

To sign this statement, return the form below. If you want to keep this copy of the statement, just email or telephone your details to Peace Movement Aotearoa (PMA). **The signing deadline is Friday 30 April.**

Please circulate this statement through your networks for others to sign - a text version for easy email circulation is available from PMA. The statement is online at [www.converge.org.nz/pma/hksign.htm](http://www.converge.org.nz/pma/hksign.htm) and a print off form will be available there soon. Paper copies of the statement as a single-sided A4 page, and of this leaflet, are available from PMA - just let us know how many you would like and provide your postal address so we can post them to you.

More information about the foreshore and seabed legislation is online at [www.converge.org.nz/pma/fsinfo.htm](http://www.converge.org.nz/pma/fsinfo.htm) For more information about ways you can support the foreshore and seabed hikoi, see the web pages at [www.converge.org.nz/pma/hikoi.htm](http://www.converge.org.nz/pma/hikoi.htm)

Name:

Address:

Title / Occupation / Position and Organisation (optional):

The name, title etc details if provided, and town / city (but not the full postal address) of each person who signs will be listed at [www.converge.org.nz/pma/hksigs.htm](http://www.converge.org.nz/pma/hksigs.htm) If you do not want your details online, please tick here [  ]. All details of everyone who signs will be typed out and attached to the statement when it is posted to the Members of Parliament.



*Peace Movement Aotearoa*

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# Foreshore and seabed - moving forward or going backwards?

In June 2003 the Court of Appeal ruled that Maori customary title to the 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 four national meetings, and the government's 'consultation' hui, Maori have totally rejected the government's proposals.

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

In March 2004 the Waitangi Tribunal Report on their Urgent Hearings into the Crown's Foreshore and Seabed Policy (WAI 1071) was released. The Tribunal found that the policy breaches the Treaty of Waitangi in "*fundamental and serious*" ways that give rise to "*serious prejudice*". They also found that ... "*the policy fails in terms of wider norms of domestic and international law that underpin good government in a modern, democratic state. These include the rule of law, and the principles of fairness and non-discrimination.*"

The Tribunal did not seek "*to suggest changes to the details of the policy, as we think changes to details would not redeem it.*" Their "*primary and strong*" recommendation to the government was that they should "*go back to the drawing board and engage in proper negotiations about the way forward*". The government has ignored the Tribunal's recommendations.

The government has also ignored proposals for resolving this in a fair and just way. For example, at the hui last year and the Waitangi Tribunal hearings earlier this year, Hapu and Iwi representatives 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 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.

In April 2004 the government introduced the foreshore and seabed legislation. As Ngahiwi Tomoana (Chairman, Ngati Kahungunu Iwi Incorporated) has said: *"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."*

This statement is a Pakeha / Taiuiwi response to the legislation. It will be posted to reach the Labour, Progressive Coalition, and New Zealand First Members of Parliament on the day the foreshore and seabed hikoi to parliament begins - just before the first reading of the Foreshore and Seabed Bill in early May. If you wish to add your name to the statement, please fill in and return the form on the back of this leaflet.

**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 / Taiuiwi 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.