

The Tribal Elite Is Lining Up To Grab Our Beaches. Article by John McLean

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By John McLean.

An update on claims for customary title (ownership rights) of the foreshore and seabed under the Marine and Coastal Area Act.

There are currently three major claims being made on the East Coast of the North Island and one on the Coromandel peninsula, which latter covers two separate stretches of the coast.

1. The biggest claim is that by Ngati Porou – a claim for about 200 km of the coast north of Gisborne. Specifically this stretches from the Pouawa Stream, just north of Gisborne, all the way up to East Cape and around it for some distance to Potikirua, west of Lottin Point. This tribe is also claiming ownership of the seabed out to 3 nautical miles.

The Gisborne District Council has put in a submission opposing this grabbing of our precious coast by this small, private tribal grouping. They could hardly have done otherwise since the function of a local council is to represent the interests of its ratepayers, and the privatisation of the hitherto publicly owned beaches as a result of National's thieving and racist Marine and Coastal Area Act is certainly not in the interests of the non-iwi citizens of Gisborne or indeed of the wider New Zealand public.

67 submissions have been made in respect of this claim and, in a typical display of of his pro-iwi bias and his unscrupulous

methods, Finlayson has used his office to dilute these submissions into a very brief form and has given them to his hand-picked "independent assessor", retired High Court judge, Judith Potter, to make a non-binding "assessment".

In view of Finlayson's deceitful tactics in creating the Marine and Coastal Area Act, one should not be too surprised if Potter gives Ngati Porou what they want regardless of the fact that they do not qualify for customary marine title since they are unable to show "exclusive" occupation of the coast since 1840 "without substantial interruption". "Exclusive" means that they alone have used it without "substantial interruption".

Until National passed the Marine and Coastal Area Act in 2011 the beaches, coast and seabed were publicly owned and from the earliest days of settlement colonists rode their horses and trekked over all parts of the New Zealand coast, as walking or horse riding along the sandy beaches was much easier than going inland through the trackless forests. Thus any claim that a tribe might have enjoyed exclusive use of parts of the coast line without substantial interruption is plain nonsense. But Finlayson is not one to let the facts get in the way of his ever more outrageous giveaways of public resources to his favoured tribes.

How can Potter come up with an assessment based on the facts when the submissions, outlining the facts, have been so diluted by "summarisation" on the part of Finlayson's Office of Treaty Settlements? The poor woman will be working from a skewed brief. One of those who made a submission on this claim was the Council of Recreational Associations of New Zealand (CORANZ), which represents those who use the outdoors for their various activities. Their submission consisted of 20 pages with maps. However, despite the large number of organisations and members that CORANZ represents, Finlayson's department reduced this 20 page submission to three sentences!!!!

At present regional and unitary local councils have responsibility for the ocean and seabed out to 12 nautical miles and, in the event of Ngati Porou succeeding in any part of their claim, they will be in a position – over time – to stop people fishing, surfing, etc. and stop the construction of buoys, wharves, etc. They will also be able to declare whole areas (probably the best fishing grounds and surf breaks) “wahi tapu” (forbidden territory), meaning that any member of the public who steps on such an area of our formerly publicly owned beaches can be fined up to \$5,000, with tribal wardens being empowered to patrol such areas – yet another result of the Marine and Coastal Area Act.

2. The Ngati Pahuwera tribe is claiming customary title over about 30 km of coastline either side of the mouth of the Mohaka River, between Wairoa and Napier. This is a traditional area for Napier folk to fish, walk their dogs, swim, surf, etc.

3. The claim by the Rongomaiwahine tribe to a large area of coast around the Mahia peninsula. It extends from the mouth of the Nuhaka River, then around the whole of the Mahia peninsula and up as far as Whareongaonga point, just south of Young Nick’s Head.

This claim is being opposed by both the Gisborne District Council and the Hawkes Bay Regional Council as well as by CORANZ and by its secretary, Dr. Hugh Barr, in his private capacity. Dr. Barr probably knows more about the foreshore and seabed issue than anyone else, having written the definitive book on the subject, “The Gathering Storm over the Foreshore and Seabed” and having written the foreshore and seabed section of the best selling book, “Twisting the Treaty”.

Because of the secretive nature of Finlayson’s dealings with his favoured tribes there is no other way for the public to make their objections known on this serious and revolutionary step of privatising the beaches on a racist basis.

And yet the right of CORANZ and Dr. Hugh Barr to raise their objections in the court case is currently being challenged in court by the Rongomaiwahine applicant AS WELL AS BY Finlayson in his capacity as Attorney-General, thus suggesting that these two parties – the applicant and Finlayson – are colluding together to rob the public of some of our rights to use the coast.

This is a further conflict of interest on the part of Finlayson – a “man” who took megabucks from the Ngai Tahu tribe and then pushed the thieving and racist Marine and Coastal Area Act through Parliament with the result that Ngai Tahu has the potential right to claim more of the coast than any other tribe.

Finlayson is so seriously compromised that he is quite unfit to be both Minister of Treaty Settlements and Attorney-General. In the former role he robs the public (e.g. Marine and Coastal Area Act) in order to buy the support of the race based Maori Party in Parliament while as Attorney-General he uses the law to support the robbery instead of applying it in the proper manner, viz. to uphold the rights of the New Zealand people. This is an abuse of office unrivalled in New Zealand history and shows how utterly unfit he is to hold public office.

The Mahia claim is more urgent than the others as it is already in the High Court in Wellington and is proceeding. Do we really want the beautiful Mahia peninsula to become the Mafia peninsula, with thuggish wardens throwing their weight around on fishermen, surfers and other beach users?

Thus, with these three claims, the people of the Hawkes Bay-Gisborne area stand to lose more than half the coast between Napier and East Cape.

4. There are two separate areas of the Coromandel coast that are part of a single claim by Ngati Porou ki Hauraki. The

first of these covers a large triangle of coast, sea and islands. The coast that is under threat by this claim extends from Waikawau Bay, down to and including Kennedy Bay and out as far as Anareke Point. It stretches out to sea and includes Cuvier Island and the Mercury Islands.

The second piece of the Coromandel Coast up for tribal grab under this claim stretches from Otonga Point, south of the coastal settlement of Whiritoa, itself south of Whangamata, down the coast through Mataora Bay to the northern edge of Horokawa, and extending 3.5 km out to sea, off Mayor Island.

These four claims are just the tip of the iceberg of what is to come from the coastal tribes as they realise the full extent of the bonanza that the Marine and Coastal Area Act has given them at the expense of the traditional rights of the general public. This notorious, thieving and racist Act, described on page 8 of "Twisting the Treaty" as "the greatest swindle in New Zealand history", was passed by the National Government for no other reason than to buy the support in Parliament of the small, unrepresentative and race based Maori Party. In doing so the Key government betrayed its own supporters as well as the wider public, including generations unborn.

Under Finlayson's Marine and Coastal Area Act the people of New Zealand will lose more and more of our precious coast. The only way to reverse this thieving and racist process is to repeal the Marine and Coastal Area Act. But that will never happen so long as the Finlayson-Key government remains in office. The End.