

The Maori Land Court agreed to the vesting of ownership in January 1991. DOC officer Andy Chapman was reported as saying in *The Gisborne Herald* on 6/4/91 —“the covenant has received the Maori Land Court stamp meaning it is now a legal document. It was an agreement between Ngati Porou runanga as representatives of their tribe and the Department of Conservation representing the Crown.”

The following is the text from part of the official pamphlet heralding this as a ‘legacy to New Zealand’ —

Message from the Minister of Conservation

“ ‘Hikurangi te maunga, Waiapu te awa, Ngati Porou te iwi.’ (Hikurangi is the mountain, Waiapu is the river, Ngati Porou are the people).

The revestment of Mt Hikurangi with the people of Ngati Porou, heralds a most significant occasion in the development of New Zealand’s heritage. As the first place in the southern hemisphere to see the sun, the mountain has a special importance for all New Zealanders, but particularly so for Ngati Porou for whom Mt Hikurangi represents their unifying spiritual and cultural identity.

This special relationship has long been given life through the waiata, haka, whakatauki and karakia of Ngati Porou. Now the revestment gives life once again to the mana of the mountain as it is returned to its rightful place with the tangata whenua.

Whilst the cultural and spiritual significance to the people of Ngati Porou cannot be understated, a clear signal has been given to all peoples of New Zealand, that it was the spirit of partnership between Ngati Porou and the Crown, through the Department of Conservation, Te Papa Atawhai, which allowed this to happen.

This partnership resulted in the signing of an agreement which enabled the mana of Mt Hikurangi, and its spiritual and cultural integrity, to be revested with the people of Ngati Porou through return of the mountains ownership to them.

The agreement also provided for the outstanding ecological values of the area to be fully protected in perpetuity, through the placement of a conservation covenant over the entire mountain, under the joint management of the Department of Conservation and Te Runanga O Ngati Porou.

The right of access to experience Mt Hikurangi’s special values, has been secured for all future generations of New Zealanders, through the establishment of a walkway onto its slopes.

The agreement that has been reached exemplifies the tremendous value of using honest and open partnership as a means to resolve outstanding issues and concerns, as a way in which all parties involved can benefit, and which truly embodies all the essential ~~principals~~ [principles] of the Treaty of Waitangi. This perhaps, is Mt Hikurangi’s legacy to New Zealand.

The Honourable Denis Marshall Minister of Conservation”

Mt Hikurangi — *The Agreement*

“The terms of the Agreement reached between Te Runanga O Te Ngati Porou and the Department of Conservation with regard to the future ownership and management of Mt Hikurangi are:

- The Crown will transfer ownership of Hikurangi to Ngati Porou.
- Ngati Porou will enter into a conservation covenant with the Crown in perpetuity over the mountain (excluding the farmland), with the key objectives of:
 - Protecting the ecological values of Mt Hikurangi.
 - Enhancing the cultural and spiritual integrity and values

Mount Hikurangi

In the last issue we commented on the vesting of ownership of approximately 5000ha of the Raukumara Forest Park in the East Cape to Ngati Porou. This became Maori freehold. In return a conservation covenant over that area and part of the adjoining Pakihiroa Station was entered into.

The Hikurangi deal did not arise out of a claim before the Waitangi Tribunal but was entered into to “give effect to the principles of the Treaty of Waitangi” in terms of s 4 of the Conservation Act.

of Hikurangi.

— Embodying the principles of the Treaty of Waitangi in a practical working partnership between the Crown and the iwi.

- The public will have a free right of foot access to the mountain secured by an easement under the New Zealand Walkways Act 1990.
- A joint management committee will oversee management of the covenant area and be responsible for the preparation of a management plan. The management committee will comprise of three representatives from Ngati Porou and three from the Department of Conservation. Decisions of the Committee will be made by consensus.
- Protection of wahi tapu will be the responsibility of Ngati Porou.
- The authorisation of any commercial operations will be the responsibility of Ngati Porou, subject to consultation with the Department of Conservation to ensure the protection of conservation values.
- The Department of Conservation will be responsible for wild animal control and, primarily, for weed control. Any net income from commercial hunting will go to Ngati Porou.
- The Minister of Conservation will use his best endeavours to have the area closed to mining.
- The Department of Conservation accepts liability for payment of any rates levied on the covenant area and will share maintenance costs for boundary fencing between the covenant and Pakihiroa Station.

Maori Land Court Judge, James Rota approved the revestment of ownership of Mt Hikurangi in Te Runanga O Ngati Porou as trustees in perpetuity for their iwi, contingent upon the terms of the above agreement.”

Note: In addition to the Walkway provision the conservation covenant provides for the public’s recreational use and enjoyment of Hikurangi only to the extent of being consistent with the above ‘key objectives.’

It appears that the agreement between the Crown and Ngati Porou has ‘fallen over’ (see Public Notice).

In view of what appears to be a clear breach of the terms of the agreement, PANZ asked the Regional Conservator of DOC what official efforts were made to ensure compliance with the deed. He replied that although a “legally binding agreement” it “has not yet been fully implemented.” Access is “at the pleasure of Ngati Porou.”

The Hikurangi model fits with the kind of arrangements that Doug Graham and Denis Marshall have been talking about for Ngai Tahu and other settlements. This is an early indication of the fallacy behind Government assurances that there is nothing to fear.

Public Notices

**NGATI POROU FESTIVAL
JANUARY 1993**

Te Runanga o Ngati Porou advises that:

1. **PUBLIC ACCESS** to Hikurangi Mountain through the Pakihiroa Station track is closed from Tuesday, December 29, 1992 to Thursday, January 7, 1993 during the period of the Ngati Porou Festival.
2. All inquiries for access to:

**Vianney Douglas
C2000 Co-ordinator
Te Runanga o Ngati Porou
Main Road, P. O. Box 226
Ruatoria**

Phone: (06) 864 8121, Fax: (06) 864 8115

**APIRANA MAHUIKA, Chairman
Te Runanga o Ngati Porou**

Those who have been expressing concern about the wisdom of the Government’s approach have had to suffer put-downs such as this—

“Some normally sensible and progressive conservationists seemed in danger of losing their perspective over this issue and had departed from their normal highly analytical and constructive approach to launch public attacks which distanced them even further from Maori claimants.

A few conservationists seemed to prefer confrontational tactics to the politics of quiet persuasion, getting alongside (Ngai Tahu) and discussing differences in a rational manner. Such conservationists were in danger of being seen as the last bastion of conservatism.”

Denis Marshall, Conservation Review No 13 September 1992

ACTION BOX

Write to the Ministers of Conservation and Justice and ask what actions they will take, either —

- to enforce the terms of the agreement between the Crown and Ngati Porou, that is the immediate reopening of public access, or
- to regain public ownership and control over Mt Hikurangi.