making in New Zealand is still predominantly monocultural in essence and practice, and that this contributes to sustain the imbalance and the difficulty to communicate between Maori and the government. Thus, this thesis explores how to move towards a pluralist framework and to redress the imbalance between Maori and the New Zealand government by creating meaningful communication and understanding between the worldviews.

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[2] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University
[3] Raine, P. (1998) Who Guards the Guardians?

Part I of this thesis is a journey into the realm of worldviews. Chapter two explores the methodological positioning for research with different worldviews. Specifically, it deals with issues of research between Maori and Pakeha. It also introduces the 'narrator' of this thesis, and finally sets out how to research into the cross-cultural perspective of resource management. Chapter three introduces the theoretical basis of worldviews and how these are constructed, and so it provides a 'guiding map' for the following chapters. Chapters four and five take the reader on a journey into the mythico-symbolic realms of the Maori and the Modern Western worldviews respectively. In these journeys, one explores the most fundamental ideas whereby each group interprets and gives form and order to experiences. This is a journey into the foundations, the core elements, and myths of each worldview. The chapters then move to explore some of the symbols that for each worldview most efficiently and powerfully bridge the day-to-day experience with the centre of intelligibility. Finally, the journey looks at how these mythico-symbolic elements sustain two different systems of interacting and managing or guarding the environment. Thus, Part I shows that the Maori and the Modern Western worldviews are two coherent and valid systems of meaning.

Part II draws on the seminal work of Raimon Panikkar to explore the necessary theoretical topics for cross-cultural encounters. Chapter six and seven of this thesis deal with how to move towards a pluralist framework, setting the groundwork for redressing the imbalance between Maori and the government. Pluralism and Panikkar's "Dialogical Dialogue" are explained to show their potential to bridge the gap between Maori and Pakeha worldviews.

Part III explores the New Zealand experience in detail. Chapter eight provides an overview of the institutional framework that binds Maori and Pakeha together. Chapter nine critically analyses the principles behind the Resource Management Act 1991[4] and shows that the RMA is predominantly based on the Modern Western worldview. Chapter ten explores how the Treaty settlement process has shown a positive shift towards a pluralist framework by creating meaningful communication and understanding that can be applied in environmental decision-making. This thesis concludes in Chapter eleven with recommendations for moving towards pluralism in New Zealand environmental management, and thereby a reduction in the imbalance between Maori and the government.

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[4] This will be referred to as the RMA.

PART I. THE WORLDVIEWS

Chapter two. Cross-cultural research

2.1 My New Zealand experience

If this thesis was a 'story', then the two main characters of the 'story' would be the Maori and Modern Western worldviews. The third character of the 'story' would be the 'narrator', that is myself. This chapter introduces the 'narrator', myself and explains how this 'story' is 'narrated' from the inside. That is, I am not just an observer telling the 'story' as seen from outside, but rather this is one of those 'stories' where the 'narrator' is an active character. Thus, my personal experiences have played an active and important role in this 'story'. My background, and ultimately my own journey throughout the development of this thesis have had an impact on the approach and to some extent are part of the argument presented in this thesis.

In academic circles it is atypical to involve personal experiences. The social sciences, being part of the world of scientific inquiry, rely on the scientific method to yield information that is considered universally valid. As will be discussed further in Chapter five, empiricism and objectivity are the two defining features of the scientific method. A traditional approach is to apply concepts and theoretical models to practical circumstances and then observe and analyse the information according to rational principles. No reference is made to the human observer. This way, if the method is properly applied, the results or information obtained will be, in the Western scientific context, verifiable, reliable and repeatable. That is, the information will be, if not identical, at least within an acceptable range of variability[5], regardless of who undertakes the investigation. Thus, in traditional approaches, the researcher's experience is reduced to making a critique or analysis guided by reason, and any other aspects of human experience (feelings, beliefs, etc) are, if not excluded, rationalized.

Human experience, on the other hand, is about the human observer. No two people will have the same experience of the same circumstance. Nor will any person have the same experience in different circumstances. The *experience*, unlike the *experiment*, is unique to the person and circumstances. The human experience is *more than* 'objective' observation and analysis. Thus, the historical and cultural background, mood, weather, determine what and how we perceive and make sense of any situation. Panikkar has said that,

[h]uman experience is not reducible to a single denominator. To be sure, the *logos* element in experience is important, it holds the veto (nothing contradicting reason can be accepted), but it is not Man's only power nor his highest endowment. Not only can everything not be words or concepts, but even here on earth not everything is *logos*.[6]

He argues "the shift in emphasis from objective values to the experiential truth can only be judged as a positive step towards a more mature conception of the whole, and complex, human situation."[7] Thus, the following sectionsl describe my background, my influences, my journey, and how these determined my approach to this research.

2.2 Background and Influences

Originally the driving force behind this project was a personal belief in the importance of cultural survival of Indigenous peoples, the environmental conservation related to their resource base and the value of developing a balanced relationship between Indigenous peoples and Western governments. The situation of Indigenous peoples in my own country, México, and their struggle for land and rights influenced my position towards Indigenous peoples in general. There, they have been segregated from all decision-making processes and embedded in poverty. But most of all, they are in a condition where both their culture and their natural environment and resources are being threatened by the urge to satisfy perhaps more basic or immediate needs. Later I realized that this is not a situation unique for the Indigenous people of México, but rather it is a somehow generalized situation of most of the Indigenous cultures that have gone through colonial experiences.

Thus, I believed Indigenous peoples have the possibility to capitalise on lessons from peoples in other countries. Because Maori have, comparatively speaking, a privileged situation within the world of Indigenous peoples, their experiences are valuable to others. Maori were able to survive as a culture; they evolved maintaining a strong sense of self-identity. Today Maori face at least the possibility to develop a more balanced relationship of co-existence with the New Zealand government. Therefore, the relationship of Maori and the New Zealand government is a particularly valuable inspiration and example for the rest of the Indigenous peoples in the world.

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[5] There is, however, no 'purely objective' criteria to determine this 'acceptable range' of variability. Determining what is an 'acceptable variability' involves human discernment and judgement. Thus, behind 'objective' conclusions, there is still an involvement of the researcher's subjectivity.

[6] Panikkar, R. (1979) The Supreme Experience: The Ways of East and West. In *Myth, Faith and Hermeneutics*, New York: Paulist Press, pp. 35-60

[7] Panikkar, R. (1979) The Supreme Experience: The Ways of East and West.

This is what brought me to New Zealand in the first place. I was mostly interested in analysing the relationship between Maori and the government regarding the decision making process over natural resources. The ambition of learning from a model where Indigenous peoples' concerns, beliefs and interests in the environment are recognised, and perhaps, even provided for by the government, marked the beginning of my personal journey.

In the early stages of my project I came across two theories that were deeply influential in my thought. These modified and defined my approach to the topic: the first is *Kaupapa* Maori research practice, and the second Raimon Panikkar's ideas on pluralism and his model of dialogical dialogue. The first with significant methodological implications, the second with theoretical and conceptual ones.

Kaupapa (agenda) Maori theory stems from long expressed Maori concerns about research into their lives. These concerns focus mainly on the unequal power relationships between researchers and Indigenous communities, where Indigenous peoples feel a lack of control over the research process.[8] Because research practice has followed a tradition focused on neutral and objective observation and analysis,

> [m]ost of all Maori people resent being "dissected" with the same methodologies as used by natural scientists, of being subjects of study from some neutral stance outside of the people themselves.[9]

These ideas are underpinned by a sense of 'Otherness'. Indigenous peoples have been situated as the 'Other' in opposition of the Western man as the 'One'. Nonetheless, research has not been neutral in its objectivation of the Other. Objectivation is a process of dehumanisation.[10]

Besides the obvious incongruities of a research practice that 'objectifies' people, the outcomes of such research are certainly ambiguous. I will explain: let us assume that any cross-cultural research between Maori and Pakeha (or any non-Maori) aims, to some extent, at gaining or expanding knowledge about and, ultimately understanding, the other worldview. Then the following considerations need to be taken into account. First, that

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[8] Gibbs, M.K. (2001) Toward a Strategy for Undertaking Cross-Cultural Collaborative Research. *Society and Natural Resources*, (14) pp. 673-687
[9] Bishop, R. (1994) Initiating Empowering Research. *New Zealand Journal of Education Studies*, 29(1) pp.175-188
[10] Tuhiwai, S. (1999) *Decolonizing Methodologies*. Dunedin : Zed Books Ltd

Maori are not objects to be known, but subjects that are sources of understanding and self-understanding. Their understanding and self-understanding is different, incompatible and irreducible to that of the Modern Western worldview. Therefore, a methodology that is not coherent with the Maori worldview will inevitably ask meaningless questions from a Maori point of view. Consequently, it will yield irrelevant outcomes that will not contribute to understanding the Maori worldview, but instead will perpetuate ignorance and create distance between the worldviews. Moreover, because the outcomes will be irrelevant within a Maori worldview, they will not benefit Maori, and therefore are likely to perpetuate unequal power relations. Thus, any research based on culturally inappropriate methodologies responds to either ignorance of Maori people as people (i.e. sources of understanding and self-understanding) or to a hidden agenda.

Kaupapa Maori research represents an opportunity to break the vicious circle of research practices that have perpetuated both the unequal power relationship, and the misunderstanding and distance between worldviews. [11] Developed by Maori academics such as Tuhiwai Smith (1999), Smith (1997) and Bishop (1996), *Kaupapa* Maori represents a reaction and challenge to the dominant Western research methodologies. "Research practices positioned within *Kaupapa* Maori research are embedded in a Maori worldview and allow research to be undertaken in accordance with Maori cultural preferences."[12]

Thus, *Kaupapa* Maori is not a paradigm shift within Western worldview, but it is a research practice that is situated and emerges from a distinct (Maori) worldview. This means that the implicit, taken for granted principles and assumptions of Western Modern worldview, such as objectivity, are no longer part of the research practice, or at least not as conceived in the Western worldview. Instead, in *Kaupapa* Maori, the nature of the research itself, and the role of the researcher will reflect the core elements of the Maori worldview.

Therefore, *Kaupapa* Maori research strategies reflect the fundamental Maori concepts of embeddedness, interconnectedness and engagement. For example, according to Bishop's *whakawhanaungatanga* research

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[11] Because a strict *Kaupapa* Maori research is defined as 'research by Maori, for Maori, about Maori' it is argued it could maintain or increase the distance between worldviews. However, it is accepted that non-Maori people who are commited and respectful of Maori worldview, can undertake such a research.

strategy, "the primary unit of Maori society, the *whanau*, provides the basis for determining the relationships and roles of the participants in the research process, including the researchers."[13] Therefore,

> *whakawhanaungatanga* is the process of establishing relationships, literally by means of identifying, through culturally appropriate means, your bodily linkage, your engagement, your connectedness and therefore (unspoken) commitment to other people.[14]

The definition of the relationship between researcher and participants as members of a 'research *whanau*', transforms the approach of traditional research into a collaborative, and participant-driven approach. Collaboration is a key aspect in a 'research *whanau*', researcher and participants establish a 'partnership' where all parties benefit from the work and are involved from the early stages of the design of the project. In addition, the 'research *whanau*' also provides an 'ethical code' for the conduct of relationships within it.[15]

This whole shift in the conception and methodology of research with or about Indigenous peoples constituted, for me as an 'outsider', the first important lesson for Indigenous issues in other countries. For me as a researcher in New Zealand, it implied that I had to 'start from scratch'. Maori worldview was for me, absolutely novel. Therefore, the first step towards gaining meaningful knowledge was to become familiar with the Maori worldview, to learn about it, to develop relationships, to be embedded in it, and ultimately, as I found out in my journey, to *feel* Maoridom.

However, doing so implied that I had to go through a cross-cultural encounter myself. At this point I came across the second theoretical framework that was deeply influential in my perspective, and consequently in the development of this thesis: Raimon Panikkar's studies on inter-religious and cross-cultural encounters. Raimon Panikkar, born in 1918, from a Hindu father and a Catholic Catalan mother, is a contemporary philosopher of world renown, whose whole life has been devoted to the study and practice of the intercultural foundations of peace.[16]

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[12] Gibbs, M.K. (2001) Toward a Strategy for Undertaking Cross-Cultural Collaborative Research.
[13] Bishop, R. (1996) quoted in Gibbs, M.K. (2001) Toward a Strategy for Undertaking Cross-Cultural Collaborative Research.
[14] Bishop, R. (1996) quoted in Gibbs, M.K. (2001) Toward a Strategy for Undertaking Cross-Cultural Collaborative Research.
[15] Gibbs, M.K. (2001) Toward a Strategy for Undertaking Cross-Cultural Collaborative Research.

Panikkar suggests that different worldviews have different centres of intelligibility which sustain different systems of meaning. Therefore, the communication between worldviews is complicated. This is the main concern of Panikkar's studies. His work concentrates on the development of two major interconnected topics: first, the inter-religious and cross-cultural dialogue and second, pluralism.[17] For Panikkar, pluralism is a fundamental human attitude that recognises the existence of human systems with several centres of intelligibility, irreducible to one another. Accordingly, pluralism precludes blank condemnation, absolute verdicts, total breaks in communication or demands for unconditional surrender.[18]

Pluralism entails a method, which Panikkar calls the *dialogical dialogue*. This is a dialogue that goes beyond the realm of reason to reach one's hidden and taken-for-granted convictions and beliefs, the *mythos* of one's worldview. Thus this type of dialogue challenges the participants in a deep sense. By unveiling the *mythos* behind one's most fundamental convictions, the participants' whole human experience, and not just ideas or opinions, are subject to change. Given their importance in the central argument of this thesis, pluralism and dialogical dialogue are discussed in depth in Part II.

But, for now it is just relevant to consider the methodological implications of Panikkar's ideas in my journey throughout the development of this thesis. In my personal cross-cultural encounter, if I was to be consistent and coherent with my argument, then Panikkar's pluralism and dialogical dialogue could not only be treated as a theoretical framework, but must also infuse the methodology of my research. Thus, in my cross-cultural encounter, I felt the moral obligation and the intellectual responsibility to adopt a pluralist attitude and therefore engage myself in dialogical dialogue to the greatest extent possible. This immersion in praxis had, however, several implications.

First, it implied taking the existential risks associated with pluralism. Panikkar has said that,

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[16] Vachon, R. (1995) Guswenta / The Intercultural Imperative: The Intercultutal Foundations of Peace. *Interculture.* Vol XXVIII, No. 2

[17] De Vallescar, D. (2000) *Cultura, Multiculturalismo e Interculturalidad. Hacia una racionalidad intercultural.* Madrid: PS Editorial

[18] Panikkar, R. (1996) The Defiance of Pluralism. *Soundings* 79. 1-2 (Spring/Summer 1996) pp. 169-191. p. 182

> [a]ll our talk of cross-cultural studies and mutual fecundation would remain barren if we do not have the daring to transgress the cultural frontiers which like 'iron curtains' and 'Berlin walls' have been isolating peoples, cultures and religions. [19]

Yet, one becomes vulnerable when transgressing such cultural frontiers. I had to become aware that I had presuppositions of which I was not aware. I had to listen to the unsaid and unthought dimensions of myself as well. Ultimately, by adopting a pluralist position and engaging in dialogical dialogue, I was to unveil the deep limitations of my own worldview.

Second, adopting this position implied taking the academic risk of loosing objectivity, departing from preconceived, fixed purposes and objectives of the project. Universities, as all institutions, are based upon taken-for-granted presuppositions, on myths. These myths define not only the type of questions that can be asked, but also how the answers must be obtained. Taking a pluralist approach implied discovering and challenging those myths. Thus I had to face and deal with conflicts arising from this approach in academic structures.

Finally, a pluralist attitude implied abandoning the idea that Indigenous peoples have been the absolute 'victims' and the people from the Western worldview have been the absolute 'villains' of the relationship. Pluralism struggles against any absolutism not by an (equally absolute) anti-absolutism, but by relativizing all absolutisms by means of searching for their contextuality.[20] Thus, the way to struggle against the Western exclusivist claims that have resulted in the imbalance between Maori and Pakeha, is not by an equally absolutist claim that the Modern Western worldview is intrinsically and absolutely evil and wrong. It is common for people (Indigenous and non-Indigenous) to take this stance. But, as much as it is necessary to acknowledge the imbalance in the relationship and all the past wrongs, taking an absolutist stance against Western worldview is not conducive to understanding and communication either.

2.3 My journey

Taking into consideration all these implications, I took the chance and embarked on an open journey through the Maori and Western worldviews. I had the fortune to be guided and accompanied in my journey through the Maori

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[19] Panikkar, R. (1996) The Defiance of Pluralism. p.171
[20] Panikkar, R. (1996) The Defiance of Pluralism. p.176

worldview by a *kaumatua*, who acted as 'mentor' to me. Previously, this *kaumatua* and other members of his *iwi* (tribal group) had been involved in cultural exchange with a particular group of Indigenous people in México (the Purépechas). Therefore when the Mexican ambassador introduced us, my mentor already had a bond with the Mexicans. He has received me in his family and culture, and has shared knowledge and time with me ever since.

In my journey through Maoridom, I experienced (not only conceptualised) my mentor as a source of self-understanding; I experienced communication at a symbolic level. It is important to emphasize the role of the experience in the journey to cross-cultural understanding. The world is not only a world of concepts, but also of subjects. Thus, it is not through concepts only that one will access the context and meaning of symbols in order to have understanding with people of other worldviews. In other words, one could not assume that reading in books about Maori culture (i.e. concepts) is enough to understand Maori subjects. It is important and helpful to know the concepts. Yet, dialogical dialogue is a dialogue among subjects, not only an exchange of concepts or ideas.

Whakapapa (genealogy, ancestry, identity with place) and *whenua* (land), for instance, were empty concepts to me until I experienced being among those symbols with my mentor. I understood then, that a great deal of communication is unspoken. It was in walking with him in the bush, for example, that I understood his concept of and feeling for the land; it was in his *marae* that I understood his concept and the importance of *whakapapa;* it was listening to the *waiata* (song, chant) in a *tangi hanga* (funeral) that I too began to feel the spiritual nature and interconnectedness of all things.

This journey, however, also became a clash of worldviews in which Maori and Western worldviews appeared before me as irreducible and incommensurable. To illustrate this, I will describe my experience of the different protocols and ways of doing and validating research practices of the Maori and the Western worldviews. As part of the university's academic requirements when undertaking research involving Maori people I had to submit my research proposal for review by the Massey University Human Ethics Committee (MUHEC). At that time my project was focused more specifically in the interaction of Maori and the representatives of the Crown in the management of the Rotorua Lakes. It aimed at analysing the roles of Modern Western science and Maori

traditional ecological knowledge in the decision-making process and management of the lakes. Therefore, the project involved conducting research with the people of Te Arawa. My mentor had introduced me to the chairman of the Te Arawa Maori Trust Board, who in a first meeting expressed his interest in developing conjoint research with me. So, I prepared a detailed application as required by the committee and submitted it for revision (See Appendix A for the applications, information sheet, consent form submitted to the Committee). To my surprise, (considering that my proposal was based in a culturally sensitive methodology, and that I was guided by a Maori elder of the *iwi*), the approval of the application was deferred pending to some questions and comments of the committee.

The committee's main concerns revolved around the procedures for recruiting participants and obtaining informed consent. The committee required approval letters from the Te Arawa Maori Trust Board and the relevant stakeholders to access participants. It also asked me to clarify *who* the potential participants were, *when* they would be given an Information Sheet, *how* they would be approached once identified, *how many* participants are required, *who* the relevant stakeholders were. These concerns were significantly different in essence from those expressed by Maori scholars. Some were not even relevant under methodologies as Bishop's *whakawhanaungatanga*. As Linda Tuhiwai Smith states:

> What may surprise many people is that what may appear as the "right", most desirable answer can still be judged incorrect. These questions are simply part of a larger set of judgements on criteria that a researcher cannot prepare for, such as: Is her spirit clear? Does he have a good heart? What other baggage are they carrying?[21]

These and other differences between the committee and Maori scholars reflected the incompatibility of the ways of doing and validating things between Maori and Pakeha. That is, it depicted how Maori and Pakeha stress different aspects of reality, and therefore they are to some extent, incommensurable systems.[22]

Another aspect of my journey, which is relevant to mention, is how I experienced the deep limitations of my own tradition and worldview. Despite the existence of various ethnic groups that conform México's multicultural reality,

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[21] Tuhiwai Smith, L. (1999) quoted in Gibbs, M.K. (2001) Toward a Strategy for Undertaking Cross-Cultural Collaborative Research.

I was raised in a major urban environment (México City), and I grew up predominantly within a Western worldview. Therefore, without my being aware of it, the Western myths were fundamental in my perception of reality and interaction with the world. Panikkar has argued that any cross-cultural dialogue has to be preceded by an internal conversation of the person with his/her own culture.[23] Accordingly, as part of my journey I revisited the origins and core elements of the Western worldview. I inquired into Descartes and other Modern Western philosophers' ideas as the foundations of rationality in the Western worldview. Yet, it was not until I was immersed in my *experience* of my mentor and his worldview, I really discovered the limitations of the Modern Western worldview.

For example, I became aware of the limitations of the Western fragmented vision of reality when I experienced the interconnected and holistic vision of the Maori worldview. To illustrate this I will describe another personal experience. On one of my visits to my mentor, he invited me to a *tangi hanga* (a funeral). This was for me a great honour because this is one of the most complete rituals in Maoridom, but also one of the most 'private'. He introduced me to his people; I joined the women of the group and participated in the ritual. Although Maori language was spoken all the time, and I could not understand what was being said, I felt completely immersed in the whole experience.

A couple of days afterwards, I was having a conversation with my mentor's son. By then, I had studied Panikkar's ideas on worldviews. I wanted to understand the situation of Maori and the New Zealand government in terms of different, incompatible and irreducible worldviews. However, in my attempt to do so, I was to discover some personal presuppositions of which I was then not aware. I asked my mentor's son if he could give me a *particular* example of environmental management or guardianship where Maori and Western worldviews were incompatible. His answer was something I did not expect. He said the *tangi* was an example. He talked about the emotional experience of burying a loved one. About remembering the ones who have gone before and about having a time for moaning. That night, after the conversation with him I felt a bit restless because I did not get the type of answer I wanted.

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[22] Eventually, the proposal was approved by the MUHEC. However, due to some of my personal experiences and a change in circumstances, I decided to give the thesis a slightly different direction.

[23] Panikkar, R. (1979) The Supreme Experience: The Ways of East and West. p. 310

Later on reflecting on our conversation, my hidden presuppositions and their limitations became evident: I had asked a *fragmented* question, and received an *interconnected* answer in response. I wanted a *specific* environmental management answer. The possibilities I had expected were numerous: fishing, flora, fauna, mining, etc. But he had talked about a funeral. Why? Because I could relate to it, I had been there immerse in the spirituality of the rituals, among the carvings of the ancestors, listening to the speeches, the *waita*. I had experienced the spirituality that, in Maori worldview, binds and knits all things together. It is the same spirituality that is present in Maori environmental guardianship, in 'social' or 'economic' activities, such as food gathering, fishing, and so on. In Maori worldview it is all connected. His answer was just incomprehensible to me. My own fragmented conception of reality limited my understanding. Later, I perceived that in the Western worldview people fragment the dimensions of life; people have a spiritual life, an economic life, a social life and a political life, for example. In Maoridom all of life is spiritual. One way entails fragmentation, the other interconnectedness.

Panikkar says that myth, like experience, can only be seen from behind. The moment you explain a myth it ceases to be a myth; just as explaining an experience is no longer the experience.[24] Thus, my writing of the experience is already a distancing from the source, and no words will accurately reveal my experience. Yet reflecting on it I find that the experience of a dialogue between subjects, with all this entails, has an enormous potential for enabling communication in a symbolic level and understanding between people of different worldviews.

In this regard, my experience provides an important premise for the argument of this thesis: that dialogical dialogue and pluralism bear the transforming potential of experiencing the other as a source of understanding and self-understanding. My own cross-cultural experience helped me to have a better understanding of the cross-cultural nature of the situation facing Maori and the New Zealand government in the management and decision-making of the environment.

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[24] Panikkar, R. (1979) The Supreme Experience: The Ways of East and West.

Thus a critical part of my research is the journey into the Maori and Modern Western worldviews itself. This was a journey both through books and available literature, and an experiential journey to discover and feel the worldviews. Accordingly, the methodological positioning for this part includes embededness in the situation, the development of a research-*whanau*-like relationship with my mentor, and reading about the origins and symbolic elements of both worldviews. Once I had a better understanding and feeling of the essence in the cross-cultural encounter between Maori and Pakeha, I developed a 'standardised' expression of the mythico-symbolic elements of the Maori and Modern Western worldviews, which serve as 'criteria' for analysing (as required in Western-based institutions like the university) New Zealand's framework for environmental management in the light of cross-cultural encounters, pluralism and dialogue. In order to do this, I draw on the extensive research conducted by private and government agencies on Maori and government relations, and evaluate these with the developed criteria. So, at this point, we may start the journey into the worldviews.

Chapter three. Introduction to Worldviews

3.1 Making sense of the world

"All models are wrong, but some are useful"

George E.P. Box

Human beings, in our attempt to understand reality and relate to it, create models or interpretations of reality. These models or interpretations can take the form of scientific theories, philosophies or even religions. Regardless of what form they take, all these interpretations seek to provide an explanation of reality as perceived; they try to make sense of the world. However, interpretations of reality are not reality itself. The quote above by Professor George E.P. Box, a leading developer of statistical methods, illustrates this assertion (although he particularly refers to mathematical models). The interpretation or representation of reality to form either a scientific theory, a philosophy or a religion, involves a human consciousness to undertake such task. Yet, human consciousness is limited and cannot apprehend the entirety of reality. If this were not the case (i.e. if the human consciousness had an inherent ability to apprehend the entirety of reality), then there would be no space for different ways of interpreting and interacting with the world; all human beings would perceive the same world. Even those who claim that the truth has been revealed to them by divine powers, depend on their personal and human understanding of that revelation.

Therefore, all of the many different cultures, religious traditions, scientific affiliations and philosophies that exist today are, at best, incomplete and partial interpretations of reality. Yet, to some extent, whether secular or sacred, most of them claim to offer the true (exclusive, absolute and universal) account of reality. Thus, technically speaking, if it was capable of determination, they must all be wrong; they are incorrect to the extent that they fail to provide an absolute, universal and perfect account of reality. However, these interpretations of reality are necessary, they all serve a purpose: they allow human beings to make sense of the world and interact with it, and according to this purpose, they are all valid in a context. For as Geertz has argued, in the view of

humans as symbolizing, conceptualising, meaning-seeking animals, "the drive to make sense out of experience, to give it form and order, is evidently as real and pressing as the more familiar biological needs."[25]

Models and interpretations of reality lie at the basis of what is referred to by culture scholars like Clifford Geertz as 'worldviews'. Different models, interpretations and ways of interacting with the world make up different worldviews. It is relevant at this point to explain what a worldview actually is and how worldviews are constructed.

3.2 Worldviews

A worldview is like a lens through which human beings perceive reality. It regulates how we perceive reality, and indeed what we perceive as real. Most people are not conscious of their own worldview. It is not something that is necessarily taught, but rather absorbed from the surrounding culture. It is passed on from generation to generation, the fundamental assumptions rarely being explicitly reviewed or revised. A worldview gives a culture structure, a subconscious legitimacy in the minds of the people. It serves as the basis for evaluation, judging and validating experience. It is of critical importance, thus, to understand how worldviews are constructed.

The *mythos* plays a central role in the construction of worldviews. *Mythos*, in this situation, does not refer to fiction, fantastic and unreal stories. Rather it is "the fabric upon which intelligibility is woven" or "that which you believe in without believing you believe in it".[26] All worldviews, whether sacred or secular, have an original starting point or horizon for the intelligible interpretation and expression of reality. This is the mythic base upon which a worldview rests.[27] *Mythos* enables man to stop in his quest for the foundations of everything.[28] All interpretations and explanations of reality, at some point, come face to face with the absurd, with something that is inconceivable whether it is the first cause problem in philosophy, the wave-particle duality in physics or the continuation of the human 'soul' after life in religion. It is then that the *mythos* emerges and so that which is absurd becomes that which is accepted, unquestioned, not thought.

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[25] Geertz, C. (1973) *The Interpretation of Cultures: Selected Essays by Clifford Geertz*. New York: Basic Books, Inc., Publishers. p. 140
[26] Panikkar, R. (1979) quoted in Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p. 12
[27] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. p. 39
[28] Panikkar, R. (1979) quoted in Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. p. 12

In the Western Modern secular worldview, for instance, the foundational *mythos* is the empowering discovery of reason:

> Reasonable people truly *believe* that no reality is valid accept the rational one, and that all of reality can be apprehended and explained by scientific concepts, ideological formulations and logical discernment...the upshot is the reduction of everything to the level of human thought, which now stands as the ultimate horizon of intelligibility; which is to say, our myth. For the Western worldview, rationality is the standpoint from which to decide where the *mysterium* ends and reality begins; implying that those who do not think rationally are outside the boundaries of intelligibility as far as the secular Western worldview is concerned. [29]

Furthermore,

> [t]he inherent myths, symbols, rituals, and values which underpin the secular worldview are concealed in such a way that the adherents of that worldview are unaware that they have them. In other words, what this suggests is that the scientific worldview also has its foundation an unquestionable set of inherent value criteria, and a strong symbolic element arising from a mythical structure.[30]

Claiming to know with certainty how a volcano erupted 10,000 or 100,000 years ago seems inconceivable, even absurd. However, because such a claim is based upon rationality and objective evidence, and because it is supported by the scientific method, it then makes sense for the people within the secular Western worldview. This is how *mythos* sets the horizon of intelligibility. Without it, no *logos* (i.e. words, reason, intellect, logic) could provide coherent explanations or interpretations of reality. And on the other hand without *logos*, the *mythos* cannot be expressed in a meaningful way.

Mythos, however, cannot be rationalized; it is always expressed in symbolic forms. In Geertz's approach, symbols are defined as "any object, act, event, quality or relation, which serves as a vehicle for a conception -the conception is the symbol's meaning-."[31] Thus, symbols are the bridges between *mythos* and *logos*. Because our human intellect is unable to grasp the totality of reality, we use symbols: numerical symbols in physics, religious symbols like the Christian cross to present the foundations of Christianity. Money in the modern world is a

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[29] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. p. 40
[30] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. p. 24
[31] Geertz, C.(1965) Religion as Cultural System. In Lessa and Vogt (eds) *Reader in Comparative Religion. An anthropological approach.* New York: HarperCollins Publishers. pp.78-89 (4th Edition) p. 80

symbol of the mythic coherence of the global economic systems[32] and the *mythos* of progress and development as well. Symbols are present in much of the daily lives of humans. They establish a contact between human consciousness and the complex reality that we cannot apprehend with the intellect. Perhaps the most important characteristic of symbols is that by doing this, they convey meaning.

Raimon Panikkar has suggested that because the *mythos* of any worldview can be presented in symbolic forms, dialogue between worldviews should be possible (at least) at a symbolic level.[33] The boundaries that different horizons of intelligibility place between worldviews can be crossed, not by dialectics and logical argumentation, but by a symbolic discourse. Because they are almost universal symbols, numbers and mathematical symbols, provide a good means to illustrate this proposition: let's imagine an encounter between worldviews A and B, where they are trying to understand each other. Let's say that numbers and mathematical symbols have meaning exclusively within the boundaries set by the horizon of intelligibility of worldview A. Let's further imagine that a member of worldview A makes the following claim: '2 + 2 = 4', but despite being a simple and clear claim, it would make no sense for the members of the worldview B. Then, as people normally do when there is disagreement or lack of understanding on an issue, the member of worldview A would continue to build logical arguments to support his claim. He could say for example that because '1 + 1 = 2' and '1 + 1 + 1 + 1 = 4' then '2 + 2 = 4'. He could continue to build innumerable logical argumentations to support the veracity of his claim, and yet it would still make no sense for the people of the other worldview. Again, in an encounter between worldviews, the main concern is not whether any claim is right or wrong, but whether a claim has meaning or not. So, when Panikkar suggests that dialogue between worldviews should be possible at a symbolic level, he is saying that instead of dialectics and logical argumentation (i.e. proving with all sorts of mathematical identities that '2 + 2 = 4'), it is the symbols themselves that can cross worldview boundaries and convey meaning to other horizons of intelligibility (i.e. focusing on what the symbol '2' presents to the intellect).

Because this thesis deals with the cross-cultural nature of environmental guardianship between Maori and Pakeha, each having a different worldview, it is essential to go on a journey through the core elements (i.e. the

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[32] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. p. 45

mythos, the symbols) of their respective worldviews to understand the following questions: How do Maori and Pakeha make sense out of their experiences? Where do these worldviews come from? What elements give each worldview an underlying coherence and legitimacy? Why are the Maori and Western worldviews incompatible and irreducible? Why is a monocultural framework for environmental management inappropriate for the interaction of both worldviews? And perhaps most of all, by going through this journey and perceiving each worldview as a partial, but valid and coherent, way to interpret and act upon reality, one will refrain from the habit of thinking in terms of opposite poles of a dichotomy, and then making (logical) judgements on which one is better than the other.

3.3 Guiding 'Maps' in the Journey

To journey into the mythico-symbolic aspects of the Maori and Modern Western worldviews, however, is a complex abstract task. It is helpful to have graphical aids to conceptualise the ideas that constitute the essence of the journey. Figure 1 illustrates in a simplified way that humans make sense out of the experience in a particular worldview. This figure is a template for the illustration of the Maori and Modern Western worldviews.

Figure 1. Making sense out of experience: Worldviews
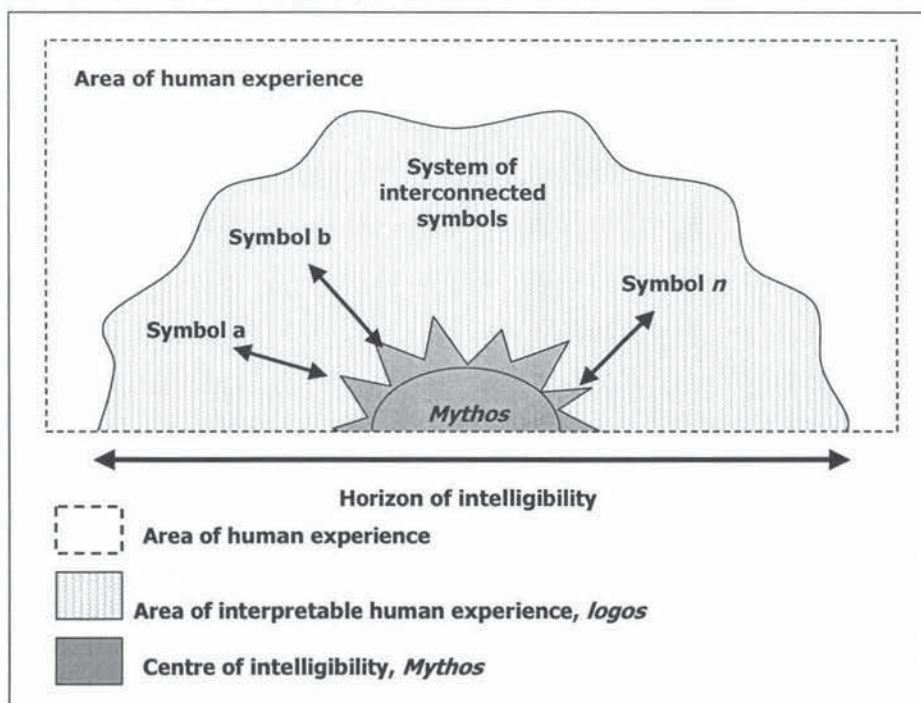
In Figure 1, the processes by which humans make sense out the experience are reduced and simplified to

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[33] Panikkar, R. (1996) The Dialogical Dialogue. In Whaling, F. (ed) *The World's Religious Traditions.*

facilitate the analysis in the subsequent chapters. This figure presents the area inside the dotted line as the whole experience of a human being. In this area, the *mythos* is depicted as a sun that gives light to the human experience. That is, the sun in this diagram is the centre of intelligibility; it contains the most comprehensive ideas of order in a worldview. The sun illuminates a certain area of the experience; it reaches a certain horizon (the horizon of intelligibility) and sets the boundaries of the worldview. The area inside these boundaries is the area of the human experiences that *can* be interpreted, the realm of the *logos*.[34] Accordingly, any experience outside this area is not capable of having meaning within that particular worldview. Now, just as the sun cannot be seen directly, the *mythos* is not directly accessible to the *logos*. This is what symbols do: they serve as a vehicle for the conception. The area illuminated by the sunlight, is thus comprised of a cluster or web of interrelated symbols. All these symbols sum up what is known about the way the world is in that worldview.

Exclusively for practical purposes in this thesis, and in order to conceptualise the Maori and Modern Western worldviews, it is helpful to give certain uniformity and 'standardise' the analysis of both worldviews. In this thesis, this is done by expressing the *mythos* in both worldviews with the same structure.[35] That is, the *mythos*, in this analysis, is the answer that each worldview gives to the question: "How should one make sense out of / give form and order to / apprehend a reality of a particular nature?"

Accordingly, exclusively for the practical purposes of this thesis, the *mythos* in the Maori worldview is expressed as: "An **interconnected, spiritual** ultimate reality **experienced**". This embodies a simplified expression of the most comprehensive ideas whereby Maori interpret, order, and interact with the phenomenal world. Likewise, in the Modern Western worldview the *mythos* is expressed as: "The **rational apprehension** of a **fragmented material** reality".

Although the *mythos* of the Maori and Modern Western worldviews have been expressed with the same structure, and this structure serves as a guideline for the journey, the emphasis in each has been different. In the

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Edinburgh : T. & T. Clark Ltd. pp. 201-221

[34] Not all the experiences in this area have a meaning already, but they are subject to be interpreted in the light of the *mythos*

Maori worldview the nature of ultimate reality (i.e. a spiritual interconnected reality) is the starting point that determines the method for making sense of it (i.e. experiencing). On the other hand, in the Western worldview the method is the starting point (i.e. reason) and it determines the nature of reality (or what can be known of reality: a fragmented material reality). Therefore, Chapter four pays more attention to the interconnected and spiritual reality in Maoridom, and Chapter five focuses more on rationality as the method to apprehend reality in the Western worldview.

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[35] It has been noted above that in practice the *mythos* of a worldview cannot even be rationalized, yet only to facilitate the analytical purposes in this thesis the *mythos* is expressed with a particular fixed structure.

Chapter four. Maori Worldview: A Journey

"The route to Maoritanga through abstract interpretation is a dead end. The way can only lie through a passionate, subjective approach… it is important to remember that Maoritanga is a thing of the heart rather than the head."

<div align="right">Maori Marsden</div>

As a non-Maori, and non-New Zealander, the task of exploring, understanding and, even more, of writing about Maori worldview is a very challenging and ambitious task. Maori culture is rich and vast. In my journey to explore and understand a previously unfamiliar Maori worldview, I perceived a common thread. Whether I was reading an article or a book written by Maori authors, or having a conversation, I came across with words like 'spirituality', 'heart', 'subjectivity', 'passion'; words that in my past experience would undermine the strength of any academic argument. Yet in a Maori context such concepts are, as the quotation by Maori Marsden shows, emphasized as fundamental. Therefore, no analytical or rational approach to understanding Maori worldview would be appropriate on its own. Rather such an analysis of the Maori worldview is used as a means to an end. The purpose of this chapter then is ultimately not to *know* what Maori believe, but to *feel* what is it like to believe what they believe.

The Maori worldview, as any other worldview, is not an homogeneous understanding of reality. Different tribes have varying accounts of the foundational myths and legends and their views may differ to some extent. Yet, all the Maori views are connected; they recognise and agree in the core elements or *mythos* of the worldview. For the purposes of this thesis it is assumed that Maori people in New Zealand subscribe to the Maori worldview.

This chapter is a journey into the mythico-symbolic aspects of Maoridom. As noted before, exclusively for practical purposes in this thesis, the *mythos* in the Maori worldview is expressed as: "The **experience** of an **interconnected, spiritual** ultimate reality". Hence, the first section in this chapter focuses on the myths and legends that present the Maoridom conception of ultimate reality (i.e. the spiritual holistic nature of ultimate reality). Then the next section explores the most important and comprehensive symbols in Maoridom (i.e. *whakapapa* and *whenua*) and how they give meaning and order to the everyday experience, connecting to the

Maori conceptions of reality. Finally, the last section comprises an overview of Maori environmental guardianship concept and practice: *Kaitiakitanga*.

4.1 An interconnected spiritual reality experienced

Myths and legends are an integral part of the Maori worldview. They are not fairytales or fantastic stories to entertain children. Rather, they are 'deliberate constructs employed by the ancient seers and sages to encapsulate and condense into easily assimilable forms Maori worldview of ultimate reality and the relationship between the Creator, the universe and man.'[36] Myths and legends have been used from time immemorial to present, in symbolic forms, the essence and fundamental convictions of how Maori perceive reality to be. In terms of Maori culture, myths and legends form the central system on which a holistic view of the universe is based.[37] Maori myths and legends bridge the gap between the *mythos* and the *logos*. Without these as a foundation, reason and logic could not provide coherent explanations or interpretations of reality. Therefore, it is through Maori myths and legends and what they are presenting to the realm of reason, that an analysis of Maori worldview should be approached.

The creation myth, in particular, acts as a foundation for the coherent interpretation of ultimate reality in the Maori worldview. This, as many other creation myths, is 'concerned with fundamental explanations of how order emerges from chaos, how darkness gives rise to light, how something comes from nothing, indeed how the *mysterium* can be expressed as reality.' [38] Maori cosmogony is explained by means of the genealogy or *whakapapa* of creation, developing from the root causes all through the creation of the singular and extraordinary elements of the natural world. In particular it identifies three realms of existence, which are explained in the following account of Creation:

> What could be approximated by the idea of 'Being' in Western metaphysics, is called *Te Ao Tua-Atea*, the world beyond space and time. In some tribal accounts this is the abode of Io, who represents the Supreme Being... *Tua-Atea* precedes the other realms but is also regarded as that to which cosmic processes are tending. The second realm, *Tua Uri*, is likewise immaterial, but it is

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[36] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A Definitive Introduction to the Holistic Worldview of the Maori, unpublished manuscript 26 pages, Department of Maori Studies Library, Auckland : University of Auckland. p.3

[37] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A Definitive Introduction to the Holistic Worldview of the Maori. p.3

[38] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p. 51

a world where *whakapapa* begins. *Tua Uri* means 'beyond the world of darkness' and represents the actual reality behind what we experience in the phenomenal world of everyday experience. *Tua Uri* has been characterized as the 'fabric of the universe'... its *whakapapa* begins with *mauri*, divine power or agency... *Mauri* precedes *hihiri*, pure energy, in the cosmological genealogy and *hihiri* is further refined to give rise to *Mauri-ora*, the life principle, and thence *Hau-ora*, which represents the spiritual breath of animate life. These precede shape, form, space, and time. The *whakapapa* of *Tua-Uri* ends with the birth of heaven and earth – the sky father, Ranginui, and the earth-mother, Papatuanuku.[39]

This first part of Roma Mere Roberts and Peter R. Wills's account of the Maori cosmogony introduces some of the most fundamental aspects of Maori worldview: the spiritual nature of ultimate reality. In contrast with the Western secular notion that ultimate reality –or at least all we can Know about it- lies in the material world, which can be objectively observed and quantified, the Maori worldview considers the immaterial, transcendent world of spirit as the ultimate reality. Furthermore, in the *whakapapa* of creation after the realm of *Tua-Atea*, comes *Tua-Uri*, and this second realm of existence is still immaterial, it is a 'complex series of rhythmical patterns of energy which operate behind this world of sense perception.'[40] Thus, although the existence of these two realms cannot be proven by observation, quantification, or even by mere logical argumentation, Maori do not question the existence of these realms. According to this worldview, there are 'other faculties of a higher order than the natural senses'[41], and this notion represents one of the most fundamental differences between the Maori and the Western worldviews: In the Modern Western worldview the faculty that goes beyond the information provided by the senses is rationality. The immaterial world of thoughts is the first 'realm' recognised in the Western quest for knowledge. However, the only way to have knowledge of the 'outside' world (satisfying the epistemic warrant condition) is by applying rationality and logical argumentation to material, quantifiable phenomena. On the other hand, according to the Maori worldview, knowledge of reality is not dependent upon a rational justification; it is free from the burden of an epistemic warrant. It is this notion that validates the use of concepts and words as subjectivity, passion, and heart in a Maori argument. Anne Salmond comments that in Maoridom,

> [m]an's relationship with what Europeans would gloss as "objects" and the "physical environment" is not detached, but premised on a shared descent that is spelled out in the origin accounts...It is difficult to imagine a philosophy based on a distinction between an "internal" subjectivity and an "external" objectivity being elaborated in such a system of thought.[42]

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[39] Roberts, M. and Wills, P.(1998) Understanding Maori Epistemology: A Scientific Perspective. In Wautischer, H. (ed) *Tribal Epistemologies*. California : Ashgate. p. 48

[40] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A definitive Introduction to the Holistic Worldview of the Maori. p. 9

[41] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A definitive Introduction to the Holistic Worldview of the Maori. p. 9

Thus, "in Maori metaphysics, [a] Cartesian dichotomy between an observing, thinking self and the outside world cannot and does not exist."[43] Rather, in this worldview the way to access knowledge about reality is through the experience. That is, through the immediate contact with reality; where there is no distinction whatsoever between the experiencing subject and the experienced object.[44]

The genealogical account of the second realm of existence, *Tua-Uri*, is fundamental to understand the Maori holistic or interconnected notion of life in the natural world. Life, according to the Maori worldview, was not derived from a random accident or simply emerged from physical matter, but rather it begins with divine power and is sustained by patterns of energy that must be held in balance:

> *Mauri* is the force that interpenetrates all things to bind and knit them together;
> *Hihiri* is pure energy;
> *Mauri-Ora* is the life principle;
> *Hau-Ora* is the breath or wind of the spirit ...to birth animate life.[45]

According to this view of life in the natural world, things, events, people and places are not unrelated and independent from each other, as supposed in a mechanistic worldview, but they are interconnected; what happens to an entity of the whole affects all the other parts of the system. And although these processes operate behind the world of sense perception and are, therefore, not subject to rational proof, their health and balance is key to the overall well-being of natural life.

After the creation of the first two realms of existence, *Tua-Atea* and *Tua-Uri*, the Maori cosmogony contemplates a third realm of existence:

> The third world is the phenomenal world, *Te Aro-Nui*, which translates as 'that before us'. *Te Aro-Nui* came into being when Tane led a revolt of his sibling gods against their parents, Ranginui and Papatuanuku, and forced them apart to let light into the world. Until then Tane and his brothers have lived in darkness between the conjoined heaven and earth. [46]

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[42] Salmond, A. (1982) Theoretical Landscapes. On a Cross-Cultural Conception of Knowledge. In Parkin, D. (ed) *Semantic Anthropology*. London: Academic Press. p. 85

[43] Roberts, M. and Wills, P.(1998) Understanding Maori Epistemology. p.48

[44] Panikkar, R. (1979) The Supreme Experience: The Ways of East and West. In *Myth, Faith and Hermeneutics*, New York: Paulist Press, pp. 35-60. p. 292

[45] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A Definitive Introduction to the Holistic Worldview of the Maori. p. 9

[46] Roberts, M. and Wills, P.(1998) Understanding Maori Epistemology. p. 48

After the successful separation of Rangi and Papa 'Tane takes pity on his unadorned and unprotected parents and proceeds to clothe his mother Papa the Earth with trees, plants and birds, and to adorn his father Rangi the Sky with stars and comets, clouds and rainbows'. [47] The creation myth goes on to describe how the human race came about:

> The gods searched for the *ira tangata* (the human element) in nature. Tane's procreative efforts brought forth the different species of trees, birds and insects. Eventually he came to the conclusion that a separate act of creation was necessary. Tane fashioned Hineauhuone, the earth-formed maid, and gave her the breath of life... He cohabited with his own creation, and produced Hinetitama, the dawn maid.[48]

The children of this union were the progenitors of human race. Although this is a simplified version of the creation myth and of Maori cosmogony, it presents how light came from darkness, how life came from void, how order emerged form chaos. Most of all, this account of the Maori cosmogony introduces two of the most important symbols in Maori worldview: *Whakapapa* and *Whenua*. These symbols appear consistently in mostly all Maori myths and legends, and are embedded in the daily lives and histories of Maori people. As symbols, *whakapapa* and *whenua* present in many different ways the values and most basic convictions of Maori worldview, allowing Maori to make sense out of the experience, giving it form and order.

4.2 The symbols: Whakapapa & Whenua

In the Maori worldview, *whakapapa* (genealogy or lines of descent) is a powerful symbolic mechanism as well as a cultural institution. In the most basic sense it is a system to trace family and tribal ancestry lines. Yet, in a deeper symbolic level, it acts as a tool for transmitting and communicating Maori knowledge and values. '*Whakapapa* encapsulates the Maori worldview. It acts as a cognitive template for the ordering and understanding of the visible and invisible worlds, as a paradigm of reality.'[49] So much so, that it is has permeated Maori daily lives: a marae has its ancestral house as a focal point, usually named after a founding ancestor, carved with figures of gods, heroes and ancestors; Maori cosmogony is explained in terms of the *whakapapa* of creation, places are named after outstanding ancestors. Because it is an integral part of peoples' daily lives,

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[47] Patterson, J. (1994) *Maori Environmental Virtues. Environmental Ethics,* 16(4) pp. 397-409
[48] Walker, R. (1992) The Relevance of Maori Myth and Tradition. In King, M. (ed) (1992) *Te Ao Hurihuri: Aspects of Maoritanga.* Auckland: Reed Publishing. p. 172
[49] Roberts, M. and Wills, P.(1998) Understanding Maori Epistemology. p. 46

being present in a place name, in a song, in the carvings of a meeting house, and in the teachings of the elders,

whakapapa is an efficient tool for providing:

> [t]he "metaphysical *kaupapa*" (ground plan; first principles) whereby Maori order, locate, and "know" the phenomenal world. Moreover, by transcending this world and connecting all things on earth to the gods in the heavens, to the universe, and ultimately to the Creator it provides the framework for an all-encompassing universal knowledge system.[50]

Everything in the natural world has a *whakapapa*; and all things are ultimately linked by a common origin. There is no distinction between a *whakapapa* of the cosmos, animals, plants and human beings.

Whether it is through a tree, a lake, a meeting house, or a song, the symbol in *whakapapa* arises whispering silently to the heart of its peoples and constantly reminding them the order, meaning and origin of all things. Powerful and effective as symbols are, in a glimpse *whakapapa* communicates the most basic convictions and principles of Maori worldview. In a way *whakapapa* is implicitly saying: man did not evolve from primates, spirit is not an epiphenomenon of matter, the natural environment is not inanimate or passive. But it reminds to Maori that rather earth is a living organism, all things have a life force and are connected with each other, and that ultimately, man was born from the seed of a god impregnated in a woman shaped out of the clay of Mother Earth.

This leads us directly to the second paramount symbol in the Maori worldview, that is *whenua* (land; earth). *Whenua* as a symbol represents Maori spiritual connectedness to land and place. It is a symbol of earth as a dynamic, living organism, and of the holistic nature of natural life in the world. Marsden and Henare explain this symbolism:

> *Whenua* was the term both for the natural earth and placenta. This is a constant reminder that we are of the earth and therefore earthy, and born out of the placenta and therefore human. As the human mother nourishes her child in the womb and then upon her breast after the child's birth, so does Mother Earth. Not only does she nourish humankind upon her breast but all life animals, birds, trees, plants. Man is a part of this network and the other forms of life are his siblings. They share with each other the nourishment provided by Mother Earth. [51]

Yet, in addition to providing causal explanations for the origin and order of all things in the universe, Maori myths,

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[50] Roberts, M. and Wills, P.(1998) Understanding Maori Epistemology. p. 46
[51] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A Definitive Introduction to the Holistic Worldview of the Maori. p. 20

narratives and symbols collectively provide the 'moral *kaupapa* ' or basic tenets for society.[52] In this sense, Maori worldview is an overtly value-laden system, as opposed to supposedly value-free systems such as the Modern Western worldview. Its purpose is not only to provide information about the nature of ultimate reality, but also it seeks to provide moral and ethical guidelines. 'By providing standards of conduct for each individual in that society, it helps maintain social stability, order, self and cultural identity.[53] Accordingly, the symbol of man being the son and an integral part of mother earth provides more than understanding of the origins of human life and its place in the universe. Marsden and Henare continue to elaborate on the metaphor:

> Man is an integral part therefore of the natural order and recipients of her bounty. He is her son and therefore, as every son has social obligations to fulfil towards his parents, siblings and other members of the *whanau* (family), so has man an obligation to mother earth and her *whanau* to promote her welfare and good. [54]

According to the 'moral *kaupapa*' contained in this narrative, man has a duty to protect, guard and sustain earth itself and its support systems. This task, however, is free from the connotation of 'burden' attached in the Western context to obligations. Rather, it is seen as a role that defines for the Maori their place in the world, as well as their self and tribal identity. It is an act of reciprocity with earth, of respect for all the elements of the environment and harmony with the world. This role is embodied in the Maori term *kaitiakitanga*.

4.3 Maori environmental guardianship: Kaitiakitanga

A *kaitiaki* is a guardian, keeper, preserver, conservator, foster-parent, and protector. The suffix *'tanga'* added to the noun means guardianship, preservation, conservation, fostering, protecting, sheltering.[55] Man is a *kaitiaki* of earth. When dealing with the relationship of Maori with their ancestral lands, waters, sites and other *taonga* it is imperative to have a clear understanding of the meaning and importance of the *kaitiakitanga* role of the *tangata whenua*. This is a role that if obstructed, harms the most deep and sacred convictions of the Maori as well as their self-identity and physical health.

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[52] Roberts, M. and Wills, P.(1998) Understanding Maori Epistemology. p. 53
[53] Roberts, M. (1997) Indigenous Knowledge and Western Science: Perspectives from the Pacific. In Hodson, D. (ed) *Science and Technology Education and Ethnicity: an Aotearoa/New Zealand Perspective*, Wellington : The Royal Society of New Zealand, pp.59-75. p. 65
[54] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A Definitive Introduction to the Holistic Worldview of the Maori. p. 16
[55] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A Definitive Introduction to the Holistic Worldview of the Maori. p. 18

Kaitiakitanga can be considered as the counterpart of environmental management in the Western worldview. The basis for Maori resource management, however, arises from the connection in the spiritual and *whakapapa* sense between humans and the environment. That is, the framework for the management processes in Maoridom is essentially spiritual. It is a system that does not assume, like the framework of the Modern Western worldview, a dominance of humans over the natural environment, but rather in Maoridom "people [are] an integral and intimate part of the environment (e.g. the words *tangata whenua* mean literally people belonging to the land)."[56]

In this framework for environmental guardianship *whakapapa* is, again, a powerful symbol that gives meaning and order to Maori practices. It is relevant to remember that many Maori, through *whakapapa* can trace their ancestry back to mountains, rivers, lakes, and so on. So, their bond, linkage and thus their *kaitiaki* responsibilities over a particular area are essential parts of their self and tribal identity.

In Maoridom, people as the 'conscious mind of Mother Earth' "play a vital part in the regulation of their life support systems and man's duty is to enhance and sustain those systems."[57] Maori resource management practices developed over a very long period of time, and they have adopted a sustainable approach to resource management long before it became fancied in the Western worldview. The axis in Maori resource management is the notion that everything in the natural world has a *mauri*, a life-force. Therefore,

> [t]he emphasis for Maori was more on non-destruction of the *mauri* than sustaining purely the physical stock of a resource. This emphasis provided for a more encompassing belief that then did not need to compartmentalise sustainability into sustaining a stock or sustaining an ecosystem, but could be viewed as a process of sustaining the life-essence or life-force, the *mauri* of a resource. [58]

The way in which Maori should protect and guard *whenua,* the earth, was contained in the *tikanga tiaki* or guardianship customs. One particular example of these customs is the *rahui*. This was a prohibition or ban instituted to protect resources, to ensure their replenishment and sustainability:

> Within the tribal territory a certain area would be placed under Rahui and posted as being out of bounds to hunters, fishers, harvesters, etc. Other areas would remain open for use. This was a

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[56] Love, M.T.W. (1992) *Sustainable Management of Water and Kaupapa Maori*. Te Atiawa: Unpublished paper. p. 5

[57] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A Definitive Introduction to the Holistic Worldview of the Maori. p. 20

[58] Love, M.T.W. (1992) *Sustainable Management of Water and Kaupapa Maori*. Te Atiawa: Unpublished paper.. p. 4

form of rotation farming. When the resource was considered to have regenerated itself, the *Tapu* would be lifted and that area restored to general use. Another area might be placed under the *tapu* of *rahui* in order to allow it to regenerate. Thus the rotation method ensured a constant and steady source of supply. [59]

Maori environmental guardianship is therefore based on the experience of and the embeddednes in an interconnected spiritual reality. *Whakapapa* and *whenua* are integral symbolic elements that sum up what is known in Maori worldview about reality. And accordingly, they give the how and why of environmental guardianship or *kaitiakitanga*. As a matter of summary, before continuing in the journey through the Modern Western worldview, the following figure expresses the *mythos* and symbols that are considered for this thesis:

Figure 2. Maori worldview

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[59] Marsden, M. and Henare, T. A. (1992) Kaitiakitanga: A Definitive Introduction to the Holistic Worldview of the Maori. p. 18

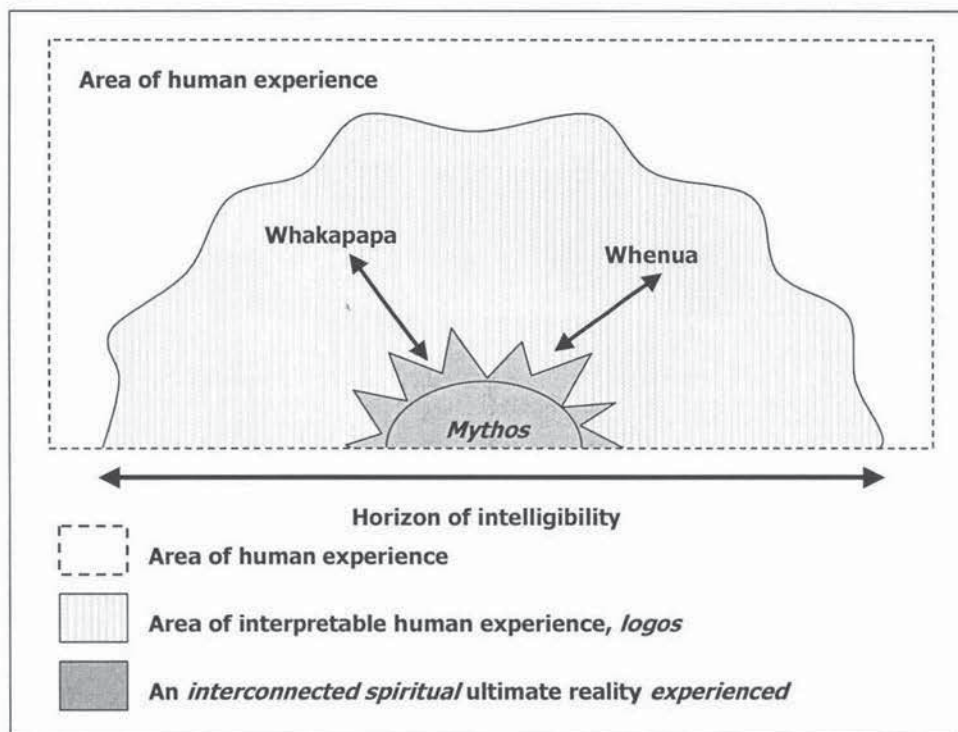## Chapter five. Modern Western worldview: A Journey

The Modern Western tradition entails more than just a particular scientific or social paradigm, or an historico-geographic context, it constitutes a worldview. As such, it is the lens by which many people, even if they are unaware of it, perceive, interpret and interact with reality. As with any worldview, the Modern Western worldview is based on a series of foundational myths and premises regarding the nature of reality as well as the general principles, practices and rules that enable humans to have knowledge about such reality. As noted above, exclusively for practical purposes in this thesis the *mythos* of the Modern Western worldview is expressed as: "The **rational** apprehension of a **fragmented material** reality". Accordingly, this *mythos* defines for the Western worldview the types of questions that may be legitimately asked and the explanations that can be provided.

Given that for the purposes of this thesis, it is assumed that the Pakeha people in New Zealand subscribe to the Modern Western worldview, this chapter journeys into its mythico-symbolic aspects. The aim is to understand what does it mean when we say that for Pakeha rationality is the original starting point for the intelligible interpretation of reality? Does this mean that other worldviews, including Maori, are considered 'irrational'? How does the primacy of human thought (an immaterial quality) connect to the secular, materialistic and deterministic Western worldview?

A better comprehension of the essence of Modern Western worldview, however, demands to understand where it comes from. Before doing so one must take into account the following two considerations. First, the meanings of the core elements of a worldview are best understood in the context in which they were originally conceived and presented. This chapter, therefore provides a brief account of the historical context in which Modern Western worldview was conceived. Second, Modern Western worldview is not a homogeneous understanding of reality. Different positions can be accommodated alongside the horizon of intelligibility set by the *mythos* in any particular worldview. In Buddhism, for instance, there is the Theravada and the Mahayana traditions, which adopt different positions and may even have contradictory views in some aspects, but they are bound together as part of the same worldview insofar as they assert the Buddha and the 'four noble truths' as the essence of their doctrines. Likewise, in the Modern Western scientific worldview, there are different paradigms and schools of thought that have evolved and developed in different historic contexts and disciplines, but they are part of the

Western worldview as long as they assert the primacy of human thought and rationality. Thus, the Western worldview comprises a vast number of paradigms that range from those who support the classic physics school of thought, to the more recent modern physics, quantum theory, relativity and systems thinking, for example, as well as developments in social sciences such as economics and politics. Although all these different paradigms are certainly influential in the way Modern Western tradition is experienced today, the analysis of those is beyond the scope of this project, and this chapter will focus exclusively in the philosophical foundations of the Western worldview as expressed in the *mythos*.

Accordingly the first section of this chapter explores the foundations of the Western view that reason is the only valid approach to understand a reality that is considered fragmented and material. Then the chapter journeys into some of the symbols that allow people subscribing to the Western worldview to conceive reality, interpret and order their experiences according to the hidden taken-for-granted *mythos:* a 'universal' Modern science and progress or development. Finally, this chapter explores how all these mythico-symbolic elements determine the environmental management concepts and practices in the Western tradition.

5.1 The rational apprehension of a fragmented material reality

René Descartes (1596-1650) is considered the founding father of Modern thought. His philosophical masterpiece, the *Meditations on First Philosophy,* laid down the foundations for the development of Modern science. Following a period of transition of three centuries, the works of Descartes finally provided a bridge between the thought of the Middle Ages and the Enlightenment, then the Modern Era. This period of transition is known as the Renaissance. The Renaissance developed throughout the fourteenth, fifteenth and seventeenth centuries as an intellectual and cultural movement reviving interest in the literature, philosophy and fine arts of the classical cultures. Most of all, it was a revolt against the intellectual sterility of the medieval spirit, and favoured intellectual freedom. Two events within the Renaissance were of particular importance for the development of Descartes' philosophy. First, the Reformation eroded the hegemony of the Catholic Church, giving philosophers more freedom to develop their own theories, and provided a fertile ground for a secular consciousness to develop. Secondly, with the heliocentric cosmology suggested by early philosophers of the

Scientific Revolution (Copernicus, Kepler and Galileo), reason challenged the validity of sense perception. This is the context that influenced the development of the founding texts of the Modern Western science worldview.

Descartes' approach to theory of knowledge, in particular, played a prominent role in establishing the ground for the development of Modern science. In his view, when someone is concerned with the acquisition of knowledge, he has the obligation to refuse to accept anything as truth unless it is warranted. Epistemic warrant is therefore a normative concept that can be seen as a burden of proof to which any 'knower' is obliged. Yet, it aimed at ensuring error-free judging. For Descartes, our *prima facie* (first appearance) intuitions were unstable and unreliable, and he was concerned that the 'knower' could be making judgements on unclear evidence. Again, situating these ideas in context, one must remember the scientific theories that influenced Descartes' thinking: the recently suggested heliocentric cosmology proved that often the *prima facie* evidence of the senses, (in this case that Earth was a steady motionless entity), deceived the human 'knower'. Therefore, Descartes puts strong emphasis in his epistemology on the method which may conduct a 'knower' to arrive at settled, reflective intuitions as to what particular knowledge claims are credible.[60]

For his purpose of building a system of epistemic justification, Descartes proposed two integrated methods: foundationalism and doubt. He used an architectural metaphor to explain his methods:

> Throughout my writings I have made it clear that my method imitates that of the architect. When an architect wants to build a house which is stable on ground where there is a sandy topsoil over underlying rock, or clay, or some other firm base, he begins by digging out a set of trenches from which he removes the sand, and anything resting on or mixed in with the sand, so that he can lay his foundations on firm soil. In the same way, I began by taking everything that was doubtful and throwing it out, like sand ... (Replies 7, AT 7:537)[61]

Foundationalism is, therefore, intended to build a system of epistemic justification based on strong and stable certainty. This is, to provide a foundation for knowledge of firm first principles, upon which a superstructure of further claims can be anchored. In Descartes' view, because it is possible to be deceived and take mistaken *prima facie* sensory claims as the first principles, it was absolutely necessary to abandon preconceived opinions in order to lay the first principles of philosophy. Once more, if one takes preconceived ideas provided by the

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[60] Newman, Lex. "Descartes' Epistemology." Stanford Encyclopedia of Philosophy. (Summer 2002 Edition), Edward N. Zalta (ed), URL= http://plato.stanford.edu/entries/descartes-epistemology/ September 2002

senses as first principles upon which the superstructure of further claims about knowledge may be constructed, for example taking the idea that the Earth is unmoved, then the whole edifice will be unstable and weak in terms of certainty. Accordingly, Descartes formulated the method of doubt in order to liberate the 'knower' from any preconceived opinions.

The aim of the method of doubt is to obstruct the misleading influence of preconceived opinions and ideas. 'Whereas, in the architectural metaphor, we can think of tractors and bulldozers as the tools of demolition, the tool of epistemic demolition is sceptical doubt.'[62] Thus, his method would reject the truth of anything that was subject to the slightest possible doubt, like throwing away sand, and then he could reach his epistemic 'firm rock': certainty. Descartes intended to end up with convictions that were so strong that could never be shaken, for this was the high standard type of knowledge worthy of a philosopher.

In his *Meditations*, Descartes developed the sceptical arguments by systematically applying his method of doubt to critique preconceived ideas and opinions. Because he had been deceived by sensory claims before, he had the obligation to doubt even the most apparently obvious self-evident judgements such as 'I am sitting here by the fire'. Any sensory experience of the like, he argued, was qualitatively similar to experiences taken as dreams. Therefore, even if he felt confident to distinguish dreaming from waking, for him that level of confidence was not so high as to constitute a warrant. The dreaming doubts, however, have implications in his philosophy beyond judging whether one is awake or asleep. Ultimately, these doubts diminish the belief that what we experience has to be produced by external objects, since 'for all we Know, the processes producing the experiences we take as waking are no more veracious than those producing the experiences we take as dreams.'[63] By the end of his *First Meditation*, Descartes found himself in a confusion of doubt. He took his doubt to the extremes of contemplating the possibility that everything he believed in could be illusions that a demon had devised to deceive him (yet he could not doubt his method of doubting).

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[61] Newman, Lex. "Descartes' Epistemology." Stanford Encyclopedia of Philosophy. (Summer 2002 Edition), Edward N. Zalta (ed), URL= http://plato.stanford.edu/entries/descartes-epistemology September 2002
[62] Newman, Lex. Descartes' Epistemology. Stanford Encyclopedia of Philosophy. (Summer 2002 Edition), Edward N. Zalta (ed), URL= http://plato.stanford.edu/entries/descartes-epistemology/ September 2002
[63] Newman, Lex. "Descartes' Epistemology." Stanford Encyclopedia of Philosophy. (Summer 2002 Edition), Edward N. Zalta (ed), URL= http://plato.stanford.edu/entries/descartes-epistemology/ September 2002

It is, however, this extreme of doubt that yields the first firm truth in Descartes' quest for epistemic justification: the existence of a thinking subject. Even if he was deceived by a demon, the occurrence of thought guaranteed the existence of a thinking subject, and therefore the famous axiom '*Cogito ergo sum*' (I think therefore I am). Reason preceded existence: this is the magnitude of the centrality of reason and human thought in the Cartesian philosophy, which came to be known as the Enlightenment.

Upon this first principle as a firm foundation for knowledge, Descartes could build further claims by means of rational (and thus for him, certain) inference. First, because he had an idea about a supremely perfect being, he inferred the existence of a God. To prove the existence of God, he argued that the only way he could have an idea of such a perfect being, was by the actual God implanting this idea in him. And once the existence of God was established, he could attempt to expand his knowledge to include the existence of the external, material world. A perfect being, God, could not have endowed him with a flawed cognitive nature, or systematically deceive him. Thus, the idea that some of his sensory experiences were caused by external things, must have been sound. Therefore, he concluded, the external world exists. This material world was for Descartes, however, 'simply an indefinite series of variations in the shape, size, and motion of the single, simple and homogeneous matter that he terms *res extensa* ("extended substance")'.[64]

Based on the certainty of the existence of a thinking subject and an external world, Descartes introduced a dualistic conception of the reality. He argued that reality was made up of the material world, *res extensa*, and a thinking substance, *res cogitans*, which was entirely different in nature and independent of matter:

> Among the metaphysical theses developed throughout the *Meditations* is that mind and body have distinct essences; that the essence of thinking substance is pure thought/consciousness/awareness, while the essence of body is pure extension.[65]

This dualistic account of the ultimate nature of reality constitutes an essential element in the Modern Western worldview.

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[64] The Cambridge Dictionary of Philosophy (1999) Cambridge : Cambridge University Press (2nd Edition). p. 226
[65] Newman, Lex. Descartes' Epistemology. Stanford Encyclopedia of Philosophy. (Summer 2002 Edition), Edward N. Zalta (ed), URL= http://plato.stanford.edu/entries/descartes-epistemology/ September 2002

Furthermore, the Cartesian view overthrew a system of natural philosophy that had been established for centuries, providing the ground for the development of Modern science. Descartes' philosophy denied the qualitative Aristotelian physics based on qualities (hot, cold, wet, dry) and proposed that the properties of bodies which concern a physicist must be measurable on quantifiable rational scales (i.e. motion, position, shape) and therefore subject to mathematics. This connected with his commitment to rely exclusively on clear and distinct ideas. Following in the tradition of Galileo, Descartes also believed that mathematics was the language of nature. Descartes claimed that the innate ideas of mathematics, because they were perfect, had been implanted in his mind by God, therefore he could rely on the data inferred from mathematics as a warrant. Accordingly, he proposed to mathematize science; to reduce, wherever possible, natural phenomena to the quantitative descriptions. He argued that empiricism –'reading' the language of nature through observation- combined with objectivity –provided by universal mathematical principles- could yield trustworthy results in the quest for knowledge.

Francis Bacon and Isaac Newton's works complemented in important ways the method of the Cartesian philosophy, developing the axis of the Modern Western thought: the scientific method, and with this the Modern Western science. Francis Bacon was the first to formulate a clear theory of the inductive procedure. His method was based on empirical observations, drawing conclusions from these and then testing them again in further experiments. Descartes' method, on the other hand, is analytic. It consists in fragmenting thoughts and problems into pieces, arranging these in their logical order[66], and treating each piece as a separate and independent situation. This analytic method constitutes one of the characteristic features of Western thought. Finally, Isaac Newton unified these two apparently opposing approaches, the empirical inductive method of Bacon, and Descartes' rational deductive method, and developed the methodology that has been the basis for scientific inquiry ever since. The metaphor of the mechanistic worldview in the Modern era, underpinned by the ideas of these thinkers, was that of a world-machine, that was rigorously deterministic and causal, and could be described objectively without ever mentioning the human observer.

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[66] Capra, F. (1982) *The Turning Point*. New York : Simon and Schuster. p.59

This explanation of Descartes' philosophy, although simplified, aims at understanding the essence of Modern Western worldview. Reason is the foundational *mythos* in the Modern Western worldview. All the ideas explained in this section constitute the lens through which Pakeha perceive and interpret reality. So, all references to the Modern Western worldview of Pakeha in subsequent sections of this thesis, allude to the underlying, usually unconscious, assumption that all of reality (or at least all we can Know about reality) can (and should) be explained by logical reasoning and scientific methods. Moreover, the Western worldview is underpinned by the assumption that, for all we Know, reality is composed of a fragmented complex of material phenomena, resulting in a highly deterministic view of reality.

This section, thus, is not a critique or an attempt to make judgements on whether the principles and core elements of the Western worldview are correct or not, but rather an attempt to understand the origins of many of our most fundamental beliefs. For only with such understanding, may the problems between the Modern Western science and the Indigenous worldviews be transcended.

From the previous discussion it is clear that the Western worldview was based on an honest and committed quest for truth. And given the context, human thought, objectivity, quantification, and the dualistic fragmented vision of reality represented the best means to bring Western people closer to the truth. The philosophical foundations of Modern Western worldview were intended to free human thought from dogmas, authoritarianism, and what was considered in that time 'superstitious' and 'mistaken' views of the Middle Ages and to some extent the Renaissance. Science was seen as an instrument of Enlightenment, a liberating tool, an inspiration to philosophers and artists who believed in truth and progress of humankind. However, these foundations and Modern science itself, throughout the years, evolved to enshrine Modern Western science as a universal and exclusive approach to interpret and interact with reality. For this 'rebellious' and 'heretical' science evolved over the count of the ensuing four centuries to become the 'orthodoxy' and 'dogma' of our own time.

This thesis now explores the symbols that most powerfully and efficiently serve as vehicles for people subscribing to the Western worldview to conceive and interpret reality according to the Western centre of intelligibility.

5.3 The symbols: A 'universal' Modern science and Progress

– A 'universal' Modern science: emancipator or tyrant?

As it has been noted before, the Modern Western worldview is not free from mythical elements, and thus it is not free from symbolic elements either. The sole idea of a 'universal' Modern science is itself a symbol (or a set of symbols) that connects the daily lives and experiences of Western people to the very basic notion that reason is the only valid (i.e. certain, firm) approach to understand reality. The belief in a 'universal' Modern science and its implications (objectivity, quantification, certainty and so on) are deeply embedded in the social, economic, cultural and political structures of Western societies. To illustrate this, it is just necessary to open any Western newspaper and take a look at the news provided and the type of information that sustain these news: "there is 80% chances of rain tomorrow", "last year had an increase of 2% in the GNP", "recent studies show that unprotected exposure to UV radiation increases the chances of skin cancer", "DNA tests confirm the participation of X in the crime". All these are supported by Modern Western scientific claims, they are considered 'objective' 'certain' accounts of material phenomena. Moreover, they are considered universally valid; that is, the studies on UV radiation, for example, are considered valid anywhere in the world and for all people. Thus in a deep level, all these expressions of a 'universal' Modern science are saying that reality is fragmented and material and that it should be apprehended through reason.

The absolutist and universalist claim grew in the heart of the Modern Western worldview throughout the years. Modern thought was underpinned by a commitment to truth. It was believed to have the strong firm foundations provided by Descartes' philosophy (i.e. rationality as the first principle), and the method to conduct one's reasoning in order to obtain trustworthy certain knowledge about the world (i.e. Modern science). This line of thought, created a fertile ground for a universalism to grow. The universalist claim of Modern science is embodied in the assumption that,

> [t]here exists just one world, one and only one possible true account of it ('one truth'), and one unique science that can produce the account that will accurately reflect the truth about the world.[67]

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[67] Harding, S. (2000) *Democratizing Philosophy of Science for Local Knowledge Movements: Issues and Challenges.* Gender, Technology and Development 4(1) pp. 1 –23

Accordingly, for people subscribing to the Western worldview,

> [t]he core Universalist idea is that the material world ultimately judges the adequacy of our accounts of it...The character of the natural world is unrelated to human interest, culture, religion or sex.[68]

For a long time, the thesis of universality and the Modern Western principles had the structures necessary for self-perpetuation, because any alternative hypothesis or any criticism to its conceptual framework have to be based on and demonstrated under Western parameters. Therefore, the Modern Western worldview has operated without any possibility of a 'legitimate' revision or challenge of its principles, and in so doing it has delegitimated any but the scientific problems, decreasing valuable forms of cognitive diversity, such as Indigenous knowledge systems.

However, "an ideology that reigns without being questioned and inhibits freedom of thought and choice can easily become an oppressive tool, a tyrant."[69] Modern Western worldview has been considered a 'superior' or 'more advanced' way of knowing than, for example, Indigenous knowledge systems without its basic assumptions being questioned. Hence, when interacting with other worldviews, Modern Western science has often become similar to the authoritarian, dogmatic system that it attempted to overthrow in the seventeenth century. In particular, Modern Western science has contributed with social projects that have destroyed Indigenous peoples' culture as costs of progress.[70]

One must remember, however, that Modern Western science is a worldview, even when it prides itself on being objective and rational, is based upon a series of foundational myths and premises - the *mythos* -. Peter Raine comments that,

> [s]ecularism has at its foundations a series of myths and symbols which underpin and enshrine rationality as the primal path to intelligibility. Secularism is not all profane; it contains its own sacred elements, and is 'religious' in the most primal sense- however much its adherents may attempt to reject religiosity.[71]

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[68] Mathews (1994) quoted Snively, G. and Corsiglia, J. (2001) Discovering Indigenous Science: Implications for Science Education. *Science Education*, 85(1) pp.6-34

[69] Feyerabend, P. (1999) How to defend society against science. In Feyerabend, P. *Knowledge, Science and Relativism*. Philosophical papers Vol 3. Cambridge : Cambridge University Press

[70] Harding, S. (2000) Democratizing Philosophy of Science for Local Knowledge Movements: Issues and Challenges. *Gender, Technology and Development* 4(1) pp. 1 -23

[71] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p.107

Scientists have gone through an obsession with measurement, quantification and objectivity, and praise the supposedly sound and free-from-myths science. However, as Paul Feyerabend argues,

> [s]cience is much closer to myth than a scientific philosophy is prepared to admit. It is one of the many forms of thought that have been developed by man, and not necessarily the best.[72]

The philosophy of Modern Western worldview has thereby excluded from the realm of science many elements considered important in a pluralistic multicultural reality. Moreover, science as an ideology plays an exceptional role in society today, and its premises, although not explicitly recognized, have a strong influence in the way knowledge is thought about in the Western context. The judgement of scientists is highly recognized and received almost with reverence, they have influence in almost all spheres of contemporary society, from the very "hard" systems of information technology and industry, to the social sciences and humanities.

In addition, the Western worldview, with its universalist and exclusivist position, is not and has not been for a long time, isolated in space and time from other worldviews. Rather, it is a dominant and widespread worldview that has interacted with many other worldviews. This interaction with other worldviews leads us to the second important symbol in the Modern Western worldview: progress.

– Progress: Modernity, Imperialism and the Sciences

The European epoch known as the Enlightenment permeated all spheres of human activity with a spirit of optimism, a sense that the future could be affected purposely, and the conditions of the world, society and the individual could be improved. This ethos and the notion of progress attached to it were epitomized in Modernity, the Enlightenment's project. Progress is a symbol in the Western worldview that allows people to interpret their experiences of reality, giving these experiences meaning, form and order according to the Modern Western *mythos*. Modernity extended throughout the fine arts, humanities, economics, political and natural sciences. Yet, two major processes that embodied Modernity are essential to understand the Western notion of progress: the scientific enterprise (Modern Western science) and the European expansion. Thus, it is relevant to explore how these two processes developed in parallel. This is, how did Modern Western science and the scientific

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[72] Feyerabend, P. (1993) *Against Method*. London : Verso (3rd Edition)

enterprise facilitate colonial exploitation? And how, on the other hand, did colonial experience affect the scientific enterprise?

The European expansion, with the attached colonisation of Indigenous peoples, and the scientific enterprise worked hand-in-hand in two levels: At a conceptual level Modern Western science validated or reinforced the idea of colonization, and in a day-to-day operational level, each facilitated the development of the other.

At a conceptual level, the Western worldview validated and justified European imperialism in the form of colonisation by claiming superiority and a duty to diffuse European achievements to other societies considered backward or 'primitive'. The following quote expresses the reasoning behind this claim:

> The most important tenet of difussionism is the theory of "the autonomous rise of Europe", and sometimes (rather more grandly) the idea of "the European Miracle." It is the idea that Europe was more advanced and more progressive than all other regions prior to 1492, prior, that is, to the beginning of the period of colonialism, the period in which Europe and non-Europe came into intense interaction. If one believes this to be the case – and most modern scholars seem to believe it to be the case- then it must follow that the economic and social modernization of Europe is fundamentally a result of Europe's *internal* qualities, not of interaction with the societies of Africa, Asia, and America after 1492. Therefore: colonialism cannot have been really important for Europe's modernization. Therefore: colonialism must mean, for the Africans, Asians, and Americans, not spoliation and cultural destruction but, rather, the receipt-by-diffusion of European civilization: modernization.[73]

Drawing on the discussion about the Modern Western worldview, the rationale behind the claim that Europe was at that time more advanced and more progressive than the societies they encountered in other parts of the world becomes evident. Because it was considered to be a universal truth, Modern Western science was a parameter to 'measure' the extent to which other societies were civilized or primitive. It is no surprise that using an exclusively Western parameter, Europeans found all other societies to be backward or primitive. Thus, the European 'enlightened' society considered themselves a more progressive or superior culture, and this notion justified and validated colonisation as a natural process to bring progress to the other societies.

Modernity evoked the idea that 'civilization' was a universal and absolute condition that would bring the most well-being to any society, and the path that would conduct societies from being backward or 'primitive' to being

Modern or 'civilized' was progress, later called 'development'. Modernity suggested an evolutionary view of progress, where human societies moved from one form to another in a single linear and inevitable path.[74] Furthermore, because this path was universal, absolute and unrelated to culture, progress could also be transplanted, exported, or even imposed. And this notion reinforced and validated the European expansion. Colonization was justified as a mechanism to bring progress to the Indigenous peoples, even if it was by imposition and destruction of their cultural and social practices.

In addition, colonization demanded a deep structure to regulate and legitimate imperial practices.[75] Modern Western science acted as an instrument to enable and strengthen European control during colonial times. As Sandra Harding puts it:

> The colonists' science projects were, first and last, for maintaining Europeans and their colonial enterprise in those and other parts of the world. They were designed especially for increasing the profit Europe could extract from other lands and maintaining the forms of social control necessary to do so.[76]

Modern Western science acted as a productive force of colonialism, colonial research topics were selected to solve colonialism's everyday problems and were fundamentally in the service of establishing and maintaining colonialism and slavery.[77] In this sense, history reveals a different version of the European expansion than the supposed duty to bring progress and well-being to 'primitive' societies. Moreover, during colonial scientific research and its pursuit of knowledge about the world, Indigenous peoples were 'objectified', and considered 'objects' of study and research. Indigenous peoples went through a process of dehumanisation. They were excluded, marginalized and denied knowledge. Therefore, as Linda Tuhiwai Smith puts it, "knowledge was used to discipline the colonized".[78] And discipline, as a way of organizing or establishing order among people, was a way of colonising. Eventually these forms of discipline, since they were supported by paternalistic and racist positions, drastically diminished alternative ways of knowing and living of many Indigenous peoples.

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[73] Blaut, J.M. (1993) The Colonizer's Model of the World: Geographical Diffusionism and Eurocentric History, quoted in Harding, S.(1998) *Is science multicultural? Postcolonialism, feminism and epistemologies. Bloomington*, Ind: Indiana University Press p. 23-24

[74] This path was later to be known as development.

[75] Tuhiwai, S. (1999) *Decolonizing Methodologies*. Dunedin : Zed Books Ltd

[76] Harding, S.(1998) *Is science multicultural? Postcolonialism, feminism and epistemologies*. Bloomington, Ind: Indiana University Press. p. 44

[77] Harding, S.(1998) *Is science multicultural?* p. 46

[78] Tuhiwai, S. (1999) *Decolonizing Methodologies*. Dunedin : Zed Books Ltd. p.68

Colonisation and the European destruction of competing scientific and technological traditions contributed to the growth of Modern Western science and its ascension to an almost glorified mode of producing or gaining knowledge. Besides being excluded, marginalized and denied from knowledge, Indigenous peoples were not able to fully continue developing their own sciences and technologies. Raw materials from their environments were extracted and destined to support European societies and their scientific developments. Indigenous labour was dedicated to the colonizers' developments, and thus could no longer support Indigenous projects. Hence, it was through the destruction of Indigenous peoples' human, cultural and environmental resources that the European expansion facilitated the growth of the Modern Western as the dominant worldview.

The European expansion and the development of Modern Western science are, therefore, essential in the Western idea of progress or development. Fist, the idea of a 'modern' or 'civilized' society was conceived only in opposition to other worldviews the Europeans encountered in their expeditions, whom they considered 'traditional' or 'backward'. That is, the 'modern man' is only modern to the extent that there is a 'traditional' or 'primitive' man to compare with. Second, development, considered as the progression from being 'traditional' to being 'modern', implied that being modern or 'civilized' (by definition a Western concept) was the ideal *universal* state for humankind, the state that would bring the most well-being to any society. Thus, it was believed, all which is not modern is not desirable and ultimately not good for society. Moreover, what mainly distinguished the 'modern' from the 'traditional' was science. Progress or development was, therefore, to be achieved through Western capitalist models (based on Modern Western science), and so development or progress became to be equated with efficient economic growth. Progress is then a symbol of the belief in a material ultimate reality that should only be understood, and managed rationally. The next section explores how these symbols of the Western worldview are part of the attitude towards nature and the environmental management concepts and tools.

5.3 Environmental Management in the Modern Western worldview

The symbols of a 'universal' Modern science and progress are deeply embedded in the notion and practices of environmental management in the Western worldview. Modern Western science and progress give form, order and meaning to environmental management, connecting these practices with the Western *mythos*. So, from these symbols one can derive the why and how of Western environmental management systems.

Environmental management in the Modern Western worldview is based on a premise that progress or development (conceived exclusively as efficient economic growth) is desirable in any place and for every society. Under this scheme, the natural environment is considered as a resource base, the source of all the necessary 'inputs' in the production process (i.e. raw materials, energy, and so on). Moreover, the natural environment is also considered the sink for all the waste and pollution that results from the same productive and consumptive processes. So, in the Modern Western worldview, the natural environment is valuable to the extent that it is capable of sustaining (both as a source and as a sink) economic growth.

Although it now seem obvious, it was not until 1972 with the Club of Rome's publication *Limits to Growth*[79] and the later publication known as the *Brundtland Report*[80] in 1987, that concerns about the carrying capacities of the environment were taken seriously. The *Limits to Growth* publication presented the environment as a limitant to development and economic growth; it argued that resources were being consumed at an unsustainable rate. Fifteen years later, the Brundtland Report introduced the concept of sustainable development. Since then, governments the world over have increasingly adopted environmental management practices and policies, incorporating ecological and economic concerns.

This leads to a second important premise in Modern Western environmental management: the idea that the natural environment should be *managed* through *rationality* and *Modern Western science*. That the environment should be *managed* implies that there is a duality subject-object between humans (as subjects) and the environment (the objects). Under this perspective, humans are the active part of the equation that dominate and manage the natural environment, i.e. the passive part of the equation. This has further implications that go back directly to the centre of intelligibility in the Western worldview: that the nature of ultimate reality, or at least what we can know (and therefore control) about the external world is material and that it should be rationally apprehended. Thus, although there are different approaches to environmental management within the Modern Western worldview, the environmental management concepts and practices revolve around the 'objective' 'measurable' aspects of natural phenomena, and apply diverse scientific techniques to control them.

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[79] Meadows, D.H. (1972) *The Limits to Growth*. New York: Unwise Books

However, these days, where the global economic system is dominated by a neo-liberal market economy, the intervention of governments in achieving sustainable management is practically reduced to "merely limiting the adverse effects of economic activity on the environment (in essence, dealing with market externalities)."[81] There are several different approaches and tools to achieve this purpose. The most commonly used are assessment techniques, which basically just attempt to describe the effects or impacts of economic activity on the environment, and evaluation techniques, which are mainly about ranking different options and incorporating environmental externalities into the decision-making process. Among the most common assessment techniques are the Environmental and Social Impact Assessment, the State of the Environment Reporting, Environmental Accounting, and so on. On the evaluation techniques the Cost Benefit analysis is one of the most common tools, along with others as the Goals Achievement Matrix and Planning Balance Sheet.

Figure 3. Modern Western worldview
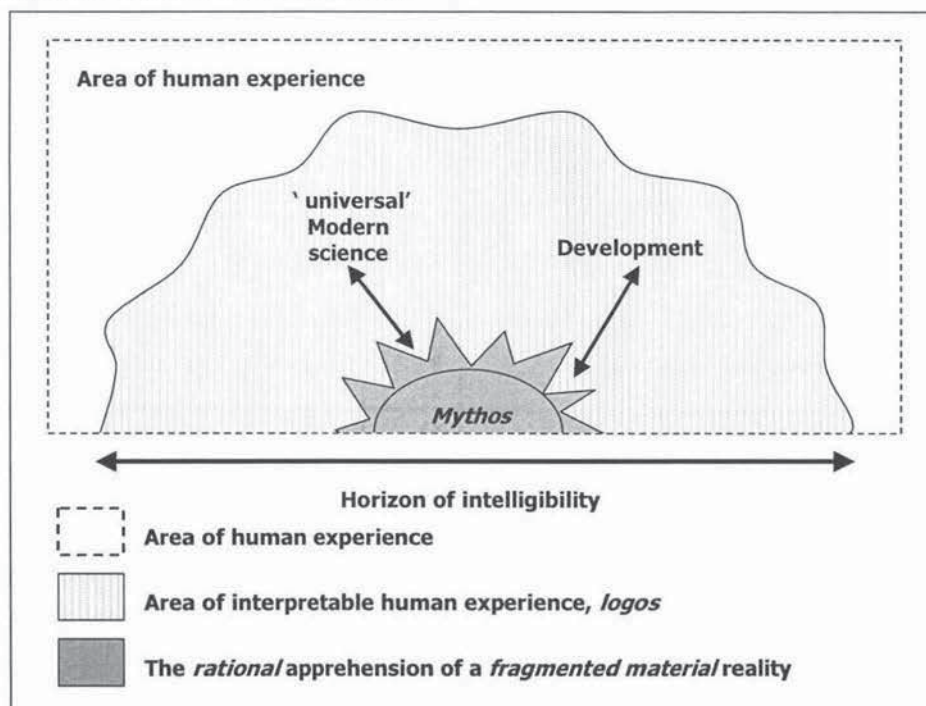
On the whole, the environmental management practices in the Modern Western worldview emphasise the importance of rationality (and Modern Western science) as the only approach to understand and control the environment, which is seen as a passive material world that enables (or limits) the possibility of development and

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[80] WCED (1987) *Our Common Future.* Oxford: Oxford University Press

economic growth. Figure 3 graphically presents the mythico-symbolic aspects of the Modern Western science that have been presented in this chapter.

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[81] Grundy, K.J. (1994) Public Planning in a Market Economy. *Planning Quarterly*, June 1994, pp. 20-24. p.21

PART II. PLURALISM & CROSS-CULTURAL ENCOUNTERS

Chapter six. Cross-cultural encounters

"Peace and reconciliation is not simply a matter of functional, rational, administrative management, a business deal. Neither is it merely a question of calculation, measure, will and intelligence from both parties...It calls upon not only a deeper level of our beings - confidence in our selves and others - but also upon a commitment of the whole being of both, and hence upon a communion and being together."

Robert Vachon[82]

Drawing on the past sections of this thesis, it becomes evident that the Maori and Modern Western worldviews are two different and irreducible systems of meaning, and thus environmental management and planning in New Zealand entail an essentially cross-cultural situation. As will be shown in Part III of this thesis, the framework for natural resource planning and decision-making in New Zealand is still predominantly monocultural, and this contributes to the imbalance and difficulty to effectively communicate between Maori and the government. Chapters six and seven of this thesis deal with how a cross-cultural situation like this must be dealt with in order to move towards a pluralist framework, setting the basis to redress the imbalance between Maori and the government.

The position in this chapter is that, because exclusivism has historically been a major cause of, and today sustains, the imbalance in the relationship between Maori and Pakeha, the situation demands a shift in human attitudes. This thesis argues that dialogical dialogue and pluralism bear the transforming potential of experiencing the other as a subject, a source of understanding and self-understanding, and a truth incompatible and irreducible to oneself. A shift to a pluralist framework of environmental management and the redress in the balance of the relationship between Maori and Pakeha, can thus be constructed communication and understanding in deep symbolic levels.

6.1 Communication and understanding in cross-cultural situations

The first step in this case is to recognise the pluralistic and cross-cultural nature of our present situation. It is,

> [p]luralistic because no single culture, model, ideology, religion or whatnot can any longer raise a convincing claim to be the one, unique, or even best system in an absolute sense; cross-cultural

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[82] Vachon, R. (1995) Guswenta / The Intercultural Imperative: The Intercultutal Foundations of Peace. *Interculture*. Vol XXVIII, No. 2. p. 10

because human communities no longer live in isolation, and consequently any human problem today that is not seen in pluri-cultural parameters is already methodologically wrongly put. [83]

This is certainly the case in New Zealand, where Maori and Pakeha form one nation, and consequently, interact with each other in almost all aspects of daily life. It is also true in New Zealand that the Western worldview and its exclusivist claims can no longer legitimately resist any revision or challenge to its principles, especially when it comes to guardianship of the environment. As Peter Raine puts it, "it is no longer acceptable to suggest that one group, culture, or nation can decide how another may relate to the natural world, even less so to expect them to follow the Western example."[84] It is now accepted that exclusivist attitudes are not appropriate in a cross-cultural encounter.

Furthermore, when it comes to a relationship between people with different worldviews, the importance of having profound and effective communication and understanding cannot be overstressed. Communication and understanding are essential to any human relationship regardless of its nature. Yet,

> [o]ne of the great obstacles to good human relations between different worlds is not being aware of the fact that all we think, state, do or propose, rests not only on more or less explicit assumptions which differ, but on presuppositions of which we are not aware, and which are not necessarily – and need not be – the same as those of our interlocutors... That is particularly the case in Native/non-Native relations. Not only do we give manifestly different answers to the concrete fundamental questions that are asked, but we do not generally ask the same questions, nor do we have the same concrete aspirations even if sometimes we outwardly behave in a similar fashion. Moreover, we are not even aware of it. We are not aware of our myths.[85]

Therefore, dialogue is indispensable and fundamental in a cross-cultural relationship. Dialogue, in these circumstances, will not only aim at tolerance but it will aim at a mutual and reciprocal discovery, where each person will become aware of their own myths.

The second step in this situation is to acknowledge that at the heart the monocultural framework and the imbalance lies a basic human attitude of exclusivism and absolutism. As argued before, people subscribing to the Western worldview have a strong tendency to adopt the attitude, even unconsciously, that Modern Western science is the exclusive and absolute truth. In this often unconscious monocultural mindset, Modern science has

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[83] Panikkar, R. (1999) *The Intra-Religious Dialogue*. New York: Paulist Press. p. 23
[84] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p.3

claimed that one "should liberate oneself from culture, from myth, form tradition, from symbols, from 'these outmoded notions'. The cultural approach, it says, must be replaced by a scientific, trans-cultural one... universal reason."[86] Panikkar has described this exclusivist attitude as one of the five different attitudes people adopt in an encounter of religions or cultures:

> A believing member of a religion in one way or another considers his own religion to be true. Now, the claim to truth has a certain built-in claim to exclusivity. If a given statement is true, its contradictory cannot also be true. And if a certain human tradition claims to offer a universal context for truth, anything contrary to that 'universal truth' will have to be declared false.[87]

This attitude embodies intolerance and hermeticism, two of the most problematic features in a cross-cultural encounter. It is a distancing attitude, an attitude of isolation. It draws imaginary boundaries between those who have the 'truth' and those 'outside', and then builds impenetrable separating walls. An exclusivist attitude uncritically takes as false anything different to its conception of truth. Thus, the interaction and dialogue with others (i.e. with those 'outside' the truth), is intolerant, perhaps almost fanatical.

Moreover, this attitude "bears the intrinsic weakness of assuming an almost purely logical conception of truth".[88] It implicitly assumes a reality that can be totally objectified and apprehended. Yet, as it has been argued in earlier sections of this thesis, this is, for all we can know, not the case. One cannot presuppose *a priori* that human reality allows itself to be reduced to the awareness that humans can have of it and hence much less to be reduced to his clear ideas, concepts and definitions.[89]

Peter Raine comments that within the dominant Western worldview all those who hold to myths outside the Western worldview boundaries are recognized as 'other'.[90] This is, for the most part, the attitude that Western governments have adopted towards Indigenous peoples: an intolerant position where Indigenous peoples' accounts of reality have been uncritically considered illegitimate or mistaken. There has been a sense that they

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[85] Vachon, R. (1995) Guswenta / The Intercultural Imperative: The Intercultual Foundations of Peace. *Interculture.* Vol XXVIII, No. 2. p.13

[86] Vachon, R. (1995) Guswenta / The Intercultural Imperative: The Intercultual Foundations of Peace. *Interculture.* Vol XXVIII, No. 2. p. 19

[87] Panikkar, R. (1999) *The Intra-Religious Dialogue.* New York: Paulist Press. p. 5

[88] Panikkar, R. (1999) *The Intra-Religious Dialogue.* New York: Paulist Press. p. 5

[89] Vachon, R. (1995) Guswenta / The Intercultural Imperative: The Intercultual Foundations of Peace. *Interculture.* Vol XXVIII, No. 2. p.20

[90] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University

hold superstitious or fantastic beliefs. Thus, the position has been one of paternalism and in some cases even of assimilation.

The Modern Western, being a widespread worldview, has had numerous cultural encounters with other worldviews. As previously discussed, the exclusivist attitude in people from the Western worldview has had significant detrimental consequences worldwide. It has diminished valuable forms of cognitive diversity, and has ultimately resulted in relationships of imbalance and domination.

Exclusivist attitudes, being intolerant, hermetic, and defensive, block any possibility of effective communication and dialogue. The aim of people with exclusivist attitudes is not to communicate one's worldview and understand the worldview of the other, but to convince (or convert) the other to one's 'truth' and defend this truth against the other. Only when one transcends this exclusivist universalist position can dialogue generate communication. Only when one realizes that the other worldview, as your own, is partial and valid can one transcend the never-ending, non-constructive disputes over who is 'right' and who is 'wrong'. Only then can one realize that,

> the aim of dialogue is understanding. It is not to win over the other or to come to a total agreement or a universal religion. The ideal is communication in order to bridge the gulfs of mutual ignorance and misunderstandings between the different cultures of the world. [91]

Now, if exclusivism is clearly not appropriate, what attitude is then conducive to build a balanced relationship between Maori and Pakeha in the guardianship of the environment?

Pluralism represents the attitude that will most likely guide the relationship between Maori and Pakeha to balance, mutual learning and respect. Panikkar has identified five attitudes and postures in cross-cultural or religious encounters: exclusivism, inclusivism, parallelism, interpenetration and pluralism. Having at just described the first, exclusivism, the following sections will briefly describe Panikkar's other four alternative attitudes.

6.2 Attitudes in cross-cultural encounters

Inclusivism, the second of Panikkar's five attitudes is an alternative to the exclusivist position (described above) in cross-cultural encounters. In it,

> [t]he most plausible condition for the claim to truth of one's own tradition is to affirm at the same time that it includes at different levels all that there is of truth wherever it exists. The inclusivist attitude will tend to reinterpret things in such a way as to make them not only palatable but also assimilable.[92]

This position certainly is more tolerant than exclusivism and does not condemn other views. By bringing the other's truth to one's horizon of intelligibility, it creates room for people to relate to the other, to sympathize with the other. However, this is a 'one way' relation,'one way' sympathy. Behind the tolerance, there may yet lurk a high degree of paternalism. "You are tolerant in your own eyes but not in the eyes of those who challenge your right to be on top."[93]

Inclusivism, thus, does not bear the possibility of overcoming the imbalance in the relationship between Maori and Pakeha. Inclusivism can be discerned, for example, in some participatory models of environmental planning. In these participatory models, Western governments recognize that Indigenous peoples have different views over nature, and then Indigenous peoples are 'invited' to participate and 'share' their views. Governments then interpret these views and accommodate them within the Western horizon of intelligibility. So, while this is a tolerant position, it is underpinned by the belief that all other views are contained within the worldview of Modern Western and thus can be assimilated into it. These practices may well justify the creation of a certain policy, or they may accomplish certain managerial or political purposes, but they do not create genuine communication among different worldviews.

Panikkar identifies a third attitude, parallelism. This attitude does not completely dismiss or assimilate the other, but assumes that one's beliefs, as well as the other's beliefs, are far from being perfect; they are different and run in parallel. According to parallelism, religions or cultures,

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[91] Panikkar, R. (1999) *The Intra-Religious Dialogue*. New York: Paulist Press. p.10
[92] Panikkar, R. (1999) *The Intra-Religious Dialogue*. New York: Paulist Press. p. 6
[93] Panikkar, R. (1999) *The Intra-Religious Dialogue*. New York: Paulist Press. p. 7

[w]ould then be parallel paths and our most urgent duty would be not to interfere with others, not to convert them or even to borrow from them, but to deepen into our own respective traditions...[94]

This attitude, despite being tolerant and refraining from judging the other's views, would be highly counterproductive in the New Zealand context, because the relationship between Maori and Pakeha demands interaction on a daily basis. Parallelism could end up in ignoring each other and turning a blind eye to their respective views and beliefs. This could mean neglecting Maori views in environmental decision-making and would thereby maintain the imbalance in the Maori-Pakeha relationship.

Interpenetration, Panikkar argues, is the fourth alternative attitude in a cross-cultural or religious encounter. In this attitude,

[w]e begin to realize that our neighbour's religion not only challenges and may even enrich our own, but that ultimately the very differences that separate us are somewhat potentially within the world of my own religious convictions. We begin to accept that the other religion may complement mine...[95]

This attitude represents a major opportunity for Maori and Pakeha to learn from each other, since it is an active attitude and an open process. However, there may be some insuperable incompatibilities between worldviews at this level of communication. Thus, as much as this is a positive attitude, there is yet another alternative that is more likely to guide the relationship between Maori and Pakeha to balance, mutual learning and respect: pluralism. The next, chapter explores what is meant by pluralism, the fifth of Panikkar's attitudes in cross-cultural encounters, and why this is attitude is most likely to redress the imbalance between Maori and Pakeha in environmental guardianship and decision-making.

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[94] Panikkar, R. (1999) *The Intra-Religious Dialogue*. New York: Paulist Press. p.8

Chapter seven. Pluralism And The Dialogical Dialogue

"One of the great discoveries and certainly the most troubling and at the same time the most liberating, is that there is no absolute, i.e. no universal and perfectly valid criteria by which we can judge everything under the sun."

Robert Vachon

7.1 Pluralism

Pluralism represents a major opportunity for Maori and Pakeha to build a framework appropriate for the cross-cultural nature of their relations, thereby enabling the spring of a relationship based on mutual learning and respect, and ultimately, to redress the balance of power. Panikkar understands by pluralism,

> [t]hat *fundamental human attitude* which is critically aware both of the factual irreducibility (thus incompatibility) of different human systems purporting to render reality intelligible, and of the radical non-necessity of reducing reality to one single centre of intelligibility, thus making unnecessary an *absolute* decision in favour of a particular human system with universal validity.[96]

In other words, a pluralist attitude is that which recognises the existence of several centres of intelligibility, which may be incompatible, and irreducible to each other or to a common denominator. This observation is almost self-evident. The worldviews of Maori and Pakeha are only two examples among many of these different, irreducible and potentially incompatible human systems that convey the meaning of reality. Being aware of this offers no major problem.

The second awareness, however (the non-necessity of absolutes), poses deeper implications in a human attitude. It demands a critical realization that our standpoint cannot claim to be so absolute as to judge the others as *absolutely* untrue or evil.[97] Thus, besides recognising that our knowledge is not absolute, one must recognise that the knowledge represented by other systems has other subjects of understanding and self-understanding so that anyone, from its vantage point, cannot claim to represent the totality of the situation.[98]

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[95] Panikkar, R. (1999) *The Intra-Religious Dialogue*. New York: Paulist Press. p. 9

[96] Panikkar, R. (1996) The Defiance of Pluralism. *Soundings* 79. 1-2 (Spring/Summer 1996) pp. 169-191. p.175 (original emphasis)

[97] Panikkar, R. (1996) The Defiance of Pluralism. *Soundings* 79. 1-2 (Spring/Summer 1996) pp. 169-191. p.176

Panikkar uses the famous simile of an elephant in a dark room, which different people identify as a pillar, a gigantic burst, an ivory piece, etc, depending on what part of the elephant they touch. Someone with an anti-pluralist attitude would claim that only he knows the whole elephant, and the others' claims are partial, although they might say some truth. In contrast,

> [t]he pluralist knows that she does not know the elephant either, and, based on the testimony of the others, doubts that anybody knows the elephant. She assumes further that the 'elephant' which Vedantins, Catholics, skeptics, philosophers...claim to know may well be either an empty concept or another part of a still more complete living Being.[99]

In the context of this thesis, the pluralist attitude challenges the Modern Western myth that rationality needs to be the only valid approach to reality. In Panikkar's words, "pluralism dares to defy 'reason', i.e. to challenge the faith that we have put in it."[100]

This proposal, however, does not intend to be a 'solution' for the difficulties facing Maori and Pakeha relations. "Pluralism is not a supersystem, a metalanguage, a referee in human disputes, an intellectual panacea. Pluralism is an open human attitude."[101] It can provide Maori and Pakeha with the tools for understanding each other, although this does not necessarily translate to agreement. Maori will still see the world through the Maori worldview lens, and Pakeha will see it through the Modern Western worldview lens. What changes, thus, is the attitude.

The pluralist attitude entails a method: the dialogical dialogue. This embodies Panikkar's methodological proposition for the cross-cultural encounter. This is a method of peaceful approach, two-way learning and mutual respect. It struggles against absolutisms, against breaks in communication, against blank condemnation. The following section describes the method in more detail.

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[98] Panikkar, R. (1996) The Defiance of Pluralism. *Soundings* 79. 1-2 (Spring/Summer 1996) pp. 169-191. p.177
[99] Panikkar, R. (1996) The Defiance of Pluralism. *Soundings* 79. 1-2 (Spring/Summer 1996) pp. 169-191. p.181
[100] Panikkar, R. (1996) The Defiance of Pluralism. *Soundings* 79. 1-2 (Spring/Summer 1996) pp. 169-191. p.169
[101] Panikkar, R. (1996) The Defiance of Pluralism. *Soundings* 79. 1-2 (Spring/Summer 1996) pp. 169-191. p.181

7.2 Dialogical Dialogue

Raimon Panikkar suggests that one cannot *a priori* assume a common language in any encounter between different worldviews. Instead, the tools of understanding must be created. The major concern in the development of his works is centred in how to create these tools. His proposal emphasizes the importance of two complementary modes of dialogue: dialectical and dialogical dialogues.

The first one, the dialectical dialogue, is based on the assumption that we are all rational beings and that our knowledge of reality is governed above all by the principle of 'non-contradiction'. [102] It assumes a reality that is logical and objective. Having a dialogue of this type could be described as the two (or more) people involved presenting their 'case' or point of view before the 'Tribunal of Reason'. They exchange opinions and points of view, they argue until one falls in self-contradiction, and must recognise the other's views or opinions. Dialectics (i.e. discriminating between truth and error by means of logical argumentation and thinking) is an extraordinary human ability; it defends the dignity of the human *logos*. [103] There are clearly some particular domains where this kind of dialogue is appropriate. Furthermore, it is indispensable in any dialogue. However, dialectical dialogue cannot alone create communication on a symbolic level.

For example, most Western models for conflict resolution of environmental issues between Indigenous peoples and governments are essentially dialectical dialogues, and thus they are usually inadequate for the complexity of understanding between different worldviews. This is simply to say that government consultation with Maori does not, for the most part, generate profound dialogue and understanding. Again, it may well justify the creation of a certain policy, or accomplish certain political or managerial purposes, but communication among different worldviews requires more than simple consultation or participatory models based on dialectical dialogue.

This is the kind of situation where the second mode of dialogue - the dialogical dialogue - is necessary. The idea behind this dialogue is that human beings are not *only* rational beings. Accordingly there are situations that are not totally reducible to reason. These situations are the particular domain of the dialogical dialogue. This dialogue

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[102] Panikkar, R. (1996) The Dialogical Dialogue. In Whaling, F. (ed) *The World's Religious Traditions.* Edinburgh : T. & T. Clark Ltd. pp. 201-221. p. 208

is appropriate with personal, cross-cultural and pluralistic problems. That is, it deals with problems which arise from the encounter of two cultures and that involve the complexity of the whole human person, and not merely mental difficulties.

Panikkar claims that dialectics are not sufficient in these situations because an encounter of persons (and not just doctrines, views, or opinions) is not totally reducible to logic and reason. The two types of dialogue complement each other. But, the dialogical dialogue goes beyond the realm of reason, not by denying it but by transcending it. It is a dialogue that reaches one's most basic and fundamental convictions and beliefs and ultimately it discovers our own *mythos* to the other. One becomes vulnerable as the other becomes a partner in the process of uncovering our own assumptions and presuppositions, which for us have remained unconscious. This is why *trust* between the partners is a key element in the dialogical dialogue. As Panikkar comments:

> In the dialogical dialogue, I trust the other not out of an ethical principle (because it is good) or an epistemological one (because I recognize that it is intelligent to do so), but because I have discovered (experience) the *thou* as the counterpart of the I...I trust the partner's understanding and self-understanding because I do not start out by putting my ego as the foundation of everything. [104]

By incorporating the sphere of the 'thou', Panikkar attempts to overcome dualistic perceptions of the subject-object dichotomy (I-it) in dialogue. He mentions trust in the partner's understanding and self-understanding. This implies that the other is not an object to be known, but another subject who is himself a source of understanding. In this sense, "the dialogical dialogue is a dialogue among subjects aiming at being a dialogue about subjects. They want to dialogue not about something but about themselves."[105] Ultimately opinions, doctrines and viewpoints are not the main concern of the dialogical dialogue, but those subjects who hold those opinions, doctrines and viewpoints. These differences between the dialectical and the dialogical dialogue might seem too theoretical or abstract, and perhaps from the outside it would be hard to tell whether someone is engaged in one or the other type of dialogue. However, because the barrier to effective and profound communication between worldviews is not tangible and superficial, the only way to overcome the barrier is through deep and overarching changes in the way the whole situation is perceived. These sorts of changes, though, cannot be enforced; the

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[103] De Vallescar, D. (2000) *Cultura, Multiculturalismo e Interculturalidad. Hacia una racionalidad intercultural.* Madrid: PS Editorial. p. 223
[104] Panikkar, R. (1996) The Dialogical Dialogue. In Whaling, F. (ed) *The World's Religious Traditions.* Edinburgh : T. & T. Clark Ltd. pp. 201-221. p.219
[105] Panikkar, R. (1999) *The Intra-Religious Dialogue.* New York: Paulist Press. p.30

participants of a dialogue of this kind must have a genuine desire to communicate and understand. Thus, it demands a vow of honesty to oneself and the other regarding the motivation behind the dialogue.

Despite the fact that Panikkar developed his theory and methodology for encounters between different religions, the model is also appropriate for dialogue on environmental issues between the secular scientific worldview and sacred or spiritual worldviews. As Peter Raine comments,

> [t]he task for dialogical dialogue in this situation is to allow each partner to understand and become convinced of the validity of the other's symbolic perception of particular aspects of the natural world. And to free the secular scientific worldview from its dogmatic self-enclosing universalism, so that the accumulated wisdom of other ways of perceiving those aspects may allow new values to enter its worldview boundaries. On the other hand, those from the sacred worldviews may partake of the accumulated knowledge of science and its focus on problem-solving techniques to enlarge their understanding of their sacred places. When two people meet and can mutually enrich each other's worldview in such a manner, a sound basis for guardianship may be established which will be neither inherently exclusivistic nor unduly inclusivistic.[106]

Panikkar suggests a methodology to move from the dialectical to a dialogical dialogue, and he calls this the diatopical model. This model draws on the study, usually known as hermeneutics or interpretation, of how meaning is generated, transmitted and accepted. Panikkar understands hermeneutics quite traditionally as "the art and science of interpretation, of bringing forth significance, of conveying meaning, of restoring symbols to life and eventually letting new symbols emerge."[107] Ultimately, by unearthing deeper layers of meaning, this method enables an encounter in a symbolic level. The diatopical model is in itself a vast topic, worth of an extensive analysis and discussion. However, such analysis is out of the scope of this thesis, and therefore I shall present a simplified version of the model.

The model describes three levels in which communication may take place. Communication that occurs inside one's worldview constitutes the first level. This stage,

> involves the explanation of components of a worldview as experienced by an interpreter within its own boundaries...it consists in obtaining a faithful and critical understanding of one's own tradition, so that explanation of the set of taken-for-granted truths about reality which constitutes our 'world' can be elucidated. [108]

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[106] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p. 118

[107] Panikkar, R. (1979) Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p. 111

[108] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p. 112

This stage is of paramount importance to make sure the partners of your own worldview involved in the dialogue share an understanding of how and why you perceive and act upon reality as you do.

After this stage, one can move to the second level of communication which,

> is a process of defining the boundaries of a worldview. These boundaries are defined by the relationship between the core aspects of a worldview, which are embedded in its founding texts and events. Worldview boundaries set the limits to which interpretations can expand without denying the founding myths.[109]

The founding texts or myths of a worldview, however, were usually presented in a particular context that has changed over time. And therefore,

> understanding now requires that the context itself be reconstructed and mediated within our own present-day context and worldview. This reconstruction effectively sets the boundaries of our worldview as well as outlining the central focus of our horizon of intelligibility without 'deconstructing' the mythic basis from which our worldview presents itself. [110]

This stage of communication allows participants to perceive the coherence of other worldviews, and by doing this it becomes evident that exclusivist claims of universality and absolutism can only be supported by ignorance of the other as a subject who holds a complete and coherent (although different) worldview.

At this stage, when exclusivist universalist positions are transcended, dialogical dialogue can occur, and according to the model this happens in the third stage of communication which involves,

> the search for, and interpretation of, symbols which may be common and intelligible to divergent worldviews... with care symbols may be interpreted, but not by comparison...because there is no superior neutral standpoint from which to make such comparisons...Diatopical hermeneutics prepares the partners for the encounter, by way of the dialogical dialogue, to cross their own worldview boundaries to find a commonality in their respective symbolic presentations. [111]

In the case of environmental dialogue between Maori and Pakeha, this whole method represents a possibility to break the vicious circle of misunderstanding and imbalanced relationship. If it is possible to cut at one point the circle (i.e. if it is possible to create meaningful communication and understanding), then this will lay the foundations to develop a pluralist framework and to redress the imbalance.

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[109] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p. 113
[110] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p. 114

Pluralism, dialogical dialogue, meaningful communication, understanding... all these ideas sound appealing and favourable for the situation facing Indigenous peoples and governments regarding environmental management. But, is this a romantic proposal for a harsh and complex reality? Is this approach a feasible alternative to litigation, struggle and force? Can pluralism really underlie the institutional framework binding Indigenous peoples and Western-based governments? Can Indigenous peoples and governments engage in symbolic dialogue? And if so, does this contribute to redress the imbalance in the relationship?

The next chapters of this thesis examine the New Zealand experience in the light of the cross-cultural nature of the relation between Maori and the government in environmental management. These chapters show that in New Zealand the framework that deals with natural resource planning is predominantly monocultural (i.e. Western based) both in essence and practice. After journeying into the mythico-symbolic aspects of both worldviews, the predominance of the Western worldview over the Maori is something that is also *experienced;* it emanates from the system itself. However, because this thesis is part of an academic structure based upon the Modern Western myths, this claim needs support and validation of some sort. For this purpose, the next chapters take the elements of the expressed *mythos* of each worldview, as evaluating criteria to determine if the framework is monocultural (i.e. exclusive or inclusive), or pluralist. That is, the question to be asked while describing the framework for environmental planning in New Zealand is: Is each aspect congruent with the idea of an 'interconnected, spiritual reality experienced' , with the idea of a 'rational apprehension of a material fragmented reality' or perhaps maybe with both? The next chapters also show that in some instances, the answers to the question outlined above denote a positive shift towards a pluralist framework in natural resource planning.

The first chapter provides an overview of the institutional framework in New Zealand, that is, the foundations of the institutional framework that binds Maori and Pakeha together: the Treaty of Waitangi, and associated issues. This chapter is the basis for the subsequent analysis of the New Zealand experience. This thesis considers history, the environment and the institutional framework as the elements that bind Maori and Pakeha together. Accordingly the analysis of the New Zealand experience covers these areas. First, Chapter nine deals with the

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[111] Raine, P. (1998) Who Guards the Guardians? The Practical and Theoretical Criteria for Environmental

major piece of legislation that defines the relationship between Maori and the government in managing the environment: the Resource Management Act 1991. Then Chapter ten explores the process that deals with the other major binding elements that define the relationship between Maori and the government: historical grievances and issues of ownership of land and resources. It explores the Waitangi Tribunal and how the Treaty settlement process, in its attempts to redress the imbalance between Maori and the government, creates meaningful communication and reflects a pluralist attitude.

Guardianship. Unpublished PhD thesis. Palmerston Norht: Massey University. p. 116

PART III. THE NEW ZEALAND EXPERIENCE

Chapter eight. Institutional Framework: An Overview

Today Maori and Pakeha, people with two different worldviews and their respective values and knowledge systems, constitute one nation: New Zealand. They are bound by a history in common: Maori and Pakeha have acted upon each other since the nineteenth century affecting and influencing each others' development as the societies and individuals that they are today. Maori and Pakeha share an environment, a resource base: the same land, trees, lakes, rivers and oceans are valued (although in different ways) by the people of these two worldviews as a source of cultural, economic and social well-being for present and future generations. Moreover, the same body of authorities and laws govern Maori and Pakeha: There is only one government which rules for both peoples. As these three factors (history, the environment and the institutional framework) bind Maori and Pakeha together, they also define the relationship between them today and the direction this relationship is heading. However, as part of an ongoing relationship, history, the environment and the institutional framework are not isolated entities, with defined or static boundaries between them. This chapter provides an overview of the institutional framework which binds these elements together.

8.1 Foundations of the Institutional Framework

An institutional framework of a nation-state (i.e. the structural basis of established law, customs and practices) functions to translate the rights and duties of its population into government policies and legislative action. In New Zealand the institutional framework that binds Maori and Pakeha together is founded on rights and duties derived from the Treaty of Waitangi. Historically, the Treaty provided a legitimate basis for government.

The Treaty of Waitangi was first signed on 6 February 1840 between representatives of the British Crown and several Maori *rangatira* (chiefs) as representatives of their *iwi* and *hapu* (tribes and sub-tribes). The Treaty has two texts: one Maori and one English, neither of which is a direct translation of the other. Most Maori signed the Maori version of the Treaty. In both versions the Treaty comprises a preamble which sets out its objectives and intentions and three articles. In the English version, Article 1 acknowledges Maori sovereignty and cedes that sovereignty to the Crown. Article 2 guarantees to Maori property rights over their lands, forests, fisheries and other properties, and reserves to the Crown, on the other hand, the rights of pre-emption over lands that may be alienated. Article 3 extends the protection of the Crown to Maori individuals as British citizens (A copy of the

Treaty texts is provided in Appendix B). However, the Maori and English versions differ in critical concepts, and

thus there is no agreement as to exactly what rights Maori ceded to the Crown and what rights the tribes

retained:

> In the English version, sovereignty was ceded from the chiefs to the Queen of England on the
> understanding that the chiefs were guaranteed full, exclusive and undisturbed possession of their
> lands and estates, forests, fisheries and other properties...In the Maori 'translation', however, the
> chiefs only ceded kawanatanga to the Queen of England on the grounds that the retention of their
> tino rangatiratanga over their lands, villages and other taonga would be guaranteed.[112]

The differences in interpretations and expectations from the Treaty lie in the use of the Maori words

kawanatanga, rangatiratanga and *taonga* to describe the English concepts of 'sovereignty', 'full exclusive and

undisturbed possession' and 'other properties' respectively. As the Waitangi Tribunal explains:

> In the Maori text the chiefs ceded to the Queen 'kawanatanga'. We think this is something less
> than the sovereignty (or absolute authority) ceded in the English text. As used in the Treaty it
> means the authority to make laws for the good order and security of the country but subject to and
> undertaking to protect particular Maori interests.[113]

Also,

> [i]n the Maori text the Queen guaranteed to the Maori people in return, 'te tino rangatiratanga' of
> those things they wished to retain. This is something more than the 'full exclusive and undisturbed
> possession ' guaranteed in the English text. As used in the Treaty we think 'te tino rangatiratanga'
> (literally 'the highest chieftainship') meant 'full authority status and prestige with regard to their
> possessions and interests'.[114]

Thus, in the Maori understanding of the Treaty, the right to make laws (i.e. governance) is ceded to the Crown

but Maori retain *te tino rangatiratanga* which in Maori thinking is inseparable from *mana*. *Mana* denotes authority,

but personalises the authority and ties it with status and dignity.[115] Moreover, in the Maori version the word

taonga was used to translate 'other properties', yet,

> its meaning in Maori is far broader than the implied English focus on physical objects. It has been
> said to cover cultural properties, such as language, social properties including children, and
> environmental properties –rivers, birds, and special land sites. [116]

Whilst many of the different understandings that Maori and the Crown have of the Treaty revolve around the

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[112] Blackford, C. and Matunga, H. (1991) *Maori Participation in Environmental Mediation*. Christchurch: Lincoln Universtity, Centre for Resource Management. p.7

[113] Waitangi Tribunal (1987) *Report of the Waitangi Tribunal on the Orakei Claim (Wai 9)*. Wellington: Department of Justice. p. 90

[114] Waitangi Tribunal (1987) *Report of the Waitangi Tribunal on the Orakei Claim (Wai 9)*. Wellington: Department of Justice. p. 90

[115] Waitangi Tribunal (1987) *Report of the Waitangi Tribunal on the Orakei Claim (Wai 9)*. Wellington: Department of Justice. p. 91

inaccurate translation of critical concepts of the Treaty, there is also a deeper reading of the basis of these differences; it is more than a semantic problem.

The Maori and English texts have particular meanings within their own worldviews, and the translation from one to the other is not straightforward. Language, as the most basic of all symbols, cannot be alienated from its worldview or divorced from its cultural context. Maori and Pakeha expectations of the Treaty texts reflect the convictions and values of their worldviews. For example, according to the Western worldview, Article 2 of the Treaty is mainly an article about property rights. It emphasises the physical and objective properties of the lands, and estates, forests, fisheries and other properties. Whereas, according to the Maori worldview, the same article goes far beyond property rights. According to the Maori holistic and spiritual conception of ultimate reality, cultural and spiritual properties of the natural life are inseparable from the physical ones. What each party expects from the Treaty is fundamentally different. Here, the communication barrier to understanding between worldviews becomes evident. As Mason Durie puts it,

> [i]t is highly unlikely that the tribes fully understood the constitutional significance of the Treaty, especially the wide powers granted to the Crown in Article 1, nor does it appear that the Crown fully understood its obligations to construct a state which would enhance the Maori interests it guaranteed to protect.[117]

Focusing on the literal interpretation of the two versions of the Treaty has failed to solve differences and to provide a common understanding of the Treaty. For this reason, most of the contemporary focus has moved from the words of the Treaty to rely more and more on the spirit or principles behind it. As the Waitangi Tribunal has asserted,

> [t]he essence of the Treaty transcends the sum total of its component written words and puts narrow or literal interpretations out of place. [118]

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[116] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination.* Auckland: Oxford University Press. p. 23

[117] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination.* Auckland: Oxford University Press. p. 3

[118] Waitangi Tribunal (1987) *Report of the Waitangi Tribunal on the Orakei Claim (Wai 9).* Wellington: Department of Justice. p. 149

Table 8.1 Summary of the Principles of the Treaty of Waitangi [119]

Waitangi Tribunal	Court of Appeal

The Essential Bargain

The exchange of the right to make laws for the obligation to protect Maori interests.	The acquisition of sovereignty in exchange for the protection of rangatiratanga.

Partnership

The Treaty implies a partnership, exercised with utmost good faith.	The Treaty requires a partnership and the duty to act reasonably and in good faith (the responsibilities of the parties being analogous to fiduciary duties).
The Treaty is an agreement that can be adapted to meet new circumstances.	The freedom of the Crown to govern for the whole community without unreasonable restriction.
The needs of both Maori and the wider community must be met, which will require compromises on both sides.	Maori duty of loyalty to the Queen, full acceptance of their Government through her responsible Ministers, and reasonable cooperation.
The courtesy of early consultation.	
The principle of choice: Maori, Pakeha, and bicultural options.	

Active Protection

The Maori interest should be actively protected by the Crown.	The duty of the Crown 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.
The granting of the right of pre-emption to the Crown implies a reciprocal duty for the Crown to ensure that the *tangata whenua* retain sufficient endowment for their foreseen needs.	The obligation to grant at least some form of redress for grievances where these are established.
The Crown cannot evade its obligations under the Treaty by conferring its authority on some other body.	
The *taonga* to be protected includes all valued resources and intangible cultural assets.	

Tribal Rangatiratanga

The Crown obligation to legally recognise tribal *rangatiratanga*.	Maori to retain chieftainship (*rangatiratanga*) over their resources and *taonga* and to have all the rights and privileges of citizenship.
Tino rangatiratanga includes management of resources and other *taonga* according to Maori cultural preferences.	

[119] Parliamentary Commissioner for the Environment (1988) *Environmental Management and the Principles of the Treaty of Waitangi*, Report on Crown Response to the Recommendations of the Waitangi Tribunal 1983-1988. pp. 17-23. Wellington: Parliamentary Commissioner for the Environment. p. 19

This change in focus has been crucial in the way the debate over Treaty issues and the Treaty itself are conceived. By relying on the spirit rather than the words of the Treaty, it ceases to be conceived as a "finite contract" and becomes a "developing social contract".[120] Emphasis on the principles of the Treaty, allows to consider the changing characteristics of each particular situation over time. The principles of the Treaty, thus, are not fixed and have not been defined by statute. Several institutions have provided definitions of the principles. The following table summarizes the principles relevant to environmental management disputes as defined by the Waitangi Tribunal and the Court of Appeal.

Perhaps the most basic idea implied by these principles is that the Treaty established a partnership based in good faith, in which the Crown has the right to make laws but also a duty to actively protect tribal *rangatiratanga* including management of resources and other *taonga* according to Maori cultural preferences. Assuming that there is agreement about at least the very basic idea of the bargain established by the Treaty, the following questions arise: How have these abstract privileges been provided for by New Zealand's institutional framework (if at all)? What legal implications do these rights and duties have in the constitutional context of the nation? How are they translated into government policy and legislative action?

8.2 Treaty of Waitangi, the environment and legislation

Because the Treaty of Waitangi and its implications were not well understood by the signing parties, it is not surprising that the New Zealand's institutional framework did not develop to satisfy the expectations of both parties. Since the Crown acquired the right to make laws, the Maori were placed in an unfavourable political and legal position. Pakeha governments "simply assumed that full sovereignty had been acquired by the Crown in 1840 and that it was to be exercised by parliament without impediment."[121] For many years in the Pakeha context, the Treaty was either ignored or forgotten. Moreover, the colonialist and imperialist ideas dominated the way of thinking of most of the Pakeha governments of the late nineteenth and early twentieth centuries and thus a great deal of the legislation passed at that time aimed at promoting the process of assimilation, the alienation of Maori land, the British immigration and the establishment of a British way of life. Therefore,

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[120] Oliver, W.H. (1991) *Claims to the Waitangi Tribunal.* Wellington: Department of Justice. p.76
[121] Oliver, W.H. (1991) *Claims to the Waitangi Tribunal.* Wellington: Department of Justice. p.7

[f]or a century and a half, the British imperial and colonial legislators have passed a sequence of laws which consistently violate guarantees given to the Maoris under the Treaty... Within this governmental system there was no place for things Maori. It was a Pakeha institution, whose structures, procedures, values, priorities and personnel were unashamedly monocultural. [122]

The worldwide decolonisation processes of the 1960's and 1970's, the civil rights movements and the focus on Indigenous peoples in the international agenda, were major factors influencing Maori to protest against breaches of the Treaty and to claim their rights as Treaty partners. In 1975, with Treaty of Waitangi Act 1975, a Tribunal was appointed to inquire into claims from any Maori or group of Maori who had been prejudicially affected by any action or omission of the Crown since the coming into fore of the Act, which the claimant believed to be inconsistent with the principles of the Treaty.[123] The creation of the Waitangi Tribunal represented an important first step to recognise the Crown's neglect of its Treaty obligations. The Tribunal was given the authority to inquire into and make findings upon a claim and, if it decided the claim was well founded, to recommend to government measures of redress.[124] However, the Tribunal did not have jurisdiction to inquire into acts or omissions which had taken place prior to passage of the Act (1975) and most of the events which provoked the Maori grievances had occurred in the past, prior to the enactment date. In 1985 the Act was amended, extending its jurisdiction back to 1840.

Yet, the rights derived from the principles of the Treaty or the Treaty itself, are only legally enforceable in New Zealand where they are incorporated into statute. In this regard, a series of important constitutional reforms that took place in the 1980's and represented for the Crown an "opportunity for affirmative action to be taken to redress imbalances in decision-making relating to environmental management."[125]

In the decade of the 1980's following global economic and politic trends of Western democracies, New Zealand's central government moved from an economy of intervention to a free market economy. In this context, environmental management was required to operate in a business-like manner. Prior to the reforms, the institutional structure was composed of a large number of small different local authorities (over 600 authorities

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[122] Kelsey, J. (1984) Legal Imperialism and the Colonization of Aotearoa. In Spoonley P., Macpherson C., & Sedgwick C., (eds) Palmerston North: Dunmore Press. pp. 32-43. p.32

[123] Oliver, W.H. (1991) *Claims to the Waitangi Tribunal.* Wellington: Department of Justice. p. 10

[124] Oliver, W.H. (1991) *Claims to the Waitangi Tribunal.* Wellington: Department of Justice. p. 10

including Regional, City and District Councils, Special Purpose Authorities and Domain and Recreation Boards)[126] and more than twenty major statutes dealing with environmental management (including Town and Country Planning Act 1977, water and soil legislation, legislation concerning geothermal resources, air and noise pollution and coastal reserves).[127] This scheme was highly inefficient to achieve the business-like environment required, and therefore, local government structure and resource management law went through a process of comprehensive reforms.

The structure that resulted from the reforms of the late 1980's comprised two levels of local government established by the Local Government Amendment Act 1989 (around 90 authorities in total) with responsibilities under the Resource Management Act 1991. The RMA dealing with air, land and water, introduced a totally new approach to environmental management. The single purpose of the Act is to promote the sustainable management of natural and physical resources, considering the needs of future generations, safeguarding life-supporting ecosystems, and minimising adverse effects of activities on the environment.[128] Therefore, within the context of a market-driven economy, local authorities responsibilities were set on a framework for sustainable management of the environment.

However, these reforms and the resulting structure were particularly significant for Maori since these determined their role and involvement in environmental management. Following political pressure, increasing Maori concerns, and a lengthy process of consultation, the RMA incorporated a series of provisions for Maori values and interests. Part II of the RMA specifies that all those exercising functions and powers under the Act (territorial and regional councils, Ministers of the Crown, and their departments) are required to:

- recognise and provide for, as a matter of national importance, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga (Section 6(e));

- have particular regard to kaitiakitanga (Section 7(a)); and

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[125] Parliamentary Commissioner for the Environment (1988) *Environmental Management and the Principles of the Treaty of Waitangi*, Report on Crown Response to the Recommendations of the Waitangi Tribunal 1983-1988. pp. 17-23. Wellington: Parliamentary Commissioner for the Environment. p. 18
[126] Enterprise NZ Trust (1997) *Local Government in New Zealand*. pp.5-8
[127] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination*. Auckland: Oxford University Press. p. 28
[128] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination*. Auckland: Oxford University Press. p. 28

- take into account the principles of the Treaty of Waitangi (Section 8).

In many situations local authorities will consult with Maori to meet these obligations.

Many Maori had high expectations placed on the RMA as a possible means to effective partnership in resource management. However, because local authorities are not part of the Crown there is no direct Treaty relationship. Further, the RMA does not oblige local government authorities to adopt a committed partnership relationship with Maori, and the way the powers under the Act are exercised are up to the individual territorial authorities. In this regard the Waitangi Tribunal has claimed that the RMA is in breach of the principles of the Treaty:

> The RMA 1991 is inconsistent with the principles of the Treaty in that it omits any provision which ensures that persons exercising functions and powers under the Act are required to act in conformity with the principles of the Treaty of Waitangi. [129]

Therefore, the interaction between local authorities and iwi in environmental decision-making has been sometimes problematic. And for many Maori, the promises and expectations they held from the new resource management regime have not been met.

This brief description presents the area where history, the environment and the institutional framework intersect as part of the Maori and Pakeha relationship. This description provides a basis for the following sections to explore the New Zealand experience with an eye to pluralism and dialogical dialogue.

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[129] Kenderdine, J. et al (1993) Applications under the Resource Management Act 1991. New Zealand law Society. p. 14 (original emphasis)

Chapter nine. Exploring The RMA

This thesis focuses on the Resource Management Act 1991 as the main framework that defines the relationship between Maori and the government in environmental planning. It has been subject of numerous analyses from many different perspectives: ecological, political, legislative, Indigenous rights. This chapter does not intend to be a comprehensive analysis of the structure or content of the RMA, rather it will focus exclusively in the extent to which it is congruent with the *mythos* of the Maori and Modern Western worldviews and consequently if it reflects, and allows for a pluralist attitude, and thus, communication and understanding between the two different worldviews involved. For this purpose, it is assumed first that human attitudes are implicitly manifest in the essence of any institutional framework, or for the case, in any legislation. And second, that an institutional framework affects or determines to some extent the attitude that the individuals who implement legislation will adopt.

The following analysis covers two main components. First, this chapter analyses the spirit behind the RMA, and the underlying assumptions that reveal the human attitudes and underlying myths behind it, that is, the conceptual component of the RMA. Second, it explores the implementation and operational aspects of the RMA, specifically the local government and iwi interaction under the Act in the light of pluralism and dialogical dialogue.

9.1 The spirit behind the RMA

The RMA is based upon several underlying assumptions that allow the complex social reality to be manageable and conceptualised. These assumptions, which are taken for granted but can be easily acknowledged, bridge public issues with the *mythos* of a worldview. Therefore by analysing these assumptions, bearing in mind that the RMA binds the Maori and Modern Western worldviews together, it is possible to determine the cross-cultural attitude behind it. That is, analysing the assumptions and discovering the *mythos* they respond to, one can determine whether in the spirit of the RMA one of the worldviews excludes, includes, ignores, complements or understands the other.

Simon Swaffield and Jeff Murray have undertaken a very discerning and concise analysis of these assumptions underpinning the RMA, which they call 'policy myths'. They identified the following four interrelated policy myths:

- that the RMA should concern itself with natural and physical resources;

- that these resources should be sustainably managed;

- that sustainable management should integrate conservation and development;

- and that sustainable management is achieved through the rational planning of the environmental outcomes of resource use.[130]

Given that the single purpose of the RMA is to promote the sustainable management of natural and physical resources, these four assumptions reveal the essence of the Act.

In section 2 the RMA defines natural and physical resources as including "land, water, air, soil, minerals and energy, all forms of plants and animals (whether native to New Zealand or introduced) and all structures."[131] The Act conceives natural and physical resources as phenomena that can be measured and recorded objectively. Consequently, the main concern in the RMA is quantifiable phenomena and objective accounts of these. For example section 35 states that every local authority, in order to carry out effectively its functions has the duty to gather information, monitor and keep records; sections 67(i) and 75(i) state that all regional and district plans respectively, shall state the procedures to monitor the effectiveness of the plan as a means of achieving its objectives and policies. Most of these duties are achieved with the use of Environmental Performance Indicators, which are considered "signposts for sustainability".[132] In the Environmental Performance Indicators Programme of the Ministry for the Environment, the features of an ideal indicator include that an indicator should be:

- measurable;

- reproducible and based on critical attributes of the system;

- scientifically credible and robust;

- predictive; and

- have statistical integrity.[133]

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[130] Murray, J. & Swaffield, S. (1994) Myths for Environmental Management. *New Zealand Geographer,* 50(1) pp. 48-52

[131] Resource Management Act 1991. Wellington, New Zealand: Government Printer. [Reprinted 1994]

[132] Ministry for the Environment (1997) *Environmental Performance Indicators: Proposals for Air, Fresh Water, and Land.* Wellington: Ministry for the Environment. p. 142

[133] Ministry for the Environment (1997) *Environmental Performance Indicators: Proposals for Air, Fresh Water, and Land.* Wellington: Ministry for the Environment. p. 147

Thus the natural and physical resources that concern decision-makers exercising powers under the RMA are material, measurable and quantifiable phenomena. As it has been analysed before, objectivity, measurement and quantification are core elements of the Modern Western worldview. Therefore, at least in the essence of the Act, the Maori notions of the spirituality of the natural world, subjectivity and embeddednes have been neglected. As Murray and Swaffield comment,

> whilst the use of the term 'resources' gives the Act an appearance of objectivity, it disguises both cultural and social control over the naming and defining of resources.[134]

It is relevant to note, however, that the RMA conceptualises resources as integrated in an organic whole, leaving behind the reductionist approaches that divide nature and treat each part separately. This approach, being more holistic, is closer to Maori notions of the natural world. However,

> the mechanistic rationale still underlies this resource management response with its calls for efficient management of ecosystems and, for example, the use of computer models to predict ecosystem behaviour.[135]

Therefore, the assumption that the RMA should concern itself with natural and physical resources is coherent predominantly the core elements of the Western worldview.

The concept of sustainable management is present in both, the Maori and the Modern Western worldview. Thus, it is relevant to briefly explore the Maori and Western concepts of sustainable management and compare them with the concept adopted in the Act. Section 5 of the RMA defines sustainable management as:

> Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while,
>   a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
>   b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
>   c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment. [136]

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[134] Murray, J. & Swaffield, S. (1994) Myths for Environmental Management. *New Zealand Geographer,* 50(1) pp. 48-52

[135] Sunde, C. (2002) Contrasting Scientific Paradigms with Indigenous Maori Views of Water in Aotearoa / New Zealand. Sustainable Development of Energy, Water and Environmental Systems. Unpublished Conference Proceedings. June 2-7, 2002. Dubrovnik, Croatia. p. 4

[136] Resource Management Act 1991. Wellington, New Zealand: Government Printer. [Reprinted 1994]

In the Modern Western worldview there is no unity in the meaning of sustainable management (or sustainability), and it is rather an eclectic concept. The use of the term sustainable management has become very popular among people from different backgrounds and ideologies. However, this responds to ambiguity and vagueness of meaning rather than to a unifying character. The concept has been devalued almost to the point where it may be considered for some a cliché, as Holmberg J. and Sandbrook R. state "if a phrase becomes all things to all people, it is soon of no value to any"[137].

The problem with the concept of sustainability is that there is no comprehensive definition which retains analytical precision.[138] There is no agreement as to what is to be sustained and how. Basically, sustainability may refer to either the resource base itself (i.e. natural environment and ecosystems), the economic growth and activity related to the resource base, or the livelihoods derived from the resources. That is, some people may refer to human activity as having an impact on the environment, while others refer to nature as a major constraint imposed on the growth model. This discrepancy in emphasis is important since it results in evident contradictions or conflicting views in the interpretation of policy.

On the other hand, the Maori resource management is based upon the connection in the spiritual and *whakapapa* sense between man and the environment. As explained earlier, people are considered part of a whole to which they are linked and related. In this whole, everything possesses *mauri* or a life essence. The emphasis in sustainable management for Maori is, therefore, more focused in ensuring that the *mauri* and thus spiritual essence of the resources is maintained and enhanced, rather than sustaining purely the physical stock of a resource or sustaining an ecosystem.[139] Thus, *mauri* is a key concept in the Maori notion of sustainability, linking resources with both the environment and with people. However, despite being included in the original Bill, the RMA does not make any particular reference to *mauri*.[140]

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[137] Holmberg, J. and Sandbrook R. (1992) Sustainable Development: what is to be done? in J.Holmberg (ed) *Policies for a Small Planet*. London: Earthscan

[138] Redclift, M and Sage, C (eds) (1994) *Strategies for Sustainable Development: Local Agendas for the Southern Hemisphere*. Chichester: Wiley

[139] Love, M.T.W. (1992) *Sustainable Management of Water and Kaupapa Maori*. Te Atiawa: Unpublished paper

[140] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination*. Auckland: Oxford University Press. p.30

The assumption that resources should be sustainably managed seems, therefore, appealing to both Maori and Pakeha. Murray and Swaffield comment that in the RMA,

> the role of the term 'sustainable management' has been to enable a broad spread of interests to express support for the principle of the Act, whilst still maintaining their particular interpretation of its meaning.[141]

This is not only valid for Maori and Pakeha views, but also for all the different views within the Modern Western worldview. The vagueness of the concept allows it to be interpreted in various ways. The meaning of section 5 of the RMA has been the subject of major debate. The problem with section 5 is one "of weighing diverse competing interests where it is difficult to attribute to them comparative worth on a common value scale."[142] The tension has been mainly between those who interpret sustainability as anthropocentric (stressing people and communities), and those who advocate sustainability is centred in the ecosystems, and the rest (socio-economic matters) are secondary considerations. In this regard the act is too indeterminate.

Two main approaches have been adopted to deal with this issue. The first is known as the 'environmental bottom-lines' approach, which sees section 5 of the RMA as establishing certain environmental thresholds, or bottom lines, which cannot legally be breached. This approach permitted the Environment Court to "remain in traditional and comfortable judicial territory – deciding facts, albeit scientifically complex facts, rather than establishing policies regarding social and economic values."[143] The second approach, the 'overall judgement approach', considers that "decision-makers under the RMA must exercise overall, broad judgement in considering the various factors included in the definition of sustainable management."[144]

Both approaches, however, exclude from the debate Maori views of the natural world. The environmental bottom-line approach relies mainly on scientific hard facts, that is, it relies on Western rationality and objectivity, and as seen before, many of the most important Maori notions of the natural world do not comply with these Western parameters. The overall judgement approach depends on the definition of sustainable management, which as

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[141] Murray, J. & Swaffield, S. (1994) Myths for Environmental Management. *New Zealand Geographer*, 50(1) pp. 48-52. p.49

[142] Harris, B.V. quoted in Palmer, G. (1995) *Environment: The International Challenge.* Wellington: Victoria University Press

[143] Birdson, B. (2002) Adjudicating Sustainability: New Zealand's Environment Court. *Ecology Quarterly.* Vol 29. No. 1. pp. 1-70. p.45

[144] Birdson, B. (2002) Adjudicating Sustainability: New Zealand's Environment Court. *Ecology Quarterly.* Vol 29. No. 1. pp. 1-70. p. 46

noted above, excludes the Maori views from the definition of natural and physical resources. Moreover, because the definition of sustainable development in the Act is not consistent with fundamental elements of the Maori notion of sustainability, the interpretation of particular issues will more likely be coherent with the Modern Western worldview than with the Maori worldview.

In addition, the emphasis on section 5 of the RMA in assessing the 'effects' on the environment reflects the predominance of Modern Western views. The effects-based management framework,

> requires decision-makers – whether adjudicating the merits of individual projects, choosing remedial rules, or enacting prospective rules – to focus on environmental outcomes and performance by considering environmental impacts as a primary factor in their decisions. [145]

In this sense, sustainable management essentially entails dealing with market externalities. This view has a built-in assumption that the impacts or effects must be quantifiable in an objective way. Within the Maori worldview of the natural world, however, there are important effects which are not necessarily quantifiable in objective ways. There have been a number of cases where Maori express concerns of a particular activity having metaphysical effects on the environment. For example, as part of the Manukau Harbour claim to the Waitangi Tribunal, the Tainui Tribes expressed a metaphysical concern regarding the New Zealand Steel proposal to use the water from the Waikato River to transport iron sands slurry by pipeline to its plant in Glenbrook, and then discharge the used water into the Manukau Harbour. The Maori claimants argued that the *mauri* of the two water bodies is incompatible and thus should not be mixed by unnatural means. There are many adverse effects on the environment according to Maori notions of sustainability that cannot be quantified in objective ways. Again, the assumption of the RMA that resources should be sustainably managed reflects predominance of the Western over the Maori views.

The assumption that sustainable management should integrate conservation and development could be coherent to some extent with both the Maori and Modern Western worldviews. Conservation is a widely held and important value for Maori worldview, and it is increasingly becoming part of the Western worldview. Development, on the other hand, is predominantly a Western notion. It has been mentioned before that as the

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[145] Birdson, B. (2002) Adjudicating Sustainability: New Zealand's Environment Court. *Ecology Quarterly.* Vol 29. No. 1. pp. 1-70. p.47

project of modernity, development reflects the universal ideals of the Modern Western worldview. Consequently,

for the most part, Western policies have isolated the cultural aspects of development. Gilbert Rist comments that,

> [b]ecause 'development' is essentially a complex of practices, it must be understood globally as a
> cultural phenomenon, tied to a particular way of knowing the world and others. Consequently, the
> universal 'desire for development' that we think we detect everywhere is likely to come from a
> simplified view of 'reality' which is itself based on underlying values which are claimed to be
> universal.[146]

Because the universality claim is so deeply embedded in the notion of development, and because the precise

meaning of integration in the RMA is 'remarkably elusive'[147], the assumption of integrating conservation and

development reflects an attitude that accommodates other values (i.e. conservation) to the mainstream Western

ideals of material and economic growth.

Finally, the Modern Western worldview *mythos* clearly dominates the assumption that sustainable management

can be achieved through the rational and objective prediction and control of the environmental outcomes of

resource use. Instrumental rationality and objectivism are the two manifestations of the Western *mythos* in

political institutions:

> [i]nstrumental rationality may be defined in terms of the capacity to devise, select, and effect good
> means to clarified ends. The second [objectivism] is the idea that rational choices concerning
> theories and beliefs about matters of fact, and even about values and morals, should be made
> through reference to a set of objective standards that are equally applicable - and accessible - to
> all individuals. [148]

Following these guiding principles of Western political institutions, the RMA embodies a technocratic framework.

In the RMA framework both ends and means are defined according to Western rationality (and the set of

'inviolable truths' accessible only to specialists) and therefore excludes Maori views and ways of doing things. As

Murray and Swaffield argue, the Act has been presented as an "economically and scientifically rational

instrument, that disguises the socially contentious nature of both scientific prediction and rational planning."[149]

Sections 32 and 33 of the RMA are good examples to illustrate how Modern Western science has been *a priori*

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[146] Rist, G. (1987) Is development a Western notion?. Should we say 'No' to development?, *Interculture* #95, Vol. XX, No. 2. Spring 1987.pp.11-21 p.14

[147] Murray, J. & Swaffield, S. (1994) Myths for Environmental Management. *New Zealand Geographer*, 50(1) pp. 48-52

[148] Dryzek, J. S. (1990) *Discursive Democracy: Politics, Policy and Political Science*. Melbourne: Cambridge University Press. p.4

[149] Murray, J. & Swaffield, S. (1994) Myths for Environmental Management. *New Zealand Geographer*, 50(1) pp. 48-52

defined as the appropriate approach to achieve sustainable management. Section 32, for example, essentially requires local authorities to:

- Address the extent to which regulation is needed at all;

- Evaluate the *benefits* and *costs* of the proposed option and the alternatives; and

- Decide whether the proposed means is necessary to achieve the purpose of the RMA and is the most appropriate in terms of effectiveness and efficiency.[150]

This section, that practically describes and defines step by step how to deal with environmental issues, emphasises the evaluation techniques of the Modern Western worldview previously mentioned (i.e. cost-benefit analysis, goals achievement matrix, planning balance sheets). Thus all policy statements and plans should be supported by Modern Western techniques. Maori views and concerns over the environment can be, at best, incorporated into a decision-making matrix, but there is a clear dominance of the Western *mythos* in the RMA. The same happens in section 33 of the Act, particularly section 33(4)(c)(ii) and (iii), where the act specifies that a local authority may transfer any functions, powers or duties to another public authority (for example an iwi authority) if the transfer is desirable on *efficiency* and *technical* or special capabilities or expertise grounds. Although, this is not overtly recognised, these assumptions of the RMA result in a highly exclusionary and technical system of environmental management. Some Maori, for example, have expressed a feeling that their Iwi Management Plans have to be consistent with Western principles in order to be recognised at all. [151]

These points are reinforced in the resource consent process where *iwi* generally have no special status and are usually just one of the submitters. This process, being one of the most important processes under the RMA, again denotes an exclusionary and technical system incompatible with Maori environmental management views and values. Sections 104 and 105, which contain the key provisions for resource consent decision-making, specify that when considering an application for a resource consent, the consent authority shall have regard to the *effects* of allowing the activity, as well as to any relevant planning documents (plans and policies). Thus, according to the above discussion, the resource consent process is supported *only* by Modern Western values

[150] Ministry for the Environment (2000) *What are the options? A guide to using section 32 of the Resource Management Act.* Wellington: Ministry for the Environment. p. 8

and techniques. The decision-making for resource consents is therefore not a shared process; at best local authorities consult and take into account Maori issues as one of many of matters to be considered. This is taking at best, an inclusivist attitude that incorporates Maori views into Modern Western science. Moreover, local authorities often have no knowledge of Maori spiritual affiliation to a particular 'resource', and thus it is not clear for decision-makers when to consult with *iwi*. It is common that *iwi* are not notified of a particular resource consent application over culturally important sites, or notification to *iwi* is too late.

Figure 4. The RMA policy myths vs. Maori and Modern Western *mythos*

Level of congruity
- ● High
- ◐ Limited
- ○ Low or nil

	Maori worldview			Modern Western worldview			Examples
	Holistic reality	Spiritual reality	The experience	Fragmented reality	Material reality	The rational grasping	
Natural and physical resources	◐	○	○	◐	●	●	s.35 Duty to gather information, monitor and keep records and sections 67(i) and 75(i) monitor the effectiveness of plans through the use of *measurable, reproducible, scientific, predictive* and statistical integrity.
Sustainable management of resources	◐	○	○	◐	◐	●	s.5 Sustainable management based on adverse effects on the environment
Conservation and development	○	◐	○	◐	◐	●	s.5 Sustainable management underpinned by the idea of integration of material and environmental needs. s.45(2)(a) actual or potential effects of the use development or protection of natural and physical resources
Rational planning of environmental outcomes	○	○	○	●	●	●	s.32 Duty to consider alternatives, assess costs and benefits, etc. s.33(4)(c)(ii) and (iii) transfer of powers on efficiency and technical grounds.

Figure 4 presents an evaluation matrix with the RMA policy myths in one axis, and the elements of the Maori and Modern Western worldview myths in the other axis. These are related by the level of congruence between them, which can be high, if the relating myths are consistent with each other, limited if there is room for ambiguity or if the myths are at least consistent with each other to some extent , or low / nil if there is no consistency between the myths. It is relevant to note, that the matrix, the criteria and the judgement itself are derived from my personal experience and research, and thus are not, and do not intend to be either absolute or exhaustive. In any case, this evaluation matrix shows that according to my experience, research and to these particular criteria, the RMA is in essence a predominantly monocultural (Modern Western) framework. As Hirini Matunga states:

> Despite the Treaty rhetoric, the reforms [resource management law reforms] were still grounded in an exclusionary paradigm that viewed Maori as participants or consultees, rather than resource

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[151] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination*. Auckland: Oxford University Press. p.30

decision-makers in their own right. The Treaty and its principles were relocated to a tangential debate about consultation and how to notionally better provide for Maori participation in mainstream planning.[152]

However, it would not be fair to claim that this responds to an absolute exclusivist attitude, for the Act incorporates a number of Maori values and beliefs as well as provisions for Maori interests. Mason Durie identifies four broad categories of provision in the Act that are of particular relevance to Maori: the Treaty of Waitangi, cultural interests, iwi interests, and Maori language usage.[153]

The fact that the RMA recognises the Treaty of Waitangi, cultural values significant for Maori resource management such as the relationship with their ancestral lands, water, sites, *wahi tapu* and other *taonga*, the acknowledgement of *kaitiakitanga*, the opportunity for *iwi* to develop their own management plans, and the inclusion of many Maori words and phrases, denote a shift from the exclusivist attitude as described by Panikkar in Chapter six (See Appendix C for detail of the Treaty of Waitangi and Maori provisions in the RMA). These provisions suggest that there is at least awareness of the Maori worldview, and of the importance of recognising it.

Therefore, it can be argued from this analysis that the spirit behind the RMA reflects an inclusivist attitude, where the government acknowledges the existence and importance of the Maori worldview. Taking this tolerant, open stand, which finds place for diversity of worldviews, is certainly a positive step. However, this attitude assumes that Maori views can be reinterpreted and included or assimilated in the Modern Western worldview's framework. Thus it does not recognise, as a pluralist attitude would do, that the Maori and Western worldviews are irreducible to each other. The essence of the RMA, thus, does not reflect a pluralist attitude. Consequently by itself the RMA does not generally promote dialogical dialogue between the Maori and the government.[154]

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[152] Matunga, H. (2000) Decolonizing Planning: The Treaty of Waitangi, the environment and a dual planning tradition. In Memon, P.A. and Perkins, H.C. (eds) *Environmental Planning & Management in New Zealand*, Palmerston North: Dunmore Press, pp. 36-47. p.43

[153] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination.* Auckland: Oxford University Press. p. 28

[154] However, the implementation of the RMA is subject to personal interpretations and attitudes, and thus it does not preclude decision-makers to take a pluralist attitude either.

Now it is relevant to note that although in New Zealand the first step to leave exclusivism behind has been taken, this cannot be considered enough for creating meaningful communication and understanding between Maori and Pakeha. Moreover, it is not valid to assume that the progress from exclusivism to pluralism is a linear and necessary path. That is, it is not valid to assume that the current inclusivist attitude is an early stage of pluralism, and that it will naturally evolve towards a pluralist attitude. Rather, this has to be done purposefully and with deliberate and conscious determination.

9.2 Implementing the RMA: Iwi and Local Government interaction

A change to the interaction between iwi and local government under the RMA is crucial to redress the imbalance in environmental decision-making. Since the enactment of the RMA in 1991, iwi and local government have experienced difficulties interacting with each other in implementing the Act. In response to these difficulties, the Ministry for the Environment developed the Iwi-Local Government Programme.[155] The first output of the programme was a report published by the Ministry called 'Iwi and Local Government Interaction Under the Resource Management Act: Examples of Good Practice'.[156] The main objective of this report was to investigate issues facing iwi and local government in their interaction with each other in implementing the RMA, through interviews of a cross-section of iwi and local authorities.

The report put forward the definition of the relationship between iwi and local government in the context of the Treaty of Waitangi and the RMA as the overarching and fundamental issue.[157] Iwi and local authorities have different understandings of their relationship and therefore different expectations which result in difficulties in the day-to-day interaction to implement the RMA.

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[155] The Iwi-Local Government Programme was developed by the Ministry for the Environment with the assistance of Te Puna Rangahau / Centre for Maori Studies and Research at Waikato University. The programme aims to improve environmental outcomes by enhancing iwi participation in environmental management, particularly under the RMA. Ministry for the Environment (2000) Iwi and Local Government interaction under the Resource Management Act 1991: examples of good practice. Wellington: Ministry for the Environment

[156] Ministry for the Environment (2000) Iwi and Local Government interaction under the Resource Management Act 1991: examples of good practice. Wellington: Ministry for the Environment.

[157] Ministry for the Environment (2000) Iwi and Local Government interaction under the Resource Management Act 1991: examples of good practice. Wellington: Ministry for the Environment.

Behind these difficulties, however, there is a hidden attitude of inclusivism underpinned by the spirit in the RMA. This attitude acknowledges that the Maori is a tradition different to the Modern Western worldview, but at the same time affirms that the Maori worldview can be reinterpreted and assimilated into the Western worldview and frameworks. It is assumed that the Modern Western worldview includes and contains in itself all there is of truth in other traditions.

As analysed above, this inclusivist position is not conducive to communication and understanding between people with different worldviews. For the government, this attitude might seem tolerant and embracing. The inclusion of Maori provisions and wording in the RMA, and their consequent involvement in the implementation of the Act, can be seen from an inclusivist position, as good enough. Using Panikkar's words, the government is tolerant in its own eyes, but not in the eyes of the Maori who challenge the government's assumed right to be on top.[158] Therefore, it is not surprising that based on this tacit inclusivist attitude, local authorities fail to understand and to communicate effectively with iwi.

The divergent views of iwi and local authorities shown in the report are an example of how the attitude of inclusivism blocks communication and understanding and results in difficulties and conflict between the parties. Appendix D shows the views held by *iwi* and local authorities as published in the mentioned report. "The lack of clarity in defining the constitutional relationship between iwi and local government under the RMA specifically and Treaty of Waitangi generally is sometimes posited as underpinning difficulties facing the two parties as they interact on resource management processes."[159] These divergences are clearly associated with constitutional ambiguity. However, after more than ten years of interaction under the RMA, these divergences of day to day issues reflect a more fundamental problem: iwi and local authorities, having different systems of meaning, do not share a common language, and the tools for understanding must be created. Ultimately, if the power imbalanced is to be redressed, there must be a shift from inclusivist to pluralist attitudes towards each other.

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[158] Panikkar, R. (1999) *The Intra-Religious Dialogue.* New York: Paulist Press. p. 7
[159] Ministry for the Environment (2000) *Iwi and Local Government interaction under the Resource Management Act 1991: examples of good practice.* Wellington: Ministry for the Environment.

Even if the RMA does not reflect and promote a pluralist attitude, it does not preclude those individuals implementing the Act from adopting a pluralist position either. Here lies the potential of an alternative that is centred in human attitudes: it does not require constitutional reforms. It just demands an enabling framework and people willing to understand each other. In New Zealand the institutional framework is enabling and, although this might not always be the case, there are people in both the local government and iwi willing to understand each other and build a balanced relationship. To illustrate this, there are several mechanisms that promote understanding between iwi and local authorities. These mechanisms are outside the RMA but have direct or indirect influence on its implementation and operation.[160] This section of the thesis comments on one mechanism that is particularly relevant and innovative from a perspective of pluralism and dialogical dialogue between worldviews: the iwi liaison officers.

- *Iwi liaison officers*

Given the difficult interaction and poor communication between local authorities and *iwi*, some local authorities have established *iwi* liaison offices or other mechanisms to liase with *iwi*. The *iwi* liaison officers have a bridging function, delivering information from Council to *iwi* and back. It also represents an appropriate way for *iwi* to be involved and participate in how the environment and resources are managed. In the end, these mechanisms contribute to create the tools for effective communication between *iwi* and local authorities, building a relationship based on understanding in the long term. Ideally, at some point the relationship will be developed and will not require a special office or mechanism to liase between local authorities and *iwi*. However, as it has been argued, this is not the case at the moment, and this mechanism represents an opportunity to promote dialogue and understanding.

Iwi liaison offices have the potential to promote dialogical dialogue and thus a pluralist attitude between *iwi* and local authorities. In some instances, they have undertaken initiatives which introduce local authorities and council staff to the Maori worldview in symbolic forms. For example, in April 2002, the iwi liaison office for Environment Bay of Plenty set up a two days marae-based *hui* involving Environment Bay of Plenty councillors, staff and local

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[160] For example the Treaty of Waitangi claims settlement process, iwi liaison officers, iwi management plans, skills and funding programmes for iwi, written agreements or memoranda of understanding between iwi and local authorities, etc.

iwi representatives. The workshop began with a *powhiri* and included discussion groups, field trips and debates. The innovative aspect of this workshop was to bring the councillors and staff member to the *iwi* environment, to be in the marae and to acknowledge, participate and respect the Maori protocol, since there was no compromising of any *tikanga* during the workshop. The Maori Regional Representatives Committee were there to be hosts, and the members of the council were there to learn. This attitude enabled all the participants to know each other and understand each other better.

Iwi liaison offices is just an example that illustrates how in New Zealand, despite the fact that the RMA does not reflect a pluralist attitude, the institutional framework is enabling and there are progressive and innovative instruments and devises that promote dialogical dialogue and a pluralist attitude between Maori and the government.

The RMA, however, does not by itself define the relationship between Maori and the government in environmental decision-making. As it was said before, this relationship is defined by the elements that bind Maori and Pakeha together: history, the institutional framework and the environment itself. The RMA deals specifically with issues of management over the environment. It does not deal with issues of ownership of the land and natural resources in general, nor specifically with the issue of redress for historical grievances. These are dealt with through the Treaty settlement process. Therefore, the next chapter explores whether the Treaty settlement process is congruent with the elements of the Maori and Modern Western worldviews, and so to what extent it achieves or allows for a greater pluralism and profound meaningful dialogue and understanding to be part of the relationship between Maori and Pakeha in environmental decision-making.

Chapter ten. Treaty Settlement Process

Ma te wahine ka tupu ai te hanga nei, e tangata,
Ma te whenua ka whai oranga ai.
Whai hoki, ki te tangohia to wahine e te tangata ke,
Ka ngau te pouri ki roto i a koe.
Na, ki te tangohia te whenua e te tangata ke,
Ka tapu to pouri ano.
Ko nga putake enei o te whawhai.
Koia i kiia ai
He wahine, he oneone, i ngaro ai te tangata.

Woman alone gives birth to mankind,
Land alone gives man his sustenance.
No man will lightly accept the loss of
His beloved wife, nor that of his sacred land.
It is said truly that man's destroying passions
Are the love of his wife and the love of his land.

Douglas Sinclair[161]

Maori have a special spiritual affiliation with the land. Maori identify as *tangata whenua*, people from the land and of the land, and as the *kaitiaki* of Earth. In the years following the signing of the Treaty of Waitangi, many Maori lost ownership of a strikingly large proportion of their land to the Crown. In many instances the way the Crown acquired land was in breach of the principles of the Treaty.[162] These and other actions and omissions of the Crown had harmful effects which contributed to the current welfare inequalities and imbalance between Maori and Pakeha (for example education, health, housing, employment, participation in environmental decision-making). For generations, Maori have lived with a sense of grievance against the Crown. Moreover, given the differences between the Maori and the Western worldviews, Maori concerns and views have not yet been fully understood by the government. These issues are part of the relationship of Maori and Pakeha today which cannot be ignored. The Treaty settlement process deals with these issues. Overall, the process aims at removing the sense of grievance through the settlement of all the historical claims and thus providing a foundation for a new relationship between the government and Maori based on the principles of the Treaty of Waitangi.[163] This

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[161] Sinclair, D. (1992) Land: Maori view and European response. In King, M. (ed) (1992) *Te Ao Hurihuri: Aspects of Maoritanga*. Auckland: Reed Publishing

[162] The Crown acknowledges that in many instances the confiscation of land (raupatu), the purchases of land between 1840 and 1865, and the way the Native Land Court operated after 1865 amounted to a breach of Treaty principles. Office of Treaty Settlements (1999) Healing the Past, Building a Future. A Guide to Treaty of Waitangi Claims and Direct Negotiations with the Crown. Wellington: OTS. p. 50

[163] Office of Treaty Settlements (1999) Healing the Past, Building a Future. A Guide to Treaty of Waitangi Claims and Direct Negotiations with the Crown. Wellington: OTS

process is relevant for environmental management because, as said before, in Maori worldview the spiritual

fabric of reality connects all things. Issues of ownership of land and resources as well as historical grievances are

bound with Maori self-identity as *tangata whenua*, as the people of the land, and as said before, this is bound

with their *kaitiaki* role, with Maori guardianship over the environment. Ultimately, the Treaty settlement process

has direct and indirect implications to resource management decision-making.

The Treaty settlement process is in itself an example of how Indigenous peoples and governments facing a

complex situation of imbalance, inequalities, inappropriate frameworks and poor communication can lay the

foundations to redress the imbalance by constructing the tools to understand each other (i.e. through a pluralist

attitude and meaningful communication on symbolic levels). This chapter explores how throughout the Treaty

settlement process Maori and the Crown create the tools to understand each other as different and irreducible

worldviews. It is not only the outcome of the process (the settlement redress) but the process itself (the Waitangi

Tribunal process and the negotiation and settlement) that create cross-cultural symbolic communication and

understanding, and thereby lay the foundations for building a strong balanced ongoing relationship and a pluralist

framework.

10.1 The Treaty settlement process

The Treaty settlement process,

> comprises a range of formal procedures whereby Maori who claim to have suffered prejudice as a
> result of Crown acts or omissions in breach of the principles of the Treaty of Waitangi, reach
> agreement with the Crown that an injustice requiring reparation did in fact occur, and negotiate
> appropriate redress to remedy the prejudice suffered. [164]

The mere establishment of the Waitangi Tribunal back in 1975 denoted a change in the attitude of the Crown

towards Maori. It represented a shift away from an exclusivist attitude. After years of the Treaty being generally

ignored in the Pakeha context, the creation of the Tribunal was an important step to reconcile the Maori and

Pakeha views; it was an important step to honour the Treaty. Mason Durie comments that

> because it was established specifically to investigate claims against the Crown for breaches of the
> principles of the Treaty of Waitangi, the Waitangi Tribunal, Te Ropu Whakamana i teTititi o

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[164] Gibbs, M. (2002) *Are New Zealand Treaty of Waitangi Settlements Achieving Justice? The Ngai Tahu settlement and the return of pounamu (greenstone)*. Dunedin: University of Otago (2nd Edition). p. 10

Waitangi, was the first formal mechanism available to Maori to seek redress on non-statutory Treaty grievances.[165]

Twenty-seven years after this important first step, the Treaty of Waitangi settlement process has developed into a very innovative and progressive process with a great potential to achieve understanding between Maori and Pakeha.

Basically, the Crown recognises two types of claims: historical and contemporary claims.[166] Historical claims are mainly related to the way Maori land was alienated either through direct purchase by the Crown before 1865, by transactions under the Native Land Court after 1865, or by confiscation. Contemporary claims are related to social and cultural issues as well as the processes used by the government – Maori language, resource management, education, immigration.[167]

Formally, a Treaty settlement process begins when a claim is lodged with the Waitangi Tribunal. Once the claim is lodged, there are two distinct processes to address claims: the Waitangi Tribunal's process and direct negotiation with the Crown. The claimants may choose to open direct negotiations with the Crown or to have their claim heard by the Tribunal before entering direct negotiations. Usually most of the historical claims go through the Tribunal process before entering negotiations with the Crown.

The Tribunal process starts with in-depth research of each historical claim. In order to examine whether or not the claim is well-founded, the Tribunal (or a commission research on its behalf) puts together evidence from primary, secondary and oral sources, when appropriate, of the particular claim. The claim will then be heard in a series of one-week hearings that usually take place in the claimant's group marae and in accordance with tikanga Maori. After the hearings, the Tribunal will issue a report setting out whether or not the claims are well-founded. When the Tribunal finds a claim to be well-founded, it may also make some recommendations to the

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[165] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination*. Auckland: Oxford University Press. p. 184

[166] All claims arising from Crown acts or omissions before 21 September 1992 are cosidered historical claims, and all those claims arising from Crown acts or omissions after this date are contemporary claims. This date was chosen because it was when the Cabinet agreed on the general principles for settling Treaty claims.

[167] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination*. Auckland: Oxford University Press. p.185

Crown on how redress might be provided. Usually the Tribunal suggests that the claimants and Crown negotiate a settlement. The claimant group may then use this report as a basis to negotiate with the Crown.[168] The claimant group may request direct negotiation with the Crown at any stage during the Waitangi Tribunal process.

This process transgresses the cultural frontiers between Maori and Pakeha at several points; it enables an encounter at a symbolic level to take place. There are many features of the Tribunal's process that are close to Panikkar's methods and attitudes of cross-cultural dialogue. To begin with, the process demands a reconstructing of the past. A version of the past that,

> had been largely hidden from the eyes of ordinary New Zealanders. Case by case there was an examination of injustices that had never been resolved in the past, nor openly admitted, and again and again it was found that the Crown had failed to meet its obligations under the Treaty. Most New Zealanders were surprised to know that the Crown did have Treaty obligations.[169]

This process can be difficult and unpleasant for both parties. The history of Maori-Pakeha relations is, as most historical relations between Indigenous and non-Indigenous peoples, a history with painful experiences, injustices and deeply-rooted grievances. There is nothing to do about that. For this reason, the process has been criticised as divisive; as a process that unnecessarily reconstructs a painful past which cannot be altered. Yet, in the light of pluralism and dialogical dialogue it is a critical first step to bridge the gulf of mutual ignorance and misunderstandings between Maori and Pakeha.

Reconstructing this hidden version of the past may also entail a presentation of Maori cosmogony. For example, an iwi might describe their genealogy to explain their affiliation with a particular area, mountain, lake, river. This is, the process may entail a reconstructing, in context, of the founding texts (or principles) of the Maori worldview. In the hearings, both groups learn from each other's pasts and traditions. In Panikkar's terms, besides talking about the claim, Maori and Pakeha dialogue themselves with one another. Moreover, the context in which the hearings take place brings the core elements of the Maori worldview close to all those participating in the hearings. By being embedded in the Maori symbols (marae, tikanga Maori, language, etc), Pakeha can experience the Maori as a complete and coherent worldview, and find commonality in symbolic presentations.

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[168] Office of Treaty Settlements (1999) Healing the Past, Building a Future. A Guide to Treaty of Waitangi Claims and Direct Negotiations with the Crown. Wellington: OTS. p. 45

After the Tribunal has issued a report and recommendations, the claimant group and the Crown usually open negotiations. This takes place through the Office of Treaty Settlements, which is a separate unit of the Ministry of Justice. The negotiations process of historical Treaty claims includes four steps: preparing a claim for negotiation, pre-negotiation, negotiations, and finally ratification and settlement. In the first step, the Crown accepts that the claim is well-founded and both parties agree to negotiate. Then, the parties set out and sign the terms of the negotiation, and the relevant Ministers approve the funding available to claimants. After this, the formal negotiations of the settlement redress begin. Negotiators work on the detail of a Heads of Agreement, which describes the redress the Crown proposes to offer. During negotiations however, a great deal of the attention is paid to the valuation of the settlement (the financial redress). In many cases, this hinders the understandings that may have occurred in the Waitangi Tribunal process. Once the settlement is approved and signed by both parties they move on to the last step. During ratification and implementation the claimant group negotiators engage in an extensive consultation process on the Deed of Settlement, and if this is ratified by a majority of the claimant group members, the principals sign the Deed of Settlement. Finally the Crown introduces enacting legislation for the settlement and both groups implement the Deed.[170] When an historical claim is settled this is for the full and final settlement of all the historical grievances of the claimant group.

The settlement redress usually comprises three areas of redress, with different options, to make up a balanced settlement package:

- an apology: the Crown recognises the wrongs done and expresses regret;

- cultural redress: the Crown recognises the claimants' spiritual, cultural, historical or traditional association with the natural environment and their mana within their *rohe;* and

- commercial and financial redress: the Crown contributes to rebuilding the economic base of the claimants group (this involves cash and/or the transfer of assets).

[169] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination.* Auckland: Oxford University Press. p. 175
[170] Office of Treaty Settlements (1999) Healing the Past, Building a Future. A Guide to Treaty of Waitangi Claims and Direct Negotiations with the Crown. Wellington: OTS. p. 41

According to specific interests, values and circumstances, each claim will be offered a different redress package. Not all redress options are relevant for every claim, nor the existing options for redress are exhaustive and fixed; new options can also be developed according to each claim.

Several features and instruments of a settlement redress evidence that the Treaty settlement process creates meaningful communication and thus understanding between Maori and the Crown. Moreover, some of these elements function as tools for symbolic communication between Maori, local authorities, representatives of the Crown and the wider community regarding environmental decision-making. To illustrate this, the next section will draw on the Ngai Tahu experience of negotiation and settlement.

10.2 Ngai Tahu: an example of communication

The Ngai Tahu claim has been one of the most extensive claims lodged in the Waitangi Tribunal. It included claims over land, sea fisheries and mahinga kai (traditional food sources). The three volumes of the 1992 Ngai Tahu Report from the Waitangi Tribunal, are about dispossession, deceit, broken promises, and inflicted poverty.[171] The group claimed that the majority of their traditional territory was unjustly purchased by the Crown. The claim was extensive and the situation complex. The settlement process was long and the negotiations were tough. Ngai Tahu even went through some internal tensions regarding the settlement package. Yet, on 21 November 1997 the Deed of Settlement was signed at Kaikoura, and the Ngai Tahu Claims Settlement Act 1998 was passed by Parliament on 29 September 1998.

The following analysis aims only at illustrating how some of the remedies included in a settlement redress evidence that the Treaty settlement process created meaningful communication and understanding between Ngai Tahu and the Crown, and it represents a shift towards a pluralist framework. Some of these remedies function as tools that enable symbolic communication between Maori, local authorities, representatives of the Crown and the wider community. It does not intend to be a comprehensive analysis of the Ngai Tahu's settlement package.

The Ngai Tahu settlement

> employed a range of remedies, including an apology by the Crown; the return to Ngai Tahu, and subsequent Ngai Tahu gift to the nation, of Aoraki/Mount Cook; economic redress valued at $170 million; and a raft of cultural redress mechanisms intended to restore Ngai Tahu's mana.[172]

The Crown apology is recognised by some Ngai Tahu as one of the most important components in a Deed of Settlement. This is particularly relevant for this thesis, since from a purely 'objective', 'measurable' (i.e. Western rationality) perspective, the apology component of a settlement has no concrete implications. It has no monetary value whatsoever, and does not create any direct legal obligations on decision-makers. However, for Ngai Tahu the apology symbolized the Crown's recognition of *mana* in its tribal area.[173] The concept of *mana* derives its meaning from the core elements of the Maori worldview. A Western rational exclusivist attitude would hinder the possibility to understand the concept of mana, since it has no meaning within the Western horizon of intelligibility. Therefore, the Crown's recognition of the *mana* of the group suggests that at a deep level the representatives of the Crown recognised the *iwi* as another centre of intelligibility. Moreover, the moral nature of the apology denotes that in the process the whole human subjects, and not just their opinions were engaged in dialogue. Ngai Tahu and the Crown negotiators engaged in a dialogue that transcended pure dialectics, a dialogue that involved their whole human dimensions. The apology component of the settlement, thus, clearly denotes that to some extent throughout the Treaty settlement process, Ngai Tahu and the Crown achieved meaningful symbolic communication.

The return of Aoraki / Mount Cook to Ngai Tahu, and the subsequent gifting back of the mountain to the New Zealand nation is another evidence that during the process, the Crown and Ngai Tahu left behind exclusivist attitudes. This arrangement reflects compromise on both parts; it reflects the cross-cultural nature of the situation, where the Maori and Western worldviews and their respective methods and positions are not self-sufficient approaches to the problem. The deal "gave Ngai Tahu largely symbolic ownership, but importantly recognised Ngai Tahu's mana."[174] The arrangement also acknowledged the current situation where Maori and Pakeha do not live in isolation, and thus it considered the interests of the wider community. Moreover, after the

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[171] Durie, M. (1998) *Te Mana, Te Kawanatanga: The Politics of Maori Self-Determination.* Auckland: Oxford University Press. p. 200

[172] Gibbs, M. (2002) *Are New Zealand Treaty of Waitangi Settlements Achieving Justice?* p. 122

[173] Gibbs, M. (2002) *Are New Zealand Treaty of Waitangi Settlements Achieving Justice?* p. 124

[174] Gibbs, M. (2002) *Are New Zealand Treaty of Waitangi Settlements Achieving Justice?* p. 126

settlement Ngai Tahu have a special input into the management of Aoraki / Mount Cook through the mechanisms of statutory acknowledgement, deed of recognition and topuni. "The settlement provides Ngai Tahu with secure avenues to exercise its rangatiratanga with respect to the mountain by fulfilling its *kaitiaki* role, thus allowing Ngai Tahu to restore and rebuild its cultural relationship with Aoraki."[175]

Maori have expressed concerns about the loss of guardianship as well as a feeling of exclusion from environmental decision-making on resources and sites with cultural or spiritual significance. These concerns are usually part of the historical grievances against the Crown and are thus part of the negotiations. Hirini Matunga states that,

> [c]ompensation or redress [provided through the Treaty settlement process] is now as much about *returning* resources to Maori as it is about reinstating their *right to make planning decisions*. Any attempt to separate the two is not only undesirable but also unsustainable.[176]

During negotiations Ngai Tahu expressed concerns that the provisions of the Resource Management Act limited their participation in the management of resources of great cultural or spiritual significance. Ngai Tahu's experience in this regard suggested that there was a break of communication with the decision-makers and lack of understanding of their spiritual affiliation and thus connectedness and interest in the land and resources.[177] Meeting Ngai Tahu's concerns without compromising those of the wider community was no easy task. However, the Crown and Ngai Tahu jointly developed a number of mechanisms that met both interests. These mechanisms are statutory acknowledgements, deeds of recognition, overlay classification or *topuni* and place name changes. Again, this was a situation of imbalance and lack of understanding that was successfully approached by creating meaningful communication. The joint development of these mechanisms is an evidence of the understanding that can be achieved when Western-based governments and Indigenous peoples negotiate and dialogue with open attitudes that preclude the necessity to reduce everything to one single absolute and exclusive truth. Again using the simile of the elephant in a dark room, Maori and Pakeha have their own different accounts of 'the elephant'. These accounts are irreducible to each other, or even to a common denominator. Both groups want things to be accountable and in accordance to their description of 'the elephant'. For example, rangatiratanga for Maori and

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[175] Gibbs, M. (2002) *Are New Zealand Treaty of Waitangi Settlements Achieving Justice?*
[176] Matunga, H. (2000) Decolonizing Planning: The Treaty of Waitangi, the environment and a dual planning tradition. In Memon, P.A. and Perkins, H.C. (eds) *Environmental Planning & Management in New Zealand*, Palmerston North: Dunmore Press, pp. 36-47. p.46
[177] Gibbs, M. (2002) *Are New Zealand Treaty of Waitangi Settlements Achieving Justice?*

consultation and participation for the Crown. The jointly developed mechanisms do not respond exclusively to the Maori or to the Modern Western accounts of 'the elephant'; they certainly do not respond to 'the elephant' itself; but they respond to an hybrid that results from the co-existence (not the sum, or the merger) of both descriptions.

Moreover, the mechanisms developed are themselves tools for improved understanding between *iwi* and local authorities, and thus lay the foundations for redress in the power imbalance in environmental decision-making. With statutory acknowledgements, for example, the Crown "acknowledges in legislation a statement by the claimant group's representative body (such as a Runanga, Maori Trust Board or Iwi Authority) of the special association of the claimant group with an area."[178] These statements are tools for communication between Ngai Tahu and local authorities, and ultimately improve Ngai Tahu's participation in resource management. Statutory acknowledgements, in particular, reflect a pluralist attitude by including in legislation Maori views in Maori terms. An example of a statutory acknowledgement is provided in Appendix E. Usually these statements present the *iwi's* most fundamental beliefs. They describe what links the *iwi* to that site of special significance, often detailing creation stories and activities from ancestors. Because they present the core elements, myths and symbols of Maori worldview, statutory acknowledgements are an open door for dialogical dialogue and understanding between local authorities and Ngai Tahu with respect to the environment.

Moreover, being incorporated into statute, these statements create a number of legal obligations on decision-makers, and so balance the two worldviews, recognise both centres of intelligibility and move towards a pluralist framework. These obligations are:

- "statutory acknowledgements are to be noted on district and regional plans and in policy statements thereby ensuring third parties are on notice of Ngai Tahu's interest and special relationship with those areas;

- councils are required to notify Ngai Tahu of any resource consent applications impacting on statutory acknowledgement sites;

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[178] Office of Treaty Settlements (1999) *Healing the Past, Building a Future. A Guide to Treaty of Waitangi Claims and Direct Negotiations with the Crown.* Wellington: OTS

- Ngai Tahu are given greater standing as an affected party by the requirement that councils, the Environment Court and the Historic Places Trust have regard to the statutory acknowledgements; and

- Any member of Ngai Tahu and Te Runanga o Ngai Tahu may cite a statutory acknowledgement as evidence of Ngai Tahu's relationship with the area. " [179]

These are particularly significant in the resource consent process under the RMA, because as said before, local authorites are often unaware of Maori special relationship with culturally important sites and resources. Thus, these obligations are a doorway for a dialogical dialogue to take place.

However, it is not all about communication and understanding in the Treaty settlement process. When negotiating the commercial and financial redress, the understanding that may be have occurred during Tribunal process and the joint development of the mechanisms of cultural redress, is not so patent. During the Ngai Tahu's settlement negotiations, the difference in the valuation of the overall worth of the claim was a major point of conflict. "Ngai Tahu had been advised that their claim was worth over two billion dollars... a far cry from the Crown's initial offer of $100 million."[180] In fact, negotiations broke for more than a year. Eventually, both parties reached an agreement and determined the overall worth of the settlement in $170 million. The importance given to the financial redress denotes that not all is about a spiritual affiliation with the land.

Figure 5 follows the same method and criteria as used in Figure 4 in order to provide an evaluation that supports the argument in this chapter. In this case, the matrix expresses the degree of consistency between the Maori and Modern Western worldview myths and the Treaty settlement process and outcomes. As in Figure 4, the levels of congruence between these can be high, if the relating myths are consistent with each other, limited if there is room for ambiguity or if the myths are at least consistent with each other to some extent , low / nil if there is no consistency between the myths or there may be no direct relation identified. Again, this matrix, the criteria and the judgements are not, and do not intend to be either absolute or exhaustive. Contrasting with the predominance of the Modern Western worldviews in Figure 4 of the RMA, Figure 5 shows that in the process of

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[179] Gibbs, M. (2002) *Are New Zealand Treaty of Waitangi Settlements Achieving Justice?*. pp. 136-137

dealing with issues of ownership and historical grievances, the Treaty settlement process is a more appropriate mechanism for the cross-cultural nature of the situation. It is also, clear from this figure that there is still a great deal of the mechanistic material views in the commercial and financial redress, which actually plays crucial part in the overall negotiations. And, as said before, much of the communication and understanding may not be so patent when negotiating the monetary value of the loss.

Figure 5. The treaty settlement process vs. Maori and Modern Western *mythos*

Level of congruity
- ● High
- ◐ Limited
- ○ Low or nil
- — No direct relation identified

		Maori worldview		Modern Western worldview			
		Holistic reality	Spiritual reality	The experience	Fragmented reality	Material reality	The rational grasping	Examples
The Process	Waitangi Tribunal process	◐	●	●	◐	●	◐	Research of historical claim: acceptance of oral sources, tikanga Maori, marae environment, symbolic presentations.
	Settlement Negotiation process	◐	◐	◐	◐	◐	●	The jointly development of redress mechanisms that account for Maori spiritual affiliation to the land, recognize mana and rangatiratanga. The negotiation of financial redress which is focused on economic value of loss.
The Outcomes	The Apology	—	◐	◐	—	◐	◐	The apology as a symbol of Crown's recognition of mana. The recognition of past wrongs inequalities derived from Ngai Tahu's loss
	Cultural Redress	●	●	◐	◐	◐	◐	The jointly development of mechanisms as statutory acknowledgements, topuni, place names changes, deeds of recognition
	Commercial & Financial Redress	○	○	○	●	●	●	The "quantification" of spiritual losses: relationship with land, mana, rangatiratanga, mahinga kai, kaitiakitanga, etc. And the valuation of the material losses.

As these elements of the Ngai Tahu experience illustrate, the Treaty settlement process successfully lays the foundations for redress and to build a strong balanced relationship between Maori and the Crown. The Treaty settlement process and the instruments of redress represent a more appropriate framework for the cross-cultural situation and in some instances create meaningful profound dialogue and understanding between the parties.

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[180] Gibbs, M. (2002) *Are New Zealand Treaty of Waitangi Settlements Achieving Justice?* p. 102

PART IV. CONCLUSIONS AND RECOMMENDATIONS

Chapter eleven. Conclusions and Recommendations

In contemporary New Zealand Maori and Pakeha walk indifferently down the same streets, shop in the same stores and contemplate the same ocean. After this journey, one might hope to have at least a feeling that if it is true that our human condition makes us all extremely similar, and therefore close to one another as a species, it is the same human condition that in its limitations, makes us different and separates us as different worldviews and cultures. Maori and Pakeha may outwardly behave in a similar fashion (i.e. both form and live in families, search for well-being, participate in one way or another in the economic activity of the country, enjoy leisure and recreation and so on) and yet the systems of meaning that give legitimacy to their respective experiences of reality are *fundamentally* different, and incompatible. This thesis has argued that Maori and Pakeha are not just two groups with different opinions; they hold two distinct, valid and coherent worldviews. Thus, their perceptions and interpretations of the ways things are and ought to be are also fundamentally different, even though they walk down the same streets, shop in the same stores, and contemplate the same ocean.

This thesis has argued that the management and planning of natural resources in New Zealand, entail an essentially cross-cultural situation between the Maori and the Modern Western worldviews. A situation where the Maori spiritual perception of reality and the Modern Western rational interpretation of it, coexist and interact in a day-to-day basis. This seems like an almost self-evident claim, nothing new to anybody: almost any New Zealander will know about the Treaty of Waitangi, planners are aware of the Maori provisions in the RMA, local authorities frequently interact and liase with *iwi,* and so on. One could claim that the cross-cultural nature of the situation in New Zealand is obvious. Then why would a thesis about a self-evident obvious claim like this be of any importance? Because, as obvious as it is, the message does not seem to have permeated the institutional structures (and as a reflection, nor the personal attitudes either). The New Zealand framework for environmental planning remains fundamentally monocultural, that is based on the Modern Western scientific worldview. Consequently, the imbalance and the difficulty of communication between Maori and the government are sustained by this scheme.

For the analytical purposes of this thesis, the most comprehensive ideas of order whereby both worldviews give form and meaning to their experiences have been 'standardised' and simplified. For the Modern Western

worldview this is expressed as "the *rational* apprehension of a *fragmented material* reality". These are considered the hidden assumptions of Western worldview. This thesis also explored two symbols that in our present Western worldview connect the day-to-day experiences to the comprehensive ideas of order that make the experience intelligible. These two symbols are the idea of a 'universal' Modern science and progress. In a similar fashion, these comprehensive ideas of order for the Maori worldview were expressed as "an *interconnected spiritual* reality *experienced*", and the symbols explored were *whakapapa* and *whenua*. The reader might note that in Part III of this thesis *whakapapa* and *whenua* were almost absent. In the analysis of the Resource Management Act there is constant mention of science, objectivity, measurability, development, rationality, and so on. After journeying into the mythico-symbolic dimensions of both worldviews, and perceiving the coherence and validity of both, the question arises: where are *whakapapa* and *whenua* in the framework for environmental planning? What is of *kaitiakitanga* without a concept of *whakapapa* and *whenua*? Is a spiritual reality likely to be rationally apprehended? Then, is Maori worldview, really taken as a coherent and valid worldview?

It has been argued that in the encounter of two or more worldviews any system that, *a priori* and uncritically takes one way of perceiving and doing things as the absolute, exclusive and self-sufficient approach, does not take the cross-cultural pluralist situation seriously. Thus, this thesis calls upon a reflection of our - i.e. of all those involved in natural resource and environmental planning - attitudes, fundamental assumptions and starting points in the encounter with other worldviews.

The objective of this thesis has been to explore how to move towards a pluralist framework and to redress the imbalance between Maori and the government by creating meaningful communication and understanding particularly in the area of environmental decision-making. There are certainly many things to do and change in order to achieve this. But, for me, after my own journey and experience, there is one critical first step: It is of the utmost importance that all those involved in the cross-cultural task of managing and planning for the environment, become aware that all we think, say, and do rests on relative and, to some extent, arbitrary assumptions of which we are not aware. This is taking a cross-cultural situation seriously. In some illnesses, like

alcoholism for example, it is said that when a person acknowledges to be an alcoholic, he or she has won the first, and perhaps most important, battle against the illness. Likewise, as I see it, our structures (again either personal or institutional) are ill to the extent that they are not appropriate for cross-cultural situations, and so they create inequalities and breaks of communication which in the end harm the whole system. So, the first step is to reflect upon this, not uncritically accepting it, but thinking of the others as a mirror and then, with an open attitude, looking at ourselves in the reflection of the mirror. And if we discover (i.e. experience) that the way we perceive and interpret our experiences of reality also lie on taken-for-granted assumptions and presuppositions about the way things are, then we may have won the first battle against an illness that harms our system: exclusivism, inclusivism and absolutism.[181]

During the development of this thesis, I became aware of the Western myths as my own myths. Therefore, the following discussion describes the cross-cultural encounter as seen from the Western worldview as I perceived it. The most shocking and certainly surprising 'discovery' in my journey through the Maori and Modern Western worldviews was the fact that Modern science, and the secular Western worldview of reality, are woven with a fabric of mythico-symbolic elements. As an engineer I have always been fascinated by the possibility to understand and interpret the phenomenal world with science. In engineering, models are very common tools. We model and simulate almost any situation: the production process in an industry, the estimated income for a company in a given time, the resistance of a construction to storms and earthquakes, even the queues in a bank. However, anyone dealing with these models knows that they always come with an attached sheet that is essential to interpret and validate the model: the assumptions. That is, any model and its outcomes are valid assuming, for example, a particular distribution of the people who come into a bank in a period of time, a percentage of defects in the production process, that all the rest remains constant (*ceteris paribus*). Without the starting assumptions, the model is not meaningful. My surprise was that in the Modern Western worldview, we do not demand to see the starting assumptions of the model, as a 'scientific mind' would do. Rather, we 'religiously' take those for granted and simply just do not question the 'absolute' and 'universal' validity of the model, so to speak. How, then, can Modern Western science be so strong? What sustains its validity if there are no accepted,

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[181] If we do not discover this, then probably there is no such illness. In my journey through the cross-cultural situation between the Maori and the Modern Western worldviews I recognised both absolutist and exclusivist claims and attitudes, and so this is what I will talk about.

recognised and clearly outlined assumptions to validate the model? There is just one alternative left: belief. Therefore, what makes Modern science so strong and dominant in our days is not so much its rational soundness or that it claims to be 'universal', but rather the conviction and belief we have in it: the dogma at the service of reason. So it can be argued that in the Western worldview people act guided by a dogmatic belief in reason. And yet, we still behave like 'scientists' that *really* know how things are (because we believe to have the scientifically 'sound' and 'universal' evidence). But being 'tolerant' and 'inclusive', we listen to the fantastic stories and *superstitious beliefs* of a *kaumatua*.[182]

This thesis calls upon a reflection of the way Modern Western science is considered in cross-cultural encounters, such as the ones environmental management entails. As it is now, there is not much room for communication, because the Modern Western worldview has been *a priori* considered the only valid, absolute and exclusive approach. This thesis has argued, that at the heart of the monocultural framework and the imbalance between Maori and the government, lies a deeply rooted attitude of exclusivism (or at best inclusivism). Thus, in order to establish effective communication and understanding between the worldviews, it is necessary to at least consider the possibility that our view of the way things are may not be absolute. Communication would be much easier if a meeting, a hearing, or a negotiation started by all the participants saying "Hello, my name is so and so, and I hold a partial and incomplete view of reality". This is putting dynamite to those imaginary Berlin walls that separate those who belong to the club of 'the truth', and all those 'outside'. Then, communication in symbolic levels and understanding would be possible. So what can be done? What needs to change?

For one part, I recommend a change in the way environmental management and planning are taught. Professional planners are taught to think and treat natural resource management as a monocultural activity, (even when they learn about the Treaty of Waitangi provisions in the RMA). The Western scientific models and tools for environmental planning may be efficient, practical and useful. Planners need to know about those. But also, planners need to question the assumptions of the tools and models. That is, planners need to question the assumptions of Western science, and really recognise the coherence and validity of other ways of interpreting

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[182] And this claim can be also stated as the *kaumatua* listening to the non-sensical explanations of a scientists. However because it is Modern Western science that pre-dominates the framework, this thesis focuses on the attitude and position of the Modern Western part of the equation.

and relating with the natural world. Again, I want to stress the idea that there is nothing 'wrong' with Modern Western science and techniques. This is not about being 'right' or 'wrong'. As stated at the beginning of this thesis, what matters is meaning and validity. My sense is that a change in the individual attitudes of planners and decision-makers can have an impact in the way legislation is implemented, in the interaction between Maori and Pakeha, and ultimately in the redress of the imbalance between them.

This thesis has shown that the essence of the RMA remains monocultural, that is, based on the Modern Western worldview. To illustrate this, this thesis has explored some sections of the Act where the predominance of Western views over the Maori becomes evident. For example, the definition in Section 2 of natural and physical resources that emphasises quantifiable phenomena and objective accounts of these; Sections 35, 67(i) and 75(i) that are achieved through the use of Environmental Performance Indicators; Section 5 with the definition of sustainability that neglects Maori views of sustainability and emphasises the effects (quantifiable, measurable, objective) on the environment; Sections 32 and 33 that specify how to deal with environmental issues (i.e. through Western evaluation techniques); Sections 104 and 105 that specify the effects on the environment and the planning documents (based on Western views) as matters to take into account and the criteria for decision-making in the resource consent process; Maori concerns under ss 6(a), 7(e) and 8 are only matters to be considered in an overall judgement approach. While these examples are not comprehensive, they highlight that the essence of the RMA *a priori* excludes the Maori worldview and ways of doing things as a valid approach to tackle environmental matters.

My recommendation is that these sections be subject to further analysis and review in order to explore how to move towards an appropriate pluralist framework. However, that should be another journey into both worldviews. Given my background, as well as the scope of this project, specific modifications or amendments to particular sections are not provided. This thesis provides the light under which these sections and others can be examined and modified in order to be appropriate for the particular situation of Maori and the government, that is the light of pluralism and the method of the dialogical dialogue. Specific recommendations should be made in such a cross-cultural situation.

This thesis also argued that despite having a predominantly monocultural framework, New Zealand has seen a positive shift towards appropriate pluralist frameworks for environmental management with instances like the Treaty settlement process. The thesis explored how in the Treaty settlement process, Maori and the Crown can create the tools to understand each other as different worldviews. There is room for interconnectedness, for a spiritual nature of ultimate reality and for the embeddedness of the experience in the Waitangi Tribunal process, in the working groups for developing mechanisms for cultural redress, and in the mechanisms themselves. Quantification and monetarization of the losses are given a considerable importance in the process, though. And not all is communication and understanding. But, the overall 'outcome' of the process cannot be but considered a positive example for cross-cultural encounters between Indigenous and Modern Western worldviews. Thus, I would suggest taking the example of the Treaty settlement process, and adopting processes that enable a dialogical dialogue in the RMA implementation between local authorities and *iwi*. For example, to promote working groups, marae-based seminars, to learn from each other's traditions and pasts, in short to bridge the gap of mutual ignorance and to listen to each one's hidden myths and presuppositions. Because as much as the essence of the RMA is predominantly monocultural, the implementation of it is much dependent upon personal interpretation and thus, upon personal attitudes of the decision-makers. Mechanisms like the *iwi* liaison offices, explored in this thesis, show that the way Maori provisions in the RMA are implemented can be limited or not depending on the attitude, knowledge and understanding of those exercising powers under it regarding Maori.

Finally, I believe research that approaches the cross-cultural nature of resource and environmental management seriously should be promoted. That is, research that explores possibilities to guard the environment in ways which are balanced, and meaningful for Maori and for Pakeha; research that questions the 'absolute necessity' to rely on Modern Western science, and to base all decisions on scientific criteria. My sense is that there is a great possibility to turn the situation into one with two systems with complementary (instead of contrasting) views, and work together for the same purpose. But, again if this thesis was a story, then this would be an 'open ending', that is an active doubt rather than a passive answer. The hope is that the reader will not leave with comfortable answers, for it is the disturbing questions that challenge our structures and are catalysts for change.

APPENDICES AND BIBLIOGRAPHY

Appendix A. Information Sheet, Consent Forms And Application Submitted To The Massey University Human Ethics Committee

Application Content

Notes: *a) Please use this format when preparing your application.*
         b) Do not omit any headings or sub-headings.

1.   DESCRIPTION

1.1.   Justification

The driving force behind this project is a personal belief in the importance of cultural survival of indigenous peoples, the environmental conservation related to their resource base and the value of developing a balanced relationship between indigenous peoples and governments. The situation of indigenous peoples in my own country and their struggle for land and rights has influenced my position towards indigenous peoples in general. There, they have been segregated from all decision-making processes and embedded in poverty. But most of all, they are in a condition where both their culture and their natural environment and resources are being threatened by the urge to satisfy perhaps more basic or immediate needs. This concern brought me to realize that this is not a situation unique for the indigenous people of Mexico, but rather it is a somehow generalized situation of most of the indigenous cultures that have gone through colonial experiences. Indigenous Peoples have, therefore, the possibility to capitalise on lessons from peoples in other countries. Hence, I became interested in critically analysing the relationship between Maori and the Crown regarding the management of natural resources.

1.2.   Objectives

The project will explore how Maori and the representatives of the Crown interact to manage the Rotorua Lakes. The role of knowledge is central to the project. Based on the argument that different worldviews produce different but equally valid ways of knowing, it will analyze how Western Modern Science and Maori Traditional Ecological Knowledge interact in the decision-making process and management of the Rotorua Lakes.

In order to make the research project meaningful and relevant, the methodology is of paramount importance. The methodology adopted is based on *Kaupapa* Maori research practice as developed by Maori academics such as Tuhiwai Smith (1999), Smith (1997) and Bishop (1996). Kaupapa Maori represents a reaction to hegemonic Western forms of research, and is based on the legitimacy of Maori culture, knowledge, values and language. Collaboration is a key aspect in Kaupapa Maori research, researcher and participants establish a 'partnership' where all parties benefit from the work and are involved from the early stages of the design of the project. In accordance with the Kaupapa Maori approach, the specific design of the work and what particular topic to address (any particular lake, any specific story about the lakes, any particular issue, etc) will be defined in consultation with the Te Arawa Maori Trust Board and other relevant stakeholders.

1.3.   Procedures for Recruiting Participants and Obtaining Informed Consent

My principal contact with the participants will be through a Maori elder from the iwi who acts as 'mentor' to me. Previously, this kaumatua and other members of his iwi had been involved in cultural exchange with a particular group of indigenous people in Mexico (the Purepechas). Therefore when the Mexican ambassador introduced us, my mentor already had a bond with the Mexicans. He has received me in his family and culture, and has shared knowledge and time with me ever since. My mentor has introduced me to the chairman of the Te Arawa Maori Trust who has offered to guide me with contacting and interacting with members of the iwi and other relevant stakeholders (the Rotorua District Council, Environment Bay of Plenty). Relying on the advice of my

mentor and the Chairman of the Te Arawa Maori Trust Board, I intend to contact potential research participants and give them a copy of the information sheet. I will request an appointment, where I will ask for their consent to use the information they share with me for the purposes of my thesis in accordance with the consent form (attached) and detailed below. I will explain the details of my research (also attached) and answer any questions they have.

1.4. Procedures in which Research Participants will be involved

The participants will be asked to take part in semi-structured in-depth interviews that enable profound dialogue in a location of the participant's choice. The interviews are expected to take approximately 45 minutes to one hour. Depending on the interviewees' preferences, these will be recorded on audiocassette and then summarized, with handwritten notes, or any other means as agreed.

1.5. Procedures for handling information and material produced in the course of the research including raw data and final research report(s)

All research material will be kept in safe cabinets in my house.

1.6. Procedures for sharing information with Research Participants

A copy of the summary or notes will be supplied to the participant for his/her approval or revision. Once the thesis is finished, the interview summaries will be returned to the participants. Additionally, I will go with my mentor and the Chairman of the Te Arawa Maori Trust Board to personally share the conclusions and recommendations with research participants as an acknowledgement of the knowledge, time and wisdom they share with me. All participants will have access to a summary of the conclusions and recommendations of the study when it is concluded by contacting me or the School of People Environment and Planning at Massey University.

1.7. Arrangements for storage and security, return, disposal or destruction of data

The interviewees will have the option of having their tapes returned to them, archived or destroyed at the end of the research.

2. ETHICAL CONCERNS

2.1. Access to Participants

See 1.3

2.2. Informed Consent

This will be done through the information sheet, consent form, my explanation and response to any questions as explained above at 1.3.

2.3. Anonymity and Confidentiality

The personal identity of the participants will remain confidential and will not be publicly available, unless they give permission to the researcher to do so.

2.4. Potential Harm to Participants

None foreseen, since the project is based on a cultural sensitive and collaborative methodology developed by Maori academics.

2.5. Potential Harm to Researcher(s)

None foreseen.

2.6. Potential Harm to the University

None foreseen.

2.7. Participant's Right to Decline to Take Part

All participants have the right to decline to participate or withdraw from the study up until the final draft of the thesis is submitted. Additionally, participants have the right to refuse to answer specific questions.

2.8. Uses of the Information

The information will only be used for this research project and publications arising from it.

2.9. Conflict of Interest/Conflict of Roles

None foreseen.

2.10. Other Ethical Concerns

The participants will retain the intellectual property of any information contributed.

3. LEGAL CONCERNS

3.1. Legislation

Note: Indicate where applicable the relevance of any of the following legislation:

3.1.1. Intellectual Property legislation
e.g. Copyright Act 1994
Will not be breached, see 2.10 for intellectual property.

3.1.2. Human Rights Act 1993
Will not be breached

3.1.3. Privacy Act 1993
Will not be breached

3.1.4. Health and Safety in Employment Act 1992
N/A

3.1.5. Accident Insurance Act 1998
N/A

3.1.6. Employment Contracts Act 1991
N/A

3.2. Other Legal Issues

None foreseen.

4. CULTURAL CONCERNS

The main premise of my study is that indigenous populations should be respected and their ways of knowing recognized as valid and legitimate. As discussed above, the project is based on a culturally appropriate methodology and collaboration between participants and researcher.

My research offers benefits for the participants and the wider community. I anticipate making recommendations aiming to achieve a greater and more effective inclusion of Maori Traditional Ecological Knowledge in environmental decision-making in New

Zealand. Furthermore, these recommendations represent potential benefits for indigenous peoples elsewhere.

5. OTHER ETHICAL BODIES RELEVANT TO THIS RESEARCH

5.1. Ethics Committees

N/A.

5.2. Professional Codes

N/A

6. OTHER RELEVANT ISSUES

All have been covered above.

INFORMATION SHEET

The Role of Traditional Ecological Knowledge in the Relationship Beteen Maori and The Crown: The Rotorua Lakes Case
Massey University

The present information sheet explains the details, nature and purpose of the research conducted by Paulina Hassey, who is a Mexican masters student at Massey University. She is doing a thesis for the completion of the degree of Natural Resource and Environmental Planning under the supervision of Massey University staff member Dr. Meredith K. Gibbs (PhD in Politics and Law).

The purpose of this research is to critically analyse the nature of the relationship between Maori and the Crown regarding the management of natural resources. The project will focus on how theTe Arawa Maori Trust Board, the representatives of the Crown and other relevant stakeholders (such Department of Conservation, Environment Bay of Plenty and the Rotorua District Council) interact for the decision-making and management of the Rotorua Lakes. In particular it will   focus in the following aspects:

- *The institutional context for the management of the Rotorua Lakes:* to what extent is the Treaty of Waitangi an effective instrument towards the sustainable management of the Rotorua Lakes   in accordance with *tikanga* Maori? How does the decision-making process and management system provide for the principle of effective "partnership" and *Tino Rangatiratanga*?
- *The interaction of Maori Traditional Ecological Knowledge and Western Modern Science as knowledge systems of different worldviews:* Are these two systems considered as equally valid ways of knowing? How do Maori myths and legends find a common ground with Western Science-based policies? How is the *kaitiakitanga* role of the Te Arawa people exercised? How is the communication barrier between different worldviews approached?

Based on the perceived characteristics of the relationship, the project will additionally explore if there is a change in the mindset of the stakeholders towards recognising and respecting different worldviews. And if this is so, then how is the nation heading to co-existence and co-operation between Maori and the Crown?

The participants' contact details will be obtained through either a Maori elder from the iwi or the Chairman of the Te Arawa Maori Trust Board. They will be asked to take part in semi-structured in-depth interviews that enable profound dialogue. The participants will be approached in an environment of a research whanau (family). The potential participants will receive the present Information Sheet with at least 24 hours for them to give informed consent before the interview. The interviews are expected to take approximately 45 minutes to one hour. Depending on the interviewees' preferences, these will be recorded on audiocassette and then summarized by

me, with handwritten notes, or any other means as agreed. In any case, a copy of the summary or notes will be supplied to the participant for his/her approval or revision. The participants will retain the intellectual property of any information contributed. Once the thesis is finished, the interview summaries will be returned to the participants.

It is hoped that the project outcomes will include recommendations that can be of benefit to stakeholders. All participants will have access to a summary of the findings of the study when it is concluded by contacting Paulina, Meredith Gibbs or the School of People Environment and Planning at Massey University, and if they want it I will provide them with a copy of the conclusions and recommendations.

All participants have the right:
- to decline to participate;
- to withdraw from the study up until the final draft of the thesis is submitted;
- to refuse to answer any particular questions;
- to ask any particular questions about the study at any time during participation;
- to provide information on the understanding that their identity will remain confidential and will not be publicly available unless they give permission to the researcher to do so;
- to be given access to a summary of the findings of the study when it is concluded;

This project has been reviewed and approved by the Massey University Human Ethics Committee, PN Protocol 02/100. If you have any concerns about the conduct of this research, please contact Professor Sylvia V. Rumball, Chair, Massey University Regional Human Ethics Committee: Palmerston North, telephone 06 350 5249, email S.V.Rumball@massey.ac.nz.

If there are any queries regarding the research, feel free to contact Paulina or her research supervisor Dr. Meredith Gibbs:

Ms Paulina Hassey
Phone: (06) 354-36-80
Address:Department of Resource
and Environmental Planning.
Massey University
email: phassey@hotmail.com

Dr. Meredith K. Gibbs
Phone: (06) 356-90-99 ext. 7732
Address: Department of Resource
and Environmental Planning.
Massey University

CONSENT FORM

Massey University
The Role Of Traditional Ecological Knowledge In The Relationship Between Maori And The Crown: The Rotorua Lakes Case

I wish to give my consent to Paulina Hassey to use the information and thoughts I may want to share with her for the purposes of her thesis project. This will be according to the conditions set out in the Information Sheet that I have read, given that the details of such project have been explained to me and all my questions have been answered to my satisfaction.

I understand I may choose whether the interview is recorded on audiocassette or by handwritten notes. I understand I can ask for handwritten notetaking to cease, and if it is audio taped, I can ask for the tape to be turned off at any time during the interview. This said, I: ***agree / do not agree*** to the interview being audio taped. Also, I agree to share information with Paulina Hassey on the understanding that it will only be used for this research project and publications arising from it.

I understand I have the right:

- to decline to participate;
- to refuse to answer any particular questions;
- to withdraw from the study up until the final draft of the thesis is submitted;
- to ask any particular questions about the study at any time during participation;
- to provide information on the understanding that my identity will remain confidential and will not be publicly available unless I give permission to the researcher to do so;
- to be given access to a summary of the findings of the study when it is concluded;

Having said the above, I agree to participate in this study and give my consent to use the information derived from the interviews for the purposes of the present research project.

Signature: ---

Name: ---

Date: _____

Appendix B. The Treaty Of Waitangi Texts

The Treaty of Waitangi: 1840 English Version

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 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 those islands – Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert 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 to 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 of 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 their respective families and individuals thereof the full exclusive and undisturbed possession of their 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 retain 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.

[signed] W. Hobson, Lieutenant Governor.

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 Provisions 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.

[Here follow signatures, dated, etc.]

Te Tiriti O Waitangi: 1840 Maori Version

Ko Wikitoria, te Kuini o Ingarani, I tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani I tana hiahia hoki kia tohungai ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tikakia tukua mai tetehi Rantatira –hei kai wakarite ki nga Tangata Maori o Nu Tirani- kia wakaaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahi katoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukia ahau a Wiremu Hopihona, he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani i tukua aianei, amua ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga Hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te Tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki kihai I uru ki taua wakaminenga ka tuki rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o o ratou wenua.

Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino Rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuki ki te Kuini te hokonga o era wahi wenua a pai ai te tangata nona te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kaihoko e meatia nei e te Kuini hei kaihoko mona.

Ko te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata Maori katoa o Nu Tirani. Ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

[signed] WILLIAM HOBSON, Consul and Lieutenant Governor.

Na ko matou, ko nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungai ai o matou ingoa o matou tohu.

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

Ko nga Rangatira o te wakaminenga.

Appendix C. Treaty Of Waitangi And Maori Provisions In The RMA

Especially provisions to be aware of[183]:

- Section 6 lists the matters of national importance which resource management agencies shall recognise and provide for including at Section 6(e) "the relationship of Maori people and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga.

- Section 7 states that such agencies should have particular regard to other matters including at Section 7(a) "Kaitiakitanga."

- Section 8 states resource management agencies shall "...take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

Other relevant provisions include:

- Section 33 which provides for the transfer of certain powers from local authorities to other public authorities including at Section 33(2) "...iwi authority..."

In respect of the various national, regional, district and coastal policy statements and plans the Act requires:

- National Policy Statements: Section 45(2)(h) states that in determining whether it is desirable to prepare a national policy statement the Minister may have regard to "anything which is significant in terms of Section 8 (Treaty of Waitangi)."

- National Coastal Policy Statements: Section 58(b) states that these may state policies in respect of "...protection of the characteristics of the coastal environment of special value to tangata whenua including waahi tapu, tauranga waka, mahinga maataitai and taonga raranga."

- Regional Policy Statements and Regional and District Plans: In preparing or changing regional policy statements or Regional and District Plans the relevant regional council (i.e. pursuant to Section 61(2)(a)(ii) and Section 66(2)(b)(ii)) or territorial authority (pursuant to Section 74(2)(b)(ii))

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[183] As stated in Blackford, C. and Matunga, H. (1991) Maori Participation in Environmental Mediation. Christchurch: Linconln Universtity, Centre for Resource Management pp. 80-81

shall have regard to any "relevant planning document recognised by iwi authority affected by the...policy statement."

- Section 65 also defines circumstances under which regional plans may be prepared, including at Section 65(3)(e) "any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources."

In respect of heritage protection Section 187 defines the Minister of Maori Affairs or any local authority acting on its own motion or recommendation of an iwi authority as a heritage protection authority. Section 188 states that any body corporate may apply to the Minister of Conservation to be a Heritage Protection Authority.

Appendix D. Iwi and Local Government views on their relationship
Iwi and Local Government views on their relationship [184]

Iwi Views	
Partnership	Throughout the interviews iwi members highlighted the Treaty of Waitangi and partnership as the basis of the relationship between iwi and local authorities. They considered that partnership has been identified by the Crown, Courts and the Waitangi Tribunal as an essential Treaty of Waitangi principle, and this is encapsulated in section 8 of the RMA. Although there was some dissension as to whether local government represented the Crown, interviewees considered that it was essential for iwi to develop and strengthen partnership relationships with local authorities... Comment was regularly made that a partnership relationship has not been achieved with local government and that this is unsatisfactory, especially since it affects resource management practice and environmental outcomes. Some iwi members believed that a partnership relationship was not seriously desired by local authorities in their rohe (tribal area). A direct analogy was drawn between the Treaty of Waitangi and the RMA – in both cases the delivery has not matched the promise.
Decision-making	Iwi members agreed that the RMA gives iwi a special position in resource management. Many interviewees disagreed with being placed alongside non-government organisations, commercial interests and other interest groups. Some disliked the RMA because it delegated decision-making powers to local authorities but not to iwi. Iwi members commented that it was difficult to visualise a partnership of any real depth where only local authorities make decisions.
Transfer of Powers	The issue of transfer of powers or functions under section 33 of the RMA was raised. It is clear from the interviews and from other discussions with tangata whenua that iwi are seeking utilisation of this section for aspects of resource management, especially monitoring. Some iwi anticipate participating with local authorities in natural and physical resource management, but they do not see their kaitiaki (steward or guardian) role as duplicating or replacing local authorities.
Beyond the RMA	Interviewees believed that consideration of the roles and obligations under the Treaty of Waitangi is generally a nine-to-five activity for local authority staff, but for Maori it is an issue that they constantly think about. Iwi members had a comprehensive knowledge of the Treaty and Maori provisions in the RMA, and a personal concern to see the Treaty included in areas other than legislation concerning environmental management. This was because their attention to the Treaty and Maori sections of the RMA and subsequent resource management activities were embedded in wider considerations such as health, education, training and employment projects, and community development schemes. Environmental questions were often accorded a high priority but few iwi had the time and resources to address them adequately.
Kaitiakitanga	For iwi, the Treaty and Maori provisions in the RMA are a part of a wider consideration of iwi environmental concepts. What iwi understood by kaitiakitanga, for example, has a wider cultural context than pure guardianship. It has a deeper meaning relating to a committed obligation that cannot be relinquished.

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[184] Ministry for the Environment (2000) Iwi and Local Government interaction under the Resource Management Act 1991: examples of good practice. Wellington: Ministry for the Environment

| **Commitment** | Iwi members were generally unhappy with what they saw as "soft language" in local authority planning documents about their commitment to the RMA's Treaty requirements. Some iwi had attempted to get a stronger recognition written into planning documents, but generally without success. |

Local Government Views

Local Govt. does not represent the Crown	Council personnel agreed that they do not constitute the Crown with regard to their relationship with iwi, but reported that iwi often do not distinguish between central and local government especially for resource management purposes. Some council personnel sought clarity on the constitutional relationship between local government and iwi under the Treaty of Waitangi. A number of personnel reported that internally there had been no formal debate about the Treaty and local government's obligations under it, but that considerable informal debate had taken place.
Balancing interests	Some council personnel described their council's relationship with iwi as a partnership. It was noted that current case-law and central government guidance does not identify the partnership as one that gives iwi primacy over other community groups. In making decisions about how to meet RMA obligations and the interests of iwi, council personnel pointed out that local government needs to be mindful of the wider community. Local government politicians represent a community of which iwi constitute one element.
Role of iwi unclear	There was consensus that iwi had a right to participate in resource management processes, and often as a group with a special status. Some uncertainty existed as to the nature and extent of the role of iwi in resource management processes. In some instances it was felt that iwi sought to replace local government's roles and responsibilities under the RMA.
Different levels of awareness of ToW	Generally, the interviews indicated that councillors' awareness of the Treaty of Waitangi did not match that of council staff and iwi. Most councillors have attended one training session. In 1997/98, 28 per cent of local authorities provided training for councillors on Treaty, Maori or iwi issues, and 46 per cent provided training on these issues for local authority staff members.
Cautious approach	Council personnel agreed that local government complied with clearly defined provisions of the RMA. Where the Act or case law did not provide clear guidance on roles and responsibilities, then authorities tended to act more cautiously.

Appendix E. Example Of A Statutory Acknowledgement: Aoraki/Mount Cook

Attachment 12.3

Statutory Acknowledgement for Aoraki (Mount Cook)

(Clause 12.2)

1 **Statutory Area**

The area to which this Statutory Acknowledgement applies (Statutory Area) is the area known as Aoraki / Mount Cook located in Kä Tiritiri o te Moana (the Southern Alps), as shown on Allocation Plan MS 1 (SO Plan 19831).

2 **Preamble**

Pursuant to section [ ] of the Settlement Legislation (clause 12.2.2 of the Deed of Settlement), the Crown acknowledges Te Rünanga's statement of Ngäi Tahu's cultural, spiritual, historic and/or traditional association to Aoraki as set out below.

3 **Cultural, spiritual, historic and/or traditional association of Ngäi Tahu with the Statutory Area**

3.1   In the beginning there was no Te Wai Pounamu or Aotearoa. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed.

3.2   Before Raki (the Sky Father) wedded Papa-tua-nuku (the Earth Mother), each of them already had children by other unions. After the marriage, some of the Sky Children came down to greet their father's new wife and some even married Earth Daughters.

3.3   Among the celestial visitors were four sons of Raki who were named Ao-raki (Cloud in the Sky), Raki-roa (Long Raki), Raki-rua (Raki the Second), and Raraki-roa (Long Unbroken Line). They came down in a canoe which was known as Te Waka o Aoraki. They cruised around Papa-tua-nuku who lay as one body in a huge continent known as Hawaiiki.

3.4   Then, keen to explore, the voyagers set out to sea, but no matter how far they travelled, they could not find land. They decided to return to their celestial home but the karakia (incantation) which should have lifted the waka (canoe) back to the heavens failed and their craft ran aground on a hidden reef, turning to stone and earth in the process.

3.5   The waka listed and settled with the west side much higher out of the water than the east. Thus the whole waka formed the South Island, hence the name: Te Waka o Aoraki. Aoraki and his brothers clambered on to the high side and were turned to stone. They are still there today. Aoraki is the mountain known to Päkeha as Mount Cook, and his brothers are the next highest peaks near him. The form of the island as it now is owes much to the subsequent deeds of Tü Te Rakiwhänoa, who took on the job of shaping the land to make it fit for human habitation.

3.6   For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the Gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

3.7   The meltwaters that flow from Aoraki are sacred. On special occasions of cultural moment, the blessings of Aoraki are sought through taking of small amounts of its 'special' waters, back to other parts of the island for use in ceremonial occasions.

3.8   The mauri of Aoraki represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the mountain.

3.9   The saying 'he kapua kei runga i Aoraki, whakarewa whakarewa' ('the cloud that floats aloft Aoraki, for ever fly, stay aloft') refers to the cloud that often surrounds Aoraki. Aoraki does not always 'come out' for visitors to see, just as that a great chief is not always giving audience, or on 'show'. It is for Aoraki to choose when to emerge from his cloak of mist, a power and influence that is beyond mortals, symbolising the mana of Aoraki.

3.10   To Ngāi Tahu, Aoraki represents the most sacred of ancestors, from whom Ngāi Tahu descend and who provides the iwi with its sense of communal identity, solidarity, and purpose. It follows that the ancestor embodied in the mountain remains the physical manifestation of Aoraki, the link between the supernatural and the natural world. The tapu associated with Aoraki is a significant dimension of the tribal value, and is the source of the power over life and death which the mountain possesses.

4   Effect of Statutory Acknowledgement

4.1   Pursuant to section [ ] of the Settlement Legislation (clause 12.2.10 of the Deed of Settlement), and without limiting clause 5, the only purposes of this Statutory Acknowledgement are:

(a)   to require that relevant consent authorities forward summaries of relevant resource consent applications to Te Rūnanga as provided in section [   ] of the Settlement Legislation (clause 12.2.3 of the Deed of Settlement);

(b)   to require that relevant consent authorities, the Historic Places Trust or the Environment Court as the case may be, have regard to this Statutory Acknowledgement in relation to Aoraki, as provided in section [ ] of the Settlement Legislation (clause 12.2.4 of the Deed of Settlement);

(c)   to empower the Minister responsible for management of Aoraki to enter into a Deed of Recognition as provided in section [ ] of the Settlement Legislation (clause 12.2.6 of the Deed of Settlement); and

(d)   to enable Te Rūnanga and any member of Ngāi Tahu Whānui to cite this Statutory Acknowledgement as evidence of the association of Ngāi Tahu to Aoraki as provided in section [   ] of the Settlement Legislation (clause 12.2.5 of the Deed of Settlement).

5   Limitations on effect of Statutory Acknowledgement

5.1 Except as expressly provided in sections [ ], and [ ] of the Settlement Legislation (clauses 12.2.4, 12.2.5 and 12.2.10 of the Deed of Settlement):

(a) this Statutory Acknowledgement will not affect, or be taken into account in, the exercise of any power, duty or function by any person or entity under any statute, regulation, or bylaw; and

(b) without limiting clause 5.1(a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation or bylaw shall give any greater or lesser weight to Ngāi Tahu's association to Aoraki than that person or entity would give under the relevant statute, regulation or bylaw, as if this Statutory Acknowledgement did not exist in respect of Aoraki.

5.2 Unless expressly provided in the Settlement Legislation, this Statutory Acknowledgement will not affect the lawful rights or interests of any third party from time to time.

5.3 Unless expressly provided in the Settlement Legislation, this Statutory Acknowledgement will not of itself have the effect of granting, creating or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Aoraki.

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