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**"THOU SHALT TAKE INTO
ACCOUNT THE PRINCIPLES OF
THE TREATY OF WAITANGI
AND/OR CONSIDER MAORI
CULTURAL, TRADITIONAL, AND
SPIRITUAL VALUES":**

**IMPLICATIONS FOR RESOURCE
MANAGEMENT**

Presented in partial fulfilment of the requirements for
the Degree of Master of Science in the University of
Canterbury

by R. L. Montgomery

Centre for Resource Management

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Abstract

In recent years a number of statutes have been enacted or drafted which purport to bring fundamental reform to the management of natural and physical resources in this country. Most contain clauses which state that the relevant management practices will be carried out either in consideration of the principles of the Treaty of Waitangi, or with regard for Maori spiritual, traditional, and cultural values. This study examines these "Treaty clauses" in the context of a nascent coastal management policy and assesses their practical implications for resource managers. An hypothetical framework of "Treaty-based coastal management" is constructed, and discussed in terms of how it might be implemented. It is argued that while the framework as a whole appears to lack sharply defined goals and procedures at the present time, this does not preclude its implementation. Indeed, given the scale and nature of behavioural change implied by the reforms contained in the framework, maximum flexibility may be essential. While the "Treaty clauses" do not appear to offer to the resource manager any means for deciding how much "weight" to assign to Maori values, a closer reading of the "Treaty clauses" shows that they imply critical evaluation of Pakeha values in any management context. This in turn may provide a guide to action. An attempt is made to illustrate this claim, and it is suggested that the "Treaty clauses" require a reassessment of the methodology of resource management if Maori and Pakeha values are to be treated in a consistent manner in the future.

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Author's Note

The use of personal pronouns or personal references tends to be frowned upon in academic discourse. Indeed, emphasis is placed upon separating one's "credentials" from one's personality and social position. If this is contrasted with a reading, for example, of the opening lines of much of the evidence brought by Maori before the Waitangi Tribunal, it will be seen in the latter case, personal factors precede formal qualifications in the establishment of credentials. While I have refrained from using the personal pronoun in the study that follows, I feel bound to declare my interests in some measure at least. I was born in England and emigrated to New Zealand at an early age. My values are consistent with those of the post-war, post-materialist generations. This may help to explain any biases the reader may find in my approach.

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CHAPTER ONE: INTRODUCTION

1.1 Problem Statement

In recent years a number of "Treaty clauses" have been written into Acts of Parliament and draft legislation which govern the management of natural and physical resources in this country. Certain guide-lines and mechanisms have already been prescribed or suggested in order to facilitate greater consultation with Maori. Yet in many cases there have been no clear indications as to precisely how the "principles" of the Treaty of Waitangi are to be given practical effect, or how one may best reconcile conflicting cultural values in resource allocations.

In other words, it is one thing to know how to consult, but another to know what to do with the results of consultation. This applies to both the initial design of policies, and the "downstream" arena of consent applications, hearings, and appeals. The "Treaty clauses" may thus appear to some to be too vague for practical purposes.

In situations where cultural differences seem relatively trivial, such vagueness may not present severe problems. However, if one considers the actions and interactions of Maori and Pakeha in, say, the coastal environment, it is clear that historically, there have been sharp conflicts between Maori and Pakeha values. There is a

substantial body of literature, including the published findings of the Waitangi Tribunal on the Motonui-Waitara, Kaituna River, Manukau, and Muriwhenua claims, and the Law Commission's report The Treaty of Waitangi and Maori Fisheries, which suggests that such conflicts are felt intensely in the present day.(1)

As part of the comprehensive review by central government of resource management legislation and procedures that has been undertaken in the last four years, an attempt has been made to construct an integrated approach to coastal management. The policies which have emerged so far contain a number of the generalised "Treaty clauses", the content of which is paraphrased in the title of this study. It seems reasonable to enquire as to whether or not past conflicts can or will be reconciled under a new "Treaty-based" framework for coastal management.

Furthermore, the future role of the Treaty of Waitangi in New Zealand society is a matter that has provoked broad and often polemical discussion. Many Pakeha regard moves to give greater official recognition to the Treaty of Waitangi as an abrogation of their own rights, or as unwelcome steps towards Maori separatism. Others see the Treaty of Waitangi as a covenant yet to be honoured. There have been suggestions by members of the

1 Kaituna Report Wai- 4 (1984:7-11), Motonui-Waitara Report Wai- 6 (1983:6-19), Manukau Report Wai- 8 (1985:33-43), Muriwhenua Report Wai- 22 (1988:13-30), Law Commission (1989:26-35).

recently elected National Government that the present status of the Treaty of Waitangi, the Waitangi Tribunal, and other related draft or enacted legislation will be altered substantially. This conflict in public sentiment begs the question as to the relevance of "Treaty clauses".

1.2 Study Objectives

This study attempts to assess the sufficiency and relevance of "Treaty clauses" in the context of a nascent coastal management policy in order to determine their practical implications for resource managers. This broad aim may be divided into a set of objectives:

- 1) To review the statutory requirements for Treaty recognition in a particular field of resource management, in this case coastal management.
- 2) To construct an hypothetical framework for "Treaty-based" coastal management.
- 3) To assess the prospects for "successful" implementation of the framework.
- 4) To discuss the sufficiency and relevance of the "Treaty clauses" contained within this framework.
- 5) To determine the practical implications of these clauses for resource managers.
- 6) To discuss the broader implications for the theory and practice of resource management.

1.3 Study Format

The structure of this study follows the sequence of objectives set out above. Chapter two

draws together the current regulations and policies that affect coastal management into a framework. Chapter three discusses the prospects for implementation from a theoretical perspective, and examines the implications that this might have for resource managers. Chapter four attempts to clarify further the role of the resource manager both through a closer reading of the "Treaty clauses", and consideration of coastal management issues at a specific location. The broader implications for resource management and are briefly discussed in chapter five.

The "logical" construction of this study is as follows: policies are taken first at face value; an attempt is made to put them together into a framework for implementation, or as some may prefer, an hypothesis; this hypothesis is then considered in terms of how it might be expected to work from a theoretical perspective; a general conclusion is drawn, and a specific problem is noted; an attempt is made to explore this problem and show how it might be resolved; further conclusions are drawn.

1.4 Scope of Study

This study has been prepared as a discussion document for resource managers. There is also an attempt to provide an analysis of, and for, resource management policy. In the context of this discussion

the generic expression "resource manager" refers to people employed in a natural resource management capacity, either by central government agencies such as the Department of Conservation, or by local government organisations such as regional councils and territorial authorities. At the present time most resource managers are Pakeha, and this study is principally concerned with examining Pakeha values.(1)

Consequently, the study does not aim to describe or interpret Maori cultural, traditional, and spiritual values. Nor does it seek to tell Maori in resource management positions who may read this work about their own values or heritage. Much has been written on Maori culture in the past, and in recent years the literature has grown enormously.(2)

Similarly, discussion is not aimed at prescribing improved procedures for coastal management as this would contradict one of the principal conclusions drawn from the study. Management issues relating to the Kaikoura coast are outlined briefly in order to provide a context for the proposition that the "Treaty clauses" require a critical assessment of Pakeha values.

1 The legitimacy of using the generic terms "Maori" and "Pakeha" has been discussed by Pearson (1990: 215-216). For the purposes of this discussion it is assumed that these terms can be used to describe two discrete ethnic categories.

2 Maori culture has traditionally been transmitted in an oral form. Writing about Maori culture may therefore be deficient in certain respects.

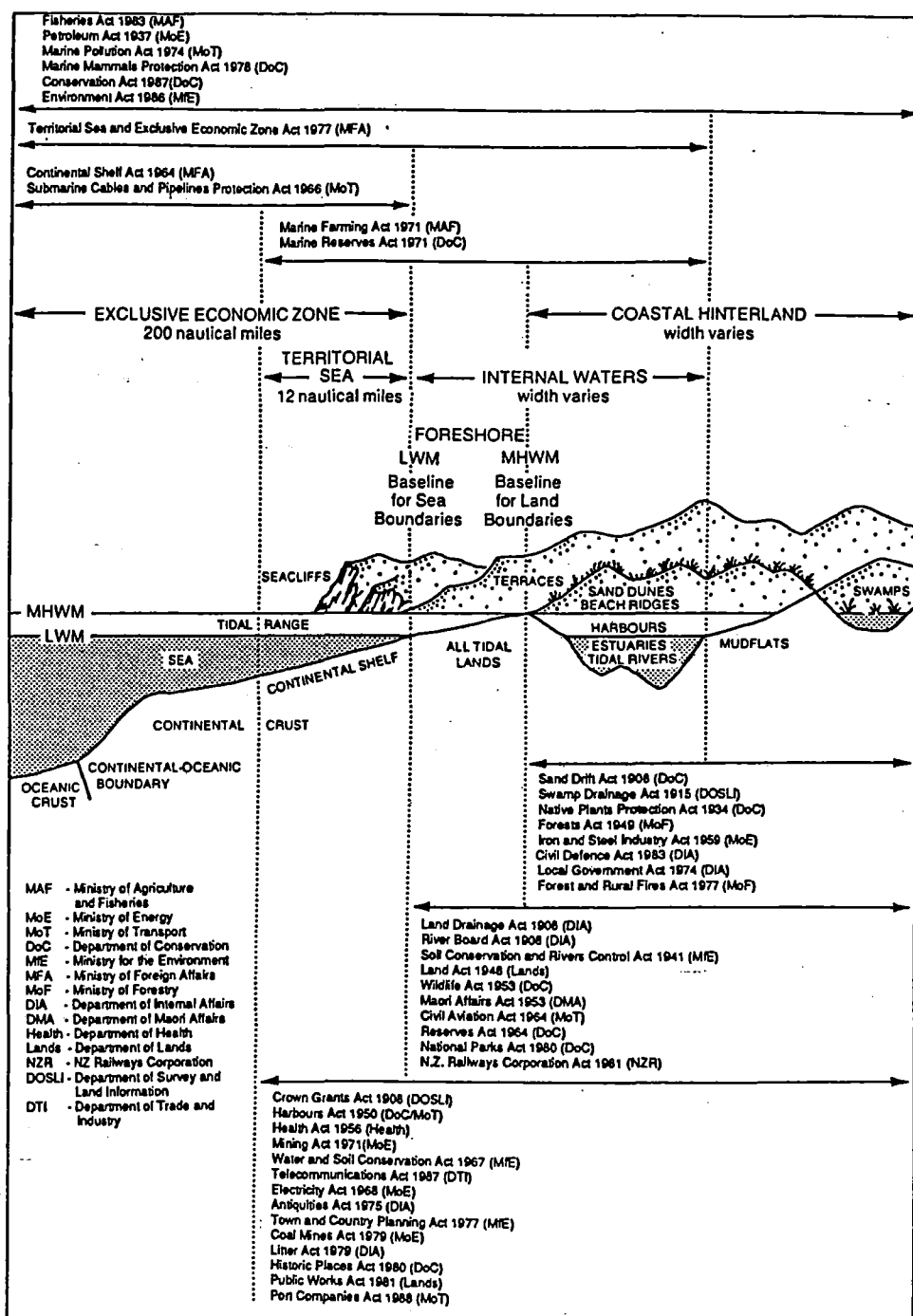
CHAPTER TWO: COASTAL MANAGEMENT POLICY AND
INSTITUTIONAL CHANGE

In this chapter proposed or enacted reforms for coastal management are outlined, and references to "Treaty clauses" noted. Other Acts and Amendments, either passed or drafted, which contain provisions for increased Maori involvement and consultation in decision-making are discussed. The categories used for the discussion are as follows: Resource Management Law Reform; Fisheries Legislation; Local Government Reform; Maori Affairs Restructuring; and Other Regulations. The aim here is to construct an hypothetical framework for further analysis in a subsequent chapter. Critical comment is reserved for the Summary and Conclusion of the chapter.

2.1 Background: The Rise of "Coastal Management" and Resource Management Law Reform

The question of managing the "coastal environment" as if it were a distinct entity appears to have arisen in relatively recent times as far as Pakeha are concerned.(4) Historically, official regulation of activity within the coastal environment has tended to focus upon particular issues or identified resources. Controls seem to have been instituted as and when particular needs and priorities have arisen. A diagrammatic representation of the number and scope of Acts of Parliament which impinged, until the late 1980's at least, upon the coastal environment is shown in Figure 1. Responsibility for the administration of such regulations in the past has fallen not only to central, regional and local government agencies, but also to a range of limited-purpose boards and authorities.

4 A categorical definition "coastal environment" cannot and perhaps should not be given. A general Pakeha definition might be as follows: the marine environment within the 12 mile territorial limit; the foreshore; and inland areas affected by maritime climatic conditions.



The Jurisdiction of Acts of Parliament over Land and Sea Boundaries, Territories and Zones Around the Coastline of New Zealand.

FIGURE 1

(source: Ministry for the Environment, 1988:5)

This process of piecemeal legislation and administration, where a single issue or priority might produce a single statute, or reforms thereof, has led to an unwieldy, uncoordinated, and often contradictory set of laws and regulations. A number of studies have highlighted the apparent deficiencies or omissions of previous approaches to managing coastal resources (Paul, 1983, Bridgwater, 1985). Furthermore, coastal areas seem to have "missed out" in the general post-war trend towards the protection of a wider range of natural environments and ecosystems. The fragmented creation of coastal reserves and picnic spots appears in retrospect to have been a highly inadequate means of conserving the coastal environment (Jebson, 1987: 65-67).

In the late 1980's, and within a climate of broad legislative reform, the Government initiated a review of coastal legislation with a view to producing a new and more coherent coastal management framework.

2.2 Resource Management Law Reform

2.2.1 First drafts

A major review of coastal legislation was undertaken in 1987 by a newly created Department of Conservation. The aim of the review was to produce guide-lines for coastal management which would both mitigate the effects of the existing fragmented legislation, and reflect the recreational and conservation values being attributed increasingly to the coastline. The Harbours Act 1950, for example, now seemed anomalous, allocating foreshore and seabed areas to port authorities in a preferential manner while ignoring other interests.

As this process was set in motion it became apparent that there were overlaps between the coastal legislation review and the Resource Management Law Reform process. The former review was quickly incorporated in the larger process. Extensive consultation took place with interest groups and the public at large. This produced a substantial body of literature on many aspects of resource management including coastal issues.⁽⁵⁾ The policy formulation process was unconventional by the standards of the "Westminster System", where the chief executive and departmental advisors are assumed to be the shapers of legislation.

⁵ See Ministry for the Environment Working Paper No. 23 (1988).

When the review process was completed, a draft "omnibus" statute, the "Resource Management Bill", was produced. In broad terms the purpose of the Bill was to ensure that decisions affecting natural and physical resources were made with regard for the needs of future generations, the frailty of environmental processes and ecosystems, and the diversity of social, economic, and cultural values of the country's population (s. 4 [2]).

The principles of the Bill required that regard be given to the importance, amongst other things, of

"The relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, and other taonga" (s. 5 [1f]).

Furthermore, clause 6 of the Bill stated:

"In achieving the purpose of this Act, all persons who exercise functions and powers under this Act have a duty to consider the Treaty of Waitangi."

Coastal management practices would be governed by a national coastal policy. Under the provisions of the Bill a "National Coastal Policy Statement" was to be prepared by the Minister of Conservation and published in a form allowing for public comment and local government submissions. The coastal policy statement would then be integrated, where appropriate, into regional and local plans and policy statements (s.46, s.47). The policy statement would promote, amongst other things, the following:

"The protection of the characteristics of the coastal environment of special value to the tangata whenua including waahi tapu (sacred sites), tauranga waka ("a canoe landing site"), mahinga maataitai (places where seafood is harvested), and taonga raranga (plants valued for weaving purposes)." (s. 48)

2.2.2 The present state of Resource Management Law Reform and coastal policy

Following extensive public comment, a first reading, and referral to committee for redrafting, a modified Bill was produced and given its second reading in August 1990. Generally speaking, the changes seem cosmetic. The wording of the Bill has been altered to soften the perceived pro-development or reactive tone of some of its clauses e.g., "preservation" replacing "maintenance" as a consideration, and certain definitions and procedures have been tightened. The Treaty of Waitangi clause has been amended to read:

"In achieving the purpose of this Act, all persons who exercise functions and powers under this Act have a duty to take into account the special relationship between the Crown and te iwi Maori as embodied in the Treaty of Waitangi" (s. 6).

At the same time a draft New Zealand Coastal Policy Statement has been released for public comment by the Minister of Conservation. It contains a provision for "giving effect to the Treaty of

Waitangi" (p.7 [3.0.6]). With regard to consultation with Maori, the policy echoes some of the recommendations of the earlier working paper on coastal legislation:

"Plans and decisions shall involve adequate consultation with Maori;

Plans and decisions shall recognise and provide for the role of kaitiakitanga;(6)

The Minister of Conservation shall consult with the tangata whenua when considering proposed regional plans;

When preparing plans for the coastal environment, local authorities shall incorporate, where relevant and appropriate, Maori customary knowledge about the coast." (p. 20).

Furthermore, as a general recommendation the policy statement suggests that:

"Decisions shall have regard to taiapure regulations, fisheries management plans, and iwi management plans"(p. 26).

In a background discussion the Statement outlines the jurisdictions of central, regional and local government. The Minister of Conservation, for example, prepares coastal policy statements, approves regional coastal plans, and issues consents for restricted coastal activities. Underpinning these functions is the assumption that the coast is a common property resource with nationally important economic and conservation values, vesting of which

6 Defined as "a duty of care and responsibility" (p. 20).

should remain in the Crown. Crown ownership also acknowledges the partnership obligation under the Treaty of Waitangi to safeguard tangata whenua interests (p. ii).

Regional councils are to be responsible for day to day management of the area between mean high water spring, and the outer limits of the territorial sea (12 nautical miles). They must also prepare a regional coastal plan, and an overall regional resource management policy statement. District councils are to be responsible for the detailed planning and decision-making for the coastal environment, above mean high water spring, and administer marginal strips, or the "Queen's chain". The statement does not suggest how Maori involvement might be formalised (the earlier working paper [MfE, 1988] had suggested that appointments could be made to "positions of responsibility").

2.3 Fisheries Legislation

2.3.1 The Maori Fisheries Act 1989 and Amendments to the Fisheries Act 1983

The Maori Fisheries Act 1989 came about largely as a result of court action over the introduction of the Quota Management System (QMS) for New Zealand fish stocks by the Ministry of Agriculture and

Fisheries in 1986 (Kelsey, 1990: 112-139). The action was brought by the Muriwhenua tribes in the midst of their claim over coastal resources before the Waitangi Tribunal. The Individual Transferable Quota (ITQ) allocation system threatened to alienate from the Crown and pass to private interests fisheries that were claimed as tribal possessions under Article II of the Treaty of Waitangi.

Following negotiations a Bill was drafted and enacted. The aims of the Act are set out as follows:

"(a) To make better provision for the recognition of Maori fishing rights secured by the Treaty of Waitangi; and

(b) To facilitate the entry of Maori into, and the development by Maori of, the business and activity of fishing; and

(c) To make better provision for the conservation and management of the rock lobster fishery" (p. 2).

More specifically, the Act created a Maori Fisheries Commission of seven members, their appointment being made on the advice of the Minister of Maori Affairs. The Commission's role is to oversee and apportion funding for Maori participation in the fishing industry.

Provision is also made for formally setting aside certain local fisheries, or "taiapure" for use by iwi:

"The object of the Part of this Act is to make, in relation to areas of New Zealand fisheries waters (being estuarine or littoral coastal waters) that have customarily been of special significance to any iwi or hapu either -

- (a) As a source of food; or
- (b) For spiritual or cultural reasons,
-better provision for the recognition of rangatiratanga and of the right secured in relation to fisheries by Article II of the Treaty of Waitangi" (s. 54A).

Other clauses cover the procedures for the setting aside of taiapure, appeal procedures in the case of objections being lodged, and the conditions of appointment of a management committee if and when a taiapure is gazetted. Management committees are appointed by the Minister of Fisheries after consultation with the Minister of Maori Affairs. It may be composed of any "existing body corporate", and appointments can be made on the nomination of persons who appear to the Minister to be representative of the local Maori community (s. 54 [j]).

The taiapure provisions are also included in the Fisheries Act 1983, and in the preparation of fishery management plans for any declared fishery management area, the Director-General of Fisheries is required to

"consult and have regard to the views and responsibilities of appropriate public authorities, the Fishing Industry Board, and such organisations and persons representing commercial, recreational, Maori, traditional, and other interests in fisheries as he considers appropriate..." (s. 6).

2.3.2 Aquaculture Policy

A review of aquaculture legislation was conducted under the auspices of the Ministry of Agriculture and Fisheries in 1988. It was intended to tie in with the process of Resource Management Law Reform. A discussion paper was released in November 1989, but did not make it clear whether or not the Treaty of Waitangi was to be incorporated directly into future aquaculture policy or legislation:

"The new Resource Management Act will provide for more involvement of iwi authorities in resource management, and for the protection of Maori cultural and spiritual values associated with the use of the coast and the environment. Thus interactions between aquaculture and Maori values in coastal areas will be considered by Regional Government during the development of coastal plans under the Resource Management Act." (MAF Fisheries, 1989:2)

At the present time a draft Aquaculture Bill is being prepared.

2.4 Local Government Reforms

During the same period of legislative review, and in line with the principle of reducing central government involvement in areas that were perceived to be best left to local or private interests, the Government undertook a review of local and regional government boundaries, structures, and

jurisdictions. The outcome of this process was a series of Amendments to the Local Government Act 1974. These reduced the total number of local bodies, increased or rearranged the geographical boundaries of some that remained, and defined the structure, numerical composition, and relationships of the regional and local bodies that had been newly created or modified. The principle assumption was that unless a particular resource or issue was of national significance, management or resolution of conflicts would be addressed at a regional, or, where appropriate, a district, or "territorial" level.

As part of the reform process, an Amendment (No. 8) to the Local Government Act has been drafted which provides for formal Maori participation in local government decision-making. A committee, provisionally entitled a "Maori Advisory Committee", is to be constituted for every regional council and territorial authority. Between 3 and 10 members may be appointed by the relevant iwi in each region or territory to stand, normally, for a period not exceeding three years.

The role of the committee is to give advice on matters of concern to tangata whenua. Matters may be either referred to the committee by the regional council or territorial authority, or brought to the attention of the committee through other channels.

Two alternatives for recognition of the Treaty of Waitangi have been put forward:

1st Alternative: Section 114W Purpose

"Having regard to the principles of the Treaty of Waitangi, the purpose of this Part of this Act is to provide for consultation and discussion between Tangata Whenua and regional councils and territorial authorities."

2nd Alternative: Section 114ZC Duties of regional council and territorial authority and their committees -

"(3) In considering the submissions or recommendations made by its Maori Advisory Committee under section 114ZA of this Act, the regional council or territorial authority shall in addition to considering all other matters that it is required to consider or it considers relevant, have regard to the principles of the Treaty of Waitangi."

The recommendations of any Maori Advisory Committee are not binding upon regional councils and territorial authorities. The costs associated with the functioning of the committees are to be borne by the regional councils and territorial authorities concerned.

2.5 Maori Affairs Restructuring

While the above processes were underway, central government involvement in Maori interests was also being reviewed. The statute which followed, the Maori Affairs Restructuring Act 1989, was an Act intended to

"provide for the restructuring of the Department of Maori Affairs to form the Iwi Transition Agency, to abolish the Board of Maori Affairs and transfer its programmes to the general manager of the Iwi Transition Agency, and to transfer the administration of the Maori Land Court to the Department of Justice." (p. 2)

The primary objective of the Iwi Transition Agency was

"to help Iwi to develop and strengthen Iwi Authorities to provide services for their members, and for other Maori within the role of the Iwi."

The means by which this objective was to be met was through preparation and implementation of "Iwi Management Plans". These would provide a clear statement of directions, priorities and specific proposals for iwi development. They would allow other bodies and organisations, such as local and regional authorities and central government agencies to plan or adjust their own management policies.

To complete the transition process the Runanga Iwi Act 1990 has recently been passed, and this sets out a framework for representation of individual or joint iwi interests.(7) The aims of the Act are

"(a) To acknowledge the enduring, traditional significance and importance of the iwi; and

7 "Runanga", under the Interpretation of the Act means "a council of an iwi, or of two or more iwi" (s. 2).

(b) To identify the characteristics by which iwi are to be recognised for the purposes of this Act; and

(c) To provide for the incorporation of runanga to represent iwi in accordance with charters prepared by iwi; and

(d) To provide a process for the resolution of conflicts that may arise within an iwi or between incorporated runanga; and

(e) To provide for the registration by any iwi of a body corporate as the authorised voice of the iwi." (p. 2)

The Act also contains a clause stating that "This Act shall be interpreted in a manner consistent with the principles of the Treaty of Waitangi" (s. 4).

In essence, the incorporated runanga and authorised iwi voice take over responsibility for iwi management plans. There is no stipulation concerning minimum or maximum membership of runanga or authorised voices, as this is to be decided by and amongst iwi.

2.6 Other Legislation

Statutes which impinge upon coastal management and which might affect Maori interests or provide for Maori participation in decision-making are the Conservation Act 1987, and the Environment Act 1986, the Conservation Law Reform Act 1989.

2.6.1 Conservation Act 1987

Section 4 of the Conservation Act 1987 makes reference to the Treaty of Waitangi in the following terms:

"This Act shall be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi."

2.6.2 Environment Act 1986

The Environment Act 1986 contains no separate section relating to the Treaty. The long title sets out the objects of the Act and it includes the following:

"(c) Ensure that, in the management of natural and physical resources, full and balanced account is taken of-

- (i) The intrinsic values of ecosystems; and
- (ii) All values which are placed by individuals and groups on the quality of the environment; and
- (iii) The principles of the Treaty of Waitangi; and
- (iv) The sustainability of natural and physical resources; and
- (v) The needs of future generations."

2.6.3 Conservation Law Reform Act 1989

The Conservation Law Reform Act 1989 rationalises previous mechanisms for protecting land, marine, or

coastal areas.(8) It also abolishes the multitude of management bodies that had previously existed, and replaces them with a three-tier management structure: the Minister of Conservation; a single "New Zealand Conservation Authority"; and no more than nineteen regional "Conservation Boards".

Membership of the national authority is not to exceed twelve, and is made up of various conservation and recreation groups, such as the Royal Forest and Bird Protection Society (2 members) and Federated Mountain Clubs Association (2 members). While there is no stipulation that two Maori members be appointed it is specified that two members "be appointed after consultation with the Minister of Maori Affairs" (s. 6[d]). Similarly, the regional boards are made up of twelve members, and appointments are made subject, amongst other consultations, to the Minister's consultation with the Minister of Maori Affairs.

2.7 Summary: A Framework for Treaty-based Coastal Management?

It appears that from an administrative perspective at least, "Treaty-based" coastal management would depend largely upon interactions

⁸ Acts affecting coastal management include the Marine Reserves Act 1971, the Reserves Act 1977, and the Marine Mammals Protection Act 1978.

within the framework of the following Acts and actors:

1) Acts

a Resource Management Act
 Maori Fisheries Act 1989
 Fisheries Act 1983
 Runanga Iwi Act 1990
 Local Government Act 1974 and Amendments
 (particularly No.8: Maori Advisory
 Committees)
 Environment Act 1986
 Conservation Act 1987
 Conservation Law Reform Act 1989

2) Actors

Minister of Conservation
 Department of Conservation officers
 Minister of Fisheries
 Ministry of Agriculture and Fisheries
 officers
 Regional Councillors and officers
 District and City Councillors and officers
 Maori Advisory Committees
 Runanga or authorised iwi voices
 Minister of Maori Affairs
 Planning Tribunal(9)
 New Zealand Conservation Authority
 Conservation Boards
 Taiapure Management Committees

The framework implies that a number of interlocking and overlapping management plans and policy statements would be created. The Minister of Conservation would prepare statements of policy on matters of national significance. A New Zealand Coastal Policy Statement would be produced. Potentially, each regional council would be required

9 The Planning Tribunal would be constituted under Resource Management Act. It would effectively be an expanded version of the present Planning Tribunal. There is a subtle suggestion in the Bill that at least one Planning Judge should be Maori (s. 296, 297, 298, 300, 301).

to prepare a regional policy statement, one or more regional plans, and a regional coastal plan (to be approved by the Minister of Conservation). The latter two plans could be combined where this was deemed appropriate. Territorial authorities would be required to prepare district plans.

Joint regional plans, joint district plans, and combined regional and district plans would be permitted where appropriate (e.g., where cross-boundary issues pertained). Regional councils and territorial authorities would be required to incorporate national policies in their respective regional and district plans. They would also have to consider the following: management plans and strategies prepared under other Acts (such as fisheries management plans); relevant planning documents recognised by an iwi authority affected by the regional and district plans; regulations relating to the conservation or management of taiapure or local fisheries. (Resource Management Bill, s.64[2b]). In short, coastal management practices would be governed by:

- New Zealand Coastal Policy Statement
- Regional Plans
- Regional Coastal Plans
- District Plans
- Iwi planning documents
- Fisheries Management Plans
- Taiapure Management Plans

Direct iwi input into regional and district plans would be provided through consultation with

recognised iwi representative bodies. For example, within any regional boundary a number of Maori Advisory Committees could be created (one regional committee, and one committee for each territorial authority).(10) Alternatively, incorporated runanga might be considered more appropriate as a focus for consultation. The runanga in a region might combine to form a single body for consultation with local authorities. A previously existing and well-established Maori representative body might be ratified as an authorised consultative agency.

As a further option, a territorial authority, regional council, or central government agency might offer paid positions to acknowledged iwi representatives under the designation "iwi liaison officers" or another appropriate title. Indirect iwi input would be provided by representation on regional Conservation Boards (at least one member), and for each taiapure created along the coastline in a particular region a management committee would be created (comprised wholly of Maori members if so desired).

Under the Resource Management Act rationalised consent and appeal procedures would govern applications to carry out activities normally prohibited in the coastal marine area, such as erecting or demolishing buildings, removing flora

10 The Canterbury region, for example, could have eleven committees, membership numbers totalling anywhere from 33 to 110.

and/or fauna, and removing sand and other materials (s.10-12). Consultation with Maori would take place in the early stages of a consent application. For example, upon receipt of an application for a "coastal permit" which might have impacts upon Maori interests, the consent authority would immediately notify the relevant iwi authority or recognised iwi "voice". The iwi position could be articulated in a submission, and if necessary, at a hearing. The consent authority would consider this submission and the provisions relating to iwi interests in any other plans and policy statements before making its decision.

Representation would also be provided at other levels. For example, where an application for a permit for a restricted coastal activity was made to a regional council, and where Maori interests might be affected, there would be provision for iwi representation on the committee created to make recommendations to the Minister of Conservation (s. 98 Resource Management Bill). At the national Maori would be likely to have at least one voice on the Planning Tribunal. They would have at least two Maori representatives on the New Zealand Conservation Authority. The Maori Fisheries Commission would represent Maori interests in dealings with the Fishing Industry Association, Federation of Commercial Fishermen, Fishing Industry

Board, and the Minister of Fisheries and his or her representatives.

Problems

The framework seems to provide a number of checks and balances for regulating behaviour in the coastal environment, yet this may require extensive cross-referencing between a number of planning documents, and these may accord varying degrees of priority to coastal issues. Although there are many provisions for consultation with iwi, local authorities appear to be the first "port of call" for all consent applications. While immediate referral to an iwi liaison officer, advisory committee, or runanga might follow, there is still a risk that iwi may be only one "voice" amongst many in coastal permit consent procedures. This would appear to compromise the "Treaty clause" in the Resource Management Bill which recognises the "special relationship between the Crown and te iwi Maori".

Furthermore, there appear to be no rules for deciding how much weight should be given to iwi interests, and there are no clear veto points for iwi. The Minister of Conservation (assisted by senior advisory staff) appears to hold a large amount of discretionary power. A Minister

unsympathetic to iwi interests might not incorporate them in key decisions.

The framework provides structures for consultation with iwi, and proposes that regional councils and territorial authorities bear much of the administration and running costs of consultation. Yet, given the funding constraints experienced by most local authorities, advisory committees might be established "on paper" but not be given the resources necessary to carry out their functions, such as providing policy input for coastal management.

2.8 Conclusion

In short, the framework promises much in the way of consultation with Maori, but does not provide evaluative criteria for the results obtained from the process of consultation. The question of whether or not such a framework could be described as "Treaty-based" remains unanswered. It is clear that the framework has been developed in the context of major institutional change. Indeed, the development of "coastal management" is itself relatively new. There is a possibility that iwi interests might get "killed in the rush" to determine new structures and jurisdictions. Some may feel that the "Treaty clauses" should be more prescriptive, specifying

that iwi interests should prevail in certain circumstances.

The framework as it stands contains bold, if not precisely defined objectives. This differs from a situation of piecemeal reform, where "Treaty clause" amendments might be introduced into a fully functioning and otherwise stable institutional environment. It seems reasonable to ask, therefore, if, in a general sense, such a framework for coastal management could be put into practice, since any criticism of the sufficiency of the "Treaty clauses" might be academic if the overall framework was found to be impracticable.

Furthermore, while some of the above reforms for coastal management seem destined to remain in limbo for the time being, they may still be indicative of future patterns of interaction and decision-making in coastal resource management. Resource managers should have a general interest, therefore, in seeking greater clarification of the strengths and weaknesses contained in such an hypothetical framework.

The next chapter examines the prospects for "successful" implementation of the framework as a whole. A number of writers have studied past policy successes and failures, and from this have developed predictive models for policy implementation, against which a proposed policy framework can be tested. Two such models are applied to the framework, and the

findings of this discussion are used to establish the context for a closer examination of the "Treaty clauses" in a subsequent chapter.

CHAPTER THREE:
ASSESSING THE COASTAL MANAGEMENT FRAMEWORK

The previous chapter outlined the rules and procedures for coastal management that have been developed which purport, amid other objectives, to give effect to the principles of the Treaty of Waitangi. This chapter examines the framework in terms of its general implementability i.e., Can the objectives it contains be met by the procedures it prescribes? Two theories of policy implementation are examined. It is argued that given the broad and largely implicit objectives contained in the framework, a lack of procedural clarity is not necessarily undesirable. It is concluded, however, that the "Treaty clauses" require closer scrutiny in order to determine their practical implications for resource managers.

3.1 Background: Choosing an Analytical Approach

If it is assumed, for argument's sake, that the framework as outlined in the previous chapter is to be put into operation, the question can be asked as to whether or not the goals or objectives it contains are likely to be achieved following the methods it prescribes. This requires that statutory goals are taken at face value for the time being.⁽¹¹⁾ It must also be assumed at this stage that there are discrete stages in the formulation, implementation, and reformulation of policy, although as this study will claim, these distinctions may be problematic. Similarly, although it is implied here that policy has issued forth from a single source i.e., Ministers and their departmental advisers, the question of "Who creates policy?" may be difficult to answer. However, without certain assumptions critical discussion could not commence.

For the purposes of this discussion two contrasting models are used to evaluate the framework, those of Berman (1980), and Mazmanian and Sabatier (1983). Berman places less emphasis on defining statutory objectives in the first instance, and looks instead at the surrounding "policy arena",

¹¹ Mazmanian and Sabatier (1983:10) argue that it is appropriate to begin an evaluation with statutory objectives.

and the scale of change implied by the objectives or goals of a statute or policy i.e., Does it attempt to effect major changes?

In their analysis, Mazmanian and Sabatier (1983) place greater emphasis upon the clarity of goals, procedures, and jurisdictions, and the degree of support from key legislators, implementing officials, and sympathetic constituencies. However, they do not ignore the broader socio-economic context in which the policy is to be implemented. Both approaches seem useful for drawing out the strengths and weaknesses in a proposed policy or legislative framework, and may indicate where and how changes could be made.

3.2 Berman: Programmed or Adaptive Implementation?

Berman (1980) distinguishes between "programmed" and "adaptive" approaches to policy implementation. In essence, a programmed approach demands the following:

"a well-specified, perhaps completely specified plan that has clear and detailed objectives, clean lines of responsibility and limited participation in policy-making, anticipates various contingencies, and requires minimum discretion for all levels of implementers, particularly the deliverers'" (Berman 1980: 210).

Put another way, a programmed approach seeks primarily to avoid misinterpretations, confusion,

value conflicts over policy goals, overlaps in authority amongst multiple actors, and the opportunity for implementers to be resistant, ineffectual and inefficient (Ibid.: 209).

Such an approach may seem intuitively appealing, yet Berman claims that it may not be appropriate to pursue a highly prescriptive programmed approach with every type of policy and policy setting. Indeed it may be counterproductive within certain "situational parameters". He claims that under certain conditions an "adaptive" approach to policy implementation may be appropriate, or even essential. The ideal of adaptive implementation is

"the establishment of a process that allows policy to be modified, specified, and revised - in a word, adapted - according to the unfolding interaction of the policy with its institutional setting" (Ibid.: 210-211).

According to Berman, adaptive implementers see problems arising in policy implementation precisely because of the

"overspecification and rigidity of goals, the failure to engage relevant actors in decision-making and excessive control of deliverers" (Ibid.: 210).

The type of approach adopted must depend upon the relevant "situational parameters", or constraints inherent in the policy situation (Ibid.: 213). Berman puts forward a framework for deciding whether an emphasis should be placed upon programmed or adaptive implementation approaches. He suggests that

the following factors should determine the type of approach taken:

(1) The scope of behavioural change anticipated

Berman argues that where major behavioural change in implementers is sought, resistance may be great if highly prescriptive rules, which allow no room for implementer discretion, are imposed from above. An adaptive implementation approach "would try to ameliorate resistance by encouraging extensive participation in the decision process so that implementers would help develop new standard operating procedures." (Ibid.:216). In situations where only a small behavioural change was anticipated, then a programmed approach might be appropriate.

(2) The degree of theoretical certainty underlying the policy

If there is no certainty that a theory being used in the pursuit of some outcome will or can produce that outcome, then it would be unwise, Berman argues, to impose a rigid set of procedures that may not be flexible enough to cope with unexpected developments during the course of implementation. Policy implementers need to have a

certain amount of scope for "trouble-shooting" in situations of theoretical uncertainty.

(3) The degree of conflict between implementers concerning the policy's goals and means

The goals and means of some policies, such as those associated with mobilisation programmes following natural disasters, often provoke little controversy amongst implementers. However, Berman claims that where there are conflicts over policy goals, the "carrot and stick" tactics of programmed policy implementation may backfire, and lead instead to resistance amongst implementers, and delays if not outright failures in implementation. Consequently, approaches which allow for negotiated compromises are necessary where there are multiple and/or conflicting goals.

(4) The degree of cohesion in the co-ordinating system of the implementing system

A coherently interlocking, or "tightly coupled" setting is exemplified by military organisations, which normally contain highly co-ordinated and clearly demarcated units or sub-systems. The same may be true of production firms in a relatively stable market environment (Berman, 1980:219). In settings where many organisations of different sizes

and types must interact, the situation is often described as "loosely coupled" i.e., there is a practical system of interaction, but it may not conform to prescribed procedures. Programmed implementation approaches to loosely coupled situations might lead only to symbolic compliance and cooperation (Ibid.:219). An adaptive approach acknowledges the validity of less formal strategies lines of communication in complex interactions, and seems especially suited to national policy settings, where central, regional, and local organisations must interact.

(5) The degree of stability in the environment of the implementing system

Berman argues that account must be taken of the conditions outside the implementing system that may have an influence upon it but which may not be greatly affected by the system itself (Ibid., :220). A highly structured policy implementation programme might, for example, be seriously affected by the sudden withdrawal of funding, removals of committed staff, or a decline in interest by a key political figure or patron. A fluid implementation approach in an unstable political and fiscal environment would avoid such "all or nothing" weaknesses.

If one applies this set of conditions systematically to the institutional framework

developed in the previous chapter a number of points emerge.

(1) Scope of Change

Within the framework outlined in the previous chapter a number of behavioural changes are implied, not just for policy implementers, but for resource users in general. The Resource Management Bill proposes a fundamental shift in approaches to natural resource use, from a series of single-minded actions and reactions towards more circumspect and anticipatory approaches. It implies that people should think in an holistic rather than reductionist manner, and take a long-term rather than short-term view.⁽¹²⁾ This implies that policy implementers must think and act in a similar way.

The taiapure provisions of the Fisheries Act 1983 and the Maori Fisheries Act 1989 are designed not only to allow for iwi-based management of certain coastal fisheries, but also to prevent commercial fishers from entering such areas. This implies a possible change of role for fisheries officers working in areas where taiapure are created.

¹² The Concise Oxford Dictionary, 1978, defines "holism" as "the tendency in nature to form wholes that are more than the sum of the parts by ordered groupings" (p. 512), and "reductionism" as the "analysis of complex things into simple constituents; view that a system can be fully understood in terms of its isolated parts" (p. 937).

The Local Government Amendments aim to shift the loci of resource management decision-making from central government to local communities. This implies not only more responsibility and discretion for officers and elected officials at the local level, but also new work skills and job descriptions. Furthermore, the Maori Advisory Committee Amendment implies that procedures for decision-making will be altered i.e., regional and territorial authority staff will routinely be attending hui, not just meetings. For Maori, all of the above reforms, together with the Runanga Iwi Act 1990, imply increased attendance at meetings, more hui to be organised, frequent travel, and greater public and official scrutiny.

Taken individually these reforms qualify as attempts to bring about major behavioural change. Together they present a formidable challenge for implementers, who might find themselves undertaking a number of new functions at any one time.

(2) Uncertainty of technology or theory

There appears to be a high degree of theoretical and technological uncertainty within the framework under study. For example, the unwelcome consequences of past management approaches has precipitated the drafting of Resource Management Bill. There is no certainty, however, that an

omnibus resource management statute and three-tier decision structure will improve coastal management. No universally accepted theory of "sustainable management", one of the goals of the statute, can be used to support the reform.

Similarly, fisheries management does not rest upon an uncontroversial theory. The general sustained yield theory of past years has given way recently to a species-based quota management system. While this approach may allow certain stocks to recover over time, it seems to conflict with the holistic approach suggested under the Resource Management Bill. Even where an ostensibly holistic or ecosystems approach has been adopted e.g., the creation of marine protected areas, there are conflicts as to whether there needs to be absolute prohibition of harvesting (e.g., marine reserves) or restricted harvesting (e.g., taiapure).

The "theory" of devolution and decentralisation in government decision-making appears to some extent to rest upon intuition ("small is beautiful") and the perceived growth and excesses of sprawling bureaucracies in the past. However, the structural changes brought about by the Amendments to the Local Government Act 1974 might do little more than redistribute bureaucratic tendencies amongst regions and encourage people to take court action more frequently. Administrative costs and delays in decision-making might thus remain at pre-reform

levels, and there is little certainty that these new arrangements will be any more "efficient" than past practices.(13)

The "theory" of the Runanga Iwi Act 1990 seems to rest upon the assumption that giving legal status to tribally mandated representative bodies will establish clear lines of consultation, and furthermore, that the historical error of treating Maori in the first instance as one amorphous grouping will be eliminated. To some extent this ignores the independent evolution of representative structures over the past 150 years, and it may be difficult to reconcile the interests of different groupings that have become well-established already. The procedures prescribed for incorporation could create divisions within iwi, and in turn might frustrate or disrupt the process of consultation.

In a broader sense, the inclusion of "consider the principles of the Treaty..." clauses in a host of statutes, implies that changed behaviour can be brought about without recourse to absolute prescription or a rigid "top down" approach. There is much debate as to whether it is enough to simply remind officials to consider or contemplate the principles of the Treaty of Waitangi while they are doing their job. Some would argue that the clauses need more legal "bite". This might be achieved by

13 How one measures "efficiency" is a contentious matter. Individuals tend to measure government efficiency in terms of the amounts levied in taxes and rates from their personal incomes.

giving the Treaty of Waitangi constitutional recognition (Gray et al., 1988:17). Even if such a move was not made, the clauses might, some would argue, be worded more strongly (e.g., those carrying out their functions under the relevant Act should take into account the findings of the Waitangi Tribunal.

(3) Conflict over policy goals

The Resource Management Bill and the New Zealand Coastal Policy Statement seem, by definition, to have been born of past conflicts between the statutory objectives in various Acts which impinge upon the management of natural and physical resources. They are aimed precisely at reconciling past goal conflicts in resource use. Changing the "rules" for resource management, however, may not automatically change the attitudes of policy implementers.

Some central and local government staff may have been charged with narrowly defined duties in the past. They may believe that meeting the needs of iwi in a particular location would form but a small component in the overall objective of preserving the coastal environment. Others may see different or more pressing goals within a notional framework of culturally sensitive coastal management.

Even in situations where the goals of local government staff coincide with the goals of appointed staff in other agencies, there may be conflicts with the goals of elected representatives in local government, who are more concerned with immediate constituency demands. Department of Conservation staff may be most concerned with expanding their "domain", or sphere of influence. Iwi may be more concerned about using the Runanga Iwi Act as a step towards gaining sufficient power to "rewrite" policies governing resource management, coastal management, and fisheries so that they match their conception of the exercise of rangatiratanga.

Furthermore, there may be significant conflicts concerning the policy goals within a particular area of the framework. Definitions of "sustainable management" may conflict. Iwi, Conservation Department officers, and fisheries officers might all agree that a certain coastal area requires protection, but they might all disagree about the most appropriate conservation mechanism. Iwi might argue that taiapure should not be confined to estuaries and "littoral" coastal waters (those lying along the foreshore). There may be concerns that the formal incorporation of Maori consultative councils or committees should be accompanied by a legal obligation that regional councils and territorial authorities incorporate the recommendations of these consultative and representative authorities.

(4) Institutional Setting

The deliberate "uncoupling" of former institutional settings does not seem to have been accompanied by an attempt to produce a new "tightly-coupled" setting, and this seems logical given one of the main tenets of the framework i.e., less government intervention. Instead, the description "loosely coupled" would seem to apply to the coastal management framework. Several agencies are involved, ranging from national to community and iwi level, and as noted above, each may accord varying degrees of priority to the goals contained within the framework. Furthermore, the various agencies involved in conservation, fisheries management, local government, and Maori representation, have recently undergone major internal structural changes, and these are still continuing. Lines of communication and operating procedures may be developing with only scant regard for official guide-lines.

(5) Stability of Environment

The coastal management framework presently sits within a highly unstable political and socio-economic environment. Following a recent change of government, the future of the Resource Management

Bill is uncertain. Whereas previously it had the direct support of senior Cabinet Ministers it now appears to have no comparable patron in the new administration.(14) The future status of regional councils is unclear, and staff may be more concerned about the threat of disestablishment than they are about executing a regional coastal plan. The legal status of the Treaty of Waitangi (such as it is), and the powers of the Waitangi Tribunal may be lessened according to the new Minister of Maori Affairs. The same Minister has suggested that the Runanga Iwi Act 1990 is to be repealed, and that a system of regional Maori representation and administration will be instituted.

Major court action has been threatened by commercial fishers over reductions in quotas on certain species, and the hostile atmosphere that currently pervades the commercial fishing industry may make it difficult to implement or enforce taiapure regulations. Both the Department of Conservation and the Ministry of Agriculture and Fisheries appear to be permanently underfunded, and the extra powers conferred by a Resource Management Act might not be matched by the financial and staff resources sufficient to carry out statutory obligations. This seems especially likely given the current climate of economic recession, and the

14 The Minister for the Environment has sent the Bill to a five member committee for review with the understanding that it will be passed into law during 1991.

expenditure-cutting moves that have recently been promised by the new government.

Summary: Adapt or Else!

The overall context, then, seems to be one of major behavioural and institutional change. There is considerable uncertainty concerning the theories that underlie the proposed changes, and great potential for goal conflicts. Adequate funding, resources, and political support to key implementing agencies do not seem likely.

If one accepts Berman's analysis, a highly adaptive approach to the implementation of the framework seems appropriate. For example, policy implementers should be allowed to develop sustainable management strategies and work out the most appropriate lines of communication and consultation. Such findings might allay the fears of those who foresee problems with the large number of management plans and committees that would theoretically have to be consulted in any decision regarding coastal management, since a simplified and sufficient process might develop through staff initiatives. In situations of conflict between resource users, staff could employ and experiment with mediation and problem-solving techniques, structuring negotiations according to the requirements of a particular situation.

Yet if such an approach is accepted in principle, this has major implications for resource managers. It casts them in the role of writers or formulators of policy. This last point needs to be considered carefully, since it conflicts with the commonly held view that policy should be written or interpreted only by electorally accountable politicians and the courts. Indeed, the non-elected official as policy formulator is regarded with trepidation by policy analysts such as Mazmanian and Sabatier.

3.3 Mazmanian and Sabatier: Six Conditions of Effective Implementation

Mazmanian and Sabatier (1983:42) argue that "policy decisions in a democracy ought to be made by elected officials rather than civil servants." They favour a programmed approach to implementation precisely when the policy seeks a substantial departure from the "status quo", and argue that it will be difficult to achieve its desired goals when certain conditions are not fulfilled. To some degree their approach seems antithetical to Berman's analysis, yet similar issues are raised. Their conditions of effective implementation are as follows (Ibid.:41-42): (note: comments on the coastal management framework are placed in brackets)

"1. The enabling legislation or other legal directive mandates policy objectives which are clear and consistent or at least provides substantive criteria for resolving goal conflicts."

(The framework contains a number of goals, some of which may conflict, and there appears to be no substantive criteria for resolving goals conflicts e.g., there is no stated provision that iwi interests will take precedence in certain situations, or that particular conflict resolution procedures will be followed.)

"2. The enabling legislation incorporates a sound theory identifying the principal factors and causal linkages affecting policy objectives and gives implementing officials sufficient jurisdiction over target groups and other points of leverage to attain, at least potentially, the desired goals."

(As noted earlier, there is considerable theoretical uncertainty within the framework. The ultimate target group is the public at large.)

"3. The enabling legislation structures the implementation process so as to maximize the probability that implementing officials and target groups will perform as desired. This involves assignment to sympathetic agencies with adequate hierarchical integration, supportive decision rules, sufficient financial resources, and adequate access to supporters."

(The Department of Conservation and Ministry of Agriculture and Fisheries suffer from severe funding constraints, and must pursue many objectives simultaneously. Iwi are constantly involved in other consultation processes. Regional councils, which

would play a major co-ordinating role in coastal management under the framework, also have other broad functions, and rely on funding from ratepayers.)

"4. The leaders of the implementing agency possess substantial managerial and political skills and are committed to statutory goals."

(The leaders of the different implementing agencies involved in coastal management may not be committed to all of the statutory goals.)

"5. The program is actively supported by organized constituency groups and by a few key legislators (or a chief executive) throughout the implementation process, with the courts being neutral or supportive."

(Some of the conservation aspects of the framework would be strongly supported by well-organised constituency groups. The key legislators involved in the drafting of the framework no longer hold office. The Waitangi Tribunal may have its already limited jurisdiction further restricted.)

"6. The relative priority of statutory goals is not undermined over time by the emergence of conflicting public policies or by changes in relative socio-economic conditions which weaken the statute's causal theory or political support."

(The recent change of government may mean that some of the reforms in the framework are revised substantially if not abandoned.)

A brief comparison between the coastal management framework and the above conditions suggests that few if any of the conditions would be met. Indeed, given the emphasis by Mazmanian and Sabatier on legislator, or chief executive support, the future of the framework would appear to be bleak irrespective of its content.

The authors are at pains to point out that seldom are such conditions fully met in actual implementing situations. In their view, they are ideal conditions, and efforts should be made to meet these conditions over time if policy objectives are to be achieved. In order to reinforce or rescue the framework, their approach would demand the following sorts of moves: (my paraphrasing)

1. The use of experimental projects, extensive research and development, evaluation studies to produce valid causal theories.
2. Court action against implementing agencies or presentation of amendments to legislature in order to clarify policy objectives.
3. Provision of citizen suit options, independent monitoring, evaluation studies by outsiders, in order to police non-supportive implementing agencies.
4. Creation or co-option of supportive constituency with access to resources so

that adequate monitoring of implementation is ensured.

5. Finding a "fixer" or key legislator, judge, civil servant to push programmes ahead.

6. Securing compulsory monitoring or review provisions via a supportive legislator or judge, in order to oversee performance of implementers.

(Ibid.:213-216)

The remedies they suggest entail the use of court action and/or the patronage of politicians, judges, and large or influential pressure groups. The aim is to sharpen policy goals and objectives incrementally through court actions and the passing of amendments until ambiguities are eliminated.(15) Implementers in a system will eventually know precisely what is to be done, who is to do what, and how performance is going to be measured.

3.4 Summary: Which approach for the framework as a whole?

The approaches of Berman, on the one hand, and Mazmanian and Sabatier, on the other, seem diametrically opposed. When large-scale social change is sought, Berman advocates the active participation of policy implementers in the shaping

15 "Incrementalism" refers to the practice of making policy changes only in small, relatively uncontroversial increments, often without any serious theoretical consideration. Successful small-scale policy outcomes of the past are looked to for future policy direction. Large-scale departures from the status quo are avoided as this might produce unanticipated outcomes (See Lindblom, 1959, Goodin, 1982).

of policy while it is being implemented, even though this might effectively redefine original statutory objectives. Mazmanian and Sabatier fear the lack of accountability associated with adaptive approaches, and advocate a piecemeal legislative or "top down", and cumulatively incremental approach to the pursuit of large-scale objectives. Which approach should be adopted for the coastal management framework?

It is important to recall the broad objectives of the framework, even if they appear vague. The framework suggests a holistic, integrated, consultative, and culturally self-conscious approach to natural resource management. Conversely, it may be said to be seeking to avoid the mistakes of past approaches. These past mistakes relate to narrowly defined management theories, narrowly defined jurisdictions, and most importantly, narrowly defined values. Some of the present rules which govern coastal management have come about as a result of scientific, reductionist, goal-oriented study. This is precisely the approach the framework seeks to change. One of the main goals of the framework is a departure from the pursuit of narrowly prescribed goals, or an avoidance of what Deutscher (1977) describes as the "goal trap".(16)

16 Deutscher (1977:222) argues that a pre-occupation with goals follows from cultural factors. A fixation with policing and clarifying of goals becomes an end in itself, and frustrates any pursuit of original objectives. Policy implementers thus become caught up in a process of "goal displacement": preparing "mission statements", "plans of action", and funding applications. The "real work" never gets done.

Furthermore, the process by which the coastal management framework has evolved has been characterised by extensive and widespread consultation. The amount of literature created by the Resource Management Law Reform process serves to indicate that policy formulation has taken place outside the usual realm of legislators and members of the chief executive. Since the theoretically external policy implementers have been involved in the initial formulation stage, it would seem inconsistent to argue that their response to the framework as it stands should be "hands-off and wait for clarification".

The "bottom up" or adaptive approach seems, therefore, not only to be appropriate for the implementation of the coastal management framework, it is implied by it. In the current economic and political climate it seems unlikely that support for the coastal management framework or clarification of its goals and objectives will come from key legislators and members of the judiciary. Resource managers should thus play a key role in implementing, and attempting to resolve the apparent ambiguities contained within the framework.

3.5 Conclusion: Are the "Treaty clauses" a matter of personal discretion?

The coastal management framework could, in a general sense, be implemented as it stands, its apparent lack of precision or guaranteed political support notwithstanding. Resource managers would play an active role in its implementation, giving it direction as it was implemented. The "Treaty clauses", however, seem problematic if viewed in this light, as the greatest potential for goal conflict seems to lie with the "Treaty clauses". For example, the clauses may be regarded by some policy implementers as requiring of them little more than a passing knowledge of the Maori history in the coastal area in their jurisdiction. Others may see the clauses as mandates for handing over consent and regulatory powers to the runanga of a particular area. There may be those who are simply puzzled by the clauses.

Furthermore, if the "Treaty clauses" are regarded as a matter of personal discretion, then this would appear to be directly at odds with the general trend towards giving the Treaty of Waitangi a more precise legal definition. This of course begs the question as to whether or not the courts and legislators have in fact done anything substantive in this regard. Some would argue that apart from a few financial concessions being made, all that has

happened is that there has been a shift from debating the terms of the Treaty of Waitangi to debating the "principles" of the Treaty of Waitangi (Kelsey, 1990).

Indeed, most of the "Treaty clauses" of the coastal management framework do not explicitly require resource managers to give effect to the Treaty of Waitangi. Unlike the other aspects of the framework, however, the "Treaty clauses" have come about after many years of persistent argument and agitation. The see-sawing seems to continue. It is argued in the following chapter that despite their apparent ambiguity, the "Treaty clauses" do provide an unambiguous guide to action for resource managers.

CHAPTER FOUR:
THE "TREATY CLAUSES" REVISITED

In this chapter the "Treaty clauses" of the coastal management framework noted in chapter two are reassessed. It is argued that they reflect a philosophical ambivalence underlying the Treaty of Waitangi itself which may not be resolved in the immediate future. It is suggested, however, that for the purposes of resource management decision-making, the clauses require not only that Maori values receive closer attention, they also demand critical evaluation of Pakeha values.

4.1 Background: The Treaty vs. the "Treaty Clauses"

In the previous chapter it was argued that while the framework for coastal management could be implemented in its present and somewhat tentative form, it would require the active participation of implementing officials in order to meet and perhaps clarify its associated statutory objectives. This raised a problem with respect to the "Treaty clauses". In their present wording, they could be interpreted in a number of ways by implementing officials.

This would seem, however, to deny both their historical basis and their intent. They have been included in legislation precisely because the Treaty of Waitangi has been deemed, after many years of protest and court action, by both politicians and the judiciary, to set limits on the allocation and management of natural and physical resources. The "Treaty clauses" should not, it seems, be a matter of personal discretion. How then, should they be interpreted?

4.2 Considering the Treaty of Waitangi

4.2.1 The "Principles" Principle

Verbal discussion on the content and "spirit" of the Treaty of Waitangi has taken place, amongst Maori at least, for the past 150 years. In recent years a number of general works have been published on the Treaty.(17) More specific discussion of the implications of the Treaty for resource management is contained in the reports and working papers commissioned and published under the auspices of the Ministry for the Environment during the Resource Management Law Reform process.

Debate has often turned upon the differences between the English text, the Maori text, and the re-translation into English of the Maori text of the Treaty (See Appendix One). It is now widely accepted, and was articulated in the findings of the Waitangi Tribunal on the Manukau Claim (1985:65), that, where bilingual versions of a treaty exist, and in the event of any comparative ambiguity, "a provision should be construed against the party which drafted or proposed that provision". This has in turn focussed attention upon the Maori text, and

17 See, for example, the following: C. Orange, 1987, The Treaty of Waitangi, Allen and Unwin / Port Nicholson Press, Auckland; I. Kawharu (ed.), 1989, Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi, Oxford University Press, Auckland; J. Kelsey, 1983, A Question of Honour? Labour and the Treaty 1984-1989, Allen and Unwin, Wellington; New Zealand Planning Council, 1989, Pakeha Perspectives on the Treaty, Wellington.

the meaning and scope of the terms "kawanatanga" (e.g., If this is the right to govern and make laws, is this right limited by Article Two?), "tino rangatiratanga" (e.g., If this is the right to self-determination, is this right circumscribed in any way by Article One or Three?) and "taonga" (If this encompasses metaphysical relationships as well as physical objects, can one speak sensibly of defined boundaries, or the notion of "property rights"?).

A reading of the Maori text clearly indicates that the Crown can act less unilaterally than it has done in the past, and that it must "actively protect" Maori interests. All versions of the Treaty, however, seem to lack any substantive decision rules for meeting this requirement. The response to this has generally been (usually through legal interpretations in the Court of Appeal, and the findings of the Waitangi Tribunal) to focus instead upon the underlying "principles" of the Treaty in order to clarify any inherent ambiguities.

Kelsey (1989) argues that the process of searching for "principles" has merely obscured further the power-sharing implications of the Treaty for the Crown, and as noted earlier, Gray et al. (1988) suggest that more emphasis should be placed upon the text of the Treaty, not its implied principles. It seems that the more the Treaty of Waitangi is discussed, the less clear its meaning becomes. In 1989, for example, the Department of

Justice released a document entitled Principles for Crown Action on the Treaty of Waitangi (See Appendix Two). It is not clear whether the five principles outlined and the discussion which accompanies them provide any sort of guide to action. They merely seem to redefine the Treaty in a more sophisticated form.

4.2.2 A philosophical dilemma?

Most attention seems to have been focussed upon the relationship between Article One and Article Two: the Crown has the right to govern and make laws subject to certain conditions which protect Maori interests, but can these conditions limit the right to govern and make laws? This can be answered affirmatively, as the above policy document notes. The Crown can voluntarily limit its powers, and it has done so in the past (Department of Justice, 1990:9). The Crown could, therefore, limit its own powers by granting autonomy to Maori interests without creating a contradictory situation. Yet this has not been done in a substantial manner according to Maori.

Perhaps this is because the "tino rangatiratanga" provision in Article Two has major ramifications for Article Three, which, according to the Department of Justice publication, is based upon the "Principle of Equality: All New Zealanders are

equal before the law" (Ibid.:7). The equality principle acts to preserve an egalitarian ideal that is seldom if ever to be found working in practice. The idea of creating property rights, or powers of consent and veto in decision-making on the basis of anything other than individual merit (or earned wealth) would violate the moral principles of most Pakeha. Article Two implies that exclusive rights to resources and decision-making powers reside with the tribal or iwi unit of social organisation. An exclusive tribal right is in conflict with the principle of equality, and it is this it seems, more than anything else, that prevents an acceptance of the terms of the Treaty of Waitangi.

4.3 Whither the "Treaty clauses"?

4.3.1 The "Treaty clauses" as "conscience clauses"

Pakeha have not, it seems, been able to bring themselves to meet a bargain that guarantees exclusive control of resources to another group on the grounds of ethnicity. The result has been an abiding "bad conscience". This bad conscience has been manifested in many ways, ranging from direct financial compensation and assistance programmes, to the creation of tribunals to investigate past injustices over land purchase transactions between Crown and iwi.

Yet during the past fifteen years the Treaty of Waitangi has had a higher public profile than at any other time in New Zealand history. Even those who would vehemently deny its validity have been forced to acknowledge its existence. Perhaps it can be argued that the Treaty of Waitangi Act 1975 and its 1985 Amendment are merely signs of a periodic "twinge" of Pakeha conscience that emerges whenever a relatively liberal political party comes to power. By implication, the recent spate of "Treaty clauses" would be regarded as further evidence of a bad conscience. They would not legitimate the redistribution of resources and decision-making power, and there would be no question of granting anything more than symbolic powers of consent or veto to iwi. Iwi would merely receive more consideration in management decisions than has been the case in the past.

If it were true that the "Treaty clauses" are "conscience" clauses, then they would imply a concessionary or paternalistic approach to resource management. With respect to the coastal management framework outlined in chapter two, the implementing officials employed by central and local government agencies would be limited in their adaptive implementation approaches. While listening to iwi concerns and attempting to accommodate them where possible, in situations of "crunch" decisions, they

would not be bound legally to incorporate them into such decisions.

This would appear to be borne out by draft Amendment No. 8 to the Local Government Act 1974. The recommendations of any Maori Advisory Committee would not be binding upon regional councils or territorial authorities. Furthermore, the Resource Management Bill contains references to the Treaty of Waitangi and consideration of Maori cultural, traditional, and spiritual values. The "taonga" provision in Article Two already guarantees protection of the latter values, so one could ask why should there be "double-ups" (reinforcement or insincerity?).

4.3.2 The "Treaty clauses" as a critique of Pakeha culture

An interpretation of the recent "Treaty clauses" as merely a continuation of the "bad conscience" that has persisted from the time of the signing of the Treaty of Waitangi might appear to be justified, especially if one considers the distributional outcomes of the last 150 years. Rangatiratanga clearly has not been upheld, but there have been attempts from time to time to compensate Maori for the refusal to grant autonomy to tribal interests.

It seems unwise, however, to assume that the present situation is no different from previous experiences. Contemporary discussion of the Treaty of Waitangi is being conducted in the context of extensive cultural self-criticism by many Pakeha. Such self-criticism is by no means confined to New Zealand. The rise of "new class" ideals, and "post-materialist" values in other societies, such as the United States and Australia, have been discussed by Eckersley (1989) and Gerritsen (1988) in relation to the development of environmentalism and "green politics".

The general argument is that, since the Second World War, the generations which have benefitted most from industrialised capitalist social organisation (e.g., indulged educations), and from the materialistic aspirations of their parents, have begun to seriously question the values of a materialistic society. In New Zealand, as in other countries, some of the post-materialist critics have entered positions of political power during the past decade. James (1986) describes some Members of Parliament in the Fourth Labour Government as belonging to the "Vietnam generation".

The "Treaty clause" reforms of the past five years need, therefore, to be considered in the context of a general critique of Pakeha culture. The process of critical evaluation has of necessity included a reassessment of relationships between

Maori and Pakeha. This "soul searching", combined with continued pressure by Maori to give effect to the Treaty of Waitangi, appears to have led to a situation where some Pakeha at least, are prepared to accept actual, and not merely symbolic, power-sharing with Maori. This is not to say that Pakeha in general are ready to surrender or review the "principle of equality", or that the Treaty of Waitangi will be given a more precise legal definition within the near future.

Nevertheless, it is interesting to note the original wording of the "Treaty clause" in the Resource Management Bill, its subsequent alteration, and the reference to the Treaty in the New Zealand Coastal Policy Statement:

Resource Management Bill (1989)

Section 6:

"In achieving the purpose of this Act, all persons who exercise functions and powers under this Act have a duty to consider the Treaty of Waitangi."

Redrafted Resource Management Bill (Aug 1990)

Section 6:

"In achieving the purpose of this Act, all persons who exercise functions and powers under this Act have a duty to take into account the special relationship between the Crown and te iwi Maori as embodied in the Treaty of Waitangi."

Draft New Zealand Coastal Policy Statement (Aug 1990)

The Statement contains a provision for

"giving effect to the Treaty of Waitangi" (s.3.0.6).

These clauses at least avoid mention of "principles", as does the clause in the Maori Fisheries Act 1989, which mentions the "recognition of rangatiratanga" (s.54A). Perhaps this is an indication of greater sincerity on the part of Pakeha.

In any event, the "Treaty clauses" serve as notice that Pakeha values are no longer sovereign, and that as much critical attention needs to be given to Pakeha values as is currently being focussed upon Maori values. By corollary, the onus is upon resource managers to provide, or gain access to, a critique of the Pakeha cultural, traditional, and spiritual values that pertain to their area of management in order to balance their decision-making. Coastal management is no exception.

4.4 Placing Values in Context

In order to demonstrate how a critique of Pakeha values might inform and influence decision-making in coastal management it seems useful to focus upon a particular coastal location. To this end the Kaikoura coast provides an interesting context, and it also allows for further assessment of the coastal management framework outlined in chapter two. The intention here is not to provide a detailed account of coastal management issues at

Kaikoura, but merely to outline the main factors that have to be considered for management purposes.(18)

4.4.1 Consider Kaikoura

While coastal management problems of a general nature, such as erosion and damage to camping and recreational areas have long been present at Kaikoura, it is only recently that cultural issues have come to the fore. Indeed, when viewed from a distance, it may appear that there are still no major conflicts between Maori and Pakeha concerning coastal resources. Of the total population of 3627 in Kaikoura County in 1986, 279 or 7.5% were of Maori descent (Kaikoura County District Scheme Review, 1987:5). Nearly three quarters of that number live in Kaikoura township. Many Maori living in Kaikoura and along the coast are Ngati Kuri, a hapu or kinship group belonging to te iwi Ngai Tahu.(19)

The Ngai Tahu claim brought before the Waitangi Tribunal in 1987 encompasses the greater part of the South Island, including parts of the Kaikoura coast. The "Kaikoura Purchase" of 2,500,000 acres by Crown

18 Paul (1983) provides a comprehensive analysis of the (predominantly Pakeha) management concerns along the Kaikoura Coast. Sherrard (1966) gives a detailed history of the settlement of the Kaikoura County district, and Elvy (1949) focusses upon the Maori history of the Kaikoura Coast.

19 Many Ngai Tahu pronounce the "ng" combination as a "k" sound, and would pronounce "Ngai Tahu" as "Kai Tahu".

agent James Mackay in 1859 appears to have been conducted in the utmost bad faith. A sum of £300 was paid to Ngai Tahu for the land at a time when Pakeha were already leasing small blocks of nearby land from the Crown for much larger sums. Mackay used the threat of negotiation with, and payment of monies to, North Island Ngati Toa in order to coerce Ngai Tahu into accepting the low purchase amount (£5000 had been sought by Ngai Tahu). Insufficient provision was made for "native" reserves. The coastal land that was set aside, some 5556 acres, was upon Mackay's own confession worthless.(20)

Over time the reserved land has been reduced to 2063 acres through piecemeal appropriations for scenic reserves and state highway and rail line construction. It is claimed that no compensation was paid for these appropriations, and that Pakeha were not similarly required to forfeit any property when lands were taken for these purposes (Howse, 1987).

Furthermore, the Ngai Tahu claim before the Waitangi Tribunal is unique in that, apart from claims over specific Crown land purchases, it contains a broad claim relating to "mahinga kai" (food-gathering places), encompassing most of the South Island and its coastal waters. The protection of these areas, it is argued, was guaranteed under

20 See Ngai Tahu Maori Trust Board Statement of Claim Before the Waitangi tribunal and Opening Submissions (1987:31-32) for specific claims concerning Kaikoura, and Mackay (1871) "Papers and Documents Relative to the Kaikoura Purchase, 1859".

Article Two of the Treaty of Waitangi, but has not subsequently been recognised by the Crown.

Mahinga kai and sea fisheries adjoining the Kaikoura coast are included in this claim. Extensive evidence has been presented to show that in-shore coastal areas have traditionally been important as mahinga kai (Solomon, 1988, Tau et al., 1988, Anderson, 1988). It is argued that the agricultural practices of Pakeha have caused damage to coastal and riparian food sources, and that coastal fisheries have been mismanaged and over-exploited under Pakeha control.

The claim is further complicated by the fact that the that deep water lies only a short distance from the shore along much of the Kaikoura coast. The rich fishing grounds in these waters were regularly accessed by Ngai Tahu, and the deep water fishing grounds currently exploited by commercial fishers are claimed as mahinga kai. Indeed, the fishing "rohe" or territories of Ngai Tahu are claimed to extend a great distance beyond the twelve mile limit of the "territorial" sea.(21)

21 The details of evidence, such as maps of Ngati Kuri "rohe", hapuka grounds, and place-names, submitted by informants on behalf of Ngai Tahu is "sub judice" at the present time.

4.4.2 Problems for coastal management at Kaikoura

The findings of the Waitangi Tribunal on the Ngai Tahu claim have yet to be released.(22) Irrespective of the recommendations made by the Tribunal, or the degree to which the Crown accepts and acts upon those recommendations, the claim has established that Ngai Tahu have historically had, and still retain, a significant interest in the resources of the Kaikoura coast.(23)

As a consequence, there are major implications for such matters as the management of existing scenic reserves, and the creation of new scenic reserves along the Kaikoura coast. It will be recalled that the coastal management framework outlined in chapter two makes provision for extensive consultation in this regard. The evidence presented before the Waitangi Tribunal suggests, however, that not only should Ngai Tahu have a stronger say in the management or creation of such reserves, but that ultimately, the power of veto on management decisions rests with Ngai Tahu. The ability of the Department of Conservation to create

22 Delays have been caused by the "cross-claim" placed before the Maori Appellate Court against Ngai Tahu rights of occupation of the Kaikoura area by members of Rangitane and Ngati Toa iwi in 1990. This has recently been resolved in favour of Ngai Tahu.

23 The archaeological evidence for continuous occupation by Maori of sites along the Kaikoura coast has been well documented. See Historic Places Trust (1985), Wilson (1987), McCulloch (1986).

marine reserves without Ngai Tahu consent is also questionable in light of the mahinga kai claim.(24)

Similarly, with regard to the taiapure provisions of the Maori Fisheries Act 1989, Ngai Tahu can argue strongly for expansive deep water areas to be set aside as their local fisheries. This would have major implications for commercial fishers in the area, who could be excluded from harvesting not only in-shore species such as rock lobster, but other deep water commercial species. The onus would fall upon the Crown to protect these taiapure from entry by local and foreign commercial fishers.

The most interesting, and to some extent, most unusual management issue affected by the Ngai Tahu claim concerns the control of the "whale-watching" business that has developed at Kaikoura over the last two years. At the present time there is only one whale-watch enterprise at Kaikoura, and it is in part a marae-based venture, providing work and development funding for Ngati Kuri of Kaikoura. Permits for charter boats are approved by the Department of Conservation, which is charged with the protection of all marine mammals in New Zealand waters.

At present there are many applications for charter boat permits pending, but no approvals will

24 There is already a proposal for a reserve at the southern part of the Kaikoura peninsula, and a 5km reserve along the east and northern sides of the Kaikoura peninsula has recently been proposed by local members of the Forest and Bird Preservation Society (Press 27/11/90:22).

be given until March 1991, when "harassment" studies will have been completed. Indeed, there have been suggestions that whales and dolphins have not only been harassed by recreationalists and fishers, but physically injured by them, and regulations have recently been passed which forbid private boats from going within 100 metres of whales (Press 14/11/90:5).

Whales and seals are claimed as kai moana by Ngai Tahu under the mahinga kai claim, and as Boast (1988:20) notes, this begs the question as to the ability of the Crown to pass and administer absolute protection measures for marine mammals.(25) This is not to say that Ngai Tahu would have any intention of commencing whale and/or seal harvesting operations, but it implies that the management of marine mammals requires the consent of Ngai Tahu. This further implies that the regulation of whale-watching activities should be at the discretion of both Ngai Tahu and the Crown, and not the Crown alone.

Such issues must be weighed against other local, regional and national considerations by resource managers in their approaches to coastal management. It is likely that certain "crunch" questions will have to be addressed in the future. Present controls on whale-watching activities at

25 Boast points out that the killing or capturing marine mammals is not absolutely prohibited by the Marine Mammals Protection Act 1978, but can be approved subject to the approval of the Minister of Agriculture and Fisheries only.

Kaikoura may appear to some to give advantage to Ngai Tahu. The Maori population of the Kaikoura coast is small by comparison to the Pakeha population. Ngai Tahu could conceivably be granted large taiapure which may also impinge upon commercial fishing grounds. This may raise equity, or more properly, "equality principle" questions in the minds of some. Scenic reserves and camping grounds are presently managed by the Crown. Ngai Tahu may eventually be given control of reserves and camping grounds. Marine reserves are proposed for parts of the Kaikoura coast. Ngai Tahu may want the right to veto such proposals.

4.4.3 Pakeha values and cultural amnesia

The "Treaty clauses" do not provide direct answers to the above questions. It has been argued, however, that they imply a critique of Pakeha values before decisions are made. It is customary to talk about Pakeha values in contemporary terms when confronting resource management issues. Recreational, economic, and conservation values are generally considered, and then weighed against Maori values, which are often couched in historical terms. Seldom are Pakeha values scrutinised from a historical perspective. The recreational, economic, and conservation divisions are taken as constants, they are not regarded as cultural constructs.

4.4.4 "Why not Fish?"

A critique of Pakeha values requires a different approach. The material contained in Appendix Three to this study can be used as a critique to balance decision-making in regard to the coastal management issues raised above. "Why not Fish?" examines Pakeha attitudes to fish and fishing in the Canterbury area from a historical perspective, and the findings it contains seem equally applicable to Kaikoura.

The study suggests that the delayed development of a Pakeha-based fishing industry in the nineteenth century at a time when agriculture was being actively pursued was largely a matter of cultural preference and not economic rationality. Fish and fishing were generally regarded as culturally inferior. Certain species of fish were disparagingly referred to as "Maori food", and the harvesting of fish was for a long time left to Maori.

The paper examines the fishing "tradition" of the British Isles, and finds that fishing was often an activity of last resort, and that the image of timeless fishing villages dotting the British coast from time immemorial is inaccurate. Reliance on fish as a food source carried with it connotations of poverty and lack of refinement. Fishing was not, it seems, a hallowed cultural practice to be nurtured

carefully by Britons settling in other parts of the world.

Eating meat was a cultural norm, and was more prevalent in Britain than in other parts of Western Europe or the East. British settlers brought a "meat first" principle to New Zealand, and they measured the progress of their peers in terms of how many times a day they had meat on the dinner table. Those people who did take up fishing, did so in relative anonymity, and they were often from Mediterranean or continental European countries.

It is also noted that the British penchant for strolling by the seaside was a relatively late and arbitrary cultural innovation of the nineteenth century. People had previously flocked to spa towns for their holidays if they could afford it, and when the seaside resort became popular, little respect was accorded the wishes of those who earned their living from the sea.

4.5 Conclusion: A Guide to Decision-making

In essence, Pakeha can lay claim to a strong cultural tradition of not valuing the coastal environment. Any consideration of present day values must be tempered with the knowledge that an appreciation of the coastal environment, whether it is for recreational, economic, or conservation purposes, is a relatively recent development when

compared to Maori relationships with the coastal environment.

A strong case can be made for vesting powers of discretion concerning coastal management with Maori, as much on the grounds of comparatively consistent behaviour in, and fashion-free appreciation of, the coastal environment, as on the terms of the Treaty of Waitangi. Coastal resources were valued in the past by Maori at a time when they were clearly not valued by Pakeha. ~Maori are able to demonstrate a continuity of values relating to the coastal environment that most Pakeha cannot. The Pakeha-based system of fisheries management has led to depletion of fish stocks. Vesting more decision-making power in the hands of Ngai Tahu in the above situation at Kaikoura does not seem objectionable if Pakeha values are placed in a critical context (in this case using a historical perspective). This is not to say that Pakeha should be denied an equal voice in coastal management decision-making, but the important point is that it should only be an equal voice.

The question remains as to how decision-making power should be shared or transferred within the context of the coastal management framework outlined in chapter two. To attempt to prescribe the best means by which power should be shared would be inappropriate given the general findings in chapter three. The analysis suggested that resource managers

should use their own discretion and pursue creative approaches to implementation under the proposed framework.

CHAPTER FIVE: CONCLUSION

"THOU SHALT TAKE INTO ACCOUNT PAKEHA CULTURAL,
TRADITIONAL, AND SPIRITUAL VALUES AND CONSIDER THEM
ALONGSIDE THOSE OF MAORI"

The "Treaty clauses" that have been discussed in the context of a nascent coastal management framework in this study do not incorporate clear decision rules that dictate how much consideration should be given either to the principles of the Treaty of Waitangi, or to Maori cultural, traditional, and spiritual values. Yet they necessarily raise the question of how best to value values. In situations where there appear to be conflicts between Maori and Pakeha values, what may be required is an approach that treats Pakeha values, as if they were those of another culture, after which they might be placed alongside those of Maori. This may assist those who have to make "on the ground" resource allocation decisions.

Some of those who have previously been involved in the management of the country's natural resources may feel that it is not their business to grapple with cross-cultural issues. This may be especially true of those whose scientific and professional training has taught them that resource management problems are best solved through a process of elimination and reduction. For them it may be simply a matter of waiting for further legislative or policy guidance to be handed down "from above".

Yet this study suggests that instead of merely having to implement policy resource managers are being asked to interpret, adapt, and formulate policy "on the ground" as they work.

The "Treaty clauses" suggest a critical and circumspect approach to decision-making. Resource managers may feel better placed to make "hard" decisions that carry distributional implications if they have an understanding of the nature and history of Pakeha values in a particular context. The critique produced for this study is intended as a contribution to that understanding.

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TREATY OF WAITANGI / TIRITI O WAITANGI

English Version

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and 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; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British subjects.

Maori Version

Ko te tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki kiha i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu te Kawanatanga katoa o o ratou wenua.

Ko te tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaee ki nga Rangatira ki nga hapu ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou iinga me o ratou taonga katoa. Otia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te tuatoru

Hei wakaritenga mai hoki tenei mo te wakasetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

Translation of Maori Version

(Professor Sir Hugh Kawharu)

The first

The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

The second

The Queen of England agrees to protect the Chiefs, the Subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

The third

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

(source: Department of Justice, 1989:4-6)

PRINCIPLES FOR CROWN ACTION ON THE TREATY OF
WAITANGI

(1) The Principle of Government or Kawanatanga
Principle

(The Government has the right to govern and make laws);

(2) The Principle of Self-Management or
Rangatiratanga Principle

(The iwi have the right to organise as iwi, and under the law, to control their resources as their own);

(3) The Principle of Equality

(All New Zealanders are equal before the law)

(4) The Principle of Reasonable Cooperation

(Both the Government and the iwi are obliged to accord each other reasonable cooperation on major issues of common concern)

(5) The Principle of Redress

(The Government is responsible for providing effective processes for the resolution of grievances in the expectation that reconciliation can occur)

(source: Department of Justice, 1989:7)

APPENDIX THREE

SAMPLE CRITIQUE OF PAKEHA VALUES

COURSE:	HIST 625	1990
TUTOR:	(Mr. Dunstall)	
STUDENT:	<u>Roy Montgomery</u>	
PROJECT TOPIC:	"Why Not Fish?: An Examination of the Factors Influencing the Development of the Fishing Industry in New Zealand, with a Focus on Canterbury to 1875."	

1. Introduction

This research project has evolved from issues raised by claims placed in recent years before the Waitangi Tribunal. The terms of reference of the Tribunal have been such that only Maori have been able to put forward claims, and these claims have essentially been against the Crown, although other parties have often been involved. While Maori representations have centred both on points of law and rights established by tradition and inheritance, in the case of Ngai Tahu claims relating to land purchases in the South Island, Crown arguments have generally been confined to attempts to vindicate the past dealings of Crown agents, or to argue against the substance of Ngai Tahu claims.

This has led some Pakeha, particularly those whose property rights or income-earning options may be affected by Tribunal findings, to argue that their case has not been heard, and that they too have traditions, claims to prior use, and "a way of life" which must be considered. Fishers in the marine commercial fishing industry have already been affected by the enactment of the Maori Fisheries Act (1989).⁽¹⁾ Tribunal findings from the Ngai Tahu claim relating to "mahinga kai" and access to "kai moana" may bring further changes. "Why not fish?" looks at the cultural and/or economic importance of fishing in the early years of the Canterbury settlement up to the 1880's. This may help to place claims concerning a threatened way of life in clearer perspective.

2. Methodological Considerations

The project proceeds by examining a number of arguments which might help to explain the development of the fishing industry. These arguments are outlined in the section immediately following this one. A certain amount of chronological detail is unavoidable, but where this is done, there is an attempt to set such detail against a specific question.

It would be gratifying to think that a simple process of elimination could be followed, whereby ostensibly plausible arguments are systematically falsified in favour, ultimately, of a concise, sufficient, and novel explanation. Regrettably this does not occur, but the issues raised here in the study of "peripheral", if not invisible, phenomena,

¹ For the sake of consistency, and because there is no desire here to use language with a gender bias, the term "fisher" is used almost without exception to describe people who fish. Any other description found in the text is likely to be due to a quotation being used from the works of others.

at least seem to have a bearing on other writings which have focussed upon the larger and more visible segments of colonial society.

The scope of enquiry may seem unduly limited insofar as Canterbury might not be seen to provide an accurate representation of settler society from which inferences of a general nature could be drawn. The task of testing the validity of the arguments presented here would no doubt have benefited from detailed analysis of all the major settlements in New Zealand in the mid-nineteenth century. For practical purposes, however, it seemed most prudent to concentrate on a particular area, one which was immediately accessible in terms of information. Nevertheless, there has been an attempt to provide some contrast by noting parallel developments in other settlements such as Otago.

3. Fishing for the History of Fishing in New Zealand.

Few would deny that the commercial fishing industry holds an important place in the New Zealand economy at the present time. The industry has been claimed to be our fourth largest export earner by industry advocates.⁽²⁾ Its importance in historical terms, however, might be discussed with less certainty. Most of us are aware that in the earliest years of Pakeha presence in this country the most lucrative, if somewhat transient, economic activities were related to the flax trade, sealing, whaling, and later gold-mining. Even if we do not know exactly how profitable these activities were, either individually or relative to each other, we are aware that they were significant, and that some individuals made large profits from the pursuit of such activities.

We also know that the history of Pakeha colonisation in New Zealand is synonymous with agricultural activity. Romanticised images aside, there is truth in the claim that farming has been the foundation of the New Zealand economy, but few of us can state with confidence that fishing has been either important or irrelevant in the early economic and cultural history of New Zealand.

Our uncertainty on this matter may be due in part to the apparent scarcity of information on the history of the fishing industry. Much of the material that has been written is contained in scientific or industry related publications, and has been provided as a background to discussions of

² Ranking depends upon product groupings. See New Zealand Official 1990 Year-book (Te Pukakpuka Houanga Whaimana o Aotearoa), 94th Edition, Department of Statistics, Wellington, 1990, p. 604.

contemporary issues or developments in fisheries. Starting dates for the fishing industry often range from the 1880's to the 1960's, depending upon the publication being read.(3) Some works, such as Fisheries and New Zealand, and W.J. Scott New Zealand Trawl Survey: South Island East Coast, have acknowledged earlier beginnings, both works deal with the period from Cook's discovery to the 1880's in a matter of just a few paragraphs.(4)

Similarly, references to the fishing industry up to the 1880's, both in general historical works on New Zealand, and in local and regional histories, seem relatively scarce. It is difficult, for example, to find any reference at all to fishing in Hawke's economic history of New Zealand.(5) The Oxford History of New Zealand contains few references to fishing, all but two referring to the pre-Pakeha period.(6) Sinclair's A History of New Zealand contains one reference, which relates to the late 1970's.(7)

Regional histories, such as those of the Canterbury and Otago area, may contain references to the early years of commercial "salt-fishing", but these seem fleeting in contrast to accounts of whaling, timber-milling, gold-mining and pastoral farming. Neither Hight and Straubel (1957), Gardner (1971), Eldred-Grigg (1982), nor Olssen (1984), for example, devote more than a few scattered sentences to the fishing industry.(8) Furthermore, while there are a number of popular works devoted exclusively to whaling, sailing, gold-mining, or farming history, there is no corresponding popular history of the

3 See L. Paul, A Bibliography of the Literature About New Zealand's Marine and Freshwater Fisheries 1840-1975 (Fisheries Research Bulletin No.16), Fisheries Research Division of the New Zealand Ministry of Agriculture and Fisheries, Wellington, 1979. It will be noted that the number of titles listed as being published before 1900 is relatively small.

4 E. Slack, (ed.), Fisheries and New Zealand: Proceedings of a Seminar on Fisheries development, held at Victoria University of Wellington, May 21-23, 1968, Department of University Extension, Victoria University of Wellington, 1969, and J. Fenaughty and N. Bagley, W.J. Scott New Zealand Trawl Survey: South Island East Coast (Technical Report No.157), New Zealand Ministry of Agriculture and Fisheries, Wellington, 1981.

5 G. Hawke, The Making of New Zealand: An Economic History, Cambridge University Press, Cambridge, 1985.

6 W. Oliver, and B. Williams, (eds.), The Oxford History of New Zealand, Oxford University Press, Wellington, 1981.

7 K. Sinclair, A History of New Zealand, Penguin Books, London, 1980, p. 315.

8 J. Hight and C. Straubel, (eds.), A History of Canterbury Volume I: to 1854, Canterbury Centennial Association, Christchurch, 1957; W. Gardner, (ed.), A History of Canterbury Volume II: General History, 1854-1876 and Cultural Aspects, 1850-1950, Canterbury Centennial Historical and Literary Committee, Christchurch, 1971; S. Eldred-Grigg, A New History of Canterbury, John McIndoe, Dunedin, 1982; E. Olssen, A History of Otago, John McIndoe, Dunedin, 1984. NB. In Hight and Straubel there is a reference (p. 101) to "thirteen seamen and fishermen" in the district in 1848, but it is not clear whether they were fishers, or former, and perhaps still casual, whalers.

fishing industry. Yet tales of fishing at sea abound in other societies.

More detail might be expected in histories of smaller geographic locations such as coastal ports and communities, yet apart from one or two exceptions, such as the works by MacLean, and the Munro Brothers in the case of Otago, the emphasis has tended to be on shipping trends, harbour works, and the movement of primary agricultural produce rather than fishing.(9)

Lyttelton provides a good example. A history of the port town from 1849 to 1949 contains a chapter on the "working community", in which the history of the fishing industry is covered in five paragraphs.(10) A work published by the Lyttelton Harbour Board some fifteen years later provides no information on the development of the local fishing industry.(11)

A number of explanations could be offered to account for the apparent dearth of material on the development of the fishing industry in the latter half of the nineteenth century. The most obvious reason might be simply that there was nothing of consequence to record: the fishing industry in the latter half of the nineteenth century has not been written about because it did not exist. As most feminist commentators would point out with respect to the history of women, however, this is a dangerous assumption. A lack of coverage of a particular area in a society's history is often less indicative of what actually took place than it is of the particular ideologies and values of those who have recorded events in that society. Fishing, like prostitution, may not have been regarded as being worthy or suitable for documentation, despite its importance in day to day life.

Another argument might be advanced relating to cultural differences, and respect for tradition and superior knowledge. A great deal has been written, both by anthropologists and historians, on the fishing culture of the Maori, their familiarity with the sea and their historical dependence upon the resources of the sea, which seems to have been substantial, their horticultural traditions notwithstanding. Since Maori were the established fishers, and Pakeha, busy with other pursuits, were

9 See, for example, G. MacLean, Moeraki: 150 Years of Net and Ploughshare, Otago Heritage Books, Dunedin, 1986, pp. 54-56; B. Howard, Rakiura: A History of Stewart Island New Zealand, A.H. and A.W. Reed, Wellington, 1940, pp. 213-214; D. and P. Munro, A History of the Port Chalmers Fisheries Co-operative Society 1909-1984, D.J. and P.J. Munro, Dunedin, 1984, pp. 3-4.

10 J. Johnson, The Story of Lyttelton 1849-1949, Lyttelton Borough Council, Christchurch, 1952, pp. 169-170.

11 W. Scotter, A History of Port Lyttelton, The Lyttelton Harbour Board, Christchurch, 1968.

prepared to purchase their seafood requirements such as they were on a casual basis from entrepreneurial Maori, it might be claimed that there was no need or inclination to develop a fishing industry, either through economic calculations or respect for tradition. Maori were "close to the sea", so they quite naturally should be allowed to control their fisheries, and enter into market exchange if they so wished. However, it can be reasoned that given the Pakeha record of lack of respect over the past 150 years in relation to land, which was equally, if not more, important to Maori, such an argument is unconvincing.

Alternatively, there may have been a lack of local knowledge amongst the early Pakeha settlers that took a number of years to overcome. Yet most of the early settlers came from an island culture with a long maritime tradition. Fishing for local and overseas markets had been a way of life for centuries in Britain. Different species of fish and shellfish required different skills and technologies, and whole communities had become established around the coasts of the British Isles to exploit these resources.

Indeed, perhaps knowledge as opposed to ignorance can explain the relatively late development of the fishing industry. Familiarity with the vicissitudes of fishing in the Northern Hemisphere may have led early settlers to conclude that fishing in these waters was simply uneconomic or too dangerous. The perishability of fish, combined with isolation from even modest markets such as Australia meant that it could not pay until technological developments and increases in potential markets made it viable.

This is an appealing argument, especially when one thinks of the revolutionary influence of refrigeration on the market for New Zealand meat exports. Yet it ignores the fact that fish preservation techniques of the mid-nineteenth century were such that fish could be transported long distances to arrive in a state acceptable to even the most refined or delicate palates.

Perhaps the non-development of a fishing industry in the early years of settlement was an accident of immigration or immigration policies. The emphasis on the recruitment of farm labourers and other people from the rural counties, and also from the urban centres of England, by the organisations promoting emigration, together with the predominantly land-oriented subject matter in their publications, may have led to the fishers of Britain being omitted from the waves of emigrants that arrived in New Zealand from the 1840's onwards. If, for argument's sake, emigrants had been recruited from English ports, such as Great

Yarmouth, Hull, and Grimsby, or from the Shetland Islands in the North Sea, this could conceivably have altered the course of fishing history in this country.

Cultural and religious factors might also have been at play. Canterbury and Otago, for example, have generally been portrayed as predominantly Anglican and Presbyterian settlements respectively. One might ask whether a discernible domestic (if not export) fish trade would have emerged from the 1850's if instead the area had first been settled by pious Catholics, careful to maintain observance of such customs as meatless days. Similarly, one might consider how the industry would have developed if the region had either been settled by people of Mediterranean origin, or if ethnic diversity in general had been greater from the outset.

The foregoing arguments will be explored in the sections that follow. It is acknowledged that these arguments cannot be exhaustively treated within the limits of this project, but it is hoped that the discussion will at least provide a background from which other arguments might be derived or tested.

4. Early Perceptions of Fishing Potential

4.1 Plenty of Fish in the Sea?

The earliest reports of the commercial potential of the scale-fisheries around New Zealand can be traced back to the voyages of Captain James Cook. His journal entries during his first visit to New Zealand from October 1769 to March 1770 are littered with references to the prodigious quantities of fish in New Zealand waters, the ease with which his crew could obtain and salt stocks for the rest of their voyage, and the greater expertise of the indigenous population as fishers and suppliers of seafood.⁽¹²⁾ The Endeavour, as was common with most naval vessels, was well-equipped with nets and fishing lines, and his crew were routinely put to work catching many species of fish, most of which were found to be of fine quality. Although born in rural Yorkshire, Cook had been apprenticed first at Staithes, and later Whitby, both of which were coastal fishing ports (and immortalised as such in the late nineteenth century by F.M. Sutcliffe's photographs of local fisherfolk), and it seems reasonable to assume that

12 A. and A. Reed, (eds.), Captain Cook in New Zealand: Extracts from the journals of Captain James Cook giving a full account in his own words of his adventures and discoveries in New Zealand, A.H. and A.W. Reed, Wellington, 1969, pp. 58, 74, 81-82, 99, 105, 109, 158, 162, 176, 188, 199, 201, 215, 219, 228, 245.

his knowledge of and familiarity with fishing practices was considerable.(13)

Difficulties in finding suitable landing places, and unintentionally violent exchanges with Maori meant that there were only limited opportunities to study the flora and fauna of the islands in detail. Joseph Banks, the botanist on Cook's expedition, was thus constrained to observe more of the animal life in the seas or directly above it than perhaps he would have preferred. Comparing the types and numbers of animal life ashore with those in the seas he noted:

"For this scarcity of Animals upon the Land, the Sea however makes abundant recompence, every creek and corner produces abundance of fish, not only wholesome, but as least as well tasted as our Fish in Europe;". (14)

He then proceeded, as would become customary with most English observers who followed, to make comparisons between fish found in New Zealand waters and those favoured in Britain, as well as describing unfamiliar species, which the ship's crew

"contrived to give names to, so that hakes, breams, Cole fish &c were appellations familiar with us, & I must say that those who bear those names in England, need not be ashamed of their namesakes in this Countrey;".(15)

After listing the more exotic in-shore fare, such as lobsters or "Sea Craw fish", Eels, Congers, soles and flounders, he concluded that they were species

"which any Europeans who may come here after us will not fail to find, the advantage of besides excellent oysters, & many sorts of shell fish & Cockles, Clamms &c."(16)

Both Cook and Banks were impressed by the scale and sophistication of Maori fishing methods, the latter finding their nets, which he assumed to be collectively owned, to be similar to the Danish Seine nets used by most fishers in Europe and "of an

13 *Ibid.*, p. 15.

14 W. Morrell, (ed.), *Sir Joseph Banks in New Zealand: From His Journal*, A.H. and A.W. Reed, Wellington 1958, p. 124. Please note that quotations from the eighteenth and early nineteenth century are reproduced with the spellings of the period, and do not (in theory) signify typographical errors or misspellings on my part.

15 *Ibid.*, p. 125.

16 *Ibid.*, p. 125.

amazing size... as large as ever I saw in Europe".(17)

It would be unwise to assume that these observations ever came to the direct attention of the vast majority of British fishers of that period. One would expect, however, that the influence of this material on others, including entrepreneurs seeking new opportunities for profit, and those who were looking to strengthen their own arguments in favour of emigration, would have been considerable.

In any event, the visitors who followed, from the beginning of the nineteenth century, made similar observations. Savage remarked of the fish in the Bay of Islands area:

"The snapper and bream are uncommonly fine- the cray fish and crabs excellent, and the oysters, though not fit for a London market, on account of the irregularity of their shells, are well flavoured, and found in great abundance."(18)

It was not only the English who noted the ocean's plenitude. A Russian expedition to New Zealand in 1820, led by Captain Bellinghausen, and prompted by Cook's earlier visits, yielded similar findings, the crew's attempts at seine fishing producing meagre results in comparison to Maori fishers, who on one occasion supplied 250 lbs of fish within a short space of time.(19)

The scientific knowledge and entrepreneurial skills of some visitors, such as missionaries, was no doubt questionable, but many ventured to comment upon the economic potential of timber, flax, whales, seals, and sea-fisheries, and few could resist the temptation to compare species found in southern waters with those in England or elsewhere. Nicholas, an assistant to Reverend Samuel Marsden, observed that, quite apart from what the land might have to offer...

"the fisheries of this country would be an invaluable source of wealth in themselves; and the vast quantities of fish which they would supply for exportation might be sure, I should think, of finding a market

17 *Ibid.*, p. 141. Net sizes impressed most visitors, as Reed notes, Captain Cook in New Zealand, p. 82 (footnote)

18 J. Savage, *Some Account of New Zealand*, John Murray, London, 1807 (Capper Press Reprint, Christchurch, 1973), pp. 20-21.

19 G. Barratt, *Bellinghausen: A Visit to New Zealand 1820*, Dunmore Press, Dunedin, 1979, p. 79.

in the Spanish and Portugese colonies."(20)

Bidwill, recounting a visit to New Zealand in 1839, commented that

"All the fish in New Zealand are much superior to those in New Holland, which, indeed, they can easily be, for such a set of wretched, tasteless things as those of the latter I did not believe could be found."(21)

Charles Heaphy, writing in 1842, was optimistic about the economic potential of a fishing industry:

"The curing of fish will, no doubt, soon become an important and profitable occupation in the Company's settlements, as there is every facility for it at present existing; and in South America will always be found a ready market. It is an employment to which the natives would industriously apply themselves."(22)

Similar sentiments were expressed not only by other English visitors of the same period, but also by the occasional German naturalist or clergyman, such as Ernst Dieffenbach and J.F.H. Wohlers.(23) The potential or nascent market in shells for button-making or ornamental purposes was also noted by some writers.(24)

It seems clear, then, that the economic potential of marine resources was recognised by many

20 J. Nicholas, Narrative of a Voyage to New Zealand Volume II, James Burke and Son, London, 1817 (facsimile edition by Wilson and Horton, Auckland), p. 317.

21 J. Bidwill, Rambles in New Zealand 1839, London, 1841 (Pegasus Press, Christchurch, 1952), p. 115.

22 C. Heaphy, Narrative of a Residence in Various Parts of New Zealand Together with a Description of the Present State of the Company's Settlement, Smith, Elder, and Co., London, 1842 (University of Otago Reprint, Dunedin, 1968), p. 49.

23 See R. Jameson, New Zealand, South Australia, and New South Wales: A Recollection of Recent Travels in These Colonies, Smith, Elder and Co., London, 1842, pp. 90-91 on the potential of the underdeveloped Australian fishing industry, and pp. 334-335 on the palatability of dried, smoked, or salted snapper, and the abundance and size of shellfish. Also E. Dieffenbach, Travels in New Zealand: With Contributions to the Geographical, Geological, Botanical, and Natural History of the Country, Volume II, J. Murray, London, 1842 (Capper Press Reprint, Christchurch, 1974), pp. 64-65 for notes on abundance of fish, pp. 206-263 for an extensive classification of fish and shellfish, and J. Wohlers, Memories of the Life of J.F.H. Wohlers, Missionary of Ruapuke, Otago Daily Times, Dunedin, 1895, pp. 120-121 on fish and shellfish of Foveaux Strait, such as groper and "Paoa" (Paua), which he describes as having a taste like a pig's head when boiled.

24 Savage, p. 21, Wohlers, p. 121.

visitors. Given such widespread awareness of the abundance and palatability of fish and shellfish species, the question might be asked as to whether anything was done about exploiting their potential in the years before extensive settlement, or shortly thereafter.

4.2 Gone Fishing?

It appears that the fishing industry in New Zealand might have been established in the early years of the nineteenth century were it not for a sailing mishap. Slack notes that George Bass, a maritime explorer, was convinced of the existence of a viable export fishery in the waters around the bottom of the South Island, so much so, that he proposed to Governor King of New South Wales that he would supply the public stores with fish on a regular basis in return for a seven-year lease of the southern coastal area. He set out in 1803 to test the southern waters as part of a voyage to South America and was not heard of again.(25)

Other initiatives, if indeed they were embarked upon, are more difficult to find recorded. This is probably due, in some measure, to the early economies of scale (no pun intended) experienced in the whale and seal "fisheries", as they were termed. Modest fish harvesting and processing activities may have accompanied a number of whaling and sealing operations, but they do not seem to have rated mention in comparison with the returns on the latter. Nevertheless, there is evidence of at least one attempt to ship fish to export markets during the whaling boom.

Tod notes (presumably after McNab) that by 1833 the Weller brothers of Sydney had established a substantial whaling operation in Otakou. When the *Lucy Ann* left for Sydney in April 1834, there were 23 barrels of salted fish aboard, the fish being destined for sale ultimately in Mauritius.(26) Customs difficulties and a disappointing sale price (the cargo was seized and disposed of by customs officials) appear to have halted shipments until the following year when the *Joseph Weller* arrived in Sydney with 31 casks of salt fish and 4,000 dried fish, this time for the local market. Results were mixed, the dried fish arousing greater interest than the salt fish.(27) If there were further shipments, then they must have remained at a modest level, as there is little mention of it subsequently. Other accounts of whaling operations contain few

25 E. Slack, "The Fishing Industry in New Zealand: A Short History" in Fishing and New Zealand, p. 3.

26 F. Tod, Whaling in Southern Waters, F. Tod, Dunedin, 1982, pp. 23-24.

27 Ibid., p. 26.

references to scale-fishing, or any allied curing and preserving operations. McNab's history of whaling from 1830 to 1840 contains the same account, but little else on fishing.(28) The whaling journals of Rhodes, and Hempleman, for example, shed no light on commercial fishing operations.(29) Morton's history of southern whaling is similarly lacking in references to fishing.(30)

It is clear that at this time Maori continued to make use of marine resources, supplying whaling, sealing, and flax-trading crews with fish as well as other produce. At least one observer, however, noted a decline in Maori dependence on fisheries prior to 1840:

"but fishing is now not much regarded, except in the mackerel season, when several tribes go together to the little creeks where these fish frequent".(31)

The comparative attractiveness of whaling and sealing, and difficulties in finding markets may not have been the only reasons for the retardation of fisheries development. As noted earlier, a lack of interest in fishing might have been due in part to recent experiences in fisheries in other parts of the world. For example, a depressed British industry might have discouraged colonial fishing efforts, or, at the other extreme, super-profits in British fisheries might have made fishing in southern waters for anything other than whales and seals seem unattractive. The state of the fishing industry in Britain is discussed briefly below.

5. Fishing in the British Isles

Graham notes, somewhat wryly, that "the Dutch taught the English and Scots how to fish, just as they taught us how to farm".(32) The activities of Dutch fishers, harvesting herring in large quantities close to the Scottish coast in the fifteenth century, probably led, on his view, to the transition from simple line fishing to drift-netting

28 R. McNab, The Old Whaling Days: A History of Southern New Zealand From 1830 to 1840, Whitcombe and Tombs, Christchurch, 1913, pp. 102-109, 262-263.

29 C. Straubel, (ed.), The Whaling Journal of Captain W.B. Rhodes: Barque "Australian" of Sydney 1836-1838, Whitcombe and Tombs, Christchurch, 1954; F. Anson, (ed.), The Piraki Log (E Pirangi Ahau Koe) or the Diary of Captain Hempleman, Oxford University Press, London, 1910.

30 H. Morton, The Whale's Wake, University of Otago Press, Dunedin, 1982.

31 J. Ward, Information Relative to New Zealand; Compiled for the Use of Colonists, John Parker, London, 1840, p. 59. There is some ambiguity in this remark, as Maori fishing effort may have declined in response to Pakeha demand for other goods, and not simply have atrophied as his words seem to imply.

32 M. Graham, The Fish Gate, Faber and Faber, London, 1949, p. 96.

and brine-curing by British fishers. The British had fished, using set-nets it is presumed, for herring commercially for hundreds of years, Great Yarmouth and Lowestoft dating back as fishing ports to the eleventh century and possibly earlier.(33) Similarly, trawling may have been a Dutch innovation, brought in during the reign of William of Orange.(34) Danish Seine net fishing goes back further on the Cornish coast at least, according to Wood.(35)

In any event, by the end of the eighteenth century fishing as a commercial export and domestic industry was being prosecuted by Britons both in coastal and Channel waters, and further afield. The Icelandic cod fisheries had only in recent times declined as grounds for East Anglian and Yorkshire-based operations according to Thompson.(36) By this time New Foundland waters had gained status as the best cod fishery, and as Thompson notes

" This was a ruthless merchant enterprise operated from the western ports of Europe - such as Bristol, Poole, and Greenock in Britain - to supply the Mediterranean dried-fish market. It was a seasonal fishery, conducted in an appallingly bitter climate."(37)

The waters of the British Coast and the North sea could be as hazardous as those in the southern Pacific, and as with whaling, fishers were prepared to travel long distances and face hostile weather conditions in order to compete for stocks.

Whaling and sealing exerted temporary pressures on fishing efforts in the late eighteenth century, but falling prices for whale oil led to whaling being abandoned in places such as Yarmouth and Whitby by 1810, and 1827 respectively.(38) Thus while the whaling boom in southern waters may have reduced the appeal of salt-fisheries in the early to mid-nineteenth century, it was not as if fishing had become a redundant pursuit on a global scale.

Furthermore, techniques for preserving fish, such as curing, smoking, and pickling, were sufficiently advanced to allow for the storage, and conveyance over large distances, of certain types of fish. Like fish caught in other areas remote from

33 H. Wood, "Fisheries of the United Kingdom" in Graham, M. (Ed.), Sea Fisheries: Their Investigation in the United Kingdom, Edward Arnold, London, 1956, p. 11-12.

34 Graham, The Fish Gate, p. 96.

35 Wood, in Sea Fisheries, p. 12.

36 P. Thompson, T. Wailey, and T. Lummis, Living the Fishing, Routledge and Kegan Paul, London, 1983, p. 12.

37 Ibid., p. 12.

38 Ibid., p. 12.

urban populations, fish caught in New Zealand waters by British-born fishers would have presented few processing problems. There was, furthermore, amongst the indigenous inhabitants of New Zealand, a wealth of knowledge upon which to draw concerning species suitable for preserving.

The histories of individual English ports and port towns record local developments and changes in fortune in the fishing industry.(39) There were periods when fishing and fish processing could support large numbers of people. At other times, were it not for other industries, such as ship-building, whaling, trading, or other activities, many ports would have reverted to village status. Sometimes these activities seemed to be inimical to fishing. For example, Thompson observes that while Whitby prospered as a ship-building centre during the Napoleonic wars, in 1816 "the town could count a mere 9 fishermen in a population of over 10,000".(40)

The general pattern, however, up to the middle of the nineteenth century was one of expansion in the British fishing industry. The herring and pilchard fisheries of Scotland had failed periodically in the past, but fishing and kelp processing continued to occupy most coastal inhabitants of Scotland, and the herring industry expanded during the first half of the nineteenth century, burgeoning after 1815 to cover not just the traditional Caithness area, but along the coast to Buchan.(41)

New fish stocks were also being discovered at this time. One such discovery was the so-called "Silver Pits" fishery in the late 1830's, which was located in the North Sea.(42) Fishers from the Devon port of Brixham were credited with pioneering this fishery, their trawlers having ranged the North Sea since shortly after the Napoleonic wars.(43) So abundant were the stocks in the new fishery that many species, such as plaice, haddock, whiting, and ling, were discarded as offal in favour of cod, sole, turbot, brill and halibut.(44) This

39 See E. Gillett and K. MacMahon, A History of Hull, Oxford University Press, Oxford, 1980, pp. 302-321 in particular, and E. Gillett, A History of Grimsby, Oxford University Press, London, 1970, pp. 228-235.

40 Thompson et al., p. 10.

41 M. Gray, The Fishing Industries of Scotland 1790-1914: A Study in Regional Adaptation, Oxford University Press, Oxford, 1978, p. 39.

42 Wood, p. 15.

43 Chaloner notes that there were claims also by Ramsgate and Barking fishers. See W. Chaloner, "Trends in Fish Consumption" in Barker, T., McKenzie, J., Yudkin, J., (eds.), Our Changing Fare: Two Hundred Years of British Food Habits, MacGibbon and Kee, London, 1966, p. 106..

44 Ibid., p. 106.

development led to the establishment of a permanent Brixham fleet at Hull.(45)

Indeed, fleet mobility had become well-established by the early nineteenth century. Fishers were accustomed to travelling large distances in search of fish, particularly when local stocks temporarily vanished, or when a fishery had clearly collapsed from over-fishing. Brixham trawlers from Devon, for example, might fish the Channel ports of Ramsgate and Dover in certain months, moving as far as the Irish Sea and Liverpool if necessary.(46) Setting up bases away from home ports became commonplace, as did permanent relocations of families. Norfolk and Suffolk fishers, for example, might shift to the Humber, while Humberiders and Tyneside fishers might move to Aberdeen.(47)

A willingness to migrate was not confined to fishers and their families. The seasonal migration of herring stocks along the British coast was accompanied by the movements of Scottish "herring girls". Employed by merchants, they were famed for their speed and dexterity at fish-gutting, and would follow the fleet "from Shetland to Yarmouth" during the course of a season.(48)

The romanticised notion of sleepy, insular, and inert fishing communities, resistant to opportunities far afield seems misplaced. British fishers, and those whose work was associated with curing and processing, were prepared to travel for work if necessary. While migration to New Zealand would have made a seasonal home visit difficult, fisherfolk were not immune to economic imperatives, and potentially at least, New Zealand could have seemed as attractive as a permanent home as it did to the farm labouring population in Britain.(49)

The means of catching, transporting, and storing fish received a boost in the mid-nineteenth century. Trawling became popular amongst fishers other than those from Brixham. Nets increased in size and sophistication. Commercial fleeting, where trawlers fished together, loading the daily catch into a fish-carrier which could make speed for markets within a day, a practice pioneered by Barking companies in 1847, were beginning in earnest.(50)

Another development was the use of ice as a preserving medium, a practice pioneered by Samuel

45 Wood, p. 15.

46 Wood, p. 15.

47 Thompson, pp. 10-11.

48 T. Smout, A Century of the Scottish People 1830-1950, Collins, London, 1986, p. 77.

49 The role of propaganda as a push factor is discussed later.

50 T. Lummis, Occupation and Society: The East Anglian Fishermen 1880-1914, Cambridge University Press, Cambridge, 1985, pp. 18-20.

Hewett, a Barking trawl owner, some years earlier. Under his auspices, farmers close to London would flood their fields in winter, and collect the ice that formed, which he purchased and stored in an ice-house in Abbey Road.(51) Ice had apparently been used for transporting Scottish salmon and herring to England as early as 1786, and between 1800 and 1825 ice had been imported from Norway.(52) Railways developments from the 1830's onwards further improved the means of transporting fresh fish to urban markets. While such technology may not have made the shipment of frozen fish from New Zealand through tropical latitudes to European markets possible, it would have increased the potential for less distant markets such as Australia and South America.

While at any one time during the 1840's and 1850's a particular fishery might have been uneconomic for British fishers, the industry as a whole was buoyant, the number of boats at work increasing, the number of people involved in fishing considerable, and the acceptance by fishing industry people of the need to follow fish stocks well established. While the largest profits were made by the owners of fish-curing or trawl fleet operations, individual boat owners and fishing families could, in general, make a modest living from fishing. The industry was neither too depressed nor too profitable to discourage the idea of fishing in rich waters such as those around New Zealand, which had so frequently been commented upon by early visitors. In the section that follows, and using the Canterbury settlement as a principal example, the extent to which fishing was taken up by British emigrants who came to New Zealand from the middle of the nineteenth century is examined. Local resource availability, market opportunities, and dietary preferences are considered as factors which may have influenced the development of the commercial fishing industry in Canterbury.

6. Go Fish Young Man?: Fishing and the East Coast of the South Island

While most of the early observations of fishing potential in New Zealand related to places such as the Bay of Islands, Queen Charlotte Sounds, and the waters off the southern coast of the South Island, the first settlers on Banks Peninsula and the adjacent plains could hardly have failed to note that marine resources were abundant. Resident Maori, although not great in number by North Island standards, made extensive use of fish, shellfish,

51 Barker et al., p. 105, and Wood, p. 15.

52 Barker et al., p. 105.

and eels.(53) Eel weirs could be found in a number of streams and rivers, and it was not uncommon to find more or less permanent food gathering or processing encampments by bodies of water.(54)

Waihora, a large shallow lake draining into the sea immediately south of Banks Peninsula, contained abundant patiki (flounder) and tuna (eel). Major harvesting operations for tuna would take place at the lake in some years.(55) The harbour and coastal waters of the peninsula yielded shark, oysters, mussels, and paua.(56) A net large enough to stretch almost the width of the northern harbour was used at certain times.(footnote) (See Appendix One: Map of mahinga kai in Lyttelton harbour, Arthur Couch). Off-shore line-fishing from canoes for barracouta and hapuka ("cole-fish" or "(h)abuka", and later "groper" to Pakeha), a fish which could reach huge proportions, was routinely undertaken.

The extent to which early Pakeha visitors to the area imitated Maori in this respect is not clear from written records. Nor is there much indication of the extent to which fish or shellfish were a part of the exchanges of goods between Maori and Pakeha. The accounts of activities of whalers in the peninsula area during the 1830's and 1840's, such as those of Rhodes and Hempleman, as was noted in an earlier section, yield little information on scale-fishing other than that undertaken for subsistence purposes. There are numerous references in The Piraki Log, for example, to boats being sent out fishing, or the seine being "hauled at night", most often when provisions were running low.(57) Fishing effort declined dramatically when ships' stores arrived, and the overall impression one gains is that fishing was something of a "last resort" food-procuring activity, meat and vegetables, it would seem, being more highly prized.

It seems reasonable to assume that, in theory at least, some of the crew members were sufficiently versatile to take up scale-fishing as their full-time employment if the opportunity arose, especially when whaling began to decline as it did in the 1840's. Most whalers, however, seem to have looked

53 There is much archaeological evidence to confirm this, particularly from the Redcliffs area, and the Kaitorete Spit, as a visit to the Canterbury Museum will demonstrate.

54 See, for example, W. Taylor, Lore and History of the South Island Maoris, Bascands, 1952, pp. 46-48.

55 W. Taylor, Waihora: Maori Associations with Lake Ellesmere, Ellesmere Guardian Reprints, Leeston, (no publication date given), pp. 16-19, also Hight and Straubel, p. 55.

56 Hight and Straubel, p. 49. Note: The harvesting of shellfish was customarily carried out by women.

57 Anson, pp. 64, 65, 75, 77, 101, 102, 103, 121, 122, 123, 124, 143, 146, 147, 148, 149, 150.

straight to the land when whaling became less attractive economically. For example, Rhodes prefigured his permanent retirement to dry land by setting up a cattle station in 1839, near Akaroa, the first in the South Island.(58) He later took over, along with his two brothers, a farming operation at Purau.(59) For those with any appreciable means, this was apparently the most logical, or at least the most preferred option.

The other Europeans who arrived during the 1840's, before official British settlement in the area, the "squatters" and surveyors, seem to have differed little in terms of their priorities, both economic and gastronomic. The first settlers on the plains came from Scotland via Sydney, under the impression that title to the land had been secured by a Sydney merchant, and that a settlement would soon be established. The Herriot and McGillivray families arrived in 1840, and planted crops in land bordered by swamp, known to Maori as Putaringamotu (Putarikamutu). They farmed for eighteen months before abandoning their efforts, due to uncertainty of tenure amongst other things.(60) In 1843 William Deans, a farmer from Ayrshire, settled as a stock-keeper and sometime agriculturalist on the same area of land. He noted in his correspondence to relatives in Scotland the scale and sophistication of Maori eel harvesting.(61) He found most of the sea-fish in the area to be unappealing.(62)

When joined by his brother a few months later they devoted their energies entirely to farming the land: experimenting with crops; raising cattle; and gradually building up sheep flocks from stock brought in from Australia. The other squatters on the peninsula, many of whom were of Scots descent, also pursued land-based farming activities such as dairying, and stock-rearing.(63) The correspondence of the Deans brothers for the remainder of the decade is replete with recommendations and reports on farming operations.(64) No mention is made of the potential for harvesting fish, although mineral and timber resources are discussed.

The point might seem academic were it not for the fact that the opinions of the Deans brothers played a central role in the promotional activities

58 Hight and Straubel, p. 51..

59 George and Robert Rhodes lived on the Purau property while W.B. Rhodes directed operations from Wellington.

60 Ibid., pp. 52-53.

61 J. Deans, (ed.) Pioneers of Canterbury: Deans Letters 1840-1854, A.H. and A.W. Reed, Dunedin, 1937, p. 93.

62 Ibid., p. 94.

63 The Sinclair, Hay, Gebbie and Manson families were of Scottish extraction. The Greenwood and Rhodes brothers were from Yorkshire and Lincolnshire.

64 Deans, pp. 81, 90, 100, 110, 116-118, 123, 124, 135, 166, 167.

of the fledgling Canterbury Association. A report was specifically commissioned by the Association and forwarded to England in 1849, where it appeared in the first pamphlet published by the Association.(65) As a prescriptive and helpful guide to settlement in Canterbury, the 1849 report must have made a certain impact, especially upon those with a modicum of capital who were looking for opportunities to set up some form of business.(66) Nowhere in this report is fish, let alone fisheries potential mentioned. Subsequent material published by the Association extolled the virtues of turning one's hand to the land, harnessing nature, and generally following in the footsteps of the classical Greeks in spreading civilisation (without warfare), but it did not encourage capitalists to go fishing.

A small French settlement of less than 60 people was established at Akaroa in 1840, following a land purchase agreement negotiated by a French whaling captain. Tremewan argues that the French Government's plans for settlement in this area were more ambitious than has generally been supposed.(67) As it transpired, uncertainty of land tenure again appears to have blighted the progress of this settlement. The settlers, few of whom were agriculturalists of independent means, seem to have managed to establish perfunctory farming operations, but the relatively tiny settlement never flourished. What evidence of a fishing trade can be found?

Most of the French immigrants were impoverished peasants, a German contingent comprising mainly carpenters and tradesmen.(68) Fishing hardly seems to have figured at all in the local economy. The majority of the town's inhabitants would have been Roman Catholic by birth, and one might expect that fish would have been in demand on at least one day of the week. However, in the case of Akaroa, the town's inhabitants do not appear to have been paragons of piety.(69) Tremewan also notes that while seining was carried out by the crew of at least one French vessel, the opportunities for townsfolk to do the same would have been

65 The Canterbury Papers (No.1), John Parker and Son, London, 1850, pp. 24-28.

66 The degree to which such material influenced potential settlers and migrants has been a matter of conjecture. Judith Johnston has argued that printed matter, as opposed to personal correspondence or word of mouth, was more important in generating initial awareness, influencing the early, or first wave emigrants the most. See J. Johnston, "Information and Emigration: The Image Making Process" in New Zealand Geographer, 33, 2, October 1977, pp. 60-67.

67 P. Tremewan, French Akaroa: An Attempt to Colonise Southern New Zealand, University of Canterbury Press, Christchurch, 1990, pp. 53-68.

68 Ibid., pp. 46-47.

69 Ibid., pp. 247, 249.

limited.(70) It seems, then, that the preferences of these rural Europeans from the Continent differed little from those of their British neighbours on the peninsula and plains.

A similar indifference to fish seems to characterise the early days of the Canterbury settlement. The Canterbury Association initiated survey and construction work in 1849. Association minute books contain detailed accounts for purchases and imports of foodstuffs. For example, a despatch by Captain Joseph Thomas, the Association's Chief Surveyor, to William Fox gives total estimates for food requirements for a certain period, such as 1080 lbs. of salt meat, 756 lbs. of flour, 756 lbs. of biscuits, 27 lbs. of tea, tinned soup, and pickles.(71) There are also records of contracts for the supply of fresh meat by the Deans and Rhodes brothers to survey staff and road gangs.(72)

Food was also supplied to the early survey parties by local Ngai Tahu. The journal of Charles Torlesse, survey assistant to Captain Thomas, the Association's chief surveyor, records something of the daily fare of the surveyors, and the food Maori supplied or gave to Pakeha. Pork and potatoes seem to have been the standard foods sought for purchase.(73) There was no reluctance on the part of Pakeha to hunt personally for food. War was waged upon the local bird populations, particularly ducks (and mutton birds when the opportunity arose), and wild pigs were pursued with vigour. Yet while eels and flounder, caught either by Pakeha or Maori were eaten from time to time, fish appears to have been a relatively minor part of the surveyor's diet.

This raises an interesting point. There were, it would seem, plenty of fish in the sea worth eating as far as local Maori were concerned. Yet the Pakeha who arrived before the period of formal settlement seem to have avoided the regular consumption of fish. Before proceeding to examine whether a taste for fish was more developed in Canterbury after 1850, when large numbers of immigrants arrived, it is perhaps worth considering first the demand for fish in the British Isles at this time, since a trend away from fish consumption there might help explain consumer preferences in the colonies.

70 *Ibid.*, pp. 144-145

71 Canterbury Association Papers: Agent's Letter Book 3/1, despatch 2/48, Wellington, 25/11/48, Canterbury Museum.

72 See transcripts of Agent's Letter Book in Straubel Collection, Folder Three, Canterbury Museum, pp. 10-11.

73 P. Maling, (ed.), The Torlesse Papers: The Journals and Letters of Charles Obins Torlesse Concerning the Foundation of the Canterbury Settlement in New Zealand 1848-51, Pegasus Press, Christchurch, 1957, pp. 42, 44, 48, 68, 69.

7. Demand for Fish in Britain

Earlier discussion of the fishing industry in Britain focussed upon technological innovations and the ability of fishers to find stocks of fish, and it was noted that the industry as a whole was expanding in the 1850's. This would seem to suggest that the demand for fish was increasing. Yet any apparent increase in demand must be considered against other factors such as population and demographic trends. In a study of food in English society over the past two centuries, Burnett notes that:

"The basic feature of English life during the first half of the nineteenth century was that of change - change from a small, mainly agricultural society to a large, industrial population which lived and worked in towns rather than villages".(74)

The population of England and Wales was 8,900,000 in 1801. By 1851 it had climbed to 18,000,000, and the distribution of population in towns had moved from 20 per cent to 50 per cent over that period.(75)

The role of fish as source of food for a population that doubled within the space of fifty years is difficult to determine. Burnett notes that:

"Strangely the important place of fish in the English diet has been relatively neglected".(76)

It is logical to assume that fish, often in salted or smoked form, would have featured prominently in the daily food intakes of coastal dwellers, although it was "not so highly regarded as meat, but a tasty relish to add to bread or potatoes."(77) Preserved fish was less popular in urban markets than fresh fish. The problems associated with keeping fish fresh for the time it took to pass from trawler to dinner table were beginning to be overcome through the use of: fleeting operations; well-vessels (which contained water in their holds to keep the fish alive); live-fish boxes or chests once the catch was on land; the rapidly developing rail system and; improved ice-preservation techniques. The popularity of preserved herrings began to decline in the domestic market as a consequence. The

74 J. Burnett, Plenty and Want: A social history of food in England from 1815 to the present day, 3rd. ed., Routledge, London, 1989, p. 3.

75 Ibid., p. 3.

76 Ibid., p. 12.

77 Ibid., p. 12.

export of herrings to the Continent remained at a high level.

Nevertheless, there is some indication that in certain years the domestic consumption per capita of fish may have been greater than that of meat. Mid-century records of herrings landed and sold at Billingsgate suggest that the population was consuming roughly 500 herrings per head at a farthing each per year.(78) Henry Mayhew, the compiler of statistics on the fish trade at this time observed that

"the rooms of the very neediest of our needy metropolitan population always smell of fish; most frequently of herrings. So much so, indeed, that to those who, like myself, have been in the habit of visiting their dwellings, the smell of herrings, even in comfortable homes, savours from association, so strongly of squalor and wretchedness, as to be often most oppressive."(79)

Similarly, oysters, although they were becoming more expensive as a result of stock depletion, were consumed in large numbers at this time.(80) They too had carried connotations of poverty in the recent past:

"...poverty and oysters always seem to go together ... the poorer a place is, the greater call there seems to be for oysters... Blessed if I don't think that even a man's wery poor, he rushes out of his lodgings, and eats oysters in reg'lar desperation."(81)

This raises an interesting question as to whether, overall, the consumption of seafood was a matter of taste or economic imperative. The fact that people ate fish did not necessarily mean that this was their most preferred food. An implicit hierarchy of preference probably existed, one which might change for social as well as economic reasons. Burnett notes that:

"The growth of urban life encouraged competition and social imitation among all classes, leading ultimately to far more

78 *Ibid.*, p. 13.

79 Cited by Barker, T., McKenzie, J., and Yudkin, J., Our Changing Fare: Two Hundred Years of British Food Habits, MacGibbon and Kee, London, 1966, p. 106.

80 Burnett, p. 13.

81 C. Dickens, The Pickwick Papers, London, 1837, cited in J. Drummond and A. Wilbraham, The Englishman's Food: A History of Five Centuries of English Diet, Jonathan Cape, London, 1939, pp. 366-367.

sophisticated tastes and eating habits."(82)

White bread and tea are often taken as prime examples of social influences on diet, the tastes of a relatively small minority diffusing to encompass the entire population. Where fish in general can be located on the social scale of the nineteenth century is not clear, although certain types of fish, such as caviar, flounder and salmon seem to have ranked relatively highly. Exclusiveness, packaging, preparation, and presentation at the dinner table of a particular type of fish would have greatly influenced demand. Thus could eel, for example, "unsavoury" in its natural state, become a prized delicacy when jellied, tinned, and shipped from a foreign port.

It is important to note that if it is true that fashions in food consumption tended to trickle downwards socially from rich to poor, then there would also have been feedback effects at certain points. When everyone in the country seemed to be eating a food that had hitherto been considered something of a delicacy, then one might expect a switch in consumption habits amongst those who most easily afford it.

If it is not possible to say how highly prized fish was in nineteenth century Britain in a general sense, it is less difficult to determine the importance attached to meat consumption. Meat eating had become increasingly popular in Europe over the preceding centuries. Thomas, writing on the relationship between humans and the natural world in England from 1500 to 1800, observes that Europeans placed a heavy reliance upon animals for work and food. They were

"exceptionally carnivorous by comparison with the vegetable-eating peoples of the East."(83)

The English provided an extreme example:

"Nowhere in Europe was this dependence upon animals greater than in England, which, certainly by the eighteenth century and probably much earlier, had a higher ratio of domestic beasts per cultivated acre and per man than any other country, save the Netherlands."(84)

82 Burnett, p. 4.

83 K. Thomas, Man and the Natural World: Changing Attitudes in England 1500-1800, Allen Lane, London, 1983, p. 26.

84 Ibid., p. 26.

The regular appearance of meat on the dinner table became an indicator of social status and a mark of civilisation. The type of meat eaten was equally important. Thomas notes that in the seventeenth century the most generally eaten animals were vegetarian, carnivores being regarded as unclean.(85) Mutton and pork presumably ranked high on the list of appropriate foods.

There was also a reluctance to eat working animals, and "the rise of the cult of the roast beef of England closely paralleled the decline of the ox as a working animal."(86) Creatures associated with "putrefaction", such as frogs, snails, mushrooms and oysters were also scorned.(87) Fish, provided that their particular appearance was not too primeval, seem to have been regarded as acceptable fare, although their relative ranking was probably below that of mammalian herbivores and certain bird species. They would certainly have ranked above reptiles, insects, and amphibians.(88) These attitudes were to a large extent shaped by religious beliefs, as if fitness for consumption was dictated by where a particular organism was located in the master-plan of the Almighty:

"The fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth, and upon all the fishes in the sea; into your hand are they delivered. Every moving thing that liveth shall be meat for you." (Genesis, ix. 2-3) (89)

It would be unwise to suppose that English attitudes towards food were rigidly governed by religious principles, or that they did not undergo some important changes between the seventeenth and nineteenth centuries. Yet it seems reasonable to suppose that the immigrants who came to Canterbury in the 1850's brought with them some distinct views on what food was most acceptable to their palates, views which were based on tradition rather than on purely nutritional or economic criteria. One could argue that intertwined with the desire to acquire land, and/or independence, there was, in the settlers' recipe for self-improvement, an underlying principle of "meat first".

85 Ibid., p. 54.

86 Ibid., p. 54.

87 Ibid., p. 55.

88 Ibid., p. 57.

89 Quoted in Thomas, p. 18.

These views, like the pastoral myths that accompanied them, were no doubt eroded by local conditions over time. Nevertheless, if there was a form of "dietary resistance" to certain foods in the early years of settlement, this may have affected the development of a fishing industry. The section that follows examines cultural and economic explanations for the development of the Canterbury fishing industry.

8. Consumer Preferences in Early Canterbury

Given the suggestion that most settlers brought with them to Canterbury a "meat first" outlook on food, it is perhaps not surprising that recorded comments on food prices tended to focus upon meat and vegetables. Edward Ward, a settler who arrived aboard the "Charlotte Jane" in December 1850 commented, during his "first bit of marketing", that upon purchase of some mutton he

"Bought also a mat of new potatoes from a Maori. These folk are very hard to deal with, as they ask exorbitant prices and don't understand being beaten down in English ... so that one is forced to walk away in despair. They have pigs, peas, potatoes and poultry for sale and plenty of buyers if they would only ask reasonable prices." (90)

Charlotte Godley, who was in Lyttelton for a brief stay earlier in 1850, also had occasion to remark upon her first instance of "going to the store", observing that cheese was 14d. a pound, a two-pound loaf of bread sixpence, meat sixpence or less, milk fourpence a quart, and salt-butter one shilling per pound. (91) There are frequent references in letters that cover the years of residence in Canterbury to the types of food available in the settlement and the prices being charged for certain commodities. (92)

In the light of the preceding discussion concerning the value attached to having meat on one's dinner table, one of Charlotte Godley's remarks seems particularly revealing. Giving her opinion to her mother on the virtues of the colony as a whole, she states

90 J. Hight, (ed.), The Journal of Edward Ward 1850-51, Pegasus Press, Christchurch, 1956, p. 98.

91 J. Godley, (ed.), Letters from Early New Zealand by Charlotte Godley 1850-1853, Whitcombe and Tombs, Christchurch, 1951, p. 28.

92 Ibid., pp. 26, 141, 149, 155, 168, 182, 242, 243.

"But I am not sure that altogether the pleasantest thing here is not the total absence of poverty, or anything like it, among the people. They all eat meat, etc., as much, and as often as we do."(93)

The role of meat as a kind of social barometer or mark of advancement is further indicated by the letters sent to England from New Zealand by the rural immigrants of the 1870's, many of whom came to Canterbury, which have been collected together in Rollo Arnold's The Farthest Promised Land. The following remarks are typical:

"This is after dinner. We have just had a beautiful shoulder of mutton and potatoes; it's what I have not had for years before, but now we can have it any time we choose. This is a capital country for a working man to come to; there is no fear of living here, as you can get plenty of beef and mutton at 3d. a pound, and as good as any you get in Stanford."(94)

Indeed meat consumption could reach what by today's standards would seem to be extreme proportions. One observer, pausing for a few days in Oamaru in 1874 to report on the living conditions of rural labourers, remarked

"I entered the room as desired, and saw some 40 men set down to as substantial a dinner as one could desire. There was roast beef, vegetables, and plum duff. I was told that the men get beef or mutton 3 times a day, and plum duff 4 times a week, - the employers here say that if a man is to work well, he must live well."(95)

By contrast, references to fish or seafood were scarce. Where they did occur, there was often a suggestion of novelty, or a departure from normal routines. Edward Ward made a number of journeys around Lyttelton harbour before deciding to settle on an island in the middle of it. On one occasion he went with a party to Purau, and on landing

"found the beach strewn with oysters, mussels, and cockles. The oysters were sticking fast to the large stones. We

93 Ibid., p. 36.

94 R. Arnold, The Farthest Promised Land: English Villagers, New Zealand Immigrants of the 1870's, Victoria University Press, Wellington, 1981, p. 177.

95 Ibid., p. 82.

gathered about a couple of dozen in five minutes and might easily have loaded the boat with them."(96)

At a later date he notes the presence of a large shellfish christened by Pakeha some years earlier as "mutton fish", otherwise known as haliotis or paua.(97) Ward seems to have been sufficiently adventurous to sample the mutton fish, eating it boiled a full week after he had harvested it. He did not find it particularly agreeable:

"it tastes like a huge limpet, not at all good."(98)

Another writer who saw fit to discuss the marine organisms of Canterbury did so in a slightly more circumspect manner. Henry Sewell, who seems to have been given to taking strolls along the seashore, recorded the following in a journal entry of 1853:

"The children and we all gathered Shells on the Shore. The mutton fish shell very beautiful, others common place enough, many very like our own. Mussels and Cockles are abundant. Saw no Oysters, but hear of plenty in the neighbourhood, small but very good. The fishing seems nothing remarkable, but people have had no time to attend to it... There were Maori fishing Stakes driven in across the Bay, but have seen no signs of a Fish Market yet."(99)

His remarks are interesting, in the first instance, because they seem to reflect the notion of the sea and the seaside as being principally a source of amusement or distraction. Similarly, Charlotte Godley's observations on a meal with local Maori, an expedition to the bays, and the fishing activities of her young son, carry connotations of exotic practices. Her comment on the meal was that "as a feast with natives, it was rather a failure", although "some capital little fish" were served.(100) On another occasion, remarking upon the fortunes of a servant's relatives, she wrote that they had

96 Hight, J. (ed.), The Journal of Edward Ward 1850-51, pp. 91-92.

97 Ibid., p. 194.

98 Ibid., p. 197. This was, incidentally, the last thing he wrote in his journal. He and his brother drowned in Lyttelton harbour the following day.

99 W. McIntyre, (ed.), The Journal of Henry Sewell 1853-57 Volume I: Feb 1853 - May 1854, Whitcoulls, Christchurch, 1980, p. 149.

100 Godley, pp. 144, 266, 292.

"built a very good house on "the Esplanade" that is our high street, facing the sea, of course."(101)

The construction of a sea wall in Lyttelton had been one of the first projects undertaken by Canterbury Association employees. Early maps showed the adjacent street as "Esplanade", and although Captain Thomas later changed the name to Norwich Quay, it was known locally under the former appellation for some time.

This might seem a minor point until one considers the growth in popularity of the seaside resort in England at this time, and the tensions created between the established local economic activities, such as fishing, and the new leisure industry. In a study of the rise of the English seaside resort Walton notes that fishing communities at first resisted the encroachment of deckchairs and changing booths upon the beaches where they landed and repaired their boats.(102) The process of incursion, however, beginning at locations near London and the larger urban centres and then spreading to more isolated villages, seems to have been inexorable.(103)

Furthermore, the cult of the seaside was not purely the preserve of the aristocracy nor wealthy urbanites. Farmers, shopkeepers, and tradespeople began to embrace the habit of removing to the seaside when circumstances permitted.(104) Thus by the middle of the nineteenth century, both the fish in the sea, and fishing communities, their rustic charms notwithstanding, were generally a secondary consideration in evaluations of the virtues of coastal environments:

"The pursuers of rustic retirement... soon included many who preferred sketching fishermen's cottages to actually staying in them."(105)

It seems reasonable to suppose that such attitudes were imported by many of the English settlers who came to Canterbury from the 1850's onwards.

The preceding remarks of Henry Sewell are also of interest in that they make reference to the absence of a discernible fish market. He later repeated his comment concerning the lack of a market for fish when he visited Wellington, the suggestion

101 Ibid., p. 236.

102 J. Walton, The English Seaside Resort: A Social History 1750-1914, Leicester University Press, Leicester, 1983, p. 47.

103 Ibid., p. 40.

104 Ibid., pp. 12-13.

105 Ibid., p. 40.

there being that the Pakeha population was not much interested in the local fish supply.(106) The next section examines this question more closely.

9. The Fish Market in Early Canterbury

An article which appeared in the Lyttelton Times in 1854 would seem to confirm Sewell's earlier observations.(107) The writer lamented the state of fisheries in Canterbury, and sought to give an explanation for lack of progress in establishing an industry (see Appendix Two for full text). The key points in the article are as follows: there is not, but there should be, a local fish trade in Canterbury; wages in other sectors have been so high as to discourage fishing; the novelty of beef and mutton for meals every day is wearing off; other governments overseas have seen fit to encourage the fish trade; someone should take it up regardless of government incentives; arguments about perishability and scattered populations are not valid, especially since curing and salting technology is available; fish is becoming more favoured in London due to the high costs of other foods; the rivers of the province should be stocked with fish; in the meantime the available resources of the sea should be more fully exploited.

The remarks made in this article seem to have a direct bearing on the issues raised in this discussion so far. There is consternation that Pakeha have been slow to make use of an abundant resource base on economic reasons. While there is no suggestion that a thriving export trade could be developed immediately, there is a claim that potential demand exists for both fresh and preserved fish, in town and country respectively, supply posing no significant technical problems. An enterprising person could thus make as much, if not more, at this activity, than other forms of labour.

Beyond economics there is the matter of changing tastes. Sufficient time has passed by this stage for Pakeha to indulge completely their desire to feast upon mutton, beef, and pork. For those with reservations about the propriety of shifting their preferences the writer of the article notes that fish is becoming more acceptable, albeit for apparently economic reasons, in England. This lends weight to the notion of a "meat first" attitude having been imported by settlers, the writer hinting that in some quarters at least, the principle had become rather too entrenched.

Nevertheless, there is still, in this article, a presumption that there is an inferior quality

106 McIntyre, W., p. 226.

107 Lyttelton Times, 27/5/1854, p. 7.

attached to local or indigenous foods. The suggestion that it is "our privilege to replenish this portion of the earth by introducing plants and animals most serviceable to man" implies that a culturally constructed hierarchy of value had been developed which made some things appear more useful or attractive than others. This would presumably have influenced the way certain things tasted, irrespective of chemical composition or nutritional value.

The acclimatisation movement, which began in earnest in Canterbury a few years after the appearance of this article, reflected this view. Salmon and trout, for example, were introduced not simply because they possessed a subtle taste and delicately textured flesh. They also provided sport for any aspiring gentleman. Their taste would thus have "savoured by association", to use Mayhew's turn of phrase, but in this case positively, precisely because they were part of a campaign to improve the natural world.(108)

These considerations aside, it seems that the writer of the article was making a fundamental assertion that to some extent cultural inertia on the part of Pakeha was to blame for the lack of development of the local fishing industry. It might be argued that such a cultural explanation, if there was one, was not necessarily negative. Perhaps it was out of a sense of respect for the skill and traditions of local Maori, that Pakeha felt reluctant, or believed there was no need, to venture into fishing the seas. However, as noted earlier, there seems to have been no real compunction about appropriating land from Maori in Canterbury when it was seen to serve Pakeha economic interests, so "respect" seems an unlikely explanation. Furthermore, the acclimatisation "ethic" which seems to have been embraced by so many Pakeha would appear to contradict the notion that Pakeha, at any stage accepted the status quo without question.

Indeed, there may have been a measure of contempt rather than respect in the case of fishing, Pakeha shunning it precisely because it was so highly developed in Maori culture. This might help to explain some apparent inconsistencies in Pakeha consumer preferences. Eels had been regarded as something of a delicacy in England, but in Canterbury their plenitude seems to have been greeted with indifference. The manner in which they

108 It should be noted that attempts were also made, with much less success, to improve seafood stocks, with attempts to introduce such things as the European Lobster to the Canterbury area commencing in 1864. See G. Thomson T. Anderton, History of the Portobello Marine Fish Hatchery and Biological Station, Board of Science and Art, 1921, p. 50, and pp. 33-35, 66 for experiments with herring and Australian Prawn respectively.

were processed by Maori seems to have offended some sensibilities. One visitor of the 1850's remarked of Rapaki, and Maori kainga in general

"The "warries" look picturesque at a distance, but do not improve on a nearer inspection... The Paas are always dirty; and as the Maories use them as places for drying their fish, they have always a most disagreeable smell." (109)

Local fish may, it seems, have savoured negatively by association with Maori.

Furthermore, the principle of personal independence through land-based activities may have become so entrenched amongst Pakeha, that activities such as fishing, although not wholly without merit, was implicitly regarded as an inferior income earning pursuit, fit perhaps for Maori, the poor, and other "foreigners" (as some of the material that follows will suggest). In any event, to be a fisher or fishmonger in England was hardly a mark of social status, and it is likely that the class associations attached to the trade in English society were to some extent transplanted to Canterbury.

That there was no rapid development of a formalised fish trade in the first few years of settlement can also be inferred from advertising literature. Advertisements placed throughout the 1850's in annual publications such as The Southern Provinces Almanac, and Canterbury Almanack promoted a number of businesses, including butchers, bankers, and bonnet-makers. (110) Some of the trades listed were relatively humble, yet not one fishmonger appears, either in Lyttelton, Christchurch, or Kaiapoi. The fish trade, such as it was, seems to have been almost solely the preserve of local Maori, as far as harvesting goes at least, although it seems reasonable to assume that, given the tradition in Britain of street hawking of goods, including fish, shrimps, and shellfish, there were Pakeha who were willing to peddle seafood on the streets of Christchurch and Lyttelton.

The lists of electors for Christchurch and Lyttelton compiled during the 1850's are unhelpful, despite the fact that they often list occupations, since being given the franchise depended upon one's being a property-holder. (111) In any event, caution needs to be exercised in accepting as accurate

109 C. Adams, A Spring in the Canterbury Settlement, Longman, Brown, Green, and Longman, London, 1853, pp. 49-50.

110 Canterbury Almanack for 1853, I. Shrimpton, Lyttelton, 1853, Canterbury and Wellington Almanack for 1855, I. Shrimpton, 1855, The Southern Provinces Almanac, Directory and Year-book for 1856 (hereafter SPA), Lyttelton Times, Christchurch, 1856.

111 See, for example, New Zealand Government Gazette: Canterbury Provincial Gazette, Volume 2, Tuesday August 2 1855.

occupational descriptions set down in census and survey data, since some people may have misrepresented their qualifications, or omitted seasonal or secondary occupations. Perhaps fishing supplemented the incomes of some of those listed under different occupations.

Even so, it seems clear that Pakeha were slow to take up the suggestion by the writer in the Lyttelton Times of 1854. An article in the same publication some five years later noted that while hapuka caught by Maori off Port Levy had been selling well in Lyttelton and Christchurch

"it is time that its abundance near our shores was made more generally known, that our housekeepers may have a change from ordinary beef and mutton to lay upon the table."(112)

This remark suggests that the "meat first" principle was by this time a great deal less sacred, the earliest settlers having had sufficient time to saturate their palates with what had previously seemed such a delicacy.

Nevertheless, following these remarks there seems to have been little mention of sea fisheries in the newspapers over the next few years.(113) It is likely that regardless of changing tastes amongst some Pakeha, other occupations remained comparatively more attractive to Pakeha at this time. The gold rushes of Otago and the West Coast during the 1860's no doubt influenced the occupational decisions of a number of relatively poor and unskilled males. It should be noted that, to some degree, a decision to prospect rather than fish probably reflected cultural values, since the privations and uncertainties of gold mining often equalled or surpassed the risks associated with fishing at sea.

Yet there is evidence that at least a few people were prepared to be identified as fishers and fishmongers by 1862. An abstract from a census of that year indicates that there were 3 "fishermen" in Christchurch, 2 in Kaiapoi, and 1 in the Avon sub-district, although there is no information on the type of fishing undertaken, nor whether these men were also involved in retailing.(114) Unfortunately, as Pickens notes, while more than a dozen censuses were taken in Canterbury between 1848 and 1881, much

112 LT 23/2/1859, p. 5

113 There are references in The Press 6/9/1866, p. 3., and 23/12/69, p. 2., to fishing on the West Coast and at Lake Ellesmere respectively.

114 New Zealand Government Gazette: Province of Canterbury, Volume 9, Wednesday June 4 1862, No. 9, Abstract of Census, Enumerator's Return C: Rank, Profession, or Usual Occupation, pp. 42-48.

of the information relating to occupational status has been lost or destroyed, making it difficult to compile statistics or determine trends.(115)

Nevertheless, some information can be extracted from other sources. While no fishmongers or hawkers were listed in the 1862 census, two fishmongers, J. Carter, and J. Elvines, appeared in the Christchurch trade listings of the Southern Provinces Almanac for 1863.(116) The following year's listing was the same.(117) There is, perhaps not surprisingly, little biographical information on these retailers.

Carter apparently had a fish-curing establishment in Chester Street; Cobb and Co. delivering to him 112 lbs. of fresh fish every day from Saltwater Creek, the fish being smoked with a manuka fire.(118) Unfortunately, there is no clear indication from records as to which of the several John and James Carters who emigrated from the British Isles in the 1850's and early 1860's took up fishmongering. Most were agricultural labourers, but a John Carter, whose occupation was listed as "shepherd", had arrived in Canterbury aboard the Royal Strait in 1861 from Caithness, a Scottish herring port.(119) Historically, it was not uncommon for Scottish "crofters" living near the coast to engage in fishing.

John Elvines, listed in shipping lists as a "groom" from Middlesex, appears to have been at various times a greengrocer and fruiterer, entertainer, and fishmonger.(120) Whether or not fishmongering gave him great satisfaction is difficult to tell, although he apparently committed suicide in 1877 by taking strychnine. Unlike their counterparts in the meat trade, the fishmongers placed no individual advertisements.

In 1865 three fishmongers were listed under Christchurch in the Southern Provinces Almanac.(121) Along with J. Carter in High Street was the "Italian Fish Company", and a G. Haward in Gloucester Street. Little is known of the latter two operations, although it is interesting to note the continental European association in the name of one of the businesses.

In the following year three fishmongers were again listed for Christchurch.(122) Carter was

115 K. Pickens, Canterbury 1851-1881: Demography and Mobility, A Comparative Study, Washington University, 1976 (Ph.D. thesis), p. 18.

116 SPA, 1863, p. 102.

117 SPA, 1864, p. 90.

118 MacDonald Dictionary of Canterbury Biographies, Canterbury Museum, Microfiche Ref: C. 157.

119 MacDonald Dictionary, Ref: C. 160.

120 MacDonald Dictionary, Ref: E. 114.

121 SPA, 1865, p. 113.

122 SPA, 1866, p. 73.

still in business in High Street, as was Haward, but this time a J. Strauss was listed in High Street, possibly at the same address. It is not unreasonable to suppose that Strauss was of continental European origin.

In the years that followed new names appeared in publications such as Wise's New Zealand Directory, and the total number of operations gradually increased, Lyttelton boasting three fishmongers compared to the two in Christchurch in 1872, despite its smaller population.(123) Nevertheless, compared to the number of butchers listed over the same period the overall growth of the fishmongering business does not appear remarkable. The ratio of butchers to fishmongers listed in 1867 and 1868, for example, was greater than five to one.(124)

It is worth noting that the surnames of those who are listed as fishmongers in the directories through to the 1880's appear to be mostly English in origin. This suggests that, as would have been consistent with the broad demographic circumstances of the time, the dominant ethnic group was not under-represented in the fishmongering business. However, other sources indicate that there was a disproportionately high "foreign" presence in the trade. Greeks, such as Demetrio Kourooulos, and Georgio Constantino Tomo, also known as "George Constance", together with at least one Norwegian, Hans Rue Pasche, seem to have played an important role in the early development of the local fishing industry.(125) As was suggested earlier, involvement in the fish trade seems to have carried low social status. The main actors in the industry appear almost invisible if one compares references to fishers and fishmongers in Canterbury with those relating to other retailers and people associated with land-based farming, and those retailing its products.

It might be argued that the slow development of the local fishing industry did not reflect cultural preferences, but the nature of local resources: that is, it may simply have been a function of geographic location, better fish stocks being found in other parts of the country. In 1869 and 1870 surveys of the Canterbury, Otago, Wellington, and Kaikoura fisheries were commissioned by the Crown and published as Appendices to the Journal of the House of Representatives. In each case they describe the numbers of people involved in fishing, methods of

123 Wise's New Zealand Directory 1872-1873, H. Wise and Co., Dunedin, 1872, p. 226.

124 New Zealand Directory for 1866-1867, Stevens and Bartholomew, Melbourne and Wellington, 1866, p. 150, and New Zealand Directory for 1867-1868, p. 53.

125 MacDonald File Refs: C. 518, K. 249, P. 150.

fishing, the economic returns where these could be ascertained, and the types of fish caught.(126)

The report on Canterbury was comparatively unfavourable:

"There can be no doubt that the fish supply of Canterbury falls far short of the that of the neighbouring Provinces, both in quality and quantity. The large shoals of barracouta said to be found off the coasts of other parts of the Island are very unfrequent (sic) here. The hapuka are limited in number, and the rock cod are inferior in size and firmness to those found in the Otago Province."(127)

The report goes on to note that there are six fishers and three boats at Lyttelton, the same number at Ellesmere, the same again at the Estuary, one boat at Saltwater Creek, and two boats at Kaiapoi and the Waimakariri mouth. The fishers were "principally English, with some Italians", and fish fetched, generally speaking, from 2d. to 5d. per lb.(128)

There is also mention of oyster beds in Lyttelton harbour, one in Charteris Bay having been worked for the previous fourteen years, but on a very modest basis. A general conclusion is that it is "impossible to arrive at any approximate estimate of the total value of fish sold in the year as they are mostly disposed of by hawkers."(129)

Report No. 2 on the fisheries of Otago notes a more highly developed industry. There were three distinct fisheries, employing some seventy men all year round, and a local market structure which also employed a large number of people.(130)

The Wellington fishery appeared to be of similar proportions to the one in Canterbury, being notable, in the view of the Commissioners, for the high number of "foreigners" participating, either as fishermen or vendors. Of a total of twenty-two, there was a Swede, a "Calabrian", a "Livornese", two from Trieste, a Maltese, a Russian Fin, a Sicilian, and "the remainder Maoris".(131) The Kaikoura fishery appeared to be a very modest operation with only two Pakeha being regularly employed, the trade

126 "Further Papers Relative to the Fisheries of the Colony" in Appendix to the Journal of the New Zealand House of Representatives, 1869, D. No. 15, 10 pp., and "Report of the Fisheries Commission" in Appendix to the Journal of the New Zealand House of Representatives, 1870, D. No. 9, 6 pp.

127 Appendix etc., 1869, D. No. 15, p. 4.

128 Ibid., p. 4.

129 Ibid., p. 4.

130 Ibid., p. 5.

131 Appendix etc., 1870, D. No. 9, p. 4.

having "generally been carried on by the Maoris." (132)

The reports share at least one analytical convention, this being the tendency towards vagueness in describing Maori participation. Furthermore, the Canterbury and Wellington reports also employ an ethnically based classification of certain fish species. The Sting Ray, for example, is described as being "only eaten by the Maoris". (133) This lends weight to the suggestion that, altogether, fishing was not regarded as a particularly noble pursuit for the average Pakeha, particularly those with ambitions.

It is important to note, however, that the reports were, in each instance, authored by local inhabitants of the regions in question, and that some Commissioners seem to have had little familiarity with marine resources. Thus in the case of Canterbury, a failure to acknowledge market potential or gastronomic quality may have reflected more the cultural values of the Pakeha Cantabrians of the period (Skate, Conger, and Ling being "not much cared for") than it did the true worth of the local fish stocks. Furthermore, there may have been some thing of a vicious circle with regard to lack of knowledge and underdevelopment: how could the potential of the fisheries in Canterbury have been accurately assessed without widespread local experience or research?

The contrast between Canterbury and Otago, where a thriving local fishing trade had existed for a number of years, may have reflected dietary preferences as much as it did local conditions. MacLean notes that

"From the early 1860's, using small rowboats and sail-assisted dinghies, Moeraki fishermen began fishing for the wider North Otago market." (134)

Another source notes that the Otago fishing industry is first mentioned in the Port Chalmers directory of 1863, and that at that time some of the catch landed was sent to a fish curing factory and sold to ships from Melbourne. (135) Further south, Howard notes the efforts of Stewart Island fishers to establish a viable export trade in the 1860's. (136) The comparatively cosmopolitan nature of the Otago population may have produced greater local demand for fish, and fishing may not have been regarded as

132 *Ibid.*, p. 5.

133 *Ibid.*, p. 5. Also *Appendix etc.*, 1869, p. 4.

134 MacLean, G., p. 56.

135 Fenaughty and Bagley, p. 9.

136 Howard, pp. 213-214.

an inferior or tainted occupation. Efforts to establish an export fish trade, or to develop the local industry, would thus have seemed a culturally acceptable commercial enterprise.

As it happened, three years after the pessimistic report on Canterbury appeared, the "Deep Sea Fishing Company" was established in Christchurch. It could boast its own trawling vessel, smoke-house, and retail outlet, and the launching of the enterprise provoked an enthusiastic response in at least one of the local newspapers.(137) This development may have resulted, to some extent, from increasing diversity in immigrant demography, or from the effects of internal migration, the cultural norms of Canterbury being eroded by people coming from other parts of New Zealand or the rest of the world. Alternatively, the period of grace for the "meat first" principle may finally have lapsed. After more than twenty years of being able to eat all the meat one could desire, perhaps the social status attached to meat eating had diminished. Canterbury as a special ethnic case is discussed briefly in the section that follows.

10. Canterbury: An Anti-fish Province?

Whether or not Canterbury represented the most extreme manifestation of the "pro-meat" ethic may be impossible to state categorically. However, a sufficient number of detailed studies of immigration sources for Canterbury have been conducted which make it possible to argue that most of the immigrants from Britain during the three decades after 1850 were of rural origins, and that those who came from urban centres tended to come from industrial towns and cities rather than large fishing ports.(138) The coastal communities of the British Isles, perhaps with the exception of some parts of Cornwall, Devon, and Kent, would seem to have contributed few if any migrants to Canterbury (See Appendix Three).

The under-representation of fishing communities can be explained partly in terms of immigration policies. Coastal dwellers were simply not targeted by the appointed agents and propagandists of either the Canterbury Association, the Canterbury Provincial Government, or the Vogel Government.

137 The Press, 23/1/1873, p. 2 (wishing them luck), 6/2/1873, p. 3 (describing the first cruise of the "Nautilus"), 26/2/1873, p. 2 (describing the highly successful first sale of fish).

138 See Pickens, pp. 50-53, also K. Pickens, "The Origins of the Population of Nineteenth Century Canterbury" in New Zealand Geographer, 33, 2, October 1977, pp. 69-75.

Individual perceptions were also important. As was noted in an earlier section, fishers in the British Isles were no strangers to relocation. However, unless some clear advantage could be seen in relocating, as a fisher, to an extremely distant part of the world it is likely that, even under severe economic pressure such as the collapse of local or less distant fisheries, fishers may simply have abandoned fishing in favour of seeking work locally in some other field. Alternatively, and this is perhaps something of an imponderable, fishers may have seen advantage in relocating to New Zealand, but not as fishers. We may never know just how many erstwhile fishers gave up fishing to come to New Zealand. Indeed, the notion of fishing as a revered, immutable, and age-old cultural tradition in Britain may in fact be something of a fallacy. Thompson argues that transience and contingency have been the rule not the exception in Britain:

"Right round the coast, so far from being locked in a world of immemorial stability, generations of fishermen, encouraged by the very nature of their occupation, have been constantly on the move, their communities in flux."(139)

Indeed, many of the smaller fishing communities that have dotted the British coastline do not date earlier than the eighteenth century.(140) Furthermore, when one considers the degree to which some coastal communities in Britain were the products of land clearance policies, fishing may have been a rather reluctantly adopted "tradition" by those pushed to the margins of the land.

11. Why Not Fish?: Conclusions

Perhaps the most important implication to be drawn from the preceding discussion is that the development of the fishing industry in New Zealand has not been based solely on economic rationality, or the behaviour of "homo economicus". Culture has played an important role in shaping what resources have been exploited, or perhaps more correctly, the order in which they have been exploited. A dietary preference for meat amongst Pakeha, based upon cultural rather than purely nutritional value, was imported from Britain. Another cultural import, the pursuit of profit, reinforced this preference, since, in the case of Canterbury at least, in order to generate export revenue, the raising of sheep for wool was pursued on a large scale. The result was

139 Thompson, et al., p. 11.

140 Ibid., p. 11.

"mutton, mutton everywhere", more than enough to satisfy the palate of the Pakeha. One can only speculate about a possible earlier change in the dietary preferences of Canterbury settlers had the marine resources of the region been such that their economic viability could not have been denied.

As a nation we are only just coming to terms with the health risks associated with a diet based upon meat and dairy products. Fish as an item of food has probably never been more fashionable amongst Pakeha than it is at the present time. Seafood restaurants are now becoming commonplace. Some species of fish have become a luxury, and those species that were previously scorned are now gradually entering the recipe books.

Similarly, fishing as an occupation and bona fide industry seems something of a new Pakeha "tradition". This is true not only in the sense that it did not develop as rapidly as other endeavours in the years of early settlement, but also in the sense that it was not quite the institutionalised and esteemed practice in the ancestral home of most Pakeha New Zealanders as has often been supposed. Fish and fishing seem to have been regarded culturally as a little "off", so to speak, and Canterbury may provide the most graphic example of the "meat first" principle which most immigrants brought to New Zealand in the nineteenth century.

Comparative studies and more detailed analysis would no doubt test this claim more rigourously. Further investigations into such things as the "acclimatisation cult" of the late nineteenth and early twentieth centuries in New Zealand, or the question of whether or not any of the Scottish "herring girls", so mobile and so over-worked, ever emigrated to New Zealand, might cast further light on the suggestions made in this discussion. Someone else might like to tackle in more detail the question of "Who exactly were the fishers of Canterbury?" or "How were relations between Maori and Pakeha in the commercial fishing industry of the nineteenth century structured?". The potential field of study, like the sea, one might say, is as wide as it is deep.

Appendix One: Traditional/Current Areas for Kaimoana
in Whakaraupo (Courtesy: Arthur Couch, Rapaki [from
files of Banks Peninsula District Council])

LYTTELTON BOROUGH

A File

TRADITIONAL/CURRENT AREAS FOR KAIMOANA IN WHAKARAUPŌ File

28 Nov 1964

C File

In presenting this paper to you may I say my sources of information are in the writings of Poua Tikao, my grandfather (I have his papers), Toua Tikao Te Ururaki, the Kuia that brought me up, Hone Watene of Rapaki, my mother, and what I have learnt over the years.

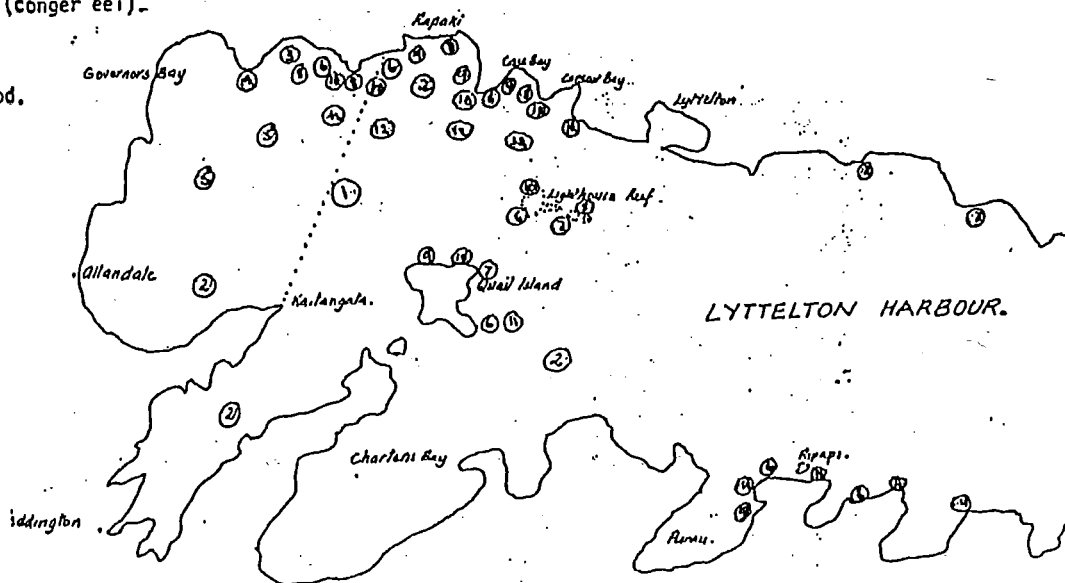
Although Whakaraupo is the name given to Lyttelton Harbour now it is the name given originally to the head of the harbour where Governors Bay, Allandale and Teddington lay.

I will put a number on the outline map and write the details on this page so as not to clutter the map.

1. The kai wairua of the Rapaki people is pioke the mudshark. In early times during the Spring and Summer months the pioke came up the harbour during easterly winds to feed on whiteko (a pupu with a soft shell) worms and pipi that are in the mud in Whakaraupo particularly in the area which is shallow up by Governors Bay. (I enclose that with a dotted line).

It is recorded that a plaited flax net stretched along that line at one time and that they would canoe along it every morning to clear it. In the 1920's Hone Watene and company used to drive to Governors Bay in horse and gig down to the water, into the water and out into the shallows. They would stand with slashers and kill the sharks and throw them into the gig. Today, fishing is done by nets but the area is becoming polluted and pioke scarce.

2. Spearing and netting flounders was traditional but now only trawling.
 3. In an area of no more than 20 x 20 ft is the only bed of small white tuangi (cockles) in the harbour on the Rapaki side.
 4. Where the old wharf was, only piles now, is one of the best bed of mussels in the inner harbour.
 5. Whiteko, soft shelled pupu, soaked in salt water until they spit out the mud and cooked. Equivalent of French snails!
 6. Paua rocks (smooth).
 7. Mussel rocks.
 8. Mudcrabs (papaka).
 9. Pipi and Tuangi (cockles).
 10. Koiro (conger eel).
 11. Kina.
 12. Red Cod.
-



Appendix Two: Article from Lyttelton Times, 27/5/1854, p. 7.

Amongst the undeveloped resources of this Province, one which hitherto has been almost entirely neglected, is that of fish. The highly remunerative nature of other employments, no doubt, has prevented that of the Fisherman from having been hitherto pursued in this settlement. Both sea fish, and those which ascend some of the rivers, like the Heathcote, of various kinds, are alike abundant and of excellent quality. Even in the present condition of the colony, we cannot but think that if undertaken in a proper manner, a fishery, either towards the estuary of the Heathcote, or in some other suitable locality, would prove remunerative. To all the variety afforded by a change from the unvarying round of butchers' joints to fish is more or less agreeable and beneficial. The promotion of fisheries has for various reasons been considered an object worthy of the encouragement of many European Governments, and of that of the United States. Whether such examples might be in some way beneficially followed by our Government, we will not now discuss, but our object on the present occasion is to invite private enterprise to this pursuit by pointing out the advantages to be derived from it.

The chief objection, we believe, which individuals entertain to enter upon this business is the uncertainty of sale amongst our scattered population for the fish which would be caught. This objection, we conceive, would be met were provision made for curing and salting any quantity of fish not purchased in a fresh state by innkeepers and private families. Fish thus cured, we have no doubt, would be gladly purchased for the use of the stations, where, especially, such a variety in the diet would be most acceptable.

We observe in recent numbers of the London papers that the dearth of food in England is causing increased attention to be directed to the supplies derivable from the seas and rivers. A pamphlet on the artificial propagation of fish, written by the Messrs. Ashworth, is reviewed in one of the London daily papers, where it is shewn that rivers may be thus stocked with millions of fish in a short time. For this discovery, or rather for the practical application of it, we are indebted to two poor fishermen of an obscure village called La Bresse in the Departement of the Vosges in France. Their operations and their results being made known to the Academy of Sciences at Paris, the French Government having assured themselves of the facts, and seeing the great importance of the subject, summoned the inventors to Paris, where they were treated with great distinction, and appointed at good salaries to stock with fish certain rivers, and to teach their system to the people living upon them.

The details of the process are to be found in a shilling pamphlet on the "artificial production of fish," published in 1852, by Reeve and Co., Henrietta Street, London. The object is to preserve the fecundated eggs or spawn from destruction by other fish, or by the innumerable accidents to which they are ordinarily exposed when left to chance. The young fish being thus allowed to hatch and become strong enough to provide for themselves, are set at liberty. As the spawn may be conveyed to considerable distances, this affords the means of introducing the best varieties of fish into rivers in which they did not before exist, and it is even supposed that allied sorts might thus be crossed, and improvements in size and quality thus obtained, similar to what we see in domestic animals or in cultivated plants and flowers. As it is our privilege to replenish this portion of the earth by introducing the animals and plants most serviceable to man, may we not hope to see our rivers also teeming with the choicest kinds of fish which are found in countries within such a distance as by the aid of steam can be reached within a few weeks? The spawn remains unhatched from two to four months, so that it appears not impossible that disciples of our excellent Isaac Walton may hereafter find in our rivers the identical species described in his instructive pages. However, our business for the present should be to make the most of the resources actually at hand, and we should be much gratified if these observations should have the effect of directing the attention of competent persons to the supply of the population of the Province with a salutary article of food either in a fresh or cured state.

Since writing the above, we have observed a paragraph in the *Melbourne Morning Herald* stating that a Mr. Reedes, of Van Diemen's Land, has offered (on the condition of receiving a moderate remuneration should he succeed) to introduce salmon spawn into the Australian waters, while from the *Edinburgh Witness* we learn that the operations in progress in the river "Tay" for the artificial propagation of salmon have hitherto been very successful.

Appendix Three: Comparison of Canterbury Immigration Sources of 1870's with Fishing Port or Community Locations in British Isles.

Sources: Figure 1. - Thompson, Wailey, and Lummis, p. 8.

Figure 2. - Arnold, p. 103.

Please note that the illustration from Arnold is used as an indicator, and the wider sources of immigration in other years are acknowledged.

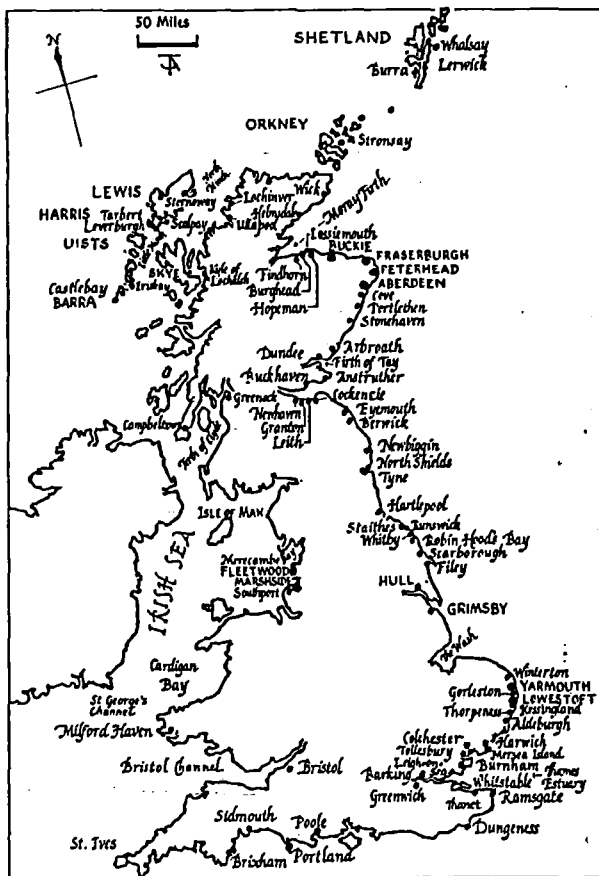


Figure 1.

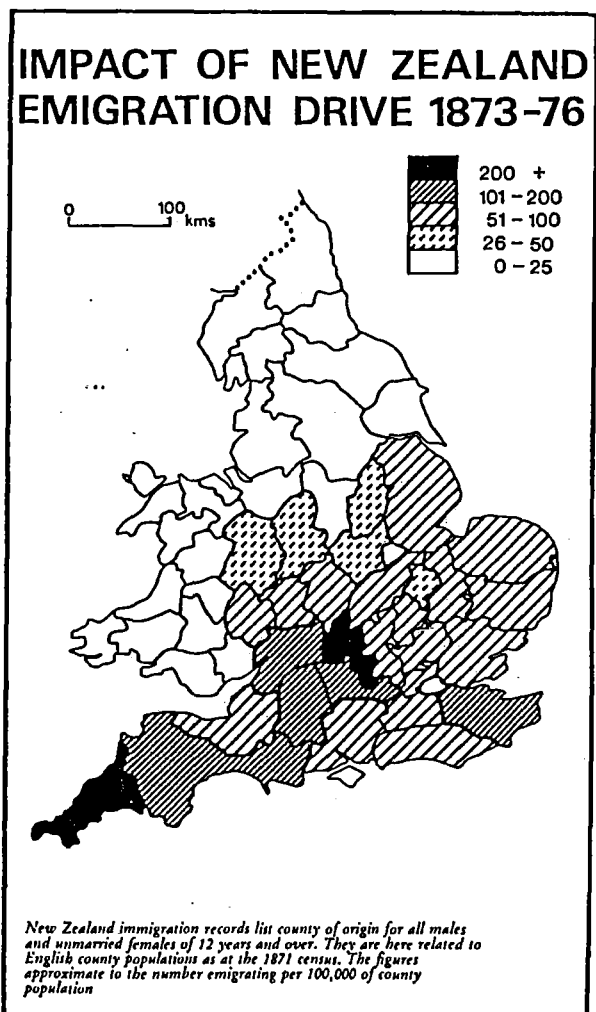


Figure 2.

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The bibliography is arranged under the following headings:

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- I Unpublished official papers
- II Published official papers
- III Contemporary newspapers and periodicals
- IV Contemporary books, pamphlets, and articles
- V Manuscripts

Secondary Sources

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- II Articles
- III Theses

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