

# RURAL LAND USE SEMINAR

---

MASSEY UNIVERSITY

14TH-16TH AUGUST, 1980.

---

## RURAL RESOURCES AND RURAL PLANNING:

---

### LAND OWNERSHIP PATTERNS - LAND TENURE AND MAORI LAND

---

JOHN MILLER,  
AUCKLAND DISTRICT MAORI COUNCIL

----

1. In the Maori context, a land ownership system should be one that reinforces the Maori kin groups identification with its land and allows decision-making structures to evolve that facilitates this.
2. The land itself should be administered in such a way that its inherent capabilities are recognised and acknowledged so that any development undertaken is appropriate and sustainable and conveys tangible economic benefits to members of the ownership group and their kin.
3. Differences in land owning concepts between Maori and European must be acknowledged and given due recognition in legislation and planning.
4. Land to the Maori has as much a social as well as an economic significance, and concentrating purely on the latter to the exclusion of the former, has brought about many of the present problems afflicting land in this tenure.
5. Maori multiple-owned land constitutes 10% of the total land area of the North Island (1,244,700 ha - 1977), and 94.6% of the total Maori land in New Zealand. 93% of the total Maori population of 270,035 (1976) reside in the North Island and, of this, 73% are under the age of 30 years.
6. Total Maori land in New Zealand is administratively divided as follows:

All Leases	277,000 ha	21.1%
Maori Incorporations	331,000 ha	25.2%
Part XXIV Development Schemes	108,000 ha	8.2%
Other: Occupied or Unoccupied - no tenure or title	599,000 ha	45.5%
	1,315,000 ha	100%
	=====	=====

(Source: Mete Kingi Report, 1978. App. 1).

(2)

7. Traditional Maori land tenure systems as unmodified by the military and legislative measures of the 1860's era, were not necessarily inhibitive of land use for "productive" purposes.  
Agricultural historians need to be reminded of the considerable wheat and potato growing activities by Maoris in the Waikato during the 1850's.
8. The present Maori land tenure structures have generally separated this land owning/land using connection as far as Maori people are concerned. The shareholding system has created an almost unworkable ownership group. Legislative expediencies have been resorted to in order to establish legally recognised administrations over Maori lands (e.g., Section 438 Trusts), the main objective being to pursue development objectives only. In this respect, particular local conditions dictate how successful or otherwise Maori land administration has proved - depending on
  - (a) the nature of the land and type of enterprise;  
and
  - (b) the abilities of the administrators in the ownership group. Some Maori lands have the necessary combination of advantages to succeed, others do not.
9. Dr. I.H. Kawharu mentions, on page 3 of his paper, the change in emphasis from Maori settlement and development (i.e., as described in Chapter 9, Te Puea, King, 1977) to just development on what are now the Part 24 development schemes during the 1940's. The social implications of this needs to be recognised. In one case in Northland, this policy has led directly to rural de-population and movement of Maoris to urban areas (i.e., Te Horo Development Scheme, Pipiwai, Northland, mid-1960's).
10. Not all Maori land blocks are blessed with having skilled management with ready access to development finance. Many Maori land administrators have become passive caretakers, reduced to seeing the land remaining undeveloped or, lacking knowledge of all the possible options, are reduced to accepting the first commercial proposition that comes along. The pressures of unpaid rates tend to accelerate the latter tendency, especially in connection with forestry schemes.
11. The shareholding group, as such, often becomes a virtual "spectator" group - brought about in many respects by the unworkability of the shareholding records-keeping system as administered by the Maori Affairs Department/Court Section. (This was an aspect of the Department's activities that attracted critical comment from the recent Royal Commission on the Maori Courts.) Shareholding lists are totally inadequate to enable land administrators to involve the shareholders in toto. Decisions thus devolve onto an active minority of owners who are generally still resident in the locality of the land.
12. The paradigm that Maoris, generally, are incompetent land users, is very entrenched among many observers in the land

use field. There are some Maori lands which are competently administered by Maori groups and individuals in the pastoral, mineral and reserve land areas, but much utilisation of Maori land tends to take place through the involvement of outside agencies, either State or private.

13. The crux issue that needs to be confronted is, whether one continues to deal with Maori land purely from the 'development' ethos alone, or whether social considerations should be given equal emphasis with this exclusive economic approach.
14. The present individualised shareholding system of Maori multiple owned land, is a poor approximation of traditional Maori land tenure frameworks, as Dr. Kawharu has already observed. Its continued existence inhibits the Maori people's relationship to both the land and to each other - encouraging individualistic, me-first attitudes, and taking no account of the strengths of Maori group enterprise.
15. This system perpetuates the lack of cohesion amongst Maori landowners, and the virtual non-involvement of the vast majority of Maori youth, most of whom are not actual shareholders in land. This leads, in many cases, to the 'artificial' decision-making structures being set up which, for good or ill, make over the land for "economic development", some of which is of a totally inappropriate nature for the land in question.
16. Pressures on such ownership groups and structures, such as the County rating demand, has precipitated certain types of development (e.g., industrial forestry leases), where other modes of land use and organisation could have been implemented if the owners had had access to :
  - (a) expertise; and
  - (b) finance.
17. One example of these factors impeding land use can be seen in the long drawn out Ngatihine case, where shareholders of the 5,500 ha block in mid-Northland, had to litigate all the way to the Supreme Court to prevent the land being taken over by Carter Holt Farm and Forests Limited under a Maori Land Court ordered 75 year forestry lease.
18. In this "dispute", there was no question that the land should or should not be used; it was a question of who was going to do it. This particular land issue has hopefully been resolved with the establishment of an administration over the land that the Maori shareholders have confidence in.
19. During the last five years of this legal impasse, alternative methods of organisation have arisen that may enable the Maori owners and their families to be directly involved in development activities rather than be onlookers for 75 years, as almost eventuated.
20. That Maoris are able to combine as a group to implement land development programmes has been clearly shown by the unqualified success of the Whakatu Afforestation Scheme in the Hawkes Bay, in which over 1,500 freezing workers (80% of whom are Maori)

have worked to create a \$1 million asset on a Crown lease forestry block inland from Hastings. There are moves afoot to establish similar co-operative forestry trusts elsewhere in the Hawkes Bay, and in Northland.

21. Another trend in thinking on this issue is the suggestion amongst some Maori people, that large blocks of land should be restored to the "ownership" of the whole tribal or sub-tribal group, in order to strengthen traditional Maori bonds with the land. With the Maori Affairs Bill, 1978, having now been scrapped by the Government, there would seem to exist an opportunity to explore alternative land tenure frameworks that are sympathetic to the objectives as expressed in 1, 2 and 3 above.
22. The right of the Maori people to return and settle their lands in the rural areas should be upper-most in any consideration of this whole question. It is an objective that is alluded to in Section 3 (1) (g) of the present Town and Country Planning Act, and one that requires serious recognition by the appropriate authorities.
23. The need for such a new approach is recognised by the recently appointed Chief Judge of the Maori Land Court, Judge E.T.J. Durie (see attachment), and one may expect positive new initiatives from this direction.
24. Solutions to the Maori land question are very easy to propose if one restricts ones consideration to the purely technical aspects of land development.  
However, if one makes no provision for the Maori people and their own aspirations, as has too often happened in the past, such proposals of economic convenience will prove to be no real solution at all.

-----

Maori Land Court - New Policies and Directions:

Notes taken during Tokerau MLC Session re Ngatihine

Otiria Marae. 9th August, 1980.

Function of Maori Land Court and the Court Section, DMA.

1. Facilitate the development of the Maori people through their land resources.
2. Facilitate the retention, occupation and development of Maori land by Maori people in such a way that reconciles:
  - (a) Past traditions;
  - (b) Present needs;
  - (c) New techniques.
3. Maori Land Court should endeavour to:
  - (a) Reflect Maori attitudes and values;
  - (b) Allow a place where the people may bring forward and discuss their Take;
  - (c) Foster group discussion and consensus decision-making;
  - (d) Function as a formal court of law where appropriate and necessary;
  - (e) Act as a catalyst for the provision of information and new ideas;
 

Advice and assistance to Maori land owners;
  - (f) Balance individual interests with aspirations of the whole land owning group;
  - (g) Obtain the best title-recording systems and techniques for Maori lands equivalent with those existing for non-Maori lands;
  - (h) Act as a forum in discussions between non-Maoris and Maoris about land matters;
  - (i) Convey to Government (authorities) Maori view-points on land matters;
  - (j) Reflect the wishes and desires of the people (in its judgments).

Reconstructed from summary notes - will differ in phrasing from the original.