

WAITANGI TRIBUNAL
WATER CLAIM HEARING STAGE 2
Waiwhetu Marae
Monday 7 November 2016

OPENING STATEMENT BY THE CHAIR, NEW ZEALAND MĀORI COUNCIL

Tena koutou ngā rangatira o te tēpu
Koutou hoki ngā hapū o te motu, me te Karauna
Tēnā koutou, tena koutou, tena tatou katoa

Looking back on the Tribunal's Maori Language claim over 30 years ago, one can see more clearly now, how the Tribunal's inquiry was historic, radically changing public perceptions about a resource, the indigenous language.

The Tribunal is in the same position today. It is called upon to reassess the myths and shibboleths of our perceptions, and to consider the need for an historic change in thinking about water and the protection of water bodies.

Is it true then that no one owns water or is the greater truth that everyone owns it and that everyone has a stake in defending water and water bodies from privatisation and abuse?

Is the undoubted public interest in water held subject to obligations to prior occupants and future generations?

Do we manage waterways because we can profit from them or because our lives depend on them and what is the significance of the customary law by which we are part of an ecosystem rather than managers of it?

Is the management of water a political issue, a commercial issue, or fundamentally a scientific one and if the latter, how do we provide for that and maintain the scientists' professional independence? Is it the right way that a politically driven national government should set the scientific standards or politically driven local governments enforce them? Is an analogy to be made with the science behind the setting of a total allowable catch for fisheries?

If no one owns water as a matter of law, then where does that law come from, what is the Maori law, and is the Maori law relevant in Treaty terms?

What is the basis for the public interest, and if it is based on the human right of access for essential purposes, does the same apply to hot water?

The Maori Council has some thoughts on these questions but has refrained from reaching a settled view without first hearing from the many Maori groups who are assembling this week, from the expert witnesses in attendance both for the Council and the Crown and from the Iwi Leaders who have devoted much time and effort to these matters in consultation with the Government. The Council is grateful for the efforts of so many by which we all may hope to develop our thoughts on a framework for recognizing Maori proprietary interests going forward.

Taihakurei