

# NGAI TAHU NEGOTIATIONS

The Government and Ngai Tahu are negotiating to settle Ngai Tahu grievances as directed by the Waitangi Tribunal. The negotiating team from Ngai Tahu is headed by Mr Tipene O'Regan; that of the Crown by Rt. Hon. Douglas Graham, Minister of Justice. Also on the Crown's Ministerial team are Hon. Maurice McTigue (SOE's), and Hon. Douglas Kidd (Fisheries).

We reproduce below notes that have been sent to us of a February meeting at which Mr O'Regan spoke.

Mr O'Regan claims that some of the material, (he did not specify which), oversimplifies or misrepresents his views. However, he also confirms much of the material.

The Minister of Justice for his part in mid-April denied that the negotiations had reached any of the agreements of substance that the notes record Mr O'Regan as claiming.

The notes are as follows:  
"At a joint meeting of the Chatham Islands, North Canterbury and Aoraki Conservation Boards, Christchurch, 26/2/92, Tipene O'Regan (Chairman of the Ngai Tahu Trust Board) gave a frank summary of Ngai Tahu aspirations for settlement of their treaty claim. These are summarised below:-

**Already Granted by Waitangi Tribunal**  
Rights to Pounamu (greenstone)  
Rights to Mahinga Kai particularly eels and other fisheries.  
(On traditional Ngai Tahu lands)

**Since Achieved by Negotiation with Government Ownership of:-**

Te Waihora (Lake Ellesmere)  
Te Wairewa (Lake Wairewa)  
Titi Islands  
Arahura Catchment, Westland

## Further Aims

1) Joint Crown-Ngai Tahu title all (or at least some) National Parks in Ngai Tahu Rohe. Stated this would:-

- a) Not alter management, access
- b) Allow Ngai Tahu to interpret their own history
- c) Allow Ngai Tahu major stake in park based green tourism

2) Outright title some conservation land. Specific example given is West Coast Accord Forests. Stated Ngai Tahu title better protection of conservation values than present system.

3) Title to "some" High Country Catchments.

4) Outright title some SOE land. This as specific compensation for reserves not awarded (RNAs) as part of Kemp's purchase.

5) A shareholding in major public utilities e.g.:  
a) Electricorp - suggested a shareholding offered/discussed in negotiations

b) Sewage and waste disposal.

6) Outright title to some specific geographical features of particular cultural significance regardless of present tenure. Examples given were Aoraki, Takitimu (Southland).

Tipene O'Regan made several philosophical statements as a background to above. These include:

A) A fundamental Ngai Tahu aim is ecological restoration over multi-generation span (200-300 years). Stated reason for seeking high

country catchment.

B) Central government is failing. Supports regionalisation of political power.

C) Public Ownership of resources has failed. Leads to over-regulation, bureaucracy, and degradation of resources. Advocates "privatisation" to community groups comprising a panel of users. Examples given - fisheries and water.

D) Ngai Tahu would be better custodians of resources and conservation values than pakeha system.

E) Ngai Tahu interested in long term projects which will provide steady but not spectacular income and employment. This was given as a reason for their interest in Electricorp which would provide income at present but provide a direct vehicle for employment of Ngai Tahu graduates a generation or two on.

F) Ngai Tahu recognises cost of claim must not damage national economy. Will act as custodians for nation.

G) Ngai Tahu approach to conservation is conservation for use. For example they hope that Kereru population can be restored to point where a traditional food harvest is possible."

ECO along with Federated Mountain Clubs, the Fish & Game Council and the Royal Forest and Bird Protection Society has had two meetings with Mr Graham on the issue, the first with officials and Ngai Tahu also present.

ECO supports negotiations to settle the injustices of the past and has no quarrel with the notion that Ngai Tahu be given resources to obtain a secure economic base. Cash and SOE assets, such as exotic forests and shares in Electricorp seem ideal for this purpose.

Command in the form of title or management control over natural lands and waters with delicate environmental values may be justified, in some circumstances: but may also be highly contentious. Some formulae are likely to be resisted as putting natural areas at risk from development.

Mr O'Regan in the past has chided conservationists for being "too precious" in assuming Maori commitment to conservation and has remarked that in the past "we just didn't have the bulldozers". On the other hand, now Mr O'Regan asserts that Ngai Tahu has a strong commitment to conservation and will do better than if national parks and reserves are left in public hands.

The Ngai Tahu commitment to conservation for human use may at some points run counter to the commitment found within ECO ranks to conservation of nature for nature's sake, and/or to conservation for non-use purposes.

Mr O'Regan has alleged (11 May 1992) that conservationists want to derail the negotiations and jeopardise a settlement. This is not so. Conservationists are, however, concerned that the Crown, especially the Finance Minister, does not regard the DoC estate as a 'cheap' source of compensation. We appreciate the need to recognise and restore the mana of Ngai Tahu and to endow it with resources. Conservation status for protected areas of New Zealand have been hard won by due public process against a range of human development demands. The pursuit of justice between people should not endanger other species or put at risk the rights or interests of nature.

The question of public access to both the lands and public accountability for their manage-

ment is also a sensitive issue.

For example, we know that Ngai Tahu seek a range of concessions from DoC for a tourism venture involving the construction of a monorail from Queenstown to one of the tourist tracks, probably the Routeburn.

Already there are substantial environmental values at stake. Will the public be consulted before the Crown decides whether to agree to the proposal?

The delicate balance between the rights of nature, the rights of future generations, human and non-human, and the rights of contemporary dispossessed humans will be hard to find and will take patience and goodwill from all. It is not clear that the rights of the latter should automatically triumph over the rest.

Fighting talk that polarises the debate will not help the nation find solutions that are just to all.

*Cath Wallace*