

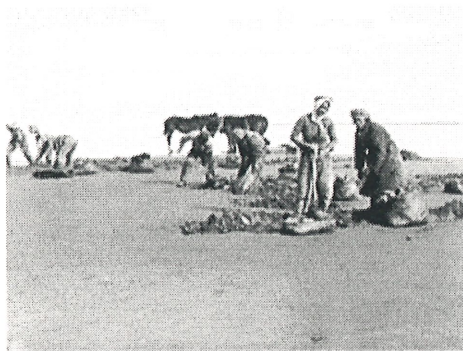
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Fisheries

Catching the tide

For Māori, fish have always been both a vital food source and a trade item. Iwi (tribes) vigorously guarded their fishing rights – in both fresh and saltwater.

The Treaty guaranteed Māori their fisheries for as long as they wished to retain them. In practice, this protection was not provided.



Women on a west coast beach north of Auckland gather toheroa, an important food found between high and low-water mark. Māori complained to government in the 1850s about Pākehā farmers taking them in large quantities. Northwood Collection, National Library of New Zealand Te Puna Mātauranga o Aotearoa, Alexander Turnbull Library, Wellington (Ref: G10576-1/1)

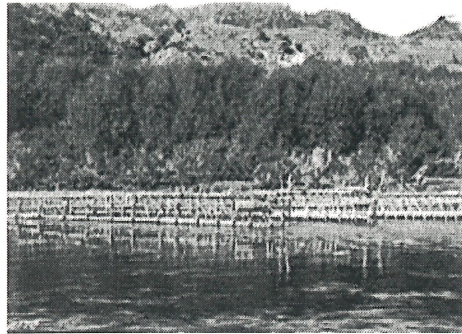
Erosion of rights

In the first years after the Treaty, the government often recognised Māori fishing rights. There was no set policy, although early land sales sometimes included fishing reserves.

Within decades Māori fishing rights were being eroded by Pākehā settlement. New laws brought in various restrictions, and Māori began to battle for rights offshore as well as in foreshores, lakes, rivers, and harbours.

In 1877 the government passed legislation that recognised Treaty-based fishing rights, but these were increasingly confined to special rights in specific cases. This provision continued, and was included in the 1983 Fisheries Act.

However, the law gave no guarantees, and officials saw Māori fishing rights as customary and not commercial, whereas Māori saw them as both.



Photograph by James McDonald, Museum of New Zealand Te Papa Tongarewa (Ref:B000776)

Eel weirs on the Whanganui River, 1924.

Māori eel weirs and other fish traps on the river were 'indiscriminately... destroyed or done away with to provide a passage for river steamers. Any protest by the unfortunate people who owned the eel weirs remained unheaded [sic]' Cited from Māori Land Court records by the 1950 Royal Commission on Claims Relating to the Whanganui River.

Fighting back

Both Ngāi Tahu and Muriwhenua Māori lodged fisheries claims with the Waitangi Tribunal in the 1980s. The resulting Tribunal hearings highlighted the extent of Māori fishing activities and their commercial worth, and government failure to protect them.



Matiu Rata, previously MP for Northern Māori and Minister of Māori Affairs, continued the battle for Māori rights in fisheries until his death on 25 July 1997. Courtesy of Fairfax Newspapers

Quota crisis

In the 1980s, the government drew up plans to protect New Zealand's fishing resources by introducing a Quota Management System.

Harvesting rights in certain species would be allocated to fishers, who could trade these rights.

However, allocation of such rights was to be on the basis of catch history. The scheme would shut out many Māori, who fished seasonally. The government realised that its handling of Māori fishing rights was in disarray.

In 1987, Māori groups succeeded in legal action to halt the allocation of fish quota. The government finally struck a deal in 1989 that went some way to providing for Māori commercial fishing and set up the Māori (later Waitangi) Fisheries Commission.



The signing of the Māori commercial fisheries settlement, September 1992. From right: Don McKinnon, Tipene O'Regan, Doug Graham, and others who had been involved in the negotiations. Photograph by Michael Smith, Dominion Post Collection, National Library of New Zealand Te Puna Mātauranga o Aotearoa, Alexander Turnbull Library, Wellington

The Sealord deal

In 1992, the government made an agreement with Māori that involved

purchasing fishing assets, valued then at \$170 million. The 'Sealord deal', as it became known, brought Māori interests in New Zealand's commercial fishing to 22 per cent.

The government also agreed to give the Māori Fisheries Commission 20 per cent of the quota for each new species that went into the Quota Management System. Both the 1989 and 1992 deals were implemented in law.



Shane Jones (right), chair of the Waitangi Fisheries Commission/Te Ohu Kai Moana, delivers the Commission's report on a settlement model to Peter Hodgson, Minister of Fisheries, in May 2003. Dominion Post Collection, National Library of New Zealand Te Puna Mātauranga o Aotearoa, Alexander Turnbull Library, Wellington , [10/11 May 2003]

Divvying up the fish

Debate between iwi on how to share the settlement took years, as did setting up the necessary iwi organisations to manage the proceeds.

The Māori Fisheries Act 2004 led to the first distribution to iwi of fish quota, cash, and shares in Aotearoa Fisheries Ltd in September 2005.

This outcome is a significant recognition of Treaty-based fishing rights. However, it has come with a price for Māori. To clinch the Sealord deal they had to relinquish all rights over commercial sea fisheries.

