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GOVERNMENT REJECTS MĀORI COMPROMISE TO KERMADEC SANCTUARY

Te Ohu Kaimoana (Māori Fisheries Trust) will continue to fight for the protection of rights returned to Māori through the 1992 Fisheries Deed of Settlement (the Sealord Deal).

The Chairman of Te Ohu Kaimoana, Jamie Tuuta, said today it is extremely disappointing that talks with the Government have been unable to resolve major Treaty differences.

“Te Ohu Kaimoana and iwi representatives worked hard to find a compromise solution where the Kermadec Ocean Sanctuary could go ahead and where Māori would not have extant rights, as agreed in the 1992 Deed of Settlement, unilaterally expropriated by the Government.”

“We considered that an offer to voluntarily shelve the use of Māori fisheries quota in the Kermadec region while maintaining extant fishing rights would achieve the same thing. While ultimately iwi quota owners would have needed to agree, we considered this was a constructive and reasonable solution to the impasse,” Mr Tuuta said.

Te Ohu Kaimoana expressed this offer through drafting an amendment to the Bill. The Environment Minister Hon Dr Nick Smith accepted much of our wording, but changed the text to explicitly exclude ongoing use of the quota.

“Unfortunately, the Minister accepts nothing but legal nullification of all Māori rights in the Kermadec region. We have made it abundantly clear, over a number of meetings, that such a position is unacceptable to iwi. We therefore have no choice but to step back from discussions.”

Iwi and Te Ohu remain committed to conservation efforts that protect areas of the marine environment that require it, but not in the manner that unnecessarily expropriates fishing rights returned to iwi through the settlement with the Crown.

“In this respect, Māori and iwi are both pro-conservation and anti-theft,” Mr Tuuta said.

Dr Smith offered to acknowledge the Crown erred in not consulting earlier with iwi on the sanctuary proposal and that it would apologise for the error. The Minister further proposed to amend the Bill to acknowledge Māori fishing rights and the effect of the sanctuary on those rights. In our view, that would include not only recognition but also protection of Māori fisheries rights. However, Dr Smith made it clear the Crown will provide no protection, in fact, completely the opposite.

“Acknowledging dispossession doesn’t make the taste any less sour,” Mr Tuuta said. “A right that cannot be used is not a right at all. The National Government will advance the Kermadec Ocean Sanctuary Bill through Parliament without the support of all iwi and Māori. In doing so it will nullify existing Māori Fisheries Settlement rights without negotiation and without Māori consent. Make no mistake, this amounts to a compulsory and unilateral expropriation of rights returned to Māori only 25 years ago,” Mr Tuuta said.

Twice the Minister for the Environment has failed to manage this process. From the outset he failed to consult with all iwi who have interests in the Kermadec region which has brought about the opposition that the Government is experiencing today. He was then tasked by the Prime Minister to resolve the situation and has failed to do that.

Iwi have been at the forefront of conservation in the Kermadec region. We proposed, along with industry, that the entire area be prohibited to fishing methods that disturbed the seabed. This was achieved in 2007 with the formation of a Benthic Protection Area in the Kermadec EEZ. Iwi, Te Ohu Kaimoana and the fishing industry also support the marine reserves around each of the four Kermadec islands.

“This is the first time that the Crown has legislated over the top of a full and final Treaty settlement. Iwi cannot agree to this because it is wrong and an abuse of power and acceptance of it would set a precedent for future policies. There is no integrity to a Fisheries Settlement when it can be taken away at the behest of Ministers, but still claimed to exist. This action by the Crown calls into question the durability of all Treaty settlements,” Mr Tuuta said.

Te Ohu Kaimoana will continue legal action in the High Court on behalf of iwi and we will lodge a complaint through the Waitangi Tribunal. It is important that we put our dissatisfaction on public record – through the courts, through the media, on the marae and at hui – so that future generations are made aware of the Crown’s actions, Mr Tuuta said.

ENDS

Contact Te Ohu Kaimoana communications on 021 890 868