

Protesters have got treaty wrong — access group

Lobby group Public Access New Zealand yesterday challenged the way Maori occupying Moutoa Gardens in Wanganui are interpreting the Treaty of Waitangi.

Spokesman Bruce Mason said Maori protester Ken Mair had quoted article 2 of the Treaty of Waitangi when justifying the occupation at Moutoa Gardens.

On Wednesday Mr Mair said Maori were asserting their sovereign rights as they were entitled to do under article 2 of the treaty.

But Mr Mason said Mr Mair was only half right and his claims were therefore not legitimate.

Article 2 states that the Queen guarantees to Maori the full exclusive and undisturbed possession of their lands, estates, forests and fisheries and other properties "so long as it is their wish to retain these in their possession".

"But it also states that Maori would exclusively sell land to the Crown," Mr Mason said.

"The treaty is a two-way contract. There are duties and obligations on both parties, not one way as Mr Mair implies."

Once land was lawfully sold to the Crown there was an obligation on the vendors to honour the terms of sale.

"In the absence of a proven breach of the treaty by the Crown, demands for a return of ownership are in direct violation of the contract," Mr Mason.

Public Access was concerned

that Maori protesters were attempting to gain control of public land like Moutoa Gardens when there was no proven basis for their claims.

Two legal opinions — recently given to the Wanganui District Council — had confirmed that the land which is now Moutoa Gardens was lawfully bought from Maori last century.

Meanwhile, acting Prime Minister Don McKinnon said the Gardens could not be set aside as a Maori reserve under the Maori Lands Act as the gardens were neither Crown nor Maori land.

He said the Government was aware the dispute at the gardens in Wanganui could escalate and would continue to monitor the stand-off.

Western Maori MP Koro Wetere yesterday wrote to Maori Affairs Minister John Luxton asking him to set aside the gardens as a Maori reservation.

He said the machinery was in his hands to resolve the crisis and to maintain the dignity of the citizens at Wanganui.

The Wanganui District Council on Wednesday ordered Maori protesters occupying the gardens, which they have claimed as Maori land, to leave within seven days.

— NZPA