

Fisheries Bill Claim

3 Maori Negotiators

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We need not determine the precise extent of the negotiators' mandate. Their experience with Maori and knowledge of the legislative scheme and the goals to be achieved makes their advice invaluable on the criteria for appointment and the persons suitable for the task. They might consider for example that tribal or regional representation should not alone prevail, and that persons might also be appointed for their greater impartiality, their commitment to the people as a whole or their willingness to accommodate the interests of others.

To the extent that iwi or regional representation is to be provided for however, we accept the submission for Ngai Tahu Maori Trust Board and Ngati Paoa that the negotiators' role should be constrained. If they have made or propose nominations on behalf of any region or iwi, those nominations should be discounted. It would be contrary to the Treaty in our view were the right of iwi to make their own nominations usurped.

We do not recommend change to that part of the legislation providing for consultation with the Maori negotiators but urge the minister to consult with them on the basis described.

Waitangi Tribunal, Department of Justice, Wellington.