

Speech for ILG Chair Mark Solomon for the Hui a Iwi Convened on 4th June 2010

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Mihimihi

I am standing today as the Chair of the Iwi Chairs working group on the foreshore and seabed. But first, I would like to speak as simply a member of Ngāi Tahu Whānui.

In 2003, I watched as New Zealand was whipped to fever pitch by politicians and the media about access to the beaches.

In 2004, I joined the hīkoi to march against Iwi Māori becoming second class citizens in our ancestral lands, for the umpteenth time in our history since colonization.

In 2004, I was quietly optimistic as Ngāi Tahu as part of the Treaty Tribes Coalition started our journey through the United Nations. I was hopeful not for the current generation achieving justice, but for establishing pou that future generations could rely on to achieve a fairer future.

In 2005, I felt vindicated when the United Nations first pronounced that the Foreshore and Seabed Act was discriminatory against Māori.

In 2006 and 2007, I felt as though the pou for future generations was firmly in the ground and would support the advocacy of future generations as the United Nation successively found the 2004 Act was discriminatory and should be reviewed.

In 2008, I celebrated the Māori Party securing the government's commitment to review the Foreshore and Seabed Act, and acknowledge that their championing of the issue has moved the cause of justice forward a generation.

In 2009, I welcomed the considered and deep inquiry and report of the Ministerial Review Panel on the Foreshore and Seabed Act, and its findings that the Act was wrong and should be repealed.

In 2010, I stood at Ōnuku and talked about the importance of Ngāi Tahu histories and futures meeting, that our relationship with our rohe moana has defined us over the generations and will continue to do so.

I described our relationships with the Tītī Islands, that many of you will have had full puku's from. I recalled the way my tupuna Whakatau granted and withheld authority for the construction of whaling stations.

I applauded the Attorney General for his courage and commitment to principle in seeking to repeal the 2004 Act. I also asked him to reconsider the Crown proposal for the replacement framework.

Today, as Chair of the ILG working group, my role is to introduce the report back on our work over the previous few months and what we understand the current Crown proposal to be. In doing so, I am guided by two fundamental truths;

1. That each Iwi has their own histories, priorities and aspirations, like I have as a member of Ngāi Tahu Whānui. Every Iwi or hapū or whānau has bottomlines that are uniquely theirs, and that is the simplest definition of our respective mana – the right to be responsible for our own futures on our own terms; and
2. That my role within Ngāi Tahu is to build an inheritance for future generations that does them justice, to leave for them a future that is theirs to define, enjoy and build upon.

I can't provide a simple answer as to whether the work that has been done by the working group, or the movement the Crown has made since the consultation hui meets those two fundamental truths.

The first, because that is the role of each Iwi and hapū and whānau to determine whether it meets their and your expectations. The second, because my visions for my mokopuna will accept no compromise.

In this context however, compromise is inevitable, just as it is in all our Settlement negotiations. In the Ngāi Tahu Settlement, we accepted 2 cents in the dollar for our losses and the return of "small and discrete areas" from within our landscape that has indelible cultural significance across the full extent of our Takiwā. Resolving the foreshore and seabed will similarly take pragmatism and compromise.

The question is where the line is between constructive pragmatism and betraying the legacy we leave to future generations.

For Ngāi Tahu, the outcome we are seeking is that our relationship with our foreshore and seabed is provided for on our terms. We want a framework that recognises our mana. A framework that enables us to exercise our mana, maintain our relationships with the foreshore and seabed on our terms, and in ways that reflect our histories and traditions.

Our line is that we cannot accept the injustices and accidents of history determining whether our mana is recognised over the foreshore and seabed.

But, we do not want to return to grievance mode. 12 years ago, we settled and transitioned into a "new age of co-operation" with the Crown.

To me, settling took courage – it took the courage to say yes and that brings with it enormous responsibility. Now, Ngāi Tahu, as for every Iwi, will need to show a comparable degree of courage to answer the Crown's revised proposal in the affirmative or negative.

The purpose of today is to wānanga where the Crown's revised approach is against that line of constructive pragmatism and betraying the legacy we leave to future generations. The question for us all today is:

- is there a shared view on the Crown's revised proposal?

And, what advice can or should the iwi leaders working group present to government?

In May, the Iwi Chairs gathered at Ōnuku and passed the following resolutions, that:

- a. The Crown's April 2010 proposal for the replacement to the Foreshore and Seabed Act is not acceptable on the grounds that we consider there is a consensus amongst iwi and hapū to reject certain elements of the proposal. Specifically, we adopt the following positions;
 - i. That the public domain is unacceptable because it perpetuates inequality between private title and Iwi/hapū/whānau property rights;
 - ii. That the aboriginal title framework for recognising the inherent rights of Iwi/hapū/whānau is unacceptable because it superimposes common law improperly over tikanga and Te Tiriti;
 - iii. As a corollary to rejecting an aboriginal title framework, the tests formulated are unacceptable because they are designed as a statutory codification of the common law; and
 - iv. That the awards proposed are inadequate as they do not allow for the full expression of mana, rangatiratanga and kaitiakitanga.
- b. The Iwi Chairs Forum affirm their support for the Iwi Leaders Group to continue engaging with the Crown on the replacement framework;
- c. The Iwi Chairs Forum directs the Iwi Leaders Group to maintain and present to the Crown the following principles for the replacement framework;
 - i. That the nature of Iwi/hapū/whānau rights and relationships with the foreshore and seabed be determined solely in accordance with tikanga and Te Tiriti of Waitangi;
 - ii. That the mana and kaitiakitanga of Iwi and hapū is inherent, and giving expression to the mana and kaitiakitanga of all Iwi and hapū is fundamental to any replacement framework; and
 - iii. That a bold and creative approach is needed to bring about a new and innovative way of providing for the expression of the inherent mana of Iwi and hapū.

The Iwi leaders working group presented those resolutions to the Prime Minister and Attorney General, and I believe that those resolutions have propelled some changes to the Crown's approach.

The question for us today is whether we can discuss, debate and exchange ideas to come to some shared views that will take us forward, as Iwi katoa and satisfy our respective responsibilities to our people and future generations.

I believe our job is to be courageously cautious, to have the courage to move forward but to be as cautious as we can in delivering the best outcome for future generations.

Everyone here has been part of transforming New Zealand and the place of Iwi Maori within our nation. I know you are here to continue the bold building of our people and our common future. We all have different histories, traditions and ways of achieving a common goal; our respective tino rangatiratanga within our rohe.

Kotahitanga has led us here.

Kotahitanga took us to the Waitangi Tribunal together.

Kotahitanga brought 40,000 people onto the steps of Parliament.

I have to trust that kotahitanga will endure whatever happens with the foreshore and seabed.

We have a short presentation that provides a report back on work to date and our understandings of the Crown proposal, after which, the floor is open for all.