

TE OHU
KAIMOANA



Maori Customary Fishing Rights in the modern New Zealand Context



Torres Strait

8th April 2014

Ka hua ki tai - Ka ora ki uta
a bountiful sea will sustain us

Maori Society

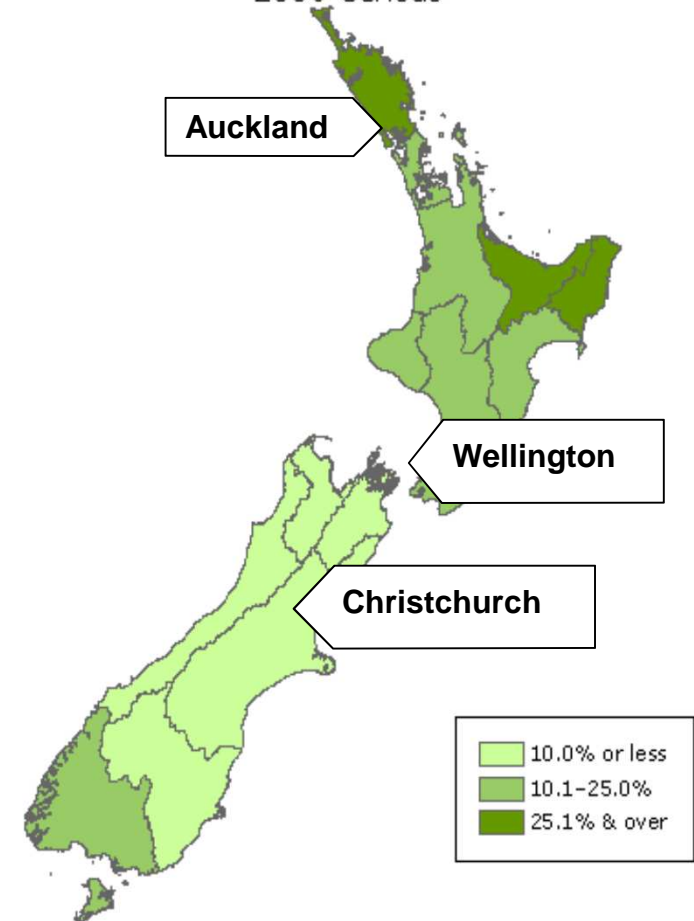
Iwi (tribes)

- 57 individual tribes make up 10 tribal kinship waka groupings
- A single Maori language (Te Reo) but many unique tribal dialects
- Each tribe is recognised for its uniqueness (physical surrounds, distinctive culture) and autonomy
- Maori traditionally defended their tribal areas (rohe)

Maori society – urban drift

- Maori population ~ 690,300
- 15.25% of the total NZ population 4,524,000
- 87% of Maori live in the North Island
- 25% live in Auckland
- 84% in urban areas

Proportion of Māori Ethnic Population by Region
2006 Census



Nature of Right

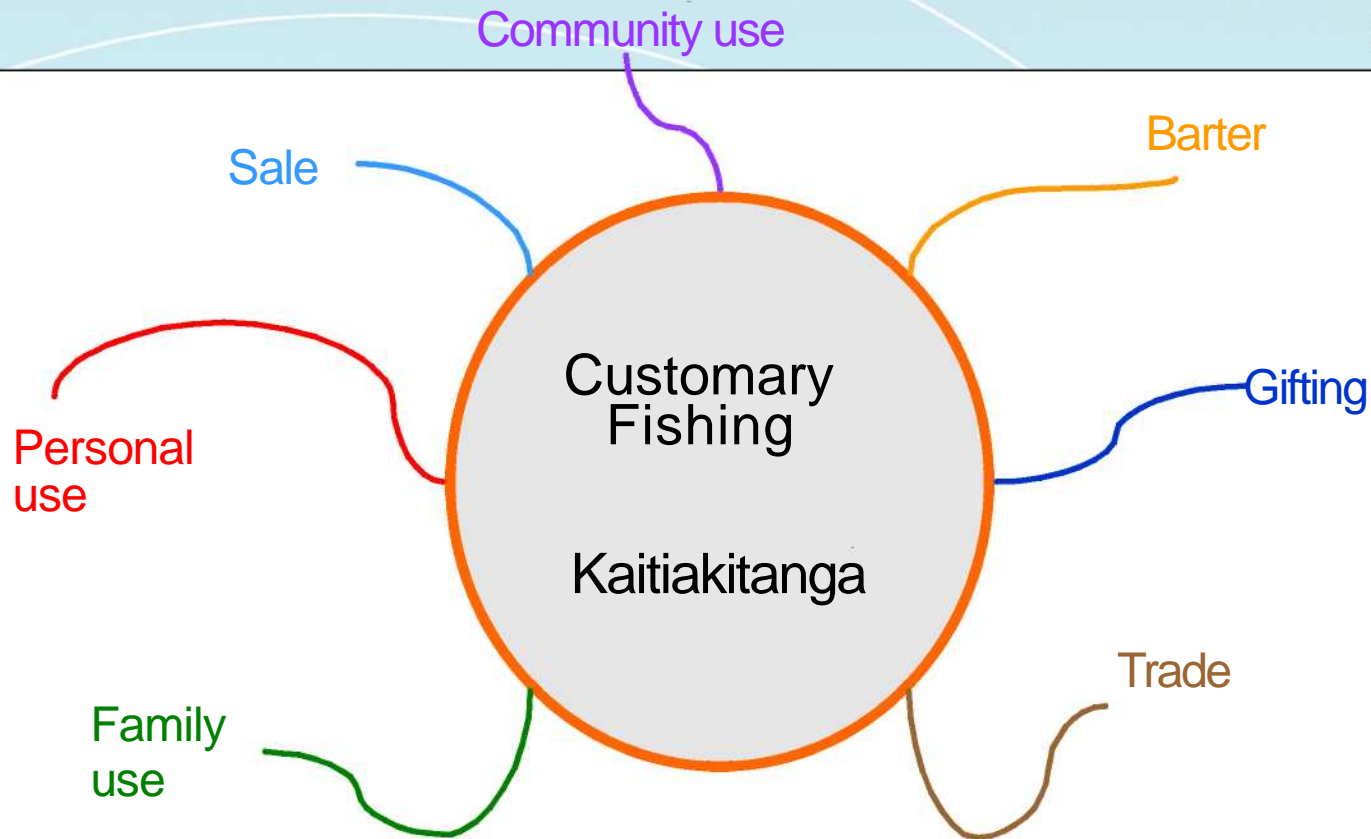
“I am satisfied that there is a strong case that before 1840 Maori had a highly developed and controlled fishery over the whole of the coast of New Zealand, at least where they were living.

That was divided into zones under the control and authority of hapu and tribes of the district. Each of these hapu and tribes had the dominion, perhaps the rangatiratanga, over those fisheries.

Those fisheries had a commercial element and were not purely recreational or ceremonial or merely for the sustenance of the local dwellers”.

Justice Greig, NZ High Court 1987

Maori Customary Fishing rights



Customary Fisheries Rights – what the Settlement recognised

- Customary fishing included commercial and non-commercial elements
- In all cases not just historical; past, present and future use
- Not limited by technology – allowed full development options as for other fishers
- Not limited in time - rights in perpetuity
- Able to have say in development and protection
- 20% of Aquaculture space rights (from 1992)

History - Fisheries Settlement

1986

Quota Management System (QMS)

10% of all quota (26 species)

NZ\$10 million

1989

Interim Settlement

1992

Final Settlement

20% of new quota (96)

NZ\$150 million to buy

½ of Sealords → Nissui

Non-commercial tools

1998/9

implementation

2004

Agreement on Allocation

implementation

≈ NZ\$700 million

Te Ohu Kaimoana

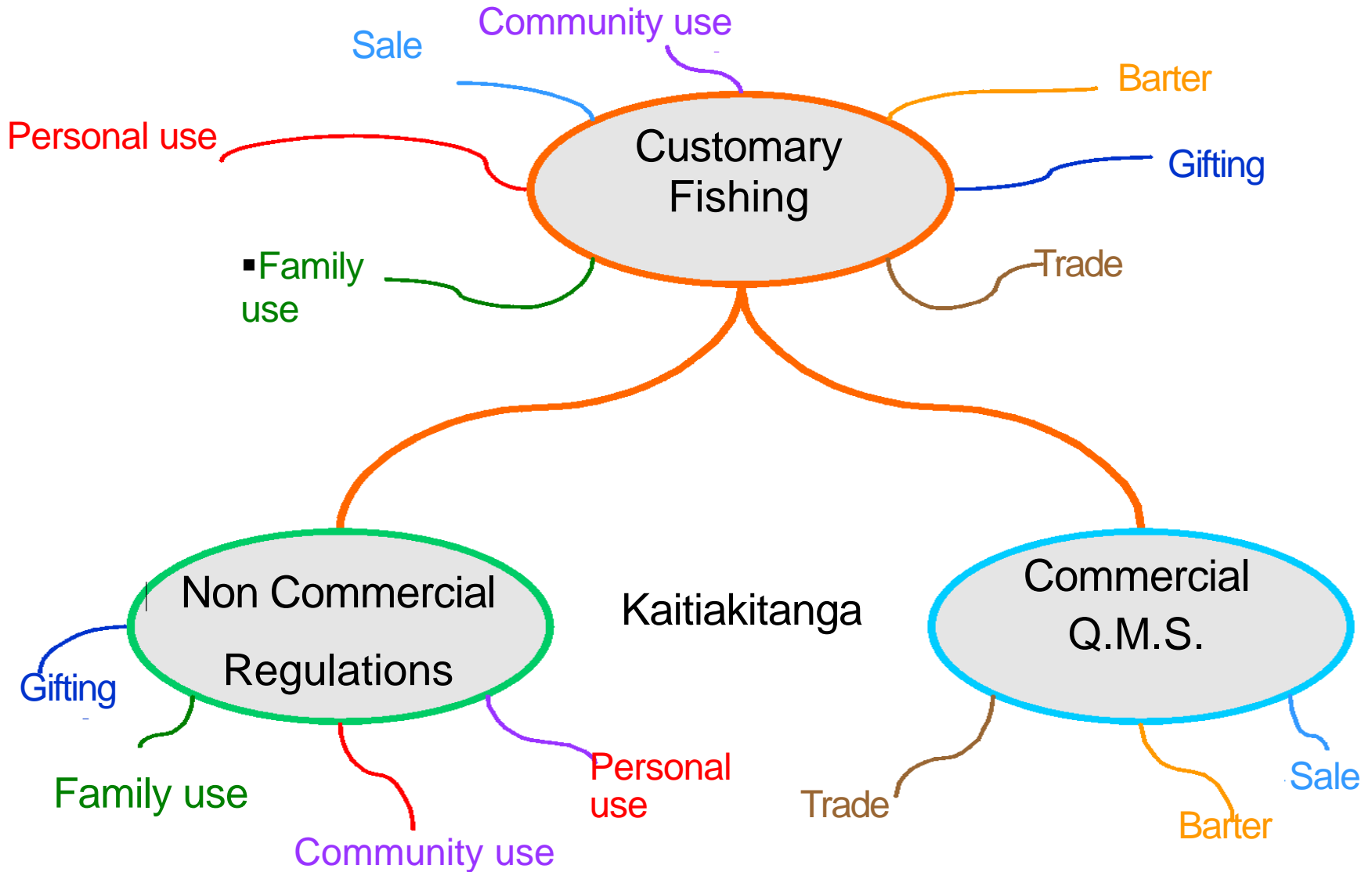
Aotearoa Fisheries Ltd

Tribal allocations

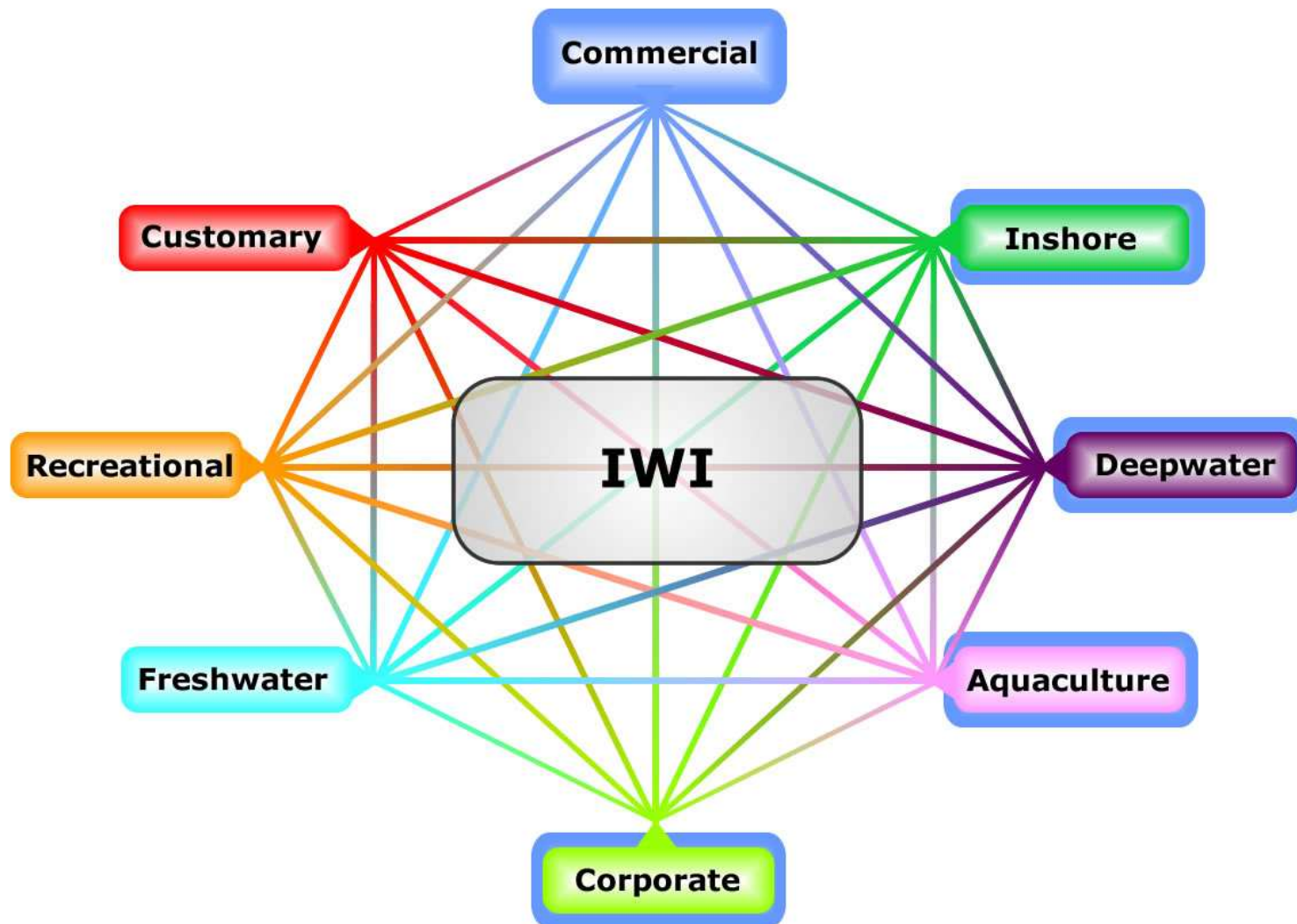
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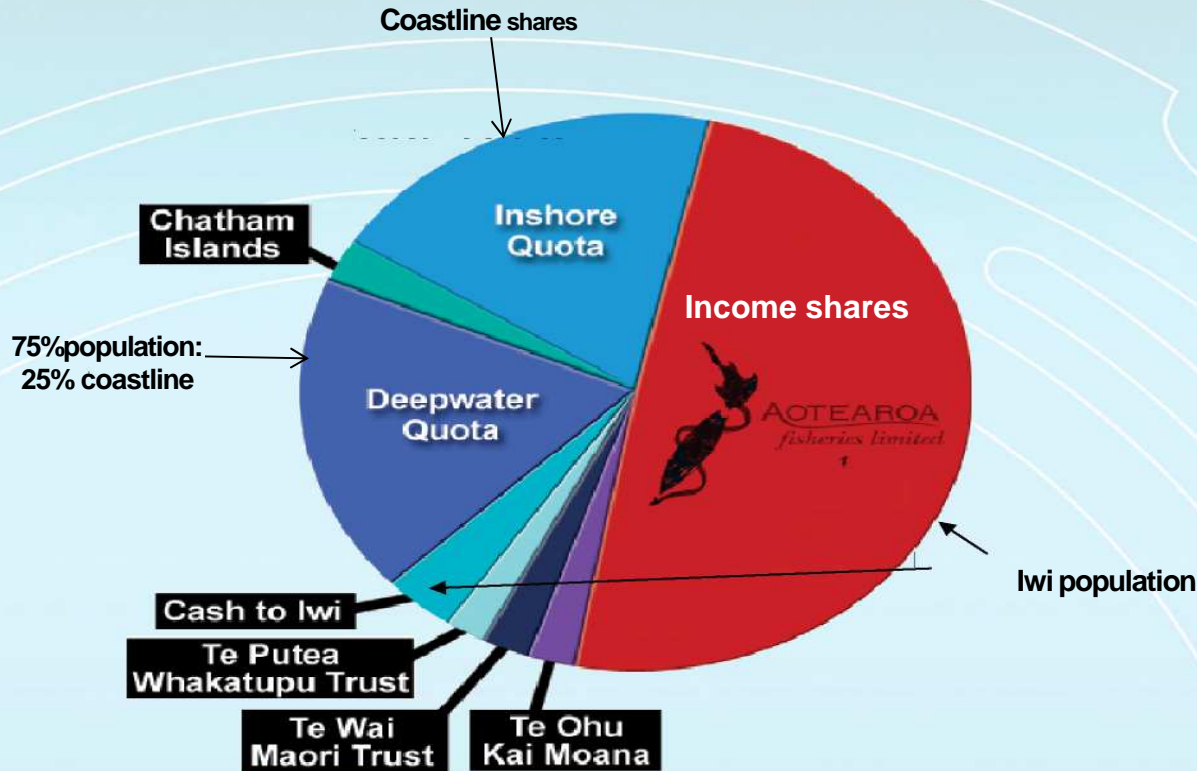
Translation of customary rights into Settlement



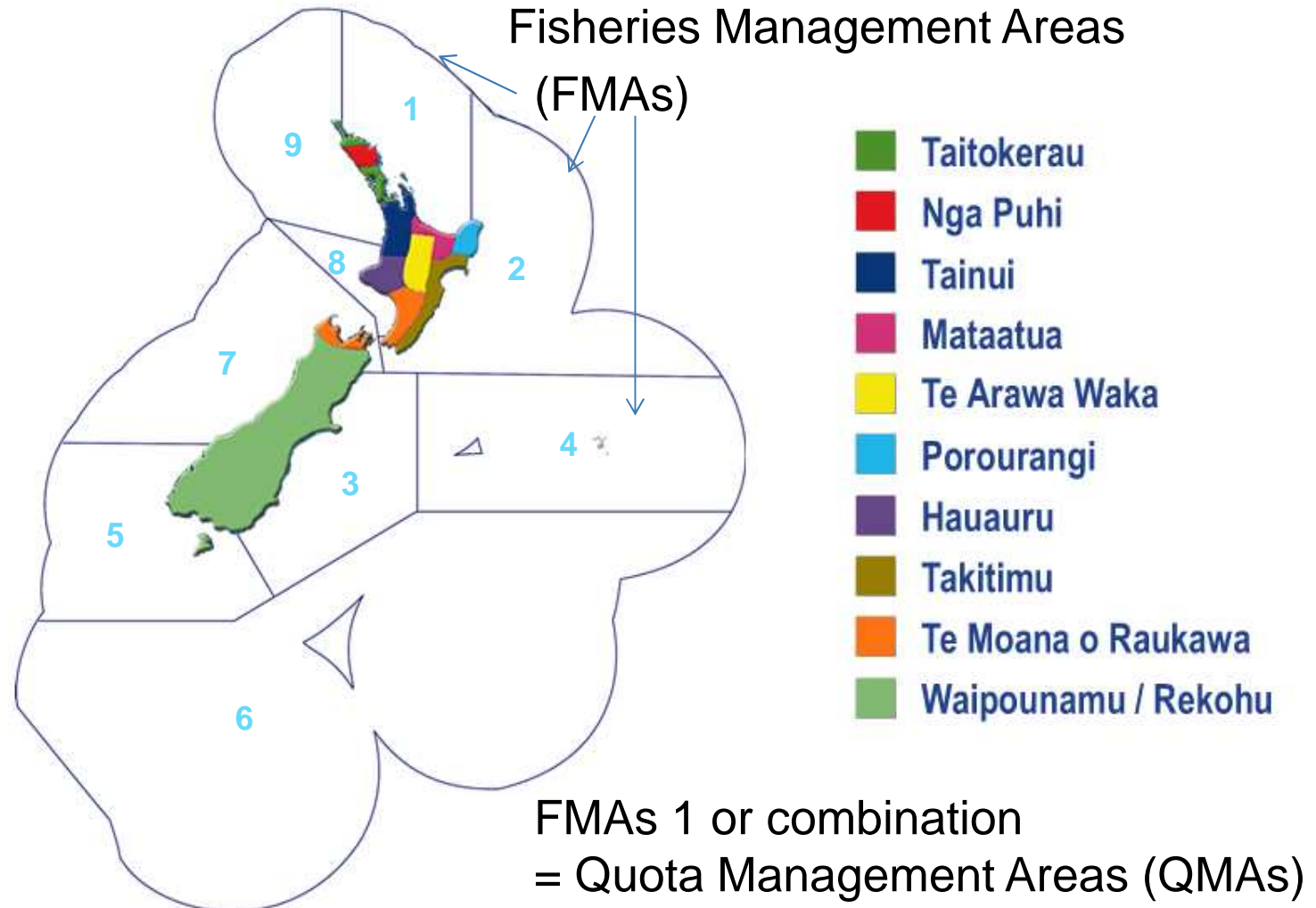
Iwi Fishing Interests



The Allocation model - What and How ?



Allocation of Settlement quota to 57 iwi based on the QMS and quota classification



Allocation aim

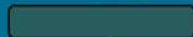
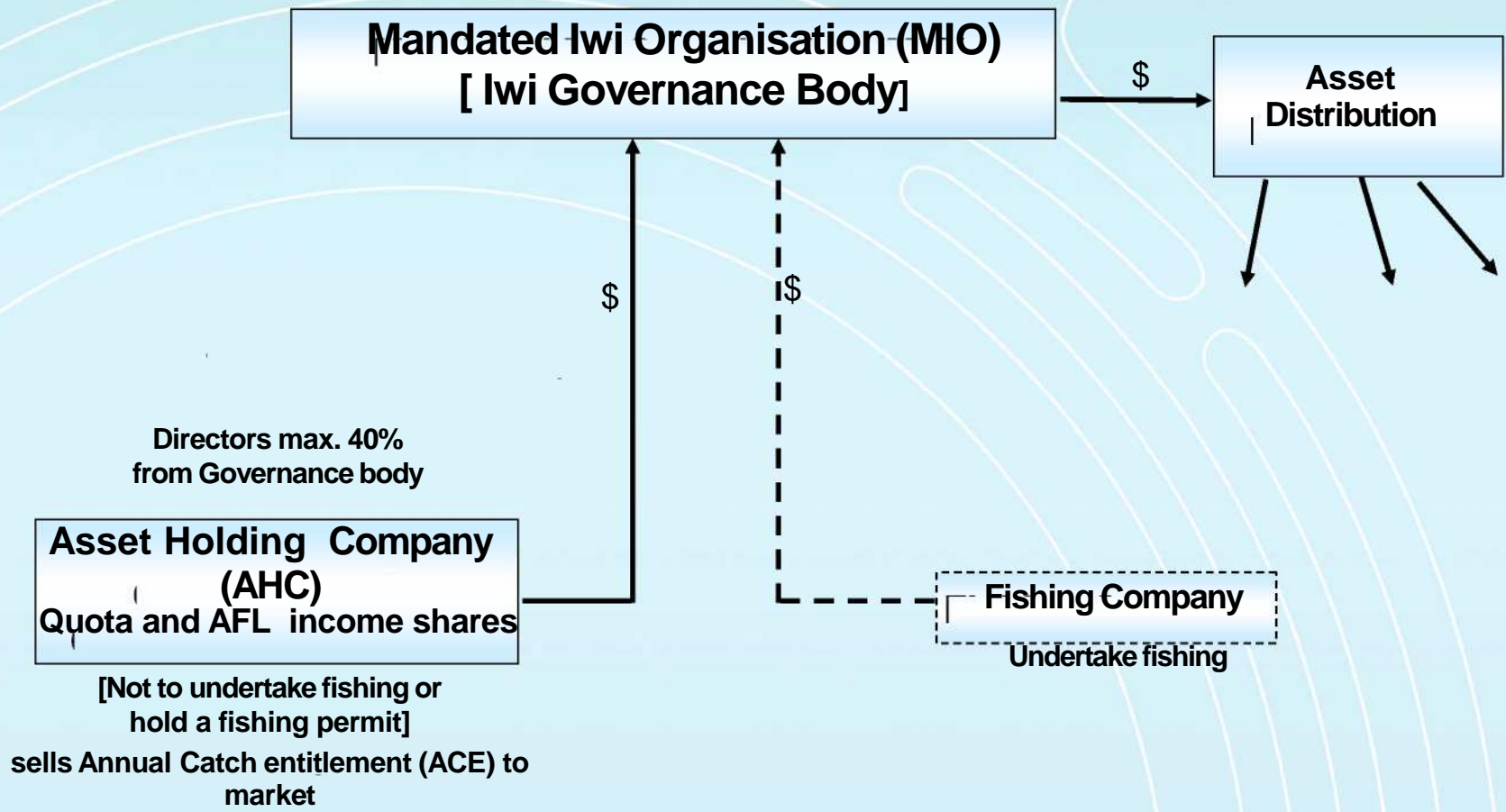
- durable and productive

- Separate politics from business
 - Centrally – Te Ohu Kaimoana and AFL
 - Regionally – Mandated Iwi Organisation and AHCs
- Central agency responsible to iwi to coordinate all central entities and carry out critical functions on behalf of iwi

- When Iwi have systems in place
 - structures
 - governance arrangements - ie agreed political arrangements
 - constitutions and Trust deeds that support this
 - register of members
- When iwi members have ratified those systems; and
- When Te Ohu Kaimoana recognises that the iwi meets these Maori Fisheries Act requirements

Iwi Management of Settlement Assets

Structures



Allocation and transfer progress

Asset transfer at 2 stages

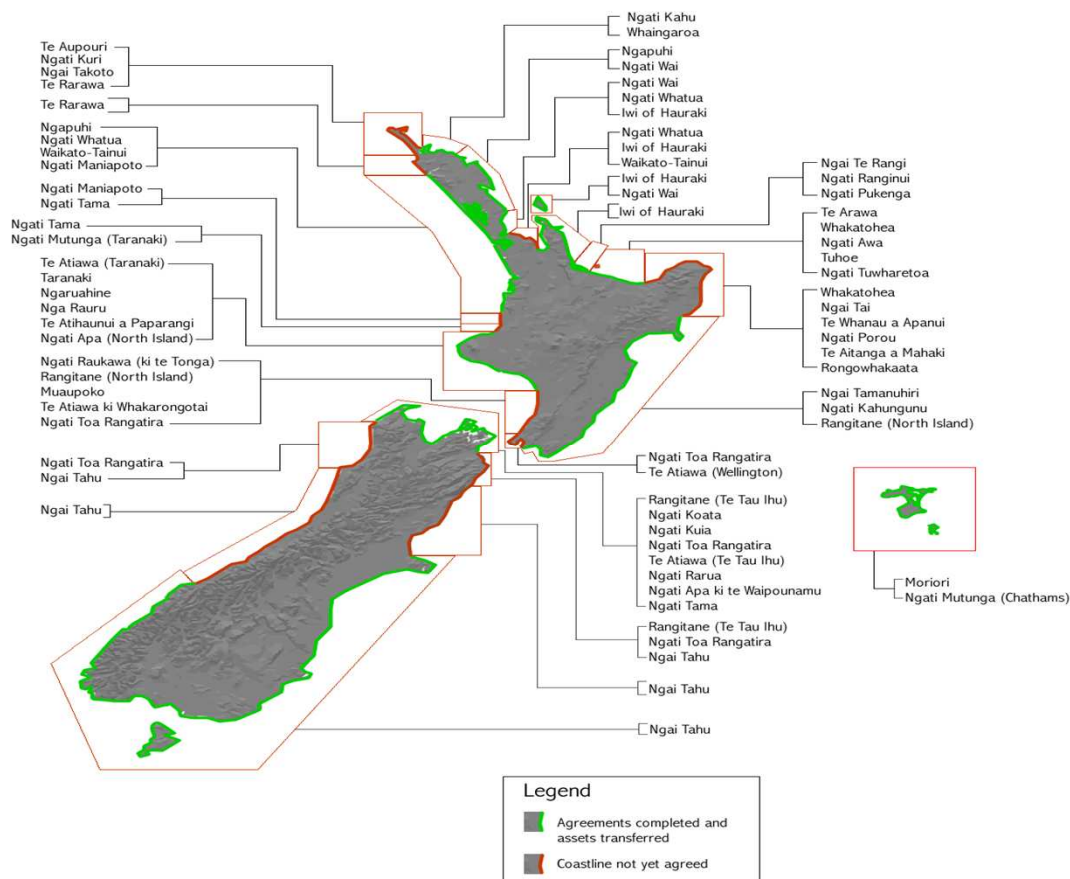
- When MIO is recognised; and
- When neighbouring MIOs reach agreement with one another on coastline shares

Work with iwi and supplying templates and assistance Te Ohu has now recognised 55 out of 57 iwi

- When MIO is recognised, assets with population as formula are transferred
 - 75% deepwater quota, HMS quota and AFL income shares transferred to AHC
 - Cash transferred to MIO

We have now transferred more than 90% of fisheries settlement assets to iwi

Coastline Agreements Progress



When neighbouring MIOs reach agreement with one another, 25% deepwater quota and inshore quota transferred

Overall we have now transferred more than 90% of fisheries settlement assets to iwi

Allocation aim

- durable and productive

Assets allocated differently to ensure diverse development options
– not all eggs in 1 basket

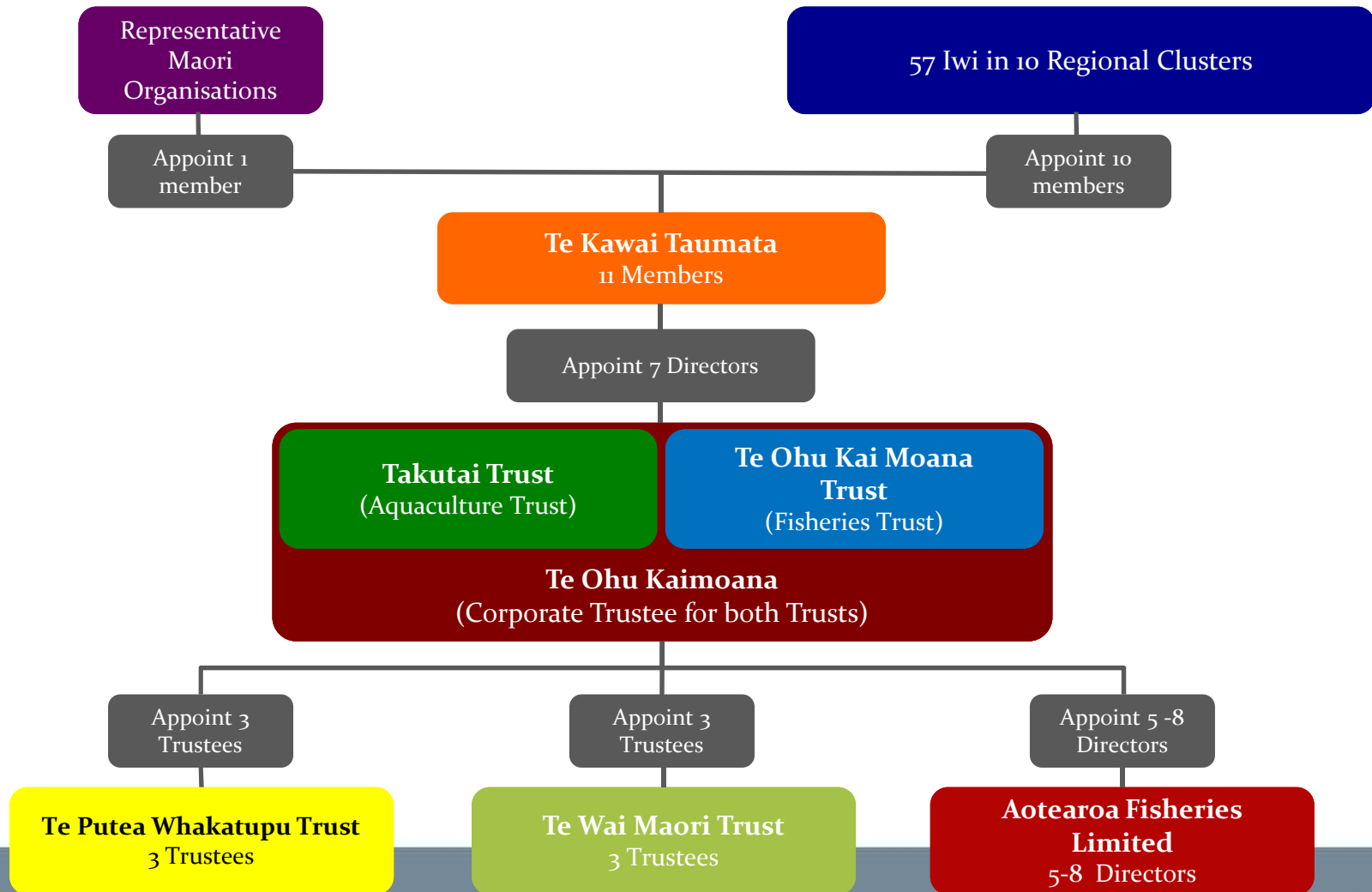
- ‘industrial’ assets held together and managed centrally
- quota and cash to iwi

Design features for durability

Te Ohu Kaimoana

- Specialist body to
 - advance the collective interests of all iwi in seafood
 - provide governance of and coordinate other central entities;
and
 - participate in Government and industry processes to protect and enhance the Settlement – eyes, ears and sometimes mouth on behalf of all settlement entities.

Maori Commercial Fisheries Settlement Accountability & organisational arrangements



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