

Articles compiled by Te Runanganui o Ngati Porou



# NP foreshore and seabed journey

**HISTORICALLY** the whanau and hapu of Ngati Porou exercised exclusive control over their lands and waters within the Ngati Porou rohe, including the foreshore and seabed (takutai moana). In contemporary times, Ngati Porou retain at least 90 percent of their whenua takutai (coastal lands), and continue to exercise their mana over the takutai moana from Potikirua in the north to Te Toka a Taiau in the south. The rights of nga hapu o Ngati Porou, however, came under threat as a result of the Foreshore and Seabed Act 2004.

Since the introduction of that Act, Te Runanganui o Ngati Porou and hapu representatives have been working to ensure the legal recognition of the mana of nga hapu in the takutai moana. A major step forward was taken with the ratification and signing of the Nga Hapu o Ngati Porou Foreshore and Seabed Deed of Agreement in 2008.

Recently the Deed has undergone amendments due to a change in the law. Whanau and hapu members will soon have the opportunity to discuss and approve these amendments. Currently a series of information hui are being held within the Ngati Porou rohe to help whanau and hapu re-familiarise themselves with the Deed, and go over the proposed changes. The hui represent the latest stage in a long journey to affirm the mana of nga hapu o Ngati Porou over the takutai moana in their rohe.

## Impact of the Marlborough Sounds Decision

In June 2003, the Court of Appeal ruled that the Maori Land Court had jurisdiction to investigate the customary title claims of eight iwi to the foreshore and seabed in the Marlborough Sounds.

The case was appealed from earlier decisions of the Maori Land Court (1997) and the High Court (2001). Applications to the Maori Land Court for investigation of customary title to the takutai moana in other rohe, including applications by nga hapu o Ngati Porou, were put on hold until completion of the appeals.

The Court of Appeal decision triggered a series of events. Most significantly, the Labour Government signalled its intention to introduce legislation which would negate the Court of Appeal decision and vest ownership of the area between the line of mean high water springs and the outer limits of the territorial sea in the Crown.

In late 2003, after discussions with Ngati Porou at home, Te Runanga o Ngati Porou (now Te Runanganui o Ngati Porou) began negotiations with the Crown, on behalf of nga



An official ceremony was held at parliament for the signing of the Nga Hapu o Ngati Porou Foreshore and Seabed Deed of Agreement on October 31, 2008. The previous Deed (right) was signed by representatives from 48 hapu. Recently the Deed has undergone amendments due to a change in legislation, and a series of ratification hui will be held in November to seek approval from hapu to the proposed amendments.



hapu o Ngati Porou, to protect the mana of the hapu over their respective takutai moana if the proposed legislation was enacted.

Despite vehement opposition to the Government's policy throughout Aotearoa (exemplified most famously by the mass hiko to Parliament), the Foreshore and Seabed Act was passed in November 2004. As a result the outstanding applications to the Maori Land Court, including those filed by nga hapu o Ngati Porou, could not proceed.

## Deed of Agreement

From 2004 to 2007, the Runanga undertook extensive consultation hui with nga hapu o Ngati Porou about the ongoing negotiations with the Crown, as well as continuing the collection of customary evidence that affirmed the mana of nga hapu o Ngati Porou over their whenua takutai and takutai moana.

During this period, a draft Nga Hapu o Ngati Porou Foreshore and Seabed Deed of Agreement with the Crown was developed, which recognised the mana of nga hapu and introduced a protective legal framework for the rights of the hapu and the sustainable management of natural and physical coastal resources.

In 2008, from August to September, ratification hui were held throughout the Ngati Porou rohe seeking mandate to approve the

finalised Deed. On the 31st of October 2008, shortly after ratification, members of 48 hapu gathered at Parliament to sign the Deed of Agreement with the Crown.

## Impact of introduction of Marine and Coastal Areas Act

A month later, however, there was a change of government, which delayed the progress of legislation to implement the Deed. The new Government, with the support of the Maori Party, agreed to review the Foreshore and Seabed Act. This led to the repeal of the controversial Act and its replacement with the Marine and Coastal Areas (Takutai Moana) Act 2011 (MACA Act). Under the MACA Act, the foreshore and seabed has a special status and neither the Crown nor any person is capable of owning the foreshore and seabed.

Over the past five years since the MACA Act was introduced, the implementation of the Nga Hapu o Ngati Porou Deed of Agreement has been on hold. During this time, the original text of the Deed has been reviewed by representatives from Te Runanganui o Ngati Porou, the Nga Hapu o Ngati Porou Foreshore and Seabed

Subcommittee, and the Crown. The purpose of this review is to identify amendments to the Deed to reflect improvements under the MACA Act. Other activities undertaken over this time include updating customary title evidence and preparing and establishing trusts or "management arrangements" to undertake administrative responsibilities under the Deed on behalf of each hapu cluster.

## Toward ratification of amendments to the Deed

For the proposed amendments to the Deed to be accepted and approved, including the "management arrangements" for each hapu cluster, a series of ratification hui will be held before the end of November within the Ngati Porou rohe. Attendance by whanau and hapu at these ratification hui is actively encouraged. The hui will be advertised in advance via public notices in this newspaper, Radio Ngati Porou, and Te Runanganui o Ngati Porou's Facebook page and website.

An information booklet will also be launched next month to help whanau and hapu members navigate the provisions within the amended Deed of Agreement. For more information visit [www.ngatiporou.com/takutaimoana](http://www.ngatiporou.com/takutaimoana)

Whangaokeno Island, as seen from Tapuarata Beach, Te Pakihi (East Cape).



## 2016 TRONPnui Hui a Tau: 26 November

Te Runanganui o Ngati Porou and subsidiaries – Toitu Ngati Porou, Ngati Porou Holding Company and Ngati Porou Hauora will report back to the Iwi during the Annual General Meeting.

**SATURDAY 26 NOVEMBER**

Marae venue, hui details and agenda to be confirmed.

[www.ngatiporou.com](http://www.ngatiporou.com)

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## TOITU NGATI POROU OPEN COMMUNITY FORUM

Toitu Ngati Porou invite Ngati Porou whanau and hapu members to attend the upcoming open community forum to learn more about Toitu's activities.

**FRIDAY 14 OCTOBER, 2PM START HINERUPE MARAE, TE ARAROA**

For more information about Toitu Ngati Porou go to [www.ngatiporou.com](http://www.ngatiporou.com) or call **0800NPOROU**

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