

## 2. MATAURANGA MAORI

### 2.1 'Talking Past Each Other'

In any attempt at cross-cultural communication there is always the difficulty identified by Dane Joan Metge in her memorable title 'Talking Past Each Other'.<sup>1</sup> The problems are compounded when the communication is between the language and thought processes of an indigenous people on the one hand and a 'western' influenced culture of a colonising people on the other hand. This is a point which is clearly articulated by Dr M Mutu and, as she indicates, it is a matter the Waitangi Tribunal has long been aware of:

**Describing the concepts of one culture using the language of another**

At the outset, I need to draw attention to the inherent difficulties that exist when one attempts to describe the concepts and values of one culture using the language of another culture. These difficulties arise from the fact that, as I mentioned above, each of the world's natural languages has been specifically crafted over time by its community of speakers to express the culture of that community. Where languages are closely related, as for example, Maori and Rarotongan, or English and French are, then the difficulties are not great since the cultural differences are not great. But in the case of say, Rarotongan and French, or, as in our present case, English and Maori, where the two cultures derive from quite different value systems and world views, difficulties arise when one attempts to express the culture of either of the pair in the language of the other.

**One of the fundamental differences between Maori and English culture**

In emphasising the need to be aware of differences between the Maori and English culture, it is helpful to highlight where the most fundamental differences lie. Several authors and my elders consider that the most basic aspect of Maori culture which distinguishes it most sharply from that of Europeans is that it puts spiritual and communal matters ahead of material and individualistic needs. The Waitangi Tribunal in its

1. J Metge, *Talking Past Each Other: Problems of Cross-Cultural Communication*, Wellington 1978

Manukau report (Wai 8) considered this fundamental difference and noted:

It might be considered that Western society, although espousing a religion, is predominantly secular and individualistic in its world-view. Although there is a religious premise for the presumption that humankind has authority over nature, that view probably springs from the secular and rational characteristics of our society. Maori society on the other hand is predominantly spiritual and communal. The Maori world view emphasises the primacy of nature and the need for man to tread carefully when interfering with natural laws and processes.<sup>2</sup>

The fundamental differences between Maori and English cultures noted by Dr Mutu and by the Tribunal are of crucial importance in considering the Wai 262 claim. The concepts of te ao Maori concerning matauranga, kaitiakitanga, rangatiratanga and whakapapa in relation to flora and fauna species, natural phenomena, ecosystems, cultural heritage objects, etc, cannot be assimilated to categories of real, personal and intellectual property rights of ownership and/or possession in respect of tangible or intangible items with economic exchange value. The tension of living with these incompatibilities is a daily fact of life for Maori living as a minority population within their own land. The tension may hardly be noticed, on the other hand, or may be blithely disregarded by members of the majority cultures, whom we collectively describe as Pakeha, and in particular by Crown officials and lawmakers. This claim requires the Crown to become fully aware of and to respond to the wide-ranging issues raised by a long history of disregarding Maori perspectives.

## 2.2 A Matauranga/Science Dichtotomy?

The tension of cross-cultural communication is clearly evident in materials on matauranga Maori. Papers produced by or for the Ministry of Research, Science and Technology (MoRST) do seek for some form of assimilation between matauranga Maori and 'Western' notions of science. C. Mohi, for example, quotes the principles formulated by a Kaumatua Committee formed in 1991 to advise the Minister for Crown Research Institutes:

2. M Mutu, 'The Use and Meaning of Maori Words Borrowed into English for Discussing Resource Management and Conservation in Aotearoa/New Zealand', paper for Conservation Board Chairpersons Conference, 10 February 1994, p 5 (quoting from Waitangi Tribunal, *Report of the Waitangi Tribunal on the Manukau Claim*, 1985, p 123)

- (a) Maori research, science and technology (Matauranga Maori) exists and is a national resource. It should be capitalised so that it can contribute to the advancement of science and technology and the role it should play to enhance the business capabilities of the primary and secondary sectors;
- (b) Maori research, science and technology (Matauranga Maori) also contributes in a vital way to the status of Maori as a culture. With adequate resourcing Maori will be able to utilise Matauranga Maori to action their responsibilities as guardians over their taonga, and thereby share with the Crown responsibility for the sustainable management of New Zealand's resources; and
- (c) Maori research, science and technology (Matauranga Maori) should be organised so that Maori as tribally based social, economic and scientific entities can participate as partners in the science system. As partners with the Crown they can and should take shared responsibility for the development of efficient and effective science and technology priority and funding policy and outcomes.

Mohi observes:

The above principles are clearly linked to the articles of the Treaty and focus the obligations that both Maori and Crown have to protect, develop and capitalise Matauranga Maori because of its taonga status, and the role it plays to preserve and protect the land and all taonga related to the land – atmosphere, water, geosphere, and primary and secondary industries that result from the capitalisation of New Zealand's resources.

He then arrives at this definition:

*Matauranga Maori* in a traditional context means the knowledge, comprehension or understanding of everything visible or invisible that exists across the universe (ie: Aorangi, sometimes referred to as Rangi and Papa). This meaning is related to the modern context as Maori research, science and technology principles and practices;<sup>3</sup>

MoRST, in June 1995, published a substantial document entitled 'The Interface Between Matauranga Maori and Mainstream Science'. A section of this report addressed the question 'Matauranga Maori – What Is It?' and I set it out in full (footnotes omitted):

3. C Mohi, 'Matauranga Maori – A National Resource', paper prepared for the Ministry of Research Science and Technology, 1993, pp 1–3

### Matauranga Maori – What Is It?

When the European came to Aotearoa, a viable and flourishing Maori culture existed, based upon an oral lore, and a justice system based upon chiefs and knowledgeable experts (Tohunga). These experts, chosen from early childhood, were educated via various forms of teaching institutions (Wananga), to *accurately remember* the knowledge. Accurate remembrance of large quantities of data required the use of sophisticated memory management techniques. The methodology used by Maori to achieve this end was to embed the knowledge base in a philosophical framework (or knowledge paradigm).

Because the Maori land ownership system utilised genealogy to relate a person's right to utilise land and its benefits back to the tribal structure, it was important to remember this accurately. In particular, ones chiefly place in the hapu depended on not strictly descent from any one person, but rather upon ones 'relatedness' to multiple numbers of chiefs, and this changed from generation to generation as family relationships and their land changed. Generally associated with a person's name in the whakapapa was one or two pieces of information about that person. This remembering system was also used as the paradigm under which to codify the natural sciences database. Knowledge was embedded into the paradigm (in this case a systematised personification of natural phenomenon) by use of *whakapapa*.

That is, the Maori science paradigm relates everything back to personifications of various aspects of the natural science world, utilising whakapapa to define the various relationships and explain natural phenomenon. In particular, *Maori had an extensive whakapapa of all flora and fauna, thereby codifying the natural world in a fashion similar to modern biological classification systems*. Human whakapapa is merely a prominent example of this system. There is then a very clear parallel between taxonomy and the whakapapa system used by matauranga Maori. In particular, the taxonomy practised by Maori was a taxonomy which related life forms and phenomenon back to their place in the ecology. That is, matauranga Maori is a system which codifies knowledge according to its relatedness to environmental and life issues, rather than to what things are in themselves. The incipient Tohunga were extensively tutored in whakapapa, and therefore understanding of the physical and environmental world and how to live in it.

Where this taonga now fits into the science sector is a vexed question. Some aspects of this knowledge base clearly point to the application of experimental methodologies to gain information of value in the New Zealand framework. For example, Elsdon Best states that 'different kinds of soil could be described by Maori terms, as he was provided with about fifty soil-names, and he was naturally a good judge of soils'.

Other aspects of the knowledge base fit more clearly into philosophical or religious sectors. The various aspects of this knowledge base are inseparable, for within the philosophical framework lies the methodology for codifying and remembering the knowledge base (in the same way as one has to accept certain cultural values of the Western Science system, in order to learn the information ... such as the use of the Latin language to codify biological systems, and the extensive use of the Greek language throughout organic chemistry).

An example of this in matauranga Maori would be the use of whakapapa to describe the different forms of stone and their groupings. Best describes the following classification (abridged): 'From the tenth period of Chaos sprang Papa the Earth Mother already mentioned, and then appeared Papa-matua-te-kore (Papa the parentless) who mated with Rangi-a-Tamaku and had a firstborn Putoto, whose sister was Parawhenuamea (personified form of water). Putoto took his own sister, Parawhenuamea, to wife, and she bore Rakahore, who mated with Hineuku (the Clay Maiden), who bore Tuamatua (all kinds of stones found on sea coasts ...), from whom came gravel and the stone. The younger brother of Tuamatua was Whatuaho (greywacke, chert, etc), next came Papakura (origin of volcanic stone, kauwhanga, whatukura, waiapu ... kinds of stone), then Taura-karapa (greenstone of different kinds), whose sisters were Hine-taura (a stone that has abnormal offspring ...), and Tuahoanga. ... Now Tuahoanga represents another kind of stone, such are the wawatai, papanui ... [all these pertaining to Tuahoanga are different kinds of sandstone]' and

'The origin of shellfish is often credited to Hine-moana ... In one version we are told that Hine-moana produced all forms of seaweed, and these were attached to Rakahore and Tuamatua ... in order to provide shelter for the other offspring of Hine-moana ie: shellfish, etc. So we are told of nine kinds of mussels being placed ..., that is among seaweed and

rocks. The following are the different kinds of seaweed produced by Hine-moana, sister of Kawerau: ... This seaweed family ever clings to the foster parents, Rakahore and Tuamatua. ... The nine kinds of mussels placed among the sheltering seaweeds clinging to Rakahore and Tuamatua were ... The offspring of Te Awarua and Kaumaihi were the pipi or cockle family, their names are as follows ...'

**Surely this is a form of taxonomy?**

Best records that 'When we consider his ignorance of any form of script ... then we must be impressed by the evidence of his powers of reflection and his ideality ... . The Maori is mentally acute, and possesses remarkable powers of comprehension. His powers of memory are undoubtedly great, and sometimes appear marvellous to us. Thus, an old man of the Tuhoe tribe recited to the writer no less than 406 songs from memory. Another old fellow recited from memory the genealogy of his clan, a task that necessitated the repetition of over 1,400 personal names. Such powers of memorising are the result of long centuries of training, of the lack of a written tongue, combined with a strong desire to perpetuate certain forms of knowledge'.

It has been repeatedly asserted during the 1994/94 PGSF Science Priority Setting Process by Maori and others that the traditional Maori knowledge base requires retention. Matauranga Maori not only contains potentially useful knowledge, but it also forms the basis of the Maori cultural paradigm. The Maori cultural paradigm has a commercial value (eg: tourism) over and above its very great importance to the maintenance of Maori self esteem, and therefore effectiveness of Maori in participating in a full and vibrant society.

The knowledge base underpinning the Maori cultural paradigm arises from an experience by Maori in the New Zealand environment. As such it contains jewels of information pointing towards methods of utilising and preserving the environment (for example, the traditional Maori medicinal use of plants). Such useful knowledge is expensive to create de novo. It is being rapidly lost for want of a strategy to preserve it!<sup>4</sup>

4. Ministry of Research, Science and Technology, *The Interface Between Matauranga Maori and Mainstream Science*, Wellington, Ministry of Research, Science and Technology, 1995, pp 5-6

The report then goes on to pose the question 'But Is It Science?'. The views of M Dickison are referred to and emphatically rejected. Dickison queries the notion of 'Maori science'. He favours a definition of science as

an 'objective rational co-operative knowledge acquisition' and he comments:

But does 'Maori science even exist? ... Knowing how to prepare karaka berries is knowledge; trying to find out why and how they are poisonous, and how your preparation is removing the poison, is science ... Presenting two alternative viewpoints is only appropriate if the viewpoints are genuine alternatives; that is if they are seeking to do the same thing in different ways. Science and matauranga do not seek to do the same thing.<sup>5</sup>

The report's author retorts:

Such a statement is manifestly untrue. Both science and matauranga seek to codify knowledge in a useful manner. Both result in useful and unuseful concepts. Both rely on empirical observation and codifying that knowledge in a theoretical framework. The perspectives, however, are different. Science seeks to isolate the study matter from the real world under a set of very specific conditions, understand the topic in its isolation, and from there drawing observations about its place in the real world. *Matauranga* studies a topic in the real world, and from its interactions in the real world seeks to build a conceptual framework in which to codify that knowledge.<sup>6</sup>

In a similar vein, Dr M Parsons – who has collaborated on occasions with the claimant Dell Wihongi – insists upon the propriety of speaking of 'Maori science' and refuses to concede that Maori traditional knowledge should be relegated to the category of Maori technology only:

If science is the study of the world around us using a hypothetico-deductive process (the scientific method) then this is not exclusive to western or European-derived cultural traditions but is also found in the cultures of all indigenous peoples. All indigenous people have science according to their needs and cultural understanding of their surroundings, the environment. The same thought processes that allowed Polynesians to voyage between the islands of the Pacific and settle them, also has sent people into space.

The term Maori Science has been used to emphasise Maori people too used the scientific method and that it is not the prerogative of western countries only.<sup>7</sup>

5. M Dickinson, 'Maori Science? Can Traditional Maori Science be Considered Scientific?' *NZ Science Monthly*, May 1996, p 6

6. Ministry of Research, Science and Technology, *The Interface Between Matauranga Maori and Mainstream Science*, Wellington, Ministry of Research, Science and Technology, 1995, p 9

7. M Parson, 'Maori Science'; notes after the MAC MoRST meeting 15 September 1995 and talking with Geoff Page, Industrial Research Limited, 1995, p 4

### 2.3 Is the label 'science' important?

It is evident that this debate involves a struggle for the ideological high ground in that 'science' is a high status concept in Pakeha culture and, on a more mundane (but very important level), it involves a contest over whether matauranga Maori research should qualify for scientific research funding as presently structured. The debate is similar to controversies as to whether the norms and social control practices of tikanga Maori are entitled to use the label 'law' or should be relegated to a lesser category such as 'custom' or 'lore'. It is suggested that the Tribunal may well consider both matauranga Maori and tikanga Maori to be Treaty-protected taonga in their own right without comparisons – invidious or otherwise – between Maori concepts and some vaguely equivalent Pakeha categories. A strong argument to that effect has been elaborated in a draft discussion paper prepared by Professor M H Durie in September 1996. The paper sets out some key points and then goes on to discuss defining matauranga Maori, its ownership, the Crown's responsibilities and means of advancing matauranga. It is an important paper which contains a number of statements of crucial importance to this claim. Among the key issues identified are these five:

- (1) Matauranga Maori belongs to Iwi and should remain under Maori control.
- (2) There are signs that the Crown policies for science, research and technology could lead to the assimilation of matauranga Maori into mainstream knowledge systems.
- (3) Matauranga Maori is different to science and should not be confused with it.
- (4) Maori participation in science and technology should be encouraged but it is not a goal which is directly linked to matauranga Maori.
- (5) The Government bears some responsibility for the protection of matauranga Maori and should make funding available for its transmission and development, without confusing the issue with Maori participation in science.

Some of the important paragraphs in Durie's paper which are relevant to those issues are as follows:

3.2 Some caution has been advised in describing matauranga Maori in precise terms least it be subjected to misinterpretation or

reconceptualisation according to the tenets of other systems of knowledge such as science. Similarly there are concerns about proprietary rights, the appropriation of matauranga Maori for commercial purposes and the subjection of matauranga Maori to scrutiny within frameworks more suited to the evaluation of scientific knowledge or the logic of mathematics.

3.3 What needs to be stated, however, is that matauranga Maori, traditional Maori knowledge, is distinct from other knowledge bases such as science, mathematics, psychology or sociology. Nor is one necessarily more valid than the other. Rationality must be understood to be a culture specific notion; one culture's rational thought is not necessarily the same as another's. Indeed, the rational thought that underlies scientific inquiry is but one form of thought.

3.3 More simply, matauranga Maori is not a type of science (even if it does contain elements of scientific thinking) any more than science is a substrate for religious beliefs and understanding.

4.1 The ownership of knowledge is reflected in the conventions relating to copyright, patents, inventions and authorship. In the past, these conventions have been largely overlooked in connection with the ownership of indigenous knowledge; its usurpation can be compared to the alienation of lands through confiscation, plunder or unjust laws. Only in quite recent times has there been any serious attempt to acknowledge intellectual property rights, especially as they apply to matauranga Maori. Along with other indigenous peoples, Maori have laid claim to their own traditional knowledge.

4.2 At the same time, matauranga Maori is not owned equally by all Maori. While some traditional knowledge is common to Maori people generally, much traditional knowledge is of tribal origin and ownership correspondingly lies with tribes, sometimes Iwi, sometimes hapu.

4.3 It is not enough therefore to assume that because certain knowledge is indigenous to Aotearoa/New Zealand, it belongs to all New Zealanders or even that it is owned by Maori people collectively. Serious consideration should be given to finding ways for recognising iwi ownership of tribal knowledge. Similarly, for that knowledge which can be said to belong to all Maori, there is a need to agree on the best way of guaranteeing its protection and guardianship.

5.1 Under the Treaty of Waitangi the Crown has an obligation to guarantee to Maori their continuing ownership of physical and cultural

properties, until they have been lawfully alienated. Article 2 in both the English and Maori versions expressly recognises Maori property rights.

5.2 The draft Declaration on the Rights of Indigenous Peoples reaches a similar conclusion in respect of the relationship of indigenous peoples to traditional knowledge and cautions States about assuming rights which belong elsewhere.

5.3 In New Zealand the Crown has an additional role as a protector of Maori people and Maori property rights. This fiduciary duty does not require an assumption of ownership, *in loco parentis* as it were, but rather a responsibility to ensure that ownership is rightfully assumed. A failure to do so will lead to unnecessary injustices similar to those experienced in relationship to Maori lease lands.

5.4 With respect to matauranga Maori the Crown has not established any clear processes for assigning ownership nor any mechanism for protection. Instead, and perhaps to an increasing extent, traditional Maori knowledge has been incorporated into mainstream frameworks as part of a determined bid to make matauranga Maori widely available in educational curricula. In this process there has often been Maori support if not Maori initiative. ...

7.1 If matauranga Maori is to survive with a validity of its own, then active steps should be taken before it is lost or so distorted by the mainstream and by scientific explanation that it lacks any real meaning. Essentially this paper recommends that strategies be set up for the control, retention, transmission and further development of matauranga Maori.

7.2 Maori control of matauranga Maori has already been discussed in relationship to ownership. The important point is that the traditional knowledge base belongs with Iwi. It is both inappropriate and risky for it to be the preserve of universities or FORST or related bodies. And if Iwi are not keen to be entrusted with ownership then consideration should be given to establishing a Maori authority which will be able to exercise trusteeship for future generations.

7.3 The retention of matauranga Maori is as important as the retention of te Reo Maori. One feeds the other though the promotion of te reo Maori and the promotion of matauranga Maori are different issues and require different approaches. Without the retention of traditional knowledge, Maori culture will be the poorer and New Zealand will have lost an asset that is unique to this part of the globe. ...

8.1 The main point in this discussion paper is that matauranga Maori should be under Maori control. At present, and for reasons which may appear to have a degree of plausibility, traditional Maori knowledge is being increasingly incorporated into Crown protocols and policies. Education curricula, science and research goals, and environmental education make liberal use of matauranga Maori and do so in a manner which runs the risk of distorting both context and content.

8.2 The Crown does have a role in relationship to traditional Maori knowledge but that role should be to ensure that traditional Maori knowledge is adequately protected and retained by Maori, not assimilated into science or technology or the general educational curriculum.

8.3 The role of the Crown as a protector also includes the allocation of funding for the retention, transmission and development of traditional Maori knowledge. It is not appropriate that funding opportunities should be bundled together into a science research fund, since matauranga Maori is not science nor is it built on scientific philosophies or principles.<sup>8</sup>

It is suggested that there is no profit in furthering debate on whether matauranga Maori is science or is not science. Articles on general theories of knowledge give good grounds for minimising the importance of the categorisation in any case. Thus L Laudan offers the comment:

Once one accepts, as most thinkers had by the mid-nineteenth century, that science offers no apodictic certainty, that all scientific theories are corrigible and may be subject to serious emendation, then it is no longer viable to attempt to distinguish science from non-science by assimilating that distinction to the difference between knowledge and opinion. Indeed, the unambiguous implication of fallibilism is that there is no difference between knowledge and opinion: within a fallibilist framework, scientific belief turns out to be just a species of the genus opinion.<sup>9</sup>

M Peters, based at the Research Unit for Maori Education in the University of Auckland, writes of the symbolic break between modern and postmodern science:

between one view of science that emphasises an ahistorical and foundational account of knowledge based on a series of dichotomies

8. M H Durie, 'Matauranga Maori: Iwi and the Crown: A Discussion Paper', paper prepared for matauranga Maori hui, James Henare Maori Research Centre, University of Auckland, 26 September 1996, pp 1–4

9. L Laudan, 'The Demise of the Demarcation Problem', in R S Cohen and L Laudan (eds), *Physics, Philosophy, and Psycho-analysis*, Dordrecht, Reidel, 1983, p 340

such as the theory/observation, fact/value, schema/content distinctions, and a view which both stresses the primacy of history for understanding the scientific endeavour and recognises the sciences not as unified logical systems but rather as 'forms of life', communities made up of agreed upon practices and guided by sets of values. This is to juxtapose a mechanical, reductive and unified science based on a single method against a holistic, organicist and pluralist notion of science utilising different methods.<sup>10</sup>

He goes on to discuss postmodernist ideas – including 'the return to cosmology' and concludes with an emphasis on the complementarity between scientific approaches and traditional bodies of knowledge.

Dr M Roberts is a scientist who also argues that indigenous knowledge (IK) is entitled to respect and validation in its own right rather than by reference to standards of 'Western' science (WS). She describes a paper taught at the University of Auckland in this way:

Our paper 'Indigenous knowledge and Western science – perspectives from the Pacific' is based on the premise that indigenous knowledge systems DO seek to do the same thing as western science; ie: they seek to provide an understanding of the natural world and its phenomena. Indigenous systems (and, some would argue, certain branches of science eg: the biological sciences) also seek to explain the place of humans within that world. They differ of course in the cosmological and epistemological concepts upon which those understandings are based, and in the cultural context within which they operate, ie: the understandings are located within different 'world views', each of which, we maintain and set out to demonstrate, has validity within its own particular cultural setting.

In our paper, we also attempt to reverse the usual epistemological asymmetry whereby western science is taken as the yardstick against which all other knowledge systems are measured; and in so doing, remove the negative connotations associated with that process, ie: that western science (and its scientists) is/are 'superior' to IK (and its practitioners); that WS is the 'ideal' that all other forms of knowledge must strive to emulate. Unfortunately some scientists fail to understand the prejudicial basis of this type of approach and continue to advocate that 'the challenge for science is to understand and then verify

10. M Peters, *Post-Modern Science in Aotearoa?: Conservation, Cosmology and Critique*, Research Unit for Maori Education, University of Auckland Monograph Series, no 20, 1993, p 5

(matauranga), so as to distinguish fact from myth and fiction and thereby allow matauranga Maori to become a valuable part of mainstream science (or culture) where appropriate’.

Elsewhere I have questioned the ongoing philosophical and social validity of this inherently ‘assimilationist’ approach, ie: that the merit of matauranga Maori lies only in the extent to which it can be validated and utilised by mainstream science. I have further commented that ‘during the past 175 years of colonisation Maori have attempted to validate themselves and their culture by adopting Pakeha names and ways, in the mistaken belief that things Maori are somehow inferior. If calling ‘matauranga Maori’ ‘Maori science’ is seen to be a way of validating indigenous knowledge, and equating it with western science by giving it a Pakeha name, then I believe this to be both unnecessary and unwise.’<sup>11</sup>

#### 2.4 Matauranga Maori as Taonga

Moving away from unhelpful demarcation problems, it is abundantly clear that there is a widespread current recognition by Maori of matauranga Maori as a taonga of iwi and hapu which is entitled to, and is in great need of, the active protection which the Treaty of Waitangi purported to guarantee for all taonga. The 1995 MoRST report acknowledges that the ‘Maori Language and the Traditional Knowledge (matauranga Maori) are regarded as being taonga’.<sup>12</sup> The hui convened by the Ministry of Commerce to consider Intellectual Property Law Reform in December 1994 passed specific resolutions relating to the taonga status of matauranga Maori. For example, the hui at Te Puea marae, Mangere, resolved:

(1) The Hui reaffirms te tino Rangatiratanga o nga Iwi me nga hapuu of their Taonga.

An appended explanation read:

In practice, this would require the Crown to recognise nga hapu me nga Iwi as Rangatira and Kaitiaki of their taonga me o ratou tikanga, me o ratou matauranga Maori. These rights include having legally enforceable rights of control, trusteeship, management and guardianship.

11. Dr M Roberts, *Teaching Indigenous Knowledge and Western Science*, Centre for Pacific Studies, University of Auckland, 1996, p 7. Footnotes within quotations have been omitted. This policy is followed throughout this document.

12. Ministry of Research, Science and Technology, *The Interface Between Matauranga Maori and Mainstream Science*, Wellington, Ministry of Research, Science and Technology, 1995, p 2

Some examples may include having such rights recognised over:

- Rongoa
- Taonga, including kumara, native timbers, te reo, native fibres, etc
- Genetic control over use of taonga
- Written use of rongoa, and publication of written material on rongoa
- Maori designs, Maori songs.

To somewhat similar effect, the hui at Pipitea marae, Wellington, resolved:

(3) That the government recognise that the Iwi, Hapu and the National Board 'Nga Ringa Whakahaere o te Iwi Maori' are the guardians and gatekeepers of the intellectual properties of taonga Maori especially in respect to Flora and Fauna as well as tikanga Maori.<sup>13</sup>

I have no doubt that oral testimony to be presented at forthcoming hearings of this claim will strongly reinforce the assertion that matauranga Maori is a precious taonga which is extremely vulnerable owing to the historic and continuing impact of assimilationist policies and practices. In the written sources cited above an analogy is made to te reo Maori as a taonga. This report is written with the expectation that written and oral evidence, supported by legal submissions, will entirely satisfy the Tribunal that matauranga Maori is indeed a taonga for reasons similar to those expounded by the Tribunal in *Te Reo Maori Report 1985* in respect of Maori language. That reasoning has been accepted by the superior courts – including the Court of Appeal and the Privy Council – in numerous cases relating to broadcasting issues. The Crown also has clearly accepted that te reo Maori is a Treaty-protected taonga, even whilst it has sought to minimise the extent of its financial and other contributions to the active protection of te reo Maori. In the present proceedings the Crown should be invited to agree that matauranga Maori is a Treaty-protected taonga so that the focus of the hearings is on appropriate measures of active protection consistent with the kaupapa presented by the Wai 262 claimants and with the obligations of both parties to the Treaty of Waitangi.

13. '[Ministry of Commerce] Intellectual Property Law Reform [Maori Consultation] Hui: Oral submissions [and Hui Resolutions]; letter to Mark Steele (Ministry of Commerce) from Haami Piripi (Te Puni Kokiri), 6 January 1995