

## Appendix 1

### Customary Fisheries Management in Kaikōura – A Te Korowai Perspective

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 littoral 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 responsible for Fisheries. The role of the committee is to recommend regulations that will assist in meeting the object of a taiāpure.

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 reserve identifies a customary food-gathering area and allows for its management by tāngata whenua (South Island Customary Fishing Regulations 1999) in order to recognise and provide for these customary use and management practices and the special relationship between the Tangata Whenua and their fishing grounds. A reserve can be established in any area of New Zealand Fisheries waters in the South Island. Tāngata whenua nominate Tangata Tiaki/Kaitiaki to manage mātaitai, which they do by recommending bylaws to the Minister responsible for Fisheries. These must be approved by the Minister of Fisheries, and must apply generally to all individuals including customary fishers. Commercial fishing is prohibited in a mātaitai reserve unless otherwise authorised by the Minister of Fisheries upon request from the Tangata Tiaki/Kaitiaki.

#### **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. 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 been renewed a number of times and will remain in place until 17 August 2012.

## Glossary

ACE – Annual Catch Entitlement is the catching right generated each year from Quota. At any stage during the fishing year a person is able to sell their ACE.

Iwi – or tribes form the largest everyday social units in Māori culture

Kaimoana – seafood.

Kaitiaki – guardians.

Kaitiakitanga – the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.

Ki Uta Ki Tai - mountains to the sea.

Mahinga kai – refers to customary gathering of food, the practices involved, the places where food is gathered, and the resources themselves.

Marine mammal sanctuaries - Marine mammal sanctuaries can be established under the Marine Mammals Protection Act throughout New Zealand fisheries waters to create a permanent refuge for marine mammals.

Marine reserves - Marine reserves are specified areas of the sea and foreshore that are managed to preserve them in their natural state as the habitat of marine life for scientific study.

Mātaitai - A mātaitai reserve identifies a customary food-gathering site and allows for its management by tāngata whenua (South Island Customary Fishing Regulations 1998).

Mātauranga - traditional knowledge.

MinFish/MFish – Ministry of Fisheries.

Moana – the sea.

Rāhui – areas temporarily closed to fishing for customary reasons. These can be traditional, having no legal but a strong moral basis, or may be recognised under the Fisheries Act S186B or S297.

Submarine canyon - is a steep-sided valley on the sea floor of the continental slope.

Tāngata tiaki - are individuals who can authorise customary fishing within their rohe moana, in accordance with tikanga Māori.

Taiāpure - 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.

Tangaroa – Māori God of the sea.

Tāonga – treasured resources.

Tāngata whenua – people of the land used here as the hapu Ngāti Kūri who hold manawhenua manamoana over the area covered by Te Korowai.

Te Tai ō Marokura – the seas around Kaikōura.

Tikanga – customary ways of doing things.

TAC - Total Allowable Catch, which is the total amount of fish that may be taken from a stock while maintaining the maximum sustainable yield. From the TAC an allowance is made to provide for recreational fishing, customary uses and all other fishing-related mortality of that stock. The remainder is available to the commercial sector as the Total Allowable Commercial Catch (TACC).

This is the total quantity of each fish stock that the commercial fishing industry can catch for that year.

Whānau – extended family.

World Heritage - World Heritage is the designation for places on Earth that are of outstanding universal value to humanity and as such, have been inscribed on the World Heritage List to be protected for future generations to appreciate and enjoy.