

Kai Tahu Whānau on Campus Respond

After recent Radio One kōrero on the fiscal envelope, negotiations with the Crown, and the Sealords deal, Hana O'Regan and Tahu Potiki interviewed Sir Tipene O'Regan on the Ngāi Tahu and Fisheries Commission perspective. Hana O'Regan is a lecturer in Maori Studies at Otago University, and is the daughter of Sir Tipene. The following is an edited transcript of a live to air interview.

Comments made by speakers over last few nights have referred to the inappropriateness of negotiating for taonga of Tangaroa and Tane Mahuta. These comments have made particular accusations against individuals and particular iwi. A lack of Maori leadership, and selling out are the type of accusations made. He mahi ngawari te mahi whakakiti tangata me te mahi patua whakaaro. We are all able to find flaws in other peoples ideas and it is easy to chop some one down who puts there own ideas forward. If these same people have a belief that what is happening will be detrimental ki o ratou iwi me nga whakatipuraka e heke mai nei a, me puta mai etahi atu whakaaro let them put forward other solutions. We probably all have some concerns about negotiating for these taonga but we have also got some responsibilities to come up with alternatives. Groups such as Te Kawanu Maro that we have been hearing from over the last two nights, who are prepared to challenge the so called Maori leadership of New Zealand, are important particularly as a rangatahi initiative; they provide accountability. But challenges require a response and for every idea or whakaaro we dissect and belittle we must be able to provide a viable alternative. Otherwise we the run the risk of aimless rhetoric.

Hana. Kia ora koutou e whakarongo mai nei anō, kua tae mai te reo a Tipene O'Regan ki a tātou, nō reira, me tīmata tēnei wāhanga o tēnei uiui kōrero ki a ia. Tēnā koe Tipene, kia ora e Pa.

Tipene. Tēnā koe e hine, e Hana, he mihi anō hoki ki a koutou, koutou e whakaroko mai nei o te kōrero o te ahiahi nei, kia a koutou i roto i te mahi irirangi mō tātou, tēnā koutou, tēnā koutou, tēnei te mihi o Kai Tahu Poari ki a koutou, nō reira, ō Kai Tahu whānui. Tēnā koutou.

Hana. Kia ora e Pā. As you are aware there has been over the last couple of nights many kōrero from a group up North, concerning the Sealords Deal, negotiations, and concerning Māori leaders, and their status in today's society. On who's behalf did you sign the Treaty of Waitangi Fisheries Settlement?

Tipene. Well, I signed it on behalf of Ngāi Tahu as a result of a very specific mandate that was repeatedly given by our tribe, particularly our Upoko Runanga, Kaumatua, and our Tribal Trust Board. I am aware of the arguments over the years about the mandate to settle, but I make no apologies on that question. As late as 15 to 20 minutes before the actual signing I made an agreement on behalf of Ngāi Tahu with the other Māori Negotiators, (they were the most difficult parties to deal with) and with the Crown. I went back to them at the last minute, with the conditions upon which Ngāi Tahu would sign. Those conditions have been repeatedly reported to our own iwi, and are really a matter for our own iwi.

Hana. So did you sign just on behalf of Ngāi Tahu? Because one of the debates broadcasted far and wide over the last couple of months has been that you actually signed

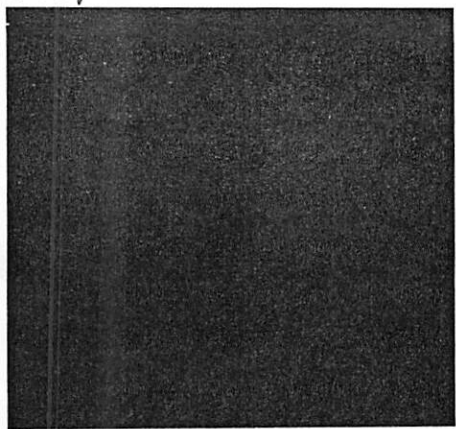
on behalf of Māori, not just on behalf of Ngāi Tahu.

Tipene. Well there are a significant number of other Ngāi Tahu signatures apart from mine. But if you want to go back to the larger mandate—in 1987, we won an injunction in the High Court on behalf of four Māori parties, Ngāi Tahu, Muriwhenua, Tainui, and the New Zealand Māori Council. The New Zealand Māori Council claimed to represent the rest. However, we had a hui, which was hugely representative in 1988, in the Legislative Council Chambers in Parliament. That hui had at it people such as Dame Te Ata, Sir James Henare, Sir Charles Bennett, all of the great kaumatua of our time with an interest in sea fisheries, and at the hui it was agreed that a mandate on behalf of a much wider group than the four parties should act for Māori. I always found that a little difficult because I have never ever spoken for anything other than Ngāi Tahu, and the Ngāi Tahu rohe. I was aware of a wide range of tribes in the Northern Island who took exactly the same position as Ngāi Tahu, who signed at the end of the day for themselves. The settlement was not concluded on a basis of the four signatures, it was concluded on the basis of the signatures of all the tribes that signed, and that was the overwhelming majority of the tribes in the Country. Now, some of those objected to different aspects of the settlement, particularly what they felt was an inadequate level of protection for—not the commercial fisheries dimension—but for the non-commercial fisheries dimension, and in particular the area we call taonga, or mahinga kai. That was a position that was very clearly taken by the Ngāi Tahu leadership. Although they endorsed the settlement on the commercial dimension, they didn't endorse the Traditional part of it. Now, we then had a series of litigation proceedings in the High Court and in The Court of Appeal. However, the settlement was upheld on the basis of the breadth of the signatures. So to say that four Māori parties, or just the Māori Fisheries Negotiators made the Settlement and agreed to it, is not in fact true.

Tahu. As you know Tipene, Ngai Tahu have been in the front line when it comes to collecting flak for the so called 'Sealords Deal' and Fisheries Negotiations. I'm also aware that at one point there was an idea put forward that Ngāi Tahu could have entered into a deal such as Sealords alone. In retrospect, do you think Ngāi Tahu would have been better to go it alone?

Tipene. I certainly believe it would have been if it had been possible for us. The difficulty was at the time, that we were reasonably certain we were going to have an absolute stalemate in the courts and that the Government was going to legislate over the top of the situation. This would have confined Māori to 10% of the quota, forever, fullstop. But of course as you will appreciate, when Governments legislate over the top of issues like that, you don't settle things in the long term. I think the Government knew that it would only be a short term solution before the trouble broke out again. We were very conscious of the fact that we weren't going to be able to proceed any further on the basis of the 1989 Act. We knew we were going to have a stalemate in the courts if legal proceedings went to a final draw. The other factor was that the Crown no longer had the fish with which to settle, they had actually given it away.

Sealord was for sale, and there were others after it. There was a huge pressure to close a deal before that 27% of New Zealand's total TACC which was in Sealord disappeared into other hands and was out of reach. The words of the President of the Court of Appeal, were really quite important. He said, "The settlement was one that had to be taken on a full tide". There was no point in delay, because without the fact that that company and its quota assets were for sale, there would have been no settlement. I think Ngāi Tahu could have dug its toes in and gone on forever and ever. We have already won for the South Island very significant gains, and I think we probably could've held them, but we wouldn't have got a settlement, we still would've faced the same basic problem, the fish would have been gone. In retrospect however I agree with you, Ngāi Tahu would have been far better to confine itself to the South Island, and the wider Cook Strait is the better.



Tahu. As it is, do you think it possible for all of the tribes to come together and make a decision on the allocation process?

Tipene. I don't think you'll get an absolute agreement. I think that's virtually impossible and neither would it be asked in any Pākehā frame. The fundamental issue is, that an allocation process is required by the Act and by the Settlement to accord in terms of the Treaty of Waitangi, after a consultation process following the principles of the Treaty of Waitangi. In other words, it is legally improper for the Commission to allocate quota on a basis which is not consistent with the principles of the Treaty, and if you start and go back from there, I think you will see the sort of situation that we are in. A lot of the propositions that are being advanced, many of them by editorial writers in the Pākehā Press, bear absolutely no relation to the Act or the Settlement. I have to be properly cautious in this matter because I have to sit and try to reach what consensus is available, but at the end of the day, the Settlement Act requires that the resources be allocated on a basis consistent with the principles of the Treaty, and anything that is done must accord with that fundamental underlying foundation of the Settlement.

Hana. We have had a lot of debate recently, even before the Treaty of Waitangi Fisheries Settlement was signed, about the issues concerning allocation. As far as I know there are two main sides at present, there is allocation on the grounds of mana moana, mana whenua, and the other side supported by the Northern Consortium, on the allocation of those resources on the proportion of population basis. What's the likelihood of a settlement on the proportion of population basis coming about?

Tipene. Well I'd prefer to start that at the other end. The first thing is the quota management system, which we accepted in the course of the negotiations, and I must remind you, that when we went to court, we didn't object to the management system, we objected to the expropriation of Māori Treaty rights that was implicit in the way that they were bringing it in. In fact we saw the benefits of it in terms of conservation and management. But you must remember, that that system applies to quota that is being actively fished, it does nothing about the rights in fisheries of those tribes whose rights are not yet able to be expressed in terms of quota. If you take the area in the North West of the North Island, and all of those harbour up through Kawhia, Aotea, Raglan, Kaipara, Hokianga, and so on, and look at those coasts, they've got a whole range of fisheries rights which are not expressed in terms of quota, which have considerable potential in the area of aquaculture, and fisheries enhancement. So it would be wrong to neglect that potential, and favour just those tribes whose fisheries rights are able to be expressed in terms of quota. There is an argument for putting some of the settlement allocation, probably, in my view, in terms of cash, towards those purposes, so people have some opportunities in terms of Fisheries development, (it just so happens that some of those tribes have substantial populations). But I think the key question remains, that if you are going to take it on a basis of population, you're essentially saying that the Treaty Right, as it has been identified by the Waitangi Tribunal in two major cases, the Muriwhenua, and the Ngāi Tahu case, endorsed thus far by the courts, is to be basically set aside and instead some notion of welfare, or development, which is based on individual members of population, should be applied. It's a bit like Pākehā social welfare, education, or health distribution. That really means, the Treaty Right no longer exists. We went to a lot of pain in the negotiations to ensure that the Treaty Right in fisheries continued to exist. The 1992 Act, says, "The Crowns Obligations, in respect of commercial sea fisheries are hereby fulfilled." It doesn't extinguish the traditional right, and the Crowns fiduciary duty to protect those rights is still explicitly reserved. In ordinary language, we've got to make a decision. If we are going to allocate on a basis of population, and I'm not talking about looking after ngā hipi ngaro in Auckland, and I'm not talking about the aquaculture enhancement development I've spoken of previously, then, the treaty rights are no longer in force. There are Māori people who say this is the case, and talk about a thing called the 'Māori nation'.

Hana. What is the 'Māori Nation', and what does the term "Māori people" mean?

Tipene. Well to me, it is a Pākehā idea and concept. The Treaty was between us as tribes. The idea of Māori just means ordinary people, it's an expression to distinguish ordinary people from the newcomers, fair skinned people, the Pākehā. It's a concept which I think is essentially racist, because what it's saying is that the Māori people, some 'whole' group of individuals, are actually the Treaty Partners. Now, individuals are protected under the Article 3 provision of the Treaty, the common law provision, by which the gift of common law came to all Maori individuals and they got the same citizenship rights as Pakeha. The property rights in land fish forestry and other taonga, those rights are protected under Article 2, and that's quite different, that's talking about the Rangatiratanga provision for tribes and not individuals.

Hana. Do you think it is possible to have a 'Maori' Tino rangatiratanga, or does that specifically reside with the tribe?

Tipene. Rangatiratanga in my mind clearly resides with the tribes, the notion of some national Maori Rangatiratanga in my view fundamentally racist. What you're talking about is property rights of particular groups of people. I saw an argument this morning in the Dominion Newspaper in Wellington where 'Māoris' threatened to hold up the new stadium. I've been thinking of writing a letter to the editor saying, "I don't have a view on the new stadium". It's not true for the editor to put his headlines out like that, he wouldn't say "Pākehā stick up Auckland pipeline idea", but by gosh you can generalise about Māori like fury. The media does it all the time, and I think a lot of silly Māori jump into the same boat. Just as you would be in trouble if you said "Pākehā were blocking the Waikato pipeline notion," instead of Waitakari City Council, and the North Shore City Council, so too you should not generalise about Maori. In this case in Wellington, Te Ali Awa threaten to block the stadium. Otherwise we have a misuse of language and it is the kind of discriminatory thing that the press does all the time. There are a lot of wrong headed Māori talking like that as well. On the radio just the other morning, Peter Tapsell, Speaker of the House and Māori MP, was saying "We are all Māori, we all stick together". Well, I say we stick with those Māori and other tribes we agree with, and we deal in that manner, but I'm not going to be locked into some racist category by Māori or Pākehā.

Tahu. Over the last few nights we've been listening to a group here on Radio One, from Tamaki Makaurau, calling themselves 'Te Kawau Maro'. You'll be pleased to know (sic) they were born out of a Te Waipounamu wānanga, and returned to Tamaki Makaurau. I believe you may have encountered some of this group recently. Their argument is Ngāi Tahu, other iwi, and Māori leaders are selling out, they are selling our taonga. The idea of a 'fiscal envelope' and putting a monetary value on ngā uri a Tangaroa, ngā tamariki a Tane Mahuta, means Ngāi Tahu and other iwi are selling out. What are your whakaaro on these thoughts?

Tipene. Well, I don't think much of them as thoughts. I take it that this is the group that were dancing around with their flag on the marae at Orakei recently speaking on behalf (sic) of all rangatahi.

Hana. Some of the group were participating in that protest, yes.

Tipene. Well, it was young Ngāi Tahu who dealt to them on the day, rather than their own regional elders. I won't make any further comment about them. Let's look at the argument. Ngāi Tahu filed its case in 1849 when Matahā Tiramorehu first went to battle over the Ngāi Tahu claim. Through succeeding generations to the present, that fundamental has remained and is still being negotiated and struggled over. We've made considerable ground in my generation and yours, insofar as we have finally got the case heard. The quality of judgement and the report is there for all to see, it really is a very careful bit of work. This is more widely documented in Harry Evison's new prize winning history of Te Waipounamu, called "Te Wai Pounamu-The Greenstone Land." Now, all I can say, is that some of us who occupy the front line, have spent the bulk of our lives in this grinding debate with the power culture of this society. We understand that we have to live in our island with our fellow New Zealand citizens who are here by right of the Treaty. The Treaty guaranteed them a place, so the idea of absolute, exclusive use and possession of all of our resources, is in fact not possible, however just and right that might be in terms of the fraud, confiscations, and other wickedness that has taken place on the part of the Crown representing that larger society. So, in respect of that, and that great hui in 1988 that I referred to earlier, the target for Māori should be 50% of quota. When the people who talk like this make their noise, you've then got to say that Sir James Henare, and Dame Te Ata, and all of the other big Rangatira of the time, including minor fish such as myself, Graham Latimer, and Matiu Rata et al, that in settling for anything less than 100% we were selling out. Well I don't buy that.

Hana. What do you think our tūpuna would have done, if they were given the option of a settlement?

Tipene. Well if you look at it, our tūpuna sold most of our rohe, in an agreement that I believe is binding on us to the Crown, for a sum of money, and various reserves which were supposed to be made from the land. Our problem has always been that that contract was never honoured by the Crown. The investigation and the judicial care with which the Tribunal has gone through, and don't forget it had two judges on it, one of them a retired head of the District Court judges system, and Judge McHugh, as well as some very distinguished lawyers, agreed that the contract had not been properly honoured. So our real problem in Te Waipounamu is that we are bound by the decisions that our tūpuna took, which made Pākehā settlement possible. Every tenth section of fair, average value rural and urban, was reserved to the vendors, and that's what they have failed to deliver. All we've ever pursued is one tenth, we have never claimed the whole of the South Island. Only one tenth.

Hana. So our tūpuna put a monetary value on our 'taonga'?

Tipene. Absolutely. And just as they were trading and putting a monetary value on the fish that they sold in Sydney in 1835 from their own ships sailing out of the Dunedin harbour. Just as they put a monetary value on the potatoes that they exported to Australia prior to 1840. Of course they were putting a monetary value on it. That's how they bought the guns to drive the North Islanders back home. There might be one or two sitting around Dunedin you could remind of that.

Hana. One debate is that the Negotiators have no right to put a monetary value of our taonga. What do you think about that kaupapa?

Tipene. I think it is a silly kaupapa, its not thought out.

I respect the enthusiasm, but I don't respect the thinking or the wisdom that lies behind it

Hana. What would we have in store for us if we did not have a monetary value on these taonga—and I hesitate to use this word taonga, because I think it has been missused, and the concept has been misrepresented quite extensively in recent past. What have we got left for us if we do not participate in the international and domestic economy, using the resources that our tūpuna fought so hard to secure?

Tipene I'll put it like this. Our heritage both before the Pākehā and since, has been acquisitively modernising. Our old people when they got whale boats, abandoned canoes; it didn't stop them being Māori. When they got steel chisels, they carved better it could be sharpened more easily, and was cheaper so they hung their pounamu chisels around their neck, as taonga. So our old people, both coming through the Pacific to this country, their evolution and history, and the whole history of our development, is one of a hunger for the new horizons. I think it is about time we started remembering that, instead of falling into the Pākehā sort of working class heritage of continually downgrading and devaluing the horizon of development. It is a desperate trap, being trapped by the culture that surrounds you. And whilst we might look across our shoulders for our inspiration and identity, we've got to focus on that horizon, we've got to have our whakapapa and our traditions recorded on the best computer data bases we can afford.

Tahu. Can you explain to us what the 'fiscal envelope' is?

Tipene. Well, let me record for a start, whatever your friends in Auckland have to say the fiscal envelope, it's been a concept which Ngāi Tahu has consistently argued is flawed. The Government faced the question that if it was going to settle Treaty claims, and one way or another it was going to have to, for at the end of the day the demographics will force it, it needed to start budgeting to appropriately deal with them. That raised the question of how much. Of course, given the sort of curious politics we have, that was immediately seen by a block of people as an undesirable attempt to limit the amount that the Crown should have to put up by way of Treaty Settlements. The Government wanted to put a value on everything, and that's fair enough, so that they could say that this settlement has been met to this degree of value. Now, we've always argued that that's their business, then some Ministers and officials went trotting off to Canada where there was a lot of talk about fiscal envelopes in a quite different context. They came back with this idea, and it was seized on by some officials with enthusiasm, as it was seen as a device for limiting the extent or the cost of settlements overall. The idea was that you set a period over which claims would be settled on a final basis. You then put a box around that period, an envelope if you like, and into that envelope you put the money, or the value that you decide you are going to apply to the purpose. Then you tell the tribes, 'well now, you sort yourselves out, have a big lolly scramble, put your case to the Tribunal, and no matter what the Tribunal says, no matter what the value of the loss, your share or your proportion of this envelope will come across to you as a settlement.'

Tahu. What's the potential for a final settlement?

Tipene. In my view absolutely none. I think the concept is flawed, because what it is saying is Pākehā legal cases and contest in the society will be settled on a basis of value, and on a basis of the merits of the case. But Treaty ones, Māori ones versus the Crown, will be settled on some basis predetermined by the sinner. The worst part of it is, it sets Māori against Māori, and in that sense I think it is fatally flawed as a model under any view, under common law or jurisprudence

Hana. Did you agree to the fiscal envelope, was that part of what you signed?

Tipene. No! No! Ngāi Tahu have never agreed to it. For a start we think that the figures that the Government are talking about are far too low, that they can't possibly meet the settlements on that basis. Ngāi Tahu have always taken a quite different view. This view has always been that we must accept the fact that the society is never going to be able to meet the full value of one tenth of our rohe of which I spoke about earlier. And that one tenth comes to very large number indeed. We've concluded, at least within the leadership, and amongst the Ngāi Tahu negotiators, that that figure is almost impossible, we would almost certainly bankrupt the Te Wai Pounamu economy, let alone, the National economy. But we have indicated to the Crown a package of assets and cash that we think is a total value that we would be willing to go back to our people, and recommend as a full and final settlement.

Hana. Is it in any legislation?

Tipene. No. It is a policy which has been announced. The Government is due very shortly to go trotting around the country in a series of hui to try and get Māori to buy into it. Its an idea which has not been defined by the Crown except as generally as I have at the moment. We've got good reason to know what's in it, and what the framework is, but its improper for me to talk about that on the radio. I think you can be reasonably certain that what I've said can be a fairly good picture. Now, the Māori leadership take some different views of this.

Hana. What do you mean by the Māori leadership?

Tipene. Well ok, we'll come back to that if you like. Ngāi Tahu and a number of other tribes have said quite publicly that the thing is flawed, is wrong, and we won't have a bar of it. The Minister has said if you don't want to be in it, no one's going to force you. We've said ok, we'll take what other route is there. Other leaders have said on Television, and Robert Mahuta of Tainui is one of them, 'we should take what we can get, because what we do, future generations can't be bound to and we may as well get on with what we can get'. Other speakers have said that 'the concept's ok, its just that the bag isn't big enough, and we want more in it'. Some have started to argue that

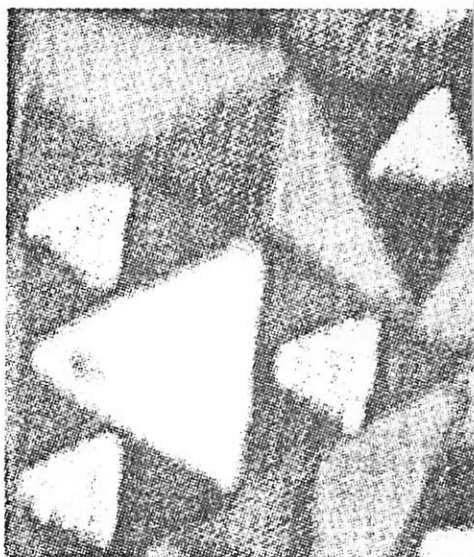
there should be some sort of pan-Māori settlement in which they form a Nation Treaty commission, which will take over all of these assets, and it will over time let them out to the tribes, I should imagine, on a population basis. Now, Ngāi Tahu, and a wide group of other Northern tribes have said, they are opposed to that. So I certainly feel a bit miserable about these people in Auckland, these young people you were referring to earlier, who have attached both my name and that of Ngāi Tahu to that process, because we have been quite plain and publicly out spoken against it. It has nothing to do with the Sealord Fisheries Settlement, it doesn't even look like it, the concept is quite different.

Tahu. So you'd reject the accusations of mokai of the Crown and kupapa?

Tipene. I can swing adjectives better than most of them. The most elegant one that's been thrown is one by Ranginui Walker of Auckland University, who wrote in a publication earlier this year, that I amongst others, (notice he dropped his friend Bob Mahuta from the list.), were 'subalterns of the crown'. That's a bit like kupapa and mokai. All I can say is that when those people have spent as much of their lives in direct struggle on the issues of which we have been talking, I am prepared to listen to them but by gosh it's not until then that I'll give that sort of argument the time of day. My father had a lovely line when he used to talk about political scientists, he said "they were people sitting around doing damn all and analysing the achievements of others" I think that's one of the things that we have got to bear in mind. People in universities have got to be a little cautious because universities are entirely funded by the Crown, and those people are sitting on very comfortable and substantial salaries fully funded by the taxpayer, calling other people mokais of the Crown. I find it verging on the hilarious, both professors and students in the universities are funded by the Crown. Does that make them mokai? Let us continue about the envelope thing. The envelope notion is in my mind, fundamentally contrary to the Treaty. I think that if that issue gets to court the concept will be shown to be in breach. You cant settle a Treaty claim, fisheries or land by a method which is fundamentally in breach of the Treaty which it is supposed to be solving. I believe we can reach terms which are honourable and sufficiently substantial, to say, that is enough and lets get on with the future, lets shift ourselves out of grievance mode and get into growth mode, I think we can do that, but we're not going to do that on any method of fish allocation or other, which is fundamentally contrary to the Treaty. That will only compound the grievance, compound the sin, and it will mean no settlement in the long run.

Tahu. We've had some discussions on many topical issues, including Fisheries negotiations and the fiscal envelope. Ngāi Tahu have also been very prominent in the media down here in relation to the Greenstone Valley. We've borne a lot of flak from environmentalists and the Department of Conservation and people who want to walk through other people's property, including a number of other groups as well. I'm aware that there is a lot more to the story than what we've fed through some of the narrow veils in publications, such as the Otago Daily Times. Could you fill us in on a little bit of the background of the Greenstone Valley?

Tipene. Well I think the O.D.T. basically publishes what its owner wants it to publish. It's quite famous as the only paper that was absolutely stuck all over the wall of the Rio Summit, as an example of the kind of rubbish that indigenous people get dealt. That's quite a world-wide distinction for a newspaper. But let me come back to the Greenstone. The first thing is that what happened was there were three pastoral lease farms. The Greenstone, Elin Bay, and Routeburn Stations, or properties. One of those was in private ownership, and the owner, New Zealand Pākehā, wanted to sell. The others were in foreign ownership. These were properties which had been excluded from consideration for the Fiordland National Park, and the Mount Aspiring National Park, on the grounds that they lacked sufficient conservation value, by the conservation movements, Lands and Survey and the Crown, when they established those parks. Ngāi Tahu have been anxious in these negotiations for a long time, to acquire a certain proportion of a settlement package in the form of High Country and Pastoral properties, as a part of a mix of properties which would give our people in the next generations some future in the land itself. Of course that posed a considerable threat to the people who are already the high country pastoral lessees. They saw their interests in their high country farms being expropriated by the Crown to give to us in a settlement, and they felt pretty miserable about that. One of the things that we said to the Crown, was 'ok, as some of those pastoral leases and high country properties come on the market, why don't you buy them, and put them in the Ngāi Tahu land bank' (a device we have for holding surplus Crown properties which would otherwise be sold off) for use in a settlement. The Crown thought about that, and we said if you do that, we'll take



the pressure off and you can take the pressure off the other high country properties, and you can deal with them in terms of the pastoral lease reform that you want to undertake, and all of the other things you want to do. They thought that was quite a good idea, and it went to cabinet. We thrashed it out quite a lot, and developed terms. The Crown said to us, 'right, we will buy them, on condition, that in any settlement, you guarantee that you will take those properties from us, and you won't refuse them'. In other words, we're not going to buy them and get stuck with them because you decide you don't want them. So we had a lot of careful work and an assessment done which has proven, and several other studies have told us, that these three properties, if they were brought together, would form a viable farming unit. We agreed with the crown that existing standards of public access would be maintained, and that we would be willing to be bound by those. Anything that we wanted to do, would have no special favours at all, we would be bound the same way as anyone else, by the Resource Management Act, and all the ordinary things that land owners are bound by. In other words, once we received those farms in our hands we would hold them on exactly the same basis as our fellow citizens. As soon as that was announced, the lobbies got to work, including some of D.O.C., don't forget the lobbies largely run D.O.C. particularly the Green lobbies. A huge amount of excitement was wound up, particularly by this PANZA group in Dunedin, the PANZAs are the Public Access New Zealand people, and they ran petitions and did various things, all of which were opposed to Ngāi Tahu receiving these properties. They had all sorts of ideas about what we wanted to do with them, and argued that we were going to limit public access, that conservation lands were being given to us. Now I made the point that these are not conservation lands, but the argument has gone out that so called conservation lands should not be delivered across in terms of Treaty settlements, they've had a great old wind up on it.

Hana. Was there any debate when those lands were in foreign ownership?

Tipene. None! Absolutely none!

Hana. So when did they become conservation lands?

Tipene. As soon as Ngāi Tahu's name was associated with them. But that's pretty much par for the course. These people then start to argue, that what the Crown should do is hand us over S.O.E lands in Treaty settlements, and we should have no interests whatsoever in anything that they are interested in. I think if you look at our capacity to manage some of those resources which have important conservation dimensions, there's absolutely no reason why the conservation values of places, should be protected solely by being in public ownership. On the whole, D.O.C. can't afford to manage those things, it has already got an estate that it can't afford to run, and it just seems to be getting bigger and bigger. I think an example of Māori conservation are the Titi Islands, we've managed those on a pretty good sustainable conservation basis for centuries. But you see as soon as this sort of group gets going, they eventually reveal that, A: they don't trust Ngāi Tahu to conduct themselves appropriately; and B: they think that they, and their friends in D.O.C. can conduct themselves appropriately. Lets face it, I'm speaking as a life long member of the Forests and Birds Society when I talk like this. They get into some pretty low levels of argument. The Otago Fish and Game Council a body administered under the Conservation Act, has got pretty much to the bottom of the barrel in terms of quality argument and debate in these matters, and I have to say, that the Head office of the Fish and Games crowd, the old Acclimatisation Societies, show so much more elegance in the debate than some of the locals. The North Canterbury Conservation Board for example have actually been reasonable in their resolution

of these issues. By gosh, once these characters get loose through an hospitable media, you can be pretty sure that Ngāi Tahu will be getting the rough end of the stick. Federated Mountain clubs, and all these groups are all part of this same kaupapa. I think, if Ngāi Tahu want to do something in terms of development, in terms of transport links, of safari parks, or anything else on those lands along side of Wakatipu, we should have no greater difficulty than any Pākehā proponent in that regard. What we object to is the sheer crudity and hostility toward Ngāi Tahu engaged in these lands. We want the National Parks to stay National Parks, we're dead keen on conservation. In the past we've put proposals to the Crown time and again in the course of negotiation since 1991 for the recovery of te kākahu o te whenua. But we've been turned down every time because these lobbies believe they know best. I reckon that their track record is not that good, I think a lot of farmers take the same view. I'm happy to say that Ngāi Tahu have a very large measure of agreement with Federated Farmers, and the high country pastoral lessees, which we've evolved over the years, and I think we are capable of continuing to form reasonable relationships with them. The green lobbies however are not driven by logic, or economics, or indeed, in my view wider motives than their own members interest. They always say they represent the public interest, but of course they don't. They represent the interests of their members. That is why I always say I speak for Ngāi Tahu, I don't speak for Māori, and the reason I don't is because I speak for the people who give me a mandate. The difficulty I have with the Green lobbies is that they keep saying they are speaking for a world or species that can't speak for themselves, they somehow engage this mandate that can't be proven. Essentially they're religious, its ideological, and I think Ngāi Tahu are just a bit too damn pragmatic for all that stuff.

Hana. Nō reira e Pā, kua tae mai te wā whakamutunga mō tēnei kōrero. Ānei toku mihi honore ki a koe mō ōu pakanga i roto i tērā ao o te Pākehā, i roto i te ao Māori hoki. He mihi hoki mō tō mahi tuari i ōu whakaaro, nā te mea kua rongō kē mātou ki tētahi taha o tēnei kaupapa, kātahi anō tātou ka rongō ki tēnei taha o te kaupapa. Nō reira, tēnā koe.

Tipene. Tēnā koe e Hana korua ko te rangatira o te rakatahi, e Tahu Potiki. Tēnā korua mō tō mahi whakapounamu te kaupapa o ēnei wā. Tēnei te mihi miharo ki a koutou. Nō reira kua e wareware korua, ko te kaupapa nunui o Ngāi Tahu tūturu, o mua, o tēnei wā mō te ao hou. Ko te tohutohu, ko te raukura o Kai Tahu Whānui, ko te Tiriti. Ka tae mai te wā pea mō te hara o te iwi o Ngāi Tahu ki te Tiriti, ko tērā te wā mō taku urupā

