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Chairman
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KAIKOHE

Tena koe Sonny

RELATIONSHIP BETWEEN THE MINISTRY OF FISHERIES, IWI FORUMS AND THE HOKIANGA ACCORD

1 I refer to our recent communications regarding the development of a proposed Iwi Regional Forum in the Mid-North and interactions between the Ministry and the joint iwi/recreational fishers' body, the Hokianga Accord.

2 I think that it would be useful to re-iterate the background to the Ministry's programme to develop Iwi Regional Forums and the benefits that the Ministry considers could arise from the establishment of Forums.

3 Firstly, the Ministry is required to consult widely on a range of activities it undertakes when managing fisheries. This consultation is conducted in a number of ways. However, given the limited resources the Ministry has and the work load involved, the majority of consultation is conducted by writing to bodies that the Minister considers representative of the various groups with an interest in issue being addressed.

4 Secondly, the Ministry is required to provide for the input and participation of tangata whenua (hapu and iwi) with a customary interest in particular fisheries when sustainability measures for those species are being considered, and to have particular regard to kaitiakitanga when making decisions regarding the sustainability of those fisheries.

5 In the Ministry's view, input and participation means more than targeted consultation or discussions with hapu and iwi on the Ministry's proposals. It is providing an opportunity for hapu and iwi to develop their own views on the value of fisheries to them and the benefits that they seek to achieve from fisheries, as well as the opportunity to propose management measures, advocate those measures, and have them fairly considered by decision-makers.

6 In discussions with iwi over a period of time, it was clear that they felt that the Ministry's existing consultation procedures were unlikely to provide meaningful input and participation for hapu and iwi. The Ministry shared this view and sought a better way to provide for input and participation.

7 In consultation with iwi over through the Ministry's Treaty Strategy project, the Ministry considered that a possible option was to establish Iwi Regional Forums. It was considered that Forums could enable iwi with common interests, in particular fish stocks, to meet together and establish common views on the outcomes they sought from a particular fishery, either across the stocks range or within each iwi takiwā. They would then be able to develop a planned approach to consider how best to balance the interests of each iwi's customary, recreational and commercial aspirations. They could also reach agreement on management measures, using a range of tools, to achieve the desired outcome.

8 Iwi indicated that to achieve that level of input and participation, they would require resources to enable them to develop their own planning proposals, as well as to respond to Ministry's proposals. They would also require opportunities to meet regularly with the Ministry to discuss each other proposals and develop agreed management measures that recognised and provided for iwi values.

9 The Ministry was successful in gaining some targeted funding to advance the concept of Iwi Regional Forums. In particular, resourcing was provided to the Ministry for extension officers to provide the policy and management support to enable Iwi Regional Forums to develop a planned approach to managing their fisheries and to advocate iwi management proposals into the Ministry's sustainability/fisheries management processes. Resourcing was also provided to enable the Ministry to meet with the iwi members of Forums on a regular basis to discuss and, where possible, agree on how to incorporate the management measures proposed by iwi into Ministry sustainability programmes so as to recognise and provide for the customary interest of tangata whenua.

10 You have indicated to Ministry staff and me a number of times that Ngapuhi and other iwi in the Mid North wish to develop a relationship between iwi and the Ministry through a Iwi Regional Forum to provide for the input and participation of tangata whenua into fisheries management processes. You have also indicated the need to formalise this relationship through a Memorandum of Understanding [MOU]. In our discussions you have indicated that the signatories to any MOU should be the Ministry and representatives of tangata whenua.

11 You have also confirmed that you have a sound working relationship with recreational fishers and your wish to continue to work together and develop areas of common interest. The proposal put to the Ministry was that the Hokianga Accord would be the body through which iwi and recreational fishers worked together to co-ordinate their common interests. I understand that at your meeting with the Ministry in Auckland last year it was proposed to establish a charitable trust for this purpose. We understand that in your proposals, the Ministry would not have a role within the Hokianga Accord. I confirmed to you that the Ministry agrees with this approach.

12 I have received your request for the Ministry's participation at a meeting of the Hokianga Accord in July. I note that the pānui indicates that the Hokianga Accord is the Mid North Iwi Forum. I have also received your letter of 15 May 2006 notifying me that you are finalising statements of income and expenditure for the Hokianga Accord and budget proposals for the next financial year.

13 Your letter also indicates that you will be seeking budget funding from the Ministry for the operation of the Hokianga Accord. There appears to be continuing confusion between us on this matter.

14 I need to be quite clear that the Ministry's understanding of our agreement is that the Hokianga Accord is not an Iwi Regional Forum; it is a joint Iwi/recreational body. As such it is not a body that the Ministry has resources to fund. Consequently, the Ministry will not meet costs associated with this body.

15 I consider that to advance the development of a working relationship between iwi and the Ministry it is essential for us to meet with iwi leaders to resolve how you all wish to participate in fisheries processes.

16 I intend to invite all Mid North Iwi leaders, and the leaders of the governance entities for the organisations that have completed historical treaty settlements, to a meeting in the Ministry's Whangarei office to resolve this issue. Ministry staff are preparing pānui for this meeting and you can expect to receive one in the near future.

17 I propose that this meeting cover the need for an Iwi Regional Forum in the Middle North; the form the Forum would take; whether iwi are interested in developing a planned approach to the management of their fisheries; the resources that could be provided by the Ministry for this approach; as well as a work programme to develop a MOU that meets Crown guidelines to enable resources to be allocated.

18 Until this meeting between iwi leaders and the Ministry has occurred, and all iwi have identified how they wish to interact with the Ministry in the Mid-North, I do not consider it useful for Ministry staff to continue to attend meetings of the Hokianga Accord on a regular basis. To do so confuses the obligations of the Ministry to tangata whenua and, as I have previously indicated to you, limits the ability of the Ministry to work with iwi in areas where the government has provided specific resourcing to recognise and provide for the rights and interests of tangata whenua that arise from the Fisheries Deed of Settlement.

19 I look forward to meeting with you and the other iwi leaders in the North in the near future.

Noho ora mai

GT(Stan) Crothers
Deputy Chief Executive