

31 March 2004

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## **CONSULTATION ON THE PROPOSED NEW INITIATIVES FOR 2004/05**

Tena koe Peter

The following is a submission from Te Runanga A Iwi O Ngapuhi (TRAION) on the Proposed New Initiatives for 2004/05. This submission is divided into three parts:

1. Te Runanga A Iwi O Ngapuhi
2. Feedback on the Proposed Initiatives re Implementation of MFish Treaty Strategy
3. Contact Details

### **1. Te Runanga A Iwi O Ngapuhi:**

Te Runanga A Iwi O Ngapuhi (TRAION) is the representative body of the descendants of Ngapuhi. Ngapuhi is the largest Iwi in New Zealand with over 103,000 constituents.

As affirmed in Te Tiriti O Waitangi, Ngapuhi is the guardian of the natural resources within our tribal region, that being Te Whare Tapu o Ngapuhi. This includes the philosophy of Ki Uta ki Tai (i.e.) from the mountains to the sea, and incorporates our freshwater fisheries and coastal marine area extending out to the Exclusive Economic Zone.

Nga Hapu O Ngapuhi actively exercise their customary rights and responsibilities of kaitiakitanga (guardianship) though-out our rohe. Traditional cultural practices closely tie Ngapuhi to our coastal shores and waters.

Very clearly marine conservation and the sustainable management of our fisheries resources are pivotal to the life force and rhythms of Ngapuhi, as we are pivotal to the preservation, nurturing, sustainability and management of the freshwater and coastal waters under our guardianship.

## **2. Implementation of MFish Treaty Strategy:**

The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 identified that, inter alia, the Crown recognises that traditional fisheries are of importance to Maori and that the Crown's Treaty duty is to help recognise use and management practices and provide protection for and scope for exercise of rangatiratanga in respect of traditional fisheries. To meet these ends legislation was introduced empowering the making of regulations that recognised and provided for customary food gathering just as long as there was no pecuniary gain or trade attached or connected to the fisheries resources gathered customarily.

The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 also identified that non-commercial fishing rights of Maori continue to be subject to the principles of the Treaty of Waitangi.

Within the Fisheries Act 1996, s.12(1)(b) requires that the Minister shall provide for the input and participation of tangata whenua and have particular regard to kaitiakitanga in making decisions on sustainability issues.

The Fisheries (Kaimoana Customary Fishing) Regulations 1998 defines customary food gathering as the traditional rights confirmed by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 which includes the right to take and the right to manage fisheries resources so long as it is consistent with tikanga Maori and is neither commercial in any way nor for pecuniary gain or trade. The gazettal of Tangata Kaitiaki Tiaki (TKT) presents an opportunity to provide input to and participate in the sustainability measures process or the development of management measures. There is also an obligation for the Minister to provide information and assistance to enable TKT to fulfill their obligations within the customary regulations.

TRAION concurs that the finalising and implementing of MFish's Treaty Strategy is vital to your credibility and relationship with tangata whenua. This can only be achieved by developing trust and doing so with integrity (e.g.) the proposed internal initiative to centralise customary fisheries management from out of Wellington or Nelson would not be conducive to relationship and trust building especially if this initiative sought to centralise fisheries management issues like marine reserve proposals as well as mataitai, taiapure, section 186A temporary closures and Tangata Kaitiaki Tiaki appointments.

From TRAION's perspective the fundamental issue is, and has only ever been, about building and maintaining relationships with our Treaty partner kanohi ki te kanohi or face to face. TKT and tangata whenua have a holistic view of your Ministry, that is TKT do not see the differences between sustainability rounds, marine reserve proposals, mataitai and taiapure processes, but rather they want to interact with real people who they can talk and relate to face to face about a whole range of issues that the Ministry manages. To TKT and tangata whenua it is all about relationships and the facilitation of those relationships. TRAION does not believe that this can be achieved from Wellington or Nelson, as the Ministry's resources would be better directed to training at the regional and local level. Having a policy analyst traveling from Wellington or Nelson to interact through a facilitator without understanding who tangata whenua are, what the local dynamics are and how they feel towards fisheries resources holistically needs to be taken into consideration and addressed.

The Ministry's current track record of facilitating customary fisheries management within the Ngapuhi takiwa as well as relationship building is less than desirable. As an example, the gazettal of TKT for Nga Hapu o Taiamai ki te Marangai occurred in December 2002, yet I have been advised that since their inception the TKT have only had **one** meeting to date with the Ministry. As you can well imagine this relationship is not conducive in relating with TKT and tangata whenua when trying to outline their respective compliance and fisheries management roles and responsibilities.

TRAION fully understands the philosophy behind centralising processes, especially human and fiscal resources in order to prioritise. However if the centralisation initiative is premised on the notion that the Ministry would be better able to prioritise and give greater effect and benefit to TKT and tangata whenua issues, then we would suggest that better gains would be made from a regional rather than centralised management framework. If the Ministry is seeking to provide better outcomes to TKT and tangata whenua then it needs to devolve those resources and adequately train regional facilitators. Perhaps the resourcing would be better off increasing and training the Treaty Facilitators as identified within the Ministry's Treaty Strategy.

There are a number of inter-related components of the Treaty Strategy that TRAION feels that they can provide some constructive feedback on and would welcome the opportunity to participate in the reference group to advise MFish's ET, for example:

- Are Fisheries Plans working for tangata whenua?
- Can regional fisheries give cognisance to iwi/hapu boundaries?
- Does there need to be a stronger compliance presence, in association with Fisheries Management when interacting and liaising with TKT? Does a balanced approach need to be provided when dealing with training issues (e.g.) writing of authorisations?
- What mediation process might work to help progress dispute resolutions?
- Does there need to be increased internal and external education surrounding customary fisheries and the relationship between what Regulation 27 provides to that of the Fisheries (Kaimoana Customary Fishing) Regulations 1998?
- Does the commercial Treaty components have a higher priority than that of the customary fisheries regime?

One other area that is directly inter-related to the Treaty Strategy is that of Customary Fisheries Research, which has been identified as an initiative that will **not** be considered in 2004/05. What other avenue within MFish is available for TKT and tangata whenua to have customary fisheries research information and/or data provided? TRAION is of the opinion that customary fisheries research is an important sub-component of the Treaty Strategy and its exclusion sends a signal to tangata whenua, TKT and Maori that although MFish is trying to enhance its credibility by seeking to finalise and implement its Treaty Strategy it is unwilling to consider customary fisheries research. From TRAION's perspective the two are not mutually exclusive.

**3. Contact Details:**

Any queries in respect of this submission should be addressed to:

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This concludes the submission of TRAION on MFish's Proposed New Initiatives for 2004/05 and should the opportunity arise TRAION would welcome the prospect to be heard on the issues raised within this submission.

Heoi ano

A handwritten signature in black ink, appearing to read 'P Grimshaw', written in a cursive style.

Phillip Grimshaw  
Natural Resources Manager  
Te Runanga A Iwi O Ngapuhi