



# **Sustaining customary practices supporting information**

## **Summary of the information**

**26 November 2009**

### ***Issue Statement***

There are no tools in place over the many fisheries of significance for customary food gathering to allow Ngāti Kurī to utilise their traditional knowledge (mātauranga) and customs (tikanga) to protect these areas.

### ***Our Vision***

Our vision is that the traditional knowledge (mātauranga) and customs (tikanga) of Ngāti Kurī are utilised to protect the fisheries of Te Tai o Marokura to create a flourishing, rich and healthy environment, where opportunities abound to sustain the needs of present and future generations. In particular we want to see the traditional fishing areas of special significance to Ngāti Kurī restored and maintained.

### ***Current Knowledge***

The Fisheries Act 1996 and the South Island Customary Fishing Regulations provide a number of 'tools' for tāngata whenua to manage areas important for customary fishing. Mātaitai and taiāpure are the primary tools utilised by other hapū in the Ngāi Tahu tribal area to provide tribal members with an opportunity to exercise kaitiakitanga over fisheries of significance. In special circumstances, customary regulations (under section 186 of the Fisheries Act) may be used to create new area management tools. Temporary closures or method restrictions under section 186B of the Fisheries Act 1996 may also be used to compliment mātaitai or taiāpure where appropriate.

There are no mātaimai or taiāpure established over the fisheries of significance for customary fishing in the Ngāti Kurī area - only a 186B temporary closure over Waiōpuka Reef on Kaikōura Peninsula. This temporary prohibition will expire in September 2010.

The customary regulations apply when tāngata whenua wish to exceed bag limits or other provisions of the amateur fishing regulations for reasons such as hui, tangi, koha or whānau sustenance. To exercise their customary fishing rights, now administered under the customary regulations, Ngāti Kurī must obtain authorisation from one of their tāngata tiaki or kaitiaki.

Tāngata tiaki or kaitiaki were first appointed for Te Rūnanga o Kaikōura in 2000.

The customary authorisations issued for this area since 2000 are primarily for near-inshore fisheries (in particular, shellfish such as pāua, kina and kōura). The main finfish fished under customary authorisation are rāwaru (blue cod) and hāpuku (groper).

There is a clear trend in the purposes for which authorisations are issued - most are for hui and tangihanga (funerals). Catch levels are currently extremely low - less than 1-2 tonnes per year for most key species.

Customary harvesting occurs throughout the entire area managed by the tāngata tiaki or kaitiaki, but key spots tend to be used, including:<sup>1</sup>

- Waipapa Bay
- Half Moon Bay
- Rakautara
- Mangamaunu
- Kaikōura Peninsula (in particular Sharks Tooth, South Bay)
- Kahutara
- Barney's Rock
- Goose Bay
- Oaro
- Haumuri Bluffs.<sup>2</sup>

## Kaitiakitanga - the Ngāi Tahu View

Kaitiakitanga is the exercise of guardianship by the tāngata whenua of an area in accordance with tikanga Māori. For Ngāi Tahu Whānui, there is a kaitiakitanga obligation to safeguard the wellbeing and mauri of ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga in the Ngāi Tahu Takiwā for future generations.

As far back as 800 years ago, the earlier peoples of what is now the Ngāi Tahu Takiwā, had mana and authority over land, sea and water. The Ngāi Tahu ancestors, who intermarried with those peoples and assumed the mana of the whenua, continued to sustainably manage and protect the mauri of the marine fisheries. Today, Ngāi Tahu Whānui remain completely committed to this task.

The Ngāi Tahu vision for the future management of natural resources including ngā uri o Tangaroa is set out in the Ngāi Tahu tribal strategy Document 'Vision 2025'. In basic terms the tribal vision of Ngāi Tahu Whānui for the ocean is reflected as follows:

“The realm of tangaroa is flourishing and the mahinga kai of Tangaroa is readily available to tāngata whenua and their local communities. The whakapapa relationship between

<sup>1</sup> Te Rūnanga o Ngāi Tahu (2006).

<sup>2</sup> Areas outside the scope of the Te Korowai o Te Tai o Marokura strategy have not been included.

tāngata whenua and Tangaroa is maintained or enhanced and the rights guaranteed under the Treaty of Waitangi have been upheld/restored, including the rights of tāngata whenua to exercise their rangatiratanga and kaitiakitanga”.

Ngāi Tahu seeks the opportunity to implement its tribal vision by taking an active role in the management and protection of the marine environment. To achieve that vision an integrated range of tools and strategies along the following lines is required:

- That all fisheries are managed in a precautionary, adaptive and sustainable manner in accordance with our cultural values. This includes, among other things, harvesting (culturally sustainable Total Allowable Catches, addressing bycatch issues, the environmental impacts of fishing and the non-direct/ food web impacts of fishing); research; and compliance.
- That customary protection tools (mātaitai, taiāpure) are established over all areas of the rohe moana that are of strategic importance for customary fishing;
- That all entities involved in fisheries management recognise that the protection of fisheries around the country will require an integrated mix of protection tools (mātaitai, taiāpure, fisheries regulations, the quota management system, marine reserves), implemented in a systematic and co-ordinated fashion;
- That all entities involved in fisheries management recognise that land, land use and freshwater issues are linked to the ocean environment and that these entities adopt a Ki Uta Ki Tai (mountains to the sea) approach to management;
- That the principles of the Treaty of Waitangi, and where relevant, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, be incorporated into all pieces of marine based legislation that may impact on customary rights of tāngata whenua;
- That all government agencies co-ordinate their management with each other and with tāngata whenua to focus on the sole function of protecting Tangaroa, rather than operating in isolation as they currently do. An integrated approach to management that involves tāngata whenua as Treaty partner is vital;
- That the Crown develops a comprehensive education strategy for all New Zealanders to ensure that the public are well educated about the sustainable utilisation of fisheries resources and the customary rights of tāngata whenua.

## Traditional values and uses

Te Tai o Marokura lies within the realm of Tangaroa, the atua (god) of waters, and is an integral part of Ngāti Kuri history and cultural identity. Tangaroa was the first husband of Papatūānuku (the earth mother), before she married Ranginui (the sky father). The fishing peninsulas and coastal areas of Te Wai Pounamu (the South Island) were formed by Tuterakiwhanoa, mokopuna of Ranginui. Tuterakiwhanoa sent his sons Marokura and Kahukura to shape the land. Waka o Aoraki (the lands formed when the waka navigated by Ranginui’s sons ran aground on a hidden reef) was changed to stone and earth, and made suitable for human occupation.

The Kaikōura coastline took its name from Tama ki te Rangī, who visited during his explorations and caught and cooked crayfish over an open fire there. From this event the area was named Te Ahi Kai Kōura a Tamakiterangi (the crayfish-cooking fire of Tamakiterangi).

Because it was an attractive place to build permanent settlements, including pā (fortified settlements), the coast was visited and occupied successively by Rapuwai, Ngāti Wairangi, Waitaha, Ngāti Mamoe and Ngāi Tahu, who through conflict and alliance have merged in the whakapapa (genealogy) of the Ngāi Tahu whānui. This history is recorded in the battle sites, urupā and landscape features which bear the names of the tūpuna (ancestors).

Prominent headlands, in particular, were favoured as defence sites, and became the headquarters for a succession of rangatira (chiefs) and their followers.

One of the leading sites in Kaikōura before European contact was Takahanga marae, which is still occupied by Ngāi Tahu. From the time Ngāi Tahu leader Maru Kaitātea took Takahanga pā for Ngāi Tahu occupation, the site became a staging post for the tribe's migrations south. Other pā in the area included Pariwhakatau, Mikonui, Oaro and Kahutara. Place names along the coast, such as the gardens of Tamanuhiri and the Waikawau River, record Ngāi Tahu history and point to the landscape features that were significant to people for a range of reasons.

The struggles, alliances and marriages arising out of these migrations eventually resulted in a stable, organised and united series of hapū, located at permanent or semi-permanent settlements along the coast that corresponded with mahinga kai sites.

Mahinga kai refers to the custom of gathering food. It encompasses the life-supporting food itself, the place it is found, and the practice of gathering it. Mahinga kai involved great seasonal hīkoi (marches) to gather kai from the mountains to the sea (ki uta ki tai).

The mahinga kai custom underpins Ngāi Tahu culture. It is central to the tribe's relationships with places, species and resources, to their cultural, spiritual, social and economic wellbeing, and is a vehicle for transferring traditional knowledge from generation to generation.

As well as the crayfish for which Kaikōura is famous, the whole area offered a bounty of mahinga kai, including:

- a range of kaimoana (seafood)
- fish from the sea
- freshwater resources from lagoons and rivers
- marine mammals (whale meat and seal pups)
- waterfowl
- seabird eggs and forest birds
- a variety of plant resources.

The plants used included:

- rimurapa (bull kelp, *Durvillea antarctica*)
- karengo (*Porphyra columbina*)
- all native seaweeds.

Freshwater resources included:

- tuna (eels, *Anguilla* spp.)
- pātiki (flounder, *Rhombosolea retiaria*)
- īnanga (whitebait, mostly *Galaxias maculatus*)
- kōkopu (probably banded kōkopu or native trout, *Galaxias fasciatus*)
- waikōura (freshwater crayfish, *Paranephrops planifrons*).

Kai manu (birds) included:

- tītī (shearwater or petrel chick)
- pāteke (spoonbill, *Platalea regia*)
- pārerā (grey duck *Anas superciliosa*)
- pūtakitaki (paradise shelduck, *Tadorna variegata*)
- karoro (black back gull, *Larus dominicanus*)
- toroa (royal albatross, *Diomedea epomophora*)
- torea (pied oystercatcher, *Haematopus ostralegus finschi*)

- hoiho (yellow eyed penguin, *Megadyptes antipodes*)
- koau (black, *Phalacrocorax carbo*; pied, *Phalacrocorax varius*; and little shag, *Phalacrocorax melanoleucos brevirostris*)
- korora (blue penguin, *Eudyptula minor*)
- matuku moana (reef heron, [\*Egretta sacra sacra\*](#))
- tara (terns, *Sterna* spp.).

The near-inshore fisheries (typically 1-2 nautical miles from the coast) were heavily targeted for shellfish, cartilaginous and bony fish (rocky-reef dwellers, demersal and pelagic), and seaweeds such as rimurapa and karengo.<sup>3</sup>

Fishing outside this zone (i.e. offshore) was sporadic, and mainly for hāpuku. Te Ika Whataroa was one of these tauranga ika (offshore fishing grounds). Most offshore fishing occurred within about 12 nautical miles of the shore.<sup>4</sup>

The finfish traditionally most targeted in the Kaikōura coastal area included:<sup>5</sup>

- warehou (*Seriolella caerulea*)
- hake (*Merluccius australis*)
- monkfish (*Kathetostoma giganteum*)
- sea perch (*Helicolenus percoides*)
- manga (barracouta, *Thyrstites atum*)
- hoka (red cod, *Pseudophycis bachus*)
- hokarari (ling, *Genypterus blacodes*)
- hāpuku (groper, *Polyprion oxygeneios*)
- rāwaru (blue cod, *Parapercis colias*)
- moki (*Latridopsis ciliaris*)
- tarakihi (*Nemadactylus macropterus*)
- kahawai (*Arripis trutta*)
- hoki (*Macruronus novaezelandiae*)
- mārari (butterfish, *Odax pullus*)
- kumukumu (gurnard, *Chelidonichthys kumu*)
- araara (trevally, *Pseudocaranx dentex*)
- kohikohi (trumpeter, *Latris lineata*)
- pau (wrasse, Labridae family)
- aua/awa (yellow-eyed mullet, *Aldrichetta forsteri*)
- kūpara (john dory, *Zeus faber*)
- tuere (hagfish, *Eptatretus cirrhatus*)
- tāmure (snapper, *Chrysophrys auratus*).<sup>6</sup>

The shellfish most targeted included:

- kōura (crayfish, *Jasus edwardsii*)
- pāua (abalone, *Haliotis iris*)
- kina (sea urchin, *Evechinus chloroticus*)
- kuku (mussel, *Mytilus edulis* and *Perna canaliculus*)
- pupu (mollusc, often cat's eye)
- pipi (*Amphidesma australe*)
- kaeo (Cook's turban, *Cookia sulcata*)
- tuatua (*Paphies subtriangulata*).<sup>7</sup>

<sup>3</sup> Higgins and Goomes (1988) and Waitangi Tribunal (1992).

<sup>4</sup> Ibid.

<sup>5</sup> Solomon and Howse (1988).

<sup>6</sup> Strickland (1990).

<sup>7</sup> Solomon and Howse (1988).

Ngāti Kuri's coastal mahinga kai sites were spread throughout their takiwā (district); however, the most significant traditional fishing areas included:<sup>8</sup>

- Waiau-toa (Clarence River) and coastal area
- Waipapa Bay
- Okiwi Bay
- Half Moon Bay (Umu Taoroa, the long-cooking oven)
- Ōhau Point
- Paparoa Point
- Rakautara Stream and coastal area
- Mangamaunu
- Hāpuku River and coastal area
- Waikowau (Lyell Creek)
- Te Ahi Kaikōura Tama ki Te Rangi (Kaikōura Peninsula, including Waiōpuka)
- Te Ika Whataroa (Tauranga Ika offshore from Kaikōura Peninsula)
- Kōwhai River (Wai o Ruarangi, the original name)
- Kahutara River (Peketa)
- Tokaanau (adjacent to Parititahi coastline)
- Parititahi coastal area
- Raramai (Riley's Lookout)
- Te Makura (Goose Bay)
- Ōmihi coastal area
- Oaro River, lagoon and coastal area
- Mikonui coastal area
- Haumuri coastal area (Haumuri Bluffs)
- Okarahia Stream
- Te Pariwhakatau coastal area
- Tūtae Putaputa (Conway River) and coastal area
- Kiekie
- Paia Point (Whakauae).<sup>9</sup>

Particular to Ngāi Tahu's relationship with the Kaikōura coast is their special connection with its whales. This relationship has its basis in tradition. The well-known rangatira (chief) and brave warrior of the Ngāti Kuri hapū of Ngāi Tahu, Te Rakaitauneke, was said to have a kaitiaki whale named Mata Mata, who lived in the sea opposite Te Rakaitauneke's home in Tahuna Torea (Goose Bay beach). Mata Mata's sole duty and purpose in life was to do Te Rakaitauneke's bidding, to serve all his needs and protect him from harm. Everywhere Te Rakaitauneke went, Mata Mata went too. When Te Rakaitauneke went to Takahanga, Mata Mata could be seen blowing outside the Garden of Memories, as close to shore as he could possibly get. Te Rakaitauneke's love for Mata Mata was as great as the whale's love for him.<sup>10</sup>

After Te Rakaitauneke's death, Mata Mata was not seen along the Kaikōura coast for some time, and it was rumoured that he had gone away and died of sorrow. There were those, however, who remembered Te Rakaitauneke's prediction - that Mata Mata would return when one of his descendants was facing danger or death. There are many stories since then of a Mata Mata appearing to foretell the death of one of Te Rakaitauneke's descendants. It is also said that many of the descendants of Te Rakaitauneke, when faced with peril on the high seas, have been saved by the timely intervention of a whale.

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<sup>8</sup> Anderson (1998), Brailsford (1997), Cooper (1989), Environment Canterbury (2005), Higgins and Goomes (1988), Solomon and Howse (1988), Te Rūnanga o Kaikōura (2005), Trotter and McCulloch (1998).

<sup>9</sup> Areas outside the scope of the Te Korowai o Te Tai o Marokura strategy have not been included.

<sup>10</sup> Ngāi Tahu Claims Settlement Act 1998.

The Kaikōura coast was a major highway and trade route, particularly where travel by land was difficult. Travel by sea between settlements and hapū was common in different types of waka, including southern waka hunua (double-hulled canoes) and, after European contact, whale boats, which plied the waters continuously. Tauranga waka (landing places) occur up and down the coast in their hundreds, and wherever there is a tauranga waka, there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource and rimurapa (bull kelp), with the sea trail linked to a land trail or mahinga kai site.<sup>11</sup>

The tūpuna (ancestors) had profound knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū, and is regarded as a taonga. The traditional mobile lifestyle of Ngāi Tahu people led to their dependence on the coast's resources.

Numerous urupā (cemeteries) have been exposed or eroded along of the coast. Water-burial sites, known as waiwhakaheketupapaku, are spiritually significant and linked with important sites on the land. Places where kaitāngata (the eating of those defeated in battle) occurred are wāhi tapu. Urupā are the resting places of Ngāi Tahu tūpuna, and as such are the focus of whānau traditions. These places hold the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are often protected.

The mauri (life force) of the coast binds its physical and spiritual elements, generating and upholding all life. Every aspect of the natural environment possesses a life force, and all forms of life are related. Mauri is critical to Ngāi Tahu's spiritual relationship with the coastal area.<sup>12</sup>

Tikanga are the customs and traditions, handed down through many generations, that govern the use and conservation of the environment. These management practices enabled Ngāti Kuri to sustainably harvest and conserve their fisheries. Traditional fisheries management included restrictions on harvesting, known as rāhui.

## **Fisheries management post-Treaty of Waitangi (1840-1998)**

The Treaty of Waitangi specifically guaranteed tāngata whenua the continued customary ownership or tino rangatiratanga (chieftainship) over their taonga, including plants, animals, and other natural resources. The English version of the Treaty of Waitangi guaranteed tāngata whenua, 'full, exclusive and undisturbed possession of their lands, estates, forests, fisheries and other properties, which they may collectively or individually wish and desire to retain in their possession'.

Having signed the Treaty, Ngāi Tahu whānui were well placed in 1840 to exercise tino rangatiratanga over their tribal domain.

Over a 20-year period (1844-1864) Ngāi Tahu whānui sold to the Crown vast tracts of land under 10 Deeds of Purchase (including the Kaikōura Purchase of 1859). Ngāi Tahu entered into these deeds on the understanding that the Crown would set aside kainga nohoanga (villages or places of residence), wāhi tapu/wāhi taonga (sacred and treasured places), mahinga kai (food-gathering areas), and adequate reserves (to allow Ngāi Tahu to expand their economy to include pastoral farming), among other things.

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

However, breaches by the Crown left Ngāi Tahu virtually landless and without an economic base. This resulted in the Crown assuming ownership and management over Ngāi Tahu lands and natural resources, including fisheries.<sup>13</sup>

Ngāi Tahu's ability to own and manage fisheries changed with this loss of economic base. Fisheries legislation between 1840 and 1983 recognised the existence of the customary fishing rights of tāngata whenua, but these were largely defence provisions - they did not acknowledge the right of tāngata whenua to own, manage and control fisheries. Tāngata whenua were largely disenfranchised from fisheries management.

In 1986 the Ministry of Fisheries introduced the Fisheries Quota Management System (QMS) as the means by which New Zealand would sustainably manage fisheries resources. In doing so, the Crown established commercial property rights to fisheries resources in the form of quota - individuals or companies were allocated the right to catch certain quantities of particular species.

Because traditional food gathering did not involve recording a catch history, the QMS disqualified almost all Māori from the new system. Unable to provide detailed catch records and raise bank loans, most Māori fishers were driven out of the industry.

Dissatisfied, Ngāi Tahu claimed to the High Court and the Waitangi Tribunal that the QMS was a breach of the Treaty because it gave property rights customarily owned by tāngata whenua to commercial fishers in the form of quota.

The High Court found that: 'by implementing the QMS the Crown had committed a fundamental breach of the Treaty of Waitangi by giving non-Māori a right which belonged to Māori and had not been acquired by the Crown.'

Ngāi Tahu's fisheries claim became part of the tribal claim ('Te Kereeme' - initiated by Ngāi Tahu tohunga (priest) and chief Matiaha Tiramorehu, of Moeraki, in 1849) that was lodged with the Waitangi Tribunal in 1987, known as WAI 27. This claim comprised of 'nine tall trees', one of which was mahinga kai (inclusive of fisheries) - this confirmed again the importance of mahinga kai to Ngāi Tahu whānui.

The Waitangi Tribunal found that the Crown as Treaty partner failed to:<sup>14</sup>

- deal fairly with Ngāi Tahu when acquiring the land
- set aside adequate reserves
- protect mahinga kai
- deliver all the promised benefits
- actively protect Treaty rights.

The Waitangi Tribunal also found that Ngāi Tahu held an exclusive Treaty right to the sea fisheries surrounding the whole of their rohe out to a distance of about 12 nautical miles, there being no waiver or agreement by them to surrender that right.<sup>15</sup>

The findings of the High Court and the Waitangi Tribunal demonstrated that the customary fishing rights of tāngata whenua had both a commercial and non-commercial component. The Crown then recognised that a just and honourable settlement with tāngata whenua was required. The negotiations for this redress led to an interim settlement in the form of the Māori Fisheries Act 1989.

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<sup>13</sup> Waitangi Tribunal (1991).

<sup>14</sup> Ibid.

<sup>15</sup> Waitangi Tribunal (1992).

This Act was to make better provision for Māori fishing rights secured by the Treaty of Waitangi.

It split the commercial and non-commercial components of the customary right, and dealt with the interim redress issues for each separately.

The interim commercial redress included:

- 10% of quota of all fish species that were then subject to the QMS
- shares in Moana Pacific.

The interim non-commercial redress included:

- the provision for taiāpure (local fisheries management area).

Negotiations continued between tāngata whenua and the Crown to resolve the outstanding claims and Treaty grievances. On 23 September 1992 the Treaty of Waitangi (Fisheries Claims) Settlement Act, commonly known as the Sealord Settlement, was entered into between the Crown and those persons negotiating on behalf of iwi.

The Sealord Settlement confirmed the split of the customary right into commercial and non-commercial components, and dealt with each component separately. The Sealord Settlement constituted full and final settlement of all Māori claims to commercial fishing rights and changed the status of non-commercial fishing rights.<sup>16</sup> The Crown's Treaty obligations to commercial fishing had been satisfied and discharged.

Components of the commercial settlement included:

- 50% share in Sealord Products Limited
- \$150 million for the development and involvement of Māori in the fishing industry
- 20% of quota allocated to Māori for all new species brought under the QMS.

The Sealord Settlement changed non-commercial fishing rights so that they no longer had legal effect, except to the extent that they were provided for under customary regulations, and that they continued to be subject to the principles of the Treaty and give rise to Treaty obligations on the Crown. Hence, the Minister of Fisheries is required to act in accordance with the principles of the Treaty of Waitangi.

The Minister was required to promulgate regulations that recognised and provided for the customary fishing rights of tāngata whenua as guaranteed by the Treaty of Waitangi, and that provided tāngata whenua with the opportunity to manage their rights once more. The South Island customary fishing regulations were first disseminated in April 1998 under section 186 of the Fisheries Act 1996.

The regulations provide a process for tāngata whenua to appoint tāngata tiaki/kaitiaki (customary fisheries managers) to manage customary food gathering (by issuing fishing authorisations) and provide a framework for tāngata whenua to contribute to fisheries management. The Minister of Fisheries is required to provide for the participation of tāngata whenua into key fisheries management, and to have particular regard for kaitiakitanga under section 12(1)(b) of the Fisheries Act 1996.

The regulations also recognise and provide for the special relationship of tāngata whenua with places important for customary food gathering (including tauranga ika and mahinga mātaītai), and as such provide the framework for area management. The regulations therefore provide for mātaītai (shellfish gathering).<sup>17</sup>

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<sup>16</sup> Preamble, Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

<sup>17</sup> Fisheries (South Island Customary Fishing) Regulations 1999.

The Sealord Settlement also requires the Minister to develop policies to help recognise the use and management practices of tāngata whenua in the exercise of customary non-commercial fishing rights.<sup>18</sup> One such policy under the Fisheries Act 1996 (section 186b), made as a result of the Ngāi Tahu Claim Settlement Act 1998,<sup>19</sup> is the provision for temporary closures or method restrictions.

## Contemporary customary fisheries management

The customary regulations apply when tāngata whenua wish to exceed bag limits or other provisions of the amateur fishing regulations for reasons such as hui, tangi, koha or whānau sustenance. To exercise their customary fishing rights, now administered under the customary regulations, Ngāti Kuri must obtain authorisation from one of their tāngata tiaki or kaitiaki.

Tāngata tiaki or kaitiaki were first appointed for Te Rūnanga o Kaikōura in 2000.

The customary authorisations issued for this area since 2000 are primarily for near-inshore fisheries (in particular, shellfish such as pāua, kina and kōura). The main finfish fished under customary authorisation are rāwaru (blue cod) and hāpuku (groper).

There is a clear trend in the purposes for which authorisations are issued - most are for hui and tangihanga (funerals). Catch levels are currently extremely low - less than 1-2 tonnes per year for most key species.

Customary harvesting occurs throughout the entire area managed by the tāngata tiaki or kaitiaki, but key spots tend to be used, including:<sup>20</sup>

- Waipapa Bay
- Half Moon Bay
- Rakautara
- Mangamaunu
- Kaikōura Peninsula (in particular Sharks Tooth, South Bay)
- Kahutara
- Barney's Rock
- Goose Bay
- Oaro
- Haumuri Bluffs.<sup>21</sup>

Traditional use of marine and coastal areas by Māori families has continued with little change through to modern times. Each family has its own mahinga kai for fishing and gathering kaimoana. Family connections to particular areas are well known and respected by other families. It is particularly important that this system works, as it often happens, due to economic circumstances, that a family must 'live off the beach'.

Disquiet over the QMS still smoulders, and it largely underlies families' desire to actively manage and regulate the so-called traditional fishing areas set up on a hapū basis. The solution lies with the marae and/or rūnanga concerned. Each family must feel they have a continuing role to play in the management process.

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<sup>18</sup> Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

<sup>19</sup> Section 311, Ngāi Tahu Claims Settlement Act 1998.

<sup>20</sup> Te Rūnanga o Ngāi Tahu (2006).

<sup>21</sup> Areas outside the scope of the Te Korowai o Te Tai o Marokura strategy have not been included.

## Area management tools

The Fisheries Act 1996 and the South Island Customary Fishing Regulations provide a number of legal planning tools to help tāngata whenua manage customary fishing areas. There are three tools for managing customary fisheries.

### 1 Taiāpure (local fisheries)

A taiāpure identifies an area (of estuarine or coastal waters) that has special significance to an iwi or hapū as a source of food or for spiritual or cultural reasons. The object of acknowledging taiāpure is to make better provision for recognising rangatiratanga (chiefly authority) and the fisheries rights secured under Article II of the Treaty of Waitangi. The provisions for taiāpure are contained in Part IX of the Fisheries Act 1996.

A management committee, nominated by the tāngata whenua (which may include representatives from local fisheries stakeholder groups, including commercial fishers) is appointed by the Minister of Fisheries. The role of the committee is to recommend regulations that allow taiāpure to function according to custom.

The regulations may relate to:

1. The species of fish, aquatic life or seaweed that may be taken.
2. The quantity of each species that may be taken.
3. The dates or seasons that each species may be taken.
4. Size limits relating to each species that may be taken.
5. The method by which each species may be take.
6. The area or areas in which each species may be taken.

The effect of the taiāpure on local fisheries and the people using them will depend on the controls that are established as part of the regulations.

### 2 Mātaitai reserves

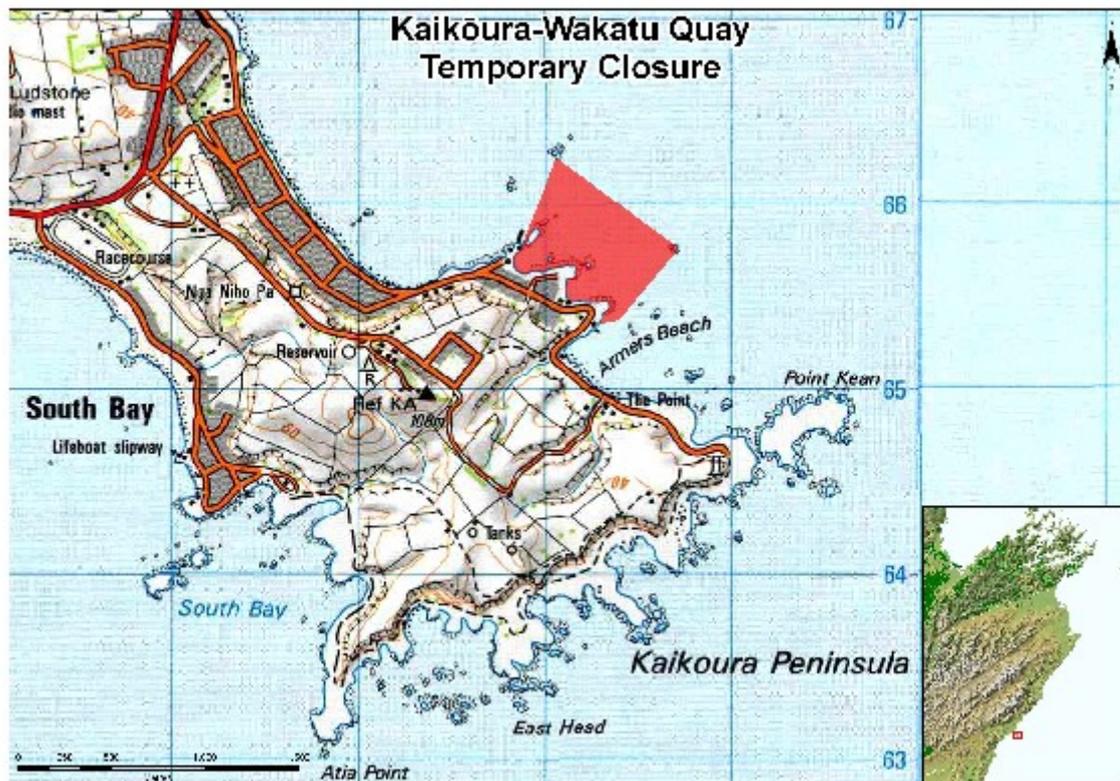
A mātaitai reserve identifies a customary food-gathering site and allows for its management by tāngata whenua (South Island Customary Fishing Regulations 1998). A reserve can be established in any area of New Zealand Fisheries waters in the South Island. Tāngata whenua appoint tāngata tiaki to manage mātaitai, which they do by making bylaws. These must be approved by the Minister of Fisheries, and must apply generally to all individuals. Commercial fishing is prohibited in a mātaitai reserve unless otherwise authorised by the Minister of Fisheries.

### 3 Temporary closures and method restrictions

Temporary closure and method restriction provisions (section 186b of the Fisheries Act 1996) allow for fishing to cease or be restricted in New Zealand Fisheries waters of the South Island. The purpose of a rāhui (restriction) is to improve the size and/or availability of fish stocks, or to recognise their use and management by tāngata whenua. A rāhui can be applied for particular days, weeks, months or seasons up to a period not exceeding two years (the rāhui can be renewed at the end of each period, however). Rāhui apply to all individuals, including customary fishers.

A section 186b temporary closure was first placed on the Waiōpuka reef area of the Kaikōura Peninsula in August 2002 (Figure 4). It was proposed by Te Rūnanga o Kaikōura and the Kaikōura Marine and Coastal Protection Society on the grounds that the combined pressure from recreational, commercial and customary harvesters was depleting fish stocks. This rāhui has twice been renewed and will remain in place until September 2010.

## The Waiopuka closure



### Rūnanga governing principles associated with Te Tai o Marokura

Te Rūnanga o Kaikōura has developed a comprehensive environmental management plan, which includes a section about Te Tai o Marokura. An overriding principle of the plan is 'ki uta ki tai', or a holistic mountains-to-sea philosophy.

Rūnanga governing principles associated with Te Tai o Marokura are, that:

- Ngāi Tahu whānui- current and future generations - are able to exercise their customary rights and responsibilities associated with coastal and marine environments as guaranteed by the Treaty
- coastal and marine biodiversity is protected and enhanced
- coastal and marine areas important to Te Rūnanga o Kaikōura are enhanced and restored
- the realm of Tangaroa flourishes, and the mahinga kai of Tangaroa is readily available to tāngata whenua and their communities
- the relationship between land and aquatic ecosystems is recognised and provided for in all decision-making relating to the coast
- the adverse impacts of human activities on coastal and marine environments are avoided, remedied or mitigated at all times
- research and monitoring of coastal and marine areas are supported and encouraged to provide baseline information on which to make sound decisions
- a community-led, integrated strategy is developed with DOC, other relevant agencies and fisheries stakeholders to effectively manage land, water, mahinga kai, and the biodiversity of Te Tai o Marokura
- communication and collaboration is promoted between those groups with an interest in the management of the coast and sea.

Some issues identified in the Te Tai o Marokura environmental management plan are similar to those identified by Te Korowai. Accordingly, Te Rūnanga members believe that Te Korowai may assist them in finding and implementing management solutions.

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