

MÄORI EXPERIENCES, VALUES AND PREFERENCES IN INDIGENOUS FOREST MANAGEMENT IN NEW ZEALAND

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ABSTRACT

Māori, as the first nation peoples of New Zealand, continue to suffer comparative social and economic disadvantage, largely brought about by the loss of control of the natural resources necessary for their livelihoods. During the colonial period in the South Island of NZ, many Māori faced serious poverty due to land and natural resource alienation by the state, despite the guarantee of continued Māori ownership of these resources provided in the 1840 Treaty of Waitangi. In the 1906 South Island Landless Natives Act (SILNA) the state attempted to mitigate some of the problems by granting lands for agricultural development to the poorest. However these lands were both geographically and economically marginal. Significant tracts of these SILNA lands have therefore remained undeveloped and retained in natural forest cover, while former Māori lands acquired by non-Māori have been largely denuded and converted to highly profitable agricultural use.

With Government policy becoming focused on preserving New Zealand's remaining natural forests, attention has fallen on the conservation value of the remaining SILNA and privately-owned forests, which are characterised by policy makers and environmental lobbyists as being under threat from irresponsible exploitation. Drawing on the results of a survey in 2002, this paper shows that Māori SILNA owners have a clear preference for long term retention of the natural forest values despite a need for improved livelihoods. At the same time they see the forest as potentially providing a stream of benefits through sustainable management. A complementary 2003 survey of non-Māori owners of indigenous forests showed a value orientation similar to Māori owners, and also consistent with long-term forest retention.

The results suggest that Māori forest owner aspirations and needs are not inconsistent with current Government policy and public sentiment. However, the state needs to become more responsive to calls to pay for any public conservation interest in these forests, and in the case of Māori, to remedy the injustices caused by foreclosing on forest utilisation rights and opportunities.

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HISTORICAL BACKGROUND

Māori were the first people to settle New Zealand, having voyaged there in various groups from central east Polynesia about 1000 years ago. By the beginning of the 19th century these various groups (now tribes) had spread through the three main islands that make up New Zealand, and had developed a unique way of life and relationship to the land, based largely on hunting & gathering and in some areas horticulture.

Following explorations by Captain Cook in the 18th Century, Europeans (“pakeha”) began arriving to exploit the abundant natural coastal and forest resources. And Māori became willing and adept traders. However by the 1830s the growing number of resident Europeans and their land purchases was causing anxiety among Māori leaders about their long-term security (Orange 1987). At the same time, the British, now well ensconced in New South Wales, were becoming concerned about settlement schemes of the New Zealand Company and the governance of the new settlers. The various concerns lead in 1840 to the signing of the Treaty of Waitangi between the British Crown and Māori.

The Treaty of Waitangi and Māori land alienation

The Treaty of Waitangi contained three articles. In the first, Māori ceded absolute sovereignty (“Kawanatanga”) of their lands to the British Crown. In the second, the Queen guaranteed the Māori control (“Rangatiratanga”) of their lands and resources as long they wished to keep them, and the Crown obtained the exclusive right to purchase their land should they want to sell. The third article granted Māori the same rights and privileges as British subjects.

The signing of the Treaty heralded the beginning of British colonisation. But, as Stokes (2002) notes, Māori who were living under customary laws had not grasped that Treaty imposed on them English notions of land ownership and individual land title. Massive land purchases by the Crown’s representatives began, who made a good profit selling it on to the colonial settlers, and inter and intra-tribal conflicts over land ownership followed. By the 1850s, resistance to land alienation lead to open warfare between northern tribes and the colonial government. As the resisters were crushed, their lands were confiscated.

To speed up sales of Māori land to the incoming pakeha settlers, in the 1860s the government of the day set up the Native Land Court. Its task was to resolve competing Māori land claims and to bring the land under the British system of tenure. The Court, which was dominated by pakeha settlers and land dealers with little interest in protecting Māori custom and law, imposed decisions which effectively saw to the “destruction of any tribe’s tenure of land” (Kawharu, quoted in Stokes, 2002). The new settler-land owners set about clearing the forests and draining the wetlands for agriculture. By the end of the 19th century huge tracts of New Zealand’s native forest had been cleared and Māori had lost control of their lands and resources. “Relegated to small rural pockets of land or remote hill country unsuitable for farming” they were effectively socially and physically marginalised in their own land (Stokes, 2002, p51).

The landless Southern Māori

In this period the Crown acquired almost all of the South Island while agreeing to reserve sufficient areas, resource sites, and settlements for the original Māori owners. However, these agreements were widely ignored by successive administrations and the reserves proved insufficient to support the number of Māori allocated to them. By the 1890s, half of the Kai Tahu people (the main southern tribe) were landless and most of the rest did not have enough land to meet their livelihood needs (Devoe & Southerwood, 2002, Evison 1993). The poverty of the southern Māori lead to Commission of Investigation which recommended granting Crown land to the 4,000 or so who were judged to be landless.

In the South Island Landless Natives [Māoris] Act 1906 (SILNA), the 4,064 named landless Māori were allocated a total of 57,498 ha, (mostly in the very south of the South Island) “to

provide for their support and maintenance". The Act provided for 20 ha (50 acres) to be allocated to each adult and 8 ha (20 acres) to each child. By the standards of the day this area, if used for agriculture, might have been sufficient to provide for the grantees' needs (Sanderson, 1997). However, what appeared to be an act of charity by the Crown turned out to be "a cruel hoax" (Waitangi Tribunal, 1991): the land these poor people were granted was in fact far from the beneficiaries' traditional homes, located in remote areas and lacking in roads and access, useless for agriculture, rugged, wet, too small to support them, and covered in dense forest (Sanderson 1997, Devoe & Southerwood, 2002). To add further injury, the SILNA owners were denied access to land development subsidies and advice provided by the Crown to pakeha colonial farmers (Sanderson 1997). Very few of the landless southern Māori ever managed to settle on their allotted land, clear it, and generate a livelihood from it.

The SILNA lands today

Since 1906, ownership of SILNA sections has passed down through both male and female lines, swapped, and sold. Approximately 59% of the land originally allocated is estimated to be still in the hands of SILNA beneficiaries, typically in collective arrangements (McPhail, 2002, Devoe & Southerwood, 2002). Estimates of the total number of beneficial owners/shareholders range from 7,000 and upwards of 20,000 (Cormack 1997, Devoe & Southerwood, 2002). The actual number is difficult to ascertain since not all owners or their descendants register the succession with the Māori Land Court (MLC), and it is likely that many people today are unaware that they are entitled to shares in SILNA land.

Over time, some owners benefited economically by selling the cutting rights to the most accessible forests. Forest exploitation initially took the form of selectively logging the most valuable and millable trees. The income received from this was distributed to the owners, but was generally insufficient to undertake conversion of the land for agriculture. In the 1980s and 90s clearfelling for timber and woodchip production became more common, but increasingly controversial. Some clearfelled areas were replanted with exotic plantation species. In the more inaccessible and difficult areas, which would have required considerable investment in infrastructure, the original forest cover remained intact. As Weaver (2000) noted of the situation SILNA owners found themselves in,

" by the time historical conditions enabled economic development on their lands to become viable (late 20th century) the loss of lowland forests throughout the rest of New Zealand had made their forests rare and far more valuable for conservation than before. By this time the environmental movement had become strong enough to threaten this development with calls for the protection of these forests".

The future of the remaining forest on SILNA lands has therefore become a field of political action and dealing. Central to the position taken by the Māori owners about the forests are both their suspicion of the Crown and its motives - born out of the original dispossession in the 19th century, the Crown's "cruel hoax", and its subsequent neglect – and their determination to protect their right of control over the land and its resources.

The legacy of colonisation

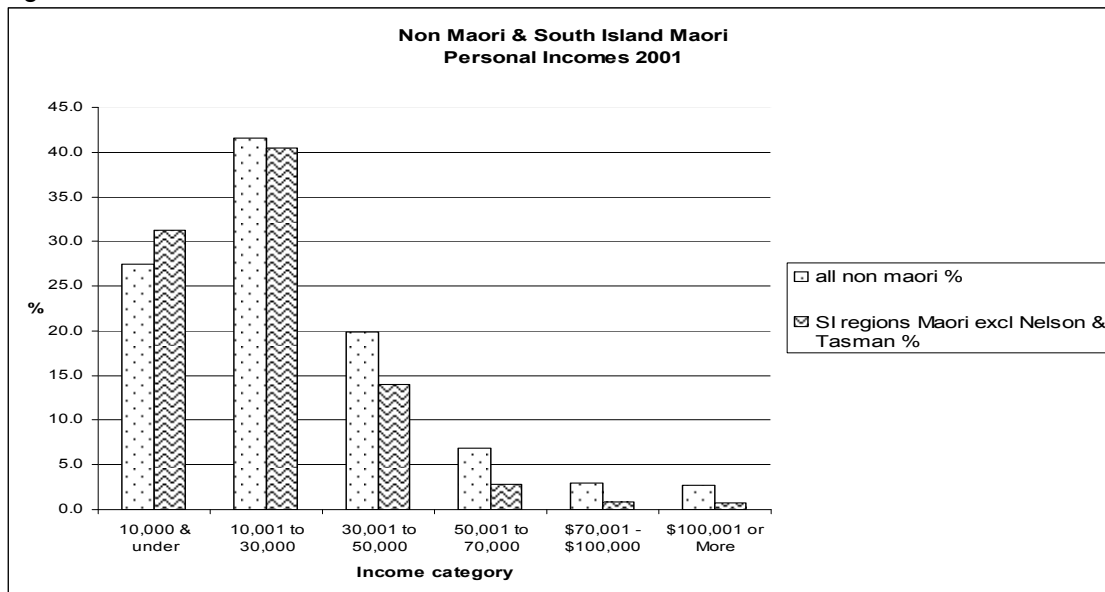
The loss of the land and resources integral to Māori identity, and the social and the material marginalisation that followed the signing of the Treaty of Waitangi, has had a profound effect on their well-being and economic status, evident as a clear enduring structural inequality. For example, compared with non-Māori, Māori in New Zealand currently have

- higher rates of suicide
- clearly lower health status and more nutrition-related health problems
- higher rates of imprisonment
- higher rates of work-place injury and motor vehicle accidents
- higher rates of victimization
- higher rates of child abuse/neglect

- higher levels of unemployment
 - higher levels of comparative poverty
 - larger families
 - lower educational attainment at all levels
 - lower personal and household incomes (and falling)
 - lower levels of home ownership and housing quality
 - an overall higher dependence on State welfare payments
- (Ministry of Social Policy, 2003, and data from Statistics NZ).

Among southern Māori, disadvantage is evident. Figure 1, for example, illustrates the lower levels of personal income of southern Māori compared with NZ non Māori as recorded in the 2001 census.

Figure 1



Despite recent efforts to redress historic grievances through Crown settlement of Treaty claims, the need for economic development among Māori is obvious. However with a significantly eroded natural resource base and insufficient human capital, such development has been difficult to initiate and sustain. This also applies to the SILNA owners whose only real asset is their remaining indigenous forest.

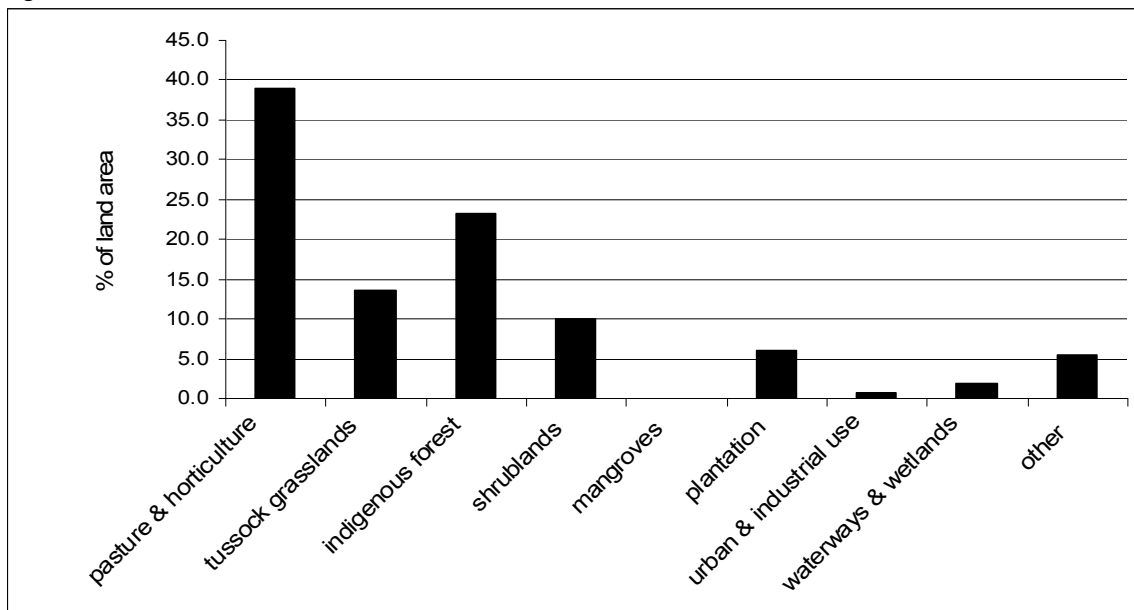
NEW ZEALAND INDIGEOUS FORESTRY

Forest cover & ownership

Indigenous forests cover an estimated 24% percent (6.22 million hectares) of New Zealand's land surface (figure 2). This is half the forested area before the arrival of Europeans and one third of that thought to exist before the arrival of the original Polynesian settlers (Griffiths, 2002). Between 1840 and the 1920s the European colonists logged and cleared approximately 7 million hectares of forest for timber and to create pasture for agriculture. In the twentieth century many indigenous forest areas were subject to repeated harvests, resulting in progressive degradation of the forest environment (Hammond, 2001). Also, Government policy, subsidies, and cheap loans encouraged deforestation of farmland for agricultural development right through until the 1980s. Today, lowland indigenous forests are virtually absent in all but the remotest parts of the country. Government, conservationists, and

increasingly the public have therefore put high priority on retaining the remaining indigenous forest.

Figure 2: New Zealand Land Cover, 1996/97



source: MAF land cover database

New Zealand's indigenous forests fall into three categories of ownership:

- Crown owned (Government) forests. These account for 77% (5.05 million ha) and largely occur in national parks managed by the Department of Conservation.
- Forests owned by the beneficiaries of the lands granted under the South Island Landless Natives Act (SILNA) 1906. Based on an 80% inventory by Burrows et al in 1992 at least 23,000 ha of the remaining SILNA land had indigenous forest cover.²
- Other privately owned forests. These total approximately 1.17 million ha and occur mainly in the less accessible hilly areas of farm properties or within exotic plantation forest estates. Of these, approximately 662,000 ha are on lands owned by Māori under various specially-recognised collective arrangements, and are confined to the North Island (Hammond, 2001). The rest, approximately 484,000 ha, is in the hands of some 10,000 other property owners (Statistics New Zealand, 2003), and mostly located on private farm properties.

The Crown-owned indigenous forest is protected as conservation estate, and just under 250,000 ha of private forest land (including some SILNA land) are under voluntary conservation covenant (Griffiths, 2002; Statistics NZ, 2002). Just under 20% of New Zealand's land area is therefore in protected indigenous forest. Most of the indigenous forest within plantations is protected by voluntary industry accord. Between 1999 and 2002, up to 40% of SILNA forest came under a temporary voluntary moratorium from harvesting and as of mid-2003 Government had reached agreement with four groups of SILNA owners to permanently protect 6,041 ha of forest (Government press release, 2002).

Relevant legislation

Two pieces of legislation control harvesting and management of privately-owned indigenous forest in New Zealand: the Forests Act 1949 and the Resource Management Act 1991.

² In 2002 the Ministry of Agriculture & Forestry (MAF) estimated the SILNA indigenous forest area at 24,000 ha, and in May 2004 the Minister was claiming that the area was 17,300ha .

In the late 1980s Government was keen to see indigenous forest exploitation put on a more sustainable footing and to end wasteful practices such as clearfelling forest for woodchip and paper production. In 1993, to promote “*the sustainable forest management of indigenous forest land*”, Government amended the Forests Act, making it illegal to export products from unsustainably managed forests. The Act defines sustainable management as “*the management of indigenous forest land in a way that maintains the ability of the forest growing on that land to continue to provide a full range of products and amenities in perpetuity while retaining the forest’s natural values*” (Section 2(1)). Those who wish to export products from indigenous forests must acquire an approved Sustainable Management Plan or permit (SMP) from the Ministry of Agriculture and Forestry. As of 2001, there were approximately 86,000ha of private forest with SMPs (Griffiths, 2002). Providing that the products from an unsustainably managed forest are not exported, the unsustainable felling or clearing of indigenous forest is permitted under the Forests Act (Environment Court, 2001).

Importantly, up to May 2004 the SILNA lands and forests (and, at the time, some state forest) were exempted from these requirements in the Act, and their owners were able to clearfell their indigenous forests and export the products, including wood-chips - much to the chagrin and moral outrage of environmental groups, who depicted the SILNA owners and their clearfelling as “a blot on our environmental record” (Fitzsimons, 2004).³

The second key piece of legislation, the Resource Management Act (RMA) was enacted in 1991 with the aim of promoting “*the sustainable management of natural and physical resources*”, that is “*land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures*”. The Act binds all persons and the Crown, and is implemented and enforced by local and regional councils who develop policies, plans and rules designed to achieve sustainable management of resources. Sustainable management is defined in section 5 of the RMA 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 wellbeing 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”.

In implementing the Act, local and regional councils have to recognise and provide for a number of matters of national importance, including “*the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*”, and the relationship of Māori and their culture and traditions with their ancestral land, sites and key resources (Section 6). They also have to take into account the “principles of the Treaty of Waitangi”. Section 85 of the RMA says that compensation is not payable to a landholder where rules are imposed on the use of land & resources. Under the RMA many local councils have instituted controls on the clearing of native vegetation, and those wishing to do so have to seek a ‘resource consent’ from the council. Recent local council rule changes relating to indigenous have major implications for the management of SILNA forests, as outlined below.

³ Since the first drafting of this paper, the New Zealand Government passed legislation banning export of all indigenous forest wood chips and other products from indigenous forests that are not managed under an SMP.

NEW ZEALAND FOREST & RESOURCE POLITICS

The environmental movement

Public concern over the loss of native forests “was one of the main inspirations for the environmental movement which arose in New Zealand from the late 1960s” (Rainbow 1993, p34). Disquiet over the impacts of development first took broad public expression as opposition to the raising of the national-park & forest fringed Lake Manapouri for hydroelectricity generation. Over the 1970s, concerns about the clearing and exploitation of the country’s remaining indigenous forests, especially among pakeha, crystallised in the 1977 ‘Maruia Declaration’ which was signed by 341,000 people (McPhail, 2002). This marked the beginning of a major shift in New Zealand values with respect to indigenous forest and coincided with the forming of the world’s first green party (the New Zealand Values Party). While the Values Party did not succeed in gaining parliamentary representation, it signalled the importance of environmental issues to the electorate, and the mainstream parties began to adopt more “green” policies. Over the 1970s and 80s the forest action and lobby groups depicted indigenous forest logging as irresponsible and immoral, and they managed to shift popular sentiment firmly in favour of conservation.

In addition to lobbying the Government to stop harvesting of Crown forests, the environmental NGOs put pressure on the production forest industry, succeeding in getting most of the companies to agree to stop converting indigenous forest to exotic plantation. However, Māori refused to join this accord. State-sector restructuring in the mid-late 1980s saw the disbanding of the NZ Forest Service and the transfer of its production indigenous forests and reserves into the conservation estate to be managed by the new Department of Conservation (DOC). The Government also developed and enacted the RMA and soon after made the changes to the Forests Act requiring sustainable management. This was complemented by the development of schemes such as the Nature Heritage Fund and QEII National Trust for the acquisition and protection of important privately owned indigenous forest.

In the mid 1990s, following a campaign by the minor parties, including the Greens (who had gained 7% of the national vote in 1990), the country changed the electoral system to mixed member proportional (MMP) – where a proportion of seats in the House of Representatives is allocated on the basis of party vote. In 1996, the Greens gained seats in the first MMP parliament and since then the major parties have had to forge collations with the minor parties in order to govern. Supported by the environmental NGOs, some of whom oppose all forms of indigenous forest logging, the Greens have been able to keep the issue of forest conservation before the electorate.

In this context, the spotlight was turned on the Crown lands on the West Coast of the South Island that were being managed as production forests, and on the SILNA lands. In several major confrontations, some SILNA owners, unhappy with Government, threatened to liquidate significant stands of old growth forest. The subsequent public outcry resulted in the Government purchasing the perpetual cutting rights to these forests and putting them under conservation protection (McPhail 2002). The Greens complained that such compensation payouts from the Nature Heritage Fund were excessive and that “settling [the SILNA owners’] Treaty grievance shouldn’t come at the expense of conservation” (Donald, 1999). Some environmental NGOs suggested that all uncontrolled harvesting of SILNA forests could be halted with adequate recognition of the owners’ situation and financial settlements of up to \$100 million. Others advocated that landowner deals and compensation would be rendered unnecessary if the Government and local councils were more willing to use the RMA to stop the logging (Smith, 2000).

After considerable agitation by the Greens and environmental NGOs, sustainable forest management on Crown lands was stopped in 2002, and the West Coast region received development funding of \$120 million as compensation. Some of this money has since been used to support the development of sustainable management of privately owned forests.

The Māori Renaissance

That the SILNA lands were not included in the 1993 amendment to the Forests Act can be partly accounted for in the rise of the indigenous people's movement and the increasing political voice of Māori. After 120 years of failed attempts by Māori to get action on injustices flowing out of the Crown's non-adherence to the Treaty of Waitangi, a new movement arose in the 1970s led by young, urban, outspoken Māori. They called for greater awareness among pakeha of Māori and Māori culture, along with the right to control their resources as guaranteed in the Treaty (Orange, 1987). In activating both their own communities and pakeha who were concerned about human rights and the need to resolve historical injustices, high-profile mass protests and direct action by Māori emerged, along with attempts to have the Treaty recognised in law.

Under such pressure, in 1975 Government established the Waitangi Tribunal to investigate Treaty grievances and make recommendations to Government for their resolution, and in 1985 the Tribunal was given the power to investigate claims going back to 1840 (Orange, 1987). A large number of claims were subsequently lodged. Through a series of legal actions in the 1980s, the courts affirmed the rights of Māori under the Treaty, effectively requiring the Crown to be bound by its principles. In this context, Government exempted the SILNA forest from the requirement for sustainable management.

Over the 1990s, Māori continued to apply pressure on Government to resolve Treaty claims and grievances, leading to major settlements such as with Kai Tahu, with whom most SILNA owners are affiliated. However, the rights of SILNA owners as Māori remain contentious both in law and in the political arena, with the owners consistently arguing that the 1906 Act and the Treaty of Waitangi gave them the inalienable right to choose for themselves how they should use and manage their forests. Grievances about the Crown's treatment were expressed in a 1990 claim by some owners to the Waitangi Tribunal (claim WAI 158) alleging that the Crown's policy on indigenous forests, and especially on clearfelling and the exporting of wood chips, was depriving them of their economic base and that the Crown had taken parts of their lands "without the consent of the owners and without compensation" (Wai 158, in McPhail, 2002). Needless to say the relationship between the SILNA owners (and other Māori) and the environmentalists has been uneasy.

Disputes about resource ownership and rights of decision-making continue to shape New Zealand politics, most recently over the matter of the ownership of the foreshore and seabed.

Recent moves against unsustainable logging of SILNA forests

Political pressure and the sustained moral outrage of the environmental NGOs led successive governments to try through various means to encourage SILNA owners to accept sustainable management or preserve their forests. Among the various moves by Government outlined by McPhail (2002) were:

- A change in the customs regulations in 1996 to frustrate exports of indigenous forest woodchips from SILNA lands. While in 1999 the High Court declared this move to be illegal, the ban effectively killed the export chip market and it has never revived.
- Making deals with some of the owners, which has included purchasing the perpetual rights to forests such as for 2,171 ha of Waitutu forest (for \$1.5 million, plus \$18.5 million in compensation to the owners) and 3,515 ha at Lords river on Stewart Island (for \$10.9 million in compensation). In both cases the owners gave up their Treaty claim under Wai 158.
- Collective public negotiations with the owners, which included some of the above elements, setting a total allowable cut for SILNA forests, schemes to phase out clearfelling and selective logging, and offers to settle the Wai 158 claim, but no compensation for income foregone from clearfelling. These negotiations were unsuccessful.

- Successive threats to remove the SILNA exemption in the Forests Act, including banning of woodchip exports. These took full expression in the introduction of the Forests Amendment Bill to Parliament in 1999 and its enactment in May 2004. As proposed in the Bill, the new Act removes the SILNA exemption, prohibits export and milling of forest produce from unsustainable managed forests (though allows domestic sales of products from unsustainably managed forests), and removes the right of SILNA owners to claim compensation for loss of value & foregone income arising from the changes unless export sales contracts were already in place. Public submissions on the Bill were dominated by “groups and individuals with environmental, recreational and conservation interests” (Local Government and Environment Committee report 2003).
- Proposing a voluntary moratorium on harvesting to give time for individual negotiations to proceed, for which the Crown would pay a signing up fee of \$34 per ha. Those signing were to get priority in negotiations over moving to sustainable management. As indicated earlier, this has proceeded, with the moratorium now extended until 2005.
- Allocating funds for research on sustainable management of southern forests
- Encouraging local councils through legal assistance to develop and implement rules under the RMA governing the removal of indigenous vegetation, as advocated by the Royal Forest and Bird Protection Society (Maturin, 2000, Smith 2000). This environmental NGO and the Department of Conservation have both participated in bringing this about, such that the Southland District Council now requires that those wanting to harvest indigenous forest must have a SMP as prescribed in the Forests Act. These rules were challenged by the SILNA managers in the Environment Court. However, the Court upheld the rules, determining that the RMA and the Forest Act provisions, especially the SILNA exemption, were not contradictory, and that the rules did not run contrary to the principles of the Treaty or other provisions in the RMA relating to Māori (Environment Court, 2001).

In the last instance, despite the apparent freedom provided to SILNA owners under the newly amended Forests Act to unsustainably log their forests for the domestic market and capture the economic benefits of doing so, the local councils have effectively put in place measures to stop this from happening (Wheen, 2002). The SILNA owners have essentially been backed into the corner of having to get approved SMPs or stop logging their forests altogether without legal recourse to compensation.

Under the banner of “a balanced solution”, the Government announced a new policy on the SILNA forests in 2002. Government said it would provide \$16.1 million over five years to the Nature Heritage Fund for payments to owners of high conservation value forests in return for perpetual conservation covenants, provide money for legal support and advice to relevant district councils to apply the RMA to SILNA forest management, provide advice through the Ministry of Agriculture and Forestry to owners willing to adopt sustainable management, and extend the voluntary moratorium on harvesting (New Zealand Government, 2002). The policy was greeted with applause by the environmental NGOs, but to date only two conservation settlements have been successfully negotiated with SILNA owners. The policy is intended to mesh with new changes to the Forests Act.

Like the amendments to the Act, which SILNA owners saw as “is an appropriation of property rights” (Local Government and Environment Committee, 2003), Government’s policy initiatives are unlikely to resolve many of the owners’ previously-expressed concerns. Changes to district council rules mean that owners who do not have high conservation value areas or forests with export-quality merchantable timber are likely to be left with few options for development or to realise a return on their land. As Wheen has argued, Government now has an obligation to make sufficient money available “to compensate all the owners for the application of whatever controls or prohibitions are ultimately applied” (2002, p292).

It should be noted that, as seen in the results of a recent survey (below), that the SILNA owners are not opposed to implementing sustainable management *per se*. Apart from the issue of the extent of their rights under the Treaty, a key barrier to implementing sustainable management continues to be their lack of financial resources. Generally the owners have not been able to accumulate sufficient capital because the royalty income from their selective harvesting or clearfelling has been soaked up in meeting on-going land costs (such as local-government rates/taxes) and payouts to the large numbers of collective owners keen to see some kind of return from their land. Furthermore, as is typical for indigenous people in a situation of underdevelopment, it has been difficult for them to access development finance, including for environmentally sustainable ventures, because the banks tend to be averse to securing loans using land under collective title.

SILNA OWNERS VALUES AND FOREST MANAGEMENT PREFERENCES

To ascertain the values, experiences and preferences of SILNA forest owners, a postal survey was conducted in 2002 of the owners of 149 SILNA land sections with at least 50ha of virgin or regenerating indigenous forest. The 50ha threshold for inclusion in the survey was chosen since this area is likely to afford a full range of management options, including sustainable harvesting. The total forest area within these sections was 23,400ha. Just under 7,000 separate individual beneficial owners for these sections were identified from existing Māori Land Court records and SILNA owner databases. All 1,300 for whom contact details were available were surveyed, and 362 completed or semi-completed questionnaires were returned (i.e., a 28% response rate).

A comparative postal survey of 1,435 owners of farms with 50ha or more of indigenous forest as identified in a New Zealand database (the 'Agribase') was also conducted in 2002, and 486 completed questionnaires were returned (34% response). Comparisons between the results of the surveys are provided here where appropriate. A fuller presentation of the results of the farmer survey are available in Fitzgerald & Devoe (2003).

The survey participants

The SILNA survey achieved a balance of male and female respondents, though over three quarters of the respondents were aged 50 and over, which was expected since they were the surviving beneficiaries of the original SILNA grantees. The farmer survey was dominated by pakeha males. On average the farmers had owned their properties for 20 years and had 200ha of indigenous forest. Collectively they had 92,000 ha of forest, 44% of which was virgin forest.

83% of the SILNA respondents were aware they were owners or shareholders in SILNA land. Of these, just under three quarters were aware that their land had 50 ha or more of forest on it, 44% felt they had a reasonable knowledge of their forested land, and 22% said they had visited this land at least once. Just over half of those who were aware they were SILNA owners nominated particular forested SILNA sections as being important to them, and explained why. The largest proportion of these comments made reference to the connection the land provided to their forebears and to their sense of identity. For example, "*it is one of the few tangible links with my forebears and ancestors*", "*its positive proof of my Māori heritage*", and "*it gives proof of my status as tangata whenua – it tells us who we are*" (i.e. a legitimate member of the people of that land). 17% who answered said they valued the particular section because of its natural features and attractions, while 13% referred to the economic or resource value of the forest.

In terms of sense of connection to the forested land, 47% of those who answered said they felt closely connected to it (rating it 4 or 5 on a 5-point scale), 24% felt moderately connected, and 29% felt they had little or no connection. By comparison, 79% of the farmers felt very connected to their forests. The strength of connection of the SILNA respondents to their forest

land is most closely accounted for by having visited it or not, though it is also related to the amount of knowledge they have about their land and the degree of contact they have with fellow owners. That the farmers felt a stronger sense of connection to the forest than the SILNA respondents is largely a reflection of its immediate proximity to the farmers' homes and their involvement in its day to day management.

44% of the SILNA respondents reported they had received some form of financial return from their ownership or shareholding in the land, while 28% of the farmers reported that their forests provided on-going income for them, mainly from grazing, firewood, timber and posts, hunting and non-timber forest products. However the typical annual contribution to farm income was less than 5%. At the same time 42% of the farmers reported expenditure on managing their forests, most commonly on fencing, control of pests and weeds, and payment of local government rates/taxes.

Most of the SILNA respondents reported that their land and forest was being managed by a registered Māori incorporation, the Māori Trustee (a court-appointed officer), or the trustees of a family trust. Just on 20% were current or former officers in the management structure, mostly as trustees. While the majority reported at least annual direct contact with the trustee or incorporation officer, just over half reported little or no involvement in decision making about the land.

Forest use and management preferences

Both the SILNA and farmer respondents were asked to indicate their preferences for the use and management of the forest. This included rating (on a 5-point scale) the importance of various forest management values. Table 3 outlines the results.

Table 3: Importance of various forest values

Forest uses	SILNA respondents		Farmer respondents	
	% high importance*	Mean rating*	% high importance*	Mean rating*
Having a resource for your future generations to use	76	4.2	64	3.7
Maintaining the environment in natural state	74	4.1	71	4.0
Maintaining the owners' cultural identity and history	66	3.8	25	2.3
Getting a good financial return for yourself & owners	58	3.5	14	1.8
Creating jobs for the owners/ shareholders	45	3.1	8	1.5
Having a nice place to visit and recreate	43	3.1	67	3.9
Having a place to get timbers etc for cultural uses	31	2.7	12	1.9
As a place to hunt or get wild foods	26	2.4	22	2.3

*excluding non-responses, using a scale where 1='not important at all' and 5='essential'

Sustaining the land and forest into the future emerged as particularly important to the SILNA respondents, while getting a financial return was of moderate importance, and being able to extract products for individual or private use was relatively unimportant. Cluster analysis showed that the first three items, which were rated highest in importance, tended to be regarded similarly (collectively representing non-material values in the land and forest), and the last four items were seen as similar and of lesser importance (collectively representing the utility value of the forest and land). 'Getting a good financial return' tended to be treated separately, and was rated as quite important to the owners. 18% of the respondents also noted other important uses which focused largely on specific aspects of conservation or preservation of the resources on the land, and to a lesser extent on economic development, tourism, and aspects of land management.

While the farmer respondents also considered non-material or amenity values of the forests to be important and the economic and productive values to be relatively unimportant, there are key differences between the two groups. The most obvious differences are in the relative importance of having a resource for future generations, maintenance of the owner's cultural

identity and history, economic benefits, and recreational value. Overall, the SILNA owners tended to put emphasis on the “symbolic” and natural value of the forests, while the farmers emphasised the natural and amenity values. Crucially, both groups of respondents put a similar high value on maintenance of the natural environment. An additional question put to the farmers indicated that their appreciation of environmental/natural values was multi-faceted: of 20 listed forest “uses”, the most important were those associated with conservation and aesthetic appreciation, followed by environmental services such as catchment protection.

The SILNA respondents also asked to specify what the decision-making goals “should be” for their forests, while the farmers were asked about their own current goals. This was done by ranking four broad goals in decreasing order of importance (table 4).

Table 4: Forest owners’ preferences for forest management

Forest management goal	SILNA respondents*		Farmer respondents*	
	% rating it as highest priority**	mean rank	% rating it as the highest priority**	mean rank
Environmental enhancement or benefit	62	1.5	72	1.4
Economic enhancement or benefit	49	1.8	32	2.4
Cultural enhancement or benefit	31	2.0	1	3.4
Social enhancement or benefit	21	2.5	7	2.5

* excluding non-responses. 1= highest rank.

** sum of percentages exceeds 100 due to equal rankings of goals by some respondents

For both the SILNA respondents and the farmer respondents the achievement of environmental enhancement or benefit was the most important in terms of forest management, though the farmers appeared to be more resolute about this as the primary goal. Second most important for both, though relatively more important for the SILNA owners, was management for economic enhancement or benefit. As might be expected the SILNA owners put noticeably more weight on cultural goals than the farmers.

A subsequent question to the SILNA owners asked about the perceived priorities of the managers/trustees of their forested sections. The results indicated that the managers/trustees were seen as acting in accord with the owners’ priorities. The farmers were asked to indicate what they thought should be the single primary goal for the management of New Zealand private indigenous forests in general (that is, the normative goal). 72% felt that management for environmental enhancement or benefit should be the main priority, followed by economic enhancement or benefit (29%). The two groups of respondents therefore appeared to have broadly similar priorities in indigenous forest management, though the SILNA owners put more weight on economic outcomes and cultural benefits.

To ascertain how the respondents’ preferences and priorities for the management of their forests might work in practise, a decision scenario was put in front both the SILNA owners and the farmers. However in recognition of the different legal status of the SILNA owners and the farmers when it comes to forest management decision-making, the scenarios were worded differently. The SILNA owners were presented with the following situation:

“Imagine you are a Trustee of a SILNA section with indigenous forest on it. None of the beneficial owners have ever received any income from owning the section. A reputable local sawmill has recently contacted you about clear felling the bush. If the timber is clear-felled (i.e., all the trees are taken at the same time), the owners will get over \$250,000 profit to be shared amongst them. In considering this offer you have learned that there is also the option of partial cutting of the forest under a sustainable management plan. This option will allow you to maintain the forest and continue harvesting it periodically in small amounts in the future, bringing a profit to the shareholders of \$15,000 every two years. What would you do?”

The respondents were asked to choose one of four options: clearfell now, do the partial cutting, keep it as a reserve, or do something else. Omitting the non-responses, the majority (60%) opted to do the sustainable harvesting under an SMP, 18% opted to keep the forest as a reserve, 11% wanted to clearfell, and 11% wanted to do something else. Those who indicated they would do something else said they would either undertake partial cutting in combination with active replanting and compatible development, approach the Crown for sale of the cutting rights and settlement of the owners' Treaty claim, retain the forest and undertake development for tourism and recreation, or clearfell the area and replant into a commercial exotic plantation. Some were reluctant to choose, feeling that such a decision would have to be made collectively by the owners after research and discussion. If the responses of those who indicated they would "do something else" are included, 64% of the SILNA respondents were in favour of sustainable harvesting, 22% preferred to keep the forest as a reserve (ideally with Crown support) and perhaps with complementary development such as eco-tourism, and 12% were willing to clearfell – possibly with follow-up plantation development. In a follow-up question 55% said they were not aware of the SILNA exemption from the requirement for sustainable management.

The farmer respondents were presented with this scenario:

"A reputable local sawmill has contacted you with a proposal to log your native forest. This involves going through the process of getting a registered sustainable management plan or permit. With such a plan or permit you could maintain the forest and continue harvesting it periodically in small amounts in the future. This would bring in a profit of \$100-\$200/ha each year, depending on the composition and condition of your forest".

Three options were presented: keep the forest as a reserve, proceed with the proposal, or do something else. 47% of the farmers said they would keep the forest as a reserve, 34% said they would proceed with the proposal, and 19% said they would do something else. Of this last group, half would do some kind of harvesting if they could but not as laid out in the proposal, just over a third would not harvest at all, and 15% would want to consider the proposal in more depth. Taking the "do something else" choices into account, approximately 47% of the farmers were prepared to entertain some cutting of their forest if the terms and conditions were right, and 53% were likely retain their forest as is.

As can be seen SILNA respondents clearly favoured sustainable management of their indigenous forests under an SMP over locking them in reserves or clearfelling them. This implies that they saw sustainable management as being consistent with their priorities and values, which emphasised the environment, long-term forest retention, and producing economic benefits. The farmer respondents on the other hand were fairly evenly split between sustainable management under an SMP and retaining the forest as is. The level of support for sustainable management is surprising, given the strong indication that they most valued the natural biodiversity, aesthetic qualities and amenity of the forest, and put relatively little weight on economic benefits. Like the SILNA owners, many of the farmers appeared to see little conflict between sustainable harvesting and protection of the natural values of the forest.

Attitudes to indigenous forests

To get an understanding of owners' attitudes to utilisation of the SILNA indigenous forests, the SILNA respondents were asked to react to a series of positional statements. Each statement was scored on a 5-point scale, ranging from 'strongly disagree' to 'strongly agree'. Due to an error in some of the survey forms, only 277 responses could be used, though they indicate a pattern of attitudes that is consistent with the values orientations noted earlier (Table 5).

Table 5: SILNA respondents' attitudes to indigenous forests

Attitude statement	% agree	Mean score
- Government should be prepared to financially assist any land owner who protects or conserves their indigenous forests.	57	3.7
- SILNA forests shouldn't be exempt from the requirement for harvesting to be done with a sustainable management plan .	51	3.4
- Land owners should be able to do what they want with their indigenous forests and lands.	43	3.2
- New Zealand's remaining indigenous forests are sacred and should be protected from commercial use.	40	3.2
- SILNA lands with few large remaining trees should be developed for agriculture or plantations, rather than left to slowly regenerate.	39	3.1
- Traditional Māori values no longer have a place when it comes to deciding what to do with the SILNA lands.	29	2.7

The results on table 5 confirm the support among the SILNA respondents for forest sustainability or conservation, and affirm the importance of Māori values in SILNA forest decision-making. However the respondents were more hesitant about land owners having the freedom to do what they want with their indigenous forests, and developing cut-over SILNA lands for agriculture or plantations. The respondents were apparently polarised about whether the SILNA lands should be exempted from the requirement to have a sustainable management plan before harvesting. Cluster analysis reveals that in the scoring, the respondents tended to group the statements into forest conservation/protection issues and development issues.

There was no comparable attitudinal question in the farmer survey, though some of the issues were canvassed. Apart from the constraints imposed by the Forests Act, two thirds of the farmers felt they were not free to use their forests as they wished mainly because of difficult land topography and access, district and regional planning restrictions under the RMA, and existing conservation agreement or covenant. Asked to weigh up the advantages and disadvantages of having indigenous forest on their land, 61% felt that the benefits outweighed the disadvantages, 24% said they were about even, and 15% thought the disadvantages were greater. Key advantages were the environmental services that the forest provided and contribution to the owner's quality of life, and the main disadvantages were the costs involved (especially fencing, pest control, and having to pay rates).

Summary

While the SILNA survey was limited to only those people whose details were held on owner incorporations' and trustees' databases, and the overall sample represents a small percentage of the potential owners, their responses are useful in indicating that the SILNA owners value their forests for their intrinsic qualities, the sense of personal and social identity they embody for themselves and their descendants, and the material benefits they can bring.

Those SILNA owners who participated in the survey were in favour of retaining the natural values of the forest where possible for both future generations of owners and for the nation as a whole. And these values seem to be similar to those of pakeha farmers who have indigenous forest. Clearly the SILNA owners felt that sustainable management, which would bring economic benefits, was compatible with retention of these values. The central challenge is how to realise the material benefits intended by the granting of the land in 1906 and at the same time retain the forest in the long term.

CONCLUSION

As outlined in preceding sections, Government seems to have a variety of goals with regard to the SILNA forests. First, it wants to retain as much as possible of New Zealand's privately-

owned indigenous forest, including the SILNA forests, by putting the best of it into the conservation estate or other form of protection, or by putting all harvesting on a sustainable footing. In terms of the latter, it wants to get the SILNA owners to stop clearfelling their forests and exporting low value products, and at the same time creating a 'level playing field' in the NZ indigenous forest industry. Second, it wants to get rid of the currently inactive Wai 158 Treaty claim. And third, it wants to do all this as cheaply as possible. In attempting to achieve these individual goals, successive governments have used a range of strategies that have often inflamed the sense of injustice felt by the SILNA owners, and the passing of the most recent amendments to the Forestry Act is likely to be no exception.

The survey of a sample of Māori owners of SILNA lands shows they have a clear preference for sustaining their indigenous forests. The preference for sustainable management over clearfelling or locking up the forest in reserves must be seen as a practical and workable expression among the owners of both the need for sustained economic benefits from the land, and a desire to see the forest remain intact in the long term. That some owners have been willing to "mine" their forest resources by clearfelling, despite preferring not to do so, suggests a continuing unfulfilled need for economic development. In the absence of resources necessary to develop agriculture, sustainable forest management, or other activities such as forest-based recreation and eco-tourism, one of the main ways open to the owners to get a reasonable economic return on their land has been to sell the logging rights to their forests, and after clearfelling, perhaps replant in exotic plantation species. The apparent willingness to sign-up to the current moratorium on harvesting further implies that the SILNA owners are keen to work out an enduring solution to their enduring development dilemma.

A long-term solution to the issue of the SILNA forests would seem to require:

- an airing and settlement of the historical injustices of the "cruel hoax", loss of rights, and denial of access to equitable development support
- a convergence of the values and goals of both parties with regard to the long term future of the forest
- support from Government for the SILNA owners to overcome their ongoing economic under-development through sustainable forms of development.

The survey findings suggest that, given the aspirations and circumstances of the SILNA owners, Government could take several practical constructive steps to achieve the sustainability of the remaining SILNA forests. For example,

1. It could make the compensation for preserving SILNA forests with significant biodiversity values more attractive, i.e. sufficient to cause the owners to enter into conservation covenants rather than log the forests under sustainable management plans. Compensation could include funding the basic infrastructure necessary for nature tourism development.
2. Support for SILNA owners without high conservation value forests who might be willing and able to move to sustainable management could extend beyond simply funding MAF to provide advice. Transitional funding could be made available which is sufficient to encourage such owners to choose sustainable management and the production of high value export timber products rather than clear the forest for other land uses or for low value products which can't be exported.
3. A pool of development funds could be made available for those owners with neither high conservation value forests nor sufficient remaining trees for commercially viable sustainable management to allow them to set aside the degraded forest to regenerate naturally, to do restoration planting or indigenous species plantation development, and/or to invest in other enterprise development.

If Government were willing to acknowledge all SILNA forest owners, rather than just those with the most valuable or pristine areas, they are likely to be happy to see their forests protected in the long term. A set of policy actions such as those outlined and developed in consultation with the owners might also assuage the concerns of some environmental groups as well as help

achieve the justice that Devoe & Southerwood have argued is an essential prerequisite for sustainability.

The danger at this point is that, despite the apparent convergence of values and environmental goals of the Crown and the SILNA owners, the Government will, in the face of an increasingly cynical electorate and in the name of the taxpayer, fail to settle the historic grievances of the owners or to sufficiently fund the necessary sustainable economic development. In the short term the Government's policy package and passing of the new forestry legislation are likely to lead to a reactivation of Treaty claims against the Crown, and in the longer term, a perpetuation of the "cruel hoax" of 1906.

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