

Kahawai - our taonga

Who ever thought that Pakeha fishermen would ever stand up for Maori fishing rights?

Yet this has been the case for those individuals and organisations that took the Minister and Ministry of Fisheries to court over the allocation of one of our taonga, kahawai.

The judicial review of the Fisheries Minister's 2004 and 2005 allocation decisions for kahawai, commonly known as the Kahawai Legal Challenge, was concluded in the High Court at the end of 2006.

The good news is that in March this year Justice Rhys Harrison ruled that sustainability was the bottom line for fisheries management and that the Minister must take into account the social, economic and cultural wellbeing of the people of Aotearoa.

Ngapuhi, in their wisdom, supported the challenge taken by the New Zealand Big Game Fishing Council and the New Zealand Recreational Fishing Council. The option4 fisheries advocacy group has been instrumental in resourcing and supporting the successful legal action. We can only speculate what the outcome of this process would have been without the input and support of Ngapuhi and option4.

It has been a privilege for Ngati Whatua to support Ngapuhi and we tautoko the very powerful affidavit signed by Te Runanga A Iwi O Ngapuhi (TRAION) Chairman, Raniera T (Sonny) Tau, which said in part,

“When schools of kahawai are less plentiful this affects not only the ability to put food on the table, but also our ability to enhance the mana of our Marae. Individual mana enhancement is also drastically reduced.

“TRAION has resolved to support this legal challenge by the Recreational Fishing Council and the Big Game Fishing Council, which aims to increase the amount of kahawai in the sea, and to increase the quality of the fishery for non-commercial fishers to enjoy. This includes the 99.99% of the time Māori go fishing non-commercially.

“The Minister in his decision has cut, in equal proportion, the commercial and non-commercial take. This cuts right across our Tikanga or principles, developed and upheld since the beginning of our existence as Tangata Whenua in this land. This also drastically reduces our ability to exercise our rights guaranteed in article two of Te Tiriti O Waitangi. The inability of the Ngapuhi nation to satisfy these Tikanga because of bad advice given to the Minister leading to his final decision is unacceptable to TRAION.

“I am clear that our people require that when it comes to a reduction being required for a fish that is a staple food, that cut must come initially from the commercial sector.

“Quite simply if there is to be a cut to a fishery, then our board wants to see food put on the tables of our people, ahead of it being sent to foreign tables or wasted as pet food or Australian Cray bait.”

The affidavit in support of the Kahawai Legal Challenge from TRAION only came about after extensive process and consultation with hapu. The process timeline is now online at <http://kahawai.co.nz/ngapuhi.htm>.

While some of you may question why Pakeha would support Maori fishing we need to consider the reality of our situation.

Ever since the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 was signed, fishing for sustenance (without a customary permit) has been classified as amateur or in legal terms 'recreational'.

As Maori we own significant commercial fishing rights, all of the customary rights and the majority of adult fishers are Maori. The recreational fishing right was the most 'useful' of all the fishing rights because that is the right that we exercise when fishing to put food on the table and to feed the mokopuna.

Even though our mothers taught us never to play with our food, it is up to Maori to acknowledge and protect the 'recreational' fishing right so our tamariki and mokopuna can fish in the future.

It is not only about the sustainability of the fish and its environment but also the intellectual property of being able to teach the mokopuna how to fish using traditional methods.

Kia ora Ngapuhi!

Ko tou rourou me toku rourou ka ora ai te iwi.

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