

STRIKING A BALANCE: BALANCING CULTURAL AND PRODUCTIVE USES OF MĀORI FREEHOLD LAND

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Abstract This paper describes research into whether co-owners of multiply owned land would be prepared to trade reduced access to productive portions of Māori Freehold Land, for increased access to culturally treasured portions, and to manage the latter using a model that seeks to optimise cultural values rather than profit. In answering this question, the paper describes a cartographic technique aimed at facilitating conceptualisation, and responses to this technique by land owners. Using key interviews and questionnaires for three case studies, the research concludes that certain block-specific factors affect willingness to trade cultural and productive uses, and identifies areas for further research.

INTRODUCTION AND RESEARCH QUESTION

Māori land is important for economic development but, more than that, remains a cornerstone for Māori identity and a sense of continuity with the past... A challenge for the future will be to repatriate all Māori people so that being Māori makes real sense, not only in cultural terms but also in having a place to call home, *tūrangawaewae*.

(Durie 1998:145).

Te Ture Whenua Māori Act (TTWMA) promotes two principles; the retention of Māori land in Māori hands, and the utilisation of Māori land (TTWMA 1993). However, profitable utilisation may conflict with retention, or at least put it at risk. For example, to those holding the view that the best utilisation of Māori land is to sell it to earn a productive benefit from the land, and also to those who favour using the land as collateral security for borrowing, thereby risking its enforced sale, the two principles are in tension. A divergent view is that Māori Freehold Land (MFL) is a *taonga tuku iho* (treasure) and 'utilisation' is less about maximising profit from the land than about developing it to encourage owners to take part and become involved with it (Yetsenga 1990). This sentiment resonates with the challenge set by Durie; to 'repatriate' Māori with the land and give them a place "to call home, *tūrangawaewae*" (Durie 1998:145).

Between the extremes of, on one hand, sale or lease of blocks of Māori Freehold Land for economic uses such as agriculture or forestry, and on the other hand, thoroughgoing cultural use with little or no weight attached to profit, exists a spectrum of compromises between cultural and economic uses. The particular compromise explored in the research for this article has its starting point in the idea that communal land tenure, elements of which still operate over MFL, has two principal strands, namely land links and interpersonal links. In separating these two strands over the years since the Treaty

of Waitangi, general land in New Zealand has tended to cater for shelter and sustenance for the majority of Māori while MFL has retained a disproportionate value in terms of embedded cultural significance (Goodwin 2011). Notwithstanding this, MFL is frequently assessed using a productive rather than a cultural management model, and is often judged to have failed. The expedient investigated in this research is to categorise land into discrete productive and cultural parts and to manage the former on a scale of profit and loss but the latter against a different scale, namely that of cultural success including perceptions of belonging by co-owners (Goodwin 2011).

What is unclear from the literature, and what this research sets out to investigate, is the level of acceptance by Māori land owners of the idea of separating land into cultural and productive parts, and relinquishing some or all use-rights to productively zoned portions in favour of enhanced rights to culturally zoned portions. This leads to the overarching question for this research: would Māori favour the idea of relinquishing use-rights to portions of productive land if this meant gaining better access to treasured cultural areas, and of managing cultural areas using a model that optimized cultural values rather than maximizing profit? From this overarching question flowed four objectives:

- 1) To identify existing relationships that Māori landowners have with Māori land;
- 2) To identify aspirations that owners have for their land, and any barriers preventing these aspirations from being realised;
- 3) To gauge reactions to a draft plan that separates land into cultural and productive parts;
- 4) To assess mechanisms for achieving such separation in law and in practice.

This paper, which is based on a more in-depth honours

dissertation (Berghan 2012), focuses on objectives one to three while objective four is an area for further research. The following section reviews background and the literature, following which are sections on methods used, findings, discussion and conclusions.

BACKGROUND AND THE LITERATURE

As of 2009, there were 26,556 Māori Freehold Land titles with a combined area of almost 1.5 million hectares, or 5.5% of New Zealand's land area. The average block of land is 55 hectares, and the average number of owners per title is 88 (Clark et al. 2009). A study conducted by the Ministry of Agriculture and Forestry (MAF 2011) categorised approximately 40 per cent of Māori Freehold Land (or 600,000 hectares) as "under-utilised lands"; lands not developed for productive use.

Two underlying causes of under-utilisation, and hence of Māori frustrations, are the geographical isolation of Māori Freehold Land and the nature of the tenure; fragmented and multiply owned. Geographical isolation stems largely from settler demands for the best productive land, which often left poor quality, marginal land remaining in Māori hands. Being distant from urban centres limits owner access to markets as well as specialist knowledge and advice to utilise such land (Hutchings 2006). Turning to multiply owned land, the classification of Māori landowners as tenants in common, where owners' interests in land succeeds to their heirs, has resulted in the exponential growth in owners of Māori land. Such multiple ownership is a primary cause of administration challenges, including informing owners and gaining consensus among those right-holders whenever a development is proposed. Multiple ownership of the land may not be particularly problematic for owners' living on or near the land, but today's more mobile Māori population means that it is increasingly difficult to inform distant beneficiaries of changes or get their approval for decisions (McCarthy et al. 1980). Māori living away from the land might not even know they are owners, or may not have the desire to succeed to rights, thus leaving the land registered to owners who may long since have been deceased (Luetticke 2011).

The fragmentation of title through multiple ownership is at odds with *tikanga* (Māori tradition or protocol). Traditionally, the concept of *ahi kā* applied, by which Māori lost rights to an area if they did not manifest possession or interest in the land for three successive generations (Sinclair 1975). This tradition has been trumped by a competing tradition of inclusivity, and today disconnected or uninterested owners still succeed and are recorded regardless of the relationship they hold with the land unless they actively remove those rights themselves. This often leads to infinitesimally small shares, posing further unnecessary obstacles.

While some co-owners may be apathetic, others can face frustration when attempting to develop and enhance a block of Māori land at their own personal expense. Once

the land shows improvement and provides returns, other owners may come "out of the woodwork" to share benefits, with no intention of compensating for earlier work (McLean 2002; Dewes et al. 2011). Furthermore, multiple owners have multiple views and priorities, placing still further constraints on attempts to utilise land.

Solutions

A variety of solutions have been tried to mitigate or solve issues of multiple ownership and fragmentation. One solution is that of subdivision of undivided shares, but this carries inherent dangers. For example, computed or "office" survey plans, where blocks were subdivided without field inspection, can result in impractical lots and unusable land. A case in point is the Taieri Native Reserve, which was subdivided into A, B and C blocks, and then further subdivided into impractical strips (Wanhalla 2004; Strack 2006). Other solutions include amalgamation, incorporations, trusts, compulsory acquisition of uneconomic shares, occupation orders and even conversion to general land (TTWMA 1993). However, more recently the focus has been on improving access to information about the land and the owners of that land, as "the effort of trying to reach distant or even non-existent owners is out of proportion to the wider task" of actually developing or making use of the land (Durie 1998:142).

The majority of these solutions skirt the question of whether at least portions of the land could be managed so as to optimise cultural values, and in particular, how Māori would view such a scheme.

METHODS

Three blocks of Māori land were examined as case studies to apply and contextualise the concept of a balance of cultural and productive land-uses. Flyvbjerg (2011) describes how the case study can be seen as a powerful tool for "detail, richness, [and] completeness" although the statistical significance of any findings is often not quantifiable. Here, the comparison between multiple cases has the potential to add weight to the research by indicating differences and trends inherent with the range of histories, owner demographics and ownership structures of each case.

Based on an honours project, this research was subject to time and resource limitations. As such, the first block (Ahipara 1B2B) was selected on the basis of existing kinship connections and personal familiarity with the land, thus providing some authority to comment on such issues. For contrast and comparison, two blocks in Otago (Taieri Block B, Section 1N Town of Hawksbury) were also selected, mainly on grounds of proximity, in an attempt to remove any potential researcher bias from personal involvement with the land or landowners.

The first and second objectives of the research, namely to identify existing relationships owners have with Māori land and to identify aspirations that owners have for their land and

any barriers preventing these aspirations from being realized, were achieved in two ways: first using guided questions in key-informant interviews; and second using questionnaires.

In-depth, semi-structured interviews with key right-holders in the blocks of land were carried out to gather a history and account of owners' relationships with the land. This information was used to create a draft plan for the land, which was then sent to owners with a questionnaire to gauge their reactions to a land-use compromise concept.

Research participants were recruited from lists of registered owners of the land blocks readily and publicly accessible from Māori Land Online. Participants included both men and women, ranging in age from 41 to 83 years old. The intention was to draw on views of owners from different backgrounds, different professions and differing levels of involvement with the land.

Of the three blocks studied, the first has no management structure in place while the remaining two both have *ahū whenua* trusts. The blocks range in size from two to 171 hectares and have between 7 and 1420 registered owners (see Figure 1).

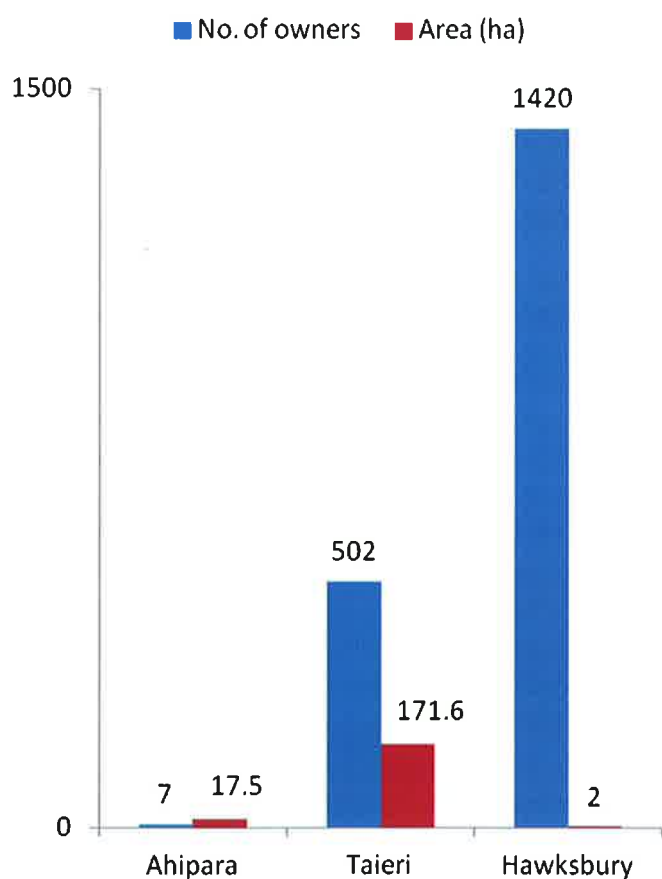


Figure 1: Area and number of owners per land block

For the purposes of this article, most detail is given for the Ahipara 1B2B case study, although the draft plans are also included for the other two case studies. Ahipara 1B2B is approximately 17.5 hectares and is located at the southern end of Te Oneroa a Tōhē (Ninety Mile Beach) in the Far North of the North Island. It is bounded by the Paripari and Moringai streams on the east and west respectively, and fronts

Foreshore Road and Ahipara Bay. The land is primarily north-facing pasture and scrub, and slopes upwards steeply from the road frontage. At the time of the research it was owned by seven siblings¹.

The key informants' visions and aspirations for the land were varied. For one owner, any previous aspirations had since been dismissed, since "they're just pipe dreams aren't they? [The other owners] block every plan you have" (Interview A)². Others promoted productive uses such as a camping ground for caravans, building sites (particularly as it is a coastal area), and planting pine trees to contribute to rates payments and provide some revenue for owners. Consideration was also given to future generations and that the land "has significance to not only who they are but where they came from" (Interview B)³.

The main barrier to previous attempts to connect and make use of this land has been multiple ownership. Agreement between owners is rare and difficult to obtain. Previous attempts at development have been opposed by other owners before they can reach fruition, thus discouraging owners to try again in future.

The draft plans

Areas of cultural value or use were identified and designated as 'C' codes on the plans. Similarly, those of productive use were designated by 'P' coding. In addition, cultural and productive areas were coded with either a 1 or 2, where 1 was for *existing* land use or values, and 2 was a *potential* use area.

For example, for the first case study, 'C1' areas (i.e. *existing cultural value*), include the retention of two existing dwellings, a significant tree and two areas identified as historically *tapu* (sacred) for the *hahu* customs (see Box 1).

Areas labelled 'C2' (i.e. areas with future or potential cultural value) include a site that one owner has set aside by means of

Te Rarawa and Te Aupouri, the predominant iwi in the area, were prominent fighting tribes and were the subject of many battles along *Te Oneroa a Tōhē* (Te Rūnanga o Te Rarawa 2004). As children, the present owners' father used to tell them of the sacred trees near the streams on the property after battles on the beach:

"The story goes that when the Māori parties used to move down the beach, they would go [to the stream amongst the trees] and they would wash the dead and hang them on the Pūriri trees to decompose. That made it a sacred area." (Interview B).

Once the flesh had rotted away, they took the bones and buried them in the caves on *Whangatautia* (the mountain). This custom, of hanging the body from a tree until the flesh disintegrated and then interring the bones in a special burial area such as a cave, is termed '*hahu*' (exhumation) (Barlow 1994:15).

Box 1: *Hahu* customs

an occupation order, areas along the road frontage suitable for future papakainga housing or development, and a potential future *whānau urupā* (cemetery).

Two areas of pasture in the northern half of the block were identified as areas of existing productive use, or 'P1' areas. Between the two is a segment of land identified as suitable for market gardening (P2), since the current owners' mother used to have a significant garden planted near that area. "Anything grows in the sand", one owner stated, and it would provide a poignant cultural space that could additionally provide productive uses. The surplus land of mainly steep gorse and shrubs (P2) might be suitable for horticulture or forestry.

These areas are depicted in the draft land-use plan in Figure 2.



Figure 2: Draft land-use plan for Ahipara 1B2B.

Similarly, the plans prepared for Taieri Block B and Section 1N Town of Hawksbury and circulated to their respective land



Figure 3: Draft land-use plan for Taieri Block B.



Figure 4: Draft land-use plan for Section 1N Town of Hawksbury

owners accompanied by a questionnaire to gauge reactions and feedback, are shown in figures 3 and 4.

As Ahipara 1B2B is owned by only seven living siblings, questionnaires were sent to all seven using personal contact information and data obtained from Māori Land Court records. For the other two blocks, purposive (or 'judgment') sampling yielded a list of 10 to 15 owners who were living and of sound mental capacity to participate. Following their acceptance during an initial phone call, the paper-based questionnaire was posted.

Of the total 32 owners shortlisted, 28 were able to be contacted and have questionnaires sent to them, but only 15 of these were returned.

FINDINGS

Relationships with the land

Stemming from the key-informant interviews and questionnaires, of the respondents who had visited their respective land blocks, the most common reason for going was 'to maintain an historical or cultural connection with the land'. This immediately signalled the cultural significance of the land and the special function it holds for those owners. Other reasons were a mixture of cultural and productive-based purposes, including family gatherings, to consider opportunities, to carry out work on the land or simply to find out where it is.

The questionnaire also contained a series of Likert-type questions where participants rated the extent to which they agreed or disagreed with different statements. Six of these statements focused on relationships with land (see Table 1) and were combined using a summative scales technique adapted from Luka and Yahaya (2012) to produce a relationship score for each participant. This is called a 'subscale' and is simply the arithmetic mean of several responses related to one topic. Equation 1 shows how an individual's relationship score was derived.

$$X_{LSP} = \frac{\Sigma(LSP)}{N_{LSP}} \quad (1)$$

where X_{LSP} = the mean relationship score;

$\Sigma(LSP)$ = the sum of Likert-scale points, and;

N_{LSP} = the number of Likert-scale points used.

Table 1: Relationship statements and scoring codes for each response

Statements - relationships with land	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1. I feel excluded from the land	-2	-1	0	1	2
2. I feel no connection to the land	-2	-1	0	1	2
3. I do not have any desire to visit the land	-2	-1	0	1	2
4. It is important for me to keep the "fires of occupation burning" (ahi kā)	2	1	0	-1	-2
5. I feel a strong connection with the land	2	1	0	-1	-2
6. The land is "home" for me (tūrangawaewae)	2	1	0	-1	-2

Each scale was coded from -2 through to 2, dependent on whether the statement was worded positively or negatively. A positively worded statement such as 'I feel a strong connection with the land' would be scored as a 1 or 2 if the participant agreed with the statement. Conversely, a negatively worded statement (shaded in Table 1) such as 'I feel excluded from the land' would be scored a 1 or 2 if a participant disagreed with the statement. Thus, a relationship score of greater than zero indicates a positive affinity or relationship with the land; the higher the score, the stronger or more profound that relationship is perceived to be.

Note that statement 2 has been worded in the reverse form of statement 5. This was to minimise any distortion or acquiescence bias of the kind where a respondent simply agrees with a statement as it is presented.

Of the 12 respondents who made ratings on the Likert-type statements (3 did not complete this section), 11 gave a positive relationship score, indicating a generally affirmative attachment with land. When individual relationship scores were averaged across the different land blocks (see Figure 5), however, there is an indication of a difference.

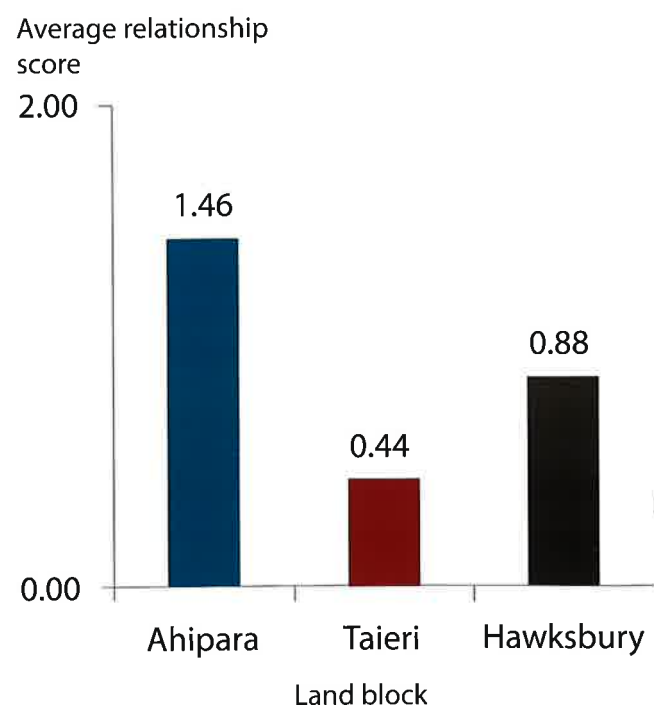


Figure 5: Owners' attachment to land based on land block

Owners of Ahipara 1B2B show a high positive relationship score (1.46) while owners of Taieri Block B have a much lower but still positive score (0.44). Hawksbury owners lie somewhere in the middle (0.88).

A number of factors may be attributed to this result. As Ahipara 1B2B is owned by fewer Māori (who are also siblings), there may be greater 'cohesiveness' both between each owner and other owners, and between each owner and the land. They grew up on the land together, and so have a longstanding history with the particular block.

Conversely, none of the Taieri Block B questionnaire respondents had visited the land. Despite this, all had a desire to visit the land, which may indicate why the relationship score is still positive for this group of owners.

Hawksbury owners appear to express a moderate attachment to the land block. Generally, participants rated all of the statements in favour of the affirmative, though their ratings were less extreme than owners of Ahipara 1B2B.

The dissenting score, though, is just as important. It is not uncommon to assume homogeneity of Māori as a people, without recognising or accounting for perspectives that may differ from the norm. One participant did not feel a strong connection to the land, nor did she feel that it was her tūrangawaewae. This may be because she had not visited the land, and so did not feel a personal connection to it. Of course, we can only speculate as to why that is, but it is a reminder that people hold differing views that contradict what might be expected or seen as typical.

Aspirations

As a premise to testing the cultural-productive balance, aspirations were first dichotomised to reflect their cultural or productive nature. In the questionnaire, this dichotomy was made explicit. Participants were asked to select one of five categories corresponding with where they thought management decisions regarding the land should be focused. At one end, the focus could be entirely on enhancing cultural relationships, while at the other end, on enhancing productive uses. Responses are presented in Figure 6.

When all responses are considered together, there does not appear to be a strong preference for management decisions to be focused either toward enhancing cultural relationships

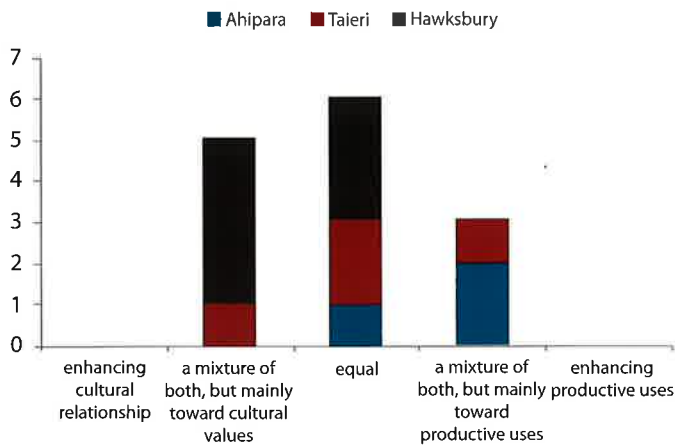


Figure 6: Participants' preferences towards which management decisions should be focussed

or promoting productive uses. However, when the responses are categorised by land block, the data indicates possible groupings. For Ahipara 1B2B, the respondents tended towards a productive focus, Taieri Block B respondents were balanced about the neutral position, whilst Hawksbury respondents tended toward cultural values.

This may be a reflection of the size of an owner's perceived shareholding. For instance, Ahipara 1B2B comprises 17.5 hectares and has seven registered owners, giving an approximate ratio of 2.5 hectares per owner. In contrast, Hawksbury has 1420 registered owners for the 2.0 hectare block, a ratio of 0.001 hectares per owner. Taieri is in the middle, with approximately 170 hectares for 150 owners, a ratio of 1.1. This supports a statement made by Dr Bill Robertson (quoted in Hutchings 2006), in which he proposes that "as the interests in Māori land become increasingly fragmented, its significance and value to its owners markedly increases". Of course, these values will differ with the shareholdings of different owners but it might indicate a general trend whereby owners with a smaller shareholding equivalent on the ground will value that land more for its cultural purposes.

Evidence of these differences can also be seen in interview and field-note comments. For instance, one owner of Ahipara 1B2B has "never doubted that there is potential for much development [on the site]" (Questionnaire 1)⁴, whilst another saw the feasibility of subdivisions, stating that "when you see the others around [pointing to a neighbouring subdivision], you could see how this could be self sustaining" (Interview A).

On the other hand, comments for the Hawksbury block reflected how attempts to use part of the land productively in the past "increased the sense of alienation to the land" and that "the heart of future use" should be restoring the land to its original purpose as a resource gathering reserve (Questionnaire 2).⁵

A report by the Ministry of Agriculture and Forestry (MAF 2011) identified several factors that may influence an owner's aspirations and expectations of Māori land, and thus how one might consider a compromise model. One of these factors

is the residence of the owner in relation to the land block in question, and how an owner living on or close to the land has easier access, so may have significantly stronger views about the land. To avoid bias, a range of owners living at varying distances from their respective land blocks were studied in this research. However, to agree with such a statement with any confidence would require a larger sample size of participants, and statistical testing.

The concept of a combination of uses of Māori land has already been idealised by Māori. A speaker at a hui in Gisborne stated "...it's either money-making or it's...cultural. I want it to be a big bang of both and that both of these, the cultural and the money thing, are both as equally as important and useful to Māori..." (Dewes et al. 2011). At this hui, owners saw the value in managing the land as an economic unit though they still emphasised their position as *kaitiaki* of the land and that the maintenance of a cultural connection was also important. These statements indicate some support for such a land-use compromise.

Usefulness of the visualisation plan

As well as gauging opinions on the concepts presented in the plan, it was also of interest to gauge whether the plan itself was of any use to landowners in land-use decision making. Consequently, participants were asked to rate how helpful the land-use plan was in terms of visualising existing and potential uses of the land. Ratings were on a scale of 1 to 5, where 1 was not at all helpful and 5 was very helpful.

Eleven of 14 responses rated the plan as a 4 or higher on its ability to help landowners visualise the different land uses, illustrating that from a surveying perspective, a simple aerial photograph with lines delineating different use areas may be a useful tool to aid in land-use decision-making efforts. Interestingly, the plans were perceived as being equally helpful among owners who had and had not visited the land.

Acceptance of a productive/cultural compromise

Finally, participants rated the acceptability of the land-use compromise. Ratings were made on a numerical scale from 1 to 5, where 1 was 'not at all acceptable' and 5 was 'very acceptable'. The acceptability appeared rather variable across all of the participants. However, when participant ratings are averaged across the specific land blocks, they indicate differences across the three land blocks.

The concept is rated positively for the Ahipara block, neutral for the Taieri block and less acceptable for the Hawksbury block. These views were reiterated in comments made alongside participants' ratings. For instance, a right-holder in Ahipara 1B2B was willing to accept a compromise model because "otherwise it will continue to grow gorse...and everyone will continue to argue" (Questionnaire 3)⁶.

Owners of Taieri Block B were less enthusiastic. One owner believed owners "should not have to give up right[s] in any area" (Questionnaire 4)⁷ while another could "live with a compromise model" (Questionnaire 5)⁸.

The model was less acceptable again for the Hawksbury block, with owners citing past lease arrangements as undesirable in that they increased the sense of alienation from the land without providing any significant return. However, on the other hand, one owner saw the value in a compromise as a way of obtaining income initially to later provide for some features of cultural enhancement (Questionnaire 6)⁹.

DISCUSSION

Māori Land Geographic Information System (MLGIS)

Since 2011, Te Puni Kōkiri, in conjunction with Landcare Research, has been working to create a Māori Land Geographic Information System (MLGIS). The MLGIS is a visualisation tool being tested to inform and help owners make land use decisions (Landcare Research 2011). Using aerial photographs from Google Maps, an owner can see land features, land cover, roads and fences, and even the state of neighbouring properties. The cadastral boundaries of the land block are roughly superimposed over the aerial photograph, and the database provides information on soil properties (physical and chemical) and can show the capability of different areas of the land, for uses such as horticulture, cropping, pastoral farming and forestry (Isaac 2011).

The findings in our research suggests that the MLGIS visualisation tool will be of great assistance to Māori, both in terms of visualising the land and observing the land-use potential of different areas. The Landcare prototype of the system only assesses the land on a national, 'broad brush' scale and so the accuracy could be improved in future, though it is still a very practical tool.

The system does not allow for the overlay of different land-uses, however, and so the potential for a balance of uses is harder to visualise. This is particularly difficult when considering the areas that have cultural significance as well, as these are largely personal and so will generally not be mapped on the system. For owners contemplating a balance, a separate specific plan may need to be devised, with the MLGIS useful for considering different opportunities to make use of less treasured areas.

Acceptance by land block

At the heart of the present research is whether a different balance of cultural and productive uses of land could be accepted by Māori land owners, if this meant a net improvement of cultural access. Through case studies, a range of owners were questioned as to the suitability of such a compromise for a specific block of land they held interests

in. Individual ratings of acceptance were varied, though when combined, those ratings appear to be a function of the specific land block.

Owners of Ahipara 1B2B, a moderately sized block with few owners, were receptive to a compromise model. The land is large enough that multiple use areas may be seen as more feasible, in comparison with the smaller Hawksbury block where a compromise was less acceptable. Here, owners tended to have a predominant cultural focus and, given the small size of the block, were less willing to give up further areas of the land. Taieri Block B owners overall held a neutral view of a cultural and productive land-use balance with some willing to accept a balance while others opposed to giving up rights to any part of the land.

Owner opinions

Owners will always have differing opinions, and as one participant replied in response to the questionnaire, "that survey will put the cat among the pigeons eh!" (Questionnaire 3). Thus, the ability to compromise cannot be over-stressed.

For instance, consider partitioning the land. An owner may see this as a desirable option, particularly if their shareholding amounts to a reasonable area of the land, since it might allow them to deal with that portion to the exclusion of others, thereby avoiding the conflicts of multiply-owned land. However, when the land succeeds to the next generation, we return to the same position, whereby each owner may be tempted to partition the land. Over successive generations, eventually each person will be left with an unusable, impractical "teaspoon of soil"¹⁰.

The above highlights the need for powers of control in effective management. Māori land owners need to recognise the communal nature of the land, and that although other owners may have different perspectives, consideration needs to be given to the long-term 'greater good', as opposed to short-term individual gains. Management of the land in fewer, authoritative hands (as is part of the potential of separating productive land) may eventually improve the long-term connection and relationship of all owners with the land in its entirety, if such a compromise can be accepted.

Implications for the profession

As Judge Ambler (2011:13) states, surveyors have "historical baggage" when it comes to dealing with Māori land. Some Māori may have a negative perception of surveyors due to their role in land confiscations and unjust dealings in the past. However, through education and an understanding of *tikanga* Māori, the profession can move forward and become a source of expert advice surrounding Māori land. Ambler (2011) mentions how surveyors may be approached to facilitate title innovations to utilise Māori land – this research could inform surveying policy and practice.

Implications for Māori - the need for self-determination

Underlying any recommendations or considerations for Māori land is the understanding that owners must make decisions themselves and determine their own path, to create a successful and satisfying solution. Those who have input to the process are likely to invest more in maintaining the outcomes (NZIER 2003). Surveyors, in their capacity as land experts, can merely provide the tools and advice to assist owners to come to a solution.

Owner response issues

Despite Māori Land Online now allowing for easy access to lists of landowners, the number of deceased owners is still an issue. Of course, this will continue to be an issue since owners generally hold registered rights until death. Perhaps a cross-agency approach to improve access to owners' contact information could be adopted as Isaac (2011) suggests, or even extended to 'flag' deceased owners as well.

The response of owners to the questionnaires was poorer than expected, particularly as all owners contacted were initially very receptive and willing to take part. The process reflects the difficulties facing landowners in contacting other landowners and getting them to attend meetings to make any land administration decisions.

CONCLUSIONS

Māori Freehold Land has come to hold significance for its embedded cultural value. In 'unlocking' MFL, there is a case for attempts to utilise the land focusing on strengthening cultural ties, and productive reforms being directed at enhancing such connections. Compromise could involve owners relinquishing use-rights to less-treasured areas for productive use in order to enhance access and connections with those treasured areas. The research for this article tested the acceptability of such a trade-off among Māori landowners through three comparative case studies.

Reactions were mixed, and appear to be specific to the particular land block. Where owners have a reasonable shareholding equivalent to area on the ground, the concept seems to be more attractive. However, where blocks are smaller and have increasing numbers of owners, the productive and cultural balance becomes less acceptable.

The compromise model investigated is not a 'silver bullet' solution that could be adopted for all Māori Freehold Land. However, the visualisation tool described shows some potential in addressing issues facing owners frustrated by the sole cultural, sole productive, or general under-utilised state of their land. It might facilitate repatriation and reconnection with the land by Māori who are frustrated by a lack of funding. Ultimately, though, the decision to accept and actively implement such a proposal would lie with the owners.

As a consequence of time and resource constraints, the findings in the present research are merely indicative of trends that may exist across Māori landowners generally. Thus, many opportunities exist to progress this research. A larger sample size would allow differences to be tested statistically, while further interviews could ascertain the reasons for disparity between levels of acceptance of owners more clearly. In addition, further work is called for on how productive land-use areas might be managed to fund the land, and what legal mechanisms are most appropriate. Finally, evidence and discussions about land at the Māori Land Court are greatly enhanced by well-prepared plans, and the question is raised of whether surveyors and other land professionals dealing with Māori land can be better prepared to assist and advise Māori landowners on land-use opportunities. The visualisation tool described in this article may provide a constructive starting point for discussions around use and protections of Māori land, and may indirectly help to 'repatriate' Māori with their land.

ACKNOWLEDGEMENTS

Grateful thanks are given to all of the research participants who donated both time and wisdom to consider this project, as well as the Ngāi Tahu Māori Law Centre for their advice and assistance throughout the year. Thanks are also given to the New Zealand Institute of Surveyors for their generous Māori Land Research Bursary and the opportunity to present this work at the annual conference in Invercargill.

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NOTES

- 1 One sibling has subsequently put her interests into a Whanau Trust.
- 2 Interview A: Anonymous, 11 February 2012.
- 3 Interview B: J Pure, 12 February 2012.
- 4 Questionnaire 1: J Pure, 6 August 2012.
- 5 Questionnaire 2: M Ellison, 30 July 2012.
- 6 Questionnaire 3: Anonymous, 31 July 2012.
- 7 Questionnaire 4: E Stockwell, 26 July 2012.
- 8 Questionnaire 5: M Ellison, 30 July 2012.
- 9 Questionnaire 6: Anonymous, 3 August 2012.
- 10 Fieldnotes from observations at Māori Land Court session, Whangārei, 20 February 2012.