

# The Fisheries Settlement Report

## 1 The Settlement

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WELLINGTON

Tena koe e te Minita i o turanga maha. Ka nui te mihi me te tautoko a te iwi.

We have made inquiry into several claims concerning the Crown-Maori settlement on fisheries, September 1992. Particulars of the claimants and of the proceedings are given in an appendix.

The complaint is that the Deed of Settlement, or the Crown policy that it proposes, is contrary to the Treaty and prejudicial to claimants in that it would diminish their rangatiratanga and fishing rights and impose new arrangements that have not been adequately agreed.

### 1. THE SETTLEMENT

According to the deed the Crown will:

- pay \$150 million to promote Maori commercial fishing thus assisting Maori in a joint venture purchase of Sealord Products Ltd (deed, para 3.1);
- give Maori 20 percent of new species quota (in addition to the 10 percent of previous quota as agreed in 1989) (3.2);
- place Maori on statutory bodies on fisheries management (3.3, 3.5); and
- restructure the Maori Fisheries Commission (which promotes Maori fishing) making it more accountable to Maori, giving it more input to fisheries management and reorganising its membership with appointments to be in consultation with Maori (3.4, 3.5). It will then be called the Treaty of Waitangi Fisheries Commission.

In return, the Maori who signed agree:

- that the settlement "shall discharge and extinguish all commercial fishing rights and interests of Maori" (at sea or inland) and shall satisfy all current and future claims thereto (5.2). Consequentially they agree:
- to discontinue their current court actions relating to fisheries and to take no more proceedings (4.3), to endorse the quota management system (4.2) and to support legislation to give effect to the settlement (4.4); and
- that this tribunal shall have no further say on commercial fishing matters (3.5.1.4).

It is also agreed that:

- customary fishing rights will be replaced by regulations (3.5.1.1, 3.6, 5.2);
- the Treaty of Waitangi Fisheries Commission will develop a procedure to determine who will benefit from the settlement and a scheme for the distribution of benefits (4.5.4.2, 4.5.5);
- previous negotiations and arrangements respecting Maori fishing interests are cancelled, save the Treaty of Waitangi itself (1.3); and
- the settlement will restrict the Crown's ability to meet other claims (4.6).

Thus the settlement affects more than commercial sea fisheries. It affects non-commercial fisheries and inland fisheries and outstanding land and other claims as well.

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*Waitangi Tribunal, Department of Justice, Wellington.*