Chapter 10.

Nambucca and Kaikōura: Indigenous community coastal resource management in Australia and New Zealand

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Abstract*. For Indigenous peoples throughout the world, ecological knowledge is a key component of resource management and the relationship to all living things within it. This link has developed through the importance of the environment for material survival and incorporates spiritually-framed connections to the environment and the view that Indigenous peoples hold that they are part of and equal to all other parts of nature. While recognition and application of Indigenous ecological knowledge is becoming an important element in many resource management systems, the involvement of Indigenous peoples is often restricted or not recognised in national and local resource-management regimes. In coastal areas, these issues are more complex because the Eurocentric view of coastal marine areas as public 'commons' poses many dilemmas for Indigenous peoples attempting to exercise self-determination in their aspirations to control traditional marine territories and resources.*

The Indigenous communities of Nambucca Heads (New South Wales, Australia) and Kaikōura (New Zealand) are aiming to ensure their responsibilities to manage the environment are met by actively seeking to become involved in resource management. For the Gumbaynggirr at Nambucca, the key issue is the Warrell Creek land claim and associated recognition of their continued association with the area and to ensure their involvement in management of this area. In Kaikōura, following the Ngāi Tahu treaty settlement, the community has dealt with environmental issues by developing their own environmental management strategy. For both communities these actions are driven by desire for autonomy in the management of areas that are of cultural significance to them and that have been denied to them by impact of colonialism and its continued influence.

10.1 Introduction

The recognition and application of Indigenous ecological knowledge is becoming an important element in many resource management systems (Howitt 2001). Yet, the ability of Indigenous peoples to implement appropriate management methods is often restricted or not recognised within national and local resource management regimes. In coastal areas, issues are often more complex. The predominant European view of the marine environment is that it is an open commons in which all people have legitimate interests and rights of access. Indigenous peoples generally view the coastal sea as an inseparable extension of coastal land. The public 'commons' framework can pose many dilemmas for Indigenous peoples as they attempt to exercise their self-determination to control their marine territories and associated resources using traditional management methods (Jackson 1995; Pannell 1996; Mulrennan and Scott 2000). Conflicts over resources are 'an important and influential element of political, social and economic processes throughout the world' (Howitt 2001:3); the reassertion of resource claims, land claims, sea claims and the right to self-determination by Indigenous communities

often results in nation-states imposing unfair conditions upon these communities (Howitt et al. 1996; Howitt 2001; Jentoff 2003). The disposition of the colonial and subsequent governments to draw boundaries where the land meets the sea was largely responsible for their failure to recognise the Indigenous constructions of land and sea space as continuous. This lack of recognition continues to impact on Indigenous coastal management aspirations through the general public's perception of its right to access coastal environments and as a result of Indigenous land rights and native title issues gaining greater recognition than claims over coastal and marine areas.

As treaty settlements and negotiations over Indigenous rights to land and resources have taken place between Indigenous and dominant cultures, researchers have sought to challenge the entrenched Indigenous marginalisation resulting from colonial views of Indigenous peoples and their resource management practices (Berkes et al. 1991; Davies and Young 1996; Jackson 1996; Lane and Chase 1996; Memon and Cullen 1996; O'Faircheallaigh 1996; Berkes 1999; Baker et al. 2001; Howitt 2001). These ongoing actions acknowledge previous failure of the Western world to accept the importance and legal integrity of Indigenous knowledge. This has enabled consultation with indigenous peoples over environmental management issues to begin, with approaches to indigenous resource management and co-management initiatives reshaping environmental thinking (Berkes et al. 1991; De Lacy 1994; Roberts et al. 1995; Rose 1996; Berkes 1999; Baker et al. 2001; Howitt 2001; Robinson and Mununggurity 2001; Smyth 2001; Carlsson and Berkes 2005; Durie 2005). Changing views on Indigenous resource management have developed alongside efforts by Indigenous peoples to become 'increasingly involved in attempts to provide appropriate cultural responses to environmental issues' (Roberts et al. 1995:1). Having already experienced the impact of loss of land management and ownership, many communities have become involved in coastal protected areas including marine parks, national parks and Indigenous Protected Areas.

This chapter is based upon comparative research in Australia and New Zealand that focussed on the capacity of Indigenous communities to incorporate their knowledge systems into Western coastal-resource management, as well as the extent to which such communities are recognised and able to participate in coastal land and sea management. Though differing in culture and colonial histories, Indigenous peoples in both countries were removed from their traditional lands, making it impossible for many of them to practice their own subsistence and other dimensions of culture (Niezen 2003). Under these circumstances it is possible to look at similarities and differences between different Indigenous communities because basic common features of their histories become more important than the contrasts of environment, subsistence, social structure and politics (Niezen 2003). Australia and New Zealand were a subset of the global community linked by a common inheritance of British parliamentary procedures and laws. Alienation from land and resources was experienced by both Māori and Australian Aboriginal communities as settler governments acquired land for European settlements.

10.2 Methodology

A qualitative method, involving interviews, participant observation and document analysis, was used to examine the way in which Aboriginal and Māori communities are able to participate and manage coastal environments. Qualitative methods have been increasingly employed by human geographers over the last three decades as they 'operate on a basis that the "natural" order of reality is seen, conceived of, and understood in different ways by different people' (Robinson 1998:408). The purpose of qualitative research is to elucidate human environments, individual experiences and social processes as well as expose the multiple meanings, understandings and know-

ledge that individuals and groups use in constructing their worlds and interpreting events (Eyles 1988; Tolich and Davidson 1999; Winchester 2000).

As the focus of our research is on how the coastal environment is perceived and valued, we considered qualitative methods the most appropriate. To achieve this, we employed a case study approach to allow detailed examination of the specific politics associated with each coastal issue. This approach makes it possible to recognise the multiple and conflicting realities that coexist within a post-colonial framework, and deliberately gives voice to those silenced or ignored by hegemonic views of histories and geographies (Winchester 2000). The case studies focussed on Nambucca Heads on the mid-north coast of New South Wales, Australia, and Kaikōura, on the eastern coast of the South Island, New Zealand.

10.3 Nambucca Heads Case Study

Before European settlement, the Nambucca area was inhabited by the Gumbaynggirr peoples. The word 'Nambucca' derives from a Gumbaynggirr word meaning 'entrance to the waters' or 'crooked river'. Nambucca heads was one of the last places on the northern New South Wales coast to be settled by Europeans due to a dangerous sand bar at the mouth of the river that made it unsuitable as a harbour. Nambucca Heads is essentially a coastal holiday and retirement centre in a subtropical climate. The town is located on a ridge which runs out to a headland at the mouth of the Nambucca River, 26 metres above sea-level and 512 kilometres northeast of Sydney (Figure 10.1).

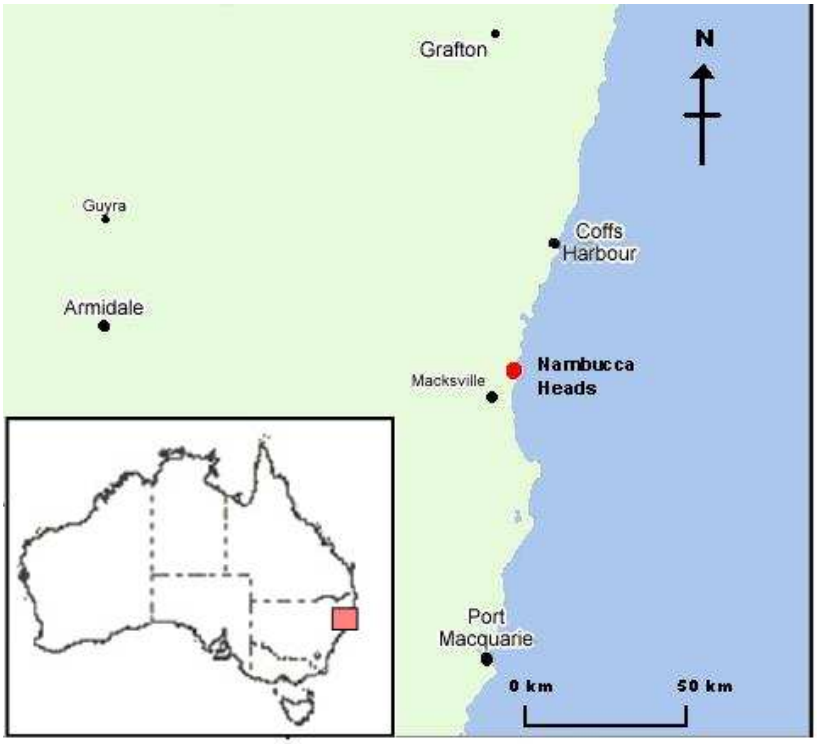

Figure 10.1: Location of Nambucca Heads case study

The key issue for the Gumbaynggirr people at Nambucca is a land claim for coastal land on either side of and including Warrell Creek – a tidal tributary of the Nambucca River located across the river from the town of Nambucca Heads. The land claim was lodged by the local Aboriginal land councils in 1984/85 under the *Aboriginal Land Rights Act 1983 (NSW)* on behalf of the Traditional Owners. This was done in order to

gain recognition of their continued association with the area and to ensure their involvement in management of this area. In 1996, a Native Title claim was lodged under the *Native Title Act 1993 (Clth).* Also in 1996, claim negotiations started with the New South Wales National Parks and Wildlife Service (NPWS), which had a policy of formally objecting to Aboriginal land claims over areas of conservation significance. In this instance, the NPWS expressed interest in obtaining control of the land between Warrell Creek and the sea for declaration as a national park.

In 1996 the New South Wales government introduced Schedule 14 of the *National Parks and Wildlife Act 1974*, to allow the return of National Park estate to Traditional Owners under joint management and leaseback arrangements, and passed the National Parks and Wildlife Amendment (Aboriginal Ownership) Bill. This was concerned with the Aboriginal ownership provisions under Part 4A of the *National Parks and Wildlife Act.* The then Minister for the Environment identified the aims of the Bill:

> … to protect and preserve the rights and interests of Aboriginal people with cultural, historical and traditional association with national parks, through the negotiation of lease back arrangements which enable title to land on which national parks are situated to be transferred to Aboriginal owners, subject to the lease of the area to the relevant State authority on payment of rent to the Aboriginal owners and the encouragement of joint management between identified and acknowledged representatives of Aboriginal people and the relevant State agency.

Part 4A of the *National Parks and Wildlife Act 1974* then was developed to provide joint-management arrangements for lands under claim, and an alternative to lengthy court procedures. Communities were not resourced to undergo negotiations and did not have the capacity to deal with extensive negotiations. Communities were expected to participate in a government process with their own resources.

However, the Part 4A negotiations only deal with terrestrial areas, while the community made it clear to the Government from the onset that both land and marine areas are culturally significant. The next five years were spent in educating government officials on why integrated landscape management is necessary from both cultural and ecological perspectives; it is clear that best-practice coastal protected area management requires representativeness, connectivity and ecosystem management of land, tidal waterways and marine areas. As part of this education and negotiation process, the community developed a Draft Negotiations Agreement (DNA) which is based on principles of integrated land/sea management. The DNA forms the basis for land-claim negotiations, including the possible transfer of the coastal land to Gumbaynggirr Traditional Owners and its subsequent lease to the NPWS as a national park, which would then be jointly managed. A Memorandum of Understanding (Indigenous Accord) has also been developed which sets out how the Indigenous parties will negotiate with the Government. Meanwhile, a small portion of land (known locally as 'Gumma') on the eastern (inland) side of Warrell Creek, and which NPWS did not require for their proposed national park, has been transferred to Aboriginal ownership.

One option being explored by Gumbaynggirr to achieve their vision of integrated land/creek/sea management is to establish a multi-tenure Indigenous Protected Area (IPA),[1] which potentially could co-ordinate the management of the Gumma land,

[1] Indigenous Protected Areas (IPAs) are protected areas voluntarily declared by Indigenous land owners and managed with the support of the Australian Government's IPA Program and other partners <www.environment.gov.au/indigenous/ipa> and Chapters 8 and 9.

Warrell Creek, the proposed coastal national park and the adjacent foreshore and marine areas. The Australian Government's IPA Program has provided some funding and other support to assist Gumbaynggirr to consider this option, and negotiations with the New South Wales Government are ongoing.

10.4 Kaikoura

The Kaikōura coastal area is situated on the eastern coast of the South Island. Ngāi Tahu is an iwi/tribe) of the South Island of New Zealand (Figure 10.2). Ngāi Tahu claims manawhenua/tribal authority over eighty percent of the South Island. The name Kaikōura (kai, food and kōura, crayfish) is a contraction of Te Ahi Kai Kōura a Tama Ki Te Rangi, 'the fire on which Tama Ki Te Rangi cooked his crayfish' (New Zealand and Te Runanga o Ngai Tahu 1997; Anderson 1998; Poharama et al. 1998; Te Runanga o Kaikoura 2005).

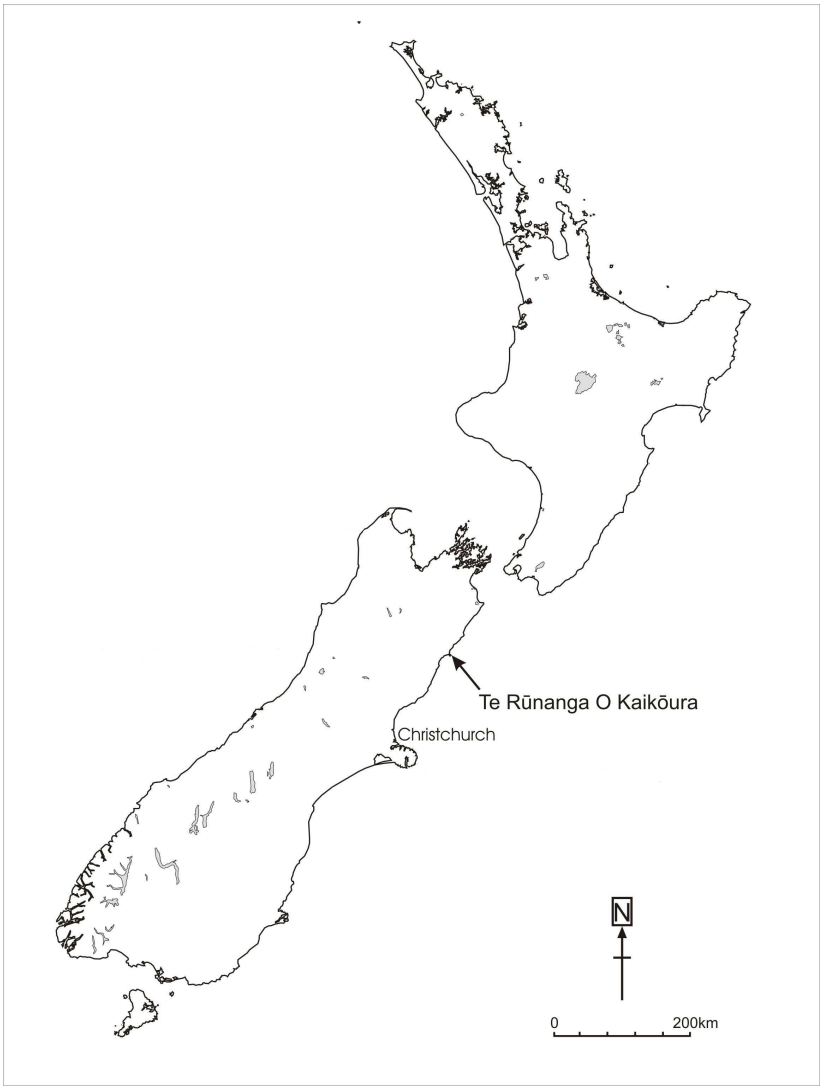

Figure 10.2: Location of Kaikōura case study

The small Kaikōura township is increasingly centred around tourism based on a wealth of marine wildlife. The Kaikōura coastline is the most heavily used coast in the South Island. As a result, marine resources in the area have gone into depletion, making

coastal management the most important issue for the rūnanga/regional collective body. In response the rūnanga has recently launched its iwi management strategy. This means that they now have a document to put forward regarding their environmental policies with the hope of informing others of the rūnanga's views, goals and ambitions for the environment. This is to ensure that they can meet their responsibilities to manage the environment handed down to them by the ancestors.

This has been achieved through the launch of *Te Poha o Tohu Raumati: Te Rūnanga o Kaikōura Environmental Management Plan* which was launched at Takahanga Marae, Kaikōura on 24 February 2006. The name of this plan *Te Poha o Tohu Raumati*, was named after a sacred kelp bag that held the first fruits and choicest foods from the lands and the sea at Kaikōura. 'The poha / kelp bag was emblematic of the knowledge and mana of the people of Kaikōura, and the wealth of the region's food supplies. Whoever held the poha held authority over Kaikōura' (Te Runanga o Kaikoura 2005:1). Therefore the name of the plan acknowledges the knowledge and mana / respect and authority of Ngāti Kuri today and the plan is seen by Ngāti Kuri as 'a means for tangata whenua to carry out their role as kaitiaki and rangatira over their ancestral lands and taonga' (Te Runanga o Kaikoura 2005:iii). While this document deals with the air, mountains, forests lakes, rivers, coast, sea, wāhi tapu sites and Indigenous biodiversity, reflecting the idea that 'if the realms of Tāwhirimatea, Tāne, Papatūānuku and Tangaroa are sustained the people will be sustained' (Te Runanga o Kaikoura 2005:3), the particular significance of the coastal area and the pressures it is under is being recognised through the development of a coastal management strategy. This management strategy is planned to be community-based and developed with Te Rūnanga o Kaikōura, the Department of Conservation and fisheries stakeholders. Furthermore, the ratification of *Te Poha o Tohu Raumati: Te Rūnanga o Kaikōura Environmental Management Plan* by Te Rūnanga o Ngāi Tahu gave the iwi management plan legal status under the *Ngāi Tahu Settlement Act 1998*, which means that people wishing to undertake any work within the Kaikōura takiwā must consult with the rūnanga prior to commencing.

Along with recent policy changes by the Department of Conservation, '*Te Poha o Tohu Raumati: Te Rūnanga o Kaikōura Environmental Management Plan*' has led to the development and cementing of a working relationship between the Department, the Kaikōura Rūnanga and the wider Kaikōura community. For example, the opening of *Te Awe Awe o Te Rangi: Kaikōura Peninsula Walkway* on 16 December 2006 was a joint effort between Te Rūnanga o Kaikōura, Te Rūnanga o Ngāi Tahu, the Department, Kaikōura District Council and Whale Watch (Observation K1, 16 December 2006; Interview K12, 21 December 2006). Not only has this provided the rūnanga with support relating to environmental initiatives it wishes to undertake – volunteers do most of this work – it also helps the rūnanga assist the Department by identifying the cultural values associated with particular areas through informed management. It is hoped that such projects will enable Ngāti Kuri to implement their own Indigenous knowledge and practices within a wider conservation effort to restore the mauri/life force of the area, while observing correct tikanga/traditions, customs, lore or law.

Yet, this planning document was merely the first step towards developing an Indigenous understanding of the environment that can be used to help address the wide range of issues that rūnanga face with regards to environmental management. With the kaupapa of the plan being Ki Uta Ki Tai – from the Mountains to the Sea, a philosophy used by Ngāi Tahu Whānui to describe an overall holistic approach to natural resource and environmental management – problems associated with being a small rūnanga with a large takiwā to manage again emerge. 'We have the largest coastline versus people to

manage it in the whole of New Zealand' (Interview K13, 13 December 2006). Consequently, there is a strong reliance on volunteers, and a lack of financial backing also impacts on the rūnanga's ability to manage its coastline in a more active manner as members have to deal with other issues, such as maintaining employment, as well as the management issues. To deal with this, the rūnanga is also focussing on specific environmental areas. As the coastal environment has become such a contested space in New Zealand due to *The Foreshore and Seabed Act 2004* and the impact of large tourist numbers on the coastal environment, the Kaikōura rūnanga has made the Kaikōura coastal environment its main focus.[2]

Te Poha o Tohu Raumati is the mandated voice for Te Rūnanga o Kaikōura, and Te Rūnanga o Ngāi Tahu and is the governing document on Environmental Management for the area. Yet, because Te Tai o Marokura / the Kaikōura coast is an integral part of Ngāti Kuri history and cultural identity with the immense importance of the area historically, culturally and spiritually captured in the statutory Acknowledgement for Te Tai o Marokura (NTCSA 1998), a recorded statement of the relationship between Ngāi Tahu and the Kaikōura coast and sea, it was decided that this area should be foremost in the development of a community management plan.

Therefore, Te Korowai o Te Tai o Marokura is a body representing groups with an interest in the Kaikōura coast. These range from fisher, community and tourist organisations, government agencies and Tangata Whenua. Each collaborated to develop a Coastal Management Strategy based on sustainability of resources for the Kaikōura Coast because they recognised their responsibilities to engage with a variety of community groups and organisations to manage and protect it. Te Korowai o Te Tai o Marokura is also important because many of the policies from Te Poha o Tohu Raumati will be implemented through this Coastal Management Strategy. All applications for activities that are within, adjacent to, or may impact upon Te Tai o Marokura require consultation with both Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu due to the statutory acknowledgement under the *Ngāi Tahu Claims Settlement Act 1998*.

10.5 Discussion

The Nambucca Heads and Kaikōura case studies are both examples of community-directed initiatives. The Gumbaynggirr of Nambucca Heads are attempting to gain more involvement in managing areas culturally significant to them through Aboriginal land-rights and native-title claim processes. In Kaikōura, this process was begun through the treaty-settlement process. In both cases, the Indigenous communities experienced long periods of government negotiation. These processes are expensive and time consuming for communities and often there is no funding available to assist the communities.

In both Australia and New Zealand, it is necessary for Indigenous communities to demonstrate a continued and uninterrupted occupation of the land since 1788 and 1840

[2] The foreshore and seabed controversy was sparked when, on 19 June 2003, New Zealand's Court of Appeal ruled, in the *Ngāti Apa* decision, that Māori were entitled to seek in the Māori Land Court 'customary title' over areas of New Zealand's foreshore and seabed. The Government's first response to this ruling was to attempt to overturn the Court of Appeal decision by creating legislation to extinguish customary title over the foreshore and seabed; the government claimed that by allowing such customary title New Zealanders could lose access to the foreshore and seabed. To ensure that this did not occur, the New Zealand Parliament passed a law on 18 November 2004 which deemed the title to be held by the *Crown and the Foreshore and Seabed Act* was enacted on 24 November 2004.

respectively. This can make it difficult for Indigenous peoples who were forcibly removed from their lands by the colonists. The Indigenous communities are also disadvantaged when is comes to providing evidence in the land-claim process. As there are no set protocols for elders giving evidence at the land-claim hearings, there is a reluctance to allow elders to give evidence in court, due to the way in which they are able to be cross-examined and questioned on every comment they make.

The transition of culturally significant places into Crown ownership and management has prevented Indigenous peoples from exercising their traditional management. European disregard for Indigenous rights and protocol in the use of these places has led to a lack of representation over management of these sites and, in some cases, Indigenous peoples have been excluded from using places where food and other resources were traditionally gathered.

More recently, however, cultural politics in New Zealand, and to a lesser extent in Australia, have been transformed by a reassertion of Indigenous cultural identity and by indigenous communities seeking to be seen and heard publicly. Communities have also sought recognition of rights to make decisions and control resources and their authority over affairs within a particular area and treasured resources. Such recognition has begun to develop as partnerships have gradually improved, providing a foundation for the public renegotiation of exclusionary (mono)cultural geographies established under colonialism.

In New Zealand, Ngāi Tahu sought recognition of their rights over their land and resources as they were guaranteed in the Treaty of Waitangi; the right to manage environmental resources is fundamental. The desire by Ngāi Tahu to have their coastal customary rights recognised, and to be actively involved in managing the coastal environment using their own management techniques, is similar to those desires of the Nambucca Heads community.

The Nambucca Heads community is seeking greater community empowerment by exercising their rights to manage their culturally significant coastal areas. As with other Indigenous peoples, their desire to have customary rights recognised and to manage the environment using their own techniques are developed from a responsibility handed down by ancestors to care for the environment for future generations.

Attempts by Indigenous communities to reclaim and manage places lost to them under colonisation have not gone uncontested by Europeans. Arguments used against recognising the rights of Indigenous peoples have varied from place to place. The typical ‘taming the environment’ attitude of the Australian majority has been explained by McGrath (1995:4):

> The overarching power relations of colonialism meant that the colonisers would win over the colonised. Yet, like all colonisers there remained a nagging doubt about the tenure of their victory. Many Australians still feel an emotional need to protect their spoils, refusing to share the country with Aborigines.

Contestations of Indigenous attempts to reclaim and manage places lost to them under colonisation also are based on the settler communities’ perceptions of Indigenous peoples. The colonial image of ‘savages’, has been replaced by a perception of Indigenous activists creating trouble in order to receive compensation for past wrongs that tarnish the ‘achievements of colonial “pioneers”’ (Robinson and Mununggurity 2001:92). Resistance has also been generated by preconceived ideals of what is Indigenous coastal and resource management. Generally the Western view is that the coast is a public area that everyone has access to for recreation: the coastal area became

'subject to European representations of seas as international commons' (Mulrennan and Scott 2000:682). Both Aboriginal and Māori communities value the coast for its resources and see it as a continuation of their cultural boundaries. This perception is in opposition to 'the European cultural distinction between land and sea' (Jackson 1995:87). Conflict between these views has led Europeans to contest Indigenous coastal management practices and ownership of the coastal marine area.

The reactions of many Europeans to reinstating Indigenous management practices have demonstrated a continuing desire to exclude Indigenous communities or to include them only on Western terms. However, co-existing with this are non- Indigenous persons who demonstrate a real desire to enter, as partners, into a renegotiation of previously exclusive and mono-cultural geographies. As shown by the activities being undertaken by Ngāti Kuri, the Ngāi Tahu settlement and its recognition of the importance of coastal areas to Māori can be recognised in legislation. An example is the Crown's seventy Statutory Acknowledgments relating to 'statutory areas' that include land, coastal marine areas, rivers and wetlands, with which Ngāi Tahu has a particular association (Ministry for the Environment 1994). Provisions for the recognition of rāhui and the development of mātaitai and taiāpure in management legislation have assisted in this respect even though approval to apply these management structures has to go through non- Indigenous legislative procedures.

The reinstatement of Indigenous management practices mostly has happened through co-management strategies. As the case studies illustrate, these strategies are the preferred option for involving Indigenous communities and Indigenous management practices within pre-existing Western management. Such strategies are similar to the emerging resource management practices in ex-settler countries (Berkes et al. 1991; De Lacey 1994; Atkinson 2001; Robinson and Munungguritj 2001; Davidson-Hunt 2003; Kendrick 2003. The incorporation of Indigenous resource management into Western conservation 'provides a potentially suitable approach' to complex systems (Kendrick 2003). The inclusion of Indigenous resource-management practices into national management policies, generally through co-management, has helped Indigenous peoples 'to promote a visible sense of identity' where they are the minority (Crane 2001:395).

The drawback of such methods is that co-management policies are often established with little regard for the Indigenous communities with which agreements are made. Too often, co-management agreements favour the government partner. There is generally little acknowledgement of how the Indigenous communities carry out their management practices, rendering the co-management agreements effective in name only.

While co-management agreements are considered by many to be fair settlements for past injustices towards Indigenous peoples, others view such action as preferential treatment. The justification provided is that funding is being diverted away from the majority population to Indigenous communities. Those who hold these opinions fail to recognise that Indigenous peoples have been treated as second-class citizens and such funding would be a mere fraction of the money they have been denied from misappropriation of their lands and resources.

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