

Appendix Four - Hokianga Accord Letter to Te Komiti Whakature I Nga Taonga a Tangaroa



“More fish in the water/Kia maha atu nga ika ki roto i te wai”

**May 17th 2010
Mangakahia Rd
Kaikohe**

Letter to Te Komiti Whakature I Nga Taonga a Tangaroa from the Hokianga Accord

Nga mihi ki Ranginui, nga mihi ki Papatuanuku, nga mihi hoki ki a ratou kua mene atu ra ki te Po. Ki a koe te Rangatira e Hura i roto i tou okiokinga e Pa, e moe, e moe, kia huri tuara ki a matou. Na reira e nga Rangatira o nga hapu o Taiaimai ki te Marangai me nga Tangata Kaitiaki o Te Komiti Whakature i nga Taonga a Tangaroa tenei te mihi nui ki a koutou. Na reira e hoa ma kia kaha, kia maia, kia uu te Kaitiakitanga hei mauri ora.

The Hokianga Accord, the mid north iwi fisheries forum, acknowledge Te Komiti Whakature I Nga Taonga a Tangaroa and the effort of all involved to achieve "more fish in the water/kia maha atu nga ika ki roto i te wai" by implementing Te Puna Mataitai.

Given the difficulties in achieving a successful outcome and the history of Te Puna Mataitai application (refer Appendix One), the Hokianga Accord resolved at its April 2010 hui that it would write to the Minister of Fisheries, Phil Heatley, asking for clarification and an explanation as to why the approval process has taken so long.

At the Oturei Marae hui the Accord's constituent organisations expressed deep whakama [embarrassment] due to the inability of the Ministry and the Minister to enable tangata whenua to fulfil their sacred obligations and aspirations as kaitiaki [guardians], to give effect to Te Puna Mataitai application and pay respect to the effort of Te Komiti and our late, respected leader Judah Heihei.

The Accord, the mid north iwi fisheries forum, asks Te Komiti for their approval in sending the following message to the Minister of Fisheries –

Proposed letter to Minister of Fisheries from the Hokianga Accord

E te Minita, Rangatira o te Tari Tautiaki i nga tini a Tangaroa, anei te mihi. He mihi ki a koe e Ta me ou hoa a te Kawanatanga. Tenei he inoi ki a koe, kia rea te maramatanga a te kaupapa nei, ana, kia tu te maataitai i whakaturea nei e nga Tangata kaitiaki o Taiaimai ki te Marangai.

The Hokianga Accord and its constituent organisations are deeply concerned at the lack of progress in implementing Te Puna Mataitai. The delay in achieving Ministerial approval for this application by Te Komiti Whakature I Nga Taonga a Tangaroa is unacceptable. With the approval of Te Komiti, the Accord requests an explanation as to why there has been no progress and an expected date of approval.

Participants in the Hokianga Accord, the mid north iwi fisheries forum, represent a wide spectrum of constituents that includes the commercial and non-commercial interests of Ngapuhi, Ngati Whatua and other northern iwi and hapu, environmental and fishing interest groups. Greenpeace, the Environment and Conservation Organisations of Aotearoa New Zealand, Forest & Bird, option4 and NZ Sport Fishing representatives are regular contributors to the Hokianga Accord.

We fully tautoko [support] Te Komiti in their sincere endeavours to give effect to their sacred obligations to practice kaitiakitanga within their rohe moana, in the northern Bay of Islands.

The Accord is also concerned at the apparent double standard being applied to this process. We understand there was one objection that could not be resolved, despite earnest negotiations. In contrast, the Accord is not aware of any other process where the Ministry of Fisheries is expected to achieve 100 percent consensus before it implements its own initiatives.

Despite the obligations of the Crown to fulfil its statutory duties pursuant to Te Tiriti O Waitangi 1840, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Fisheries Act 1996, tangata whenua are expected to achieve consensus beyond what an entire Ministry of the Crown is obliged to attain. This expectation on tangata whenua reeks of inconsistency and obstruction.

The passing of our co-chairman and the Maataitai main proponent, Judah Heihei, has heightened the Accord's awareness of the need for the Crown to enable tangata whenua to fulfil their role as kaitiaki, provide for their traditional, customary and amateur fishing needs, and to protect their broad interests in coastal fisheries.

MFISH has previously recognised the Crown's obligations; basically there are three main requirements, which are:

- ⇒ The Crown acts reasonably and in good faith in its dealings with Maori;
- ⇒ The Crown makes informed decisions; and
- ⇒ The Crown avoids impediments to providing redress, and avoids creating new grievances²¹.

Clearly these obligations have not been met in the process to implement Te Puna Mataitai.

The Hokianga Accord acknowledges and appreciates the sincere effort of MFISH Pou Hononga, Natasha Clarke, and Pou Takawaenga, Bevan Hunter, to assist Te Komiti in this application process.

In June 2009 MFISH advised they had 33 Mataitai applications to process. *"We envisage that the assessment of the Te Puna Mataitai reserve application should occur within the next few months. At this time, the Ministry anticipates completing this assessment and advising the Minister of Fisheries within the next year"*.

The Accord reiterates that the Minister must recognise and give effect to the kaitiakitanga aspirations and obligations of Te Komiti Whakature I Nga Taonga a Tangaroa.

We look forward to your prompt response and indication of when this application will be approved, and ultimately to the designation, this year, of Te Puna Mataitai - a testament and tribute to the work of Judah Heihei.

²¹ Occasional Papers: Obligations to Maori, Ministry of Fisheries, December 2002, p6, section 82.
April 2010 Hui Report

As stated above, the Accord, the mid north iwi fisheries forum, asks Te Komiti for your approval in sending the letter to the Minister of Fisheries .

Na reira nga Rangatira o matou, koutou nga Tangata Kaitiaki ki nga uri a Tangaroa i nga tai Tokerau, haere tonu nga mihi.

George Riley
Co-chairman Hokianga Accord

Appendix One – Brief history of Te Puna Mataitai process

Te Komiti Whakature I Nga Taonga a Tangaroa lodged a formal application for Te Puna Mataitai with the Ministry of Fisheries on 2 April 2008. Te Komiti represents 14 hapu/marae with an interest in the northern Bay of Islands. Rohe Moana was formally gazetted in 2002, pursuant to the Fisheries (Kaimoana Customary Fishing) Regulations 1998. The proposed maataitai encompasses approximately 7.6 square miles, from Purerua Peninsula, out to the Black Rocks, north past the Ninepin to Kowhatuhuri Point.

Te Komiti spent over ten years researching the options to give meaningful effect to their sacred obligations to deliver kaitiakitanga [guardianship] of their rohe moana, to achieve "more fish in the water/kia maha atu nga ika ki roto i te wai". A previous Taiapure application, lodged in the late 1990s has since lapsed. Meetings with local fishermen, landowners and marine interest groups have been ongoing.

MFISH community consultation concluded in August 2008 and a public meeting was held at Whitiara marae, Te Tii, in October. A month later Te Komiti, MFISH officials and the lone objector, a commercial Cray-fisher, met in Kerikeri in an effort to resolve the objection. A second public consultation round occurred and closed in December 2008.

After considering all the submissions Te Komiti confirmed to MFISH they did not wish to amend the Mataitai application in March 2009.

In June 2009 MFISH advised they had 33 Mataitai applications to process. *"We envisage that the assessment of the Te Puna Mataitai reserve application should occur within the next few months. At this time, the Ministry anticipates completing this assessment and advising the Minister of Fisheries within the next year".*