



FORESHORE AND SEABED HUI

Hui by and for Ngāi Tahu Whānui to discuss a tribal position and response on the foreshore and seabed

REGIONAL HUI: INVERCARGILL

Tuesday April 6th 2010
4.30pm - 8.30pm
Ascot Park Hotel (Oreti Room)
Cnr Tay Street & Racecourse Road

REGIONAL HUI: CHRISTCHURCH

Thursday April 8th 2010
4.30pm - 8.30pm
Te Waipounamu House (Ground Floor)
158 Hereford Street, Christchurch

TRIBAL HUI: DUNEDIN

Saturday April 10th 2010
10.00am – 4.00pm
Ōtākou Marae
Tamatea Road, Ōtākou

PURPOSE:

These hui are to discuss a tribal position on the foreshore and seabed replacement framework.

CONTEXT:

The government has committed to repealing the Foreshore and Seabed Act 2004 and is currently developing a replacement framework, that it intends to consult with Iwi and hapū on in April 2010. This tribal hui is a time for Ngāi Tahu to come together before engaging with the Crown to discuss tribal positions, preferences and expectations of the replacement framework.

OUTCOME:

The discussions at these hui will form the key platforms of the tribal position and submissions prepared by Te Rūnanga o Ngāi Tahu on the government's proposed replacement framework.

REASON FOR REGIONAL AND TRIBAL HUI:

The intention is to ensure that these hui are as accessible as possible for Ngāi Tahu Whānui.

FINANCIAL ASSISTANCE TO ATTEND TRIBAL HUI AT ŌTĀKOU MARAE:

Funding is available for 2 people from each Rūnanga for travel and accommodation. Please contact Angela Waghorn to make arrangements for you.

KEY TRIBAL POSITIONS TO DISCUSS:

- The priority Ngāi Tahu Whānui places on:
 - Restoring access to the courts;
 - Creating better ways for mana and customary authority to be exercised over the foreshore and seabed;
- How Ngāi Tahu Whānui considers that the Treaty of Waitangi can and should be given effect in the foreshore and seabed replacement framework;

NEXT STEPS:

After these hui the office will do the following:

- Distribute draft submission points and templates to ngā Papatipu Rūnanga on the replacement framework;
- Assist ngā Rūnanga to attend and engage with the government on its replacement framework consultation programme;
- Maintain ongoing information updates to ngā Rūnanga as the government work programme continues.

CONTACT PERSON:

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ATTACHMENTS:

- Summary of discussions from hui amongst Iwi and hapū in late 2009 distributed by Iwi Leaders Group on the Foreshore and Seabed and distributed to all Papatipu Rūnanga in December 2009 (please note, the Ngāi Tahu hui to discuss these issues was rained out at Hui a Tau).
- Questions & Answers on the foreshore and seabed.

Puritia tawhia kia ita *Hold fast and firm*

Te mana tipuna *To my inherited authority*

Te mana whenua *To my right to this land*

Te mana tangata *To my freedom & right to self determination*





TAKUTAI MOANA – FORESHORE AND SEABED REFORM

FORESHORE AND SEABED UPDATE

22 DECEMBER 2009

Engā mana, a ngā reo, e ngā iwi o ngā hau e wha, ngā mihi o te wā ki a koutou katoa

Introduction:

This pānui summarises discussions at the Foreshore and Seabed hui held over November and December 2009, provides an update on engagement with the Crown over this important *take* and looks forward to the New Year. The hui have confirmed that the passion and commitment of iwi and hapū to secure their rights to their takutai moana remains undiminished. The government's announcement in early November that it had agreed – in principle – to repeal the Foreshore and Seabed Act 2004 and replace it with a regime that better balances the interests of all New Zealanders presented the best opportunity yet see those aspirations realized.

Regional hui:

In November and December, The Iwi Leaders' Group convened hui in Whangarei, Hauraki, Napier, Hawera, Whanganui and Waikawa (Picton) to canvas the views of iwi and hapū on what they would like to see in a replacement regime to the Foreshore and Seabed Act 2004 (a planned hui in Murihiku (Southland) was cancelled due to inclement weather). These hui were attended by more than 200 people and a number of themes were common to them:

- The continuing, deep and abiding *mamae* and offense caused by the 2004 Act;
- The valuable work iwi and hapū have done on alternatives to the 2004 Act, as evidenced in submissions presented in 2003/04 and to the Ministerial review panel this year;
- The need for a replacement to the 2004 Act to fully reflect the rights of iwi and hapū as set out in Te Whakaputanga, Te Tiriti, the United Nations Declaration on the Rights of Indigenous Peoples and other international human rights standards;
- The challenge that any replacement to the 2004 Act should not only undo the wrongs that it did, but be transformative and replace the Act with something better than what existed before it – given that Te Ihu Ihu Iwi only went to the Māori Land Court seeking title because of the failure of the pre-existing regime to adequately protect their rights and interests;
- That carrying over any form of Crown ownership from the 2004 Act will be viewed as an continuation of the *raupatu* effected by that Act, no matter what else the replacement regime might contain;
- That no replacement to the 2004 Act will be acceptable unless it results from meaningful engagement between the Crown and iwi/hapū;
- That a replacement regime must have a number of key characteristics. It should:
 - Recognise the *mana* of iwi/hapū over their *rohe moana* in principle and give effect to that recognition in practice;
 - Provide for effective input of iwi and hapū into all aspects of the management of the marine environment and marine resources;
 - In some cases, recognise iwi/hapū as decision-makers in the management and allocation of resources;
 - Where it is necessary to apply thresholds or tests to the level of iwi/hapū involvement in decision-making, source these in *tikanga*, rather than colonial law; and
 - Recognise that going to court to establish iwi/hapū *mana* or rights in respect of their takutai moana is the least preferred option.
- The need for the Iwi Leaders' Group to communicate well with iwi and hapū, faithfully represent the views of iwi and hapū to the government and be accountable.

The regional hui also identified a number of regional/technical contact people who will support the work of the Iwi Technicians and assist Iwi Leaders in getting information on this *take* out to Iwi members

Iwi Leaders' Group/Technical Advisory Group Engagement with the Crown

The Iwi Leaders' Group met with the Attorney-General and other Ministers five times between August and December 2009. In addition, a technical advisory group comprising Iwi and Crown representatives met regularly through November and December. All of these opportunities to influence Crown policy have emphasised the key message set out above.

Following on from the Cabinet decision that the 2004 Act will be replaced, the government appears to be moving in a direction that has the potential to appropriately recognise Iwi/hapū interests. Much work remains to be done in the development of a replacement to the 2004 Act before it becomes apparent whether that replacement will appropriately recognise Iwi/hapū interests. It is in this regard that the messages of Iwi and hapū from the regional hui set out above and as conveyed by Iwi Leaders remain important.

Next steps

Iwi technicians will continue to meet with Crown officials early in the New Year, as Crown policy development continues. To the extent that the Crown policy development programme allows, Iwi Technicians will seek the input of those nominated, through the regional hui, to the Technical Reference Group.

The Iwi Leaders' Group has a commitment from the Attorney-General that he will meet with them before committing to Crown policy that Leaders believe will be unacceptable to Iwi and hapū and attempt to find an acceptable alternative. At this point, it appears likely that a Crown policy proposal on a replacement to the 2004 Act will emerge by the end of February 2010. As indicated at regional hui, the suggestion from the Iwi Leaders' Group is that the Attorney-General (or his delegates) might be invited to present this policy to Iwi-initiated hui to be held in March 2010.