

# How the use of rāhui for protecting taonga has evolved over time

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**Abstract:** Rāhui is a custom used by Māori to prohibit the use of a resource. This paper aims to highlight changes in the use of rāhui for protecting taonga (protected natural resource). The arrival of missionaries during European colonisation threatened this custom to the point where it was deemed to be obsolete (White, 1895). In order to survive, Māori have adapted the custom to suit New Zealand's changing social environment. Consequently rāhui have evolved in purpose, method and even by the taonga they are used to protect. Today, rāhui are only used to protect a fraction of the original resources they were once employed to protect. Their use can either diminish further, stagnate or be revived.

**Keywords:** rāhui, temporary closures

## Introduction

The definition of 'rāhui' has not changed through time. Early accounts describe rāhui as a prohibition or to prohibit (Dieffenbach, 1843). Modern definitions of 'rāhuitia' include: banned, out of bounds, forbidden, prohibited, under sanctuary, reserved or preserved (Ngata, 1993). Thus, by instating a rāhui, it will "prohibit the use of one or more resources in a given area" (Royal, 2003, p. 70).

Taonga are both tangible and intangible treasures of Māori. In this paper, environmental resources and the relationships of Māori with these resources are the taonga being protected. Māori relationships with the environment are also defined as principles. Kaitiakitanga (guardianship) is a Māori cultural principle whereby, "Man, as the conscious mind of Papatūānuku prohibits the exploitation, denudation, degeneration and pollution of the environment and its resources beyond the point of no return where the latent pro-life processes within the biological functions and ecosystems collapse" (Royal, 2003, p. 50).

Royal (2003) also describes tīkanga or customs, like those instituted to protect and conserve the resources of Papatūānuku, as being derived from the perceptions and concepts of the first principles. The tīkanga of rāhui enables us to fulfil the first principle of kaitiakitanga. The use of rāhui demonstrates the Māori principle or relationship with environment known as kaitiakitanga is being preserved.

In this report we first discuss the types of literature that record rāhui use, then we discuss changes in how rāhui have been established, enforced and lifted. Following this we discuss changes in the use of rāhui: to demonstrate ownership, following the loss of life, for replenishing resources, and for religious purposes. It is recognised that rāhui may have been established for other purposes that are not discussed here. Finally, we discuss recent uses of voluntary rāhui and temporary closures using two case studies.

## Literature

A review of the literature reveals that records of rāhui are sporadic, making it difficult to pinpoint exactly when changes in its use took place. Early accounts of rāhui use, like all Māori history, have generally been recorded by early Pākehā writers, Māori composers,

orators and tohunga (expert, skilled, learned). Recent uses of rāhui have been recorded in journalism items while legislated rāhui are documented by the Ministry of Fisheries in pamphlets and on their website [www.mfish.govt.nz](http://www.mfish.govt.nz). Recently, books have been published that describe the spiritual side of the custom of rāhui (e.g. Royal, 2003). These accounts are vital in determining how the use of rāhui has evolved over time. The literature suggests that the custom of rāhui has changed and that rāhui are instated, enforced and lifted differently in modern times as compared to the original methods.

### ***Instating a rāhui***

The methods by which rāhui are instated have changed and it is likely that milder forms are introduced today. Rāhui can either be implemented with or without ‘teeth’, the ‘without teeth’ forms being milder because they do not call upon the dread powers of the gods to enforce them (Best, 1904). If certain prayers and rituals are performed when a rāhui is instated, the powers of the gods become part of the rāhui and give it teeth or supernatural enforcement.

Best (1904) described the ritual with which a tohunga installed a rāhui with teeth. First the tohunga recited a karakia (prayer; chant and incantation) before erecting a material token that shows that the rāhui is in place. This token was usually an erected post or pou rāhui (a boundary post erected to warn people against trespassing). Pou rāhui are still erected to symbolise that a rāhui is in place (Koro Dewes, Ngāti Porou, kaumātua (male elder): personal communication, 2007). It has been noted by both Best (1904) and White (1899) that on occasion slaves were buried alive beneath the pou rāhui. They were called ‘ika tapu’ (first man slain in battle) and were sacrificed to increase the potency of the rāhui. This part of the ceremony is not practiced today. The pou rāhui was then either smeared with red ochre; adorned with a clothing item of the deceased or the person setting up the rāhui; or adorned with a kete (basket made of flax strips) or a bunch of kiwikipiwi (a species of fern). This was known as a ‘maro’ (fronds of fern or twigs used in rāhui). The tohunga made a ‘waro rāhui’ (deep hole or pit that an offender of a rāhui would fall into), using a hand gesture that scored the earth in front of the pou rāhui. Those who interfered with the resources protected by the rāhui would perish in the pit. The tohunga recited a second karakia which made the rāhui sufficient to destroy its offenders and then replaced the maro with a stone. The stone and maro were the most essential part of the life destroying power of the rāhui. They represented the head of the pou rāhui; the tauru (personified head of the rāhui pole) and were termed ‘kapu’ (the object invested by the tohunga rendering a rāhui effective). The tohunga made a hand gesture to pluck the essence from the tauru before removing the kapu and hiding it away so that no enemies could attempt to remove their power. Then the tohunga attached a false maro, with no power, to the pou rāhui, as a decoy. Thus the rāhui had teeth. Westerners would have frowned upon a custom that invoked deities and made human sacrifices. Whether this type of rāhui is still instated has not been documented.

The other type of rāhui has no teeth. A chief or tohunga would simply state that he is placing a rāhui over an area and it would be so, however, the powers of the gods were not called on to enforce the rāhui. The custom for installing rāhui nowadays is not fully documented; however a press release for the opening of the Mt Maunganui rāhui describes the use of karakia at a dawn ceremony (Ministry of Fisheries Internet, 2002). Whether the karakia were traditional or not was not mentioned. A change to the use of rāhui with no teeth may have come about as a result of the Tohunga Suppression Act 1907. This Act meant that practicing as a tohunga was illegal (Cody, 1953). As a result, tohunga numbers dwindled and so too did the number of people able to invoke the gods as part of the custom of rāhui.

### ***Enforcing a rāhui***

The methods in which rāhui were enforced changed. Originally to offend the restrictions of a rāhui could result in war between the rāhui instating and rāhui offending parties: “So strictly is this rule carried out, that a short time ago (and even now in some parts of the island) the

infringement of a rāhui would be considered quite a sufficient casus belli to give rise to a bloody war between two tribes” (Cooper, 1851, p. 96).

As Best (1904) pointed out, prior to missionary influence, disregarding a rāhui was punishable by death. The kai-rā-mua (offender of a rāhui), unless a relative, may have been slain, cooked and eaten. Alternatively, the tohunga would go to the kapu and turuki (rouse and reinforce) it so that it may destroy the meddler. After the missionaries arrived in New Zealand they worked quickly to abolish cannibalism and deity worship amongst the Māori, effectively removing the methods in which rāhui had been enforced.

### ***Lifting a rāhui***

There is limited information documenting the lifting of rāhui. To lift a rāhui with teeth, the kapu and pou rāhui would be burnt in an ahi taitai (a sacred fire in connection with various rites) that had been kindled especially for the gods (Best, 1904). There may be rāhui present that were instated ‘with teeth’ that will need to be lifted in the future. How to lift a rāhui ‘without teeth’ has not been recorded. Further inquiry with people who still practice the custom of rāhui is required to determine how rāhui without teeth are lifted.

### ***The purpose of rāhui***

Literature sources indicate that there were three original uses of rāhui. These are to claim ownership, following the loss of life and for replenishing resources. Currently, rāhui are used following the loss of life, to replenish resources and for religious purposes.

### ***Ownership***

One of the key original uses of rāhui was to claim ownership of a resource. Te-Aitanga-a-Māhaki descendants trace their beginnings to the landing of the Horouta waka (canoe) as described in the mōteatea (song, chant), ‘*Haramai a Paoa*’ Ruru (2006, p. 10) gives an account of their proceedings: “...they reached the large bay where Kiwa set up a rāhui tūāhu (to claim ownership of the area) in the names of the remaining crew of the Horouta. The landing place was named Tūranga-Nui-ā-Kiwa (Gisborne)”. This describes the use of a rāhui tūāhu for Kiwa and his crew thus giving them the right to utilise the resources in the area as they saw fit.

In another instance, the feud between Hone Heke and Governor Fitzroy may have been on account of the British flag flying staff resembling a pou rāhui erected to symbolise ownership. A post or pou rāhui is usually erected to indicate that a rāhui is in place (Figure 1). Hone Heke repeatedly chopped down the flagstaff at Kororāreka which was repeatedly resurrected by the Governor:

A detachment of the 96th Regiment and her Majesty's ship, Hazard were sent to erect the flagstaff again at Kororāreka. This time the pole was sheathed with iron, surrounded with a stockade, and a detachment of soldiers was left to protect it. All these proceedings confirmed the New Zealanders in their opinion that the flagstaff was the power which scared the whale ships from the bay. “See,” said Heke, “the flagstaff does mean a taking possession, or why else should they persist in re-erecting it?” (Thomson, 1859, p. 101).

Recent examples of rāhui being used for this purpose were not found, suggesting rāhui are no longer set up in order to claim ownership of an area.



*Na Rouni, or Monumental Effigies.*

**Figure 1. Pou rāhui (Polack, 1876, p. 277).**

### **Loss of life**

One continued use of rāhui is following the loss of life. In these cases the primary function of the rāhui is to allow time for the tapu (sacredness) associated with a person's death to dissipate, via the cleansing powers of the natural elements, from the area where the death occurred (Royal, 2003). Simultaneously the rāhui is a way for tangata whenua to pay their respects to those who have passed away (Royal, 2003). The taonga protected by these types of rāhui are the resources in the rāhui area and also, in a spiritual sense, the regular users of the area.

Since the arrival of Māori ancestors to New Zealand c. 850 AD, rāhui have been used for this purpose. Muriwai, the sister of Toroa, the captain of the Mataatua waka, was a woman of great mana (prestige, status). When she discovered that her two sons Tānewhirinaki and Te-Kōau had drowned, the ancestress proclaimed a rāhui within the boundaries, 'mai i ngā kurī a Whārei ki Tihirau' (Frank Porter, Te Whakatōhea: personal communication, 2007). 'Ngā kurī a Whārei' is a reef west of the headland at the Katikati entrance to the Tauranga Harbour and 'Tihirau' is near Cape Runaway (Ministry for Culture and Heritage, 2005 - 2007). The waiata (song, chant), 'Te Tapu o Muriwai,' describes the resources within the rāhui boundaries where searchers looked for Muriwai's sons. The rāhui was in place for centuries, as the tapu was not lifted until 1963. The large boundaries of this rāhui and the extensive period for which it was in place reflect the great mana of Muriwai in the area.

Following colonisation, the use of rāhui after the loss of life was maintained, however the boundaries and length of the rāhui became more concise. In the year 1904, the flooded Motu River claimed the lives of 16 children and 2 adults, of Te Whānau-a-Apanui descent, who were crossing the river by boat to attend school on the eastern side ("I Te Mate Ka Tu Ka Ora," 1968). As a result of this tragic accident, a five year rāhui was placed on all of the resources in the adjacent sea, from Maraenui in the west to Ōmaio in the east (Richards & Paora, 1992). In addition to the rāhui, the Te Whānau-a-Apanui people changed their names and place names within the rohe, in remembrance of the lost loved ones ("I Te Mate Ka Tu Ka Ora," 1968).

Nowadays, the boundaries, time periods and resources protected by rāhui following the loss of life are even more narrowly defined. When a family of four drowned near the Coromandel town of Te Mata in 2002, the local kaumātua placed a rāhui on the beach, banning shellfish collecting for one week (One News, 2002). Reduced rāhui size may be due to societal

pressures however no research has been conducted on this relationship. New Zealand's growing population means more people require the use of natural resources and more annual fatalities occur. If all rāhui imposed were of the extent that Māori ancestors made them, then the majority of resources would be under rāhui at any given time, and the rāhui combined would begin to affect the livelihoods of New Zealanders who could become opposed to the practice. The 'Runanga o Kirikiriroa submission regarding the Foreshore and Seabed of New Zealand' gives an example:

At most, one example of customary practice that could be misperceived and/or misinterpreted as Māori 'blocking access to beaches' may be when a rāhui is exercised. In brief, a rāhui is a customary practice Māori carry out when particular events or circumstances arise (for example, if a person drowns at a beach). A rāhui could often be a short-term measure held over a certain time period (for example, a rāhui might be declared over a particular coastal marine area to enable the replenishment of a shellfish species). Furthermore, it is a practice carried out on a customary, cultural and spiritual basis and often only such persons who hold the mana to do so will declare a rāhui (Balzer & Dickson, 2003, p. 5).

As illustrated above, there is a trend towards only using rāhui following accidental drowning and not following any other fatalities. Early accounts suggest that rāhui were used following the loss of life in any situation, including during battle. Polack (1876) describes the use of a rāhui following the loss of life in a forest: "If an accident takes place in a forest, during the felling of timber, the place is deserted, and wood, for the future, is prohibited being cut in that place". Best (1904, p. 1) describes a rāhui that was set up following a battle: "After the fall at Okarea Pā at Te Whaiti, the Whirinaki River was placed under tapu on account of the waters thereof having been tinged with blood of the slain in that fight".

Recent accounts of rāhui being used following a death in a terrestrial area could not be found. However, Royal (2003) refers to the work of Reverend Māori Marsden and alludes to the use of rāhui only following accidental deaths, in particular drowning:

...another form which was applied when an aītuā, misfortune resulting in death, occurred. If a person was drowned at sea or a harbour, that area was placed under a rāhui because it had become contaminated by the tapu of death. After a certain period of time when those waters were deemed to have been cleansed then the rāhui was lifted and those waters opened for use (Royal, 2003, p. 69).

Not only were rāhui used following the loss of life in any situation, but many different resources were prohibited for this purpose. Best (1904), who described the inland Tūhoe tribe's custom of rāhui noted that:

"Certain lands or streams were put under tapu after the death of a person on the lands." He goes on to say, "The lake known as Rerewhakaitu was also laid under tapu when Tionga of Tiaki Tutu fame and others of Te Arawa were slain ... at that place" (Best, 1904, p. 1).

Rāhui were imposed on the resources in the vicinity of the loss of life regardless of whether they were aquatic or terrestrial. Today, rāhui imposed on terrestrial resources and following all deaths would be difficult to administer and enforce because of New Zealand's larger population in comparison to pre-colonisation. Even though rāhui are only used following drowning nowadays, the important point is that the use of rāhui following the loss of life is a custom that is alive and well.

Rāhui that are instated following the loss of life are not legally enforced and adhering to their regulations is voluntary. There is no information available on the efficiency of these rāhui.

The government has not indicated that these types of rāhui will be legally enforced in the near future. The Treaty of Waitangi 1840 has not been honoured in this instance. This may be because these types of rāhui protect resources indirectly and for spiritual reasons.

### **Replenishing resources**

The third reason why rāhui were traditionally installed is to allow the mauri (life essence) of a resource or resources to replenish. Royal (2003) described mauri:

‘Mauri ora’ is a life force. All animate and other forms of life such as plants and trees owe their continued existence and health to mauri. When the mauri is strong, fauna and flora flourish. When it is depleted and weak to those forms of life, they become sickly and weak (Royal, 2003, p. 70).

So in fact these rāhui are also instated for spiritual reasons. He continues by stating that, ‘mauri plays a vital role in rāhui’. This is best described by Best (1904) with his words: “This rāhui protected the vitality and productiveness of the land, forest and streams; in fact it acted as a mauri” (Best, 1904, p. 1).

When ‘acting as a mauri,’ Best is likely describing the use of the maro in the rāhui custom. Mauri can be harnessed within an object and a stone is often used for this purpose. Royal (2003) describes the dual dimensions of how a mauri stone is used as part of the tikanga (customs and practices) of rāhui first by calling upon the mauri of the universe:

...the tohunga, who by his knowledge and art drew forth the mauri of the universe and concentrated it within a stone or some other object which was then secretly placed in the area – forest, sea and river. From this source, the aura of the mauri would radiate outwards both to the environment and more specifically to the particular species for which it was intended. This mauri created benevolent conditions within the environment to harmonise the processes within the earth’s ecosystems and aid the regeneration process (Royal, 2003, p. 70).

And secondly by harnessing the mauri of the particular resource that needs care, within the mauri stone:

The tohunga conducted a ritual which invoked the aid of the appropriate departmental god; and then he would take a talisman stone and by his prayers concentrate the life force of the birds, fish or whatever in that stone and plant the mauri stone within the area encompassed by the rāhui (Royal, 2003, p. 70).

The literature does not describe any recent uses of mauri stones as part of a rāhui.

The literature predominantly describes the use of rāhui for replenishing marine resources. Rāhui were traditionally placed on all ecosystem types, for example swamps, lakes or rivers and to protect various types of resources including birds, plants, berries, fish, cultivated crops, fern root, flax, red ochre sites and also the use of paths and rivers for travelling (Best, 1904). It is likely that the ability to exercise the same devotion to kaitiakitanga of terrestrial resources has been challenged by land confiscations and development. This change in the use of rāhui requires further investigation.

In the pre-European period, rāhui were also placed on resources during certain seasons:

Seasonality is a feature of food procurement in the South...yet other seasons are imposed for reasons of resource management (the rāhui on tuna (eel) when the big eels appear, see below) (Williams, 2004, p. 98). Some rāhui were seasonal; thus, kiore (rats) and ducks were not taken until the rāhui had been lifted (Tikao, nd(c) and Best, 1977, p. 366; cited

by Williams, 2004, p. 140), and the Tītī (Mutton Bird) Islands were not, indeed are still not, visited between the end of May and the following March. This is akin to a Duck Shooting season, whereby ducks are placed under a rāhui from the first of July until the first Saturday of the following May (Williams, 2004, p. 140).

This practice has continued and in some instances has become law:

The rāhui forbidding people to set foot on the islands from the end of May until 15<sup>th</sup> March the following year is centuries old” (Tītī Times, June 2001, p. 18). This tradition is now codified in law. For example: “no person shall enter the said land earlier than the 15<sup>th</sup> day of March in any year... (The Tītī (Muttonbird) Islands Regulations 1978, regulation 3.(2)) (cited by Williams, 2004, p. 201).

This is an important example of how the use of rāhui to protect taonga has been continued.

### **Religion**

A modern use for rāhui is to honour religious days. Many Māori became Christians following the arrival of the missionaries and began praying to God as well as the traditional *atua* (deities). One of the indigenous religions, te hāhi Ringatū (the Ringatū faith), was born of the famous prophet Te Kooti Arikirangi Te Tūruki of Rongowhakaata descent. Te Kooti studied religion during his schooling and was involved in the New Zealand wars fighting on both sides, before being headhunted by the British troops. As a reflection of his mana as a warrior and prophet, the Ringatū faith still has many followers. Church services are held on Te Rā (the 12<sup>th</sup> day of each month) and on this day, rāhui are imposed on fishing and shellfish gathering in the homelands of the Ringatū members, including the Motu River mouth. At this river, rāhui are also observed by the local community on the Sabbath (Saturday) which is a Christian day of rest.

Perhaps a change in the spiritual authority called upon to instate a rāhui has taken place. According to Barclay (2001):

... in Aitutaki, when rā'ui are imposed by local communities, they are now promulgated by the church. This endows them with spiritual authority, and presents a strong analogue to the pre-contact situation where tohuka gave rāhui religious authority. The New Zealand situation, though similar in nature and effect, lacks endorsement by the major churches (cited by Williams, 2004, p. 214).

When modern rāhui are instated, dawn ceremonies take place suggesting that a spiritual blessing is called upon (Ministry of Fisheries Internet, 2002). Whether or not this blessing is from a traditional or modern god has not been recorded and requires further investigation.

### **Rāhui today**

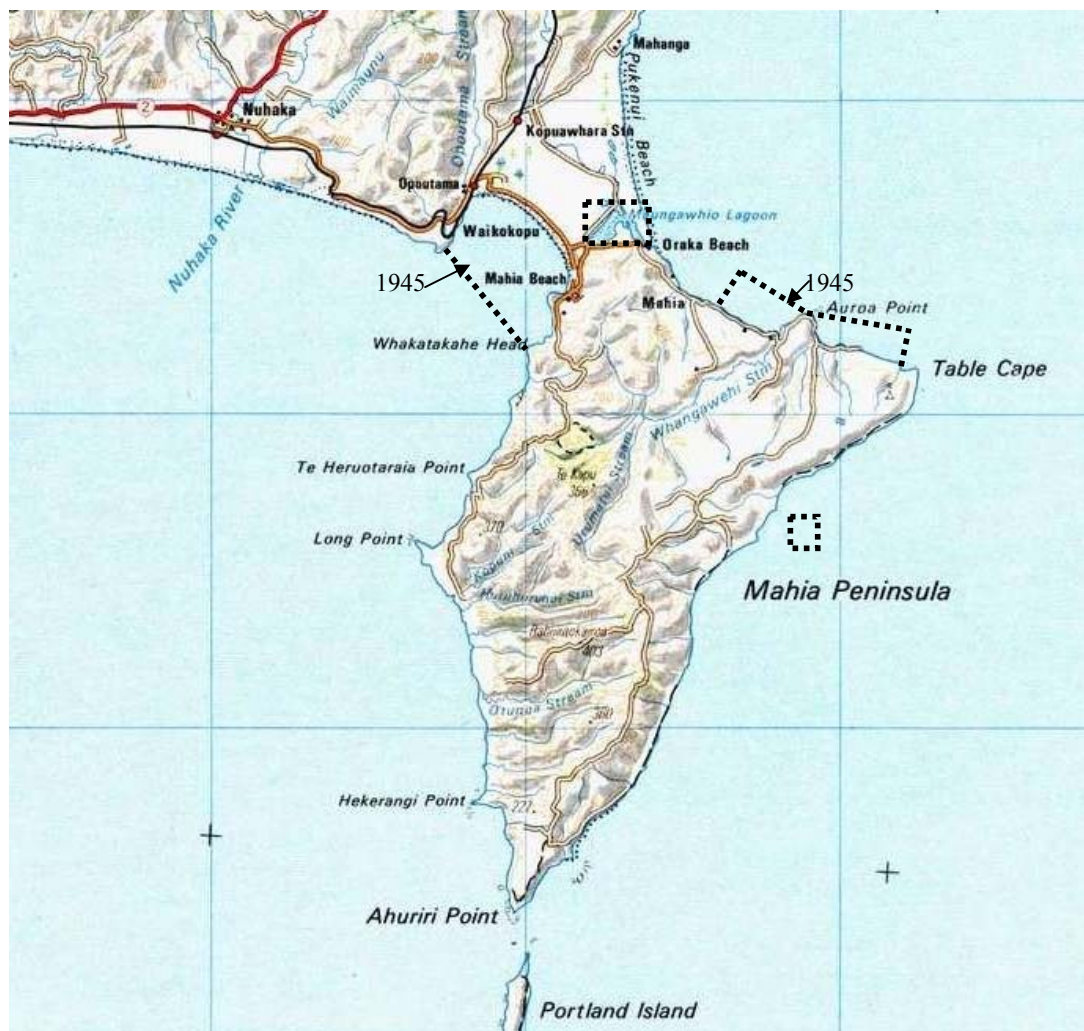
#### **Voluntary rāhui**

Rāhui are still used today to replenish the mauri of a resource. For clarity these rāhui will now be referred to as ‘voluntary rāhui’. Voluntary rāhui are primarily used to protect aquatic resources. For example on the Māhia Peninsula, four rāhui operate to protect marine resources from fishing pressure (Figure 2). Dr Sheryl Miller interviewed Grace Ormond, Kaitiaki (custodian over natural resources), Rongomaiwahine in regards to the four rāhui in that area:

One of the rāhui areas is cut off to everyone, although only affects commercial fishers who have agreed to stay out of there. The one near Waikokopu, is closed off mainly due to the mussels that were there being depleted. We are going to reseed the rocks and place them in between the Waipiata and Waikokopu streams. This may be a better place for

them as it is away from Waipiata stream, contaminants from which could have been one of the leading factors to their decline, the other being fishing pressure.

Two of the rāhui (marked on Figure 2), have been there since 1945. In 1943 a petition was sent to the native parliament, by my great grand uncle Jack Ormond and signed by clever people, Huitau Te Hau and 13 others. The petition finally became successful and the outcome was that an exclusion zone from all commercial fishing within 2 nautical miles around the tribal boundaries from Paritu to the Nūhaka River be in place. They then submitted another request which resulted in the following: within the two nautical miles the only commercial fishing that could be done in the area was cray-fishing (because there was just HEAPS) but not within three specific areas. These three specific areas were established for just recreational and customary use only.



**Figure 2. Māhia Peninsula and the location of the four rāhui (black dotted lines) currently in place, courtesy of Grace Ormond.**

This example demonstrates the strength of a voluntary rāhui in a remote place with a small population that respects either the tīkanga of rāhui and/or the resource. Unfortunately in areas of New Zealand that are readily accessible to larger populations, voluntary rāhui are



becoming increasingly ignored. Prior to European arrival, the custom of rāhui was likely to have been understood and respected by all New Zealanders. New Zealanders today compete to utilise aquatic resources and have attitudes towards the environment that differ to those of Māori. For example, Kaikoura is a South Island town located on the main State Highway between Blenheim and Christchurch. It receives a large number of tourists to the area and the seafood resources are easily accessible from the beach. A voluntary rāhui put in place by the local people was not fully understood by travellers to the area and hence the seafood resources remained depleted. To improve the situation a temporary closure was put in place.

### **Temporary closures**

The Ministry of Fisheries has introduced 'temporary closures/method restrictions,' to legislation.

Section 186A (North Island) and Section 186B (South Island) of the Fisheries Act 1996 allows the Minister of Fisheries to temporarily close an area to fishing, or to restrict a method of fishing, in order to provide for the use and management practices of tangata whenua (indigenous people of the land) in the exercise of their non-commercial fishing rights. This legislation is designed to respond to the local depletion of fisheries resources which may be affecting the ability of tangata whenua to catch fish for customary purposes (Ministry of Fisheries Internet, 2006).

These temporary closures are also referred to as rāhui, possibly because they resemble voluntary rāhui. Temporary closures have been created from an anthropocentric worldview and not from a holistic worldview. Temporary closures are not designed to replenish the mauri of the species in accordance with kaitiakitanga but are designed to replenish the resource so that tangata whenua can continue to utilise the resource for the purpose of manaakitanga (providing food for their visitors).

The current Minister of Fisheries is the only person who can install these temporary closures, based on anyone's recommendation, so long as they have the support of the majority of the community. Originally this was the right of only a person with mana. "An influential person establishes a rāhui, one with magical powers (supernatural) or deadly to the meddling. Probably someone that could make you sick or heal you. Someone with mana" (Best, 1904, p. 2).

So the role of tohunga and chiefly members of a hapū (sub tribe) or iwi (tribe) effectively become the same as any other New Zealand citizen, as an advisor to the Minister of Fisheries and not an authority on the use of rāhui.

There is a process to requesting a temporary closure (Table 1). The process from initial concept to having a temporary closure enacted can take about one year. The length of time taken from the initial concept of a voluntary rāhui to having the rāhui in place has not been documented. Traditionally, the tohunga would observe the resources and look for signs that indicated a rāhui was necessary. Then he would discuss the idea with the chief and together they would decide if a rāhui would be established. To instate a voluntary rāhui, iwi and hapū members are likely to discuss the idea and it may be that the process time varies.

Also, the length of a voluntary rāhui depends on the time necessary for the resource to replenish. The area under rāhui was monitored by the tohunga and when it was considered that the resource had regenerated itself sufficiently, the tapu was lifted (Royal, 2003). In contrast, temporary closures can only be instated for a period of two years. If the resource has not replenished in this time the temporary closure can be reinstated for another maximum duration of two years. There is also a process to requesting the renewal of a temporary closure (Table 2). The temporary closures can only be reinstated twice so a resource can only be

protected by a temporary closure for six years total. This is shorter than the length of a traditional rāhui.

**Table 1. Steps to request a temporary closure**

1. Describe tangata whenua non-commercial customary fishing use and management practices.
2. Provide reasons for requesting the temporary closure.
3. Explain how the customary use and management practices are being impacted upon.
4. Indicate how a s186A temporary closure, for up to two years, will recognise use and management practices through improving the availability and/or size of a species, or recognising a customary fishing practice. (Only one element need be addressed however both would be preferred.)
5. Indicate how a s186B temporary closure, for up to two years, will likely assist in replenishing the stock of a species or recognise and provide for the use and management practices of tangata whenua in the exercise of their customary rights. (Only one element need be addressed however both would be preferred.)
6. Describe the proposed area/s and boundaries.
7. List the species at issue.
8. Describe the fishing method and how this is having an adverse effect.
9. Define the length of time for the temporary closure, method restriction or prohibition proposed.
10. Outline the consultation already undertaken with other stakeholders, especially with tangata whenua.

**Table 2. Steps to request a renewal**

1. Provide reasons for requesting the renewal of the temporary closure.
2. Indicate how a s186A temporary closure, will recognise use and management practices through improving the availability and/or size of a species, or recognising a customary fishing practice for the time requested.
3. Indicate how a s186B temporary closure, for up to two years, will likely assist in replenishing the stock of a species or recognise and provide for the use and management practices of tangata whenua in the exercise of their customary rights in the timeframe requested.
4. Provide information on any studies completed or anecdotal evidence of changes in species population numbers and size over the initial temporary closure timeframe.
5. Outline the consultation already undertaken with other stakeholders, especially with tangata whenua.

On a positive note, temporary closures are legally enforced which brings the ‘teeth’ back to this type of rāhui. A Fisheries Officer can apprehend anyone caught violating the terms of a temporary closure and if found guilty they can be financially penalised:

A person who commits an offence against this section is liable for a fine of \$100,000. However, if the defendant is an individual who is not a commercial fisher, and they can establish that the species was taken for a purpose other than sale, a fine of up to \$5000 could be imposed (Ministry of Fisheries Internet, 2006).

Tangata whenua do not have the right to arrest or penalise an offender of a temporary closure or a voluntary rāhui however they can assist the Fisheries Officers by surveilling the area and calling, '0800 POACHER,' if they see anything suspicious.

There are currently six temporary closures in New Zealand (Figure 3). These are the Kaikoura-Wakatu Quay Area Closure (See case study notes below), the Hicks Bay Temporary closure, Ohiwa Harbour Temporary Closure, Mt Maunganui Temporary closure, Western Coromandel Temporary Closure and the Kaipara Harbour Temporary closure (Figure 3). The Pukerua Bay Temporary Closure was lifted on 16 December 2006. Most of these areas were in voluntary rāhui status prior to a temporary closure application was lodged, and indicate that a new method of enforcement to ensure effectiveness was necessary (Melanie Russell, Pou Takawaenga (Extension Service Team), Ministry of Fisheries: personal communication, 2007).

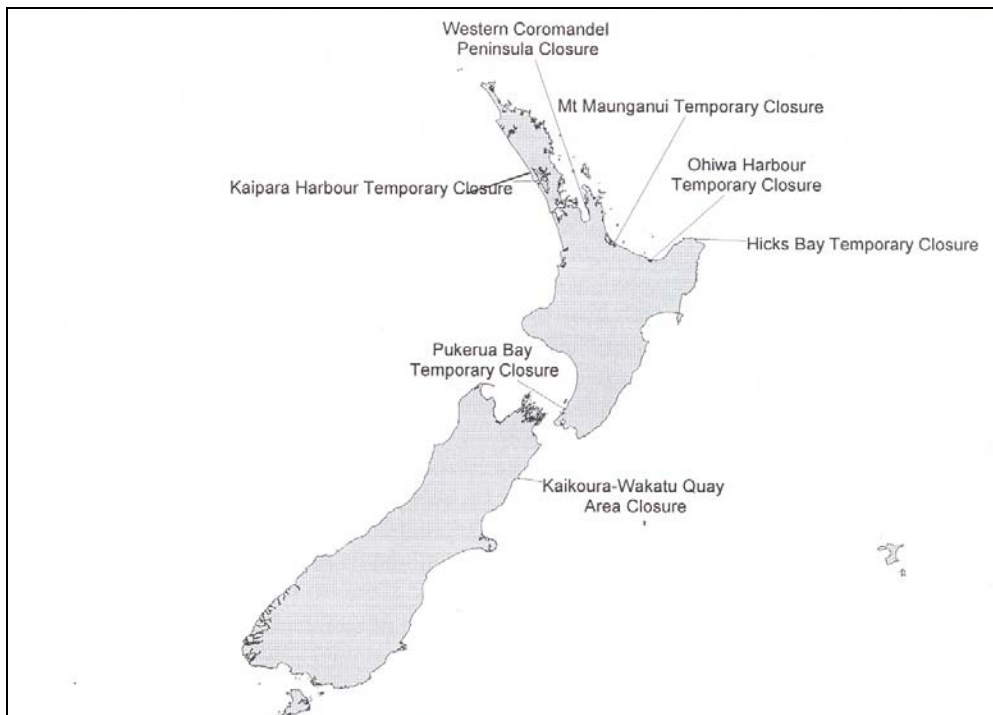


Figure 3. Locations of temporary closures in New Zealand.

### Case study: Kaikoura-Wakatu Quay Area Closure

This 186B temporary closure (rāhui) was established in August, 2002 by Te Tai o Marokura Environmental Health Team (Ngāti Kurī) and the Kaikoura Coastal Marine Protection Society after the community observed a localised decline in the abundance of all species in the area. It was decided to impose the rāhui to allow the species to recover. The application was strongly supported by a variety of community groups (the Kaikoura District Council, Te Rūnanga o Kaikoura, CRAMAC5 and PAU7 Quota holding company) and the rāhui was in place within a year.

The wider community gained a sense of responsibility towards the rāhui when it gained legal status compared to when it was a voluntary rāhui. Legal backing was found to be an excellent deterrent to visitors in the area that do not have the same sense of responsibility for the rāhui

as the locals. The community provides primary surveillance of the closed area and can report any suspicious activities to Fisheries Officers who issue fines to offenders that are caught breaching the conditions of the rāhui. In its six years there have only been three offenders.

Tai Stirling and Benita Wakefield identified three key issues that other potential users should be aware of: importance of community education and involvement, monitoring costs and future management. The environmental health team stated that, 'Educating the public about the rāhui was of great importance to ensuring its success. Detailed signage, boundary markings and regular features in the local and provincial newspapers made it quite clear what was expected of everyone.'

With the support of the community the effect of the rāhui was able to be monitored. The local dive school and environmental health team were able to conduct time-series studies to measure the abundance and size of the species in the closed area. The environmental health team found that the exorbitant cost of on-going monitoring is one of the key problem areas that future groups looking to request a temporary closure should take into consideration. Funding from various places can be sought however the application processes can be time consuming.

Easy access of the area to recreational harvesters, dive school traffic and tourism activity made the resource vulnerable to depletion. The rāhui was never lifted to allow for customary use as there are adjacent areas that could support customary use. Due to restricted access these other areas had not suffered the same decimation as the Kaikoura-Wakatu Quay area.

While the rāhui has been in place a future management plan is being developed for the area so that the regeneration that took place during the rāhui is not undone following the lifting of the rāhui in 2008.

No one is entirely sure of the total number and location of all voluntary rāhui being used at any one time in New Zealand. In contrast, all of the areas and species protected by temporary closures are known and are well documented on the National Aquatic Biodiversity Information System ([www.nabis.govt.nz](http://www.nabis.govt.nz)).

## Discussion

Māori have continued to use rāhui to protect taonga over time. This is because they were able to adapt the custom to New Zealand's changing social environment.

The missionary influence changed the custom of rāhui. Human sacrifices, death penalties for kai-rā-mua and conflict as a result of offending a rāhui, all would have been discouraged by the missionaries, as would deity worship. The influence of Christianity was so great that Māori religions were formed, such as the Ringatū movement, which to this day observes a fishing rāhui on the 12<sup>th</sup> day of every month and on the Sabbath at the Motu River.

It is unclear which gods are called upon to give authority to the modern rāhui custom. In New Zealand, rāhui are endorsed by the church as illustrated by the Ringatū faith example. The Tohunga Suppression Act 1907 also changed the use of rāhui by further reducing the number of practicing tohunga and hence the number of people able to invoke the gods as part of the custom of rāhui. It may be the case that no gods are called upon and the milder forms of rāhui, 'without teeth,' are more commonly instated.

It is not clear what the procedures are for lifting a rāhui today. Traditionally, a tohunga conducted a ritual to lift a rāhui with teeth. Journalism articles declaring a rāhui that has been instated following the loss of life usually gives an end date. A temporary closure will usually

lapse after a predetermined date. So perhaps a predetermined date is all that is required to lift a rāhui instated to replenish resources. Whether this is a change in use of rāhui remains unknown and requires further investigation.

Rāhui were traditionally used to demonstrate ownership over an area, which resulted in the dispute between Hone Heke and Governor Fitzroy, however this use in modern times has not been recorded. Sections 186A and 186B of the Fisheries Act 1996 may reflect this use of rāhui by providing iwi and hapū groups with the authority to request a temporary closure on a marine species in an area that they demonstrate 'tino rangatiratanga' (self-governing) over and the ultimate 'authority' of the Minister of Fisheries in instating the temporary closure and legally enforcing it.

Māori continue to instate rāhui following an aituā, or to replenish resources in a particular area. New Zealand's increasing population size and subsequent increasing demands on natural resources means that these types of rāhui are only practiced to a fraction of their original scope, and are no longer strictly enforced. In the case of an aituā, it is important to highlight that rāhui are still instated to pay respects to the deceased and to allow the tapu associated with death to dissipate naturally from the area. When used for replenishing resources, rāhui rely on restricted access to the resource and respect of rāhui by the local community to be successful. Both the length of time taken to install a voluntary rāhui and the length of time a voluntary rāhui can be in place for, varies. The important point is that these rāhui continue to be used by people with mana, in order to fulfill the principle of kaitiakitanga and to replenish the mauri of the resource.

Seasonal rāhui do not seem to have changed but are not well documented. The tītī rāhui (prohibition of muttonbird harvesting) is the most well known example of this type of rāhui. The management of tītī harvesting on Stewart Island and its neighbours illustrates how seasonal rāhui have been incorporated into legislation.

Section 186A and 186B of the Fisheries Act 1996 addressed the need for a new method for enforcing voluntary rāhui. Existing voluntary closures instated to protect easily accessible resources have benefited from gaining temporary closure status. Offenders can be fined for breaching the restrictions of a temporary closure which has deterred offenders. These rāhui can be instated to protect a single or multiple marine species. Temporary closures are instated by the current Minister of Fisheries based on the recommendation of anyone who has gained community support for the rāhui. To instate a rāhui from the time of concept to instating a temporary closure takes about a year. These rāhui can only be instated for two years and reapplied for twice. In this time iwi and hapū responsible for instating the temporary closures are recommended to develop a future management plan for the area. These types of rāhui are instated to enable Māori to fulfill the principle of manaakitanga instead of kaitiakitanga.

To conclude, rāhui are still used to protect taonga. The custom of rāhui and the purposes for instating rāhui have both evolved to survive with New Zealand's changing social environment. Literature suggests that the use of rāhui for protecting taonga – voluntary rāhui, temporary closures or otherwise, is being revived.

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