

**SUBMISSION FORM**

Terms of reference for the review of the Foreshore and Seabed Act 2004 and an issues paper were recently released. A copy of these can be found at [www.justice.govt.nz/ministerial-review/](http://www.justice.govt.nz/ministerial-review/).

If you wish to send us your views on the matters raised in the issues paper then you can make a submission by either filling out this form, or writing to the review panel. You need to send your submission by **19 MAY 2009** either by:

- post to:  
Foreshore and Seabed Review  
Ministry of Justice  
PO Box 180  
Wellington 6140  
New Zealand
- email to: [foreshorereview\\_submit@justice.govt.nz](mailto:foreshorereview_submit@justice.govt.nz)

Oral submissions will be heard at public meetings and consultation hui. A timetable for these meetings can be found on the website.

The submission form has been designed to assist you with making a written submission on the questions raised in the issues paper. You do not have to use this submission form to make a submission, nor do you have to address all the questions in the issues paper. If you would like further assistance in making a detailed submission, please consult the discussion document on the Foreshore and Seabed Act.

This Word version of the submission form has room for you to type your responses. Just click on the box to indicate your response or type on the grey highlighted sections in the answer box and the space to type will expand as required.

If you have any questions about how to make a submission, please email [foreshorereview@justice.govt.nz](mailto:foreshorereview@justice.govt.nz)

**Your submission may be made publicly available**

The government is subject to the Official Information Act 1982. Copies of submissions sent to us will normally be released in response to an Official Information Act request from a member of the public.

If you do not wish your name and any identifying details in your submission to be recorded in the summary of submissions or released in response to an Official Information Act request, please clearly state this in your submission. At your request, we make your submission anonymous in the summary of submissions and remove your name from the list of submitters before they are published on the review website.

If you object to the release of any information contained in your submission, please clearly state this in your submission. We will consider any confidentiality requests in relation to information supplied on these forms in accordance with the grounds for withholding information outlined in the Official Information Act. You can view a copy of the Act on the New Zealand Legislation website: [www.legislation.govt.nz](http://www.legislation.govt.nz).

**Your details**

<b>Name</b>	Christian World Service
<b>Address</b>	PO Box 22 652, Christchurch 8142
<b>Email</b>	<a href="mailto:gillian.southey@cws.org.nz">gillian.southey@cws.org.nz</a>

**Interest in the Foreshore and Seabed review (please indicate in all relevant boxes)**

Community Group	<input type="checkbox"/>	Recreational	<input type="checkbox"/>	Marine Interests	<input type="checkbox"/>
Local Government	<input type="checkbox"/>	Māori Interests	<input type="checkbox"/>	Farming	<input type="checkbox"/>
Conservation/Environment	<input type="checkbox"/>	Educational Institute	<input type="checkbox"/>	Tourism	<input type="checkbox"/>

Other Interest  (Please specify) churches' development agency

**Are you completing this submission-**

For yourself	<input type="checkbox"/>	On behalf of an organisation/group	<input checked="" type="checkbox"/>
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If on behalf of a group, please specify who:  
Christian World Service

**Please identify which of the following categories describes you. NB: If you are completing this on behalf of a group, please identify the categories which best reflect the people you represent.**

**Ethnicity**

European/Pakeha	<input checked="" type="checkbox"/>	Māori	<input type="checkbox"/>	Pacific Island	<input type="checkbox"/>
Asian	<input type="checkbox"/>	Other (please specify)	<input type="checkbox"/>		

**Age**

Under 30	<input type="checkbox"/>	30-49	<input type="checkbox"/>	Over 50	<input checked="" type="checkbox"/>
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**Sex**

Male	<input type="checkbox"/>	Female	<input checked="" type="checkbox"/>
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**Privacy and Official Information Act**

I would like my submission to be anonymous in the summary of submissions

I request that information supplied in this form be kept confidential.

If yes, please list reasons for withholding information below:

**SUBMISSION**

Are you making this submission in relation to: [please indicate in all relevant boxes]

- Issue a) Whether the tests and procedures are appropriate;
- Issue b) What should happen to the current Foreshore and Seabed Act; or
- Issue c) How well the Foreshore and Seabed Act relates to other coastal area management law?
- Other

**STATEMENT OF POSITION**

- Christian World Service made submissions on the Foreshore and Seabed Bill on the basis that it:
- Is disrespectful in its attitude and processes of Maori as tangata whenua and of the partnership between the Crown and iwi and hapu
  - Is in breach of Te Tiriti O Waitangi
  - Denies human rights guaranteed in agreements signed by the New Zealand government.
  - Is unjust in its provisions for Maori.

CWS also supported submissions on the Universal Periodic Review which specifically outline the manner in which it and other groups identify that the Foreshore and Seabed Act 2004 breaches the Treaty and human rights, especially for iwi and hapu. On this basis our organisation welcomes this opportunity to reconsider the existing legislation although the time constraints once again make it difficult to realise a solution that is mutually agreeable to both Treaty partners.

In the first instance it is our observation that the Act undermines customary rights and the interests of iwi and hapu. At the same time it did not change those rights pertaining to titles held fee-simple thus discriminating against Maori. At its core we believe the Act violated Te Tiriti O Waitangi, the fundamental agreement on which governance is based. Because the previous government did not recognise the customary rights and interests of Maori as a basis for the legislation but rather assumed Crown ownership the efforts to resolve the perceived problem began on the wrong foot. CWS continues to support the need for constitutional reform that guarantee Maori the rights and sovereignty outlined in Te Tiriti O Waitangi.

In terms of the issues raised for consideration CWS supports the need to recognise the customary rights of Maori as a fundamental principle in this review of the legislation. Negotiations over public access ought to be undertaken with those who hold mana whenua without an onerous or almost impossible process as outlined in section 32 of the Act. As an organisation we do not have expertise in legal matters but are aware of many situations where traditional access to the coastal marine area has been ignored in other parts of the world and caused considerable harm to local populations who depend on it for their livelihood. While this loss of livelihood may not always be the case for Maori it does not negate their vested interest in the future of their traditional responsibilities towards the coastal marine area. In our opinion it is most appropriate that iwi and hapu reach their own consensus about whether this needs to be recognised through the government's court system and the form that such title might take.

To this end we trust that the Review Panel give adequate time to canvassing the varying perspectives of whanau, hapu and iwi with a view to building a consensus among Maori as to a fair and just way forward that ensures that customary rights are upheld and the coastal marine area managed sustainably. The benchmark for determining customary title best lies with a representative group of iwi and hapu who have the capacity to explore the parameters under consideration and then if appropriate recommend suitable legislation. Maori have shown their unity in opposition to the Act and they should now be given the opportunity to propose a way forward.

Christian World Service is the development, justice and aid agency of New Zealand churches. Currently CWS funds development programmes in over 20 countries, provides emergency relief aid to those in need in places like Sri Lanka and Darfur. It is committed to honouring Te Tiriti O Waitangi and 'working alongside Maori for a just and equitable society.' (from Partnership and Letting Go).

We are happy to answer any questions about this submission.