

Whaia te pae tawhiti kia tata  
Whaia te pae tata kia mau!

# PRACTICAL FISHERIES MANAGEMENT



AOTEAROA  
*fisheries limited*



AFL Shareholders meeting  
Tuesday 29 June 2010

# Management

- **Management is carried out by owners or for owners**

# Ownership

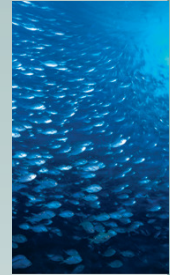
**“Ownership** comprises the right to possess, the right to use, the right to manage, the right to the income of the thing, the right to capital, the right to security, the rights to incidents of transmissibility and absence of term, the prohibition of harmful use, liability to execution and the incident of residuarity”.

Honore, A.M. “Ownership”. In Oxford Essays on Jurisprudence, Oxford University Press, 1961



# Fisheries Ownership

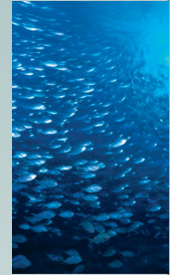
- **Possession is nine tenths of the law (use it or lose it)**
- ITQ and Customary fisheries rights holders 'own' the fisheries where they are the dominant users
- Ownership is **collective**:
- Management must be **collective**.



# Fisheries Management

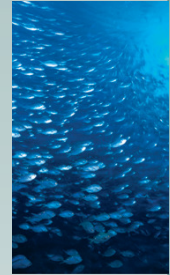
Generally,

- We do not manage **fish** we manage **fishers**
- We manage **fishing** to sustain **fisheries**
- We manage the **who, what, where, when, how, and how much** of fishing



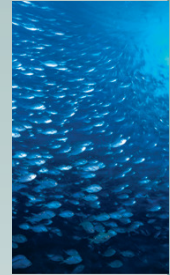
# Fisheries Management Mechanics

- **ITQ owners:** condition ACE
- **Kaitiaki:** authorize customary (non-commercial) take

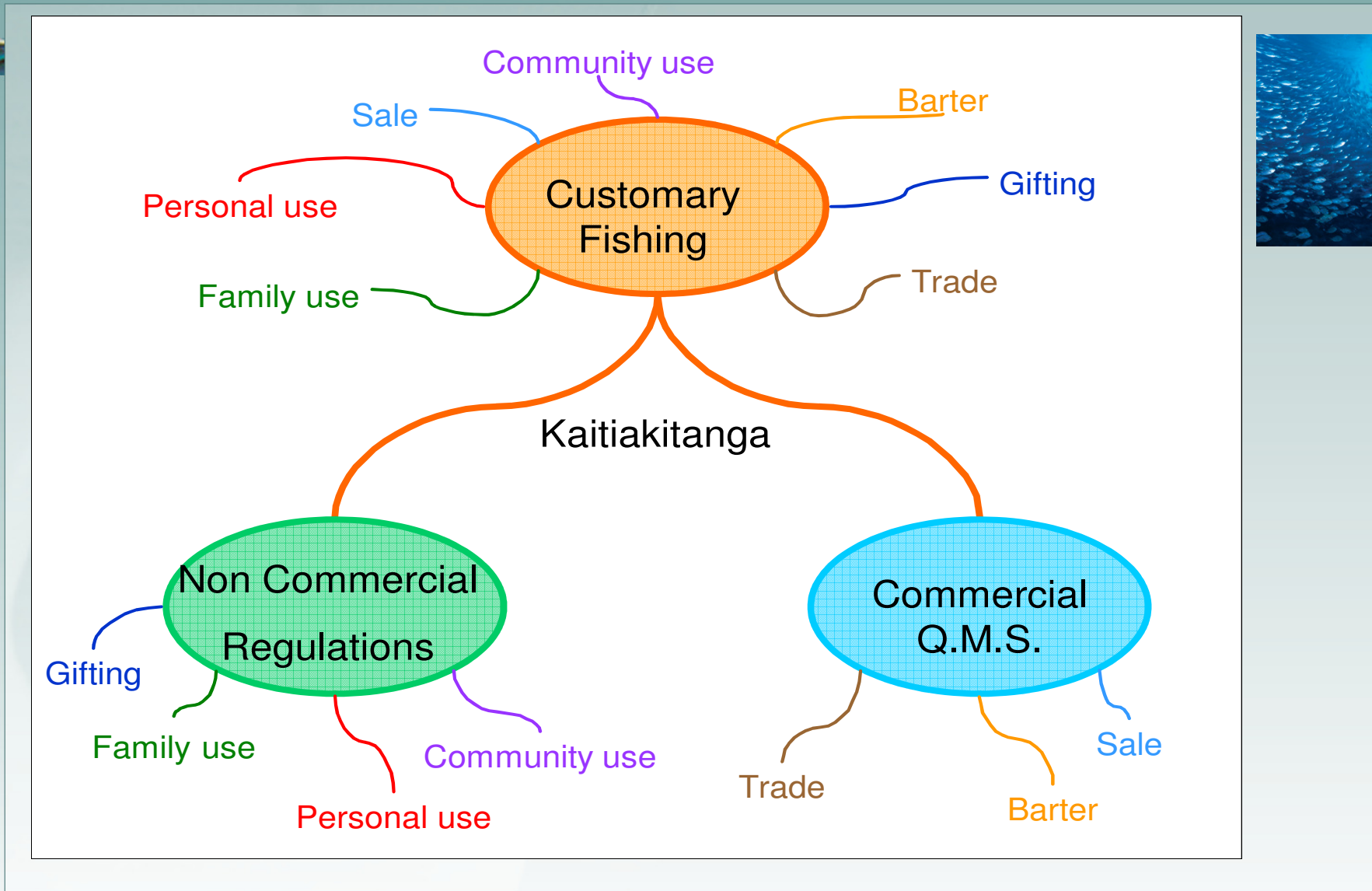


# Fisheries Management Co-ordination

- Co-ordination of ITQ owners including AHCs (**CSOs**)
- Co-ordination of CSOs (**SeaFIC**)
- Co-ordination of kaitiaki (?)
- Co-ordination of kaitiaki and AHCs (?)



# The Deed of Settlement



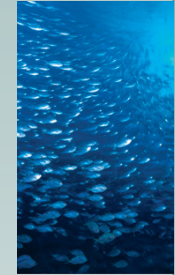
# Allocation

“The Judicial Committee of the Privy Council, in *Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission* [2002] 2 NZLR 17, held that the obligations of the trust imposed by the Deed of Settlement required **the benefits of the settlement to be allocated to iwi, meaning the traditional tribes, for the ultimate benefit of all Maori**”.

Maori Fisheries Act 2004, preamble

# Implementation

- Fisheries Claims are Settled
- The Allocation Debate is Settled
- The QMS is Settled (endorsed)
- Customary Regulations preceded the allocation determination (out of step)

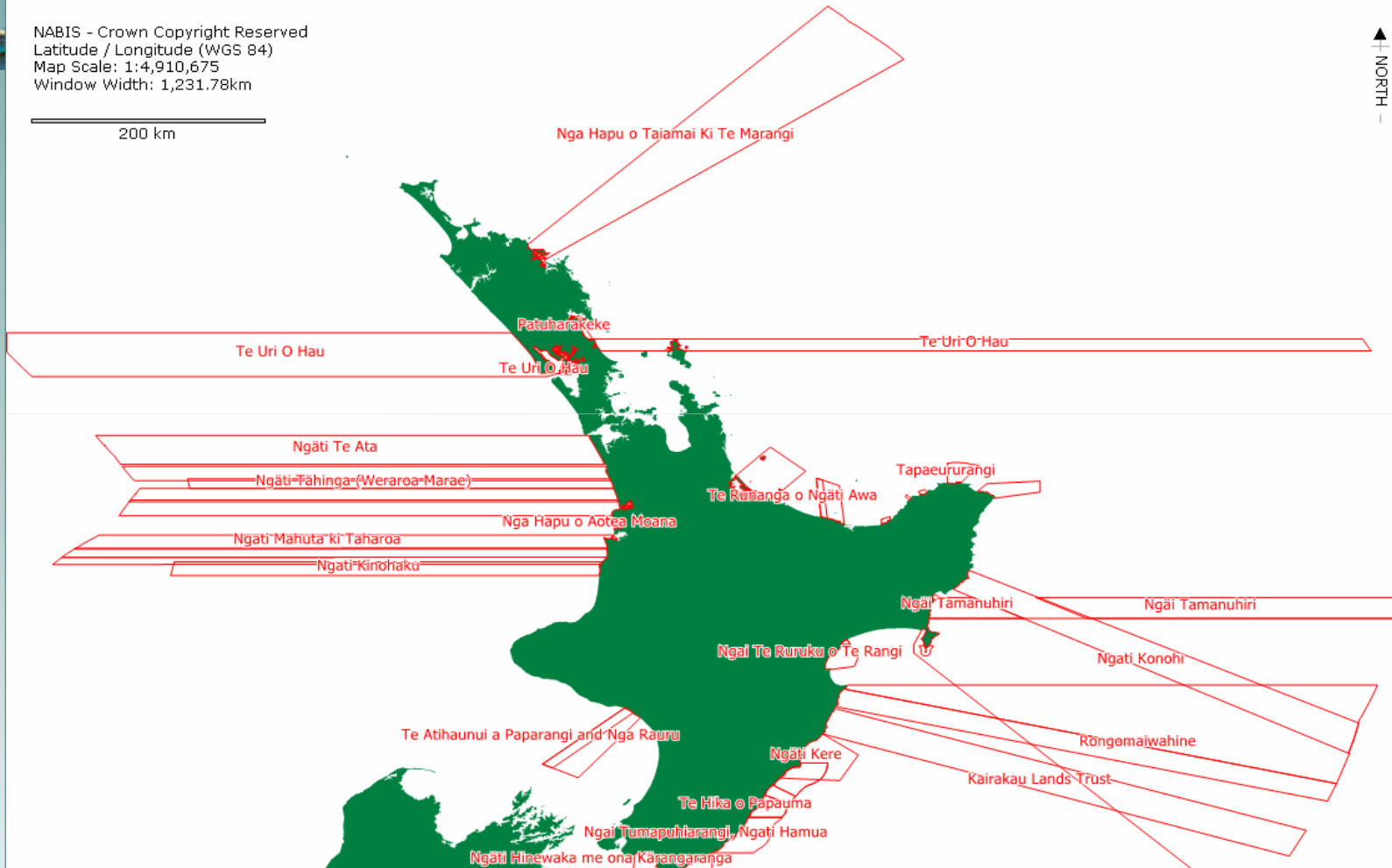
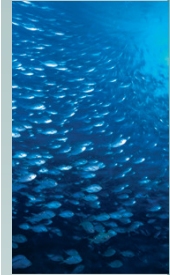


# First up, best dressed

NABIS - Crown Copyright Reserved  
Latitude / Longitude (WGS 84)  
Map Scale: 1:4,910,675  
Window Width: 1,231.78km

200 km

NORTH

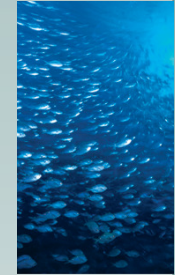


This map is intended to be used as a guide only, in conjunction with other data sources and methods, and should only be used for the purpose for which it was developed. Although the information on this map has been prepared with care and in good faith, no guarantee is given that the information is complete, accurate or up-to-date.

Date: 18 January 2010

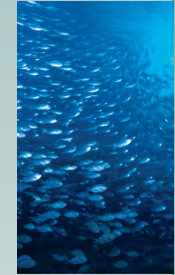
# Divided we Fall

- **All Maori are tangata whenua**
- **All Maori are iwi Maori**
- **All Maori are customary Maori**
- **All Maori are commercial Maori**



# The Role of MIOs

- **Responsible for managing all of the benefits of the Settlement for all members of the iwi.**
- Aspects of this responsibility can be delegated by MIOs but they cannot be usurped without undermining the Deed of Settlement



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