



Graduate Certificate in Antarctic Studies Literature Review

Roimata Toroa (Tears of the Albatross)

*A Historical Review of the Albatross in Folklore, and a
Critical Examination of the Environmental Law
Protections*



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I INTRODUCTION

The albatross is a southern seabird that has been caught, studied, feared and revered in mythology since before recorded history, centuries before the threat of its extinction gave rise to the international battle to conserve the majestic creature. The Grey-headed Albatross can circle the globe in forty-six days. It follows the major ocean currents, where upwelling of the cooler water provides abundant feeding grounds. It is these lucrative fishing sites which have caused the depletion of the Procellariiformes (albatrosses and giant petrels). Long line fishing fleets exploit the same areas. There have been major global attempts to reduce the drowning of the albatrosses caught on these lines.

The purpose of this review is firstly to traverse the folk law of the albatross across several different cultures of the world and through the different ages, and discuss why this bird has come to be nestled in the human psyche. Secondly, it will discuss the difficulties of preserving a species that migrates in and out of a vast number of jurisdictional borders, the protection of which interferes with one of the most lucrative global industries.

II Historical Review of the Literature and Mythology of Albatrosses

A Maori Culture and Mythology

1 Maori Traditions and Uses

The Toroa, or albatross, had an integral position in Maori culture. The magnificent bird held a special value, above that of other birds or plants. The feathers, or raukura, and bones were often worn by chiefly persons or for special ceremonial occasions. The meat was used for food, and was preserved in its own fat for future use;¹ the bones were used for hooks and spear tips, the feathers for cloaks, and adornment for canoes.² These uses were both practical and ceremonial. The feathers were also collected as Taonga, or treasures, in their own right. Known as Titapu, they were worn by high-ranking individuals. The phrase 'te rau o titapu', or

¹ Te Aorere Riddell, *Toroa, The Royal Albatross* (Huia Publishers Wellington 2003) p20.

² Chris Gaskin and N Peat *The World of Albatrosses* (Hodder and Stoughton Auckland 1991) p16

titapu's plume, is a way of expressing respect to a person. This is an illustrative example of the value and reverence placed on the albatross in the culture.

Maori acknowledged the albatross as wanderers. Woven mats depict Nga Roimata Toroa, the tears of the albatross, as it wept for its distant homeland, or breeding ground. This reference to tears is based on the remarkable ability of the albatross to drink ocean water by first expelling the salt out of its trademark nostrils.³

In Maori tradition, the Polynesians migrated to Aotearoa in great waka, or canoes. One of these waka was the *Mataatua*, which was captained by Toroa, around 1350.⁴ Toroa was a 'semi-deified, kingly ancestor of the tribe',⁵ also described as a Polynesian Viking-chief. His name reflected his incredible powers of navigation on his vast journies, as possessed by the albatross. He wore snow-white clusters of albatross down hanging from his ears. This adornment gave rise to the Maori saying "me te pohoi toroa tera, puaho ana" or 'like the intensely white down of an albatross'.⁶ This is another Maori saying borne out of the dignity of the albatross. A Polynesian record claims it that Toroa was the name of the waka itself, which also affords great dignity to the namesake.⁷

The albatross feathers were a spiritual symbol of peace to those affiliated with Taranaki iwi,⁸

"Let this be clearly understood by all Maoris, pakehas and all other nations. The white feather is a sign that all nations through the world will be one, black, red and all others who are called human beings. This feather will be the sign of unity, prosperity, peace and goodwill."⁹

Te Whiti o Rongomai and Tohu Kakahi used the white raukura as a symbol of Parihaka's non-violent resistance movement.¹⁰

The legitimacy of these practices and beliefs is acknowledged by the New Zealand bureaucratic system. Moriori and Maori made claims, in 1989 and 1991 respectively, for the right to harvest Toroa (Northern Royal Albatross or *Diomedea*

³ Derek Onley *Albatrosses, Petrels and Shearwaters of the World* (Christopher Helm London 2007) p14.

⁴ Stephenson Percy Smith, *Maori Wars of the Nineteenth Century* (Whitcombe and Tombs Christchurch, 1910) p366

⁵ James Cowan, Whitcombe and Tombs 1930, p124 *The Maori: Yesterday and Today*

⁶ Te Ara: The encyclopedia of New Zealand, sayings from nature, Department of Conservation.

⁷ Robert D Craig, *Dictionary of Polynesian Mythology* (Greenwood Publishing Groups 1989) p 290

⁸ Margaret Orbell *Seabirds and people: the cultural importance of seabirds, the illustrated Encyclopedia of Maori Myth and Legend*

⁹ Charles Waitara in a funeral oration for Te Whiti, 1907.

¹⁰ Above n 9, Margaret Orbell

epomophora sanfordi) from the Chatham Islands at particular times of the year. The report outlines the traditional harvesting and conservation practices of these groups. These practices on the Chatham Islands are thought to date back to the 1400s.¹¹ The claim was unsuccessful as the report concludes that the threat to the species' in their sole breeding ground in the world was too great to legalise traditional taking of the birds.

2 Mythology and Poetry

The low flat top of Mana Island and the gauged landscape of Whitireia in the Wellington suburb of Porirua, derived their formation, as the story goes, from Awarua, the taniwha of Porirua, who ploughed into them whilst learning to fly with her stumpy wings. Awarua envied her best friend, Rereroa the albatross, who could fly vast distances across the ocean, and thus took lessons from the graceful bird.¹²

In another legend, Titapu (sacred feathers) was an island in the Raikawa (Cook) Strait, and one day it sank and the many albatrosses lost their home.¹³

There is a translation of a traditional poem, *Lament for Hikareia*, referring to the small chisels used by traditional tattooing artists, made from the wing bone of the albatross. Part of it is as follows,¹⁴

Once more I gaze upon your voiceless form,
Your face scored with the tattooer's chisel,
From the ocean-roving albatross
That soars above the isle of Karewa

The significance of the use of the albatross bone is woven into the lament.

¹¹ C J R Robertson Questions on the Harvesting of Toroa in the Chatham Islands, Science and Research series no. 35, Conservation Te Papa Atawhai (DoC 1991) p7

¹² Maori Myths, Legends and Contemporary Stories, Ministry of Education, Wellington New Zealand

¹³ Above n 9 Margaret Orbell

¹⁴ The Lament for Hikareia, Legends of the Maori (Volume I) James Cowan, New Zealand Texts Collection,

B Hawaiian Mythology

Birds play a major role in Hawaiian mythology. They appear in stories as intercessors overseas or to the heavens.¹⁵ The white albatross (*diomedea immutabilis*) is called Aaia-nukea-nui-a-Kane (great white albatross of Kane), which was often seen along the coastline.¹⁶ Kane was the leading god of the great gods. The influence of the missionaries arriving in Hawaii in 1820, gave rise to a Garden of Eden rendition where the albatross of Kane drove he and his wife, Ke-ola-Ku-honua, from the garden.¹⁷ This albatross can also embody Kanaloa (a deity who usually has another identity) and in some versions, he seduces Kane's wife out of the garden.¹⁸

C The Western Psyche

1 Superstition and Poetry

As albatrosses migrate mostly around the Southern Hemisphere, the place albatrosses held in the European psyche was derived from the explorers' and mariners' accounts. The sheer size of the body, the wingspan, and the distances from land that the birds were found incited their curiosity and respect. These stories began with the first voyages of Europeans into the Southern Seas.¹⁹

The awe that has filled viewers who see this magnificent bird is illustrated in Murphy's exclamation, 'I now belong to the higher cult of mortals for I have seen the albatross!'²⁰ It was Murphy who first distinguished between the northern Royal albatross and its relative in the sub-Antarctic.

This awe is often been laced with an ominous sense of fear, Gaskin suggests this is because sailing ships would often encounter albatrosses while in the gale force westerly winds in southern oceans, thus latitudes Roaring Forties and Furious Fifties became known as the "albatross latitudes".²¹

The most well known literary work on the albatross was Samuel Taylor Coleridge's 141-verse poem, *The Rime of the Ancient Mariner* written in 1798. Since

¹⁵ Hawaaiian Mythology: part one: the Gods: VII Lesser Gods www.sacred-texts.com

¹⁶ Above n 16 Hawaaiian Mythology

¹⁷ Above n 16 Hawaaiian Mythology

¹⁸ The God Kanaloa, The Hawaiian Gods, www.theartofcraft.com

¹⁹ Nicholas Roe, Samuel Taylor Coleridge and the sciences of life, Oxford University Press, 2001 Oxford, pp168

²⁰ Chris Gaskin and N Peat, The world of albatrosses (Hodder and Stoughton Auckland 1991) p15

²¹ Above n 21 Gaskin p15

Coleridge's time the proverbial albatross has represented something oppressive or burdensome, still used in the saying "to have an albatross around one's neck".²² The ancient mariner narrates how he and his crew found themselves in 'ice, mast high' where

At length did cross an albatross,
Through the fog it came;
As if it had been a Christian soul,
We hailed it in God's name (16)

The Ancient Mariner in the tale shoots the albatross with his bow and then must face the consequences, in the deaths of each of his crewmen on the Antarctic Seas. Tickell says that more than any biological association, it is Coleridge's work that encapsulates the albatrosses' identity in Europe, as a metaphor for a 'primitive penance imposed by fearful, superstitious seamen upon their erring shipmate.'²³ Coleridge had never seen an Albatross or been to sea, his ideas came from contemporary tales from the Arctic and from his tutor who was Cook's astronomer on his voyage to the Antarctic. Accounts of such voyages gave the majestic bird had a strong presence in his mind and he was instrumental in installing this presence throughout his extensive European readership.²⁴

Though the poem was written two centuries ago, in 1959 a cargo ship, the *Calpean Star*, had engine trouble, and fifty crewmembers went on strike until a live albatross, destined for a zoo, was removed. The effect of the innate power of the bird, and the literary embellishments, it not entirely diminished.

Early European sailors, voyaging across the vast and icy Southern Oceans, purportedly believed that an albatross should not be killed, for it housed the restless souls of drowned sailors, and it would bring bad weather.²⁵ Vallar asserts that superstition is not to be found before Coleridge's infamous *Rime of the Ancient Mariner*.

Contrary to Coleridge, there are many accounts of superstitious seafarers associating albatrosses with ill weather omens or becalmed seas, and as often as not

²² Above n 21 Gaskin p16

²³ Tickell, *Albatrosses* (Pica Press Hong Kong, 2000) pp373

²⁴ Morrow J Coleridge's Writings (Basingstoke London 1990) pp86

²⁵ Cindy Vallar 2007 Superstitions and the Sea, in *Pirates and Privateers*, Keller

would superstitiously shoot the trailing albatross in the belief that this would bring for good weather.²⁶

Despite a prevailing awe for the powers of the albatross present in diaries and poems, the taboo was not universal, as Horton's poem in 1860 suggests,²⁷

Day after day did that silly old man
Over his dead bird cry

2 Modern Expressions

The role of albatrosses in literature and entertainment has not disappeared in this less superstitious age; it still appears in modern culture. One of the great popular bands of the era, Pink Floyd, has a song, *Echoes*, which describes the glory of the albatross,

Overhead the albatross hangs
motionless upon the air
And deep beneath the rolling waves
in labyrinths of cold coral caves
The echo of the distant tide
comes willowing across the sand,

It is a song of a personal journey of loneliness, where strangers meet, picking up recurring themes found in the early poetic works, and in contemporary novels.

In *Monty Python*, the comic television series, renowned actor, John Clees, is selling an albatross at an ice cream stand instead of ice creams. While not picking up the ominous, lonesome themes, the skit arguably makes a parody of the awe and fear of the creature.

Serenity is an epic science fiction film about a captain who kills an albatross. It is a psychological action film, again picking up the themes of Coleridge's albatross.

²⁶ Shelvocke, G 1726. *A Voyage round the World by the Way of the Great South Sea performed in the years 1719 – 1722...* (Senex, London.)

²⁷ Horton, E, Uses of the Albatross. (*Zoologist*. 18:6981, 1860)

A number of novels have been written, with a prevailing theme of psychological discovery of youth and beauty and inner sanctity. In the French novel, *Children of the Albatross*,²⁸ the characters are drifting souls, young people without parents who slowly build functional and dysfunctional relationships with kindred spirits. The loneliness of the albatross, the early separation of the chicks from their parents, and the characteristic lifelong journey serves as a metaphor for the characters' own personal journeys through the mundanity of their lives.

*Flight of the Albatross*²⁹ is also a story of self-discovery, where a teenage American girl finds a sick albatross on a small island in the north of New Zealand, and with the help of a wise, eccentric Kuia, and a passionate, angry Maori boy with a destiny she discovers herself and the world around her.

*The Albatross*³⁰ by Susan Hill is also a story of a young man with a simple mind breaking free from his mother's mental abuse and setting out into a frightening world without any ties. This novel also evokes notions of the adventurer, cut loose from his parent.

The following quote explains the transition of the review from folk law to the legal issues facing the albatross conservationists.

“There is something special about migration. Birds ... that change where they live with the seasons have long fascinated humans, and inspired our artists, writers and poets. A piece of legislation is a long way from poetry, but migration has similarly inspired an international convention.”³¹

III THE LAW

The nature of the environmental legal objectives means that drafting and implementation is an endless uphill battle. Major hurdles are that the law must transcend jurisdictional boundaries, and it often takes the focus off economic gain, if only to ensure there is enough left of a resource for its exploitation in the following year.

²⁸ Anais Nin, *Children of the Albatross* (Peter Owen Ltd, London 1959)

²⁹ Deborah Savage, *Flight of the Albatross* (Harper Collins 1990 Auckland)

³⁰ Susan Hill, *The albatross and other stories* Redwood Burn Ltd Great Britain 1971

³¹ John O'Sullivan, Agreeing to Save Migratory Species: The Bonn Convention, *World Birdwatch* 2003 25.2 p1.

A Biodiversity and Cultural Diversity

Psychologist Olembo canvasses an argument that cultural diversity is based on biodiversity. The unique flora and fauna of each group provides its medicine, food source and identity. The placing of strong values on wildlife has been a key instrument for the maintenance of biodiversity.³² Olembo suggests that a dominant culture can be taught how to treat nature based on the value systems of the other cultures. In this case, the dominant culture can broadly be categorised as the western culture. With respects to the Albatross, the western culture also has an ancient mythical connection with the albatross, as do Maori, Hawaiian, Tahiti, and others. This is due to man's migration, his great navigational feats, and his awe and affinity for the albatross. Perhaps an intrinsic human attachment to the bird which is woven into many culture's histories has led to concerns for their preservation now the problem is acknowledged.

B Environmental Legal Theory

Recognition of the problem is only the beginning. Negotiating environmental treaties is a long and complex process, with endless tensions over cost allocation.³³ Legal academic, Susskind, is critical of the Environmental agreement making process.

'A great deal of effort has been invested in 'getting written agreements.' Far too little attention has been paid to guaranteeing that real environmental improvements are made.'³⁴

Environmental treaties characteristically require broad representation of the global community that affects the particular environment issue. To attain this, the treaties must be watered down and compromised to appeal to the largest number of signatory states.³⁵ In 1971, there were concerns about the degradation of the environment, and the need for global umbrella organisations was being canvassed by

³² R Oembo International Environmental Law and the Preservation of Biodiversity, in Biodiversity and International Law, S Bilderneek (ed) (IOS Press Amsterdam 1992) p 9

³³ Lawrence Susskind and Connie Ozawa, Negotiating More Effective International Environmental Agreements The international politics of the environment, Andrew Hurrell and Benedict Kingsbury (ed) (Clarendon Press Oxford) p142

³⁴ Above n 33 Susskind p142

³⁵ Above n 33 Susskind p147

legal academics.³⁶ The United Nations Conference on the Human Environment followed in 1972. This was the dawn of the environmental law movement, though it was still squarely focussed on the protection of the natural environment for exploitation by man of its resources.³⁷ Robinson uses the example of DDT released in Canada effecting birdlife in Antarctica, explaining how one state alone cannot solve the big environmental problems, as birds do not stay within the sphere of one country's jurisdiction.³⁸

The problem with these instruments is that legal compliance and enforcement mechanisms are impossibly controversial, thus signatory states are only bound by moral obligations and political pressure. These levers must not be underestimated however, as the progress in international environment; law is a result of them.³⁹

C The Law and Albatrosses

Many seabirds are migratory. They travel across territorial water boundaries and spend much of their time on the high seas, where no national jurisdiction protections can govern their conservation. This is why the conservation of albatrosses is so problematic. The problem with the birds not recognising the legal boundaries and circumnavigating the globe is that for their preservation, a treaty must be ratified by every territorial and flag state which lies along the albatross's epic route.

1 The Biological Context

Procellariiformes frequent every ocean in the world. Therefore, they are vital environmental indicators of marine ecosystems, especially the high seas.⁴⁰ The most important oceanic regions are the Humboldt Current, the Patagonian Shelf, The Antarctic Polar Frontal Zone, the Benguela Current. Coastal and shelf areas are vital for the feeding of young chicks. There is an overlap between albatrosses and areas of

³⁶ Robert E. Stein, The potential of regional organisations in managing man's environment USA in Law, Institutions, and the Global Environment, John Lawrence Hargrove (ed) (Oceana publications 1972) p 277

³⁷ Alistair Rieu-Clarke International Law and Sustainable Development (IWA Publishing London 2005) p36

³⁸ N. Robinson, Problems of definition and scope, USA in Law, Institutions, and the Global Environment edited by John Lawrence (Hargrove Oceana publications 1972) p60

³⁹ Above n 37 Alistair Rieu-Clarke p146

⁴⁰ Tracking Ocean wanderers: the global distribution of albatrosses and petrels, results from the Global Procellariiform Tracking workshop, 1-5 Sept, 2003, Gordon's Bay, South Africa

long line fishing, thus nineteen of the twenty-one albatross species are now Globally Threatened Birds (GTBs).⁴¹

Satellite tracking for sixteen species of petrels and albatrosses provides the potential for the multilateral law to be scientifically based. Albatrosses and giant petrels are the most comprehensively studied marine species, enabled by remote tracking.⁴²

2 The Convention on Migratory Species (The Bonn Convention)

The 1979 Convention now has 100 contracting parties. It aims to conserve terrestrial and marine migratory species throughout their ranges by multilateral agreements on protection and research efforts. Contracting parties agree firstly not to kill, and to actively protect the habitats of over 60 species, and secondly to make agreements with other states on species from Appendix II. Appendix II lists those species that 'would benefit from international agreement'. ACAP is a product of Article 3 of the Bonn Convention.

3 Convention on the Conservation of Albatrosses and Petrels (ACAP)

The Albatross Treaty came into force in February 2004. Five of the ten signatories have yet to ratify it. The Treaty includes an Action Plan for conservation measures set up under Article VI. The main focus is reduction of long line fishing. This has been the major concern for albatross conservationists. Article VIII (15) provides that fishing vessels using waters of ratifying countries must actively reduce their by-catch. There has been marked success rate where these measures are implemented, such as laying lines in the dark, or sinking the bait quickly.⁴³ Japanese long line tuna fishing vessels reduced their by catch from 4,000 to 12 birds in 2003.

The Action Plan also provides for research and monitoring, eradication of invasive alien species (IAS), reduction of disturbance and habitat loss and reduction of marine pollution, outlined in Article III.

⁴¹ Birdlife International, *Albatross treaty comes into force*, 2004a
www.birdlife.org/news/2004/02/ACAP_update.html

⁴² BirdLife International (2004). Tracking ocean wanderers: the global distribution of albatrosses and petrels. Results from the Global Procellariiform Tracking Workshop, 1–5 September 2003, Gordon's Bay, South Africa. Cambridge, UK: BirdLife International p 1

⁴³ Birdlife International, *Albatross treaty comes into force*, 2004a
www.birdlife.org/news/2004/02/ACAP_update.html

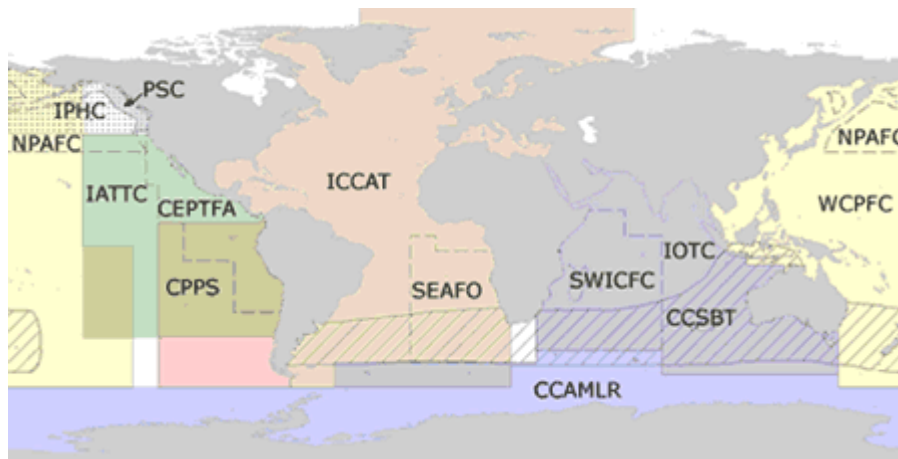


Figure 1: Map of the ACAP areas around the world.

4 Other Global Organisations and Legal Measures

There are a numerous of soft law organisations and regulations attempting to control albatross mortality. The Food and Agriculture Organisation (FAO) has an International Plan of Action for Reducing Incidental Catch of Seabirds 1998. The FAO has encouraged all member countries to implement International Plans of Action for seabirds (IPOA-Seabirds).⁴⁴ There is also a Code of Conduct for Responsible Fisheries. This includes the duty to conserve all species that are affected by fisheries. It was adopted in 1995. RFMOs have a duty to meet the FAOs code of conduct. The NGO Birdlife international conducts evaluations of RFMO's adherence. The UN Migratory Fish stocks Agreement also mentions the need for conservation of species affected by fishing, including albatrosses.

5 The Role of Non-Governmental Organisations in International Environmental Law

International environmental law mechanisms utilise non-governmental organisations. They get important information and face significant lobbying from these bodies.

BirdLife International attends the three yearly Conference of the Parties (COP) for the Bonn Convention. They have had a significant role in drafting ACAP, and continue to work closely with the secretariats both of the Bonn Convention and

⁴⁴ Turtles, Tuna, and Treaties: Strengthening the links between nternational Fisheries Management and Marine Species Conservation. S Bache NSW Australia Journal of wildlife Law and Policy 5:49 – 64 2002 Kluwer Academic Publcishers p55

ACAP. The Bonn Convention uses BirdLife International's data sets on globally threatened migratory species, and on their Important Bird Areas (IBAs).⁴⁵ BirdLife International is also on the Standing Committee, thus it has an advisory role to the Convention.

BirdLife International is endeavouring to get every country to prepare National Plans of Action on seabird captures in long line fisheries as agreed by the UN and to ratify ACAP.

It is part of BirdLife International's aims in its mandate, to 'help, through birds, to conserve biodiversity and to improve the quality of people's lives'. Even here, in an organization focusing on conservation at a complex legal and practical level, the importance of the birds on an emotional, spiritual and personal level is specifically acknowledged. NGOs are very important in international environmental law.⁴⁶

D Case Studies

1 Case Study: Antarctic Area

The Convention of Antarctic Marine Living Resources (CCAMLR) was signed in 1981; Part of its mandate was to protect marine birds that depend on krill for food. Pressure from surveillance has pushed some of the illegal unreported, unregulated (IUU) fishing vessels. Many of the seabird populations on the sub-Antarctic islands have remained stable since CCAMLR came into effect.⁴⁷ The mitigation measures pioneered by CCAMLR for the Southern Ocean and the successes in albatross conservation would be useful if adopted by other regions.⁴⁸

2 Case Study: Galapagos Islands

Governments put stringent conservation measures in place. These are not always enough to protect the albatrosses as they journey vast distances from their

⁴⁵ Agreeing to save migratory species: the Bonn Convention, John O'Sullivan Journal: world bird watch June 2003: 25.2, p 3

⁴⁶ NGOS and Legal Protection of Oceans, The international politics of the environment, Andrew Hurrell and Benedict Kingsbury (ed) (Clarendon Press Oxford 1992) p131

⁴⁷ Australian National Committee on Antarctic Research, 'Australian Antarctic Territory, Territory of Heard Island and McDonal Islands, and observations on Macquarie Island Tasmania', theme commentary prepared for the 2006 Australian State of the Environment Committee, Department of the Environment and Heritage, Canberra. www.deh.gov.au/soe/2006/commentaries/antarctic/index.html

⁴⁸ Cooper J et al, The Agreement on the Conservation of Albatrosses and Petrels: Rationale, History, Progress and the Way Forward. (Marine Ornithology 34: 1 – 5 2006).

nesting grounds to feed. The Waved Albatross is subject to conservation measures by the state government. The Galapagos Marine Resources Reserve set up in 1992 did not give protection to sea birds on the ocean. Pairs nest at Isla Espanola (1°S, 90°W) and a National Park protects their breeding areas. However, there was an absence of environmental law along the ocean paths the birds migrate. This led to the inclusion in the early 1990s of the Waved Albatross in Appendix 11 of the Convention of Migratory Species of Wild Animals, which protects unfavourable conservation status animals.⁴⁹

3 Case Study: New Zealand

New Zealand law on albatross protection is very important because the Royal albatross and Snares Island Mollymook nest only in New Zealand.⁵⁰ Despite the improvement in certain regions around the globe, New Zealand still struggles with by catch. Of the 300,000 seabirds caught in 2003, 10,000 were caught in New Zealand waters, mostly due to long line fishing.

In the second week in September 2007 thirty-four albatrosses were killed by one fishing boat in the east of New Zealand, and another fishing on the Chatham rise caught twelve critically endangered Chatham albatrosses and twenty-two Salvin's albatrosses.⁵¹ The problem is still rife, despite the endless conservational and legislative measures produced by the interested Government Departments. Drafting regulations without mandatory compliance or enforcement mechanisms can not provide the teeth required to achieve more than nominal improvements. New Zealand's codes of practice for reducing seabird by catch are voluntary. None of four particular ships responsible for the by catch of 450 petrels and albatrosses in New Zealand waters had chosen to comply with these measures.⁵²

⁴⁹ David J Anderson and Felipe Cruz, *Biology and Management of the Waved Albatross at the Galapagos Islands by The pelagic distribution of South Georgia albatrosses and their relationships with fisheries*. P.A Prince et al. In *Albatrosses, biology and conservation* p 107

⁵⁰ C J R Robertson *Questions on the Harvesting of Toroa in the Chatham Islands*, Science and Research series no. 35, Conservation Te Papa Atawhai (DoC 1991) p 9

⁵¹ Kevin Hackwel, Royal Forest and Bird Protection Society, *Call for urgent Action on Albatross Deaths*, (Wellington 2007)

⁵² www.forestandbird.org.nz/mediarelease/2007/albatross_article.pdf

IV CONCLUSION

The albatross is at once ominous and inspirational, threatened yet powerful. Currently many albatross species are still under threat of extinction, and a broad web of international and domestic law surrounds them, with varying degrees of success. Albatrosses have always been part of the fabric of all cultures by whom they are seen. They illustrate, in their scarcity, the need for protection of such a precious aspect of the natural world, if this shard of our mentality is to be passed into the future.

V BIBLIOGRAPHY

- Anderson, D. Felipe Cruz, Albatross Biology and Management of the Waved Albatross at the Galapagos Islands by *Biology and Conservation* Graham Robertson and Rosemary Gales (ed) (Surrey Beatty and Sons Pty Ltd, NSW 1998)
- Australian National Committte on Antarctic Research, 'Australian Antarctic Territory, Territory of Heard Island and McDonal Islands, and obsevation on Macquarie Island Tasmania', theme commentary prepared for the 2006 Australian Sate of the Envrinment Committee, Depatrment of the Environment and Heritage, Canberra.
www.deh.gov.au/soe/2006/commentaries/antarctic/index.html
- Bache, S. Turtles, Tuna, and Treaties: Strengthening the links between International Fisheries Management and Marine Species Conservation. (*Australia Journal of wildlife Law and Policy* 5:49 – 64 NSW Kluwer Academic Publcishers 2002).
- Birdlife International, *Albatross treaty comes into force*, 2004a
www.birdlife.org/news/2004/02/ACAP_update.html
- Cooper J et al, The Agreement on the Conservaiton of Albatrosses and Petrels: Rationale, History, Progress and the Way Forward (*Marine Ornithology* 34: 1 – 5. 2006)
- Cowan, J., *The Maori: Yesterday and Today* (Whitcombe and Tombs Auckland 1930).
- Craig, Robert D, *Dictionary of Polynesian Mythology* (Greenwood Publishing Groups 1989).

- Croxall, J.P., P.A. Prince, P. Rothery and A.G. Wood An Assessment of the Conservation Status of Albatrosses in *Albatross Biology and Conservation* Graham Robertson and Rosemary Gales (eds) (Surrey Beatty and Sons Pty Ltd, NSW 1998).
- Department of Conservation, Te Ara: The encyclopedia of New Zealand: sayings from nature.
- Gales R, Albatross Populations: Status and Threats, in *Biology and Conservation* Graham Robertson and Rosemary Gales (ed) (Surrey Beatty and Sons Pty Ltd, NSW 1998) pp20 – 45.
- Gaskin, Chris, *The World of Albatrosses* (Hodder and Stoughton Auckland 1991).
- Hackwell, Kevin, Call for Urgent Action on Albatross Deaths, (Royal Forest and Bird Protection Society Wellington 2007) www.forestandbird.org.nz/mediarelease/2007/albatross_article.pdf
- Harper, Peter C., Kinsky, F. C., *Southern Albatrosses and Petrels: An Identification* (GuidePrice Milburn for Victoria University Press Wellington 1974).
- Hawaiaian Mythology: part one: the Gods: VII Lesser Gods www.sacred-texts.com
- Hill, Susan, *The Albatross and Other Stories* (Redwood Burn Ltd Great Britain 1971).
- Horton, E. Uses of the Albatross (*Zoologist*. 18:6981 1860).
- Hurrel, Andrew and Benedict Kingsbury, Negotiating More Effective International Environmental Agreements in *The International Politics of the*

Environment Lawrence Susskind and Connie Ozawa (ed) (Clarendon Press Oxford).

- Jameson, William, *The Wandering Albatross* (Published in cooperation with the American Museum of Natural History 1961).
- Manhire, B (ed) *The Wide White Page* (Victoria University Press Wellington 2004).
- Ministry of Education, *Maori Myths, Legends and Contemporary Stories* (Wellington).
- Moore, P.J. Science and Research Series No. 101 Southern Royal Albatross *Diomedea epomophora epomophora* census on Campbell Island, 4 January – 6 February 1996, and a review of population figures (DOC Wellington 1997).
- Morrow J, *Coleridge's Writings* (Basingstoke London 1990).
- Nin, Anais, *Children of the Albatross*, (Peter Owen Ltd, London 1959).
- O'Sullivan, John, *Agreeing to Save Migratory Species: The Bonn Convention* (*World Birdwatch* 2003 25.2).
- Oembo, R, *International Environmental Law and the Preservation of Biodiversity*, in *Biodiversity and International Law*, S Bilderneek (ed) (IOS Press Amsterdam 1992).
- Onley, Derek, Schofields, Paul, *Albatrosses, Petrels and Shearwaters of the World*, (Christopher Helm London 2007).
- Orbell, Margaret, *Seabirds and People: the cultural importance of seabirds, the illustrated Encyclopedia of Maori Myth and Legend.*

- Prince P.A et al, The Pelagic Distribution of South Georgia Albatrosses and Their Relationships with Fisheries in *Albatross Biology and Conservation*, Graham Robertson and Rosemary Gales (eds) (Surrey Beatty and Sons Pty Ltd, NSW 1998).
- Riddell, Te Aorere *Toroa*, *The Royal Albatross* (Huia Publishers Wellington 2003).
- Rieu-Clarke Alistair, International Law and Sustainable Development (IWA Publishing London 2005).
- Robertson, C.J., Questions on the Harvesting of *Toroa* in the Chatham Islands, *Science and Research series no. 35, Conservation Te Papa Atawhai* 1991.
- Robinson. N, Problems of definition and scope, in *Law, Institutions, and the Global Environment* John Lawrence Hargrove (ed) (Oceana Publications USA 1972).
- Roe, Nicholas, *Samueal Taylor Coleridge and the sciences of life*, (Oxford University Press, Oxford 2001).
- Savage, Deborah, *Flight of the Albatross* (Harper Collins Auckland 1990)
- Shelvocke, G. *A Voyage round the World by the Way of the Great South Sea performed in the years 1719 – 1722...* (Senex, London 1726).
- Smith, Stephenson Percy, *Maori Wars of the Nineteenth Century* (Whitcombe and Tombs, Christchurch, 1910).
- Stein, Robert E. The potential of regional organisations in managing man's environment, in *Law, Institutions, and the Global Environment* John Lawrence.

- Hargrove (ed) (Oceana publications 1972 USA).
- The God Kanaloa, The Hawaiian Gods, www.theartofcraft.com
- Tickell, W.L.N *Albatrosses* (Pica Press Hong Kong 2000).
- Tracking Ocean wanderers: the global distribution of albatrosses and petrels, results from the Global Procellariiform Tracking workshop, 1-5 Sept, 2003, Gordon's Bay, South Africa.
- Vallar, Cindy, Superstitions and the Sea, in *Pirates and Privateers* (Keller 2007).
- Waitara, Charles, in a funeral oration for Te Whiti, (1907).