



Friday update



Captain's Blog

April 15, 2016

Acknowledging Maori, industry concerns on Kermadecs way forward

The old warriors of Maoridom geared up for battle over the Kermadecs this week.

They may be leaning more heavily on their tiripou (walking sticks) but their oratory and mana was as great as ever.

Led by Sir Tipene O'Regan, the leaders lined up to slam the Government's decision to create a huge ocean sanctuary around the Kermadec Islands without consultation on the Treaty Fisheries Settlement that it affects.

Sir Tipene was joined by Sir Mark Solomon, Dame Tariana Turia, Dame Iritana Tawhiwhirangi, Sir Toby Curtis and Koro Wetere via video in a packed media conference at Te Ohu Kaimoana's offices in Wellington.

He said the rights gained in the 1989 interim Maori fisheries settlement, legislated in the 1992 settlement (the Sealord deal) were hard won and had to be defended.

Sir Tipene agreed Parliament is sovereign but "government in a democracy is not above its own laws".

The Government had shown a casual disregard for cultural rights that are well established in the courts.

He believed Prime Minister John Key was

In the Media



Maori leaders, led by Sir Tipene O'Regan voice their concerns on the threat to Maori fishing rights as a result of the Kermadec Ocean Sanctuary.

Click to play video

Maori come together against Kermadec sanctuary

Newshub (April 12) reported on a group of high profile Maori elders fighting back against the Government's plan for an ocean sanctuary in the Kermadec islands,

misled and badly advised over the sanctuary.

There was no current threat to the Kermadecs on the grounds of sustainability. There was full marine reserve status out to 20km around the islands within the group and the fishing industry had initiated a benthic protected area across the whole zone that banned bottom trawling.

Maori were concerned at protecting their right to development. That development right was symbolised in a blue roughly, a badge worn by Sir Tipene, a mythical fish symbolising undiscovered resources.

And the argument that rights were not being exercised at present, therefore they lapsed, was not valid. It was akin to snatching vacant Maori land, as occurred in the 1860s.

Industry's position is similarly to support marine conservation, but any new measures must be taken in full and considered consultation with all relevant stakeholders.

The Kermadecs proposal also overrides seafood industry rights embedded in the Quota Management System.

There are similar concerns over the proposed introduction of recreational fishing parks in the Hauraki Gulf and Marlborough Sounds, also produced without warning on spurious sustainability grounds.

The Government and the Pew Trust promoting the Kermadecs sanctuary may have been struggling to understand concerns about rights, but the Press Gallery correctly read the issue as a significant political rift between the Government and Maori.

The Labour, Maori and New Zealand First parties are all now taking issue with the poor process.

Veteran New Zealand Herald political editor Audrey Young was unequivocal.

"There is no argument that the Government's proposed enlargement of the Kermadec Sanctuary cuts across aspects of the 1992 Treaty of Waitangi Fisheries Settlement and does so without consultation," she wrote. "It was done in secret to maximise the impact of the Prime Minister's appearance at the UN; effectively the PR value was deemed more important than due process. It has given Maori a good reason not to trust the Government."

Pew, smarting at being drawn into a political dispute partly of its own making, complained it had not been given more notice of objections, as if iwi were obliged to negotiate with them.

But a letter from Labour fisheries spokesman Rino Tirikatene to Pew on October 21 last year could not have made it clearer.

"As the custodian and advocate for Maori fishing rights, Te Ohu Kaimoana should be consulted whenever legislation or regulation impacts on those rights," he wrote. "This is a basic requirement which is supported by decades of jurisprudence

and taking the issue to court. Led by Sir Tipene O'Regan, the group said the sanctuary removed fishing rights promised under a Treaty settlement in 1992. That settlement allows Maori to fish in the 620,000 sq km area, a right the elders say will be removed under the proposed sanctuary. [Read more](#)

Also read:

[NZ Herald](#)
[Radio New Zealand](#)
[Stuff National](#)
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Seafood NZ chairman George Clement

Seafood NZ backs Maori on Kermadec plan

The Dominion Post (April 12) reported on Seafood New Zealand weighing in behind the Maori challenge to the Government's Kermadec Ocean Sanctuary plan, saying it overrides the rights of both. Seafood New Zealand chairman George Clement said those rights were embedded in the Quota Management System and the Treaty of Waitangi and the Maori Fisheries Settlement Act. The industry and Maori fisheries trust Te Ohu Kaimoana were informed of the Kermadec proposal only hours before it was announced last year. [Read more](#)

Also read: [Seafood industry calls for genuine dialogue around Kermadecs](#)

Ora King Salmon on The NZ Story

The NZ Story's Business Story features Ora King Salmon, and how talking about our pure New Zealand landscape is crucial to painting a picture of our stellar salmon for international buyers. [Read more](#)



is supported by decades of jurisprudence and government practice.

“Your assertion that the quota assigned to TOKM is a mere administrative quirk overlooks the cultural importance to which those rights are held. The nominal quota is recognition of the pre-existing rights of Maori. Those rights are beyond volume or value metrics.”

He added the issue had significant implications for the Fisheries Settlement and the ongoing relationship between iwi and the Crown. That warning, nearly six months ago, has now come to fruition. So, how to repair the situation?

A good start would be for the Government to acknowledge Maori – and industry – concerns and settle those the traditional way with chiefs kanohi ki te kanohi – face to face.

There may not be agreement but there would be respect and goodwill, sorely lacking to date.

Pacific Ambassador Shane Jones hosted a Pacific fisheries ministerial study tour this week that included about 40 fisheries ministers and officials from 10 states.

Foreign Affairs Minister Murray McCully and New Zealand First leader Winston Peters were among a good turnout of MPs at a reception in Wellington, who got to exercise their singing skills in a welcome and farewell.

The tour included presentations on the fisheries management system and a visit to Talley’s, the sole remaining New Zealand company active in the Pacific tuna fisheries.

Sir Tipene and Matiu Shane Jones are masters of oratory but the younger generation are no slouches either. Senior pupils at the Maori immersion school at Seatoun in Wellington, Te Kura Kaupapa Maori O Nga Mokopuna, held their English speech competition this week.

It was a privilege to be a co-judge. All those who presented were winners but Tauawhi Bonilla was deemed the best.

He quoted Kipling’s Ballad of East and West to argue Maori and Pakeha can prosper together.

A lack of New Zealand history in the school curriculum was the subject of debate on Radio NZ’s Morning Report yesterday. One listener responded that the only thing he had been taught about this country was that New Zealand had a world leading fisheries quota management system. Nothing wrong with the curriculum then.

Tim Pankhurst



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