



Women's International League for Peace and Freedom

United Nations Consultative status with ECOSOC, UNESCO and UNCTAD
Special relations with the ILO, FAO, UNICEF, and other UN organisations and agencies

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Submission to the Maori Affairs Committee

Marine and Coastal Area (Takutai Moana) Bill 2010

19 November 2010

The Women's International League for Peace and Freedom (WILPF) has three branches in Aotearoa New Zealand and we are part of an international organisation which works for peace, justice and human rights locally, regionally and internationally.

In Aotearoa, while we are a mainly Pakeha / tauwiwi organisation, we do have a number of Maori members who are involved in our activities and support our aims. We believe that it is not possible to have a peaceful world when there is injustice, discrimination, exploitation and inequality.

We wish to appear before the Committee to speak to this submission in Auckland or in Wellington.

We acknowledge the positive aspects of this Bill such as:

- the repeal of the 2004 Foreshore and Seabed Act,
- removal of the vesting of the foreshore and seabed in the Crown, and
- the restoration for Maori of the right of access to the Courts.

Although the Bill repeals the 2004 Act it does not remove the discrimination and inequalities within that Act - it just uses new language for these.

It eliminates the idea of vesting the seabed and foreshore in the Crown, but the Bill still confiscates iwi and hapu land as it vests their interests in a 'common space' as established by the Crown. This 'common space' refers to areas supposedly owned by nobody, however the Crown asserts extensive rights and authority over it, and the concept only applies to land belonging collectively to Maori. The Bill specifically excludes foreshore and seabed areas held by others under private title.

The Bill has specific provisions for absolute Crown ownership of certain minerals in the 'common space' with the associated power to grant licenses for those minerals. It thus asserts ownership rights over an area that no one is supposed to own. The Crown should have to prove ownership of such resources and foreshore and seabed areas just as it is trying to require hapu and iwi to do.

It is outrageous that a time frame of six years has been set for Maori to lodge their 'customary title or 'right' claim. A right should not be limited in this way.

This Bill is discriminatory and unjust, and is in continuing breach of the Treaty of Waitangi (the Treaty) and other relevant international human rights instruments such as the International Convention on the Elimination of Racial Discrimination, the New Zealand Bill of Rights Act and the Human Rights Act.

The Bill clearly does not “protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resource” as outlined in, for example, the Committee on the Elimination of Racial Discrimination General Recommendation No 23 on Indigenous Peoples.

We are concerned about the consequences for iwi and hapu who have essentially been given a ‘take it or leave it’ ultimatum by the government – if they do not accept the provisions of the Bill, and rightly so, it will mean that the status quo of the 2004 Act will remain and it may then take many years for these injustices to be corrected.

WILPF recommends that the Foreshore and Seabed Act be repealed, and that proper consultation with hapu and iwi must take place before any replacement legislation is enacted, especially as there is considerable doubt about the extent to which the Bill reflects their views. The full restoration of tino rangatiratanga over foreshore and seabed areas is the only resolution that would be consistent with the Treaty, with domestic human rights legislation and with the government’s obligations under international law.

Thank you for your attention to our submission.