# Towards understanding indigenous knowledge in environmental management practise: A discursive analysis of the East Otago taiāpure proposal

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**Abstract:** Taiāpure are local fisheries and are governed by a local management committee. Taiāpure were questionably created to give Māori greater involvement in the management of their fisheries as an expression of honouring the Treaty of Waitangi. To date, there have been a number of criticisms raised about the taiāpure process. The general aim of the paper is to discursively analyse the taiāpure process, using Kati Huirapa ki Puketeraki (hapū of Ngāi Tahu iwi that centres on Karitane, South Island, New Zealand) as the example. Norman Fairclough's (1992) version of critical discourse analysis (CDA) was used as the overarching methodology. The Kati Huirapa ki Puketeraki taiāpure proposal was the text that was analysed. The main findings of the paper were that in order to be successful, applicants must subscribe to the contradictory discourses of indigenous knowledge and non-indigenous institutional discourse. Arguably the taiāpure proposal process is an example of the Gramscian notion of hegemony and in fact lends further to the marginalisation of Māori rather than empowerment. Future research needs to explore the prevalent discourses in other texts such as: successful and unsuccessful taiāpure proposals; public submissions; personal interview transcripts and; newspaper articles relating to taiāpure.

**Keywords:** customary fishing; indigenous knowledge; taiāpure

The current paper has arisen from discussions at a hui held at Ōnuku Marae in Akaroa, South Island, New Zealand on 12 and 13 November 2007. The hui was part of the *Te Tiaki Mahinga Kai* project which is located within the Centre for the Study of Food and Agriculture at the University of Otago. Te Tiaki Mahinga Kai "is a national network of tangata kaitiaki/tiaki, kaumātua, environmental managers, and researchers formed to improve management of mātaitai, taiāpure, and rāhui throughout Aotearoa" (Te Tiaki Mahinga Kai, 2008, paragraph 2). At the hui, discussions between iwi representatives, tangata kiatiaki/tiaki, kaumātua, researchers and members of the public resulted in a number of research requests, and one of which was for research to be conducted regarding the submission process for setting up taiāpure and mātaitai reserves, in particular to find out information about the length of time it has taken to set them up, the number of taiāpure there are and the sizes of them, and also to give suggestion for how to make the process easier and to aid in future area proposal success.

The aims of the paper are to: (i) situate the taiāpure submission process within the wider historical context of fisheries legislation in Aotearoa; (ii) outline the current taiāpure process and highlight some of the problems with the process; (iii) by way of specific example, discursively analyse the Kati Huirapa ki Puketeraki taiāpure proposal and; (iv) to give specific directives for areas that want to set up taiāpure within New Zealand.

The paper is divided into four sections. The first section provides a historical overview for the development of customary fishing legislation in New Zealand to contextualise the statutory provisions for taiāpure. This historical overview is also essential to understanding the emergence

and prevalence of particular discourses at any one time. The second section outlines taiāpure – its meanings, the submission process and the potential problems with this process. The third section examines the prevalent discourses within the Kati Huirapa ki Puketeraki taiāpure proposal using Fairclough's (1992) version of critical discourse analysis (CDA) as the overarching methodological framework. In the concluding section, some contradictions and inconsistencies within the submission process are highlighted, and implications for those that may go through this process and questions for future work are raised.

## Historical Overview of Fisheries Legislation

The aim of this section is to situate the taiāpure submission process within the wider historical context of fisheries legislation in Aotearoa. This is achieved by tracing some of the key legislative changes for the provision and management of taiāpure in Aotearoa since 1840. The section begins with a brief description of the Treaty of Waitangi and then continues with an outline of two critical rulings of the 1800's: *R v Symonds* (1847) and; *Wi Parata v The Bishop of Wellington* (1877). Following this is a description of the landmark case of *Te Weehi v Regional Fisheries Officer* (1986). The Muriwhenua claim to the Waitangi Tribunal and subsequent Fisheries Act 1989 are discussed. The 1992 Sealords Deal and the Treaty of Waitangi (Fisheries Claim) Act 1992 are outlined. The current statutory location of taiāpure is described to conclude the section.

### *Te Tiriti o Waitangi/The Treaty of Waitangi*

The Treaty of Waitangi was signed in 1840 between a number of representatives of the British Crown and some, not all, Māori chiefs. It is a founding document for New Zealand's constitutional framework. There are two versions of the Treaty, a Māori and English version (the Māori version being known as *Te Tiriti o Waitangi*) and both versions have three articles. There are a number of discrepancies between the translations and as such a loss of meaning between the versions (Bess, 2001; Bess & Rallapudi, 2007; Memon, Sheeran, & Ririnui, 2003; Ririnui, 1997; Seuffert, 2005; Te Rūnanga o Ngāi Tahu, 2007; Williams, 2001). The discussion of these discrepancies is not within the scope of the current paper. Of particular relevance to the current paper is Article II.

The English version of Article II is as follows:

> …to chiefs and the tribes of New Zealand and to their respective families and individuals thereof the full exclusive and undisturbed possession of their lands estates forests fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession…

In the Māori text, terms "'full', 'exclusive' and 'undisturbed' 'possession' was rendered by 'tino rangitiratanga', meaning the unqualified exercise of their chieftainship over their lands, villages and all their taonga. The Treaty guarantee of (Ririnui, 1997, p. 8) rangitiratanga conveyed to Maori that not only was the possession of their taonga protected, but also the right to *control* and *manage* those taonga in accordance with their customary tikanga" (Ririnui, 1997, p. 9 [my emphasis in italics]).

### *R v Symonds (1847) and Wi Parata v The Bishop of Wellington (1877)*

Following the signing of the Treaty of Waitangi there were two early rulings that several authors concur are essential to understanding the development of customary fishing legislation in New

Zealand (Bourassa & Strong, 2000; Memon et al., 2003; Meyers & Cowan, 1998). These two rulings were those of *R v Symonds* (1847) and *Wi Parata v The Bishop of Wellington* (1877).

In the case of *R v Symonds* (1847) this decision upheld the principles of the Treaty of Waitangi and the High Court recognised that Māori had the legal right to their traditional land (Meyers & Cowan, 1998). However, in the *Wi Parata v The Bishop of Wellington* case (1877), it was concluded that "the Treaty of Waitangi was a 'nullity' because it had not been incorporated in statutory law" (Bourassa & Strong, 2000, p. 160). Memon et al., (2003) conjecture that

> The Crown adopted the view that the fisheries belonged to the Crown and no rights, whether under Maori customary law or Treaty, could be held by any Maori person or group. (p. 214)

Consequently the decision made in *Wi Parata v The Bishop of Wellington* (1877) reversed that of *R v Symonds* (1847). Therefore Māori Treaty of Waitangi rights were eroded from this time and up until 1986 (Memon et al., 2003).

### *Te Weehi v Regional Fisheries Officer (1986)*

It was not until 1986 that there was vindication for Māori in the form of the landmark decision of *Te Weehi v Regional Fisheries Officer* (1986). In the *Te Weehi v Regional Fisheries Officer* (1986) the High Court concluded that "the language of the Fisheries Act 1983 exempted fishing (for *paua*, or abalone) carried out in exercise of customary rights" (Bourassa & Strong, 2000, p. 161, italics in original). Meyers and Cowan (1997) explain that "the *Te Weehi* case was instrumental in empowering the Maori negotiations with the Government on Maori fisheries claim" (p. 31, italics in original). Therefore, the *Te Weehi v Regional Fisheries Officer* (1986) reversed the *Wi Parata v The Bishop of Wellington* (1877) and restored the ruling of *R v Symonds* (1847) and subsequently, fisheries rights of Māori would "exist at common law regardless of specific incorporation in a statute" (Bourassa & Strong, 2000, p. 161).

### *The Quota Management System*

In 1986, the same year as the *Te Weehi v Regional Fisheries Officer* (1986) the quota management system (QMS) was introduced. The QMS was introduced to promote sustainable harvesting and also as a reaction to concerns over depleting fish stocks and degradation of New Zealand's marine environment (Memon et al., 2003). The QMS covers over 35 major species and allocates a percentage of the total allowable catch to companies and individuals who fish commercially. This is based on the record of fish caught for the previous three years (Bourassa & Strong, 2000). Statutory regulation for the QMS was introduced in the Fisheries Amendment Act 1986. Memon et al., (2003) argue that the introduction of the QMS was "strongly supported by the corporate commercial fisheries sector which has emerged as a major beneficiary" (p. 214). The QMS gives priority of the Māori customary take before the other percentages are considered (Memon et al., 2003). Although the customary take is relatively small, this was seen arguably as an expression of honouring the Treaty. In December 1986 the Waitangi Tribunal recommended to the government that Māori interests needed to be settled before the QMS should be introduced, particularly because at this time customary rights had not been defined following the *Te Weehi v Regional Fisheries Officer* (1986) ruling. Nonetheless the government went ahead (Bourassa & Strong, 2000). The outcome was that Māori were dissatisfied with their allocation.

### *The Muriwhenua Claim*

During this time there was a fisheries claim that was being heard by the Waitangi Tribunal – the Muriwhenua claim. Following the announcement of the QMS the Muriwhenua claim was

adjusted to include a section that the QMS was in fundamental conflict with the Treaty and the claimants argued that:

> the system was contrary to the Treaty of Waitangi for so long as the Maori customary interest had not been first defined and provided for. (Waitangi Tribunal, 1988).

In September 1987, the Muriwhenua claimants were successful and there was a High Court injunction against further allocations under the QMS. The QMS was determined to be in fundamental conflict with the Treaty "because it apportioned 'to non-Maori the full, exclusive and undisturbed possession' of the property in fishing that to Maori was guaranteed" (Meyers & Cowan, 1998). The Waitangi Tribunal further concluded that the QMS could be altered so that it was in line with the Treaty.

At this stage Māori and the government went into negotiation. In December 1988 there was a national hui and Māori met and selected negotiators who would represent Māori in negotiations with the government. The negotiators were mandated to not settle for anything less that 50% of the quota. Some Māori believed that Māori should have the right to the entire commercial fisheries quota because of Article II of the Treaty and the rights of the fisheries to be transferred, over a four year period, to a Māori Fisheries Commission (Bourassa & Strong, 2000).

### *Māori Fisheries Act 1989*

The interim settlement of the Muriwhenua claim was the enactment of the Māori Fisheries Act 1989 (Bess, 2001; Bourassa & Strong, 2000; Meyers & Cowan, 1998). As the interim settlement, the Māori Fisheries Act 1989 included provisions to enhance Māori involvement in the management of fisheries (Bess, 2001; Bess & Rallapudi, 2007; Bourassa & Strong, 2000; Meyers & Cowan, 1998). In doing so, the Act was an expression of recognising tino rangitiratanga. These provisions for the enhancement of Māori involvement in management were in the form of taiāpure – local fishery areas. Meyers and Cowan (1998) explain that the aim of taiāpure is to "allow greater Maori participation in management and consultation of the non-commercial fishery" (p. 31).

### *Ngāi Tahu Claim and the Deed of Settlement*

The second Waitangi Tribunal claim that is essential in contextualising the development of fisheries legislation in New Zealand is the 1987 Ngāi Tahu claim. The crux of the Ngāi Tahu claim was long standing grievances for the loss of traditional land, fisheries and resources as guaranteed by the Treaty. After a series of hearings between August 1987 and September 1991 the Waitangi Tribunal concluded that Ngāi Tahu "had never disposed of their exclusive right to sea fisheries; the Crown had breached its Treaty of 1840 obligations to Ngāi Tahu; Ngāi Tahu have an exclusive Treaty right to the sea fisheries up to twelve miles from their territorial boundaries; and Ngāi Tahu have a Treaty development right to a reasonable share of the sea fisheries within twelve to two hundred miles" (Bess, 2001, p. 29).

During negotiations between Ngāi Tahu and the government, New Zealand's largest fishing company was offered for sale, Sealord Products Ltd, which owned 26% of the quota. The government saw this as an opportunity to negotiate a full and final settlement of all Māori fisheries claims. Thus, the government gave Māori the $150 million required for a 50/50 joint ownership with Brierley Investments Ltd., to purchase Sealord Products Ltd. The Deed of Settlement, more commonly known as the 'Sealords Deal', was signed in September 1992 by Māori negotiators and the government. Therefore, in purchasing Sealord Product Ltd. Māori gained an additional 13% of the quota (half of the company's 26% quota). Furthermore the

government also allocated Māori in addition, 20% of the quota for new species added to the QMS (Bess, 2001; Bourassa & Strong, 2000).

As a consequence of further negotiations to honour the principles of the Treaty of Waitangi the government also agreed: to provide Māori with more involvement in statutory management roles; to restructure the Māori Fisheries Commission and in doing so, renamed it the Treaty of Waitangi Fisheries Commission (Te Ohu Kai Moana) and; to make the Commission more accountable to Māori (Bourassa & Strong, 2000). In signing the Deed of Settlement Māori agreed to discontinue legal actions involving fisheries, the settlement meant Māori could not claim in the future for grievances towards commercial fishing. The statutory regulations for the Deed of Settlement were in the form of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. This Act repealed "section 88(2) of the Fisheries Act 1983 and specified that customary rights would be provided for, on a temporary basis, under the Fisheries Regulations 1986" (Bourassa & Strong, 2000, p. 161). Included in the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 Act there were provisions for Māori to have a management role in the control of non-commercial customary fishing within areas that were of special significance (Meyers & Cowan, 1998).

As previously discussed, provision for taiāpure was first provided for in the Māori Fisheries Act 1989 (Bess, 2001; Memon et al., 2003; Ririnui, 1997). The current legislative provisions are situated in sections 174 – 185 of the Fisheries Act 1996. These were created arguably in recognition of tino rangitiratanga. To summarise, these key legislative changes for the provision and management of fisheries, has produced the current context where Māori can manage and control their fisheries as taiāpure.

## Taiāpure

The aim of this section is to outline the current taiāpure process and highlight some of the problems with the process. The section begins with describing taiāpure and continues with an explanation of the process for setting up taiāpure. Following from this, the current taiāpure locations, dates and sizes are provided and to conclude, there is a description of some of the problems with the taiāpure process.

### *What are Taiāpure?*

There are a number of different interpretations of the word taiāpure, two of which will be outlined are those of Ririnui (1997) and Moller (2007b). Ririnui (1997) outlines that the word taiāpure was first coined during the introduction of the Māori Fisheries Bill 1989, by Māori negotiators and the Crown. Taiāpure is a "construct of three different words ('taia' meaning sea coast, 'a' meaning of and 'pure' meaning procedure), 'taiāpure' can be broadly interpreted as a procedure for dealing with the sea coast" (Ririnui, 1997, p. 37).

Alternatively Moller (2007b) offers a slightly different definition for taiāpure:

> …the resulting sworn statement by Timoti Karetu, then Māori Language Commissioner, recommended the term 'taiāpure', as a derivative from two words 'Tai' and 'Āpure'. 'Tai' is the sea or coast, being the opposite of 'uta' (inland). An 'Āpure' is defined as a patch or circumscribed area. Because Āpure is a term used for land, like sections of vegetation or forest, Timoti prefaced it with Tai. Therefore he concluded that the word 'taiāpure' is a small circumscribed area of coastal water in which members of a particular tribe or hapu would have rights to gather seafood. (Moller, 2007b, p. 7).

Taiāpure are essentially area management tools that can be used by tangata whenua to manage their local fishing areas. The area covered within the taiāpure must be a traditional customary food gathering area and be of special spiritual and cultural significance to an iwi or hapū. Taiāpure can be created over any littoral, coastal or estuarine waters. Both commercial and non-commercial fishing can still continue within a taiāpure (Ministry of Fisheries, 2007c).

### *Process of Establishing a Taiāpure*

To establish a taiāpure, tangata whenua or the appropriate body applies in writing to the Chief Executive for the Ministry of Fisheries. The Chief Executive assesses the application and provides a report to the Minister of Fisheries whether they should 'agree in principle' to the application (Ministry of Fisheries, 2007b, p. 1). The Minister of Fisheries then consults with the Minister of Māori Affairs to decide to agree in principle to the application. At this stage the Minister of Fisheries decides whether the application should continue. If successful, the Minister publishes details of the application in the *Gazette* (government newspaper) and in major newspapers in the local area inviting submissions to be made to the Māori Land Court in that same area. A public inquiry into the submissions is made by a Tribunal of the Māori Land Court, and the Tribunal reports its recommendations to the Minister of Fisheries. The Minister of Fisheries again consults with the Minister of Māori Affairs over the recommendations made by the Tribunal and decides whether to accept them or not. The Minister of Fisheries then publishes the Tribunal report, recommendations, and the Minister's decisions in the *Gazette*. At this point there is opportunity for an appeal to be made to the High Court if it is believed that the Tribunal report or recommendations are not in line with the law. If that is the case, there would be a High Court hearing and decision made. Following this, High Court hearing or not, the Minister of Fisheries makes their final decision on the application. For successful applications, the Minister of Fisheries recommends that the Governor General declares a taiāpure by Order in Council. The details of the taiāpure are published in the *Gazette* by the Minister of Fisheries (Ministry of Fisheries, 2007b).

On success of the taiāpure application, tangata whenua must then nominate a management committee to the Minister of Fisheries, who consults with the Minister of Māori Affairs to decide whether to appoint the committee. Committee members normally include tangata whenua and local stakeholders, including commercial and non-commercial fishers (Ministry of Fisheries, 2007b). According to Memon et al., (2003) several taiāpure management committees are committed to promoting "indigenous values and knowledge systems as a basis for sustainable management of local fisheries" (p. 208). The role of the management committee is to formulate regulations to manage the taiāpure. These regulations can only be used for the "conservation and management of the fish, aquatic life or seaweed" (Ministry of Fisheries, 2007b, section 2). The regulations can relate to the species of fish, aquatic life, or seaweed that is taken, the quantity and size limits of the species, dates, seasons and methods of how the species can be taken, and the area where species can be taken. The regulations can only be related to fishing, and fishing activities. Taiāpure regulations can not include for example prohibiting access to beaches. The management committee's recommendations for regulations are presented to the Minister of Fisheries, who has the final say, and decides whether to accept them or not. If the regulations are accepted, the Minister publishes them in the *Gazette* (Ministry of Fisheries, 2007b).

### *Current taiāpure within New Zealand*

At July 2007, there were eight taiāpure established within New Zealand (Ministry of Fisheries, 2007a) these are: Palliser Bay (Southern Wairarapa, 13 July 1995, 3 $km^2$); Maketu (Bay of Plenty, 19 September 1996, 55 $km^2$); Porangahau (Southern Hawkes Bay, 5 December 1996, 67 $km^2$); Waikare Inlet (Northland, 18 December 1997, 18 $km^2$); East Otago, 1 July 1999, 23 $km^2$);

Kawhia Aotea (Waikato, 11 May 2000, 137 $km^2$); Whakapuaka (Delaware Bay, Nelson, 21 February 2002, 25 $km^2$) and; Akaroa Harbour (Banks Peninsula, 2 March 2006, 45 $km^2$).

There are three taiāpure proposals currently lodged with the Ministry of Fisheries. These are Waka Tehaua (the Bluff on Nintey-mile Beach – proposal received by Ministry of Fisheries 2 October 2006), Manukau Harbour (proposal received by Ministry of Fisheries 20 June 1990) and Te Puna Inlet (Mangonui – proposal remains outstanding, however on 23 June 1999, the Ministry of Fisheries files note participants wish to apply for a mātaitai reserve) (Ministry of Fisheries, 2007a).

### *Problems with the taiāpure application process*

There are a number of existing problems with the current taiāpure application process. Observers concur that the major problem is that the process is too lengthy and the lack of an established timeframe is problematic (Bess, 2001; Bess & Rallapudi, 2007; Crossan, 2005; Ilar, 1997; Memon et al., 2003; Moller, 2007a; Ririnui, 1997). Memon et al., 2003 further argues that a contributing factor for this is that one of the major hurdles faced by communities wanting to set up taiāpure is the objections from the commercial fishing sector (Memon et al., 2003). Ririnui (1997) takes a step further and conjectures that the delays in the application process and limitations of the legislation are evidence of the Crown's "lack of commitment to the Treaty partnership it purports to recognise" (p. 56), this claim is similarly advocated by Bess and Rallapudi (2006). Ririnui (1997) called for a number of changes to be made to the process in order for there to be a more "honourable partnership in the establishment and management of taiāpure" (p. 56). Furthermore as previously described there are different interpretations of the meanings of taiāpure that leads to some confusion in applying the procedure. There is also an exhaustive public submission period and a Māori Land Court hearing if required that lends to the time delays. Another problem is that while the taiāpure allows greater involvement in management of fisheries by Māori, the ultimate decision making still remains with the Minister of Fisheries.

In becoming involved with Te Tiaki Mahinga Kai my interests were piqued by the East Otago taiāpure proposal process for a number of reasons including: (i) the length of time it took for the taiāpure to be approved; (ii) the public opposition to the taiāpure and; (iii) the success of the application despite the length of time it took for the taiāpure to be approved. As such, I was interested in examining the proposal by the East Otago taiāpure committee to perhaps elucidate any reasons why the proposal was successful and to highlight any information that could be useful for future areas wanting to set up taiāpure.

## Examining the East Otago taiāpure proposal

The aim of this section is, by way of a specific example, to discursively analyse the Kati Huirapa ki Puketeraki taiāpure proposal. The section begins with a brief description of the taiāpure proposal process for Kati Huirapa Runanga ki Puketeraki. The methodology of the paper is outlined with a description of the text that was analysed, following from this the prevalent discourse in the text, Mātauranga Māori, which forms part of the meta-narrative discourse of indigenous knowledge, is discussed.

On 18 March 1992 a proposal was made by Kati Huirapa Runanga ki Puketeraki, (local Māori organisation of the Kai Tahu iwi) to establish a taiāpure, in the Puketeraki Peninsula, East Otago, South Island, New Zealand. After the proposal was submitted to the Minister of Fisheries there was strong opposition by some interests groups. This partially led to the time delay of the

decision making process (Ilar, 1997). The then Minister of Fisheries Doug Kidd approved the taiāpure in principle on 11 June 1996 and marked the end of stage one in the application process (Ilar 1997). Then on 27 March 1997 the proposal was approved by the then Minister of Fisheries John Luxton (Ilar, 1997) and after seven years, was finally gazetted on 1 July 1999.

### *Discursive Analysis*

This paper draws on Norman Fairclough's interpretation of CDA (Fairclough, 1992, 1995, 2001, 2003; Titscher, Meyer, Wodak, & Vetter, 2000). The main assumption underpinning CDA is that there is a complex relationship between language and society. In this way, researchers using CDA are interested in making explicit the relationships between language, discourse, power and ideology (Thomas, 1999; Wodak, 2001). Fairclough (1992) conjectures that viewing "language use as a form of social practice" (p. 62) implies that there is a "dialectical relationship between a particular discursive event and the situation(s), institutions(s) and social structure(s), which frame it" (p. 55). In other words "the discursive event is shaped by situations, institutions and social structures, but it also shapes them" (Fairclough, 1992, p. 55). Titscher et al., (2000) provide a helpful definition for Fairclough's use of discourse explaining that discourse is a "way of signifying experience from a particular perspective" (Titscher et al., 2000, p. 148). For example the discourse of indigenous knowledge has certain ideas and ways of thinking that are exclusive to this discourse.

### *Kati Huirapa Runanga ki Puketeraki text*

The 41-page text written by Kati Huirapa Runanga ki Puketeraki was analysed because the proposal was successful and could reveal key discourses that could facilitate future proposals. The proposal consists of: one title page; two pages of acknowledgements; two pages of contents; four pages of objectives; five pages of maps; two and a half pages outlining the boundaries and historical support for the selection of the boundaries; two and a half pages describing the interest groups; one page discussing the resource and traditional values; two pages for the proposed management and; following the letters at the end of the appendices there were two pages of bibliography. Within the appendices there were: a one paged title page; four pages outlining Kaitahu History; one page of traditional history; two pages of comparison with other Huirapa Pa sites; three pages of early European history at Karitane relating to the Huriawa Peninsula. There were four letters of support included in the proposal, these were: a two page letter from the Royal Forest and Bird Protection Society; a one page letter from the Department of Conservation Dunedin Office; a one page letter from the Recreational Marine Fishers Association Incorporated; and a one page letter from a Marine Ecologist outlining the Karitane Peninsula coastal ecology. There was also a one page Resource Management Award certificate awarded to Kati Huirapa Runanga ki Puketeraki for the promotion and excellence of resource management in Otago, particularly in promoting local Māori management of the fisheries resource (Kati Huirapa Runanga Ki Puketeraki, 1992).

### *Identification of Discourses*

It was difficult to decide on the term to use to explain the prevalent discourses that are apparent within the Kati Huirapa ki Puketeraki taiāpure proposal. In the text there are numerous examples of what Roberts calls traditional ecological knowledge (in Williams, 2001). Roberts explains traditional ecological knowledge is referring to either "traditional ecological knowledge or traditional environmental knowledge" (p. 32). However there are inherent problems with using the word 'traditional'; as Roberts conjectures the word "…may imply an arrested body of information rather than one which is being constantly added to, is continuously evolving, and of current not simply historical relevance" (in Williams, 2001, p. 32).

Roberts further contends that the use of traditional ecological knowledge is somewhat limited because a number of indigenous peoples discuss their knowledge of land with descriptions of the spiritual world and the interconnectedness to humans and nature as well as ecological knowledge. Instead Roberts (in Williams, 2001) suggests that the term 'indigenous knowledge' is more appropriate, because indigenous knowledge clearly defines the knowledge system as being culture-based, and localised to the particular indigenous society, and also as being distinct from the local non-indigenous knowledge.

The current paper focuses on the discourse of Mātauranga Māori which is a key aspect for understanding indigenous knowledge within a Māori world view. Each of these concepts, values, discourses of Mātauranga Māori, contribute to the body of knowledge within the discourse of indigenous knowledge. It should be noted that while components of this discourse have been purposefully labelled as being distinct from each other, they are inextricably linked and must be examined within the context of a Māori world view.

### *Discourse of Mātauranga Māori*

Mohi provides a succinct definition for Mātauranga Māori, explaining that Mātauranga Māori means the "knowledge, comprehension or understanding of everything visible or invisible that exists across the universe" (in Williams, 2001, p. 15). Furthermore Mātauranga Māori is traditional Māori knowledge that has been passed down generations from ancestors, tohunga and kaumātua and is an essential part of Māori life (Harmsworth, Warmenhoven, & Pohatu, 2004). Mātauranga Māori is from what all Māori values derive and is essential for iwi, hapū and whanau development (Harmsworth et al., 2004). Marsden (in Harmsworth et al., 2004) explains that Mātauranga Māori "encapsulates a Māori world-view and involves observing, experiencing, studying and understanding the world from an indigenous cultural perspective" (p. 11). Harmsworth et al., (2004) explain that the knowledge, both traditional and contemporary that is encapsulated by Mātauranga Māori includes and is not limited to: Māori values, tikanga (knowledge of cultural practices); te reo Māori (Māori language); kaitiakitanga (guardianship); whakataukī (proverbs); and kōrero tawhito and pakiwaitara (stories and legends). Whakapapa also contributes to the discourse of Mātauranga Māori.

### *Te Reo Māori*

There are numerous examples of the usage of Māori language within the text to explain the natural world as evidence of the discourse of Mātauranga Māori. For example in the philosophy behind the objectives the authors explain that Māori guardianship is understood by the term 'rahui'. However the authors further outline that "The Maori language portrays a far greater range of protection mechanisms including; mauri, tiaki, taurima, tohu, atawhai, manaaki and wahi tapu" (Kati Huirapa ki Puketeraki Runanga, 1992, p. 7).

### *Kōrero tawhito and pakiwaitara*

There are also examples of kōrero tawhito and pakiwaitara (stories and legends) that as Harmsworth et al., (2004) explain are also evidence of the discourse of Mātauranga Māori. On pages 15 to 16 of the text there is a historical outline of the occupation of the Huirapa people on the Otago coast to denote the significance of the taiāpure area. This particular account is describing a siege between Te Wera, the "principal chief of the Ngaiteruahikihiki hapu of the Ngaitahu tribe" (p. 15) and his uncle Taoka, who laid siege to Te Wera's pa in approximately 1770:

> …Te Wera was, however, well prepared for the attack and had within the pa a large store of food, including preserved bird, fern root and dried fish, fresh fish and shell fish. Expeditions could be made for these during the siege under the

> shelter of the peninsula. After a siege lasting six months Taoka was forced to admit defeat and return home, the inhabitants of the pa moved and settled along the banks of the Waikouiti River and the surrounding hills of Puketeraki. (Kati Huirapa Runanga Ki Puketeraki, 1992, p. 15).

Further examples of stories and legends evident in the text are, in the appendices. For example, there is a four page history of the Kai Tahu people; a one page outline of the traditional history of the Huriawa Peninsula and; a three page comparison with other Huirapa pa sites.

### *Kaitiakitanga*

Harmsworth (2005) explains that kaitiakitanga "is the practice of spiritual and physical guardianship based on tikanga" (p. 129) and that in this context it is referring to environmental custodianship, or guardianship. The word tiaki encompasses care, stewardship, guardianship, and wise management. Furthermore Harmsworth (2005) contends that:

> Kaitiakitanga is an "active" rather than "passive" guardianship or custodianship. It conferred obligations rather than a right to make decisions, and placed obligations to make wise decisions about resource management, and to sustain the wellbeing of iwi, hapu, and whānau. All had the collective responsibility to ensure that resources were managed wisely…Kaitiakitanga is inextricably linking to tino rangitiratanga. (p. 129).

Underpinning the proposal is the notion of kaitiakitanga. There are numerous examples throughout the proposal that support this notion. For example in the background to objectives section:

> People have often acted with little understanding of the processes and systems which form the coastal environment. The result has been a loss of environmental quality and lowering of the abundance and diversity of species. Coastal and marine resources have been viewed as available to meet the needs of people and society without limit. This presumption is increasingly recognized to be both false and dangerous, as knowledge of the sensitivity, vulnerability and importance of coastal processes and ecosystems increases.
>
> Fish stocks, landscapes, habitats, species, water quality, sediment sources and all other coastal resources are finite and irreplaceable. They must be protected and managed with respect and care if New Zealanders are to benefit from them today without compromising the ability of future generations to also benefit from them. (Kati Huirapa Runanga ki Puketeraki, 1992, p.6).

### *Whakapapa*

Whakapapa means genealogy, lineage and heredity (Harmsworth, 2005; Williams, 2001). It is the "ordered relationship, structured lineage, and descendency from the universe, through atua (gods), to land, air, water, and people" (Harmsworth 2005, p. 127). These complex genealogical constructs are used by Māori to explain "the time before and the time after the origin of the Universe, including the creation of life (Roberts et al., in Williams, 2001, p. 101). Whakapapa connects people to each other, to other living things and to the environment (Harmsworth 2005, p. 127). Marsden in Williams (2001) in discussing the concept of whakapapa explains that:

> Just as human genealogical tables denoted successive generations of descent, by analogy every living organism in the natural world, every tree, fish, bird or object is the result of a prior cause, of a chain or procession of events. (p. 98).

Whakapapa is an essential construct in understanding Mātauranga Māori and contributes to the meta-narrative discourse of indigenous knowledge. In the text there are clear examples of the discourse of whakapapa. In the philosophy behind the objectives, the authors succinctly outline the context of the Māori conservation ethic being located within a Māori world view which is described as:

> …the family based (inter-related) nature of the universe. The concept is a holistic one. It firmly binds man as a special but junior member of the natural family to his older siblings or natural phenomena.
>
> The Maori approach brings with it a sense of human closeness and connectedness in terms of mutual well being – man and environment, tangata and whenua. (Kati Huirapa Runanga Ki Puketeraki, 1992, p. 7).

Another example of the discourse of whakapapa is in the acknowledgements section the authors write:

> This application for Taiāpure (Local Fishery) is dedicated to the Fathers, Mothers, Grandparents and Tipuna of the Hapu of Kati Huirapa Ki Puketeraki…and to their descendants who will implement and guide the Taiāpure. (Kati Huirapa ki Puketeraki Runanga, 1992, p. 2).

### *Theorising the Discourse*

Fairclough (1992) in his version of critical discourse analysis explains that there is a "dialectical relationship between a particular discursive event and the situation(s), institutions(s) and social structure(s), which frame it" (p. 55). In other words "the discursive event is shaped by situations, institutions and social structures, but it also shapes them" (Fairclough, 1992, p. 55). In the present case, the discursive event is the Kati Huirapa Runanga ki Puketeraki taiāpure proposal. At the time of the text's origins, in 1989, the first statutory provisions for taiāpure were made after a long history of grievances against the government for the consistent erosion of Māori rights to exercise tino rangitiratanga. In 1992, the taiāpure proposal was submitted to the Minister of Fisheries, this was timely, due to the negotiations between Ngāi Tahu and the government, and the subsequent outcomes of these negotiations being in the form of the Deed of Settlement. Perhaps of more relevance to the current paper, provisions for further recognition of the role for Māori in the control of their fisheries were being mooted. It is conjectured that these situations and institutions (government and Ministry of Fisheries) in particular shaped the beginnings of the taiāpure proposal made by Kati Huirapa Runanga ki Puketeraki in terms of statutory recognition.

It is important to note that in 1992, at the time of the proposal submission to the government, it would seem that the government were beginning to fulfil their role as Treaty partners. However, we must question the extent of this with respect to the Kati Huirapa ki Puketeraki taiāpure 1997 proposal. In 1996, statutory provision for taiāpure was finally given more recognition, and it was in that the Kati Huirapa ki Puketeraki taiāpure was approved.

The text is also shaped by the societal domain; for example the meta-narrative discourse of indigenous knowledge is clearly evident in the discourse of Mātauranga Māori. The discourse also holds the dominant position, in terms of the prevalence of its occurrence within the text.

However we must remain critical of this position because it is recognised that it was written from the perspective of the Kati Huirapa ki Puketeraki Runanga, who subscribe to a Māori world view. Furthermore, there is an institutional discourse evident, for example through the use of titles such as executive summary, objectives, background to the objectives. These contradictions will be discussed in more detail in the concluding section.

## Conclusion: the taiāpure process as (un)contested terrain

In seeking further understanding of indigenous knowledge in the practise of environmental management, this paper has specific directives. In order to be successful in the taiāpure application process, both indigenous knowledge and non-indigenous institutional discourse must be subscribed to. Future research needs to explore the prevalent discourses in other texts such as: successful and unsuccessful taiāpure proposals; public submissions; personal interview transcripts and; newspaper articles relating to taiāpure.

The paper has investigated three key themes: the history, the process of a taiāpure application and the discourse of Mātauranga Māori. In considering the intersection of these themes, it is evident that problems can arise when trying to appropriate a Māori world view to an institutional practice, particularly when that practice is embedded within power relationships.

Māori researcher Linda Smith writes that:

> ... history is mainly about power. It is the story of the powerful, and how they become powerful, and then how they use their powers to keep them in positions in which they can continue to dominate others. It is because of this relationship with power that we [Māori] have been excluded, marginalised and made others (Smith, 1999, p. 1).

As Smith (1999) argues, history is about contestation and struggle, and is inextricably bound with power. From this perspective, we can view the history of the management and control of fisheries in New Zealand and the declaration of fishing areas such as taiāpure, not merely as the uncontested development of legislation and the seamless implementation of that legislation, but as *political* processes. The East Otago taiāpure proposal provides an example where we can see power being exerted in contradictory ways.

It is posited here that the success of the East Otago proposal can be read in two contradictory ways. First, because the prevalent discourse that Kati Huirapa Runanga ki Puketeraki drew on in their application for a taiāpure was Mātaraunga Māori, it may be argued that success of the taiāpure proposal was an empowering process for Māori in terms of the expression of tino rangitiratanga and the promotion of a Māori world view. In other words, in deeming an area a taiāpure the government can be seen to recognising Mātauranga Māori as acceptable knowledge and values to underpin the control and management of fisheries.

The second way however, is that the success of the application masks the power relationships underlying the process and potentially quietens an already marginalised and apparently powerless voice. Furthermore, this masking of the power relationships is a clear example of the Gramscian notion of hegemony, whereby the powerful control the powerless by romanticising the powerful's values and concepts and in doing so; the powerless take them on and espouse the values as their own, and as such, in fact further the grip of the powerful group. In applying this to the application for setting up taiāpure, in order to be successful, applicants must subscribe to the institutional

discourse, and to the process. However, the notion of institutional discourse is at fundamental odds with indigenous knowledge. A point to ponder, perhaps because the taiāpure concept is portrayed by the government as an expression of tino rangitiratanga, we must question whether the concept is a true example of the government honouring its Treaty partner, or perhaps a new word for old concepts that still lead to the marginalisation of the powerless.

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