

**option4 Update #75 NZ Fishing News  
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**Conservation without Confiscation - What DoC Hasn't Told You**

Marine reserves are not fisheries management tools in New Zealand. The idea that fish populations swell to such numbers in marine reserves that they “spill over” into surrounding areas is a myth promoted by the Department of Conservation (DoC) in their ongoing effort to confiscate areas of the sea under the guise of conservation and scientific study. However, the jury is out on whether marine reserves actually work to rebuild fisheries in countries like ours that have a quota system.

It is unrealistic to expect a complete “no-take-forever” area to fully recover without addressing issues such as overfishing, the displaced fishing effort damaging surrounding areas, and land-based effects such as run-off.

The good news for the public, that's you and me, is that marine reserves are not the only protection tool that can be used to enhance area management of coastal waters. Best of all, these alternatives can normally be applied without the public losing permanent access to traditional and much cherished fishing grounds.

Three of these tools available to protect our precious marine environment include mataitai, taiapure and rahui - temporary closures. DoC does not actively promote these customary Maori management tools, as they have no jurisdiction in their outcome.

**Public Loss**

In the early 1990s the public lost their statutory right to manage local coastal areas. At the time many people did not realise the lost potential brought about by changes to the Fisheries Act. Nowadays, the only way local communities can actively participate in meaningful local management is through the use of customary tools.

When implemented with community support, customary management tools can be successful in bridging gaps in cultural and social issues and lead to greater understanding, as an ongoing relationship is needed between the kaitiaki (guardians) and local (often non-Maori) people. What tangata whenua need is cooperation of the whole community. We are all endeavouring to secure a better outcome.

If an equal amount of effort were put into promoting customary tools as there is in promoting marine reserves, local communities would be empowered to actively work together in a constructive manner, without having to suffer the division commonly associated with marine reserve proposals.

## **Kaitiakitanga (guardianship)**

Kaitiakitanga means guardianship in the widest sense and comes from knowledge of our connectedness to the land, the sea and the life within it. It seems that unless people specifically ask, DoC does not advise the public that the Crown has an obligation to Maori to preserve the principles of the Treaty of Waitangi. This includes the practice of kaitiakitanga (guardianship) of both sea and land resources.

If the kaitiakitanga concept was as well promoted in DoC's glossy brochures as marine reserves, many people would choose active, caring local management over total control by a government department.

Some of the reasons that kaitiakitanga has not been promoted as an effective alternative are:

- The lack of resources available to tangata whenua to implement Maori customary management tools
- The priority given to competing legislation that affects the same water space
- A misconception that these tools only benefit Maori

Without a change in direction we will be stuck with the all too familiar ongoing battle with DoC, who continue to impose "no-take-forever" marine reserves on all of us. The current situation does not well serve the environment, tangata whenua or the public.

Our challenge is to work together for the common good. We mustn't let cultural or racial misunderstanding get in the way of protecting what is rightfully ours. You'll be surprised how much we all have in common.

## **Customary Management Tools**

### ***Mataitai Reserves***

Mataitai reserves recognise and provide for customary food gathering by Maori and the special relationship between tangata whenua and places of importance for customary food gathering. A management committee can make bylaws that apply equally to all individuals. Bylaws can be recommended to restrict or prohibit take of fish, shellfish or marine life within the whole or any part of a mataitai reserve. Commercial fishing is prohibited unless special application is made to allow it to occur within the mataitai. Five mataitai exist currently: two in the North Island and three in the South Island.

### ***Taiapure***

Taiapure can be established in coastal waters, including harbours and estuaries that have special significance to any iwi or hapu, either as a source of food or for spiritual or cultural reasons. A management committee can advise the Minister of Fisheries on regulations to manage and conserve the area's fisheries. Regulations cannot discriminate on the grounds of colour, race, ethnic or national origin. Until the Minister agrees to any regulation changes, existing management controls continue to apply to all fishers within a taiapure. There are currently eight taiapure throughout New Zealand.

### ***Temporary Closures***

Section 186 of the Fisheries Act 1996 allows temporary closures and method restrictions to better recognise and provide for the use and management practices of tangata whenua in the exercise of their non-commercial fishing rights, by improving the size and/or availability of fish stocks or by recognising a customary fishing practice in the area concerned. These closures can apply for a maximum of two years and can be renewed after further consultation. Temporary measures apply to all fishermen including customary. Currently, six temporary closures are in force with five of those around the North Island.

### **The benefits of kaitiakitanga are:**

- It allows tangata whenua and local communities to work together positively
- It addresses the real issue of people's impact on the environment
- It provides local solutions to local problems without closing areas permanently
- It recognises the social and cultural values of local communities
- It fulfils the Crown's ongoing obligation to tangata whenua
- It does not create new grievances; instead it creates an opportunity for people to work together, supporting each other

Kaitiakitanga is guardianship of the land and sea to ensure there is abundance and a healthy environment for future generations to enjoy. We owe it to our children and ourselves to give due consideration to the alternatives to the implementation of no-take marine reserves which will be in place forever.

No one should have the sole right or authority to deny our children access to areas of our coastline for unproven outcomes, as is the case with DoC's marine reserve policy. The only true tool available to all Kiwis is kaitiakitanga. It is conservation without confiscation. Try it.