



Peace Movement Aotearoa

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Background: the government's proposals for the foreshore and seabed

In June 2003 the Court of Appeal ruled that Maori customary title to foreshore and seabed had never been legally extinguished and could be investigated by the Maori Land Court. The government's response was to say they would intervene in the legal process, and introduce legislation to make the foreshore and seabed 'public domain'.

At three national meetings, and the government's 'consultation' hui, Tangata Whenua have totally rejected the government's proposals.

So have a considerable number of non-Maori people who see the government's reaction as reflecting a colonial mind set which is simply not acceptable in this day and age.

This paper outlines some of the reasons for our opposition and provides links to more information.

Why are we opposed to the proposals?

- they are scare mongering and divisive by implying that Tangata Whenua will restrict public access to beaches unless 'public domain' legislation is introduced;

- they fail to acknowledge that since 1840 it has been private owners, exploitative commercial enterprise and government agencies, rather than Iwi and Hapu, who have denied public access to the foreshore and seabed. Tangata Whenua have not excluded others, provided wahi tapu are respected and natural resources are not damaged or depleted;

- they are a clear breach of Article II of the Treaty of Waitangi which reaffirms to Iwi and Hapu the Tino Rangatiratanga of their lands, all their possessions and everything they hold precious. If the proposed legislation goes ahead, it will be an extraordinary breach and dishonouring of the Treaty of Waitangi by the Crown;

- they are fundamentally discriminatory because the Crown has had no apparent difficulty in allowing the sale of land adjacent to the foreshore and seabed to private and foreign ownership in the past. Yet the prospect of Iwi and Hapu authority, held prior to European settlement and reaffirmed in the Treaty of Waitangi, being confirmed by the courts appears to be intolerable to the government;

- they are also discriminatory because of the different treatment being proposed for those who have private ownership of seabed and foreshore or adjacent land - negotiation and possibly compensation, as compared with the approach to customary title - confiscation and extinguishment;

- they breach domestic law (the NZ Bill of Rights Act and the Human Rights Act) and international human rights conventions and standards (including the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenant on Civil and Political Rights).

If the proposed legislation is introduced, a massive injustice will have been done, and a source of substantial conflict and justified grievance into the future will have been created. The NZ government will face international condemnation as the Australian government did over their attempts to extinguish indigenous title.

Is this a peace issue?

Yes it is. Any injustice creates social conflict and is thus a peace issue. This is particularly the case when it occurs in the context of historical and continuing oppression. Consider for example the comments of the Waitangi Tribunal in The Taranaki Report, WAI 143, on the ongoing process of colonisation:

"If war is the absence of peace, the war has never ended in Taranaki, because that essential prerequisite for peace among peoples, that each should be able to live with dignity on their own lands, is still absent and the protest over land rights continues to be made."

"Through war, protest, and petition, the single thread that most illuminates the historical fabric of Maori and Pakeha contact has been the Maori determination to maintain Maori autonomy and the Government's desire to destroy it. The irony is that the need for mutual recognition had been seen at the very foundation of the State, when the Treaty of Waitangi was signed."

While the WAI 143 Report was focussed on Taranaki, those words apply to the experience of Tangata Whenua around the country - and have particular resonance today given the government's foreshore and seabed proposals.

Is this a Maori versus non-Maori issue?

No it is not, although government and other politicians are portraying it that way. This is an issue of justice. Even the government-released analysis of the submissions on their proposals includes statements which show that many non-Maori do not support the government's plans:

"Many respondents were strongly opposed to the four principles, including almost all Maori and many non-Maori."

"Many were concerned that the principles and related proposals had been developed without the participation of Maori and accordingly represented a very mono-cultural perspective on the issues and possible solutions."

..."many non-Maori considered that the principles and related proposals constituted a major breach of the Treaty of Waitangi".

Are there positive ways forward?

Yes of course. While the mainstream media reported the complete rejection of the government's proposals at every one of their 'consultation' hui last year, what has not been reported is that Iwi and Hapu around the country have proposed ways to resolve the foreshore and seabed issue. The government has not considered any alternatives to their own proposals.

For example, at the hui last year and the Waitangi Tribunal hearings in January 2004, Hapu and Iwi representatives have said that covenants of access and non-saleability, consistent with tikanga, could be negotiated in their respective areas - this would guarantee both public access and local ownership. In contrast, under the proposed legislation the government could sell the foreshore and seabed by an Act of Parliament - this would be easy for a majority government to arrange, and provides little guarantee for the future.

A fair and long-lasting resolution on the foreshore and seabed will not be achieved by the government's current proposals. The best way forward lies within a broad-based process of constitutional change in which the government negotiates with Tangata Whenua as equal parties to the Treaty of Waitangi. To do anything less will

reveal government talk of 'partnership' as a hollow sham.

The foreshore and seabed debate could have been an excellent opportunity for non-Maori people to really think about the issues of colonisation, to learn more about the history of this country, and to move towards an understanding of why Tangata Whenua are so outraged and distressed by the government's proposals.

It could have been an excellent opportunity for a positive commitment to be made by the government to work with Tangata Whenua and other New Zealanders to genuinely honour the Treaty of Waitangi, for the benefit of us all.

Tragically it seems that, except at an individual level where some have used this debate to better inform themselves, these opportunities will not be taken. Government politicians do not seem inclined towards seeking a just and durable solution - in a Memorandum to the Waitangi Tribunal on 17 February, the Crown Law Office said the foreshore and seabed legislation is likely to be introduced to parliament towards the end of March.

By reacting as they did to the Court of Appeal ruling, and by perpetuating rather than dispelling misinformation, government politicians created the climate in which Don Brash and others now feel free to openly express racist and socially divisive views.

This is a particularly crucial time for people of good will to be working constructively for a peaceful future for Aotearoa / New Zealand - the foreshore and seabed policy could still be scrapped, please do whatever you can to make that happen.

Where you can get more information

Information on the government's proposals; the paper detailing the basic human rights breached by the foreshore and seabed policy; and a range of articles, alerts, statements, and submissions by Pakeha and Maori groups and individuals are on-line at www.converge.org.nz/pma/fsinfo.htm

No raupatu in our time! is a campaign by Pakeha who are opposed to the government's foreshore and seabed proposals. Information about the campaign and why the word 'raupatu' is used in relation to the proposals is on the web page above.

If you don't have Internet access, you can get paper copies of information on the foreshore and seabed from Peace Movement Aotearoa, PO Box 9314, Wellington.

◆ Pakeha / Taiuiwi 'support the hikoi' contact details

'Support the hikoi' contact details are available online at www.converge.org.nz/pma/hkcont.htm or from PMA. If you wish to add your, or your group's, contact details so people in your area can get in touch with each other - for example to car pool on the hikoi, or to work together on a solidarity action or event - please send them to email pma@xtra.co.nz or tel (04) 382 8129. If you want to get in touch with others for something specific, ie to offer or ask for a lift, please include that in your message.

◆ Organise a Solidarity Action

If you are not able to take part in the hikoi, it would be great if you could organise a solidarity action, in keeping with the kaupapa, in your town or city on 5 May. Details of solidarity actions will be listed online at www.converge.org.nz/pma/hksolid.htm - to have your event listed, please send the details to email pma@xtra.co.nz or tel (04) 382 8129. The more actions listed there the better - the purpose of these web pages is to show that Pakeha / Taiuiwi DO support the hikoi and the kaupapa.

Ideas for solidarity actions include those challenging the government and mainstream media deceptions about the foreshore and seabed - for information on an excellent protest on this theme, see 'Tell The Truth - Reveal All!' at www.scoop.co.nz/mason/stories/PO0404/S00055.htm

Another would be to highlight the absurdity of the government's 'open access for all' principle - if you live near the coast, you could organise an action outside your local private marina, port company ... anywhere 'open access' is blocked. Have props with you - fishing rods, surfboards, beach balls; dress in your beach or diving gear ... and banners saying why you are there. Support the kaupapa and make your point in a fun way!

And you don't need to wait until 5 May to organise an action, you could begin now and have one or more as a way of publicising what you are going to do on 5 May.

◆ Related meetings and events

As well as solidarity actions, you could organise meetings or events related to the foreshore and seabed legislation, or in support of the hikoi. Related meetings and events are listed online at www.converge.org.nz/pma/hksolid.htm - to have your event listed, please send the details to PMA.

◆ Make your views known in the mainstream media

The days prior to, during, and after the hikoi will be a particularly useful time to focus on getting your opposition to the foreshore and seabed legislation, and support for the hikoi, reflected in the mainstream media. Send Letters to the Editor of your local paper and the nationally distributed print media (contact details below), speak on talk-back radio, send out press releases ... whatever.

If you send a copy of anything you write, whether published or not, to email pma@xtra.co.nz we will add it to the 'Support the hikoi' media releases page at www.converge.org.nz/pma/hkmedia.htm and to the media releases section of the Foreshore and seabed information page at www.converge.org.nz/pma/fsinfo.htm

Contact details for 'Letters to the Editor' of nationally distributed print media are: Otago Daily Times, email odt.editorial@alliedpress.co.nz or fax (03) 474 7422; Christchurch Press, email editorial@press.co.nz or fax (03) 364 8492; The Dominion Post, email letters@dompost.co.nz or fax (04) 474 0257; New Zealand Herald, on-line www.nzherald.co.nz/letters/index.cfm?loc=leftmenu or email letters@herald.co.nz or fax (09) 373 6434; Sunday Star Times, email editor@star-times.co.nz or fax (09) 309 0258; and Listener, email letters@listener.co.nz or fax (09) 360 3831.

◆ Financial support

If you are able to make a donation to help with the costs of the hikoi, that would be much appreciated. All funds for the hikoi will be given to the organisers on the day the hikoi arrives in Wellington, or earlier if required. Please send your cheque (made payable to 'PMA Special Projects') to Peace Movement Aotearoa (PMA), PO Box 9314, Wellington together with a note stating it is for the hikoi, and with your name and address. A receipt will be sent for all donations.

Supporting the hikoi along the way

If you live in one of the towns or cities along the route of the hikoi, you are welcome to be there with your banners and messages of support as the hikoi arrives, and to march with it. You can get the hikoi schedule at www.converge.org.nz/pma/hkscdl.htm or from PMA.

Supporting the hikoi in Wellington

◆ Join the hikoi in Wellington

The hikoi will arrive at Chaffers Park around 9am on Wednesday 5 May. Soup and bread will be provided by Kokiri Marae for the people who have traveled to reach Wellington that morning, then the hikoi will set off to parliament at 10am. You can join the hikoi at Chaffers Park, along the route - Cable Street, Kent Terrace, Courtenay Place, Dixon Street, Willis Street, Lambton Quay - or in parliament grounds. At parliament there will be a range of events organised by Ngati Kahungunu including the presentation of sand from all their marae, followed by speakers, and entertainment.

◆ Bring banners and placards - see page 1 for ideas.

◆ Join the marshals team

We are putting together a team of marshals who will assist with marshalling through Wellington as directed by the hikoi organisers. If you have experience of marshalling, and can help with this, please contact PMA.

◆ Join the kai team

We are putting together a kai team to help with breakfast at Pipitea Marae on Thursday 6 May from 5-30am to 7-30am. If you can help with this, please contact PMA.

Where you can get more information

◆ For more information about the Ngati Kahungunu hikoi, see: Letter of Invitation from Ngati Kahungunu Chairman Ngahiwi Tomoana at www.converge.org.nz/pma/hkltr.doc * Ngati Kahungunu Time line of events 1993-2004 at page at www.converge.org.nz/pma/hkltl.htm * 'The Crown Baselines for Legislation on the Foreshore and Seabed - An Analysis' by Moana Jackson at page at www.converge.org.nz/pma/fs010404.htm and * 'Decoupling the Treaty and the Iwi Summary Analysis of the Government's Final Foreshore and Seabed Legislative Framework as Released on 7 April 2004' by Moana Jackson at www.converge.org.nz/pma/fs080404.htm

◆ For more information about Pakeha / Taiuiwi support for the hikoi, see the 'Support the foreshore and seabed hikoi' web pages at www.converge.org.nz/pma/hikoi.htm

◆ For more information about Pakeha / Taiuiwi opposition to the government's foreshore and seabed legislation, see the Backgrounder at www.converge.org.nz/pma/foreshore01.pdf and 'Government foreshore and seabed policy breaches basic human rights' at www.converge.org.nz/pma/fsbreach01.pdf

◆ For more information about the government's foreshore and seabed proposals and legislation, see the Foreshore and seabed information page at www.converge.org.nz/pma/fsinfo.htm

We welcome any ideas you have on additional ways Pakeha / Taiuiwi can support the hikoi, please send them to email pma@xtra.co.nz or tel (04) 382 8129 so they can be shared with supporters around the country.

If you do not have internet access, or would prefer paper copies of any documents referred to in this leaflet, please contact PMA.

Pakeha / Taiwi Statement on the Foreshore and Seabed Legislation

To all Labour, Progressive Coalition, and New Zealand First Members of Parliament,

As the foreshore and seabed hikoi moves towards Wellington, we the undersigned Pakeha / Taiwi add our voices to those of Ngati Kahungunu and others who are opposed to the foreshore and seabed legislation.

We support the hikoi, and all peaceful protest by Maori acting to protect what is rightfully theirs.

The foreshore and seabed legislation is a confiscation, no different than the confiscations inflicted by colonial administrations in the nineteenth century. The harm caused by those past confiscations has been acknowledged in recent years, apologies have been made, and settlements have been negotiated in recognition of those historical injustices. Repeating the mistakes of the past cannot be a productive way forward.

Furthermore, the legislation violates basic human rights including the right of access to, and protection of, the law; the right to own property and not be arbitrarily deprived of it; the right to freedom from racial discrimination; the right to enjoy one's own culture; the right to development; and the right to self-determination.

The legislation is a serious breach of Articles II and III of the Treaty of Waitangi. It is a violation of domestic law including the Bill of Rights Act and Human Rights Act; and of international human rights standards and conventions including the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights. It clearly goes against developing international human rights law with respect to the human rights and fundamental freedoms of Indigenous Peoples, as articulated for example in General Recommendation XXIII of the United Nations Committee on the Elimination of Racial Discrimination.

We do not agree with your claims that the legislation is in the best interest of all New Zealanders - clearly it is not in the best interests of Maori, nor do we consider it to be in our best interests. If passed, it will be a source of serious conflict and justified grievance into the future. As well, your readiness to violate the basic human rights of one group of New Zealanders is threatening to us all.

We endorse the stand taken by those few Labour Members of Parliament who are opposing the foreshore and seabed legislation.

We call on you to vote against this inherently unfair, unjust and unnecessary legislation. Its fundamental flaws are clearly outlined in the Waitangi Tribunal WAI 1071 Report. We urge you to read the Report and to follow the Tribunal's "primary and strong" recommendation - go back to the drawing board and engage in proper negotiations with Maori about the way forward.

If you follow this path, you will be remembered by future generations as someone who stood against this gross travesty of justice and who acted with integrity to ensure a peaceful future for us all.

This statement will be posted to the Members of Parliament to arrive on the day the foreshore and seabed hikoi begins. To sign, please fill in your details below and post to Peace Movement Aotearoa (PMA), PO Box 9314, Wellington or email to pma@xtra.co.nz The name, town/city, and title etc, of each person who signs will be listed online at www.converge.org.nz/pma/hksigs.htm If you do not want your details included there, please tick here [] You can get more copies of this statement online at www.converge.org.nz/pma/hksign.htm or from PMA. Information about the foreshore and seabed hikoi is at www.converge.org.nz/pma/hikoi.htm **Final deadline for signing is Friday 30 April 2004.**

Name:

Address:

Title / Occupation / Position and Organisation (optional):



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Support the foreshore and seabed hikoi!

"The legislation is regrettably even worse than feared. It ignores all of the concerns which Maori have raised about the issue and involves not just a taking of the coastline from Maori but also a very real restriction on our tikanga and our rights under international law and the common law." (Ngahiwi Tomoana, Chairman, Ngati Kahungunu Iwi Incorporated).

On 3 May, a hikoi organised by Ngati Kahungunu and involving other Iwi and organisations will begin. The hikoi is one of a number of strategies to express the ongoing opposition to the government's plans for the foreshore and seabed.

The hikoi will travel in vehicle convoy through Ngati Kahungunu from Wairoa to Wellington; participants will march through each town and hold rallies en route. The hikoi will arrive in Wellington on 5 May, and remain overnight. There will be other hikoi leaving from different parts of the country to arrive on 5 May too.

It is very important that the hikoi be supported by Pakeha / Taiwi organisations and individuals. Opposition to the government's foreshore and seabed proposals has been portrayed by politicians and the mainstream media as coming only from Maori. We know that this is not true - visible non-Maori support for the hikoi will demonstrate this.

This leaflet provides information on some of the ways you can support the hikoi. There are four sections: supporting the hikoi wherever you are; supporting the hikoi along the way; supporting the hikoi in Wellington; and where you can get more information.

Supporting the hikoi wherever you are

◆ Sign the Pakeha / Taiwi Statement

Sign on to the Pakeha / Taiwi statement on the foreshore and seabed legislation which is included on the back of this leaflet. Please contact Peace Movement Aotearoa (PMA) if you would like more copies of the statement.

◆ Join the hikoi

Everyone who is supportive of the kaupapa is welcome to join the hikoi, for all or part of the journey. The schedule is available online at www.converge.org.nz/pma/hkscdl.htm or from PMA. If you are joining the hikoi, you will need to be as self-sufficient as possible - bring your own bedding, towel, personal items, any medication you need, warm clothing, and so on. Please make your own transport and accommodation arrangements as first priority for these will be given to kaumatua.

◆ Bring banners and placards

Please bring banners and placards which promote and support the kaupapa of the hikoi. Some ideas for wording are: Honour the Treaty; No confiscation [or raupatu] in our time; No Treaty breaches on the beaches; No human rights breaches on the beaches; Raupatu [or confiscation] is SO nineteenth century; Foreshore legislation - unfair, unjust and unnecessary; Pakeha [or Taiwi or non-Maori] say NO to the foreshore and seabed legislation, Foreshore legislation is outright theft, Negotiation not expropriation ...