

Kaupapa Takutai Moana – Foreshore and seabed

As Māori we oppose any legislation which proposes to extinguish or re-define customary title or rights.

The foreshore and seabed have always been under the jurisdiction of Iwi and Hapū as part of the authority of tino rangatiratanga.

Te Tiriti o Waitangi acknowledged that jurisdiction as part of the ‘exclusive and undisturbed’ possession of lands and taonga.

In Māori law and philosophy the foreshore, the seabed and the land are all inter-related. We affirm our tūpuna (ancestral) rights to the foreshore and seabed as whenua rangatira. These rights are derived and take legitimacy from ancestral precedents. These rights have never been relinquished.

The government authority to extinguish or redefine Iwi and Hapū rights is an assumed one with precedents based solely on the power taken by colonising States to dispossess indigenous peoples.

Any government attempts to pass legislation vesting ownership of the foreshore and seabed in the Crown will effectively deny Iwi and Hapū access to the due process of its own law.

The government must disclose its proposals to whānau, hapū and iwi. Their original decision to legislate involved minimal Māori participation.

A declaration of Māori rights, that the foreshore and seabed have always belonged to Iwi and Hapū was never about denying access to non-Māori. The government was reacting to widespread Pākehā fears that Māori might lock up beaches and demand an entry fee. The underlying fear was the possibility of Māori gaining control over marine farms, mining rights, ports and harbours and other commercial opportunities.

Within our collective tūpuna rights and obligations of kaitiakitanga or guardianship we are vested in the ancient authority of rangatiratanga. It is within this authority that we have the right to use our taonga/resources.

We need open, and informed public discussion about all issues concerning seabed and foreshore access and ownership.

The misguided public hysteria hasn’t just happened. We need to think about who misled the people and why.