What outdoor people want, Minister, is less exclusivity

By Brian Turner

Brian Turner is a writer, poet, and outdoorsman with a long involvement in conservation and recreational issues. He is a spokesman for Public Access New Zealand. Currently he is Writer in Residence at the University of Canterbury.

The Minister of Treaty Settlements, Doug Graham, has been working very hard to accommodate Ngai Tahu's wishes in respect to specific provisions relating to what he and they term "customary rights".

Reference has also been made to the Maori "communal values" involved, implying that there is a significant difference between what pakeha and Maori people mean and practise when it comes defining and acting on rights and values in this area.

I have had a lifelong active interest in sport, recreation and conservation. I don't envy Mr Graham his difficult job, but I know I am not alone in thinking that he doesn't seem to fully understand the views and depth of feeling of the pakeha people most actively concerned with outdoor recreation, and in hunting, fishing, and conservation generally.

Especially the hunting and fishing fraternity who, in the overwhelming number of instances, are deeply concerned with conservation. Many anglers and hunters and conservationists on the pakeha side have long felt that Mr Graham has been browbeaten by negotiating claimants (I accept that protagonists of both sides in a debate often claim that), that he has not properly consulted with them, and that he doesn't adequately understand their views and feelings on rights and values as they pertain to recreation and conservation.

In my opinion Mr Graham, and those who are prepared to accommodate his proposals, are, on the pakeha side, very often people who have little interest in conservation, hunting or fishing, and therefore aren't going to lose anything of real importance to them. Such people just want a settlement; the details are of no great significance.

But in my opinion there's not been sufficient contact, in the parlance of today, with the genuine "clients" in this area. Running through the whole issue is an implied assertion that Maoris are supreme and superior conservationists, have a deeper understanding of the natural world and values inherent in it, and that pakehas are crasser by comparison.

Only recently I heard a Maori spokeswoman on radio stating that conservationists with concerns for the Coromandel were busily trying to oppose Maori claims over the area while at the same time ignoring the effects of mining. She also said that Maoris were probably the greatest conservationists in the world.

Neither of her claims was true, but I mention them because similar claims are made throughout the country as a whole. There is an assumption in the whole debate concerning outdoor recreation and conservation that pakehas are generally awfully exploitative and Maoris far less so.

It would be fairer to say that both races have a record of being seriously, even ruthlessly exploitative of natural resources at times, and that today a growing number of both Maoris and pakehas are coming round to acknowledging the error of some of their previous ways. I exclude from this observation those who still think it okay to kill kereru in the forests of the north and elsewhere, and those who overfish the sea. Let's look at "customary rights" as they pertain to fishing and hunting. For a start, species released here since 1840 weren't, obviously, part of what Maoris customarily fished for. And few, if any New Zealanders, have ever fished for trout and salmon, say, principally for food.

Eels and whitebait, yes. And ditto with fish and crustacea and molluscs found in the sea. But all fisheries are now subject to controls, most of which most people regard as necessary and are happy to comply with.

Sometimes, as is the case with sports fish, licences to fish are required, and the proceeds are used to manage and protect the fisheries. Most people agree with this, too. Both Maoris and pakehas have input into the formulation of regulations and controls, and have done for some time.

When it comes to sports fish and game, all licence holders are entitled to a vote for the election of regional councillors who are unpaid administrators charged with managing the fish and game resource (and guarding and lobbying to protect the natural environment crucial to the survival of both native and introduced species) on behalf of all licence holders. This is work that greatly benefits the wider community.

Access to public lands — and to the marginal strips often referred to as the Queen's Chain — is open to all. It is not exclusive to one group in society. It has long been considered a fair and desirable customary right.

It also contributes to the sense of communal values which anglers and hunters, regardless of race, colour or creed, share and deem an enlightened and laudable part of our society.

Reasonable people accept that Maoris have a part to play in the management of fisheries, for instance; accept that they have knowledge worth accessing and sharing. Maori representation on conservation boards, for example, in numbers greater than their proportion in the population is a case in point.

So joint management and control, open access to all, is what we have under the current system. There is no need to change it.

Much is made these days of preferred interpretations of Article 2 of the Treaty of Waitangi, and of what is meant — or was intended to be meant — by it. There is also much talk of what is meant by reference to the "principles of the treaty".

I have heard it said that the meaning of the "principles" is what Maori advocates say it means in any given circumstance and that's it. Certainly this is an area of profound disquiet.

There is also, in my view, a marked disinclination to refer to Articles 1 and 3 of the treaty, to consider them and their importance in determining the meaning and application of the treaty as a whole. It will be remembered that in Article 1 Maoris ceded sovereignty "absolutely and without reservation".

As human beings we are often reminded that we ought to revise our thinking in accordance with what, given the lessons to be drawn from history, seems sensible and desirable. Attempts to graft or enforce the thinking of earlier times on to subsequent, increasingly distant generations grate and often fail, for good reason.

In New Zealand it's my opinion that when it comes to recreational hunting and fishing, and to conservation generally, most knowledgeable people today don't want a system that entrenches exclusivity; don't want a system that gives priority

'Less exclusivity' continued...

to the views of one group ahead of another.

They want a system that draws on the breadth of knowledge available within their society, that is democratic and is seen to be fair and just and equitable, and is an advance on what has gone before. Decisions on allocation of and access to natural resources that are based on a sense of guilt, are driven by aggrievement or moral outrage, will never be readily accepted.

In my experience most people accept that it is right to place limits on the number of fish they are allowed to take, but they are not prepared to accept that because others, somewhere in their past, can cite they are descendant from Maoris, they have "rights" specific to them.

I know that we are supposed to be bound by what the courts decide, but, in the end, if people think the law as interpreted by the courts is an ass, they will flout it.

That's when Parliament must step in. When it comes to access to rivers, streams, lakes and the sea coast I am convinced that very few people who actively use these areas want any more exclusivity than that which exists already.

What they would prefer is less. Settlement proposals as negotiated by Mr Graham may result in the opposite.