

Foreshore and Seabed Negotiation Progress Report

The following report summarises the full presentation that Matanuku Mahuika provided at the Runanga Hui a Tau, last month. The report was enthusiastically received by a number of people, including some previous skeptics of the Foreshore and Seabed (FSSB) negotiations, undertaken by the Runanga on behalf of Ngati Porou whanau and hapu.

The key messages from the presentation included the reiteration of the outcomes that we are seeking which are;

- Recognition of "Ownership Interest"
- Recognition of exclusive areas
- Recognition of the right to exclude
- Appropriate standing in processes that can impact upon the use and occupation of the foreshore and seabed (eg RMA)

Underpinning the negotiation framework that we have developed is the acknowledgement of the mana (authority) of Ngati Porou whanau and hapu, as expressed through the following statements that we have consistently affirmed and reiterated through out the process;

- Ngati Porou assert ongoing and enduring ownership interest in the FSSB that are unbroken by the FSSB Act
- The mana of Ngati Porou in relation the FSSB is unbroken and enduring
- The mana of Ngati Porou in relation to the FSSB is held and exercised by whanau/hapu as a collective right

The challenge that we have faced through out the negotiations is the development of appropriate and meaningful instruments, policies and legislation that will give effect to the mana that our whanau and hapu, will exercise in respect to their takutai moana. To this end we have been working with the Crown officials to develop three specific recognition mechanisms;

- Statutory Designation
- Environmental Covenant
- Permission Right

At this stage of the negotiations it is premature to discuss specific details and/or design features of these recognition mechanisms, suffice to say they will be pragmatic and enabling for Ngati Porou whanau and hapu. They will also meet the Crown's requirements in terms of certainty, robustness and relevancy.

Towards the latter part of this year we commenced a process for engagement with Ministry of Fish officials, with the objective of amending the Customary Fisheries Regulations to more specifically recognise the rights of those Hapu that are party to any agreement for the recognition of FSSB rights

We have progressed some work on closure to parts of the FSSB, for reasons other than fisheries related reasons (eg the placing of a rahui for cultural or spiritual reasons), however this is one of problematic areas of the negotiations, requiring more dialogue.

A key piece of work that was led by the Crown, has been the collection of information and data, which has resulted in the production of three general reports and two case

studies which provide a good baseline for establishing areas that meet the benchmark for TCR's, and those that need more compelling evidence. The Ngati Porou Negotiation team in consultation with hapu appointed Researchers to collect the Ngati Porou side of the story and they are currently conducting interviews and preparing briefs of evidence.

One of the discreet pieces of work that we have undertaken is

the assessment of current governance mechanisms that are being used by Ngati Porou Marae and hapu, to determine whether they will meet the 'settlement entities' requirements set by they Crown. To date an initial stock take of existing mechanisms through which Hapu operate and the legal features of those mechanisms, has been commenced even though we have yet to sign a formal contract with TPK to fund this work.

The next few months are going to be critical if we want to achieve a timely and efficient settlement with the Crown, which is acceptable to Ngati Porou whanau and hapu. Key tasks that we will focus on are;

- Continue negotiations on recognition mechanisms, fisheries and closures
- Continue to engage on TCR recognition
- Continue work on the collection of evidence
- Advance work on the development of mechanisms through which the Hapu will exercise their rights
- Round of consultation and information sharing hui with those hapu that have expressed their support for the negotiations and the role of the Runanga as Facilitator.



Chief Negotiator – Matanuku Mahuika of Kahui Legal provides an update on the Ngati Porou Foreshore & Seabed negotiations with the Crown to Hui-a-Tau attendees.



Attendees of the Hui-a-Tau enjoying a cuppa.