

Where you can get more information

Information about the government's reaction to the Court of Appeal ruling, their original proposals and current policy framework, is available on-line at <http://www.converge.org.nz/pma/fsinfo.htm>

Included there are: Peace Movement Aotearoa (PMA) alerts and updates including the paper outlining the way the policy breaches basic human rights; the Pakeha Open Letter to Helen Clark, Margaret Wilson and Michael Cullen; statements and backgrounders written by The Maori Law Commission, Moana Jackson, Ngati Kahungunu, and others which give Tangata Whenua perspectives; media releases and media reports, submissions on the proposals and statements by Pakeha individuals and groups; and links to Maori submissions.

No raupatu in our time!

'No raupatu in our time' is a campaign by Pakeha / Tauwiwi 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 government's plans, is available from PMA, address below, or at <http://www.converge.org.nz/pma/fs281003.htm>

Wear the 'No raupatu in our time' badge to show what you think about the government's plans! The badge has a black background, with 'No raupatu' in white, 'in our time' in red; they are: \$2 each (for orders of up to 20) + 50c p&p per order; \$1-75 each (for orders of 20 to 50) + \$2 p&p per order; or \$1-50 each (for orders of 50 or more)+ \$3 p&p per order. Send a note with your name and address, the number of badges you want and your cheque (made payable to Peace Movement Aotearoa) to PMA. Print off forms are at <http://www.converge.org.nz/pma/fsbadge.htm>



Peace Movement Aotearoa

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What do you think about the government's plans for the foreshore and seabed?

Are they fair, or are they discriminatory?

Are they a solution, or will they be a source of conflict into the future?

When the Court of Appeal ruled in June 2003 that Maori customary title to foreshore and seabed had never been legally extinguished and could be investigated, 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 Pakeha who see the government's reaction as reflecting a colonial mind set which is simply not acceptable in this day and age.

This leaflet outlines some of the reasons for our opposition and provides links to more information, including 'No raupatu in our time!' - the campaign by non-Maori who are opposed to the government's proposals.

Why are we opposed to the government's proposals?

- ◆ they are scare mongering and divisive by implying that Maori 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 ownership, 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 now being proposed for those who currently have private ownership of seabed and foreshore - 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 when they attempted to extinguish indigenous title.

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 basic 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 current foreshore and seabed debate is an excellent opportunity for a positive commitment to be made by the Crown and local government to work with Tangata Whenua and other New Zealanders, and to genuinely honour the Treaty of Waitangi, to the benefit of us all.