The signing of the Māori Fisheries Settlement 1992. Image credit: Michael Smith, Dominion Post Collection, National Library of New Zealand Te Puna Mātauranga o Aotearoa, Alexander Turnbull Library, Wellington.

# The Journey of Māori Fishing Rights in New Zealand: Struggle, resilience, and adaptation

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Tirohanga whānui | Overview

The journey of Māori fishing rights in New Zealand has been characterised by a profound struggle for recognition, resilience in the face of adversity, and continual adaptation to changing legal and social landscapes. Through decades of legal battles, negotiations, and unwavering commitment to upholding cultural and traditional rights, Māori communities have achieved significant milestones in the recognition and protection of their fishing rights.

Whakarāpopoto | Key points
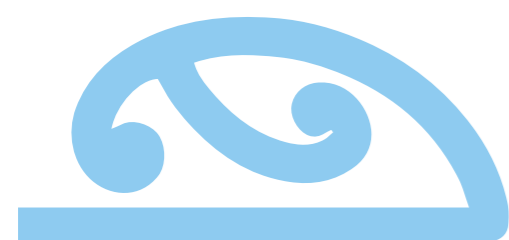
Struggle for recognition

Māori fishing rights have historically been marginalised and overlooked, leading to prolonged legal battles and challenges in asserting these rights.
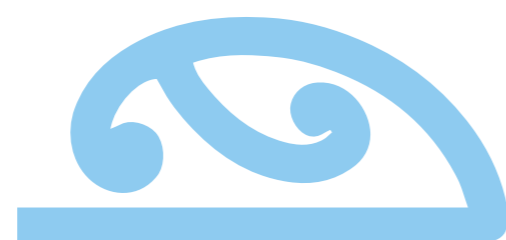
Resilience amid adversity

Despite facing numerous obstacles, Māori communities have demonstrated resilience in safeguarding their fishing traditions and cultural heritage.
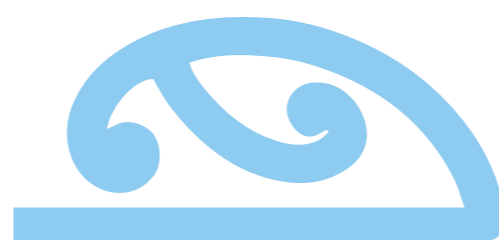
Adaptation to changing landscapes

Māori have continually adapted their strategy to navigate evolving legal frameworks and societal attitudes, ensuring the preservation and promotion of their fishing rights.
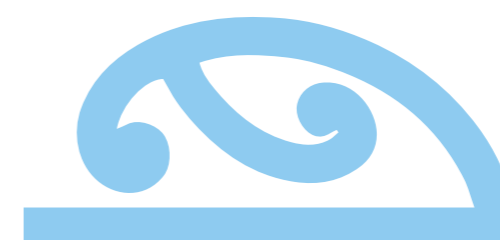
Achievements and recognition

Through persistent advocacy and activism, Māori have achieved significant recognition and protection for their fishing rights, marking important milestones in their ongoing struggle for justice and equality.
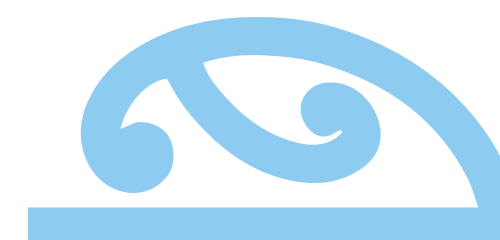
Continual battles

Despite progress made, the fight to uphold and safeguard Māori fishing rights is not over. Ongoing challenges and threats necessitate continued vigilance and advocacy to prevent further erosion of these hard-won rights.

Whakakapi | Conclusion

The journey of Māori fishing rights in New Zealand embodies a narrative of perseverance, resilience, and adaptation. While significant strides have been made in securing recognition and protection for these rights, the ongoing battles underscore the importance of sustained advocacy and collective action to ensure that Māori fishing rights are not only upheld but also respected and celebrated as an integral part of New Zealand's cultural heritage and identity.

Image: Three Maori girls shelling toheroa on a beach, taken by Arthur James Northwood, circa 1910-1939

Customary Fishing: Unfulfilled promises of rangatiratanga and challenges and opportunities in Māori fisheries governance

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Despite promises made under the Fisheries Settlement to recognise and protect Māori traditional fisheries and uphold principles of rangatiratanga, significant challenges persist in achieving these goals. This research examines the constraints imposed by settler-colonial policies, the marginalisation of Mātauranga Māori and Tikanga, and the environmental injustices faced by Māori communities. It also advocates for returning resource management decisions to local communities to address the current climate crisis and declining biodiversity.

Whakarāpopoto | Key points
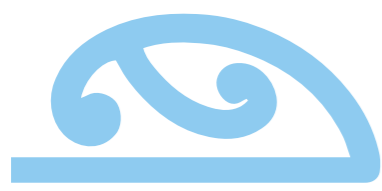
Constrained Māori rights

Settler-colonial policies continue to limit the full exercise of Māori rights over fisheries, diluting key tikanga such as rangatiratanga and kaitiakitanga.
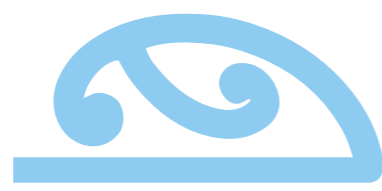
Struggle for indigenous rights

Māori communities face an ongoing struggle with the Crown for equitable expression of indigenous rights, including rangatiratanga and kaitiakitanga.
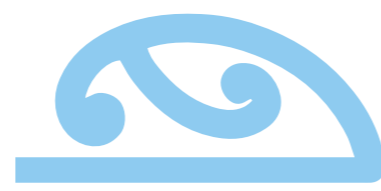
Subservience of mātauranga Māori

Mātauranga Māori and Tikanga are often relegated to a supplementary role to Western scientific knowledge, rather than holistic systems integrating Māori worldview, values, governance structures, and environmental practices.
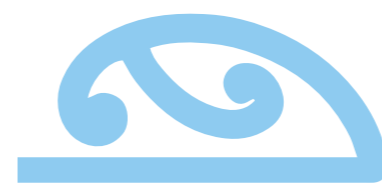
Environmental injustices

Decisions by the Crown that harm the environment while alienating Māori from their ancestral moana exacerbate environmental injustices.
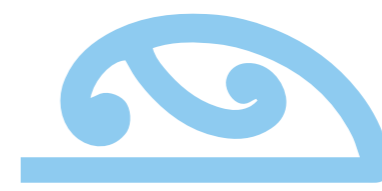
Local governance challenges

Existing governance arrangements like Taiāpure are hindered from making decisions that align with local tikanga, as government departments revert to colonial fisheries mechanisms.
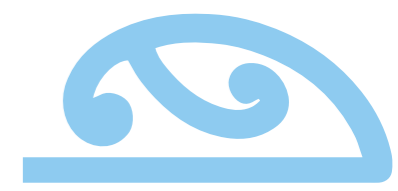
Need for empowerment

With the current climate crisis and declining biodiversity, there is a need to return resource management decisions to local communities.

Whakakapi | Conclusion

The challenges facing customary Māori fisheries governance, from constrained rights to environmental injustices, underscore the urgent need for policy reforms and community empowerment. By recognising the equal importance of Mātauranga Māori and Tikanga alongside Western knowledge systems and enabling local governance mechanisms, policymakers can address past injustices and ensure a sustainable future for both marine ecosystems and Māori communities.

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Image: Te Tikanga a Tawhiao, Taken by Albert Percy Godber circa 1930.

Understanding Tikanga: Values, principles, and adaptability in Māori systems of control

Tirohanga whānui | Overview

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Tikanga, the Māori system of control, differs significantly from conventional legal frameworks by prioritising core values and fundamental principles over rigid laws and statutes. Rooted in values such as whānaungatanga (kinship), mana (authority), utu/ea (reciprocity and balance), tapu/noa (sanctity and maintenance), and kaitiakitanga (obligations and responsibilities), tikanga guides behaviour and decision-making within Māori communities. Its fluid nature allows for adaptation to diverse situations while maintaining cultural integrity, reflecting a holistic approach to governance and societal organisation.

Whakarāpopoto | Key points
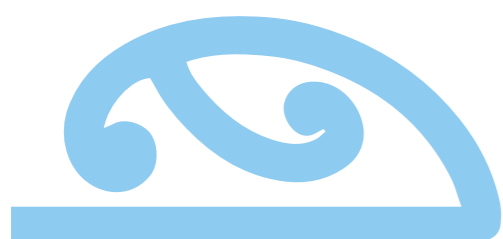
Emphasis on values and principles

Tikanga places greater importance on overarching values and principles rather than specific laws or regulations, fostering relationships, responsibility, and sustainability within Māori communities.
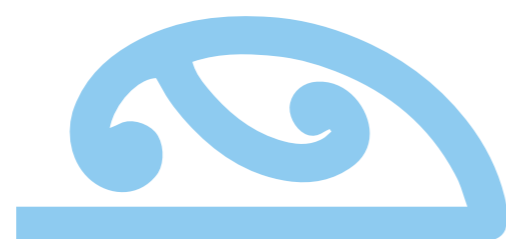
Flexibility and adaptability

Unlike rigid legal systems, tikanga is adaptable to diverse circumstances while remaining rooted in cultural context, allowing for dynamic responses to changing environments and societal needs.
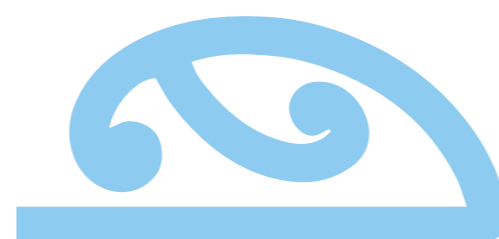
Philosophical underpinnings

Understanding tikanga requires an appreciation for its philosophical foundations and relational dynamics, going beyond mere adherence to fixed legal statutes.
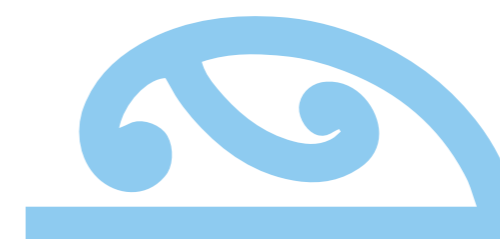
Holistic governance approach

Tikanga reflects a holistic approach to governance and societal organisation, integrating cultural, social, and environmental considerations into decision-making processes.
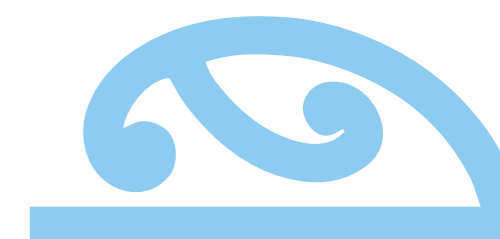
Relational dynamics

Tikanga emphasises the importance of relationships and interconnectedness, guiding interactions within Māori communities and collective actions and responsibilities.

Whakakapi | Conclusion

Tikanga Māori represents a unique approach to governance and societal organisation, rooted in core values and principles that prioritise relationships, responsibility, and sustainability. Its adaptability and flexibility make it well-suited to address the diverse needs and challenges faced by all communities, while its emphasis on relational dynamics fosters a sense of kinship and interconnectedness. Understanding tikanga requires a deeper appreciation for its philosophical underpinnings and holistic governance approach, highlighting the significance of values-driven systems of control in shaping cultural identity and societal well-being.

Ngā Pae Moana: Developing a marine governance guiding framework that's underpinned by tikanga and Te Tiriti o Waitangi

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Exploration of the past and desired futures has provided the synthesis of a series of systemic design principles. These principles are guidelines and considerations, guiding our collective actions and influencing mental models to enable change. We have termed these design principles 'Ngā Pae Moana' - the horizons that describe fundamental elements representing the essence of the relationship with Tangaroa. These Pae Moana signify essential components to provide direction and support for decision-making, problem-solving, and action to be entrenched in future marine governance models.

## Ngā Pae Moana | Design principles
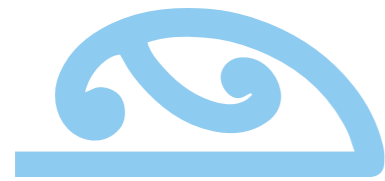
Tātai Hono

The importance and active awareness of the interconnectedness of humankind and the marine environment, instilling a tangible sense of obligation through the concept of shared whakapapa between people, the ocean and sea life.
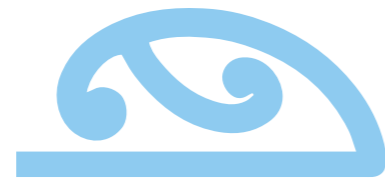
Tauutuutu

The duty of care and reciprocity: Reciprocity underpins all interactions with the ocean, and between people within an ocean context. Tauutuutu demands we acknowledge the sense of obligation imbued in any position or transference of authority.
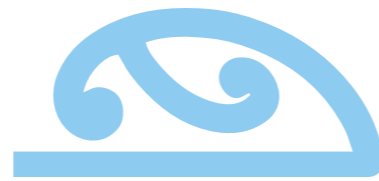
Ngāhue

Acknowledgement of the ocean's pivotal role in driving our wellbeing and economic prosperity. The scope of ocean-derived prosperity is multifaceted; including community wellbeing and sustenance, economic success, and environmental balance.
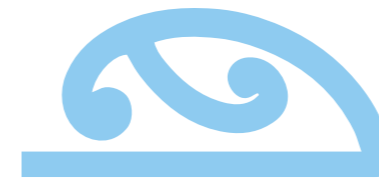
Mana

Enabling self-determination and authority through the devolution of decision-making power. This includes specifically the rangatiratanga of Iwi and Hapū as guaranteed under Te Tiriti.
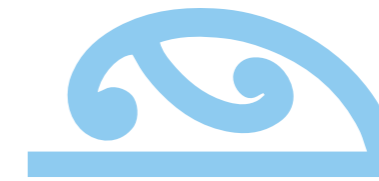
Taurite

Recognition of the value and importance of traditional knowledge systems (mātauranga Māori) and practices and protocols (tikanga Māori), and equality of consideration in decision-making.
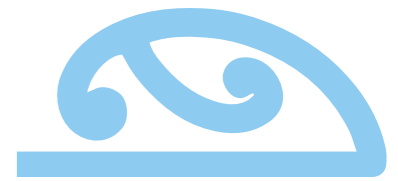
Toipoto

Systems are informed by and defer to people at place, acknowledging and empowering localised solutions driven by intimate place-based knowledge.

Whakakapi | Conclusion

Our guiding framework, rooted in tikanga and Te Tiriti o Waitangi, provides essential principles for navigating marine governance complexities. By integrating these principles, we ensure ocean interactions are respectful, responsible, and sustainable. Upholding Te Tiriti o Waitangi fosters equitable governance benefiting present and future generations. This framework promotes culturally informed governance, intertwining human and ocean well-being with integrity and foresight, safeguarding ocean health for future generations.

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Navigating Complexities in Māori Commercial Fishing: Future directions in marine governance

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Tirohanga whānui | Overview

Over the past three decades, Māori commercial fishing has undergone significant changes, marked by a Treaty of Waitangi Fisheries Settlement, environmental imperatives, evolving economic dynamics, and cultural aspirations. This transformation underscores the need for adaptive governance models that balance commercial interests with sustainability, equity, and cultural values. This research explores the challenges and opportunities facing the Māori fishing sector and identifies crucial elements for future marine governance frameworks.

Whakarāpopoto | Key points

Iwi influence

Despite increased iwi influence post the Treaty of Waitangi Fisheries Settlement, challenges persist in securing iwi authority over fisheries decisions and public policy.
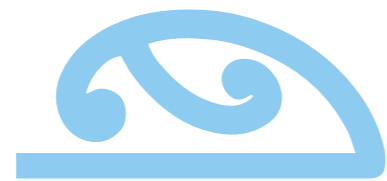
Cross interest cooperation

Tensions between diverse fishing interests necessitate cross-interest cooperation to navigate conflicts and ensure sustainable resource management.
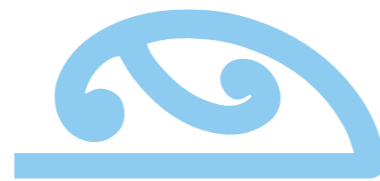
Protecting commercial rights

Preserving commercial rights while addressing sustainability, climate change impacts, and industry challenges is essential for future marine governance.
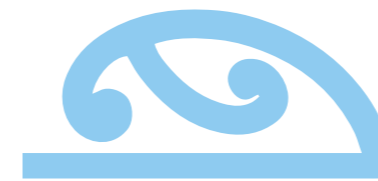
Reconciling divergent interests

Nuanced approaches are needed to reconcile the divergent interests of commercial, recreational, and customary fishing stakeholders while ensuring sustainable resource utilisation.
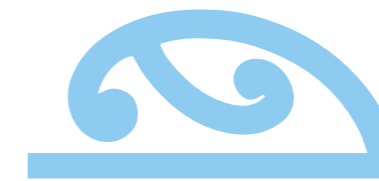
Indigenous knowledge

The incorporation of indigenous knowledge systems and community perspectives is crucial for effective fisheries management and governance.
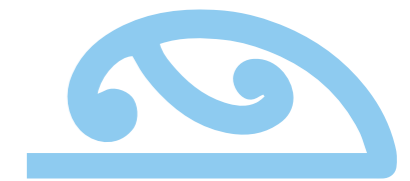
Holistic Approach

Addressing industry challenges requires a holistic and inclusive approach leveraging the collective influence of iwi to prioritise sustainability, equity, and community wellbeing.

Whakakapi | Conclusion

The future of Māori commercial fishing hinges on adaptive governance models that balance economic imperatives with sustainability, equity, and cultural values. By prioritising collaboration, incorporating indigenous knowledge, and safeguarding commercial rights, policymakers can navigate the complexities of the marine environment and ensure a prosperous and resilient future for Māori fishing communities.

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Takutai Moana: Challenges in defining and protecting Māori rights within legal frameworks

Tirohanga whānui | Overview

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The challenges surrounding the definition and protection of Māori rights within the Marine and Coastal Act unveil a complex narrative of power dynamics, cultural hegemony, and historical biases. This research delves into the dilution of Māori rights, influenced by colonial legacies and political compromises, disrupting the balance crucial for Māori communities to live their way of life. Conflicts between Western legal systems and tikanga Māori exacerbate tensions, necessitating systemic change to genuinely acknowledge and respect Māori rights and aspirations. Universal concerns for equity, justice, and cultural preservation resonate beyond Māori rights, emphasising the need for inclusive policy-making and efforts to address systemic inequalities for a more equitable society.

Whakarāpopoto | Key points
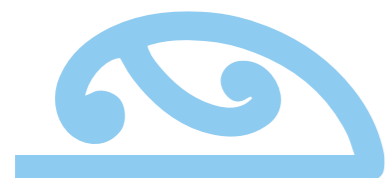
Māori territorial rights

Dilution of Māori rights and complexities in defining territories highlight issues of power dynamics, cultural hegemony, and legal interpretation.
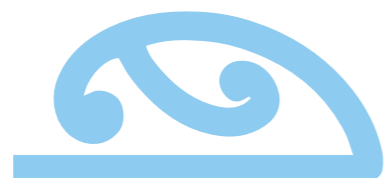
Disruption of Māori 'way of life'

Inadequate recognition and protection of Māori rights disrupt the balance essential for maintaining the 'way of life' for Māori communities, often influenced by political compromises and stakeholder interests.

Impact of colonial governance

Historical imposition of colonial governance systems disregarded indigenous knowledge and practices, undermining Māori cultural autonomy and sovereignty. Historical biases reveal persistent struggles for equity, justice, and cultural preservation

Tensions in legal frameworks

Conflict between Western legal frameworks and tikanga Māori exacerbates tensions and challenges in navigating legal landscapes, leading to ambiguity and uncertainty in legal arrangements.
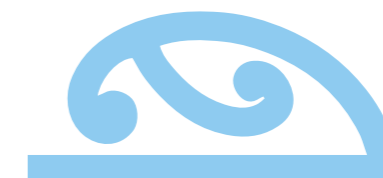
Systemic change

Challenges in defining territories, navigating legal processes, and implementing solutions underscore the need for systemic change that genuinely acknowledges and respects Māori rights, values, and aspirations.
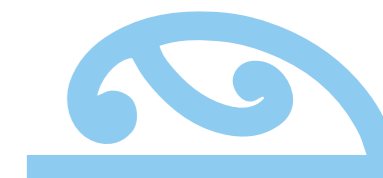
Inclusive policy-making

Inclusive policy-making, cultural sensitivity, and efforts to address systemic inequalities are essential for fostering a more equitable and just society for all involved.

Whakakapi | Conclusion

Navigating the complexities of Māori rights within the Marine and Coastal Areas Act illuminated entrenched power dynamics, cultural hegemony, and historical biases. Overcoming these hurdles demands structural reform, participatory policymaking, and a respect for cultural nuances to ensure fairness, justice and the preservation of Māori culture within marine and coastal realms.

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