Post-graduate Certificate in Antarctic Studies (2016/2017)

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The Connection of Māori to Whales

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Abstract

Through whakapapa connections, in the Te Ao Māori world view, all life in the natural environment is intrinsically interlinked. Whales are considered a taonga species, and represent abundance, richness and were regarded as chiefly animals. The relationship to whales has changed over time, early Māori welcomed stranded whales as a gift from Tangaroa utilising the meat, oil and bones for a range of uses.

Whaling influenced this relationship in that with the arrival of the European whaling, whale carcasses became more readily available which iwi around the shore stations made use of, Māori were also employed on whaling ships and interactions increased with Pakeha as the whale populations decreased. For the last 50 years one of the key drivers in the changing relationship is legislation. The Marine Mammals Protection Act 1978 regulates the cultural access and use of the stranded whales.

As a consequence of these factors and multiple other influences, the significance of 'Ko ahau te tohorā, te tohorā ko ahau' (I am the whale, and the whale is me) has evolved into a more disconnected relationship and this saying can (in most cases) no longer be used in the way it was intended. Many Māori do not have the connection to the environment that once was vital to survive in New Zealand.

Currently there is the risk that this matauranga will be lost with the older generations. But there is hope that the important relationship with the whales is not lost, that with the increased awareness and use of matauranga, and the increased importance of Treaty Partnerships in the relationship with iwi and government organisations the traditional bonds with whales will stay alive.

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INTRODUCTION

Marine mammals are a rich and diverse group of species distributed throughout the globe. New Zealand is a hotspot for cetaceans with over half the world's species entering New Zealand waters. When Māori first arrived to New Zealand whales were a much more abundant component of the ecosystem than they are today due to the vastly reduced population sizes.

To Māori whales, as is the whole natural environment, are connected intrinsically through whakapapa linkages. Historically whales were considered a sign of abundance and high rank, and feature in a number of stories displaying a range of functions, such as companions of tohunga (expert practitioner) and guardians on the journeys to New Zealand. Once Māori had settled in New Zealand whales were utilised for the large protein source, and the implements that could be made from the bone and teeth.

Of interest is the kind of connection and relationship that remains alive today and how this compares to the bond that previously existed. Since the arrival of early Māori there have been many influential factors that have changed the relationships of many Māori to the natural world, including the connection to whales. A key event for the populations of whales in New Zealand and the Southern Ocean is the whaling that took place in New Zealand. This diminished the numbers of whales, created connections between Māori and Pakeha and provided an easily obtained and relatively constant source of whale meat. In more recent times the cultural use has been transformed into a form that is possible under the Crown legislation and other protocols. I am interested to investigate how the relationship to whales has changed from the time of the arrival of the Polynesian explorers until today, and what the significance of whales will be to Māori in the future.

CETACEANS

Whales, dolphins and porpoises have a global distribution that covers a range of habitats, from the coldest areas of the planet in the poles, to the warmer tropical water, and even some large rivers. They belong to the order Cetacea, which is then divided into two suborders the baleen whales (Mysticeti) and toothed whales (Odontoceti) (Stewardson, 1997). Baleen whales have baleen plates made of keratin which they use to filter feed by sieving water through these plates capturing small invertebrates and small fish. The baleen whales are divided into Roquals (family Balanopteridae) and Right whales (family Balanidae). Baleen whales generally breed in tropical and temperate waters in the winter months, and feed in the poles during the productive summer months. Interestingly whale species of opposite hemispheres don't mix because the seasons differ (Stewardson, 1997).

Toothed whales are a very diverse group and prey predominantly on individual species. These include the sperm whales (family Physeteridae), beaked whales (family Ziphiidae), dolphins and small whales (family Delphinidae) (Stewardson, 1997). Of all the cetacean species there are thirteen great whale species, blue, fin, right (North Atlantic, North Pacific and South Pacific), sei, sperm, bowhead, Bryde's, humpbacks, gray and minke (common and Antarctic) whales.

Globally there are at least 80 species of cetaceans (DOC, 2004). A rich and diverse range of marine mammals visit New Zealand waters (which includes both the territorial sea and the Exclusive Economic Zone, Figure 1). 57 taxa have been recorded either permanently inhabiting, passing through as part of the migration route, or visiting New Zealand waters (Baker et al., 2016). This equates to over half of the world's cetaceans being recorded in New Zealand (DOC, 2017).

One of the reasons New Zealand is considered a whale 'hotspot' is that it is located on the migration route for a number of whale species. Many species breed in the warm tropics during winter, and travel to the Southern Ocean during the summer to feed. The Southern Ocean holds an abundant food source for whales. It has a high concentration of nutrients which is one of the two key components needed for primary production, the other is light which for six months of the year in Antarctica is constant. These two factors allow for an abundant source of primary production, which is taken advantage of by other species of the food chain, such as krill. Krill is one of the most important links in the Southern Ocean food web and is a key prey species for whales, among other species.

When the early Polynesian navigators discovered New Zealand, this abundance of whales would have been normal. Early settlers in Wellington Harbour would remark on the noise of the right whales keeping them awake at night. Scientist who study them in the sub-Antarctic's also have commented on the low frequency moans during breeding season (Hutching, 2004). The high population number of cetaceans continued throughout the duration of Māori habitation until the arrival of the whalers, when the population of whales around New Zealand and down to the Southern Ocean were severely reduced.

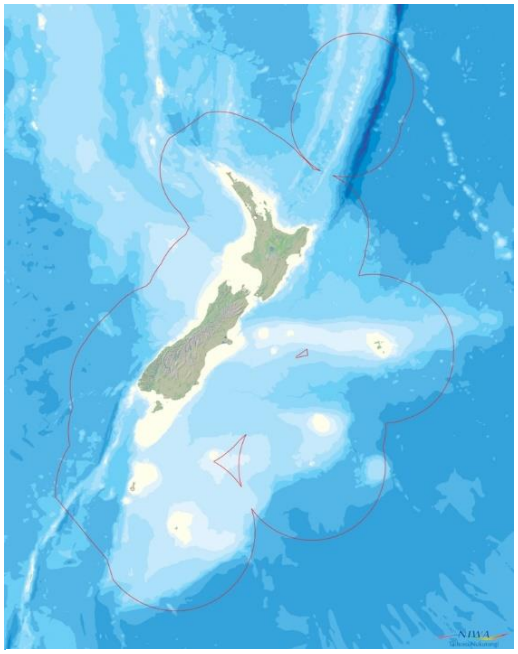

Figure 2: Map of New Zealand displaying the EEZ (NIWA, 2008).

SPIRITUAL CONNECTION OF MĀORI TO WHALES

Whakapapa

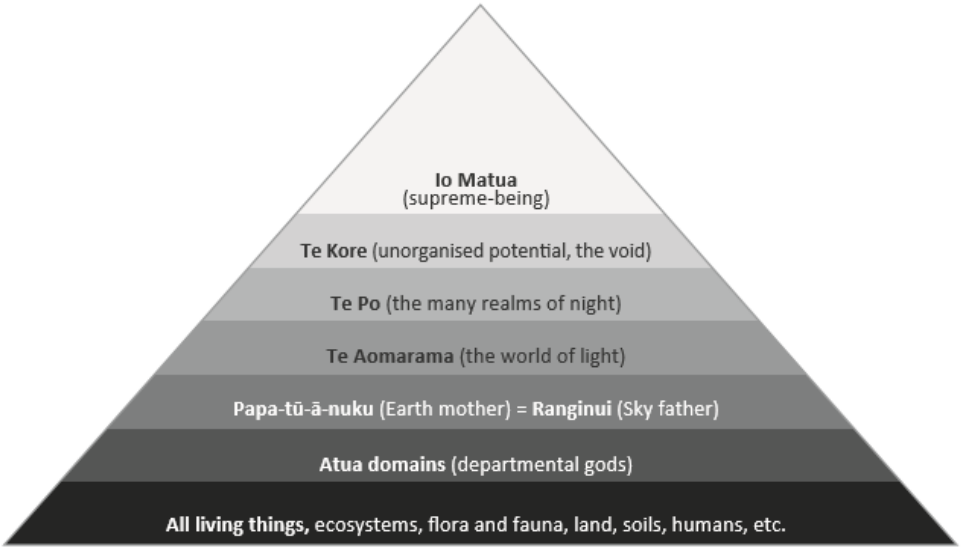

Figure 2: Māori creation theory (Harmsworth & Awatere, 2013).

In Te Ao Māori whakapapa explains the origins of all life today and how it is interconnected right back to the very beginning of time (Figure 2). Whakapapa when translated to English means genealogy and in a literal translation it means placing layer onto layer (Cooper, 2005). Whakapapa links all aspects of the world we live in to each other, including humans to the natural world. In one of the versions of the Māori creation story, Ranginui the sky father and Papatuanuku the earth mother lay embraced with each other creating darkness and trapping their children. One of their 70 children Tane-Mahuta is credited with pushing his parents apart, to allow for the world to be lived in. Tane-Mahuta is the atua of the forest and created the trees, birds and humans (Grey, 1956). This history of the natural world is also the history of the human ancestors. This bonds humans and the environment with ties of kinship, so Māori see their place in the world as connected (Orbell, 1998).

There are many versions of how whales came into being. The most common is that Tangaroa, atua of the oceans, created them as one of his children. Others say that Te Puwhakahara, Takaaho or Tinirau are the progenitors of whales and another links whales to the ancestor Te Hapuku, who is also the creator of tree ferns, which is why ferns are referred to as 'ngā ika ō te ngahere' the fish of the forest (Haami, 2006). Through these whakapapa links Māori are bound to whales, giving whales the status of tupuna (ancestor) (Jolly, 2014) and a connection to the supernatural (Gillespie, 2001).

Māori have an intricate, connected and holistic relationship with the natural world (Harmsworth & Awatere, 2013). This interconnected relationship which has developed over thousands of years into a in depth knowledge base (matauranga Māori) (Harmsworth & Awatere, 2013). Other than through whakapapa, Māori have a long and strong connection to the marine environment this originated from the early Polynesian ancestors who through extensive voyaging of the Pacific, settled in New Zealand around 1280 AD (Wehi, Cox, Roa, & Whaanga, 2013). 'Ko ahau te tohorā, te tohorā ko ahau'

Ika Moana

Marine mammals are collectively known as ‘ngā tamariki ō Tinirau’ the children of Tinirau who was said to be a son of Tangaroa (Richards, 2008). An older term for whales is ‘ika moana’ fish of the sea, and a group of whales is known as ‘te whanau puha’ the family of animals that expel air. Tohorā is nowadays often used to name all whales, although it is mainly associated with right whales (Haami, 2006).

The names of whales were originally brought to New Zealand through the Polynesian migrants. The whale names they brought with them currently vary through the Pacific and throughout New Zealand. Sperm whales (*Physeter microcephalus*, Figure 3) are known in Samoan as tofolā and in Hawai’ian as koholā, and in New Zealand is most commonly known as parāoa, although in Ngāi Tahu they were sometimes known as were known as Tuterakihaunoa (Richards, 2008; Strickland, 1990).

Figure 3: Sperm whale diving off Kaikoura (Photo: Rata Pryor Rodgers, 2015).

Right whales (*Eubalaena australis*) are commonly known as tohorā, there are several other names which include kumikumi, nguru-hue and pahau-tea. Kewa is also the name for right whales, as was tutara-kau-ika, which was also used as a term for a group of whales (Richards, 2008).

Humpback (*Megaptera novaeanliae*) is known as paikea. Minke whales (*Balaenoptera acutorostrata*) has been recorded as pakakā and pakake. Gray’s beaked whale (*Mesoplodon grayi*) hakurā or ihe-ihe. And pilot whales (*Globicephala*) are known as upokohue, tukuperu or to Ngāi Tahu as raratawhirihiri (Strickland, 1990). Raratahurihuri for fin back whales is used by Ngāi Tahu (Richards, 2008; Strickland, 1990). The Māori name for orca (*Orcinus orca*) is kera wera, which may be a translation from the English name (Richards, 2008).

SIGNIFICANCE OF WHALES IN TRADITIONAL STORIES

‘Anā tā te parāoa’

Here’s the strength of a sperm whale (Orbell, 1985).

The significance of whales to Māori, can be observed in the use of whales throughout traditional stories and mythology. Whales were a symbol of abundance and richness, due to the amount of food and material they provided and were often compared to chiefs (Orbell, 1985). Sperm whales in particular were recognised for their strength and teeth. Due to the representation of whales being symbols of abundance stylised whales were depicted in some areas on facades of store houses (Figure 4), which held special food or precious items of high ranking families (Orbell, 1985).

Figure 4: Barge-board from a storehouse that was historically in Te Kaha, Bay of Plenty. The head and eye of the whale are on the right, and the body runs behind the people. The head would have originally been facing towards the ground (Orbell, 1985, p. 144).

Connections to Rangatira

He rei ngā, he parāoa ngā kauae.

If you have a sperm whales teeth, you must have a sperm whales jaw to carry them (Orbell, 1985).

Whales are often depicted as being companions of high ranking chiefs or tohunga. Sperm whales in particular are associated with high rank, and there a number of sayings (whakatauki) that depict this. For example ‘Te kāhui parāoa’ a gathering of sperm whales indicates a group of chiefs, or ‘He paenga pakake’ which is a beached whale and refers to chiefs that have died on the battlefield (Haami, 2006), and this allowed for both praise and mourning (Orbell, 1985). Wehi et al. (2013) examined whakatauki that relate to the marine environment and found that often those referring to sperm or minke whales were associated with qualities of strength, endurance and chieftainship.

Whales feature as kaitiaki or providing help in times of need (Jolly, 2014). For example renowned chief Te Rakaitauneke who lived in Tuhuna Torea (Goose Bay) had a kaitiaki sperm whale named Matamata who lived in the sea opposite his home. The whale and Te Rakaitauneke loved each other greatly, and the whale’s sole duty was to protect Te Rakaitauneke against harm. When Te Rakaitauneke passed away the whale was not seen, but before his death Te Rakaitauneke stated that Matamata would return if any of his descendants were in danger (Jolly, 2014).

A very old and well-known story is that of Tinirau and Tutunui, although the story varies throughout Polynesia and New Zealand. Grey (1956) version is summarised as follows:

Tinirau sort a skilful magician to perform the correct enchantments and incarnations to ensure his newborn son would be fortunate in life. Kae, an old magician, arrived to perform these ceremonies.

After the ceremony was complete, Tinirau signalled for his pet whale, Tutunui, who he sliced some flesh off to provide a feast for Kae. When it was time for Kae to return to his village, he convinced Tinirau to allow him to ride Tutunui home. Tinirau warned Kae to dismount the whale before the water became too shallow, and that Tutunui would shake when it was time to dsmount.

But Kae did not get off when he reached shallow water, and the whale's blow hole filled with sand killing the whale. Kae and his people then feasted on the whale (Figure 5).

Tinirau smelt his friends cooking flesh and knew what Kae had done. He sent a group of woman to sneak into Kae's village, they caused him to fall into an enhanced sleep. During this sleep they brought him back to Tinirau, who killed him to revenge his friend Tutunui (Grey, 1956).

Figure 5: Kae riding on Tutunui, the whale (Grey, 1956, page 71).

Navigation

'Tere tohorā, tere tangata'

Where whale's journey, people follow

Polynesian explorers navigated used a range of very specific methods that were passed orally through generations. Among the range of tools used were biological cues, such as the seasonal migrations of sperm, humpback and right whales. The whales that were used as navigational aids had a special relevance to Polynesian (Cawthorn, 1997).

Whales were often considered guardians during ocean voyages (Gillespie, 2001) and many ancestors who travelled from Hawaiki to New Zealand were escorted by taniwha and other supernatural guardians (Haami, 2006; Orbell, 1985). For example the waiata 'He oriori mō Tuteremoana' describes a canoe (possible Tākitimu) following the wake of a pod of whales during a storm. The tohunga on board was Ruawharo who possessed the mauri of the whale, which he laid at Mahia Peninsular which is why whales are attached to that region (Haami, 2006). And the taniwha Paneiraira who was thought to be a whale, calmed the water for the journey of the Tainui waka (Haami, 2006).

The legend made famous by the book of Witi Ihimaera and film of Nicky Carol 'Whale Rider', is the story of Paikea the founding ancestor of Ngati Porou, on the East Coast of the North Island, and the father of Tahu Potiki the founding ancestor of Ngāi Tahu. Paikea was one of seven sons of a great rangatira in Hawaiki. One son, Ruatapu, took offence to his father and decided to have revenge by killing his brothers. Paikea and his brothers set out on a voyage and once out at sea the spiteful brother allowed water to pour in from a hole into the waka, drowning all apart from Paikea.

Paikea recited a chant calling on the guardians of the sea to help him, and a taniwha came in the form of a whale, carrying Paikea on his back. He took Paikea safely to Ahuahu (Great Mercury Island) in New Zealand. He carried on to Whakatane, then to the East Cape settling in Whangara (Orbell, 1998).

Figure 6: Paikea on his whale, at Takahanga Marae, Kaikoura (Haami, 2006).

Place names

Whales feature in a number of New Zealand place names, in areas where whales have a special significance (Haami, 2006). For example Foveaux Strait, Te Ara a Kewa, is said to be formed by a whale. A navigator Kiwa was tired of crossing the land between Murihiku (Southland) and Rakiura (Stewart Island), so he asked his whale Kewa to chew through the isthmus to create a waterway so he could cross it by waka. The whale followed his orders, creating the Strait and the crumbs that fell from his mouth while chewing formed the islands in the strait (Jolly, 2014).

CULTURAL USE OF WHALES

'He taonga no Tangaroa, I waihotia mo tātou, Ko te tohorā ki uta'

This whale cast on the beach is the treasure left to all of us by the great god of Tangaroa (Tahu, 2003).

Figure 7: One of three sperm whales beached on Paekakariki Beach, March 1996 (Photo: Faye Rodgers, 1996).

Whales were one of the two foods (the other being kumera) found in the homeland of Hawaiki, and were the most prized (Orbell, 1985). In New Zealand, as in other Polynesian Islands, whales were considered a gift from the sea (Cawthorn, 1997). They were used in a number of ways; the meat as food, the oil for preserving and the teeth and bones were carved into ornaments or weaponry (Gillespie, 2001). Whales are to this day still a culturally significant resource to many iwi (E. A. Cunliffe & Brooks, 2016).

Stranded Whales

Māori actively hunted a number of marine mammals such as seals, sea lions and dolphins. It is widely accepted that pre-European Māori would have assisted in strandings by forcing whales onto the beach if the opportunity arose (Haami, 2006). It is often reported that Māori did not actively hunt whales, presumably due to the suitability of waka, the danger, the abundance of other seafood resources plus harpoon heads that have been found have typically been too small for hunting whales (Cawthorn, 1997; E. A. Cunliffe & Brooks, 2016). However, when Dr. Habib was presenting evidence in the Ngāi Tahu Fisheries Claim he was adamant that Ngāi Tahu actively hunted whales by pursuing and beaching whales that were found in semi-enclosed areas such as bays and inlets (Wai27, 1992). The seasonal movements of whales were known by Māori, and during certain times of the year they would

herd smaller whale species and calves into shore (Tahu, 2003). In New Zealand there are a number of 'hotspots' for strandings , and it is likely that Māori had an understanding of these places and utilised this knowledge (Emily A Cunliffe, 2014). Due to the high stranding occurrence in New Zealand it is also likely that there was a lesser need to hunt whales, compared to islands in the Pacific.

Tikanga

Because of the spiritual importance of whales, the tapu and noa principles and the care needed in harvesting resources from beached whales strict protocols needed to be observed. This process usually involves mihi and karakia to give thanks to the whale and make it safe to use. It was common for a tohunga to be involved to determine if the whale brought any messages with it, as whales were believed to carry messages from atua or tupuna (Tahu, 2003).

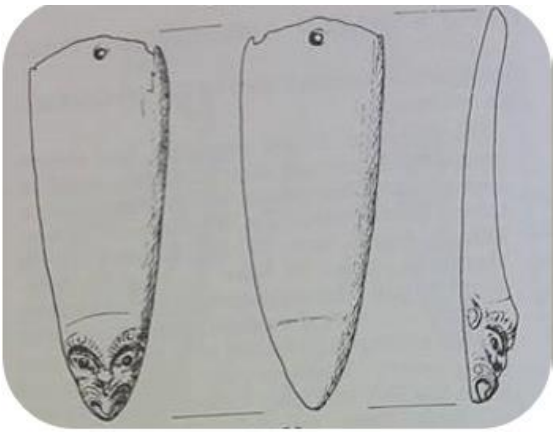

Figure 8: Example of rei-patu carved from sperm whale teeth (Skinner, 1974).

Once the spiritual customs had been observed, a rangatira would ensure that the whale was divided up appropriately and evenly distributed among hapu whose rohe the whale had stranded in. Whale meat was often gifted to neighbouring tribes (Cawthorn, 1997; Tahu, 2003). Stranded whales provided Māori with a range resources including bone, ivory (rei), ambergris (mimiha), baleen (hihi), sinews (uaua), oils (hinu), and flesh (kiko).

Tradition calls for the whales to be named after events, locations they were found or after ancestors. The naming provides an element of a relationship, taonga and mana, which can then be spoken about through oration and whakapapa (Kaimoana, 2000).

Meat

A stranded whale could provide up to 10,000 kg of meat (E. A. Cunliffe & Brooks, 2016), and in early Māori settlement protein was needed in a largely vegetable based diet. The oriori Po! Po! speaks to the importance of whales as a food source (Unknown, 2006) :

Pō! Pō! E tangi ana Tama ki te kai māna!
Waiho me tiki ake ki te Pou-a-hao-kai,
Hei ā mai te pakake ki uta rā
Hei waiū mō Tama!
Kia mauria mai e tō tipuna, e Uenuku!

Baby! Potiki! The boy is crying for food!
Let it be fetched from the pile of netted seafood,
And the whale be driven ashore
As mother's food to make milk for the boy!
Let it be brought by your ancestor, the rainbow-god Uenuku!

Māori preferred to eat the meat of baleen whales (and dolphins and pilot whales) (Kaimoana, 2000). The meat from baleen whales is red, with a tender texture and little fat although a high concentration of omega-3 (Cawthorn, 1997), while the meat from toothed whales is darker, oilier and has a stronger flavour than baleen meat. Whale meat was eaten fresh, dried, or cooked in a hangi.

Bone

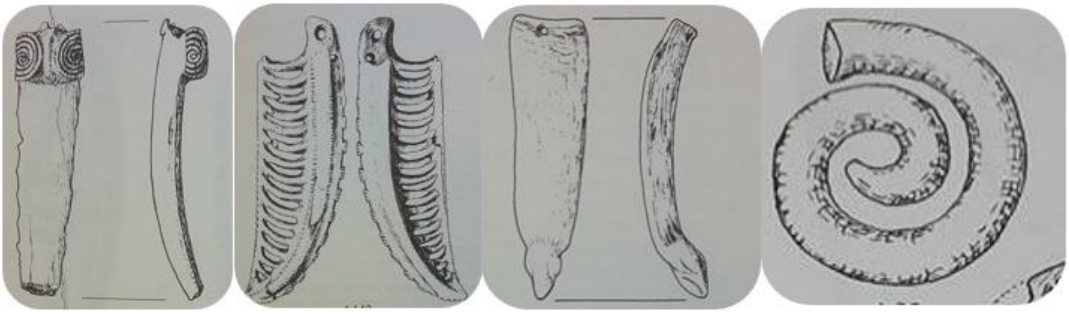

Figure 9: Example of amulets carved from whale bone (Skinner, 1974).

The bones and teeth a highly prized resource exploited from whales, as they are strong and resilient (E. A. Cunliffe & Brooks, 2016). The most prized bone came from sperm whales because of the dense bone, particularly the jaw bone (Kaimoana, 2000). Ramari Stewert who is described as having "researched, butchered, ridden, swum with and eaten whale" (Lowe, 2012, pg 60) in an interview with Te Reo o Te Tini a Tangaroa described the bone extraction process as "bathing in the blood of our ancestors" (Kaimoana, 2000, p. 4). A range of bones is used, E. A. Cunliffe and Brooks (2016) when examining a fifteenth century fishing camp at Kahukura found ribs, vertebra and jugal bones. Bone was used to make a whole range of tools, ornaments and weapons (E. A. Cunliffe & Brooks, 2016). A variety of uses has been summarised below (Emily A Cunliffe, 2014; E. A. Cunliffe & Brooks, 2016; Haami, 2006; Skinner, 1974).

Whale bone was, and still is, worn as a taonga. The wearer of the taonga would be able to recite the whakapapa of the piece and be able to explain its history (Kaimoana, 2000). Teeth were predominately used for ornaments and jewellery(Figure 8)(Haami, 2006). A range of ornaments have were fashioned such as: rei puta were bone or tooth pendants, hei-tiki, clock pins and heru (combs) which were all an indicator of status, and other amulets and pendants. Tokotoko (ceremonial walking stick) were also created from whale bone (Figure 9).

Tools such as fish hooks, lure shanks and ripi (paua prisers) were often a common use of whale bone. The sperm whale bone, particularly the jaw was used for weapons due to its dense structure. Mere, patu, hoeroa (throwing stick), taiaha and tewhatewha (long handled weapon) were formed from whale bone (Figure 10).

Oil was collected from whales and had multiple uses such as a paint, a preservative for food and had rongoa (medicinal) properties. Ambergris was used from sperm whales for oral hygiene or as a scent hung around the neck (Tahu, 2003).

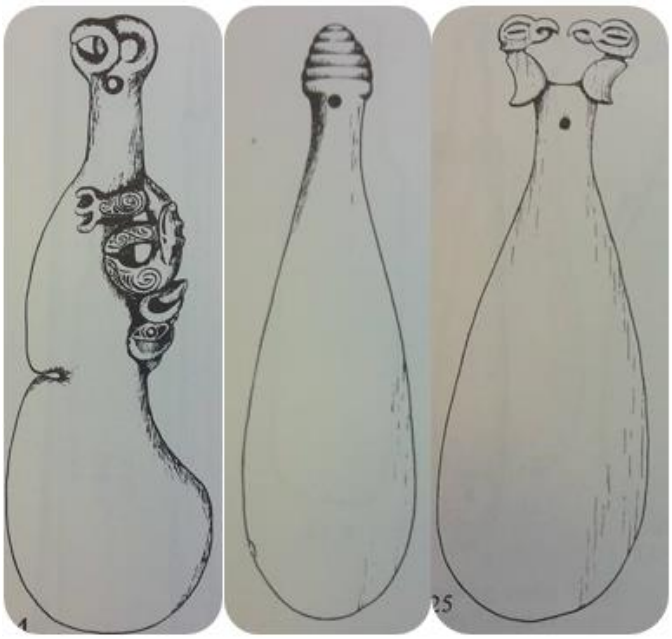

Figure 10: Example of weapons, waha-ika, and patu paroa made from whale bone (Skinner, 1974).

WHALING PERIOD IN NEW ZEALAND

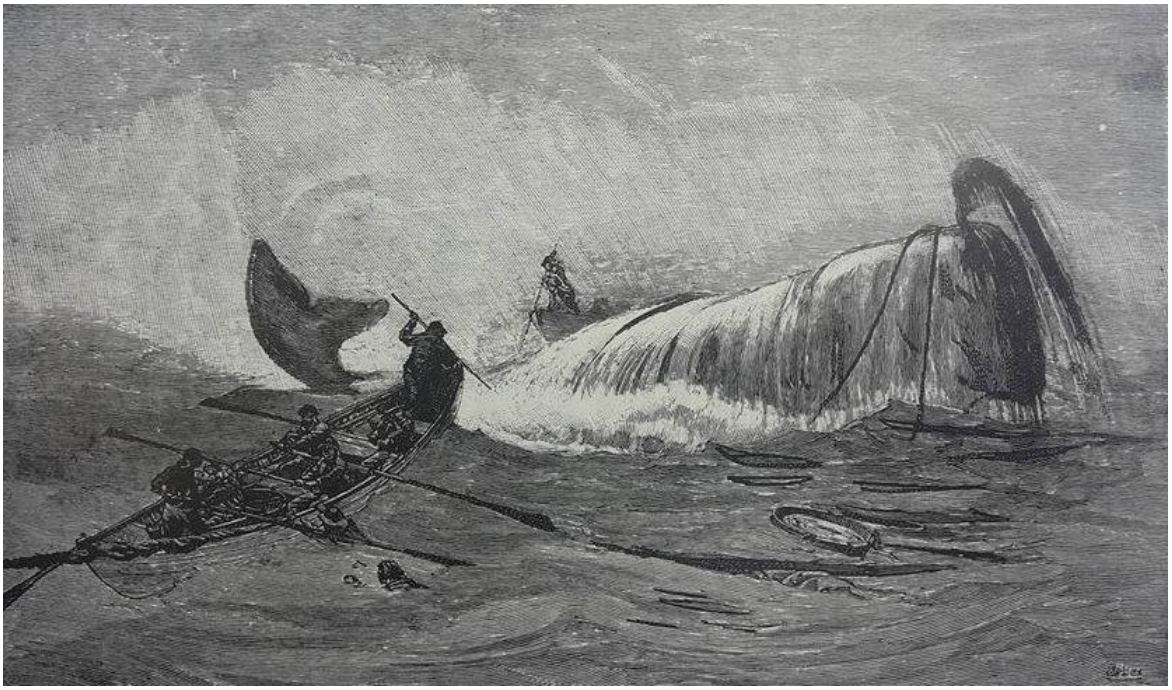

Figure 11: Sperm whale being lanced (Bullen, 1906, p. 38)

Whaling was New Zealand's first European style industry, originating in 1791 (DOC, 2004). From the mid 1820's shore whaling stations were established, with 80-113 shore stations established in a ten year period (Gillespie, 2001). The whaling industry was largely unregulated in the early years, and caused an extensive decline in whale populations around New Zealand and the Southern Ocean. The original New Zealand and Sub-Antarctic population of southern right whales was estimated to be around 28,000 individuals, this was reduced to the point of almost extinction (40 breeding females) as they were a target or 'right' species for whalers. Today even after 80 years of protection the population is only 12% of what it was (Jackson et al., 2016).

Whaling was important in the connecting of Māori and Europeans by working together on the whaling boats or shore stations, and through marriage arrangements. Māori crew were noted for their courage and familiarity with the sea (Cawthorn, 2000). Wives were often provided to bind the whalers to the local tribe. This was seen as a mutually beneficial move, as the chiefs had a money making source and the whalers had protection and land (Cawthorn, 2000; Richards, 2010). There was however some bloodshed between Māori and whalers (Cawthorn, 2000). An example of the connection between whalers and Māori is demonstrated in my family history, by Captain Patrick (Paddy) Gilroy who employed Māori crew and was married to a Māori woman (Richards, 2010). He spent a large amount of time around the Solanders. "His crew were Māori and relations by marriage. Overflowing with kindliness and good temper, his ship was veritable ark of refuge for any unfortunate who needed help…His men adored him. They believed him capable of anything in the way of whaling." (Bullen, 1906, p. 324).

Whaling was a wasteful practice, as only the oil or baleen was sought after, leaving the majority of the whale carcass unused. During the whaling period, the reliance on strandings decreased as the removal of whale meat became common practice for Māori around whaling stations. (Cawthorn,

2000; Gillespie, 2001). “As soon as the process of cutting was over, the natives, who had come with their canoes from the Sound, cut off large pieces of flesh which they carried off to feast upon.” (Dieffenbach, 1843, p. 51). Whaling provided Māori with a relatively easy source of meat.

POLICY RELATING TO MARINE MAMMALS IN NEW ZEALAND

Figure 12: Humpback whale washed up dead on Waikanae Beach (Photo: Rata Pryor Rodgers, 2015).

After the closure of the whaling industry New Zealand orientated towards a strong move to the ‘Save the Whales’ stage. The legislation followed this movement with the creation of the Marine Mammals Protection Act in 1978 and the Conservation Act 1987. New Zealand signed up to international organisations such as the International Whaling Commission (IWC) and Convention on International Trade in Endangered Species (CITES).

The position of the New Zealand Government is that it opposes any form of commercial whaling and killing for ‘scientific’ purposes. It accepts the limited IWC-regulated aboriginal subsistence whaling and the humane euthanasia of beached whales. It strongly supports whale sanctuaries as a protection tool, connections to other environmental forums and organisations, the non-consumption of whales and euthanasia of whales that will reduce the time of pain until death of beached whales (DOC, 2004). Internationally New Zealand was a foundation member in the IWC and the New Zealand Government support the work they do. New Zealand is also a party to CITES, which is an international agreement that protects animals that have been overexploited (Levine, 2016), such as whales. International trade in whalebone is controlled by CITES, with imports and exports following strict rules (DOC, 2007).

The Department of Conservation is the main government body that iwi interact with for marine mammal management. Marine mammal management in New Zealand depends on the co-operation and involvement of a wide range of stakeholders which other than the Department of Conservation and Maori, includes scientists, environmentalists, animal welfare and public health groups, government agencies and other community groups (Suisted & Neale, 2004).

Treaty of Waitangi

The Department of Conservation is obliged to give effect to the principals of the Treaty of Waitangi under Section 4 of the Conservation Act 1987 (C. Act, 1987). And acknowledge the cultural, spiritual historic and traditional association with marine mammals (Tahu, 2003). And under Article Two of the Treaty of Waitangi iwi have rights to be able to harvest resources from stranded whales.

Wai262

In the Waitangi Tribunal hearing WAI262 Flora and Fauna, the Waitangi Tribunal found that the Treaty 'obliges the Crown to actively protect the continuing relationship of kaitiaki to taonga in the environment, as one of the key components of tea o Māori' (Levine, 2016; Tribunal, 2011). It also regonises that whale are a taonga species to Māori.

Marine Mammals Protection Act 1978

The purpose of the Marine Mammals Protection Act is to make provisions for the protection, conservation, and management of marine mammals within New Zealand water (M. M. P. Act, 1978). It regulated what can or cannot be done with whales, dolphins, seals and their remains (Levine, 2016).

It has only been since 1998 that provisions under the Marine Mammals Protection Act 1978 were created to allow iwi to utilise the carcass of beached whales. Prior to this it was illegal to use the carcass without a permit. This was argued by Te Ohu Kaimoana to be in contradiction to the Treaty which allows full exclusive and undisturbed possession (Gillespie, 1999). The original Act reduced the access for cultural use which has limited the revival of Māori culture in terms of consumptions of whale meat, collection and distribution of bones and teeth (Levine, 2016).

The Marine Mammals Protection Regulations 1992 is administered under the Marine Mammals Protection Act, which regulated the permits permitted under the Department of Conservation.

In 2007 a Discussion Document was released for public consultation that proposed a statutory recognition of the role of tangata whenua in the Marine Mammals Protection Act and to improve the regulatory framework of domestic whale bone trade (DOC, 2007). Te Ohu Kaimoana (who under the Māori Fisheries Act 2004 act in the interest of iwi katoa) agreed with the proposed the Department of Conservation stranding protocol in that there is a need to provide an option of statutory acknowledgement for iwi to recognise the special relationship with whales and the role that Māori play in strandings. It was stated that a more consistent approach is needed as Treaty partners (Kaimoana, 2008).

Te Ohu Kaimoana wanted to see statutory acknowledgements available for iwi who wanted them in regards to access, use, whale bone, resource control that is consistent with tikanga and greater clarity on the stranding process and interactions (Kaimoana, 2008).They stated that the role of iwi/ Māori in relation to whales is not for the government to define. The relationship is based on tikanga and kaitiakitanga (Kaimoana, 2008).

Unfortunately this proposal has not yet been created amendments to the Marine Mammals Protection Act. However, during any incident with marine mammals The Department of Conservation aims to consult iwi early on in the stranding and recognise the traditional rights (Suisted & Neale, 2004). Currently most coastal iwi have a standing protocol with the Department of Conservation (Tipa, 2014).

The protocol between Ngati Wai (Northland's east coast) and DOC is often cited as an example of an agreement of whales that works. Ngati Wai and DOC have formal procedure that sets out what needs to be followed during a standing event. It includes guidelines on how other parties are to be involved such as scientists, and it also has a health and safety plan which is becoming increasing important in today's strandings (DOC, 2007).

Example- Ngāi Tahu Beached Whale Protocol

In 2003 Ngāi Tahu drafted a Beach Marine Mammal Protocol outlining the preferred processes beached marine mammals should be managed in the Ngāi Tahu takiwa with the Department of Conservation.

The common use of whale resources by Ngāi Tahu and many other iwi only decreased in the 20th century, in particular in 1978 when the Marine Mammals Protection Act gave marine mammal's total protection in New Zealand (Tahu, 2003). For Ngāi Tahu since 1978 the relation and interaction with marine mammals has been limited (Tahu, 2003). The loss of access to the whales has resulted in the loss of customary practice and matauranga in utilising beached whales. (Tahu, 2003).

The use of marine mammal resources are still an important customary right that needs to be upheld. DOC are required to acknowledge the cultural, spiritual, historic and traditional association of Maori with marine mammals, and the right to exercise rangatiratanga and kaitiakitanga under the Treaty of Waitangi, and in turn Section 4 of the Conservation Act 1987 (Tahu, 2003).

Rights and responsibilities under the Treaty of Waitangi in modern times translate to being formally involved in the planning and decision making process. For Ngāi Tahu the rights and responsibilities are enforced by the Ngāi Tahu Claims Settlement Act 1998 (Tahu, 2003). Whales are listed as a taonga species in Schedule 97, meaning DOC has to consult with Ngāi Tahu over plans, policies, documents and decisions that will affect these taonga species (Tahu, 2003). The Settlement Act makes provisions for the use and management of cultural materials, including marine mammals, that are managed by DOC. And Ngāi Tahu can be provided with a permit to recover and hold any resources from dead marine mammals (Tahu, 2003).

The document outlines the objectives in managing the stranding in a Treaty Partnership and the procedures that need to be followed. And provides the basis for future management involving marine mammal strandings.

Case study of recent strandings

Te Uruhi

On the 16 January 2014 a large male sperm whales, later named Te Uruhi, was stranded on Paraparaumu Beach. The Department of Conservation, iwi representatives from Ngati Toa and Te Ati Awa ki Whakarongotai were notified, as were staff from Te Papa Tongarewa, Project Jonah and the Police (Levine, 2016).

The iwi were allowed to remove the jawbone. That caused controversy with the public due to 'butchering' nature (cutting, hooking and towing) of it and the fact that they were not wearing protective gear (Levine, 2016).

DOC was satisfied it had acted in the corrected way, in accordance with the Treaty obligations. But a Ngati Toa elder commented on the conflicting interests present during the stranding. This includess Te Papa wanting samples for aging the animal, Massy University wanting the stomach to analyse, Kapiti District Council wanting to bury it as quickly as possible and the iwi wanting the jawbone (Levine, 2016).

Prior to this stranding, in 1996 three sperm whales stranded on Paekakariki Beach (Figure 7). During this event a woman named Turangi Baker claimed the right of the whales under the Treaty of Waitangi. This lead onto building a relationship with DOC in this area, and strengthening the tikanga during strandings in the Kapiti area.

However the standing of Te Uruhi signals that the positive step forward did not continue (Oliphant-Stewart, 2017). After this stranding the Councillor Mr Gurunathan said that the protocols need to be reviewed and the current process was not good for race relations. He stated that the event made obvious the lack of understanding by some parts of the public of the deep spiritual and cultural connect to iwi and whales. It also demonstrated that iwi lacked preparedness in dealing with public sensitivity.

The protocol between iwi and the Kapiti Coast District Council and DOC were established after the stranding of three sperm whales in 1996. This protocol was pushed forward by Ramari Stewart and Tungia Baker. Gurunathan believed that the protocol that was established after the 1996 standing would need to be reviewed and updated following this stranding (Tristram, 2013).

The Ohiwa Standing

In contrast to the stranding of Te Uruhi is the stranding that occurred the same year but in Ohiwa where a family of 40 pilot whales stranded (Kahukura-Iosefa, 2016). DOC called the local iwi, but the rescue efforts were not successful.

Figure 13: Pilot whales stranded on Ohope Beach (Photo: Lily Pryor Rodgers, 2015)

The iwi secured all the remains of the pilot whales and guided by Ramari Oliphant-Stewart who is skilled in both the scientific aspects and matauranga Māori of whale strandings. The local iwi gained significant experience as being the kaitiaki of this stranding event. It has helped them rediscover customs and also move forward into a more collaborative space. As the iwi allowed scientists to be involved in this process (using the marae as a lab), which has lead onto unique research being conducted (Kahukura-Iosefa, 2016).

DISCUSSION ON VIEWS

The connection and relationship to whales today has been shaped by the arrival of Polynesians to New Zealand, the connection to the spiritual/supernatural aspects of whales, the utilisation of stranded whales as a food and resource, the influence of the whaling era and the population decline and now the legislation constraints and the need to express Maori customary rights so the practice and knowledge of dealing with these taonga species, as whale provide an avenue to advance the Treaty Partnership and the position as a sovereign people (Levine, 2016).

There are a whole range of views on the connection of Māori to whales in today's world. At standings Ramari explained that a lot of contemporary Māori would like to give the whales a tangi and bury them (Lowe, 2012). And that one of the big questions that comes up is whether to bury them or harvest them in accordance with tradition. The saving the whales situation occurred due to the massive push of the environmental groups such as Project Jonah, Greenpeace and Sea Shepard. Where the main objective is to refloat the beached whales and try to keep them alive. Or if they cannot be kept alive, to bury them with a tangi and leave them be (Lowe, 2012).

Some people would still like to be utilising the full animal not just the bones and teeth, as the meat was highly prized. Even in the tradition of Tinirau and Kae, when Kae is given flesh by Tinirau it confirms that this process is not unusal or bad even though Tutunui is his companion.

A Te Ohu Kai Moana Commissioner told the General Assembly of the World Council of Whalers in Iceland that the government position on whale use, was "diametrically opposed" to the view of Māori who supported the sustainable use of marine mammals by indigenous people. And Ngahiwi Tomoana said his iwi Ngati Kahungunu still prepare and eat whale meat, as it is an ancient cultural practice and customary right. He said they have only eaten what has beached but predicts that in the future will be able to utilise the whole whale, and leaving nothing to waste. Which is opposite to the current access permitted of just taking the bones and teeth (a wasteful use of the whale very similar to what was done during the whaling era) (Unknown, 2010).

The consumption of meat still causes controversy. In DOC policy the meat is not available for human consumption due to the pathogens and pollution levels. (Gillespie, 1999). As there is an increasing amount of trace elements and chlorinated hydrocarbons have been found, such as DDT and PDBs which are insoluble in water but soluble in fat and can become persistent in the blubber for a long period of time. Heavy metals such as mercury, lead and copper are some that have been recorded in marine mammals. These contaminants accumulate through the food chain, and as top predators as very susceptible to the toxic effects of these (Cawthorn, 1997). For example Moriori of the Chatham Islands were noted as eating a large amount of pilot whales which regularly mass strand. A recent study of their bones found a high level of mercury, particularly in males of high status, which is thought to have accumulated due to their dependence on pilot whale meat (Cawthorn, 1997).

Utilisation of whales nowadays does not just take the form of access to stranded whales. Whale watch tourism in Kaikoura is probably the most famous passive utilisation of whales by Māori in the present day. A special permit is issued under the Marine Mammals Act 1978 for this operation to take place. Whale Watch Kaikoura has had multiple benefits for the local community and for the local hapu Ngati Kuri (Ngāi Tahu). Whale Watch Kaikoura opening stated that "whales are worth more alive than dead" and that they remain firm in their beliefs that commercial whaling needs to stop (Unknown, 2010).

It is not just the utilisation of whale resources that is important, it is the whole recovery process which accounts for the taonga presented and the mauri of the whale (Lowe, 2012). As today many people want the whalebone taonga, as it still has a large importance, but few people will understand the process in accessing the taonga, or the whakapapa or story of the whale.

Conclusion

Since Māori first journeyed to New Zealand over a 1000 years ago, there has been significant connection to whales through whakapapa, as a revered taonga and through the dependence on them as a source of food and materials.

The arrival of whalers decimated the whale populations in New Zealand waters and the sub-Antarctic Islands. Some of these species, such as the right and humpback whale, are only just starting to slowly increase their population size. The whaling made carcasses more readily available, changing the relationship during that time from one of dependence to whales becoming a more common commodity. Closely following the arrival of whalers was the colonisation of New Zealand. This lead to a mixing of Te Ao Pakeha (the Pakeha world view) and a newly established Crown governance system. Urbanisation and the general migration away from the hunter gatherer lifestyle have all impacted the relationship Māori have with the natural world, including the connection to whales. Legislation under the Crown remains an important factor in the restricted access to stranded whales.

The tikanga and protocols involved when whales beach have changed over time, with very few people having the intimate relationship with the whales. There are many different Māori views on whales with Te Ohu Kaimoana openly rejecting the 'Save the Whales' approach. Whereas other Māori would prefer to see whales buried over being utilised.

The significance of matauranga I believe is becoming increasingly important. As more people realise the practical use of it, and that it could be lost forever with the passing on of the older generations. Ramari Oliphant-Stewart is sincerely worried as to whether the matauranga surrounding whale strandings will continue, as a whole wealth of information could be lost with her due to the lack of interest for the younger generations.

In more recent years the Department of Conservation, through iwi persuasion, have improved the way they connect to local iwi during stranding events, for example the Ohiwa stranding showed that groups can work collaboratively and respectively together. The collaborative process between parties could be hugely beneficial for all sides, by increasing the scientific or 'western' knowledge while at the same time increasing the proficiency of whale stranding matauranga for Māori. The ability to practice the matauranga and be connected into the strandings allows for the expression of rangatiratanga, which is key principal of Te Tiriti o Waitangi. And preserve the intimate relationship that stems from our ancestors in 'Ko ahau te tohorā, te tohorā ko ahau'.

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