

Ngai Tahu deal is a swindle

A few days ago the Minister for Treaty Settlements, Mr Doug Graham, commented that the proposed Ngai Tahu settlement is a recognition of fault on the part of the Crown, not the New Zealand public.

"Most of the grievances people have arise from things the Crown did. I am not saying that you or I need feel guilt about that", he said.

Fair enough, one might respond, but in this case, why is Mr Graham imposing a "settlement" that penalises not the Crown but New Zealanders in general? For it is the ordinary taxpayer, innocent of any wrong-doing, who must pay the hundreds of millions in compensation and whose rights are to be curtailed or eliminated.

The worst aspect of this so-called settlement concerns the public estate, the inter-related network of conservation lands, recreational and wilderness areas, Crown Reserves and leaseholds which are the shared inheritance of all New Zealanders. Even the national parks, which Mr Graham until recently had declared sacrosanct, are to be compromised.

A swindle of these dimensions could not, of course, be conducted in the open. Direct transfer of the public estate to Ngai Tahu would be much too controversial. So the deed, instead, is to be done through stealth, through a package of smokescreen stratagems cooked up by the Minister's faceless staff, and designed to conceal from the public the true extent of its losses.

Mr Graham, occasionally conscious that his furtive bartering is unacceptable, has from time to time pretended that a wider public input would be sought, and taken proper account of. But, beyond a few consequential meetings, none of this has happened. The only formal opportunity for public comment will be at the select committee stage, which will provide no check at all on what has already been determined. The Crown — meaning Mr Graham — has usurped the public's right to defend its legitimate interests. Mr Graham and Ngai Tahu have decided together in secret. And if this defrauds the rightful owners of their inheritance, so be it.

The Graham/Ngai Tahu agenda, insofar as it affects the conservation estate, is summarised as follows:

Deeds of recognition, statutory advisers, protocols

Under Mr Graham's proposals, Ngai Tahu are to be given a privileged role at every level of environmental administration and management. Ngai Tahu "statutory advisers" will oversee areas as large as mountain ranges, and will promote their own interests directly to the Minister, bypassing the normal channels available to the unwashed public.

Through "deeds of recognition" this comprehensive meddling will be extended further, with Ngai Tahu involved in the day-to-day management of widespread areas of the public domain. The Department of Conservation, already impotent, will be knee-capped through the imposition of "protocols" designed to ensure maxi-

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mum tribal interference at every point.

The obvious intent is to provide Ngai Tahu with a degree of manipulation of public land far beyond its democratic entitlement. This will include the placement of Ngai Tahu on the governing bodies of the National Conservation Authority and its regional boards, as well as the Guardians of Lakes Wanaka and Manapouri, and the local fish and game councils (to all of which they already have full democratic access). These provisions require the abrogation of the basic principles of democratic representation, allocating a pervasive and non-accountable domain of self-interest to a small, racially-selected minority. The consequences will be secrecy, preferential treatment and embittered race relations.

Nohoanga

Of the various indefensible aspects of the Graham plan, none is more far-fetched than the "nohoanga" or "camp-site" idea. Areas of Crown land adjacent to rivers and lakes are to be closed to public use and allocated as private campsites for Ngai Tahu. Each of these campsites will be relatively small, but there will be 72 of them spread throughout the South Island, and they may, at the Minister's discretion, be freeholded at any time to Ngai Tahu.

The excuse for this race-specific alienation of public land is, according to Mr Graham, to provide access to waterways for Ngai Tahu to engage in "customary fishing". The fact that customary fishing no longer occurs apparently does not matter, any more than the fact that the present users of these areas will lose what to them are long-established customary rights. Some people's rights, it seems, are more important than others.

Caples and Greenstone Valleys

Mr Graham has attempted to present this handover as a victory for conservation. It is nothing of the sort, despite the trumpeted addition of 13,200 hectares of mountain-top to DOC. In reality, the future of the Caples/Greenstone is terminally threatened, since the covenants protecting the public interest can be overturned at any time, irrespective of the public's wishes.

Commercial exploitation of the crucial valley-floors (which has always been what Ngai Tahu wanted) seems inevitable, thus destroying forever their unspoilt character. There will finally, in all likelihood, be a road or monorail through the Greenstone, thanks to a weasel-worded clause inconspicuously secreted in the Deed of Settlement.

Mr Graham's sell-out on the Caples/Greenstone is emblematic of all his Ngai Tahu dealings. No real public consultation, and no attention paid to expressions of public concern, has culminated in a deal arranged to facilitate Ngai Tahu's desires to exploit a unique and beautiful wilderness.

Topuni

This ill-defined concept, the most insidious and unacceptable of all the Graham proposals, is to be imposed on national parks and other public lands of the South Island. In areas subject to the topuni regime, Ngai Tahu will be entitled to suppress or discourage any behaviour or activity they consider unacceptable. Since these behaviours are undefined, and since the topuni concept, like the Treaty itself, may be expected to "evolve", we can anticipate a permanent and escalating interference in people's rights to enjoy their national parks. Enforcement of public "behaviours" through by-laws and regulations is to be carried out by DOC and supervised by Ngai Tahu's behavioural police.

This thoroughly offensive proposal, needless to say, has never been publicly debated. It is profoundly undemocratic, in that one small group should presume to dictate codes of behaviour on everyone else. And it is particularly obnoxious in the context of national parks, which were specifically created for the free access and enjoyment, both physical and spiritual, of all New Zealanders.

Conclusion

The Ngai Tahu proposal, unlike previous settlements, involves the extensive use of conservation lands, in violation of explicit government policy. Were it not for this, many of Mr Graham's hand-outs would probably be tolerated; despite their lack of justification.

This deal, however, will not be tolerated. It may be ratified, and signed with the usual cant and ceremony, but its legacy will fester and will ultimately erupt. No old injustice will ever be healed by fresh injustices of this magnitude.

Mr Graham's judgement, so often sound, appears to have strangely deserted him in his negotiations with Ngai Tahu. His decision, contrary to all his assurances, to barter the public estate is difficult to fathom. Perhaps he fails to understand what the wild lands mean, and how precious is the back-country to so many New Zealanders. In the *Otago Daily Times*, on June 19, Mr Graham said this:

"To most of us a river is something to use but we don't revere it as Maori do. To them it represents their ancestors and has its own wairua or spirit. They are naturally offended when it is polluted . . . the potential for disagreement is very great. To Maori, landmarks such as mountains are important because they mark tribal boundaries. They are imbued with a spiritual element which is not easy for us to understand."

These are sincere, yet disturbing lines. Mr Graham, in revealing his own alienation from the environment, imagines that he speaks for "us", for pakeha. But he is no more right in this than in his assumption that all Maori are profoundly spiritual.

The back-country does not belong to the Crown. It does not belong to the Government. It belongs to us. It is not Doug Graham's to dispose of, and thus this fraudulent "settlement" will never be accepted.