Marine Bill Breaches Treaty

Marine and Coastal Area Bill Breaches Treaty

– Please write to the Governor General with a copy to the Queen

On the 24 March 2011, the Marine and Coastal Area Bill was passed 63 – 56 by Parliament. It was supported by the National Party, the Maori Party and United Future while the Labour Party, the Greens, ACT, the Progressive Party and Hone Harawira voted against it. While part of this Bill is good as it puts the Foreshore and Seabed into the Public Domain where it cannot be sold, the second part of this Bill completely breaches the Tiriti o Waitangi. The next stage of this Bill to finalise it is the Royal Accent by the Governor General. While the Royal Assent has been a formality over the years, there has never been a Bill such as this to challenge the agreement made by the British Monarchy in 1840.

How can the Governor General representing Her Majesty the Queen allow this Bill to proceed when it breaches the agreement (Tiriti o Waitangi) Queen Victoria made with over 500 maori chiefs in 1840? An agreement they all consented to with their names or marks in 1840.

In the Preamble, Maori gave up their individual territories to Her Majesty the Queen. Article 1, *"They gave up entirely their government to Her Majesty the Queen, for ever"*. Article 2, *"Guaranteed to all the people of New Zealand, (irrespective of race colour or creed), possession of their lands, settlements and property.* Article 3, *"This arrangement for the consent to the government of the Queen. The Queen of England will protect all the Maoris of New Zealand. All the rights will be given to*

them the same as her doings to the people of England". **Maori gave up their Government /Tribal lore for the Queen's law – English law**.

The One New Zealand Foundation asks that all members of the public opposing this Bill write to the Governor General with a copy to Her Majesty the Queen ASAP pointing out the fact this Bill breaches the Tiriti o Waitangi. By allowing the Royal Accent to this Bill, the Governor General is over-ruling an agreement made by Queen Victoria in 1840, an agreement under which our forefathers built this beautiful country of ours. The Government does not have the people's mandate to allow the Marine and Coastal Area Bill to be given its Royal Assent.

Rt Hon Sir Anand Satyanand, Governor General of New Zealand, Government House, Private Bag 39995, Wellington Mail Centre, Lower Hutt 5045,	Her Majesty the Queen, Buckingham Palace, London, SW1A, 1AA, England.

At the Otaki "Foreshore and Seabed" meeting held in the Memorial Hall on the 17th of April, 2010, Dr. Hon. Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, said in his opening speech. *"At the signing of the Treaty of Waitangi, Maori ceded sovereignty to Queen Victoria and New Zealand became subject to English law and the Magna Carta."*

The Law of Nature

"By the Law of Nature things are common to mankind – the air, running water, the sea and consequently the shores of the sea". Emperor Justinian, 500 AD.

The Law of Nature has existed since Roman times, and was first articulated in the laws of Emperor Justinian 1500 years ago. In its early form, the idea of the public trust sought to protect the public's rights to access certain resources,

particularly navigable bodies of water. Public uses of water resources were to be protected by the state, which, as a trustee, could not grant exclusive rights to any single individual or entity. Giving ownership or rights to an individual would infringe on the publics right to access and use the resources. The Law of Nature was inherited by England's legal system, and emerged in 1215 as part of the Magna Carta. On the 21 May 1840 New Zealand became a Crown Colony and inherited England's legal system, the Magna Carta and the Law of Nature. The **Law of Nature was in existence long before the Maori Race.**

Sample of Letter

ONE NEW ZEALAND FOUNDATION INC
P.O.Box 7113, Pioneer Hwy, Palmerston North, New Zealand.

25 March 2011,

His Excellency,
The Right Honourable Sir Anand Satyanand
Governor-General of New Zealand
Government House
Private Bag 39995
Wellington Mail Centre
Lower Hutt 5045

Dear Sir,

Re: Royal Assent to the Marine and Coastal Area Bill

On the 24 March 2011 the Marine and Coastal Area Bill was passed by Parliament. In part this Bill provides for the customary interests and rights of Maori in the common marine and coastal area to be recognised.

? Provides tests for applicant groups to meet to demonstrate customary marine title in areas where they have had exclusive use and occupation since 1840 without

substantial interruption.

? This recognition will include the right to go to the High Court (or negotiate an out-of-court settlement with the Crown) to seek customary marine title for areas with which groups such as iwi and hapu have a longstanding and exclusive history of use and occupation.

? Unlike private title, customary marine title will be subject to the right of public access and cannot be sold.

? Similar to private (fee simple) title, customary marine title gives rights to permit activities requiring a resource consent, some conservation activities, protection of wahi tapu, ownership of taonga tuturu found in that space, and ownership of non-Crown minerals. It also gives the customary title holder the right to create a planning document setting out objectives and policies for the area.

? Groups such as iwi, hapu and whanau will also be able to gain recognition and protection for longstanding customary rights that continue to be exercised. Their association with the common marine and coastal area in their rohe will also be recognised through a right to participate in conservation processes, which formalises existing best practice in coastal management.

In 1840, Consul and Lieutenant-Governor William Hobson signed the Tiriti o Waitangi on Queen Victoria's behalf with over 500 maori chiefs in New Zealand and it gave no customary rights to maori. The Tiriti o Waitangi stated.

The Preamble, which is omitted from most publication today, stated, "Nga wahi katoa o Nu Tirani e tukua aianei ki te Kuini".

"All places/parts of New Zealand, which may be given up now or hereafter to the Queen".

The First Article stated, "*Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai I uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani aka tona atu-te-Kawanatanga katoa o o ratou wenua".*

"The chiefs of the Assembly, and all the chiefs also who have not joined in that Assembly, give up entirely to the Queen of England forever all the Government of their land."

The Chief's gave up their entire Government/Native/Tribal Lore to the Queen forever.

The Second Article stated, *"Ko te Kaini o Ingaranui ka wakarite ka wakaae ki nga Rangatira ki hapu ki tangata katoa o nu Tirani te tino rangatiratanga o ratou wenua kainga me o taonga katoa". –*

"The Queen confirms and guarantees to the chiefs and the tribes and to all the people of New Zealand the possession of their lands, their settlements and all their property".

The Second Article guaranteed *"to all the people of New Zealand"* irrespective of race, colour or creed, the possession of their lands, settlements and all their property under English law.

The Third Article stated, *"Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani hga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani".*

"This arrangement for the consent to the Government of the Queen. The Queen of England will protect all the Maoris of New Zealand. All the rights will be given to them the same as her doings to the people of England".

The Chiefs consented to the meaning of these words, accepting the same rights/laws as the people of England, No more, No less. There was no Customary Rights/Titles to Maori in English Law in 1840.

There is only one Treaty of Waitangi as Governor Hobson stated in a letter to Major Bunbury when despatching him to collect

further signatures of the southern tribes, “The treaty which forms the base of all my proceedings was signed at Waitangi on the 6 February 1840, by 52 chiefs, 26 of whom were of the federation, and formed a majority of those who signed the Declaration of Independence. This instrument I consider to be de facto the treaty, and all signatures that are subsequently obtained are merely testimonials of adherence to the terms of that original document”. Only the Tiriti o Waitangi was signed on the 6 February 1840.

After the Treaty was signed, titles to land guaranteed in Article Two ***“to all the people of New Zealand”*** were issued under English Law to those that could prove ownership. Any titles that included the foreshore and seabed must be honoured by the people of New Zealand but the foreshore and seabed, that remained in Crown ownership/trust cannot be acquired under Customary Rights/Title because the Chiefs gave up that right to Queen Victoria in 1840 when they signed the Tiriti o Waitangi.

To allow the Marine and Coastal Area Bill to proceed, over-rules the maori chief’s agreement with Queen Victoria in 1840 to give up entirely their government to the Queen for the same doings as the people of England, No more, No less. New Zealand has been built on this agreement for over 170 years. The New Zealand Government does not have the mandate from the people to change this agreement or to revert back to Native/Tribal Lore.

We ask that this Bill be refused its **Royal Assent** based on the fact; the Government does not have a mandate from the people to over-rule the Queen’s agreement with the maori chiefs in 1840.

Yours faithfully,

Ross Baker.

Chairman, One New Zealand Foundation Inc.

cc. Her Majesty the Queen.