

Starfish

STUDENT & TEACHER RESOURCE

FACTSHEET 5

Customary Fishing Rights

Being able to provide fish or shellfish to feed whānau or manuhiri has always been part of the cultural heritage of Māori.

Commercial fisheries have also been important to Māori because, traditionally, seafood was traded widely among iwi and hapū and, later, with European settlers.

Today, a range of laws exists to help protect Māori fishing rights and customs.



Changes to customary fishing rights

1840 - The Treaty of Waitangi was signed, guaranteeing Māori “the full, exclusive and undisturbed possession of their ... fisheries ...”.

1983 - A Fisheries Act was passed that required commercial fishers to have a permit in order to be allowed to fish. To get the permit, fishers needed to earn at least \$10,000 a year from fishing, or fishing had to make up 80 percent of their income. Many Māori who had been fishing commercially up until this time didn't earn enough from their fishing to meet the permit requirements – especially those in the more northern parts of the country.

1986 - A new way of managing commercial fisheries was developed called the Quota Management System (QMS). Under the QMS, commercial fishers who had fishing permits were allowed to catch a certain amount of particular types of fish. This amount was called their quota. Because they didn't have a commercial fishing permit, many Māori missed out on being given a fishing quota.

Improving customary fishing rights

People started to realise that the new system didn't look after the Māori fishing rights that the Treaty of Waitangi had promised to protect. So ...

Commercial rights

1989 - The Māori Fisheries Act was passed. The Government bought back 10 percent of the quota shares it had given out to commercial fishers under the QMS and gave them to the Treaty of Waitangi Fisheries Commission.

1992 - Under the Treaty of Waitangi (Fisheries Claims) Settlement Act, the Government gave Māori a cash settlement that was used to buy half of New Zealand's biggest fishing company, Sealord. This Act is sometimes called the “Sealord Deal”.

2004 - The Māori Commercial Aquaculture Claims Settlement Act provided a “full and final settlement” of all Māori claims over aquaculture in the coastal marine area.

Māori also now receive 20 percent of the commercial quota shares of any new species added to the QMS.

Non-commercial rights

1998 - The Kaimoana Customary Fishing Regulations and the Fisheries (South Island Customary Fishing) Regulations strengthened the rights of iwi and hapū to manage their non-commercial fishing in a way that best fits their local practices while respecting other fishers' rights.



Role of Tangata Kaitiaki/Tiaki

To follow the customary fishing regulations, iwi and hapū decide who has tangata whenua status over a fishery or rohe moana (coastal marine area). The iwi and hapū choose people to act as guardians for the rohe moana (these people are tangata kaitiaki in the North and Chatham Islands and tangata tiaki in the South and Stewart Islands). The Minister of Fisheries then officially appoints them as guardians.



Tangata Tiaki and Tangata Kaitiaki can issue permits for customary fishing in the rohe moana. They let the Ministry of Fisheries (MFish) know how many fish are caught using these permits so that the government can allow for this customary fishing when it sets next year's catch limits.

Related factsheets

- 1 How do we value our fisheries?
- 3 Managing Fisheries



Customary management tools

Tangata whenua can ask for some of their traditional fishing grounds to be protected as special management areas. These are:

Mātaitai reserves

Guardians work in partnership with MFish to manage local, non-commercial fisheries as mātaitai reserves. Tangata Tiaki and Tangata Kaitiaki can change the rules in mātaitai reserves for customary and recreational fishing. They can also say whether some types of commercial fishing should continue in particular mātaitai reserves.

Taiāpure

Some coastal waters have special significance for iwi or hapū, either as sources of food or for spiritual or cultural reasons. These areas are called taiāpure. When a taiāpure is established, the local Māori community sets up a committee to advise the Minister of Fisheries on how best to manage and protect the area's fisheries.

Sections 186A and B of the Fisheries Act 1996

If the fish numbers in a specific area are falling, the Minister of Fisheries or the Chief Executive of MFish can temporarily close that area to fishing.

Regulation 27 of the Amateur Fishing Regulations

Apart from the customary fishing regulations, iwi and hapū can take fish for important events. This means that seafood can be provided at events like hui and blessings.