



NEW ZEALAND'S MĀORI CENTRE
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NPM Urges Cabinet Not To Adopt Ministry Advice

The Ministry for the Environment and Ministry for Primary Industries are currently seeking Cabinet's agreement to adopt a bottom line position that nobody owns freshwater and that there should be no national settlement favouring iwi/hapū over other users.

Ngā Pae o te Māramatanga (NPM), New Zealand's Māori Centre of Research Excellence cautions Cabinet against adopting this advice.

"This notion that no one owns water is completely untested in New Zealand law, and to jump to a conclusion that water cannot be owned is potentially contrary to the essence of New Zealand law. Such a position would go against what the Supreme Court and existing Cabinet papers already accept: that Māori rights in law to water are unascertained" says NPM Co-Director and Professor of Law Jacinta Ruru.

The Waitangi Tribunal is the only institution to look at this issue in depth, and has already found that Māori have residual proprietary rights in water protected by the Treaty of Waitangi. Professor Ruru explains that the common law doctrine of native title – a doctrine that protects Indigenous peoples' existing property rights despite a change in sovereignty – certainly has the capacity to be relied on in the courts to establish that specific hapū do continue to own water.

"Iwi, hapū and whānau have been working with the Government in good faith these past years on the understanding that the Government is seeking to honour the law and the Treaty in negotiating respectful solutions to water ownership, governance and management" says Ruru.

Ngā Pae o te Māramatanga urges Cabinet to not accept the Ministries' position on this issue and to continue respectful negotiations with Māori to find enduring solutions that honour the Wairua and Mauri of waters in Aotearoa New Zealand.

Ngā Pae o te Māramatanga (NPM) is a Centre of Research Excellence hosted at the University of Auckland comprising 21 research partners and conducting research of relevance to Māori communities. Our vision is Māori leading New Zealand into the future. NPM research realises Māori aspirations for positive engagement in national life, enhances our excellence in Indigenous scholarship and provides solutions to major challenges facing humanity in local and global settings. Visit www.maramatanga.ac.nz

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