

PROJECT *Waitangi* PAKEHA DEBATE THE TREATY
P.O. BOX 825, WELLINGTON

SENDER:

Project Waitangi
PO Box 825
WELLINGTON

PERMIT NO 1630

(10)
Karen Kenrick
Beck House
PO Box 119, Bay View
NAPIER

REGISTERED AT NZPO AS PROJECT WAITANGI NEWSLETTER

MAY NEWSLETTER 1987

We have skipped one month - April - for newsletter distribution. Sorry about that but because of National Focus Week, we have been too busy to produce one. The last newsletter outlined activities planned around the country during our Focus Week. Overall, we have received a very good response and managed to achieve an adequate media coverage for the week. The media area generally is one where all groups have expressed that they are having difficulty with. Learning the skills of how to deal with the media can be useful and add to the coverage we receive. However, all forms of media in this country seem to be totally preoccupied with either the sensational stories or absolute trivia, rather than the real issues that affect everyone. During the focus week, Charmaine Poutney, at a lecture given at St Andrew's on the Terrace in Wellington talked about the appalling state and atrocious journalism, reporting and coverage of the media particularly Television New Zealand.

NATIONAL MEETING

On the 2nd and 3rd of May, Project Waitangi had its first National Meeting of the regional coordinating groups and the National Core group. The meeting was very successful with lots of good food, exciting discussions and linking up of the networks of anti-racism people involved in the Project around the country. Unfortunately, for many reasons, some groups were unable to come. We have decided to have another national meeting on the weekend of October 31 and November 1 this year. Eight out of the fifteen existing groups came and many areas and issues were worked through. For a full copy of the minutes write to this office. The major decisions of the National Meeting were:

- National office will send out a resource list to all groups outlining all the known resources in the country on Bi-culturalism, Relevant acts, Anti-racism training resources, Treaty of Waitangi and other related subjects.
- The National Group is accountable to the regional groups but also has autonomy in responding to issues that arise e.g. Maori Council Court of Appeal case - making press releases, etc.
- The Number One Priority for the Project is Corporatisation and Land and the implications of this for Aotearoa. A press release was put out on this directly after the national meeting.

its effect on Maori land

- It was decided that every regional group would send at least thirty telegrams to Geoffrey Palmer, Court of Appeal and David Lange when the court's decision has been announced, - this is to happen no matter which way the Court rules. So either congratulatory, or protest telegrams will arrive at Parliament and the Courts depending on the ruling.
- Training in running workshops, discussion groups, and seminars with Project Waitangi was identified as a major area of need especially in the smaller areas. It was decided that the National Coordinator and the Auckland group would be available for training for trainers for the regional Project Waitangi groups.
- Communication has been a problem between National and Regional at times. It was decided that coordinating groups could ring National or write before the 20th of each month to provide information for the newsletter. Also, region to region contact is to be improved by groups joining for certain events e.g. training or planning sessions.

FUNDING

Funding for the Project is slightly more secure at the moment. The Deputy Prime Minister, Geoffrey Palmer has sent to other government ministers for another round of funding. None has come through yet, but it looks more positive at this stage. The National Office will be approaching Local Bodies associations to encourage them to support the regional Project Waitangi groups.

1990

Project Waitangi has been trying to find out what the intentions are of this Government about the proposed 1990 celebrations. Within Government circles, there is a push by some to have the Treaty as a minor part of the year and other events like the Commonwealth games and a "celebration of human events in N Z's history since 1350" as the major part. There is to be a commission or a committee formed this year to plan for 1990. Project Waitangi and others have made it clear that this commission must be committed to bi-culturalism and to honouring the Treaty and must be made up of people who reflect this commitment. The Project has been asked by Russell Marshall to prepare a proposal on ideas and suggestions for this year. If you would like some input on this send your comments to National Office before 20 May. Alternatively, write up your own and send them to Russell Marshall. We will keep you in touch about this issue.

1. The State Owned Enterprises Act creates new Corporations in place of many former Government Departments. It enables the Government to transfer to the Corporations the assets of the former Government Departments. The Corporations pay the Government for these assets, so that Government has extra funds.

2. Among the assets which the Government can transfer or "sell" to the Corporations is land, which is at present held by the Government - Crown land.

3. The Treaty of Waitangi Act 1975 provided that any Maori prejudicially affected by acts of the Crown (past, present or proposed acts) can make application to the Waitangi Tribunal. The Tribunal has no powers of enforcement, but it can make recommendations for compensation by the Crown. Compensation can include the return of land in dispute.

4. If the Crown has transferred land to a Corporation, the only way it can get it back under the State Owned Enterprises Act is by buying it back.

5. If the Corporation has "bought" the land from the Crown, it can sell the land on to someone else, or use it in some way that is irretrievable (e.g. by mining, logging forests etc.). The Government cannot stop the Corporations dealing with land in these ways. Nor can the Waitangi Tribunal.

6. The State Owned Enterprises Act provides:-

Section 9 "Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi."

But Section 27 provides that, even where land is in dispute and subject to a claim in the Waitangi Tribunal, the only way the Crown can get it back from a Corporation is to buy it back.

7. There is no requirement in the State Owned Enterprises Act for advance notice to the public of the Crown's intention to transfer land (or other assets) to any State Owned Enterprise. Contracts between the Crown and any State Owned Enterprise must be tabled in Parliament within 12 sitting days after they are signed.

8. Section 23(10) of the State Owned Enterprises Act provides that where the Minister of Forests is administering land leased from Maori owners the lease cannot be transferred to a State Owned Enterprise without the consent of the Maori owners. But management of the land can be transferred without reference at all to the owners.

Today 50% of the land in Aotearoa is in Crown ownership, 47% is in private ownership and 3% is held by Maori. For Maori people land held by the Crown is already alienated from their tribal ownership and control. The Treaty of Waitangi Act, and the Waitangi Tribunal, provide one (very limited) possibility for the recovery of that land. When the Crown transfers that land to a State Owned Enterprise the possibility of recovery recedes. In effect the possibility of recovery becomes the certainty of loss.

The Court of Appeal is about to consider an application by the Maori Council asking that the Government be prevented from transferring land to the new Corporations. The Court has given a temporary declaration preventing any action affecting any of the assets referred to in the Maori Council claim, until it has considered the case. The final decision of the Court will probably be made in May or June.

It seems that in the meantime both the Government and at least on of the Corporations have dealing in the land in dispute.

RESOURCE KITS

We have very quickly got through another 1500 resource kits Part One and Two. It takes a couple of weeks to get another one printed so send your orders in and we will send them on as soon as possible. Pakeha Culture kits have also run out and we are awaiting a reprint of that also. Resource Kit, Part Three will be ready by the end of May.

FOR YOUR URGENT CONSIDERATION...

The Government's move to CORPORATISATION on April 1 threatening to further alienate Maori land by taking it out of government control and into the private sector where the major considerations are going to be ECONOMIC—i.e. profit-making ability.

Issues of JUSTICE under the TREATY OF WAITANGI are unlikely to have a high profile in the new corporations.

LEGAL CHALLENGES have been made by the New Zealand Maori Council and Maori tribal groups, to stop the transfer of Maori land to the Corporations. Once again, Maori people are being forced to defend what should be their RIGHT under the Treaty of Waitangi. The cost of the New Zealand Maori Council's legal action alone is likely to exceed \$50,000.

AUCKLAND ANTI-RACISM NETWORK has set up a fund to collect money to transfer to Maori people for the legal costs involved.

**PLEASE SEND DONATIONS TO:
AARN Land Fund, PO Box 9573
Newmarket**

Auckland Anti-Racism Network is a coalition of people who are committed to working against racism and for the honouring of the Treaty of Waitangi.

We came together in response to the urgency of the situation at Maioro in the Waiuku State Forest and the desecration of the sacred lands of Ngati Te Ata.

I enclose \$..... for the AARN Land Fund. I do/do not require a receipt.

Name.....

Address.....

COURT OF APPEAL CASE

I have included in this newsletter a paper on the SOE bill and its effects on Maori land. This has been prepared by the NCC Programme on Racism office in Auckland. Within the media, the Court of Appeal case and the implications of the SOE bill are seen as a Maori issue. Very few Pakeha are aware of the implications of the bill for us. If the Court of Appeal case is lost by the Maori council, Pakeha systems have colonised yet again. We all have to take responsibility for this and to do nothing is to support the Government. The Maori Council have had to fight for their land within a totally monocultural setting, with Pakeha rules, judges and language.