



MEDIA RELEASE

13 January 2016

PROPOSED LAW THREATENS MĀORI FISHING RIGHTS

Proposed legislation for establishing marine protected areas in territorial waters will undermine Māori fishing rights under the Treaty of Waitangi and erode the value of the Māori Fisheries Settlement.

The Government's consultation document released yesterday says the proposed legislation will provide a framework for the creation of recreational fishing parks, as well as marine and seabed reserves and species-specific sanctuaries.

Two large "recreational fishing parks" to be directly established under the new legislation will prevent iwi adjacent to the Hauraki Gulf and the Marlborough Sounds from exercising customary commercial fishing rights, agreed under the 1992 Deed of Settlement between Māori and the Crown.

The establishment of marine reserves and sanctuaries propose to exclude all customary fishing - both commercial and non-commercial.

"All of the proposals set out in the Government's consultation document will have a significant adverse impact on iwi fishing and fishing rights under the 1992 Māori Fisheries Settlement," Jamie Tuuta, the Chairman of Te Ohu Kaimoana (the Māori Fisheries Trust), said today.

"The Māori Fisheries Settlement agreed ongoing access to and participation in all fisheries for iwi and Māori. The Government's announcement rides roughshod over that agreement by proposing to take away iwi fishing rights and take back the recognition of Maori rights that were made a quarter of a century ago," Mr Tuuta said.

"Sustainability is a core tenet of Māori resource management. As the New Zealand High Court noted in 1997, Maori always accepted the need to ride the tide of sustainability but did not accept that their ability to use their rights could be curtailed for other uses including 'for the better gratification of Auckland boatmen'. Locking off inshore areas of the marine environment to commercial fishing in favour of allowing only recreational fishing is not a sustainability issue, as the proposals acknowledge. It should be no surprise that the removal of rights to satisfy political demands will face legitimate opposition from Māori."

The Chief Executive of Te Ohu Kaimoana, Peter Douglas, said: "If the sustainability of fisheries and their surrounding environment were at risk, those issues should be dealt with under the Fisheries Act."

"If there are real risks to the environment from fishing, then measures should be implemented under the Fisheries Act. Te Ohu Kaimoana does not accept the suggestion that additional protection measures are needed outside the Fisheries Act to ensure sustainability. These imply the Minister for Primary Industry has not been doing his job – which we reject," he said.

“What is being proposed is to protect some areas, features or species to address risks from other activities in the marine environment or to a level of protection from fishing beyond what is needed for sustainability. While these are legitimate pursuits, they are not about sustainability – they are about providing greater levels of protection,” he said.

“If Ministers want to promote such protection, they should do so in a manner that is aligned with their duties to actively protect Treaty Settlements. They would of course need to assess the risks to the biodiversity from all activities, adjust management wherever possible but where exclusion of existing lawful activity is the only sensible solution, deal constructively and honourably with those users.”

The Government’s announcements to create new law to establish Marine Protected Areas comes swiftly on the back of announcing that the waters around the Kermadec Islands, or Fisheries Management Area 10, would become off-limits to all future commercial fishing, and Māori fishing rights in that area would be taken away.

“The Government needs take a step back and consider the importance of iwi rights in the development of the proposed Marine Protected Areas legislation. When implementing measures relating to public use of the marine environment, the Government should adopt solutions to problems that are effective while having the least adverse impact on the Māori Fisheries Settlement and Māori fishing rights,” he added.

Te Ohu Kaimoana is empowered to act on behalf of and provide advice and recommendations to iwi organisations in matters relating to Māori use of the marine environment, fishing and fishing-related activities. It also acts as kaitiaki on behalf iwi to protect and enhance the Fisheries Settlement and the opportunities it offers.

ENDS

Contacts: Jamie Tuuta – 027 484 3644 / Peter Douglas – 021 375 162