

# ENOUGH

# PRINCIPLES

---

# FOR

---

# FISHERIES

# ALLOCATION

**Te Ohu Kai Moana** has announced its intention to consult with the iwi owners of the fisheries assets it currently manages.

That consultation will look at options for the allocation of pre-settlement (PRESA) and post-settlement (POSA) assets, and for the establishment of a body to succeed Te Ohu Kai Moana.

This document outlines the principles that the Treaty Tribes Coalition will apply to any proposals.

ENOUGH

TREATY TRIBES COALITION

## **ALLOCATION PRINCIPLES**

### **Consistency with the Treaty of Waitangi**

The Treaty of Waitangi is a contract between iwi Māori and the Crown. It guaranteed the unreserved protection of iwi ownership of fisheries and other assets. These are clear property rights, guaranteed by Article Two of the Treaty. It has also been confirmed that the Crown has a Treaty obligation to resolve fisheries claims. That will not be discharged until the fisheries assets have been allocated to their iwi owners.

### **Acknowledgement that property rights belong to iwi Māori**

The courts have repeatedly confirmed that the property rights for fisheries assets reside solely with iwi, and that allocation of the settlement assets must therefore be to iwi. While all Māori must ultimately benefit from the settlement, this does not mean that they must immediately receive tangible benefits.

### **Consistency with the fisheries settlements**

Iwi would not have agreed to settle their fisheries-related claims without the specific agreements and undertakings included in the settlement agreements negotiated in good faith with the Crown. Those fundamental requirements include:

- the allocation of PRESA according to the resolutions of the 1992 hui ā tau (which require allocation to iwi)
- allocation of the benefits of the 1992 settlement (POSA), to the beneficiaries of that settlement, in accordance with the Treaty.

### **Consistency with the Taumata Paepae agreements**

Iwi Māori met over several years to identify and agree principles to be incorporated into any allocation model. Iwi agreed that allocation must be to iwi and that all Māori must ultimately have the opportunity to benefit from the settlement. They also confirmed that any model must reflect the principles of ‘Mana whenua, mana moana’ (iwi rights to fisheries attach to iwi rights in land) while also acknowledging ‘Mātotoru o te tāngata’ (the size of tribal populations).

### **Consistency with agreements reached in developing the Optimum**

#### **Allocation Model (OAM)**

Significant compromises were agreed while translating the Taumata Paepae principles into a practicable allocation model. The proponents of the traditional ‘Mana whenua, mana

moana' position conceded 50% of the interests in the deepwater fisheries assets to the supporters of the 'Mātotoru o te tāngata' view. Discussions with Urban Māori Authorities also led to the creation of a \$10 million pūtea targeted at those Māori who are not yet in close contact with their iwi. A number of matters of detail, for example, the methodology for measurement of coastlines, were resolved in the OAM and should not be revisited.

## **IMPLEMENTATION PRINCIPLES**

### **Facilitating the entry of Māori into the business and activity of fishing**

An over-riding function of the settlements is to ensure that assets are utilised so as to give iwi the best possible opportunity to participate actively in all aspects of the fishing industry, not simply to provide a passive investment or asset base.

### **Promoting iwi readiness to manage their assets**

A number of iwi might, for various valid reasons, not want to receive their fisheries assets at this time. Te Ohu Kai Moana must accordingly ensure that all proposals provide for the ongoing management of those assets for the benefit of the iwi owners until such time as they wish to manage them themselves. Any such arrangements must be on a voluntary participation basis.

### **Ensuring iwi have the same rights as other New Zealanders**

The local and international fishing industries are very competitive. For iwi to succeed they must be free to compete on equal terms. Iwi must therefore be allowed to borrow against their assets and rationalise their quota and processing assets on the same terms as others. Iwi must be free to choose who represents their interests and who manages their assets, and be free to terminate those arrangements when they are no longer appropriate.

### **Ensuring any successor to Te Ohu Kai Moana is accountable to iwi**

Any functions that a successor to Te Ohu Kai Moana might continue to exercise on behalf of the iwi owners must be carried out consistent with the owners' wishes. The governance body must have a legitimate mandate from the iwi owners and be directly accountable to them.



## TIME FOR A PRINCIPLED RESOLUTION

The Treaty Tribes Coalition's principles are consistent both with the legal rights that led to the fisheries settlement and tikanga Māori. They are no more than the rights other New Zealanders enjoy.

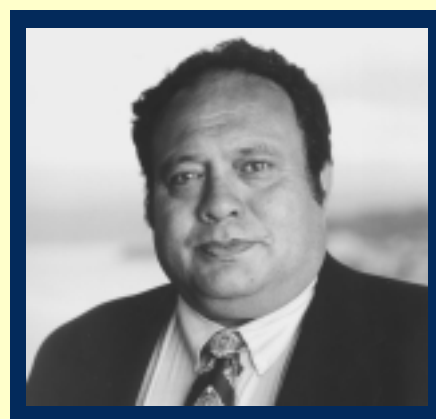
The Coalition believes that all iwi, the Government, and other political parties should be guided by these tests of principle when determining their respective positions on these fundamentally important matters.

The Treaty Tribes Coalition will support any allocation model that is founded on these underlying principles. It will continue to work with all parties to achieve settlement; and to achieve it soon.

# ENOUGH IS ENOUGH

## WHAT IS THE TREATY TRIBES COALITION?

The Treaty Tribes Coalition was formed in 1994 to represent the interests of those iwi that were committed to the resolution of the fisheries assets allocation debate on principled terms that are consistent with the terms of the original fisheries settlements and tikanga Māori. The constituent members of The Coalition are: Hauraki Māori Trust Board (representing the 12 Iwi of Hauraki); Ngāti Kahungunu Iwi Incorporated; Ngāi Tamanuhiri Whānui Trust; Ngāti Tama Manawhenua Ki Te Tau Ihu Trust and Te Rūnanga o Ngāi Tahu.



A handwritten signature in blue ink, which appears to read 'Harry Mikaere'. The signature is stylized and written in a cursive-like font.

**HARRY MIKAERE**  
Chairperson  
Treaty Tribes Coalition

## FOR FURTHER INFORMATION CONTACT:

Treaty Tribes Coalition, PO Box 13 046, Christchurch  
Administrator: Ann Johnstone, Telephone: 03 371 2656  
[www.treatytribes.co.nz](http://www.treatytribes.co.nz)