

31 August 2006

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Tena Koe Stan

(1) Provision for input and participation of tangata whenua in fisheries management – relationship between Ministry of Fisheries (MFish) and mid-north iwi; (2) Hokianga Accord Hui – Naumai Marae

1 Thank you for your two letters each dated 19 July 2006.

Introduction

2 Both letters address related subjects and I therefore propose responding to both in this letter.

3 For differentiation between your two letters I will refer to them as:

3.1 your *input and participation letter* which followed the meeting of representatives from Ngapuhi, Ngati Whatua, Ngati Wai, Te Roroa and Te Uri O Hau with you and your colleagues on 30 June 2006 in Whangarei and my email to you dated 2nd July 2006.

I received my copy of this letter on the 19th July, on the eve of the Hokianga Accord hui at Naumai marae.

3.2 your *Hokianga Accord hui letter* which was in response to my letter to you of 20 June 2006.

Whilst this letter is also dated 19th July I did not receive it until after I had returned home from the Hokianga Accord hui at Naumai marae.

Your untimely response to me on such important matters to Ngapuhi maintains the pattern of MFish leaving it until the last minute to respond to previous communications with accompanying embarrassment to my colleagues and your staff.

4 Before addressing the points raised by you in your letters I refer to what appears to me as a misunderstanding on MFish's part concerning MFish representatives having departed Naumai without having made arrangements to pay MFish's share of the fee payable to Naumai Marae for hosting the 20 and 21 July 2006 hui.

5 My letter to you of 20 June 2006 clarified for you in the plainest language that the Hokianga Accord:

5.1 is an Iwi Regional Forum of mid Te Tai Tokerau comprising Ngapuhi, Ngati Whatua, and Ngati Wai;

5.2 qualifies with MFish's model, as explained by your colleagues at previous hui, for an Iwi Regional Forum as one of the ways to assist with the Minister's provision of input and participation by tangata whenua into fisheries management;

- 5.3 was sanctioned by the previous Minister of Fisheries, Hon. David Benson-Pope in a letter to me dated 12th August 2005; and
- therefore qualified for the funding previously agreed by MFish for Hokianga Accord hui.
- 6 At the 30 June 2006 meeting in Whangarei after I had spoken to you regarding the Hokianga Accord, you raised no objection to MFish continuing this funding, and I left the meeting with the clear understanding that MFish would honour its previous agreement and commitment to pay its share of the hosting of our mid-north iwi forum hui.
- 7 The tikanga (principle) of manaaki (hospitality) embraces generosity, courtesy and respect by the hosting marae, and the departure by your colleagues from the hui without making arrangements for payment of MFish's share of the cost of hosting the hui was embarrassing not only for the people of Naumai Marae, but also to me as Chairman of the hui, and to iwi representatives from Ngati Whatua and Ngati Wai who also attended the hui.
- 8 I am aware that MFish happily pays the cost of pakeha Regional Recreational Forums, including dinner and travel expenses and therefore cannot understand the difficulty MFish appears to have with its commitment to the Hokianga Accord Iwi Regional Forum. By comparison, the meeting of the pakeha Regional Recreation Forum I attended at the Copthorne Hotel, Waitangi on Monday 7th August 2006, would have cost taxpayers over \$2000 for 16 people spending 5 hours together. No measurable results. At the last Maori forum hui at Naumai Marae, the Hokianga Accord assembled over 110 people on the first day alone with MFish taking the premium time space for 6 hours and only hoping to get away with paying a miserly \$200. Where is the equity there? I warned Jonathon Percy before he left the hui about not getting koha mixed up with fees.
- 9 MFish's share of the hui fee has been paid on your behalf to the Naumai Marae Committee, to enable them to pay for costs incurred feeding the masses. Please let me have your cheque for \$1,500.00 payable to Te Runanga a iwi o Ngapuhi so that I can reimburse those who generously made contributions on MFish's behalf.

Minister's provision of input and participation

Hokianga Accord – an Iwi Regional Forum

- 10 As already mentioned, in my letter to you of 20 June 2006 I took care in explaining how the Hokianga Accord, is a forum comprising the iwi of mid Te Tai Tokerau, clearly complies with the MFish model for an Iwi Regional Forum for this region, and as such qualifies for Cabinet approved funding.
- 11 Your statement, therefore in your Hokianga Accord hui letter that *it is clear that most mid-north leaders do not consider that this vehicle is as yet their preferred option for input and participation ... and as such cannot be considered to be an Iwi Regional Forum ...* is both of surprise and disappointment to me.
- 12 I do not recall, and my record of the 30 June 2006 meeting in Whangarei does not disclose any statement by me, Naida Glavish of Ngati Whatua, or Laly Haddon of Ngati Wai having said that they do not regard the Hokianga Accord as an Iwi Regional Forum as one of the ways for the Minister to provide for the input and participation by tangata whenua of mid Te Tai Tokerau into bigger picture fisheries management issues for that region as explained below. As a matter of fact I was the only iwi leader at that hui, all others were either representatives or employees of different iwi/hapu organisations.

- 13 Indeed in my email to you of 2 July 2006, principally for the purpose of thanking you for hosting that meeting, I referred to Ngapuhi and Ngati Whatua developing together and assisting Ngati Wai with input into fisheries management where so desired by Ngati Wai whilst recognising your specific responsibilities to Te Uri O Hau and Te Roroa for you to deal with according to the protocols you have agreed with those hapu.
- 14 As I also explained to you in my letter of 20 June 2006 the extension of invitations to non-Maori representatives does not and cannot disqualify the Hokianga Accord Iwi Regional Forum from being an Iwi Regional Forum. Non-Maori representatives (from various recreational fishing and conservation groups) attend the hui as manuhiri (guests) having speaking rights only as agreed to by the host marae.
- 15 We are getting mixed messages from you as to how and where you propose the provision of input and participation by the Minister into fisheries management by tangata whenua.
- 16 We initially suggested that the Minister make provision for input and participation by individual iwi. Because of constraints on MFish resources, you (MFish) then suggested the Iwi Regional Forum model. As explained by you the Hokianga Accord Iwi Regional Forum fits that model and we put the Hokianga Accord forward to you, in part, to assist the Minister in making such provision.
- 17 You now say as a reason for MFish not considering the Hokianga Accord as an Iwi Regional Forum that most Mid-North (iwi) leaders do not see the Hokianga Accord *as yet their preferred option for input and participation* (paragraph 4 of your Hokianga Accord letter), and that the majority of iwi leaders are *currently of the view that the primary relationship should be between individual governance entities and (MFish)* rather than through a single Iwi Regional Forum while not ruling out the possibility of (iwi) working together with (MFish) in some areas (paragraph 2 of your input and participation letter).
- 18 In summary, our preferred option is for the provision of input and participation by individual iwi. However, as mentioned above, you would not arrange for the Minister to provide for input and participation that way. Having acceded to your request by putting forward the Hokianga Accord to assist the Minister in making such provision, in part, by the collective approach you now revert to input and participation by individual iwi by saying that is what iwi want.
- 19 This change of approach by MFish is holding up and delaying the provision of input and participation by us and is unacceptable to us. Please therefore let me have MFish's unequivocal statement that the Hokianga Accord is recognised by MFish as an Iwi Regional Forum as one of the ways of enabling the Minister to carry out his statutory obligation to provide for input into fisheries management.

Individual iwi/hapu v collective iwi/hapu

- 20 The Crown is our Treaty partner. The Minister's statutory obligation to provide for the input and participation of tangata whenua into fisheries management is an example of the Crown's on going obligation to Maori to develop policies to help recognise the use and management practices of Maori in their exercise of non-commercial fishing rights as provided in the 1992 Deed of Settlement and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- 21 In this context, and in further response to your previous requests at hui and in your letter for our feedback on our objectives in fisheries management input, I reiterate that Ngapuhi's desire is to have sufficient fish stocks in the water so our whanau can feed their families.

- 22 To that end, in relation to the bigger picture fisheries management issues such as:
- 22.1 how best to raise stock levels of traditional fish species of cultural and social importance to tangata whenua and so provide kai for us; and
- 22.2 those relating to customary fishing and customary tools,
- 23 Ngapuhi sees a role for a collective approach with MFish through the Hokianga Accord Iwi Regional Forum as one way of the Minister making provision for the input and participation of tangata whenua into fisheries management. So too, as I am informed does Ngati Whatua.
- 24 In this respect we appear to be in agreement on the approach you refer to in paragraph 2 of your input and participation letter, namely, *it may be appropriate .. to work collectively with (MFish) on some issues, but this....should not undermine the individual relationships ...where (MFish) has already developed protocols with governance entities.....*
- 25 However where MFish has a proposal for a sustainability measure in relation to a particular fish stock in which individual iwi have a particular non-commercial interest, then as I have stated in previous correspondence to you and to your colleagues at hui, individual iwi will wish the Minister to provide for the input and participation of individual iwi.
- As also previously advised, I see that taking place on a case by case basis.
- 26 I make these observations in the context of the purpose of the Fisheries Act, which as pointed out in my letter of 20 June 2006, is to:
- 26.1 provide for the *utilisation* - conserving, using, enhancing and developing fisheries resources to enable people to provide for their social, economic and cultural well-being,
- 26.2 while *ensuring sustainability* - maintaining the potential of fisheries resources to meet the *reasonably foreseeable needs of future generations*.
- 27 In this regard, it was made clear by expert speakers [and MFish representatives] who addressed the Naumai hui, that MFish in its management of our fisheries resources has [in recent times] emphasised the economic well-being component arguably of some, to the social and cultural detriment of many.
- 28 This imbalance is one of the bigger picture fisheries management issues I wish to see addressed with MFish through the Hokianga Accord Iwi Regional Forum.

Objectives based management

- 29 Your input and participation letter advises that MFish is moving towards an objectives-based management approach based on fisheries plans, and that the [traditional interactions] between tangata whenua and MFish based on [consultation] over individual management proposals is unlikely to prove satisfactory for iwi/hapu and MFish.
- 30 More particularly you refer to:
- 30.1 the approach based on fisheries plans which will be based on groups of fish stock over relatively larger areas (at least QMAs) with the likelihood of longer planning terms;
- 30.2 the development of *iwi plans* that address *customary, recreational and commercial objectives*, and for these objectives to be introduced into *fisheries plans*;

30.3 smaller working teams with representatives from iwi/hapu and MFish.

31 Our initial reaction is that we see some merit in this suggestion, particularly if we are involved in the design of the necessary structures with the intention of avoiding the re-occurrence of issues relating to how and where the Minister *provides for input and participation*. We would be interested to explore the details of this with you further.

Sustainability rounds v fishery plans

32 As you are aware, the requirement for the Minister to *provide for input and participation*, for which the Minister must take appropriate measures, make adequate preparation, and arrange and supply the necessary resources, is different process from and a standard higher than *consultation*.

33 I have assumed that your reference in paragraph 4 of your input and participation letter to *consultation over individual management proposals* is a reference to sustainability rounds of individual fish stocks, often on an annual basis.

Your stated preference is now for longer term planning to be achieved through fisheries plans on groups of stocks over larger areas (at least QMAs).

34 However, as I see it, your new proposal for iwi plans, fisheries plans and working teams will take some time to implement and will be one mechanism for the provision of input and participation into future fisheries management decisions. For example, I am aware of fisheries plans having been a focus of MFish for some time but with few such plans in place at present.

35 Notwithstanding MFish's desire to adopt this new approach, the requirement for the Minister to *provide for input and participation* remains for sustainability decisions this year, next year and subsequent years. Moreover, the requirement for the Minister to *provide for input and participation* for fisheries plans does not remove that requirement in respect of other sustainability decisions in the meantime.

36 My present concerns with the iwi plans/fisheries plans approach are:

36.1 the introduction by MFish of another process will further delay and prevent the provision by the Minister of input and participation into fisheries management to raise the levels of fish stocks of traditional social and cultural importance to iwi/hapu so that we can feed ourselves;

36.2 the time, resources and cost to both MFish and iwi/hapu in developing fisheries plans is likely to be at the expense of ignoring the immediate task of rebuilding fish stocks for Maori and non Maori alike.

37 As pointed out in my letter to you of 20 June 2006, we are frustrated at the time it is taking MFish to decide how and where (form) MFish (for the Minister) is going to provide for Ngapuhi's input and participation into fisheries management rather than actually *providing for* (substance) such input and participation. To achieve our objective of sufficient traditional fish stocks in the water so our whanau can feed their families, iwi and hapu desire more action and less words from MFish in the provision of input and participation by tangata whenua into fisheries management.

38 While MFish continues to run this way and that way on how and where it will make such provision, no provision is made by the Minister, and our people struggle to catch their kai.

Whangarei Meeting

39 It is important that this meeting be held urgently to advance the commencement of the provision by the Minister of input and participation by iwi of mid Te Tai Tokerau into fisheries management.

Please provide me with a range of dates which suit you for that meeting.

40 I look forward to hearing from you.

Mauri ora

Raniera (Sonny) Tau
Chairman
Te Runanga A Iwi O Ngapuhi